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federal register

Book 1 of 2 Books
Friday, September 28, 1979

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55787 **Federal Consumer Programs** Executive order

55836 **Income Tax** Treasury/IRS issues regulations relating to the treatment of qualified stock options and employee stock purchase plans; effective 12–31–63

55866 **Grants** VA establishes interim regulations providing aid to States for the establishment, expansion, and improvement of veteran's cemeteries; effective 10–1–79; comments by 11–27–79

55873 **Health Education** HEW/PHS establishes rule applying to grants to initiate or strengthen risk-reduction programs; effective 9–28–79; comments by 11–27–79

55872 **Supply and Procurement** GSA provides regulations permitting agencies to purchase products from any source when available at lower overall costs; effective 9–28–79

55826, 55833 **Housing** HUD/FHC publishes a determination on regulations concerning the prototype cost limits for low-income public housing; effective 9–28–79

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Highlights

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56067 **Privacy Act** NRC adopts a system of records; effective 10–29–79

55811 **Privacy Act** NRC exempts a system of records from certain requirements; effective 10–29–79

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55890 **Improving Government Regulations** FDIC prints semiannual agenda of regulations

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Presidential Documents

Title 3—

The President

Executive Order 12160 of September 26, 1979

Providing for Enhancement and Coordination of Federal Consumer Programs

By virtue of the authority vested in me as President by the Constitution of the United States of America, and in order to improve the management, coordination, and effectiveness of agency consumer programs, it is ordered as follows:

1–1. *Establishment of the Consumer Affairs Council.*

1–101. There is hereby established the Consumer Affairs Council (hereinafter referred to as the "Council").

1–102. The Council shall consist of representatives of the following agencies, and such other officers or employees of the United States as the President may designate as members:

(a) Department of Agriculture.

(b) Department of Commerce.

(c) Department of Defense.

(d) Department of Energy.

(e) Department of Health, Education, and Welfare.

(f) Department of Housing and Urban Development.

(g) Department of the Interior.

(h) Department of Justice.

(i) Department of Labor.

(j) Department of State.

(k) Department of Transportation.

(l) Department of the Treasury.

Each agency on the Council shall be represented by the head of the agency or by a senior-level official designated by the head of the agency.

1–2. *Functions of the Council.*

1–201. The Council shall provide leadership and coordination to ensure that agency consumer programs are implemented effectively; and shall strive to maximize effort, promote efficiency and interagency cooperation, and to eliminate duplication and inconsistency among agency consumer programs.

1–3. *Designation and Functions of the Chairperson.*

1–301. The President shall designate the chairperson of the Council (hereinafter referred to as the "Chairperson").

1–302. The Chairperson shall be the presiding officer of the Council and shall determine the times when the Council shall convene.

1–303. The Chairperson shall establish such policies, definitions, procedures, and standards to govern the implementation, interpretation, and application of this Order, and generally perform such functions and take such steps, as are necessary or appropriate to carry out the provisions of this Order.

1–4. *Consumer Program Reforms.*

1–401. The Chairperson, assisted by the Council, shall ensure that agencies review and revise their operating procedures so that consumer needs and interests are adequately considered and addressed. Agency consumer programs should be tailored to fit particular agency characteristics, but those programs shall include, at a minimum, the following five elements:

(a) *Consumer Affairs Perspective.* Agencies shall have identifiable, accessible professional staffs of consumer affairs personnel authorized to participate, in a manner not inconsistent with applicable statutes, in the development and review of all agency rules, policies, programs, and legislation.

(b) *Consumer Participation.* Agencies shall establish procedures for the early and meaningful participation by consumers in the development and review of all agency rules, policies, and programs. Such procedures shall include provisions to assure that consumer concerns are adequately analyzed and considered in decisionmaking. To facilitate the expression of those concerns, agencies shall provide for forums at which consumers can meet with agency decisionmakers. In addition, agencies shall make affirmative efforts to inform consumers of pending proceedings and of the opportunities available for participation therein.

(c) *Informational Materials.* Agencies shall produce and distribute materials to inform consumers about the agencies' responsibilities and services, about their procedures for consumer participation, and about aspects of the marketplace for which they have responsibility. In addition, each agency shall make available to consumers who attend agency meetings open to the public materials designed to make those meetings comprehensible to them.

(d) *Education and Training.* Agencies shall educate their staff members about the Federal consumer policy embodied in this Order and about the agencies' programs for carrying out that policy. Specialized training shall be provided to agency consumer affairs personnel and, to the extent considered appropriate by each agency and in a manner not inconsistent with applicable statutes, technical assistance shall be made available to consumers and their organizations.

(e) *Complaint Handling.* Agencies shall establish procedures for systematically logging in, investigating, and responding to consumer complaints, and for integrating analyses of complaints into the development of policy.

1–402. The head of each agency shall designate a senior-level official within that agency to exercise, as the official's sole responsibility, policy direction for, and coordination and oversight of, the agency's consumer activities. The designated official shall report directly to the head of the agency and shall apprise the agency head of the potential impact on consumers of particular policy initiatives under development or review within the agency.

1–5. *Implementation of Consumer Program Reforms.*

1–501. Within 60 days after the issuance of this Order, each agency shall prepare a draft report setting forth with specificity its program for complying with the requirements of Section 1–4 above. Each agency shall publish its draft consumer program in the **Federal Register** and shall give the public 60 days to comment on the program. A copy of the program shall be sent to the Council.

1–502. Each agency shall, within 30 days after the close of the public comment period on its draft consumer program, submit a revised program to the Chairperson. The Chairperson shall be responsible, on behalf of the President, for approving agency programs for compliance with this Order before their final publication in the **Federal Register.** Each agency's final program shall be published no later than 90 days after the close of the public comment period, and shall include a summary of public comments on the draft program and a discussion of how those comments are reflected in the final program.

1–503. Each agency's consumer program shall take effect no later than 30 days after its final publication in the **Federal Register.**

1–504. The Chairperson, with the assistance and advice of the Council, shall monitor the implementation by agencies of their consumer programs.

1–505. The Chairperson shall, promptly after the close of the fiscal year, submit to the President a full report on government-wide progress under this Order during the previous fiscal year. In addition, the Chairperson shall evaluate, from time to time, the consumer programs of particular agencies and shall report to the President as appropriate. Such evaluations shall be informed by appropriate consultations with interested parties.

1–6. *Budget Review.*

1–601. Each agency shall include a separate consumer program exhibit in its yearly budget submission to the Office of Management and Budget. By October 1 of each year the Director of the Office of Management and Budget shall provide the Chairperson with a copy of each of these exhibits. The Chairperson shall thereafter provide OMB with an analysis of the adequacy of the management of, and the funding and staff levels for, particular agency consumer programs.

1–7. *Civil Service Initiatives.*

1–701. In order to strengthen the professional standing of consumer affairs personnel, and to improve the recruitment and training of such personnel, the Office of Personnel Management shall consult with the Council regarding:

(a) the need for new or revised classification and qualification standard(s), consistent with the requirements of Title 5, United States Code, to be used by agencies in their classification of positions which include significant consumer affairs duties;

(b) the recruitment and selection of employees for the performance of consumer affairs duties; and

(c) the training and development of employees for the performance of such duties.

1–8. *Administrative Provisions.*

1–801. Executive agencies shall cooperate with and assist the Council and the Chairperson in the performance of their functions under this Order and shall on a timely basis furnish them with such reports as they may request.

1–802. The Chairperson shall utilize the assistance of the United States Office of Consumer Affairs in fulfilling the responsibilities assigned to the Chairperson under this Order.

1–803. The Chairperson shall be responsible for providing the Council with such administrative services and support as may be necessary or appropriate; agencies shall assign, to the extent not inconsistent with applicable statutes, such personnel and resources to the activities of the Council and the Chairperson as will enable the Council and the Chairperson to fulfill their responsibilities under this Order.

1–804. The Chairperson may invite representatives of non-member agencies, including independent regulatory agencies, to participate from time to time in the functions of the Council.

1–9. *Definitions.*

1–901. "Consumer" means any individual who uses, purchases, acquires, attempts to purchase or acquire, or is offered or furnished any real or personal property, tangible or intangible goods, services, or credit for personal, family, or household purposes.

1–902. "Agency" or "agencies" means any department or agency in the executive branch of the Federal government, except that the term shall not include:

(a) independent regulatory agencies, except as noted in subsection 1–804;

(b) agencies to the extent that their activities fall within the categories excepted in Sections 6(b)(2), (3), (4), and (6) of Executive Order No. 12044.

(c) agencies to the extent that they demonstrate within 30 days of the date of issuance of this Order, to the satisfaction of the Chairperson with the advice of the Council, that their activities have no substantial impact upon consumers.

Jimmy Carter

THE WHITE HOUSE,
September 26, 1979.

Editorial Note: The President's remarks of Sept. 26, 1979, on signing Executive Order 12160, are printed in the Weekly Compilation of Presidential Documents (vol. 15, no. 39)

[FR Doc. 80383
Filed 9-26-79; 4:56 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 44, No. 190
Friday, September 28, 1979

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

FEDERAL LABOR RELATIONS AUTHORITY, AND FEDERAL SERVICE IMPASSES PANEL

5 CFR Chapter XIV

Interim Rules and Regulations

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Interim rules and regulations.

SUMMARY: This rule amens Appendix A, paragraph (f) (44 FR 44775) of the interim rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 44 FR 44740, to provide that the locality of the Canal Zone is within the geographic jurisdiction of the Dallas Regional Office.

DATES: Effective Date: September 14, 1979. Comment Date: Written comments will be considered if received no later than October 31, 1979.

ADDRESS: Send written comments to the Federal Labor Relations Authority, Office of the General Counsel, 200 Constitution Avenue, NW., Room N 5657, Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: S. Jesse Reuben, Deputy General Counsel (202) 523–7262.

SUPPLEMENTARY INFORMATION: Effective July 30, 1979, the Authority, General Counsel and Panel published, at 44 FR 44740, Interim rules and regulations to principally govern the processing of cases by the Authority, General Counsel and Panel under chapter 71 of title 5 of the United States Code. These interim rules and regulations are required by Title VII of the Civil Service Reform Act of 1978 and will continue to be applied until their expiration on January 31, 1980, or upon the effective date of final rules and regulations prior to January 31, 1980. As previously indicated at 44 FR 44740, interested labor organizations, agencies and other persons may comment in writing on the interim rules and regulations and such comments should be submitted no later than October 31, 1979.

Appendix A, paragraph (f) of the interim rules and regulations (44 FR 44775) sets forth geographic jurisdictions of the Regional Directors of the Authority. Under paragraph (f) of Appendix A, the locality of the Canal Zone is listed to be within the geographic jurisdiction of the Authority's New York Regional Office. Based upon a careful review of overhead costs, travel costs and the need for effective supervision of field personnel, it has been concluded that it would be in the best interest of optimizing the transaction of Authority business through the most effective and efficient manner by placing the locality of the Canal Zone within the geographic jurisdiction of the Authority's Dallas Regional Office. The address of the Dallas Regional Office, as set forth in Appendix A, paragraph (d)(6) of the interim rules and regulations (44 FR 44775) is as follows: (6) *Dallas Regional Office:* Downtown Post Office Station, Bryan and Ervay Streets, P.O. Box 2640, Dallas, Texas 75221. Telephone: FTS 729–4996. Commercial (214) 767–4996. Accordingly, Appendix A, paragraph(f) of the Authority, General Counsel, and Panel interim rules and regulations (44 FR 44775) is amended, in part, to read as follows:

Appendix A—Authority, General Counsel, Chief Administrative Law Judge, Regional Directors and Panel

Temporary Addresses and Geographic Jurisdictions

* * * * *

(f) The geographic jurisdictions of the Regional Directors of the Authority are as follows:

State or other locality	Regional office
* * * * *	
Canal Zone	Dallas.
* * * * *	

(5 U.S.C. 7134)

Dated: September 14, 1979.

Federal Labor Relations Authority.

Ronald W. Haughton,
Chairman.

Henry B. Frazier III,
Member.

Leon B. Applewhaite,
Member.

H. Stephan Gordon,
General Counsel.

[FR Doc. 79-30160 Filed 9-27-79; 8:45 am]

BILLING CODE 6325-19-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. These amendments establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: Friday, September 28, 1979.

FOR FURTHER INFORMATION CONTACT: H. V. Autry, Regulatory Support Staff, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, U.S. Department of Agriculture, Hyattsville, MD 20782 (301–436–8247).

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended,

January 5, 1979 (44 FR 1364), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

Commuted Traveltime Allowances

(In hours)

Location covered	Served from	Metropolitan area	
		Within	Outside
Delete:			
* * * * *			
Hawaii:			
Schofield Barracks, Wahiawa, Oahu	Honolulu		2
Undesignated Ports	Hilo, Honolulu or Keahole.		3
* * * * *			
Louisiana:			
England AFB, Alexandria	Baton Rouge		4
* * * * *			
Tennessee:			
Memphis	Batesville, MS		2
Undesignated Ports	Knoxville and Pulaski.		4
Texas:			
Edinburgh	Hidalgo		2
* * * * *			
Add:			
Arizona:			
Sasabe	Nogales		4
* * * * *			
Hawaii:			
Wahiawa, Oahu	Honolulu		2
West Loch, Pearl Harbor	Honolulu		2
Undesignated Ports	Hilo, Honolulu, Keahole or Kahului.		3
* * * * *			
Louisiana:			
England AFB, Alexandria	Baton Rouge		5
Do	Shreveport		5
* * * * *			
Tennessee:			
Memphis	Dyersburg		4
Millington	Dyersburg		3
Undesignated ports	Knoxville		4
* * * * *			

(64 Stat. 561; (7 U.S.C. 2260))

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the **Federal Register.**

Note.—This final rulemaking is being published under emergency procedures as authorized by E.O. 12044 and Secretary's Memorandum No. 1955. It has been determined by James O. Lee, Jr., Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, that the emergency nature of these commuted traveltime allowances warrant the publication of this rule without waiting for public comment. This amendment, as well as the complete regulation, will be scheduled for review under provisions of E.O. 12044 and Secretary's Memorandum No. 1955. The review will include preparation of an Impact Analysis Statement which will be available from Regulatory Support Staff, Room 633, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–6247.

Done at Washington, D.C., this 24th day of September 1979.

Thomas G. Darling,

Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 79-30151 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-34-M

Federal Crop Insurance Corporation

7 CFR Parts 401, 421

Cotton Crop Insurance Regulations; Proposed Procedures

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule prescribes procedures for insuring cotton crops effective with the 1980 crop year. The rule combines provisions from previous regulations for insuring cotton in a shorter, clearer, and more simplified document which will make the program more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

SUPPLEMENTARY INFORMATION: The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the **Federal Register** on July 18, 1979 (44 FR 41815), outlining prescribed procedures for insuring cotton crops effective with the 1980 crop year. In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that a new Part 421 of Chapter IV in Title 7 of the Code of Federal Regulations be established to prescribe procedures for insuring cotton crops effective with the 1980 crop year to be known as 7 CFR Part 421 Cotton Crop Insurance.

All previous regulations applicable to insuring cotton crops, as found in 7 CFR 401.101–401.111, and 401.136, are not applicable to 1980 and succeeding cotton crops but remain in effect for FCIC cotton insurance policies issued for the crop years prior to 1980.

It has been determined that combining all previous regulations for insuring cotton crops into one shortened, simplified, and clearer regulation would be more effective administratively.

In addition, 7 CFR Part 421 provides (1) for a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent premium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) for the consolidation of termination for indebtedness dates to the extent possible, (3) that any premium not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (4) that the time period for submitting a notice of loss be extended from 15 days to 30 days, (5) that the 60-day time period for filing a claim be eliminated, (6) that coverage level options be offered in each county, (7) that the Actuarial Table shall provide the level which will be applicable to a contract unless a different level is selected by the insured and the conversion level will be the one closest to the present percent level offered in each county, (8) for an increase in the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR 421.5 of these regulations, wherein the Manager of the Corporation is authorized to take action to grant relief, and (9) that the terms "sharecropper" and "share tenant" be eliminated.

The Cotton Crop Insurance regulations provide a September 30 cancellation date for certain south Texas counties. These regulations, and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the cancellation date.

Under the provisions of Executive Order No. 12044, and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and

views on the proposed regulations, but none were received.

The final rule includes a revision of footnote 2 of the Premium Adjustment Table in the proposed rule. In the proposed rule, footnote 2 stated that only the most recent 15 crop years would be used to determine the number of loss years in making premium adjustments for unfavorable insurance experience. However, since insureds with unfavorable insuring experience were recently reviewed and changes in rate and/or coverage classifications on individual policies have been made, the Corporation has determined that only those crop years subsequent to the 1979 crop year will be used to determine loss years for the purpose of any premium increase for the producers.

This revision assures fair and equitable treatment to the producers whose ratings and/or classifications were changed.

In addition, there is added to the final rule an Appendix "B", which lists the counties where cotton crop insurance is available in accordance with the provisions of 7 CFR 421.1. The provisions provide, in part, that before insurance is offered in any county there shall be published by appendix to this chapter the names of the counties in which such insurance shall be offered.

With the exception of other minor and nonsubstantive corrections to language, the regulations, as contained in the proposed rule, are hereby issued as a final rule to be in effect beginning with the 1980 crop year.

Since the rule involves public contracts, the 30 day effective date requirement of 5 U.S.C. 553 is inapplicable.

PART 401—FEDERAL CROP INSURANCE

§ 401.136 [Reserved]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby deletes and reserves 7 CFR 401.136, with such regulations as are contained therein remaining in effect for FCIC insurance policies issued for crop years prior to 1980, and issues a new Part 421 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 421) to be known as the Cotton Crop Insurance Regulations, which shall remain in effect, until amended or superseded, for the 1980 and succeeding crop years, to read as follows:

PART 421—COTTON CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

421.1 Availability of cotton insurance.
421.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
421.3 Public notice of indemnities paid.
421.4 Creditors.
421.5 Good faith reliance on misrepresentation.
421.6 The contract.
421.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).

§ 421.1 Availability of cotton insurance.

Insurance shall be offered under the provisions of this subpart on cotton in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which cotton insurance will be offered.

§ 421.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for cotton which shall be shown on the county actuarial table on file in the office of the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 421.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 421.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 421.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the cotton insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 421.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the cotton crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 421.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the cotton crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its

determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1969 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a cotton contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Cotton Insurance Policy for the 1980 and succeeding crop years, and the Appendix to the Cotton Insurance Policy are as follows:

U.S. Department of Agriculture

Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years

Cotton
Crop Insurance Contract

_____

_____

_____

(Name and Address) (Zip Code)
Type of entity _____

_____

(Contract Number)

_____

(Identification Number)

_____

(County)

_____

(State)
Applicant is over 18 Yes — No —

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the cotton planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. THE PREMIUM RATES AND PRODUCTION GUARANTEES SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.

Level Election _____
Price Election _____

Example: For the 19— Crop Year Only (100% Share)

Loc./Farm No.	Guar. Per Acre*	Prem. Per Acre**	Practice
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

*Your guarantee will be on a unit basis (acres×per acre guarantee×share).

**Your premium is subject to adjustment in accordance with section 5 of the policy.

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the following cotton insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage, shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

_____

(Code No./witness to signature)

_____

(Signature of applicant)

_____, 19—

(Date)
Address of office for county:

_____

Phone _____
Location of farm headquarters:

_____

Phone _____

Cotton Crop Insurance Policy

Terms and conditions
Subject to the provisions in the attached appendix:

1. *Causes of loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss that are shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and acreage insured.* (a) The crop insured shall be American Upland lint cotton for which the actuarial table shows a guarantee and premium rate per acre, and which is grown on insured acreage.

(b) The acreage insured for each crop year shall be that acreage planted to cotton on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. The acreage insured of skip-row planting shall be the acreage occupied by the rows of cotton and eliminating the skipped-row portions, as determined by the Corporation: *Provided,* That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) which is non-irrigated and from which a hay crop was harvested or a small grain crop reached the heading stage in the same calendar year, (2) which is new ground acreage, (3) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (4) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (5) which is destroyed and after such destruction it was practical to replant to cotton and such acreage was not replanted, (6) initially planted after the date on file in the office for the county which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, or (7) planted to a type or variety not established as adapted to the area or shown as noninsurable on the actuarial table.

(c) Insurance may attach only by written agreement with the Corporation on acreage which is planted for the development or production of hybrid seed or for experimental purposes.

3. *Responsibility of insured to report acreage and share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of cotton planted in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of planting. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. *Production guarantees, coverage levels, and prices for computing indemnities.* (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantees per acre shown on the actuarial table are progressive as follows: (1) First Stage—after it is too late to plant to cotton until the first blooms are shed and also applicable to any acreage that

the Corporation determines was damaged in this stage to the extent that growers in the area usually would not further care for the crop, (2) Second Stage—after the first blooms are shed and *until* acreage qualifies for the Third Stage, or (3) Third Stage—after harvest of at least 20 percent of the pound guarantee per acre for this stage. The production guarantee applicable to any acreage within a unit shall be that established for the stage reached by the crop on such acreage as determined by the Corporation.

5. *Annual premium.* (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

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% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE																
	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the crop years subsequent to 1979 crop year will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

BILLING CODE 3410-08-C

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance period.* Insurance on insured acreage shall attach at the time the cotton is planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) removal from the field or upon being housed, (c) total destruction of the insured cotton crop, or (d) the date shown below immediately following the beginning of the normal harvest period:

Arizona and California	Jan. 31
Texas:	
Jackson, Victoria, Goliad, Bee, Live Oak, McMullen, La Salle, and Dimmit Counties, Texas, and all Texas counties lying south thereof	Sep. 30
All other Texas counties	Dec. 31
All other States	Dec. 31

7. *Notice of damage or loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the cotton on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to cotton. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 DAYS* after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire cotton crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of cotton on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of cotton on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of cotton to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production: *Provided,* That for acreage not qualifying for the third stage production guarantee, only the amount of appraised and harvested production in excess of the difference between the third stage production guarantee and the production guarantee applicable to such acreage shall be counted except that for acreage abandoned, put to another use without prior written consent of the Corporation, or damaged solely by an uninsured cause not less than the applicable production guarantee shall be counted.

(1) The total production to be counted for any unit shall not include any harvested production destroyed due to insurable causes occurring within the insurance period before being housed or removed from the field.

(2) Any harvested production shall be reduced when, due solely to insured causes, the quality of the cotton produced is such that, on the date the final notice of loss is given by the insured, the price quotation for cotton of like quality (price quotation "A") at the applicable spot market, as determined by the Corporation, is less than 75 percent of price quotation "B". Price quotation "B" shall be that day's spot market price quotation at the same market for cotton of the grade, staple length, and micronaire reading shown on the actuarial table for this purpose. In such cases, the pounds of production to be counted shall be determined by multiplying the actual number of pounds of such production by price quotation "A" and dividing the result by 75 percent of price quotation "B".

(d) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any second stage acreage (1) is not put to another use before harvest of cotton becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

(e) The cotton stalks on any acreage with respect to which an indemnity is claimed shall not be destroyed until consent is given by the Corporation. For any acreage on which the stalks have been destroyed prior to such consent, the Corporation shall have the right to make an appraisal on such acreage of not less than the third-stage guarantee.

9. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. *Transfer of insured share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. *Records and access to farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all cotton produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. *Life of contract: Cancellation and termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on

or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

County	Cancellation date	Termination date for indebtedness
Jackson, Victoria, Goliad, Bee, McMullen, La Salle, and Dimmit Counties, Texas, and all Texas counties lying south thereof..	September 30 ...	January 31.
All other counties	December 31	March 31.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix (*Additional Terms and Conditions*)

1. *Meaning of terms.* For the purposes of cotton crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding cotton insurance in the county.

(b) "Cotton" means only American Upland Cotton.

(c) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(d) "Crop year" means the period within which the cotton crop is normally grown and shall be designated by the calendar year in which the cotton crop is normally harvested.

(e) "Harvest" means the removal of seed cotton from the open cotton boll or the severance of the open cotton boll from the stalk by either manual or mechanical means.

(f) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(g) "Insured" means the person who submitted the application accepted by the Corporation.

(h) "New ground acreage" in all States except Arizona, California, and New Mexico, means acreage on which it was necessary to remove or deaden timber and remove undergrowth to carry out established cultural practices. Pasture land, other than woodland pasture, cleared of underbrush and brought into cultivation will not be considered new ground acreage. In Arizona, California, and New Mexico, "new ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except that acreage in tame hay or rotation pasture during the previous crop year shall not be considered new ground acreage.

(i) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(j) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured cotton crop at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(l) "Spot market" means a market so designated by the Secretary of Agriculture by Regulation (7 CFR 27.93) pursuant to 26 U.S.C. 4862.

(m) "Tenant" means a person who rents land from another person for a share of the cotton crop or proceeds therefrom.

(n) "Unit" means all insurable acreage of cotton in the county on the date of planting for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the cotton crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Acreage insured.* (a) The Corporation reserves the right to limit the insured acreage of cotton to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the planting of cotton.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Irrigated acreage.* (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. *Annual premium.* (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. *Claim for and payment of indemnity.* (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured cotton acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However,* in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the cotton is planted for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation

determines that the amount of loss cannot be satisfactorily determined.

6. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. *Termination of the contract.* (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. *Coverage level and price election.* (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. *Assignment of indemnity.* Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. *Contract changes.* The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Appendix "B"—Counties Designated for Cotton Crop Insurance—7 CFR Part 421

In accordance with the provisions of 7 CFR 421.1, the following counties are designated for cotton crop insurance:

Alabama

Blount
Cherokee
Chilton
Colbert
Conecuh
Covington
Cullman
Dallas
De Kalb
Escambia
Etowah
Hale
Jackson
Lauderdale
Lawrence
Limestone
Madison
Marshall
Morgan
Pickens
Shelby
Tuscaloosa

Arizona

Maricopa
Pinal
Yuma

Arkansas

Arkansas
Ashley
Chicot
Clay
Craighead
Crittenden
Cross
Desha
Greene
Jackson
Jefferson
Lawrence
Lee
Lincoln
Lonoke
Mississippi
Monroe
Phillips
Poinsett
Prairie
Randolph
St. Francis
Woodruff

California

Fresno
Imperial
Kern
Kings
Madera
Merced
Riverside
Tulare

Georgia

Ben Hill
Brooks
Clay
Colquitt
Cook
Crisp
Decatur
Dooly
Early
Houston
Irwin
Lee
Miller
Mitchell
Randolph
Sumter
Terrell
Thomas
Tift
Turner
Worth

Kentucky

Fulton

Louisiana

Acadia
Avoyelles
Bossier
Caddo
Caldwell
Catahoula
Concordia
Evangeline
Franklin
Lafayette
Madison
Morehouse
Natchitoches
Pointe Coupee
Rapides
Richland
St. Landry
Tensas
West Carroll

Mississippi

Alcorn
Benton
Bolivar
Calhoun
Carroll
Chickasaw
Coahoma
De Soto
Hinds
Holmes
Humphreys
Issaquena
Lee
Leflore
Madison
Monroe
Panola
Pontotoc
Prentiss
Quitman
Sharkey
Sunflower
Tallahatchie
Tippah
Tunica
Union
Washington
Yazoo

Missouri

Butler
Dunklin
Mississippi
New Madrid
Pemiscot
Scott
Stoddard

New Mexico

Chaves
Dona Ana
Eddy
Lea
Roosevelt

North Carolina

Anson
Edgecombe
Halifax
Hoke
Nash
Northampton
Robeson
Scotland
Union

Oklahoma

Beckham
Caddo
Grady
Harmon
Jackson
Kiowa
Tillman
Washita

South Carolina

Aiken
Allendale
Anderson
Bamberg
Barnwell
Calhoun
Chester
Chesterfield
Clarendon
Darlington
Dillon
Dorchester
Edgefield
Florence
Hampton
Kershaw
Laurens
Lee
Lexington
Marion
Marlboro
Orangeburg
Spartanburg
Sumter
Williamsburg
York

Tennessee

Carroll
Chester
Crockett
Dyer
Fayette
Franklin
Gibson
Giles
Hardeman
Haywood
Henderson
Lake
Lauderdale
Lawrence
Lincoln
McNairy
Madison
Obion
Shelby
Tipton
Weakley

Texas

Austin
Bailey
Bell
Bosque
Brazos
Briscoe
Burleson
Calhoun
Cameron
Castro
Childress
Cochran
Collin
Collingsworth
Crosby
Dawson
Deaf Smith
Denton
Ellis
El Paso
Falls
Fannin
Floyd
Fort Bend
Gaines
Garza
Grayson
Hale
Hall
Haskell
Hidalgo
Hill
Hockley
Hudspeth
Hunt
Knox
Lamar
Lamb
Limestone
Lubbock
Lynn
Matagorda
McLennan
Milam
Navarro
Nueces
Parmer
Pecos
Presidio
Reeves
Refugio
Robertson
San Patricio
Stonewall
Swisher
Terry
Travis
Victoria
Wharton
Wilbarger
Willacy
Williamson
Yoakum

Virginia

Southampton

These regulations have been reviewed under the USDA criteria established to implement Executive Order No. 12044.

"Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088. South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

Note.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and OMB Circular No. A-40.

Dated: September 20, 1979.

Approved by:

George F. Vohs,

Acting Manager.

[FR Doc. 79-29938 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Stabilization and Conservation Service

7 CFR Part 724

[Amdt. 9]

Tobacco Allotment and Marketing Quota Regulations; 1978-79 Average Market Price and 1970 Penalty Rate

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule contains the average market price received by producers for the 1978-79 marketings and the penalty rate that applies to tobacco which may be subject to marketing quota penalty during the 1979-80 marketing year. The penalty rate is 75 percent of the previous year market average, as required by Section 314 of the Agricultural Adjustment Act of 1938, as amended.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burgess, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7935.

SUPPLEMENTARY INFORMATION: Since the 1979-80 marketing year for fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52), and cigar filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco begins October 1, persons engaged in the production of such tobacco need to know immediately the average market prices and penalty rates as specified in this amendment. The average market price and penalty rate reflect only mathematical computations rather than substantive changes. Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective upon publication of this document in the Federal Register.

Final Rule

Accordingly, 7 CFR Part 724 is amended by adding a new paragraph (k) to § 724.88 to read as follows:

§ 724.88 Rate of penalty.

* * * * *

(k)(1) The 1978-79 average market price. The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board for the 1978-79 marketing year was:

Average Market Price

Kind of Tobacco:	Cents per pound
Fire-cured (type 21)	94.5
Fire-cured (types 22, 23, 24)	113.6
Virginia sun-cured	88.8
Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55)	96.1
Cigar-binder (types 51 and 52)	144.9

(2) *1979-80 rate of penalty per pound.* The penalty per pound for marketings of excess tobacco during the marketing year 1979-80, for the kinds of tobacco listed below shall be:

Rate of Penalty

Kinds of tobacco:	Cents per pound
Fire-cured (type 21)	71
Fire-cured (types 22, 23, 24)	85
Dark air-cured	76
Virginia sun-cured	67
Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55)	72
Cigar-binder (types 51 and 52)	(1)

[1] Quotas terminated for 1979 crop.

Authority: Sec. 301, 313, 314, 316, 317, 363, 372-375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65-66, as amended, 72 Stat. 995; sec. 401, 63 Stat. 1505, as amended, sec. 106, 122, 125, 70 Stat. 191, 195, 198, as amended, sec. 16(e) 76 Stat. 606, (7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372-1375, 1377, 1378, 1421, 1813, 1824, 1836) (16 U.S.C. 590p(e)).

Note.—This final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Jeffress A. Wells, Director, Production Adjustment Division, that the emergency nature of this final rule warrants publication without opportunity for public comment and preparation of an impact analysis statement.

Signed at Washington, D.C. on September 19, 1979.

John W. Goodwin,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-29961 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-05-M

7 CFR Part 726

[Amdt. 13]

Burley Tobacco; 1978-79 Average Market Price and 1979-80 Penalty Rate

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule contains the average market price received by producers for 1978-79 marketings and the penalty rate that applies to tobacco which may be subject to penalty during the 1979-80 marketing year. The penalty rate is 75 percent of the previous year market average, as required by section 314 of the Agricultural Adjustment Act of 1938, as amended.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burgess, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7935.

SUPPLEMENTARY INFORMATION: Since the 1979-80 marketing year for burley tobacco begins October 1, persons engaged in the production of such tobacco need to know immediately the average market prices and penalty rates as specified in the amendment. The average market price and penalty rate reflect mathematical computations rather than substantive changes. Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective upon publication of this document in the Federal Register.

Final Rule

Accordingly, 7 CFR Part 726 is amended by revising section 726.86 (c) to read as follows:

§ 726.86 Rate of penalty.

* * * * *

(c)(1) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing years specified were:

Average Market Price

Marketing year:	Cents per pound
1973–74	79.2
1974–75	92.9
1975–76	113.7
1976–77	114.2
1977–78	120.0
1978–79	131.0

(2) *Rate of penalty per pound.* The penalty per pound for marketing of excess tobacco subject to marketing quotas during the marketing years specified shall be:

Rate of Penalty

Marketing year:	Cents per pound
1974–75	70
1975–76	85
1976–77	79
1977–78	86
1978–79	90
1979–80	98

Authority: Sec. 301, 313, 314, 316, 317, 363, 372–375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65–66, as amended, 72 Stat. 995, sec. 401, 63 Stat. 1505, as amended, sec. 106, 122, 125, 70 Stat. 191, 195, 198, as amended, sec. 16(e), 76 Stat. 606 (7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372–1375, 1377, 1378, 1421, 1813, 1824, 1836).

Note:—This final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Jeffress A. Wells, Director, Production Adjustment Division, that the emergency nature of this final rule warrants publication without opportunity for public comment and preparation of an impact analysis statement.

Signed at Washington, D.C. September 19, 1979.

John W. Goodwin,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-29960 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 219]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period September 30–October 6, 1979. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: September 30, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on September 25, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is steady.

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

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, 202–447–5975.

§ 910.519 Lemon Regulation 219.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period September 30, 1979, through October 6, 1979, is established at 200,053 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

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

Dated: September 26, 1979.

D.S. Kuryloski,

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

[FR Doc. 79-30427 Filed 9-27-79; 11:55 am]

BILLING CODE 3410-02-M

7 CFR Part 926

[Tokay Grape Regulation 15, Amendment 1]

Tokay Grapes Grown in San Joaquin County, Calif.; Extension of Effective Period for Regulation of Grade and Container Markings

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment continues through November 30, 1979, the currently effective minimum grade and container marking requirements for Tokay grapes. These requirements are necessary to ensure that the grapes shipped will be of suitable quality in the interest of consumers and producers.

EFFECTIVE DATE: October 1, 1979.

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

SUPPLEMENTARY INFORMATION: This regulation is issued under the provisions of the marketing agreement and Order No. 926 (7 CFR Part 926) which regulates the handling of Tokay grapes grown in San Joaquin County, California, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On August 23, 1979, a notice was published in the Federal Register (44 FR 49462) that the Department was considering amendment of § 926.315, Tokay Grape Regulation 15 (44 FR 46427), to continue the effective date of the regulation through November 30, 1979. The notice provided interested persons the opportunity to submit written comments relative to the proposal until September 17, 1979. None were received.

Under the regulations which is a minimum standard, Tokay grapes must meet the grade and size specifications of U.S. No. 1 Table Grapes and at least 30 percent of the berries in the lower 25 percent of each bunch shall show characteristic color; and each container must bear a Federal-State Inspection Service lot stamp number.

After consideration of all relevant matter presented, including that

contained in the notice and other available information, it is hereby found that extension of the effective period of § 926.315, Tokay Grape Regulation 15, as hereinafter set forth, will tend to effectuate the declared policy of the act and be in the public interest.

It is further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that: (1) shipments of Tokay grapes are currently in progress and to effectuate the declared policy of the act, the regulation currently in effect should be extended without interruption for the remainder of the season; (2) the amendment is the same as that specified in the notice to which no exceptions were filed; and (3) compliance with the regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

This regulation has been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that this action should not be classified "significant". An Impact Analysis is available from Malvin E. McGaha, 202–447–5975.

Therefore, the provisions of § 926.315(a) of Tokay Grape Regulation 15 are hereby amended to read as follows:

§ 926.315 Tokay Grape Regulation 15.

(a) During the period August 9, 1979, through November 30, 1979, no handler shall ship:

* * * * *

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

Dated: September 25, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-30154 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

7 CFR Parts 2900 and 2901

Final Rulemaking Regarding Administrative Procedures for Adjustments of Natural Gas Curtailment Priority Regulations

AGENCY: Office of the Secretary, United States Department of Agriculture.

ACTION: Final rule

SUMMARY: This final rulemaking establishes administrative procedures as required by section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621, November 9, 1978), for the making of certain adjustments to the USDA Essential Agricultural Uses and Requirements regulations in Part 2900 of Chapter XXIX of Title 7, Code of Federal Regulations. The procedures established include the opportunity for the oral presentation of data, views, and arguments which would be used in conjunction with requests for interpretations, modifications, rescissions, exceptions or exemptions, necessary to prevent special hardship, inequity, or an unfair distribution of burdens.

EFFECTIVE DATE: The Final Rule will become effective October 29, 1979.

FOR FURTHER INFORMATION CONTACT: Weldon V. Barton, Director, Office of Energy, USDA, Room 226–E Administration Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, telephone number: (202) 447–2455

SUPPLEMENTARY INFORMATION: Section 502(c) of NGPA requires the Secretary of Agriculture to prescribe a rule which provides for the making of "adjustment" to rules under the NGPA as necessary to prevent special hardship, inequity or unfair distribution of burdens.

On July 23, 1979, the Secretary published a notice of proposed rulemaking regarding the establishment of administrative procedures for adjustments of the Essential Agricultural Uses and Requirements Regulations (44 FR 42998, July 23, 1979).

Ten commenters responded to the solicitation for written comments. Their comments have been addressed in the final rule as follows:

1. Five commenters objected to the required showing of "special hardship, inequity or unfair distribution of burdens" in connection with requests for interpretations. This standard is set forth in section 502(c) of the NGPA and remains in the final rule as an element of a request for an interpretation. However, upon consideration of the comments, USDA has decided that where a request for a simple clarification of language in the regulation is made, it should not be subject to the strict procedural rules under section 502(c). Accordingly, a new subsection (f) has been added to § 2901.4 to except such requests from the requirements of this rule, with the proviso that the Director, Office of Energy is the final arbiter of what is a "clarification."

2. While two commenters supported the USDA rationale that the USDA rule need not relate to exceptions and exemptions seven commenters felt that the referrals to FERC of such requests amounted to an improper delegation of authority by the Secretary.

It was not the intent of the proposed rulemaking to delegate to FERC any authority of the Secretary of Agriculture under section 401 of the NGPA. Rather it was felt that the types of "adjustments" arising with respect to the Secretary's responsibilities would be adequately covered by interpretations, modifications and rescissions and that exceptions and exemptions would likely arise under implementation of curtailment priority which was under FERC jurisdiction.

USDA is persuaded that there may be instances where requests for exceptions and exemptions to the USDA rule itself would be proper and therefore have added a new § 2901.6 to prescribe procedures for such requests. These procedures basically involve an initial request to the Director, Office of Energy, and an appeal of a denial of such request to the Secretary of Agriculture. Denial by the Secretary of Agriculture would be a final agency action permitting the requester to seek judicial review in accordance with section 506 of the NGPA. **Federal Register** notice of both the request and its disposition is provided for.

One commenter who supported the proposed rule's referral of exemptions and exceptions to FERC additionally suggested limiting USDA consideration of interpretations, modifications, and rescissions to instances which might be resolved by a modification of the classes of uses set forth in Part 2900 and requiring requesters to demonstrate why issues are involved in their request for which FERC curtailment jurisdiction would be insufficient to resolve.

USDA feels that this would impose criteria in excess of those contemplated by section 502(c) of the NGPA. It is recognized however that issues may arise under adjustment requests to USDA which are related to FERC responsibility and FERC adjustment requests. In such instances USDA would endeavor to coordinate, to the extent practicable, its procedures with FERC.

3. Two commenters suggested that notice of requests for interpretation be provided to third parties. The final rule provides for **Federal Register** notice of requests for interpretations, as well as notice of the issuance of an interpretation.

4. One commenter objected to the constraint of the Freedom of Information Act and other applicable laws and regulations with respect to determinations by the Director on disclosure of confidential information submitted with a request for an adjustment.

The final rule retains this language as an appropriate consideration in individual disclosure requests.

The same commenter also requested that the rule provide at least 5 days prior notice to submitters of information before material identified by the submitter as confidential is disclosed. Since under the Freedom of Information Act, USDA has only 10 days to respond to requests for information, it is reluctant to shorten that period by 5 days in order to be able to give the requested advance notice to submitters. However, USDA will attempt to keep submitters informed of requests for their information.

In addition, USDA has added a clarifying sentence to § 2901.3 to indicate that an official of USDA shall preside at oral presentations. The rule also specifies that a grant by the Director of a request for an interpretation, exception or exemption is a final agency action for purposes of judicial review.

In consideration of the foregoing, a new Part 2901 is added to Chapter XXIX of Title 7, Code of Federal Regulations, as set forth below:

PART 2900—ESSENTIAL AGRICULTURAL USES AND VOLUMETRIC REQUIREMENTS—NATURAL GAS POLICY ACT

§ 2900.5 [Revoked]

1. Part 2900 of Chapter XXIX of Title 7, Code of Federal Regulations, is amended by deleting § 2900.5 thereof.

2. Chapter XXIX of Title 7, Code of Federal Regulations, is amended by adding a Part 2901, to read as follows:

PART 2901—ADMINISTRATIVE PROCEDURES FOR ADJUSTMENTS OF NATURAL GAS CURTAILMENT PRIORITY

Sec.

2901.1 Purpose and scope.
2901.2 Definitions.
2901.3 Oral presentation.
2901.4 Interpretations.
2901.5 Modifications and rescissions.
2901.6 Exceptions and exemptions.
2901.7 Review of denials.
2901.8 Judicial review.
2901.9 Effective date.

Authority: Secs. 502, 507. Pub. L. 95–621, 92 Stat. 3397, 3405, November 9, 1978.

§ 2901.1 Purpose and scope.

The purpose of this Part 2901 is to provide procedures for the making of certain adjustments to the Secretary of Agriculture's Essential Agricultural Uses and Requirements regulations in accordance with section 502(c) of the Natural Gas Policy Act of 1978, in order to prevent special hardship, inequity, or an unfair distribution of burdens. The procedures in this Part 2901 apply to any person seeking an interpretation of, modification of, rescission of, exception of, or exemption from the Essential Agricultural Uses and Requirements regulations in Part 2900 of Chapter XXIX.

§ 2901.2 Definitions.

(a) "Person" means any individual, firm, sole proprietorship, partnership, association, company, joint venture or corporation.

(b) "Director" means the Director of the Office of Energy, U.S. Department of Agriculture.

(c) "Secretary" means the Secretary of the U.S. Department of Agriculture.

(d) "Adjustment" means an interpretation, modification, rescission of, exception to or exemption from the Essential Agricultural Uses and Requirements regulations, Part 2900 hereof.

(e) "NGPA" means the Natural Gas Policy Act of 1978, Pub. L. 95–621.

(f) "Petitioner" means any person seeking an adjustment under this Part 2901.

§ 2901.3 Oral presentation.

Any person seeking an adjustment under this Part 2901 shall be given an opportunity to make an oral presentation of data, views and arguments in support of the request for an adjustment, provided that a request to make an oral presentation is submitted in writing with the request for the adjustment. An official of the Department of Agriculture shall preside at such oral presentation.

§ 2901.4 Interpretations.

(a) *Request for an interpretation.* (1) Any person seeking an interpretation of the Essential Agricultural Uses and Requirements regulations in Part 2900 shall file a formal written request with the Director. The request should contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the request and to the action sought, and should state the special hardship, inequity, or unfair distribution of burdens that will be prevented by the interpretation sought and why the interpretation is consistent with the purposes of NGPA. The Director shall publish a notice in the **Federal Register** advising the public that a request for an interpretation has been received and that written comments will be accepted with respect thereto, if received within 20 days of the notice. The Federal Register notice will provide that copies of the request for interpretation from which confidential information has been deleted in accordance with paragraph (a)(2) of this section may be obtained from the petitioner.

(2) If the petitioner wishes to claim confidential treatment for any information contained in the request or other documents submitted under this Part 2901, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The petitioner shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for non-disclosure of the information for which non-disclosure is sought. The Director shall consider such requests, and subject to the Freedom of Information Act, 5 U.S.C. 552 and other applicable laws and regulations, shall treat such information as confidential.

(b) *Investigations.* The Director may initiate an investigation of any statement in a request and utilize in his evaluation any relevant facts obtained in such investigation. The Director may accept submissions from third persons relevant to any request for interpretation provided that the petitioner is afforded an opportunity to respond to all such submissions. In evaluating a request for interpretation, the Director may consider any other source of information.

(c) *Applicability.* Any interpretation issued hereunder shall be issued on the basis of the information provided on the request, as supplemented by other information brought to the attention of the Director during the consideration of the request. The interpretation shall, therefore, depend for its authority on the accuracy of the factual statement and may be relied upon only to the extent that the facts of the actual situation correspond to those upon which the interpretation was based.

(d) *Issuance of an interpretation.* Upon consideration of the request for interpretation and other relevant information received or obtained by the Director, the Director may issue a written interpretation. A copy of the written interpretation shall be provided to FERC and the Secretary of Energy. Notice of the issuance of the written interpretation shall be published in the **Federal Register.** The granting of a request for issuance of an interpretation shall be considered final agency action for purposes of judicial review under § 2901.8.

(e) *Denial of an Interpretation.* An interpretation shall be considered

denied for purpose of review of such denial under section 2901.7 only if:

(1) The Director notifies the petitioner in writing that the request is denied and that an interpretation will not be issued; or

(2) The Director does not respond to a request for an interpretation, by (i) issuing an interpretation, or (ii) giving notice of when an interpretation will be issued within 45 days of the date of receipt of the request, or within such extended time as the Director may prescribe by written notice within the 45-day period.

(f) For purposes of this Part 2901 the word "interpretation" shall not be deemed to include a simple clarification of an actual or purported ambiguity in Part 2900. The Director reserves the right to determine whether a request involves simple clarification and shall advise the requester of his decision.

§ 2901.5 Modifications and rescissions.

(a) *Request for modification or rescission.* (1) Any person seeking a modification or a rescission of the Essential Agricultural Uses and Requirements regulations of Part 2900 shall file a formal written request with the Director. The request shall contain a full and complete statement of all relevant facts pertaining to the circumstance, act or transaction that is the subject of the request and to the action sought. The request should state the special hardship, inequity or unfair distribution of burdens that will be prevented by making the modification or rescission.

(2) If the petitioner wishes to claim confidential treatment for any information contained in the request or other documents submitted under this Part 2901, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The petitioner shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for non-disclosure of the information for which non-disclosure is sought. The Director shall consider such requests, and subject to the Freedom of Information Act, 5 U.S.C. 552 and other applicable laws and regulations, shall treat such information as confidential.

(3) The request shall be filed as a petition for rulemaking and treated in accordance with the procedures, as applicable, of 7 CFR Part 1, Subpart B.

(b) *Institution of rulemaking.* Upon consideration of the request for modification or rescission and other relevant information received or obtained by the Director, the Director may institute rulemaking proceedings in accordance with the Administrative Procedures Act 5 U.S.C. 551 *et seq.* and applicable regulations.

(c) *Denial of a modification or rescission.* If the Director (1) denies the request for modification or rescission in writing by notifying the petitioner that he does not intend to institute rulemaking proceedings as proposed and stating the reasons therefor, or (2) does not respond to a request for a modification or rescission in accordance with paragraph (b) of this section or (3) notifies the petitioner in writing that the matter is under continuing consideration and that no decision can be made at that time because of the inadequacy of available information, changing circumstances or other reasons as set forth therein, within 45 days of the date of the receipt thereof, or within such extended time as the Director may prescribe by written notice within that 45-day period, the request shall be considered denied for the purpose of review of such denial under § 2901.7.

§ 2901.6 Exceptions and exemptions.

(a) *Request for exception or exemption.* (1) Any person seeking an exception or exemption from the Essential Agricultural Uses and Requirements regulations in Part 2900 shall file a formal written request with the Director. The request shall contain a full and complete statement of all relevant facts pertaining to the circumstance, act, or transaction that is the subject of the request and to the action sought. The request should state the special hardship, inequity or unfair distribution of burdens that will be prevented by making the exception or exemption. The Director shall publish a notice in the **Federal Register** advising the public that a request for an exception or exemption has been received and that written comments will be accepted with respect thereto if received within 20 days of the notice. The **Federal Register** notice will provide that copies of the request from which confidential information has been deleted in accordance with paragraph (a)(2) of this section may be obtained from the petitioner. The Petitioner shall be afforded an opportunity to respond to such submissions.

(2) If the petitioner wishes to claim confidential treatment for any information contained in the request or other documents submitted under this Part 2901, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The petitioner shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for non-disclosure of the information for which non-disclosure is sought. The Director shall consider such requests, and subject to the Freedom of Information Act, 5 U.S.C. 552 and other applicable laws and regulations, shall treat such information as confidential.

(b) *Decision and order.* Upon consideration of the request for an exception or exemption and other relevant information received or obtained during the proceedings, the Director shall issue an order granting or denying the request. The Director shall publish a notice in the **Federal Register** of the issuance of a decision and order on the request. The granting of a request for an exception or exemption shall be considered final agency action for purposes of judicial review under § 2901.8.

(c) *Denial of an exception or exemption.* A request for an exception or exemption shall be considered denied for purposes of review of such denial under § 2901.7 only if: (1) the Director has notified the petitioner in writing that the request is denied under paragraph (b) of this section or (2) the Director does not respond to a request for an exception or exemption by (i) granting the request for an exception or exemption under paragraph (b) of this section or (ii) giving notice of when a decision will be made within 45 days of the receipt of the request, or with such extended time as the Director may prescribe by written notice within the 45-day period.

§ 2901.7 Review of denials.

(a) *Request for review.* (1) Any person aggrieved or adversely affected by a denial of a request for any interpretation under § 2901.4 may request a review of the denial by the Secretary, within 30 days from the date of the denial.

(2) Any person aggrieved or adversely affected by a denial of a request for a modification or rescission under § 2901.5, may request a review of the denial by the Secretary within 30 days from the date of the denial.

(3) Any person aggrieved or adversely affected by a denial of a request for an exception or an exemption under § 2901.6, may request a review of the denial by the Secretary within 30 days from the date of the denial.

(b) *Procedures.* Any request for review under § 2901.7(a) shall be in writing and shall set forth the specific ground upon which the request is based. There is no final agency action for purposes of judicial review under

§ 2901.8 until that request has been acted upon. If the request for review has not been acted upon within 30 days after it is received, the request shall be deemed to have been denied. That denial shall then constitute final agency action for the purpose of judicial review under § 2901.8.

§ 2901.8 Judicial review.

Any person aggrieved or adversely affected by a final agency action taken on a request for an adjustment under this section may obtain judicial review in accordance with section 506 of the Natural Gas Policy Act of 1978.

§ 2901.9 Effective date.

This rule shall become effective on October 29, 1979.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should be classified as "significant" under those criteria. An Approved Final Impact Statement is available from Weldon V. Barton, Director, Office of Energy, USDA.

Additionally, USDA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, no environmental impact statement is required for this regulation. A copy of the finding of no significant impact and environmental assessment is available for inspection and copying in Room 6573 South Building, 12th and Independence, SW., United States Department of Agriculture, Washington, D.C. 20250.

Dated: September 25, 1979.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 79-30251 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

9 CFR Part 78

Miscellaneous

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the brucellosis regulations to update, simplify, and clarify the requirements under which certain cattle may be moved interstate. This action is needed to make the regulations consistent with the provisions of the revised brucellosis eradication Uniform Methods and Rules and to revise the regulations for uniform interpretation. This action relieves certain restrictions which are no longer considered necessary and revises the regulations for uniform compliance.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, Staff Veterinarian, National Brucellosis Eradication Program, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION: On February 9, 1979, there was published in the **Federal Register** (44 FR 8271-8276) a proposed amendment to the regulations (9 CFR 78). A period of 60 days was provided for comment which expired April 10, 1979.

A total of 12 comments were received in response to the proposal which are summarized as follows:

1. Eight of the comments received opposed locations for the alternate "S" branding identification site for brucellosis exposed cattle that were not proposed and were for that reason rejected as irrelevant.

2. Three of the comments received objected to the requirement in Section 78.8 (a) and (b) that "a Veterinary Services approved metal eartag" be used as a means of identifying brucellosis-exposed cattle. These commentors apparently did not understand that this is a requirement of the present regulations and was not proposed as an additional requirement. Since this requirement has been satisfactory in the past, the proposal did not include a change. Therefore, these comments were rejected.

3. One comment received opposed the requirement in § 78.9(b) (1) and (2) allowing cattle from herds not known to be affected with brucellosis to be moved from a modified certified brucellosis area interstate to slaughter or to quarantined feedlots "if accompanied by a permit." This comment did not recognize this as a relaxation of the present regulation. Since the comment opposed additional restrictions, it was felt this comment was satisfied by the proposal.

4. Two verbal comments within Veterinary Services suggested editorial changes to clarify the regulations:

1. In the definition of "official adult vaccinate," insert "vaccinated when" between "dairy breed" and "over 6 months" and between "beef breed" and "over 10 months" striking out "which has been vaccinated" following "(300 days)."

2. In the definition of "official seal," add "which" before "is applied by." This continues phraseology used thoroughout the sentence structure.

There were no comments approving or opposing any other proposed provision.

The verbal comments are accepted and incorporated to provide clarification of these definitions.

After due consideration of all the comments received, the Department has decided to amend the regulations as proposed with minor changes as indicated for purposes of clarification.

Accordingly, Part 78, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 78.1, paragraphs (w), (y), and (dd) are deleted: paragraph (x) is redesignated as paragraph (w), paragraph (z) is redesignated as paragraph (x), paragraph (aa) is redesignated as paragraph (y), paragraph (bb) is redesignated as paragraph (z), paragraph (cc) is redesignated as paragraph (aa), paragraph (ee) is redesignated as paragraph (bb), and new paragraphs (cc), (dd), (ee), and (pp) are added to read:

§ 78.1 Definitions.

* * * * *

(cc) *Farm of origin.* A farm or other premises where the cattle to be shipped interstate were born or have been kept for not less than 4 months prior to the date of shipment and which within the 4 months prior to the date of shipment, have not been used to assemble cattle from any other premises.

(dd) *Recognized slaughtering establishment.* Any slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or a State Meat Inspection Act.

(ee) *Official adult vaccinate.* A female bovine animal of a dairy breed vaccinated when over 6 months of age (180 days), or a female bovine animal of a beef breed vaccinated when over 10 months of age (300 days) with an approved brucella vaccine in accordance with the Uniform Methods and Rules. The vaccination shall be conducted under the supervision of a Federal or State veterinary official and the vaccination shall be preceded by a negative official test for brucellosis conducted no more than 10 days prior to the vaccination. At the time of vaccination, the animal must be a member of, or be an addition to a herd known to be affected and approved for adult vaccination by both State and Federal officials. The official adult vaccinate shall be permanently identified with an official metal eartag or registration tattoo and be hot-iron

branded "AV" on the right jaw at the time of vaccination.

* * * * *

(pp) *Official seal.* A serially numbered, metal strip, consisting of a self-locking device on one end and a slot on the other end, which forms a loop when the ends are engaged, which cannot be reused if opened, and which is applied by a representative of the Veterinarian in Charge or the State animal health official.

2. In § 78.7, the introductory paragraph is amended to read:

§ 78.7 Brucellosis reactor cattle.

Brucellosis reactor cattle may only be moved interstate for immediate slaughter directly to a recognized slaughtering establishment or from a farm of origin directly to no more than one specifically approved stockyard and then directly to such a recognized slaughtering establishment and only in accordance with the following requirements:

* * * * *

3. In § 78.8, paragraphs (a), (b), and the heading in paragraph (c) are amended to read:

§ 78.8 Brucellosis-exposed cattle.

Except as provided in Part 51 of the regulations, brucellosis-exposed cattle may be moved interstate only as follows:

(a) *Movement of brucellosis-exposed cattle to quarantined feedlots.* Such cattle are moved directly to a quarantined feedlot or from a farm of origin directly through no more than one specifically approved stockyard and then directly to a quarantined feedlot, and only if such cattle are:

(1) individually indentified by a Veterinary Services approved metal eartag;

(2) accompanied by a permit; and

(3) such cattle are:

(i) hot-iron branded with an "S" on the left jaw or high on the tailhead, so as to be visible from ground level, in letters not less than 2 nor more than 3 inches high, before the animals leave the premises from which they move interstate, or

(ii) officially adult vaccinated cattle and have been hot-iron branded "AV" on the right jaw.

If the movement is directly to a specifically approved stockyard for sale and shipment to a quarantined feedlot, a separate permit shall be required for the subsequent interstate movement of such cattle from any such stockyard directly to a quarantined feedlot; or

(b) *Movement of brucellosis-exposed cattle for immediate slaughter.* Such cattle are moved directly to a recognized slaughtering establishment, or from a farm of origin directly through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment, only if such cattle are:

(1) individually identified by a Veterinary Services approved metal eartag;

(2) accompanied by a permit; and

(3) such cattle are:

(i) hot-iron branded with an "S" on the left jaw or high on the tailhead so as to be visible from ground level in letters not less than 2 nor more than 3 inches high, before the animals leave the premises from which they move interstate, or

(ii) in the instances when a claim for indemnity is being made by the owner under the provisions of 9 CFR 51.3(a)(2), (3), or (4), brucellosis exposed cattle are identified with the letter "B" as prescribed in 9 CFR 51.5(b), or

(iii) officially adult vaccinated cattle and have been hot-iron branded "AV" on the right jaw, or

(iv) moved in vehicles closed with official seals.

Official seals shall only be applied or removed by a Veterinary Services representative, State representative, accredited veterinarian or by other persons authorized for this purpose by a Veterinary Services representative. If the movement is directly to a specifically approved stockyard and then to a recognized slaughtering establishment, a separate permit shall be required for the subsequent interstate movement of such cattle from such stockyard directly to such slaughtering establishment; or

(c) *Movement of brucellosis exposed cattle other than in accordance with paragraphs (a) or (b) of this section.*

4. In § 78.9, paragraphs (a) and (b) are amended to read:

§ 78.9 Cattle from herds not known to be affected with brucellosis.

Cattle from herds not known to be affected with brucellosis may be moved interstate from specified areas only as follows:

(a) *Certified Brucellosis-Free Areas.* If such cattle are in a Certified Brucellosis-Free Area, they may be moved interstate without restrictions under this subpart.

(b) *Modified Certified Brucellosis Areas.* If such cattle are in a Modified Certified Brucellosis Area, they may only be moved interstate from such area under the conditions specified in one or more of the following subparagraphs:

(1) *Movement for immediate slaughter.* Such cattle may be so moved for immediate slaughter directly from a farm of origin to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment. Such cattle moving other than directly from a farm of origin may be moved interstate directly to a recognized slaughtering establishment if accompanied by a permit.

(2) *Movement to quarantined feedlots.* Such cattle may be moved to a quarantined feedlot directly from a farm of origin or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot. Such cattle moving other than directly from a farm of origin may be moved interstate directly to a quarantined feedlot if accompanied by a permit.

(3) *Movement other than in accordance with paragraphs (b) (1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (b) (1) and (2) of this section only if:

(i) Such cattle originate in Certified Brucellosis-Free herds and they are accompanied by a certificate, which states, in addition to the items specified in § 78.1(u), that the cattle originated in a Certified Brucellosis-Free Herd; or

(ii) Such cattle are of the beef breeds under 24 months of age and of other breeds under 20 months of age which are not parturient (springers) or post parturient, then they may be so moved without restriction under this subpart; or

(iii) Such cattle are accompanied by a certificate, are subjected to an official test for brucellosis and found negative for brucellosis within 30 days prior to such interstate movement and the certificate shows in addition to items required under § 78.1(u), the test dates and results of the official brucellosis tests; or

(iv) Such cattle are moved directly from a farm of origin to a specifically approved stockyard and the shipper causes such cattle to be subjected to an official test for brucellosis upon arrival at such stockyard prior to losing their identity with the farm of origin; or

(v) Such cattle: (A) originate from herds in which all the cattle were subjected to a complete herd test for brucellosis in accordance with the Uniform Methods and Rules within 12 months of the date of the interstate movement; (B) any cattle which were added to the herd subsequent to such complete herd test were tested and found negative to an official test for brucellosis within 30 days prior to the date the cattle were added to the herd; (C) the cattle subject to the complete herd test have not changed ownership

from the date of such test; and (D) none of the cattle in the herd have come in contact with any other cattle which have not been tested as prescribed in this subparagraph.

5. In § 78.10, paragraphs (a), (b), and paragraph (c) up to the colon, are amended to read:

§ 78.10 Cattle from qualified herds.

Cattle from qualified herds in any noncertified area may be moved interstate only as follows:

(a) *Movement for immediate slaughter.* Such cattle are moved directly to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment; or

(b) *Movement to quarantined feedlots.* Such cattle are moved directly to a quarantined feedlot, or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot; or

(c) *Movement other than in accordance with paragraphs (a) or (b) of this section.* Such cattle may be moved other than in accordance with paragraphs (a) or (b) of this section only if:

(1) Such cattle originate in Certified Brucellosis-Free herds and they are accompanied by a certificate which states, in addition to the items specified in § 78.1(u) that the cattle originate in a Certified Brucellosis-Free herd; or

(2) Such cattle are official vaccinates of the beef breeds under 24 months of age and of other breeds under 20 months of age and are accompanied by a certificate; or

(3) such cattle except calves under 6 months of age, have been subjected to an official test for brucellosis not less than 30 days after the date of the last qualifying herd test and not more than 30 days before the date of the interstate movement, and such cattle are accompanied by a certificate which shows, in addition to the items required under § 78.1(v), the dates and results of any official test required by this paragraph.

6. § 78.11 is amended to read:

§ 78.11 Cattle from herds of unknown status.

Cattle which originate in herds of unknown status in any noncertified area may be moved interstate only if accompanied by a permit and moved directly to a recognized slaughtering establishment or directly to a quarantined feedlot, or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot or such a slaughtering establishment.

7. In § 78.12a, paragraphs (d)(1), (2), and (3) are amended to read:

§ 78.12a Cattle from quarantined areas.

* * * * *

(d) *Movement from qualified herds.* Cattle from qualified herds in any quarantined area may be moved interstate only as follows:

(1) *Movement for immediate slaughter.* (i) Such cattle may move for immediate slaughter directly from a farm of origin to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment and they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official brucellosis test; or (ii) Such cattle are moved in accordance with the provisions of § 78.8(b); or

(2) *Movement to quarantined feedlots.* (i) Such cattle may move to a quarantined feedlot directly from a farm of origin or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot if they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official brucellosis test; or (ii) Such cattle are moved in accordance with the provisions of § 78.8(a).

(3) *Movement other than in accordance with paragraphs (d)(1) or (2) of this section.* Such cattle may be moved other than in accordance with paragraphs (d)(1) or (2) of this section, either directly from a farm of origin or through no more than one specifically approved stockyard, if the cattle are accompanied by a certificate and the cattle, except official vaccinates less than 12 months of age and calves less than 6 months of age, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement, and the certificate shows, in addition, to items required under § 78.1(u), the test dates and results of the official brucellosis test.

8. In § 78.15, the introductory paragraph is amended to read:

§ 78.15 Brucellosis reactor bison.

Brucellosis reactor bison may only be moved interstate for immediate slaughter directly to a recognized slaughtering establishment or directly from a farm of origin through no more than no specifically approved stockyard and then directly to such a slaughtering establishment, and only in accordance with the following requirements:

* * * * *

9. In § 78.16, paragraphs (a) and (b) are amended to read:

§ 78.16 Brucellosis exposed bison.

Brucellosis exposed bison may be moved interstate from any area only as follows:

(a) *Movement of brucellosis exposed bison to quarantined feedlots.* Such bison are moved directly to a quarantined feedlot or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot. Such bison shall be accompanied by a permit. If the movement is through a specifically approved stockyard to a quarantined feedlot, a separate permit shall be required for the subsequent interstate movement of the bison from the stockyard to the quarantined feedlot, or

(b) *Movement of brucellosis-exposed bison for immediate slaughter.* Such bison are moved directly to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to such a slaughtering establishment. Such bison shall be accompanied by a permit. If the movement is through a specifically approved stockyard to a slaughtering establishment, a separate permit shall be required for the subsequent interstate movement of the bison from the stockyard to the recognized slaughtering establishment.

10. In § 78.17, paragraphs (a), (b), and paragraph (c) up to the colon, are amended to read:

§ 78.17 Bison from herds not known to be affected with brucellosis.

Bison from herds not known to be affected with brucellosis may be moved interstate from any area only as follows:

(a) *Movement for immediate slaughter.* Such bison are so moved for immediate slaughter, or

(b) *Movement to quarantined feedlot.* Such bison are so moved to a quarantined feedlot.

(c) *Movement other than in accordance with paragraphs (a) or (b) of this section.* Such bison may be moved other than in accordance with

paragraphs (a) or (b) of this action only as follows:

* * * * *

11. In § 78.17(c)(4), the period at the end of the sentence is deleted and the phrase "and the results of the official brucellosis test." is added in lieu thereof.

12. In Subpart D, the heading is amended to read:

Subpart D—Designation of Brucellosis Areas and Specifically Approved Stockyards

§ 78.24 [Amended]

13. Section 78.24(b) is deleted.

14. In § 78.25, the last two sentences of paragraph (b) are deleted and paragraph (c) is amended to read:

§ 78.25 Designation of areas and approved stockyards.

* * * * *

(c) Before the Deputy Administrator withdraws specific approval and removes any specifically approved stockyard from the approved lists, the owner of such establishment shall be given notice by the Deputy Administrator of the charges against him and shall have an opportunity to present his views thereon. In those instances where there is a conflict as to the facts, a hearing shall be held to resolve such conflicts.

15. In Part 78, footnotes 1 and 2 are amended to read:

[1] Copies of the July 1977 Recommended Brucellosis Eradication Uniform Methods and Rules (APHIS 91-1) are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, MD 20782.

[2] Incorporation by reference provisions approved by the Director, Office of the Federal Register on November 15, 1977.

(Secs. 4, 5, 7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132, (21 U.S.C. 111-113, 114a-1, 115, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. 301-436-8695.

Done at Washington, D.C., this 19th day of September 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-29766 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 97

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. This amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. H. L. Arnold, USDA, APHIS, VS, Federal Building, Room 867, Hyattsville, MD. 20782, 301-436-8684.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1979 ed.), as amended March 23, 1979 (44 FR 17652), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to and deleting from the respective lists therein as follows:

§ 97.2 Administrative instructions prescribing commuted traveltime.

* * * * *

Outside Metropolitan Area

* * * * *

Two Hours

Add: Eastport and Porthill, Idaho (served from Bonners Ferry, Idaho).

* * * * *

Three Hours

Delete: Eastport and Porthill, Idaho (served from Sandpoint, Idaho).

* * * * *

(64 Stat. 561 (7 U.S.C. 2260))

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Dr. G. V. Peacock, Director, National Program Planning Staffs, Veterinary Services, Animal and Plant Health Inspection Service, that the emergency nature of this final rule warrants publication without opportunity for public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 97. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 24th day of September 1979.

E. A. Schilf,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-30153 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Quality Service

9 CFR Parts 331 and 381

Poultry Products Inspection Regulations; Designation of the Commonwealth of the Northern Mariana Islands

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the Commonwealth of the Northern Mariana Islands as

required under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act. The Governor of the Commonwealth has advised this Department that the Commonwealth does not desire to develop and implement Commonwealth meat and poultry inspection programs. Accordingly, effective October 29, 1979 all establishments conducting operations and transactions wholly within the Commonwealth shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act.

DATES: Effective date of this document: September 28, 1979. Effective date of application of regulation: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. J. K. Payne, Director, Federal-State Relations Staff, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6313.

SUPPLEMENTARY INFORMATION: Pursuant to Pub. L. 94–241 (90 Stat. 263 *et seq.*) and Presidential Proclamation 4534 (October 24, 1977), the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act have been made applicable to the Commonwealth of the Northern Mariana Islands, hereinafter referred to as the Commonwealth. The Governor of the Commonwealth has advised this Department that the Commonwealth does not desire to develop and implement a Commonwealth meat inspection program, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the Commonwealth at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within the Commonwealth, and with respect to operations and transactions wholly within the Commonwealth concerning meat products and other meat articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

Also, the Governor of the Commonwealth has advised this Department that the Commonwealth does not desire to develop and implement a Commonwealth poultry inspection program, and has requested the Department to assume the responsibility for carrying out the provisions of sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act with respect to establishments within the Commonwealth at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within the Commonwealth, and with respect to operations and transactions wholly within the Commonwealth concerning products and other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary has determined that the Commonwealth will not develop and activate requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act, and has further determined that the Commonwealth is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates the Commonwealth under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act.

On October 29, 1979, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to operations and transactions wholly within the Commonwealth and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Federal Meat Inspection Act, and any establishment in the Commonwealth which conducts any slaughtering or preparation of carcasses or parts or products thereof of cattle, sheep, swine, goats, horses, mules, or other equines, must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Also, on October 29, 1979, the provisions of sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act shall apply to operations and transactions wholly within the Commonwealth and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Poultry Products Inspection Act, and any establishment in the Commonwealth which conducts any slaughtering or processing of poultry or poultry products must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c)(2) of the Poultry Products Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operation after October 26, 1979, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Acts and application for inspection and survey of the establishment:

Dr. L. J. Rafoth, Director, Western Meat and Poultry Inspection Program, Building 2C, 620 Central Avenue, Alameda, CA 94501 (Telephone: 415/273–7402).

Accordingly, the table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

§ 331.2 [Amended]

1. In the "State" column, "Northern Mariana Islands" is added immediately below "North Dakota."

2. In the "Effective date of application of Federal provisions" column, October 29, 1979, is added on the line with "Northern Mariana Islands."

(Secs. 21 and 301(c), 34 Stat. 1260, as amended; 21 U.S.C. 621, 661(c); 42 FR 35625–35632)

§ 381.221 [Amended]

Further, the table in § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is amended as follows:

1. In the "State" column, "Northern Mariana Islands" is added immediately below "North Dakota."

2. In the "Effective date of application of Federal provisions" column, October 29, 1979, is added on the line with "Northern Mariana Islands."

(Secs. 5(c) and 14, 71 Stat. 441, as amended; 21 U.S.C. 454(c), 463; 42 FR 35625–35632)

These amendments of the Federal meat inspection regulations and the poultry products inspection regulations are necessary to reflect the determination of the Secretary of Agriculture under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act. Therefore, it does not appear that any additional relevant information would be made available to the Secretary by an impact statement or by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, D.C., on: September 21, 1979.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 79-29957 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-DM-M

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9 CFR Parts 331 and 381

Designation of the Commonwealth of the Northern Mariana Islands Under the Federal Meat Inspection Act and the Poultry Products Inspection Act for Special Purposes

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the Commonwealth of the Northern Mariana Islands under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act. The designations are necessary to carry out the Secretary's responsibilities under the Acts.

DATES: Effective date of this document: September 28, 1979. Effective date of application of regulation: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. J. K. Payne, Director, Federal-State Relations Staff, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202/447-6313).

SUPPLEMENTARY INFORMATION: Pursuant to Pub. L. 94-241 (90 Stat. 263 *et seq.*) and Presidential Proclamation 4534 (October 24, 1977), the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act have been made applicable to the Commonwealth of the Northern Mariana Islands. Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased livestock of the specified kinds, or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified kinds of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in sections 11 (b), (c), and (d) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c), and (d)). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)) authorize the Secretary of Agriculture to exercise authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized territory (including the Commonwealth of the Northern Mariana Islands) when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

The Governor of the Commonwealth of the Northern Mariana Islands has advised this Department that the Commonwealth of the Northern Mariana Islands does not desire to develop and implement a Commonwealth meat or poultry program with respect to matters specified in the aforesaid sections.

The Secretary, after consultation with the appropriate advisory committee, has now determined that the Commonwealth of the Northern Mariana Islands is not exercising, in a manner to effectuate the purposes of the said Acts, with respect to intrastate businesses, wholly within the Commonwealth of the Northern Mariana Islands, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b), (c), and (d) of the Poultry Products Inspection Act, including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, the Commonwealth of the Northern Mariana Islands is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to businesses, wholly within the Commonwealth of the Northern Mariana Islands, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b), (c), and (d) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

Accordingly, the table in § 331.6 of the Federal meat inspection regulations (9 CFR 331.6) is amended as follows:

§ 331.6 [Amended]

1. In the "State" column, "Northern Mariana Islands" is added in alphabetical order in all three places.

2. In the "Effective date of designation" column, October 29, 1979, is added on the line with "Northern Mariana Islands" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended; 81 Stat. 584, 21 U.S.C. 621, 645; 42 FR 35625-35632)

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

§ 381.224 [Amended]

1. In the "State" column, "Northern Mariana Islands" is added in alphabetical order in all three places.

2. In the "Effective date" column, October 29, 1979, is added on the line with "Northern Mariana Islands" in all three places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended, 82 Stat. 791, 21 U.S.C. 460(e), 463; 42 FR 35625-35632)

After consulting with the appropriate advisory committee, Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that it is necessary to designate the Commonwealth of the Northern Mariana Islands immediately in accordance with section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, in order to carry out the Secretary's responsibilities under the Acts. Therefore, it does not appear that any additional relevant information would be made available to the Secretary by an impact statement or by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, D.C., on: September 21, 1979.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 79-29958 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-DM-M

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9 CFR Parts 331 and 381

Designation of the State of New Hampshire Under the Federal Meat Inspection Act and the Poultry Products Inspection Act for Special Purposes

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of New Hampshire under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act. The designations are necessary to carry out the Secretary's responsibilities under the Acts.

DATES: Effective date of this document: September 28, 1979. Effective date of application of regulation: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. J. K. Payne, Director, Federal-State Relations Staff, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250 (202/447-6313).

SUPPLEMENTARY INFORMATION: Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased livestock of the specified kinds, or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified kinds of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in sections 11 (b), (c), and (d) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c), and (d)). Section 205, of the Federal Meat Inspection Act and section 11 (e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)), authorize the Secretary of Agriculture to exercise authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

Representatives of the Governor of New Hampshire have advised this Department that New Hampshire does not maintain a meat or poultry program with respect to matters specified in the aforesaid sections.

The Secretary, after consultation with the appropriate advisory committee, has now determined that the State of New Hampshire is not exercising, in a manner to effectuate the purposes of the said Acts, with respect to intrastate businesses, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act and sections 11 (b), (c), and (d) of the Poultry Products Inspection Act, including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, New Hampshire is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act and sections 11 (b), (c), and (d) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

Accordingly, the table in § 331.6 of the Federal meat inspection regulations (9 CFR 331.6) is amended as follows:

§ 331.6 [Amended]

1. In the "State" column, "New Hampshire" is added in alphabetical order in all three places.

2. In the "Effective date of designation" column, October 29, 1979, is added on the line with "New Hampshire" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended; 81 Stat. 584, 21 U.S.C. 621, 645; 42 FR 35625-35632)

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

§ 381.224 [Amended]

1. In the "State" column, "New Hampshire" is added in alphabetical order in all three places.

2. In the "Effective date" column, October 29, 1979, is added on the line with "New Hampshire" in all three places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended; 82 Stat. 791, 21 U.S.C. 460(e), 463; 42 FR 35625-35632)

After consulting with the appropriate advisory committee, Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that it is necessary to designate the State of New Hampshire immediately in accordance with section 205 of the Federal Meat Inspection Act and section 11(e), of the Poultry Products Inspection Act, in order to carry out the Secretary's responsibilities under the Acts. Therefore, it does not appear that any additional relevant information would be made available to the Secretary by an impact statement or by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, D.C. on: September 21, 1979.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 79-29959 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

Privacy Act Regulations; Effective Exemptions

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission has established in § 9.95 of 10 CFR Part 9, exemptions as provided under the Privacy Act of 1974. This amendment of the Commission's regulation "Public Records" exempts from certain requirements of the Privacy Act portions of a new system of records, "Special Inquiry File."

EFFECTIVE DATE: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: On July 27, 1979, the Commission published a notice in the **Federal Register** (44 FR 44309) to establish a proposed new system of records, identified as Special Inquiry File, NRC-33. On August 16, 1979, the Commission published in the **Federal Register** (44 FR 47950) a proposed amendment to § 9.95 of 10 CFR Part 9 to exempt portions of system of records NRC-33 from certain requirements of the Privacy Act. The notice invited public comment on the proposed amendment by September 17, 1979. No comments were received.

Specific exemptions from the requirements of the Privacy Act pertaining to proposed NRC-33 are intended to prevent access to (a) information classified pursuant to

Executive Order 12065 and exempted pursuant to 5 U.S.C. 552a(k)(1); (b) investigatory material compiled for law enforcement purposes exempted pursuant to 5 U.S.C. 552a(k)(2); and (c) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts or access to classified information exempted pursuant to 5 U.S.C. 552a(k)(5). The text of the amendment is identical to the proposed rule published on August 16.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, and 553 of Title 5 of the United States Code, notice is hereby given of the adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 9,

1. Section 9.95 of 10 CFR Part 9 is amended by adding a new paragraph (n) to read as follows:

§ 9.95 Specific exemptions.

Pursuant to 5 U.S.C. 552a(k), portions of the following NRC systems of records are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4)(G), (H), and (I) and (f) and are subject to the provisions of § 9.61 of this part;

* * * * *

(n) Special Inquiry File.

* * * * *

(Sec. 161, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552a.

Dated at Bethesda, MD this 21st day of September 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-30171 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 219

[Docket No. R-0243]

Regulation S; Reimbursement to Financial Institutions for Assembling or Providing Financial Records

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final regulation.

SUMMARY: The Board of Governors of the Federal Reserve System has adopted a new regulation required by section 1115 of the Right to Financial Privacy Act (12 U.S.C. § 3415) that provides rates and conditions for reimbursement of reasonably necessary costs, directly incurred by financial institutions in assembling or providing customer financial records to a federal government authority.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mary Ellen A. Brown, Senior Counsel, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452–3608).

SUPPLEMENTARY INFORMATION: On August 8, 1979, the Board of Governors of the Federal Reserve System proposed a regulation (to be known as Regulation S) for reimbursement of reasonably necessary costs directly incurred by financial institutions, to search for, reproduce, and transport financial records sought by a federal authority, and invited public comments on this proposal (44 F.R. 46475). Comments were invited particularly about how the reimbursement should be set and how it could be permitted to vary over time.

As background information, the Right to Financial Privacy Act of 1978 (the "Act") restricts federal government access to individual customers' financial records maintained by financial institutions, and requires that, with certain exceptions, federal authorities seeking disclosure of these records must follow prescribed procedures. Access to or disclosure of these financial records must generally be pursuant to one of the following procedures authorized by the Act: (1) valid written customer authorization; (2) administrative summons or subpoena; (3) valid search warrant; (4) judicial subpoena; or (5) formal written request. However, emergency access is also authorized in certain situations, as is access pursuant to a grand jury subpoena or for Secret Service or foreign intelligence activities. The Act also restricts transfer of financial information obtained under the Act from one federal agency to another.

The Act does not cover financial records of corporations or of partnerships comprised of more than five individuals.

Except where access is sought pursuant to a search warrant or a grand jury subpoena, or in an emergency, or for Secret Service or foreign intelligence purposes, the bank customer is also given advance notice of his or her rights to challenge the federal government's access, and advice about how to effectuate these challenge rights.

A financial institution is also generally prohibited from releasing a customer's financial records until the federal agency seeking the records certifies in writing to the financial institution that it has fully complied with the Act.

Various exceptions to the Act's requirements are provided, including one that exempts the Board and other federal financial supervisory agencies from these restrictions in the exercise of their supervisory, regulatory, or monetary functions.

Civil penalties, injunctive relief, and employee disciplinary proceedings are authorized as remedies for violations of the Act.

The comment period for proposed Regulation S was announced as closing September 10, 1979. Because of recent delays in mail deliveries, this period was extended informally to the close of business September 12, 1979. A total of 108 letters of comment concerning the proposed regulation were received by that deadline. The Board considered the proposed regulation in light of the comments received and, in several instances, changed the proposal in response to comments received. Aspects of the final regulation that differ significantly from the proposed regulation are summarized below:

Rate of reimbursement for search and processing time is increased to $10 per hour per person, computed on the basis of $2.50 per quarter hour, limited to the total amount of personnel time spent in locating, retrieving, reproducing, packaging, and preparing for shipment documents or information required or requested by the government authority.

Reimbursement for reproduction of documents is increased to $0.15 per page.

The response to the Board's particular request about a variable rate elicited 28 favorable comments out of the 108 total responses. An additional 11 comments suggested periodic or annual review of the rates set. Another 3 comments suggested a sliding scale, a form of variable rate, to vary with the time limit and scope of the work required. Thus, in all, some 42 comments favored either periodic review of rates or some form of a variable rate.

Certain technical changes were also made in this final regulation.

Financial institutions are reminded to keep an accurate record of personnel time, computer costs, number of reproductions made, and transportation costs, by each request, and to include on the itemized bill or invoice the name of the customer to whom it relates. After a financial institution receives a Certificate of Compliance with the Act from the goverment authority seeking access to financial records, the financial institution may then submit an itemized bill or invoice to that federal authority. If the financial institution does not receive a Certificate of Compliance because the federal agency has

withdrawn its request for disclosure or a customer has revoked his or her authorization, or because a customer has successfully challenged disclosure to the federal agency, the financial institution may submit an itemized bill or invoice for reasonably necessary costs directly incurred in assembling financial records prior to the time that the federal agency notifies it that its request is withdrawn or defeated.

Financial institutions are also reminded that the statute provides eleven types of exceptions from cost reimbursement which are incorporated into this regulation. Reimbursement for financial records sought pursuant to any of these exceptions is, accordingly, also excepted from this regulation.

Financial institutions should also be aware that just as the Act provides certain exceptions to its reimbursement requirement, it also provides exceptions to the Certificate of Compliance requirement. Thus, financial institutions will not receive a Certificate of Compliance when financial records are sought by a financial supervisory agency (12 U.S.C. § 3413(b); or for federal litigation (12 U.S.C. § 3413(e)); or for agency adjudicative proceedings (12 U.S.C. § 3413(f); or pursuant to a grand jury subpoena or court order (12 U.S.C. § 3413(i)); or by the Secret Service or for foreign intelligence activities (12 U.S.C. § 3414(a)).

Regulation S does not address the issue of internal procedures for federal agencies because this issue is expected to be resolved by agencies' internal audit procedures. Comments were received urging that agencies provide a uniform time limit for the submission of invoices and for prompt payment of invoices; and that agencies seek to develop and utilize a uniform invoice for payment. However, the Board regards it as beyond the scope of its responsibility to prescribe detailed internal procedures for other federal agencies to follow, except where such procedures have been developed through common agreement with and by other federal agencies.

This regulation is issued pursuant to 5 U.S.C. § 553, 12 CFR § 262.2 and in accordance with the Board's Statement of Policy Regarding Expanded Rulemaking Procedures (44 Fed. Reg. 3957). Since the regulation will reduce cost burdens to financial institutions by reimbursing them for searching for and reproducing customers' financial records as required or requested by the federal government or as authorized by the customer, and in view of the fact that the regulation must be adopted by October 1, 1979, expedited rulemaking procedures were followed in issuing this regulation, in accordance with the Board's Policy Statement. Since the Right to Financial Privacy Act requires the Board to establish, by regulation, the rates and conditions of cost reimbursement, nonregulatory alternatives were not considered during planning of these regulations.

Under the authority of section 1115 of the Right to Financial Privacy Act of 1978, 12 U.S.C. § 3415, the Board amends Title 12 of the Code of Federal Regulations by adding a new Part 219 (to be known as Regulation S) to read as follows:

Regulation S

PART 219—REIMBURSEMENT TO FINANCIAL INSTITUTIONS FOR ASSEMBLING OR PROVIDING FINANCIAL RECORDS

Sec.

219.1 Authority, purpose and scope.
219.2 Definitions.
219.3 Cost reimbursement.
219.4 Exceptions.
219.5 Conditions for payment.
219.6 Payment procedures.
219.7 Effective date.

Authority: 12 U.S.C. 3415.

§ 219.1 Authority, purpose and scope.

This Part is issued by the Board of Governors of the Federal Reserve System under section 1115 of the Right to Financial Privacy Act of 1978 (the "Act") (12 U.S.C. § 3415). It establishes the rates and conditions for reimbursement of reasonably necessary costs directly incurred by financial institutions in assembling or providing customer financial records to a government authority.

§ 219.2 Definitions.

For the purposes of this Part, the following definitions shall apply:

(a) "Financial institution" means any office of a bank, savings bank, card issuer as defined in section 103 of the Consumers Credit Protection Act (15 U.S.C. 1602(n)), industrial loan company, trust company, savings and loan, building and loan, or homestead association (including cooperative banks), credit union, or consumer finance institution, located in any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(b) "Financial record" means an original of, a copy of, or information known to have been derived from, any record held by a financial institution pertaining to a customer's relationship with the financial institution.

(c) "Government authority" means any agency or department of the United States, or any officer, employee or agent thereof.

(d) "Person" means an individual or a partnership of five or fewer individuals.

(e) "Customer" means any person or authorized representative of that person who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person's name. "Customer" does not include corporations or partnerships comprised of more than five persons.

(f) "Directly incurred costs" means costs incurred solely and necessarily as a consequence of searching for, reproducing or transporting books, papers, records, or other data, in order to comply with legal process or a formal written request or a customer's authorization to produce a customer's financial records. The term does not include any allocation of fixed costs (overhead, equipment, depreciation, etc.). If a financial institution has financial records that are stored at an independent storage facility that charges a fee to search for, reproduce, or transport particular records requested, these costs are considered to be directly incurred by the financial institution.

§ 219.3 Cost reimbursement.

Except as hereinafter provided, a government authority requiring or requesting access to financial records pertaining to a customer shall pay to the financial institution that assembles or provides the financial records a fee for reimbursement of reasonably necessary costs which have been directly incurred according to the following schedule:

(a) *Search and processing costs.* (1) Reimbursement of search and processing costs shall be the total amount of personnel direct time incurred in locating and retrieving, reproducing, packaging and preparing financial records for shipment.

(2) The rate for search and processing costs is $10 per hour per person, computed on the basis of $2.50 per quarter hour or fraction thereof, and is limited to the total amount of personnel time spent in locating and retrieving documents or information or reproducing or packaging and preparing documents for shipment where required or requested by a government authority. Specific salaries of such persons shall not be included in search costs. In addition, search and processing costs do not include salaries, fees, or similar costs for analysis of material or for managerial or legal advice, expertise, research, or time spent for any of these activities. If itemized separately, search and processing costs may include the

actual cost of extracting information stored by computer in the format in which it is normally produced, based on computer time and necessary supplies; however, personnel time for computer search may be paid for only at the rate specified in this paragraph.

(b) *Reproduction costs.* (1) Reimbursement for reproduction costs shall be for costs incurred in making copies of documents required or requested.

(2) The rate for reproduction costs for making copies of required or requested documents is 15 cents for each page, including copies produced by reader/printer reproduction processes. Photographs, films, and other materials are reimbursed at actual cost.

(c) *Transportation costs.* Reimbursement for transportation costs shall be for (1) necessary costs, directly incurred, to transport personnel to locate and retrieve the information required or requested; and (2) necessary costs, directly incurred solely by the need to convey the required or requested material to the place of examination.

§ 219.4 Exceptions.

A financial institution is not entitled to reimbursement under the Act for costs incurred in assembling or providing the following financial records or information:

(a) *Security interests, bankruptcy claims, debt collection.* Any financial records provided as an incident to perfecting a security interest, proving a claim in bankruptcy, or otherwise collecting on a debt owing either to the financial institution itself or in its role as a fiduciary.

(b) *Government loan programs.* Financial records provided in connection with a government authority's consideration or administration of assistance to a customer in the form of a government loan, loan guaranty, or loan insurance program; or as an incident to processing an application for assistance to a customer in the form of a government loan, loan guaranty, or loan insurance agreement; or as an incident to processing a default on, or administering, a government-guaranteed or insured loan, as necessary to permit a responsible government authority to carry out its responsibilities under the loan, loan guaranty, or loan insurance agreement.

(c) *Nonidentifiable information.* Financial records that are not identified with or identifiable as being derived from the financial records of a particular customer.

(d) *Financial supervisory agencies.* Financial records disclosed to a financial supervisory agency in the exercise of its supervisory, regulatory, or monetary functions with respect to a financial institution.

(e) *Internal Revenue summons.* Financial records disclosed in accordance with procedures authorized by the Internal Revenue Code.

(f) *Federally required reports.* Financial records required to be reported in accordance with any federal statute or rule promulgated thereunder (such as the Bank Secrecy Act).

(g) *Government civil or criminal litigation.* Financial records sought by a government authority under the Federal Rules of Civil or Criminal Procedure or comparable rules of other courts in connection with litigation to which the government authority and the customer are parties.

(h) *Administrative agency subpoenas.* Financial records sought by a government authority pursuant to an administrative subpoena issued by an administrative law judge in an adjudicatory proceeding subject to section 554 of Title 5, United States Code, and to which the government authority and the customer are parties.

(i) *Identity of accounts in limited circumstances.* Financial information sought by a government authority, in accordance with the Right to Financial Privacy Act procedures and for a legitimate law enforcement inquiry, and limited only to the name, address, account number and type of account of any customer or ascertainable group of customers associated (1) with a financial transaction or class of financial transactions, or (2) with a foreign country or subdivision thereof in the case of a government authority exercising financial controls over foreign accounts in the United States under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)); the International Emergency Economic Powers Act (Title II, Pub. L. 95–223); or section 5 of the United Nations Participation Act (22 U.S.C. 287(c).

(j) *Investigation of a financial institution or its noncustomers.* Financial records sought by a government authority in connection with a lawful proceeding, investigation, examination, or inspection directed at the financial institution in possession of such records or at a legal entity which is not a customer.

(k) *General Accounting Office requests.* Financial records sought by the General Accounting Office pursuant to an authorized proceeding, investigation, examination or audit directed at a government authority.

(l) *Securities and Exchange Commission requests.* Until November 10, 1980, financial records sought by the Securities and Exchange Commission.

§ 219.5 Conditions for payment.

(a) *Limitations.* Payment for reasonably necessary, directly incurred costs to financial institutions shall be limited to material required or requested.

(b) *Separate consideration of component costs.* Payment shall be made only for costs that are both directly incurred and reasonably necessary. In determining whether costs are reasonably necessary, search and processing, reproduction, and transportation costs shall be considered separately.

(c) *Compliance with legal process, request, or authorization.* No payment shall be made until the financial institution satisfactorily complies with the legal process or formal written request, or customer authorization, except that in the case where the legal process or formal written request is withdrawn, or the customer authorization is revoked, or where the customer successfully challenges access by or disclosure to a government authority, the financial institution shall be reimbursed for reasonably necessary costs directly incurred in assembling financial records required or requested to be produced prior to the time that the government authority notifies the institution that the legal process or request is withdrawn or defeated, or that the customer has revoked his or her authorization.

(d) *Itemized bill or invoice.* No payment shall be made unless the financial institution submits an itemized bill or invoice showing specific details concerning the search and processing, reproduction, and transportation costs.

§ 219.6 Payment procedures.

(a) *Notice to submit invoice.* Promptly following a government authority's service of legal process or request, the government authority shall notify the financial institution that an itemized bill or invoice must be submitted for payment and shall furnish an office address for this purpose.

(b) *Special notice.* If a government authority withdraws the legal process or formal written request, or if the customer revokes his or her authorization, or if the legal process or request has been successfully challenged by the customer, the government authority shall promptly notify the financial institution of these facts, and shall also notify the financial institution that the itemized bill or

invoice must be submitted for payment of costs incurred prior to the time that the financial institution receives this notice.

§ 219.7 Effective date.

This regulation shall become effective October 1, 1979.

By order of the Board of Governors, effective October 1, 1979.

Griffith L. Garwood,

Deputy Secretary.

[FR Doc. 79-30375 Filed 9-28-79; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

[Revision 13, Amdt. 29]

Small Business Size Standards: Increase Size Standard of Small Business Concerns for Assistance by Small Business Investment Companies or by Development Companies

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule increases the size standard for assistance to small business concerns by small business investment companies or by development companies. The previous size standard defined a small concern as one which does not have assets exceeding $9.0 million, does not have net worth in excess of $4.0 million, and does not have after-tax average net income for the preceding two (2) years in excess of $400,000. Alternatively, a small concern is one which qualifies under § 121.3–10 (loan size standard).

This rule makes a change in the financial measures used in establishing small business size by deleting the assets size test. Further, this rule increases the net worth test to $6.0 million and increases the net income test to $2.0 million. The alternative of using Section 121.3–10 is not changed.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Werner, (202) 653–6672.

SUPPLEMENTARY INFORMATION:

Deletion of Assets Size as a Measure. Using a uniform assets size test for all industries is not appropriate due to the considerable technological contrasts between industries.

The two more commonly used measures of inter-industry technological differences are the ratio of capital to production worker and the ratio of capital to output. Capital for this purpose is considered tangible assets used in the production of output without regard to the financing of such assets. Seldom do industries have identical technologies and thus seldom does the absolute level of assets tell much about relative size. In short, a firm with $25.0 million in assets in one industry could be small while one of the same assets size in another industry could be large.

It is for this reason that the rule deletes the assets test as a measure of size for the purpose of assistance by small business investment companies or development companies.

Increase in Net Worth Standard

Inflation has considerably eroded the value of the dollar since August 1975 when the SBIC size standards were last adjusted. The price deflator for Nonresidential Fixed Investment as it appears in the Gross National Product accounts shows that prices for that sector have increased 2.2 times (through 1978) since the inception of the SBIC program. This multiplier applied to the program's original net worth size standard produces a price adjusted net worth standard of $5.5 million through 1978.

This rule increases the net worth standard to $6.0 million to adjust for inflation through the end of 1978 and forward through the end of 1979.

Increase in Net Income Standard

Recent studies and Congressional hearings indicate that after-tax earnings of over $2.0 million is a minimum level to consider for public offerings of a firm's securities, all other conditions being ideal.

There is a substantial gap between the net income size standard of $400,000 and the $2.0 minimum public offering level and this rule provides standards to fill that gap.

The increased size standard shall also be applicable to the definition of small business for the purpose of SBA pollution control guarantee assistance financings under 13 CFR Part 111, Pollution Control (which utilizes the same size standards by reference under Section 121.3–16).

All public comments which were received on the proposed amendment (44 FR 36195) were favorable, and indicated the amendment would aid additional small firms having difficulty obtaining necessary financing.

Accordingly, pursuant to Sections 3 and 5(b)(6) of the Small Business Act (15 U.S.C. 632, 634), the Small Business Administration amends Part 121 of its Regulations (13 CFR Part 121) by amending § 121.3–11 to read as follows:

§ 121.3–11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is one which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have net worth in excess of $6 million, and does not have an average net income, after Federal income taxes, for the preceding 2 years in excess of $2 million (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3–10.

Dated: September 21, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-30112 Filed 9-27-79; 8:45 am]

BILLING CODE 8025-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Aluminized Polyester Film Kites; Banning as Hazardous Article

AGENCY: Consumer Product Safety Commission.

ACTION: Final regulation.

SUMMARY: The Commission is issuing a regulation banning aluminized polyester film kites because such kites are capable of conducting electricity and are susceptible to contact with high voltage electric power lines. This regulation is intended to reduce the risk of serious injury or death by electric shock created when an aluminized polyester film kite contacts a power line and conducts an electric current through the aluminized surface of a kite or its tail to a person in contact with the kite or its tail; and the risk of injury to persons in the vicinity of electric power lines which could break and fall as a result of an electric arc caused by the kites.

EFFECTIVE DATE: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: David Thome, Division of Regulatory Management, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6400.

SUPPLEMENTARY INFORMATION:

Background and Proposal

In the **Federal Register** of January 26, 1979 (44 FR 5459), the Consumer Product Safety Commission proposed for public

comment a regulation (16 CFR 1500.18(c)(1)) declaring as banned hazardous articles aluminized polyester film kites. The regulation was proposed in order to eliminate the risk of serious injury or death by electric shock created when an aluminized polyester film kite contacts a high voltage electric power line.

The Commission proposed the banning regulation pursuant to section 2(f)(1)(D) of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261(f)(1)(D)). Section 2(f)(1)(d) provides for the classification of any toy or other article intended for use by children as a hazardous substance if the Commission determines that the article presents an "electrical hazard". Under section 2(r), an article presents an "electrical hazard" if "in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electric shock." Under section 2(q)(1)(A), any toy or other article intended for use by children which is a hazardous substance is, by operation of the statute, a banned hazardous substance.

In proposing the ban, the Commission found that aluminized polyester film kites are an excellent conductor of electricity. The kites are capable of transmitting approximately 52 to 66 milliamperes of current at ordinary household voltage (120 VAC), when measured in accordance with the American National Standard for Leakage Current for Appliances (ANSI C 101.1–1973). If an aluminized polyester film kite and/or tail were entangled across a live 12,000 volt line and a line which would act as a ground, an arc or ionized path could be created through which a significantly greater amount of current can flow than would be expected from the thin layer of aluminum coating on the kite. Test data which the Commission has reviewed reveals that as much as 100 amperes (100,000 milliamperes) can pass through such an arc.

When an electrically conductive aluminized kite, tail or string comes in contact with a high voltage power line, bodily contact with the kite, tail, or string can result in serious injury ranging from tissue burns to respiratory paralysis, ventricular fibrillation, and death. Ventricular fibrillation, a condition in which the heart pulsates irregularly and stops pumping blood, may cause death if not defibrillated within three minutes. A lethal shock can occur as a result of exposure to 100 milliamperes of electric current for one second.

The Commission found that aluminized polyester film kites are susceptible to becoming entangled in electric power lines in such a way as to conduct electricity from one power line to another.

The Commission has determined that kites are articles intended for use by children, and as such fall within the scope of the FHSA. This finding is based on the retail price of the kites—between $7.95 and $12.95—which does not preclude their purchase by children, or by others as gifts for children; the design of the kites, and the level of skill required to use them, which does not preclude their use by children; and the marketing pattern and instructions accompanying the kites, which specify that the kites are intended "for all ages".

The proposed ban applies to any kite or component constructed of or containing a piece of aluminized polyester film measuring 10 inches or more in any dimension. Such a kite was found to be susceptible to becoming entangled in high voltage electric power lines. The specification of a 10 inch dimension is intended to provide a safety margin in view of the American National Standards Institute standard for electric power lines (ANSI C2), which allows a minimum horizontal clearance of 12 inches between power lines with potential difference not exceeding 8700 volts.

Comments on the Proposal

The proposal of January 26, 1979 invited interested persons to submit written comments on or before March 27, 1979. A total of 14 comments were received: six from interested consumers, four from public utility companies, one from a representative of a public interest research group, one from a manufacturer of kites and two from engineering consultants. The issues raised by the commenters and the Commission's responses are as follows.

Four interested consumers, the representative of the public interest research group and the public utility companies expressed support for the banning regulation. A public utility company related an incident where an aluminized kite had become entangled in power lines. One company stated that it had sponsored several televised comprehensive consumer safety education programs in its area which described safety tips for flying kites. Notwithstanding these televised consumer education programs, aluminized polyester film kites remain readily available in area stores according to this company.

One of the public utility companies supports a broadening of the proposed ban to include all kites composed of or containing any metal material. This portion of the comment is addressed in more detail below.

Two interested consumers oppose the banning regulation because they believe the proposal represents excessive government regulation.

As set forth above, the Commission found that the kites that are the subject of the proposed ban present an electrical hazard. The aluminum surface of the kite does not add to the flying capability of the kite but merely adds to its aesthetic value. Given the nature and severity of the risk of electric shock and the absence of a benefit sufficient in the Commission's view to justify the risk, the Commission believes that a ban as proposed is reasonable and consistent with its statutory duty to protect consumers.

The comment from the manufacturer of kites acknowledges that aluminized polyester film kites may present a safety problem, but states the manufacturer's belief that the potential problems presented are not serious enough to warrant governmental action. The commenter contends that very few of these kites are presently being manufactured and that he is unaware of any injuries caused by polyester film kites. The manufacturer believes, therefore, that a ban with recall and repurchase is unnecessary.

As set forth above, the Commission has concluded that aluminized polyester kites present an electrical hazard and should be banned. While the Commission agrees with the commenter that the number of aluminized polyester film kites manufactured over the past several years is small, and further, that the life usage of such kites is short, these factors, in the Commission's view, do not weigh against issuance of the ban. Rather, the factors indicate that a ban of the kites, including a requirement for repurchase, would not be burdensome. Moreover, regardless of the number of aluminized polyester film kites currently being manufactured, the ban would prevent the future manufacture and sale of the kites.

In response to the commenter's statement that he is unaware of any injuries caused by aluminized polyester film kites, the Commission acknowledges that it has no documented reports of injuries involving the subject kites. However, the record includes several reports of incidents involving the kites and high voltage electric power lines, including the following:

In early April 1975 at Herman Street, San Francisco, California, an aluminized polyester film kite and tail caused two 12,000 volt conductors to break and fall

on a car. The live conductors burned a hole in the right rear of the seat and burn marks were found on the tires and wheels.

On April 15, 1975, near Jackson and Broderick Streets, San Francisco, California, an aluminized polyester film kite and tail, apparently having severed its string, crossed three high voltage conductors causing them to break and fall resulting in a power surge into nearby residences, blowing a fuse box off the wall, exploding an electric meter and light fixture, and burning out a refrigerator compressor. In addition, an additional incident is reported in the comments on the proposal received from a public utility company.

These incidents and the engineering and medical judgment of the Commission's staff leads the Commission to conclude that a real risk of serious injury or death, particularly to children, is presented by the continued manufacture and sale of the kites, and the possibility of future manufacture and sale.

In response to the commenter's suggestion that warning labels would provide sufficient protection against the hazard presented by the kites, the Commission points out that the kites have been found to present an electrical hazard, and as such are "banned hazardous substances." Under the FHSA (section 2(q)(1)(A)(i)), the Commission may exempt articles from classification as a banned hazardous substance if, by reason of their functional purpose, the article necessarily presents an electrical, mechanical or thermal hazard and bears a label giving adequate directions and warnings for safe use. However, in the present situation, the Commission has found that the aluminized polyester film does not add to the flying capability of the kite but merely adds to its aesthetic value. Therefore, aluminized polyester film kites are not eligible for the exemption in section 2(q)(1)(A)(i). Further, kites, particularly as flown by children, can become essentially uncontrollable and are subject to accidental entanglement in power lines, thus rendering warning labels or instructions ineffective. For these reasons, the Commission does not believe labeling is an appropriate alternative to a ban.

The commenter challenges the Commission's statement that "kites are generally recognized as articles intended for use by children and are widely used by children." He supports this challenge by stating that the American Kitefliers Association is an adult organization. Furthermore, according to the commenter, when children fly kites they are generally accompanied by their parents or other adults.

The Commission, in proposing the ban, found that kites are articles intended for use by children. As discussed above, the retail price of the kites, their design and the level of skill required to use them, and the marketing pattern and instructions accompanying the kites indicate that children have access to the kites and are likely to use them. The fact that children may be accompanied by adults when flying kites does not affect this finding.

The commenter suggests the Commission work with the American Kitefliers Association to develop a voluntary standard. He further believes that overhead wiring should be eliminated since kites are non-electrical devices and it is the electric wires that present the problems. He also feels that scientific, research and other serious kite usage should not be banned "because kites are sometimes flown by children". The commenter cites, for example, the utility of electrically conductive kites as emergency locators for people in distress.

The Commission's proposal is not intended to address those kites which are used by adults for scientific research and other serious purposes. None of these kites, including those used as emergency locators, are intended for use by children; therefore, they are beyond the scope of the ban. The elimination or regulation of overhead electrical wiring is beyond the authority of the Commission and may not be considered as an alternative to banning the kites.

The comments from the two engineering consultants address the scope of the ban and a number of technical aspects of the ban.

One of these commenters suggests that the proposed ban should address kites made of electrically conductive materials other than polyester film and that conductivity should be defined by some measurable parameter, such as insulation resistance or leakage current.

In developing the proposed ban, the Commission's staff conducted a survey of the market place which revealed no information indicating that any other electrically conductive film was currently being used in kites. Since the record demonstrates that aluminized polyester film is electrically conductive, it does not appear necessary to define the degree of conductivity by technical criteria or test method. The Commission did not include within the scope of the ban kites constructed of aluminum tubing and gas filled balloons made of aluminized polyester film, because the Commission has limited knowledge and no complaint or incident data concerning these articles. Moreover, such a ban would have more significant economic effects than the proposal presently under consideration and is not warranted on the basis of existing information. Accordingly, the Commission decided to restrict the ban to aluminized polyester film kites as defined in the proposal.

One of the engineering consultant commenters addressed the scope of the definition of the kites proposed to be banned as it relates to certain aspects of electrical power transmission and the effect of electric current on the human body. The commenter expressed concern about the dimensions of the kites. While recognizing that the American National Standards Institute standard for electric power lines (ANSI C2 1977) allows a minimum horizontal clearance of 12 inches between power lines with potential difference not exceeding 8700 volts, the commenter points out that a 10 inch by 10 inch piece of aluminized polyester film has a diagonal dimension of approximately 14.14 inches, thereby enhancing the possibility of contact between power lines separated by 12 inches.

The Commission's proposal would ban any kite 10 inches or greater in *any dimension* (emphasis added) constructed of aluminized polyester film or any kite having a tail or other component consisting of a piece of aluminized polyester 10 inches or greater *in any dimension* (emphasis added). Thus, a kite which has a diagonal dimension of more than 10 inches would be banned.

The commenter states that electrical current exceeding 5 milliamperes is considered potentially dangerous. He also states that while a lethal shock can occur as a result of exposure to 100 milliamperes, this is a median figure for the general population. A few percent of the population will experience ventricular fibrillation for hand-foot current flows in the range of 52–66 milliamperes, depending on the physical condition of the individual. He further notes that many kite string electic shock accidents involve bystanders.

The Commission appreciates the information provided by the commenter. The Commission found that the subject kites were capable of transmitting approximately 52 to 66 milliamperes of current at ordinary household voltage of 115 to 120 volts through an impedance of approximately 1500 ohms, representing the resistance of the human body. Accordingly, the Commission proposed a ban of the kites on the basis that they present an electrical hazard when

exposed to high voltage electric power lines.

A kite string which is composed of an electrically conductive material also presents a dangerous situation. Regardless of the composition or size of the body of the kite, the Commission believes such string should not be used as kite string.

The commenter points out that many electrical power transmission, distribution, and service facilities exist throughout the United States which were constructed prior to the ANSI C2 standard. In particular, he states that the clearance between uninsulated service conductors can be as little as 3 inches, and the horizontal separation requirements between two wires is less than 12 inches under bridges and in railway feeders. The commenter therefore questions whether the provision in the proposed ban specifying a maximum dimension of 10 inches is adequate to protect against the electrical hazard.

The Commission recognizes that standards prior to ANSI C2 permitted a clearance of as little as three inches between uninsulated secondary distribution wires. However, the voltage of 120v or 240v in these lines is not high enough to pose the risk of arcing and breakage of power lines possible at 8000 to 12,000 volts, which is one of the hazards the ban is intended to prevent. (The other hazard the ban is intended to prevent is contact between a user or retriever of a kite and a power line, a hazard addressed by limiting the size of the kite or tail to 10 inches.) As to the existence of requirements for horizontal separation of less than 12 inches for wires under bridges and in railway feeders, the Commission believes that there are relatively few such locations accessible to kite flyers and little likelihood of a kite becoming entangled in electrical wires in these locations.

The commenter states that the minimum distance between aluminized pieces is also important and must be specified. He feels that a minimum spacing of ½ inch should be employed between aluminized pieces of kite material.

Although the Commission appreciates the commenter's concern, it has no information which indicates that kites have been constructed with individual aluminized pieces such as described by the commenter. Nor does the Commission believe that a kite manufacturer could obtain polyester film composed of such individual aluminized pieces in order to construct a kite that would circumvent the regulation.

The commenter states that a large kite containing a "considerable surface area" of aluminized polyester film might conceivably become entangled in overhead wires in such a manner that much of the conductive material will overlap forming a continuous conductor. To guard against this, individual pieces of the conductive material should be restricted to dimensions less than one inch.

The proposed ban applies to any kite having a component consisting of aluminized polyester film 10 inches or greater in dimension. As discussed above, the Commission has no information which indicates that aluminized polyester film has been used in a manner which would make the occurrence of overlapping of individual pieces of aluminized material likely.

Economic Considerations

An assessment has been made of the ban's economic impact. In conducting the economic assessment, the Commission has been unable to identify any firms which still manufacture the long-tailed "dragon" kites which are one of the types of kites subject to the ban. It is estimated that fewer than one percent of other kites manufactured in the past two years would be subject to the ban.

In addition to prohibiting manufacture, distribution, or sale of aluminized polyester film kites, the banning regulation set forth below will require the repurchase of banned kites, in accordance with section 15 of the FHSA (15 U.S.C. 1274) and Commission regulations published at 16 CFR 1500.202 and 1500.203.

The repurchase requirement will have the effect of requiring the recall of any banned kites which have previously been manufactured or distributed. The cost of such recall could be significant for a small number of firms. However, the Commission noted in the proposed ban several factors which will be likely to minimize these costs. Given the relatively short usable life of an aluminized polyester film kite, the Commission concluded that there may be very few previously sold kites still in consumers' hands and subject to recall. Furthermore, several of the firms which previously manufactured these kites have conducted a recall and very few kites were returned by consumers. The Commission received no comments on the assessment of the economic impact of the proposed ban.

Environmental Considerations

The Commission has determined that there are no significant environmental effects associated with this ban. Therefore, an environmental impact statement is unnecessary. A copy of the environmental assessment is on file and can be inspected in the Commission's Office of the Secretary at the above address.

Effective Date

The effective date of this banning regulation for aluminized polyester film kites is October 29, 1979. No kite meeting the definition set forth § 1500.18(c)(1) below may be introduced or delivered for introduction into, or received in, interstate commerce after the above-referenced effective date. In addition, after the effective date, the ban will be applicable to all kites meeting the definition in distribution channels or consumers' hands regardless of when manufactured or introduced into interstate commerce. Pursuant to section 15 of the FHSA (15 U.S.C. 1274) any such kite is subject to repurchase under 16 CFR 1500.202 and 1500.203.

Conclusion

Under the Federal Hazardous Substances Act (FHSA) the term "hazardous substance" includes any toy or article intended for use by children that the Commission determines by regulation presents an electrical hazard (sec. 2(f)(1)(D), 15 U.S.C. 1261(f)(1)(D)). Section 2(q)(1)(A) of the FHSA provides that such toy or article is also a banned hazardous substance.

"Electrical hazard" is defined by section 2(r) of the act, which reads "an article may be determined to present an electrical hazard if in normal use or when subjected to reasonably foreseeable damage or abuse its design or manufature may cause personal injury or illness by electrical shock" (15 U.S.C. 1261(r)).

Based on information available to the Commission, the Commission has determined that certain aluminized polyester film kites, because of electrical hazards associated with their design (specifically their size and electrical conductivity) present a risk of personal injury from electric shock as a result of their ability to conduct electricity and to become entangled in or otherwise contact high voltage electric power lines. The Commission believes that the potential for serious personal injury presented by such kites outweighs the potential economic impact that would result from a ban. Consequently, the Commission believes such kits should be banned from interstate commerce.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (Sec. 2(f)(1)(D), (q)(1)(A), (r), 3(e)(1), 74 Stat. 1304–05, 83 Stat. 187–189, 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer

Product Safety Act (sec. 30(a), 86 Stat. 1231, 15 U.S.C. 2079(a)), the Commission amends Title 16, Chapter II, Subchapter C of the Code of Federal Regulations by adding a new paragraph (c)(1) to § 1500.18 as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

§ 1500.18 Banned toys and other banned articles intended for use by children.

* * * * *

(c) *Toys and other articles (not electrically operated) presenting electric hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children (not electrically operated) present an electrical hazard within the meaning of section 2(r) of the act.

(1) Any kite 10 inches or greater in any dimension constructed of aluminized polyester film or any kite having a tail or other component consisting of a piece of aluminized polyester film 10 inches or greater in any dimension presents an electrical hazard and is a banned hazardous substance because its design (specifically its size and electrical conductivity) presents a risk of personal injury from electric shock due to its ability to conduct electricity and to become entangled in or otherwise contact high voltage electric power lines.

(15 U.S.C. 1261(f)(1)(D), (q)(1)(A), (r); 15 U.S.C. 1262(e)(1); 15 U.S.C. 2079(a)).

Dated: September 24, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-30158 Filed 9-27-79; 8:45 am]

BILLING CODE 6355-01-M

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16 CFR Part 1700

Exemption From Child-Resistant Packaging Standards of Certain Erythromycin Ethylsuccinate Tablets

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission issues a final amendment under the Poison Prevention Packaging Act of 1970 (PPPA) to exempt from child-resistant packaging erythromycin ethylsuccinate tablets in packages containing no more than 16 grams, total dosage, of the drug. The Commission's decision to grant an exemption is based on toxicity and injury data indicating a low risk of injury associated with accidental ingestion of the drug in the amount requested for exemption by the petitioner.

EFFECTIVE DATE: This amendment is effective September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Sandra Eberle, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 492-6400.

SUPPLEMENTARY INFORMATION:

Background

Regulations issued under the Poison Prevention Packaging Act of 1970 (PPPA) (15 U.S.C. 1471-1476) establish child-protection packaging requirements for human oral prescription drugs in order to protect children from serious personal injury or illness resulting from handling, using, or ingesting these substances.

On January 31, 1979, the Commission proposed an exemption to these child-resistant packaging regulations (44 FR 6344) for erythromycin ethylsuccinate in tablet form, each tablet containing no more than the equivalent of 200 mg erythromycin dispensed in packages of no more than 80 tablets (16 grams total dosage). The Commission took this action in response to a petition from Abbott Laboratories and its subsidiary Ross Laboratories. (PP 78-2).

Erythromycin ethylsuccinate is an antibiotic, most often used in the treament of skin and upper respiratory tract infections, or as a substitute to treat persons allergic to penicillin. Symptoms produced by overdosage include nausea, vomiting, diarrhea, and abdominal cramps. While these gastrointestinal disturbances cause discomfort, they are rarely severe. As currently marketed by Abbott and Ross Laboratories, erythromycin ethylsuccinate is packaged in cartons containing 50 tablets on a cardboard strip with a foil-polyester backing and a vinyl blister covering each tablet. An exemption will allow Abbott (and any other company with a similar product) to eliminate the polyester from the backing, making the individual packages somewhat easier to open.

The Commission proposed the exemption, in part, because of the lack of any significant adverse human experience since 1962, when erythromycin ethylsuccinate was introduced. A Commission staff survey of various sources (including the Department of Health, Education and Welfare National Clearinghouse for Poison Control Centers, the National Electronic Injury Surveillance System, and Poison Control Center Contract Data) reveals that out of 234 reported ingestions by children under five of the substance between 1975 and April, 1979, two resulted in hospitalization. The normal symptoms from overdosage of this substance, gastric upset, diarrhea, and vomiting, generally are not considered to be serious injuries.

The Commission also based its decision on evidence showing that erythromycin ethylsuccinate has very low toxicity, and that ingestion of even an entire 16 gram (80 tablet) prescription would not be harmful. The data presented by the petitioner indicates that the extrapolated oral median lethal dose (LD 50) for 10 kg children is from 300 to 500 tablets. (Analysis of other experimental data and available pharmacological information, both animal and human, indicates that the oral toxicity of this product is such that this extrapolation may be considered to approximate the anticipated toxicological effect in humans.) Based on this information, a 16 gram prescription, even if entirely ingested at one sitting by a child, would result in substantially less than a toxic dose. Further, it is unlikely a child could gain access to larger quantities, because prescriptions larger than 16 grams remain subject to child-resistant packaging requirements.

Response to Comments

The Commission received one comment, from the American Society of Hospital Pharmacists, in response to the proposed exemption. The commenter noted its support for this exemption because the data indicate that there is a minimal danger of toxicity to children who might ingest the substance. The commenter, however, repeated its recommendation from past comments on other exemptions that exemptions from the PPPA should go beyond the petitioner's request and be based on a determination of the maximum quantity of a drug which can be ingested by a child without significant effect.

In response, the Commission notes that it would be an inefficient use of the agency's limited resources to attempt to set exemption levels beyond those requested by a petitioner. This is particularly true where, as with erythromycin ethylsuccinate, there is no apparent need for an exemption level higher than that requested. Furthermore, any attempt to set a maximum allowable level would be difficult because there is no established method of determining such maximum levels with any reasonable degree of certainty. For example, while median lethal dose data (LD 50) may be used to

approximate a range of doses that could be considered fatal, such data do not provide information on how much of a drug may be ingested with impunity.

It should be noted, however, that while the proposal specified the tablet size and number of tablets for exemption, the final version, below, simply exempts erythromycin ethylsuccinate tablets in packages containing no more than the equivalent of 16 grams of erythromycin. The Commission points out that this exemption is premised on the toxicity of up to 16 grams of erythromycin and is not dependent on tablet size. Therefore, the Commission believes that elimination of the tablet size and number of tablets requirements from the final version of the exemption is appropriate. The final exemption will allow regular packaging for 200 mg or other size tablets in packages containing up to the equivalent of 16 grams of erythromycin.

Comments from FDA and the Technical Advisory Committee on Poison Prevention Packaging

The Commission solicited the opinion of the Food and Drug Administration (FDA) on the exemption request. Based on the low acute oral toxicity of the drug, FDA concluded that the exemption should be granted.

The Commission also received recommendations from ten members of the Technical Advisory Committee on Poison Prevention Packaging. Seven of the ten favored granting an exemption. Three others recommended denial for various reasons. One reason was the possibility of allergic and drug reactions. The Commission notes that erythromycin has relatively low allergenicity and in fact, may be used as a substitute for persons allergic to penicillin. The other reasons cited for denial were (a) the lack of evidence that the easier-to-open blister packaging would sufficiently deter children; and (b) that the amount of erythromycin available (16 grams) was considered to be too high. The Committee members who recommended granting the exemption cited the relative low toxicity of the drug and its safety record.

Finding

Having considered the petition and the comments on the proposal, human experience data from the National Clearinghouse for Poison Control Centers and the Commission's own resources, as well as medical and scientific literature and having consulted, pursuant to section 3 of the PPPA with the Technical Advisory Committee on Poison Prevention Packaging established under section 6 of the act, the Commission finds that erythromycin ethylsuccinate tablets, in packages containing no more than the equivalent of 16 grams of erythromycin do not pose a risk of serious personal illness or injury to children.

Effective Date

Since this rule grants an exemption, the delayed effective date provisions of the Administrative Procedure Act are inapplicable (5 U.S.C. 553(d)(1)). Accordingly, this exemption becomes effective on September 28, 1979.

Environmental Considerations

The Commission's interim rules for carrying out its responsibilities under the National Environmental Policy Act (see 16 CFR Part 1021; 42 FR 25494) provide that exemptions to an existing standard that do not alter the principal purpose or effect of the standard normally have no potential for affecting the environment and environmental review of exemptions from such regulations is, therefore, generally not required (§ 1021.5(b)(1)). The rules also state that environmental review of rules requiring poison prevention packaging is generally not required (§ 1021.5(b)(3)).

With respect to this exemption of erythromycin ethylsuccinate from poison prevention packaging, the Commission finds that the rule will have no significant effect on the human environment and that no environmental review is necessary.

Conclusion and Promulgation

Having considered the petition, the comment on the proposal, and other relevant material, the Commission concludes that the final rule should be adopted as set forth below.

Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91–601, sections 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472–1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, section 30(a), 86 Stat. 1231, 12 U.S.C. 2079(a)), the Commission amends 16 CFR 1700.14 by adding a new paragraph (a)(10)(xvi) as follows (the introductory portion of paragraph (a)(10), although unchanged, is included for context):

§1700.14 Substances requiring special packaging.

(a) * * *

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except for the following:

* * * * *

(xvi) Erythromycin ethylsuccinate tablets in packages containing no more than the equivalent of 16 grams erythromycin.

* * * * *

(Pub. L. 91–601, secs. 2(4), 3, Stat. 1670–72 (15 U.S.C. 1471(4)), 1472, 1474; Pub. L. 92–573, sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)))

Effective date: September 28, 1979.

Dated: September 24, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79–30155 Filed 9–27–79; 8:45 am]

BILLING CODE 6355–01–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 31

Temporary Moratorium Regarding Leverage Transactions on Commodities Other Than Gold and Silver Bullion or Bulk Coins

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission has adopted Rule 31.2, imposing a temporary moratorium on persons entering the business of offering and selling to the public standardized contracts for delivery of any commodity (other than gold and silver bullion and bulk coins) commonly known to the trade as margin accounts, margin contracts, leverage accounts or leverage contracts. The rule also covers any contracts, accounts, arrangements, schemes, or devices that serve the same function or functions or are marketed or managed in substantially the same manner as such standardized contracts. The moratorium will remain in effect only until such time as the Commission determines whether leverage transactions on these commodities are contracts for future delivery within the meaning of the Commodity Exchange Act and should be regulated accordingly, or are not contracts for future delivery and the Commission adopts appropriate registration, financial, recordkeeping, disclosure or other regulations as necessary in order to provide adequate customer protection.

The moratorium rule does not affect firms engaged in a leverage transaction

business involving commodities other than gold and silver bullion or bulk coins on February 2, 1979. In addition, the rule provides that the Commission may, in its discretion, grant exemptions from the moratorium to any person who is able to demonstrate (1) that he had invested substantial resources in the development of a leverage transaction business on commodities other than gold and silver bullion or bulk coins, prior to February 2, 1979, (2) that his business will be conducted in a manner that may reasonably be expected to ensure the financial solvency of the transactions to be offered and to prevent manipulation or fraud and (3) that the manner in which the business will be conducted will present no substantial risk to the public and will otherwise be consistent with the public interest.

EFFECTIVE DATE OF RULE: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: John P. Connolly, Office of the General Counsel, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–5608.

SUPPLEMENTARY INFORMATION: On February 2, 1979, the Commission published a proposed rule that would prohibit persons from engaging in the business of offering and selling to the public standardized contracts for delivery of any commodity (other than gold and silver bullion and bulk coins) commonly known to the trade as margin accounts, margin contracts, leverage accounts, or leverage contracts. As proposed, the rule would also cover any contracts, accounts, arrangements, schemes, or devices that serve the same function or functions or are marketed or managed in substantially the same manner as such standardized contracts. The Commission also indicated in its proposed rule that pending completion of its rulemaking proceeding on the proposed prohibition, the Commission might determine to impose a temporary moratorium on entry into this area of the leverage transaction business. The Commission also announced its intention to establish a procedure whereby a person might be granted an exemption from any prohibition or suspension that might be imposed. [1]

In its notice of proposed rulemaking, the Commission noted its jurisdiction and regulatory authority over leverage transactions under Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2 (1976), and Section 217 of the Commodity Futures Trading Commission Act of 1974, 7 U.S.C. 15a (1976). The Futures Trading Act of 1978, Pub. L. 95–405, 92 Stat. 865, *et seq.*, added a new Section 19 to the Commodity Exchange Act, which greatly expands the Commission's authority over leverage transactions to encompass all commodities. That new legislation also grants the Commission exclusive jurisdiction over these transactions. [2]

New Section 19 of the Commodity Exchange Act prohibits leverage transactions involving those commodities (essentially domestic agricultural commodities) that were specifically enumerated in Section 2(a) of the Act prior to 1974, [3] incorporates the substantive provisions concerning gold and silver leverage transactions previously embodied in Section 217 of the Commodity Futures Trading Commission Act of 1974, and empowers the Commission either to prohibit or regulate leverage transactions involving all other commodities under terms and conditions that the Commission shall initially prescribe by October 1, 1979. In addition, Section 19 broadens the Commission's jurisdiction over leverage transactions to include not only a standardized contract commonly known to the trade as a margin account, margin contract, leverage account or leverage contract, but also any contract, account, arrangement, scheme or device that serves the same function or functions, or is marketed or managed in substantially the same manner, as such a standardized contract. Finally, Section 19 provides that if the Commission determines any leverage transaction in gold, silver or any other commodity to be a contract for future delivery, within the meaning of the Act, such transaction shall be regulated as such. [4]

The Commission's notice of proposed rulemaking contained a statutory and legislative analysis of its new authority under new Section 19 of the Commodity Exchange Act. Specifically, the Commission indicated that it had examined carefully the highly speculative nature of leverage transactions in commodities other than gold and silver, studied the legislative history of Section 19 and reviewed its experience with the marketing in the United States of off-exchange instruments. The Commission also made clear that the public interest considerations it would apply under Section 19 would include an analysis both of the economic purpose served by leverage transactions and whether these transactions presented an unnecessary risk to the public. The Commission requested comment on whether these leverage transactions had the characteristics of contracts for future delivery. The Commission further specifically requested from those persons currently involved in the business of marketing these leverage contracts to the public information concerning their activities, those commodities on which leverage transactions were being offered to the public and the economic purpose served by their enterprises. Little information or data was received.

Accordingly, the Commission has determined that in the absence of any substantial evidence of economic purpose served by this class of leverage transactions, there appears no reason to permit the entry into an activity in which the potential for customer abuses is so great without rigorous controls. Nor does there appear any reason for the Commission to adopt a comprehensive regulatory program for the few firms that appear to be engaged in this business. However, the Commission has not at this time received sufficient data and evidence which, in its judgment, would justify the permanent prohibition of this area of the leverage transaction business. Thus, on the basis of the information it now possesses, the Commission has determined to impose a temporary moratorium on entry into the leverage transaction field involving commodities other than gold and silver bullion or bulk coins. This rule would apply to all persons other than those engaged in the business prior to

[1] The Commission indicated in its proposed rule (44 FR 6737, 6740, February 2, 1979) that it considered the record developed in connection with its earlier proceeding pertaining to Rule 31.1, which established a moratorium on the entry into the business of offering and selling leverage contracts involving the delivery of silver bullion, gold bullion, bulk silver coins and bulk gold coins (43 FR 56885, December 5, 1978), to be a part of the record upon which it would consider the present rule.

[2] See Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2, as amended by Pub. L. 95–405, sections 2, 23, 92 Stat. 865, 876–877.

[3] The commodities specifically enumerated in Section 2(a) of the Act prior to 1974 are: Wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, millfeeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wooltops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice.

[4] In response to these legislative developments, on November 30, 1978, the Commission adopted Rule 31.1, which imposed a moratorium, effective January, 4, 1979, on the entry of new firms into the gold and silver leverage transaction field (43 FR 56885–56887, December 5, 1978). That rule does not affect firms engaged in a gold or silver leverage transaction business on June 1, 1978. In addition, the rule provides that the Commission may, in its discretion, grant applications for exemption from the moratorium. Thereafter, on December 11, 1978, the Commission adopted an expanded version of its antifraud rule, 17 CFR § 31.03, previously applicable only to gold and silver leverage transactions to cover fraudulent conduct in connection with leverage transactions involving all commodities. (43 FR 58554, December 15, 1978).

February 2, 1979 (the date the Commission's rule proposal was published in the **Federal Register**) and will become effective 30 days after publication.

In its proposal the Commission summarized its experience concerning the offer and sale of leverage contracts in the United States. That experience included the in-depth survey of firms then known to be marketing leverage transactions conducted by the Commission's Division of Enforcement.[5] Additional investigation by the Division of Enforcement identified approximately 73 firms that were selling off-exchange instruments, some of which appeared to be leverage contracts. The initial survey and other Enforcement Division inquiries indicated that several commodities other than gold and silver were being sold on a leverage basis, including copper, platinum, and diamonds and other precious gems.[6] Customer complaints and preliminary investigations conducted by the Commission's staff indicate a likelihood that high-pressure "boiler-room" sales techniques, including cold-canvass telephone calls and misrepresentations, are being employed to sell off-exchange instruments including some leverage transactions in commodities other than gold and silver. These are the same kinds of fraudulent and abusive practices which characterized the sale of London commodity options. It also appears that entry of some persons into the leverage transaction business coincided with the June 1, 1978, effective date of the Commission's suspension of the offer and sale of commodity options in the United States. 17 CFR 32.11 (1978).

In March, 1979, the Commission proposed to adopt the analysis of its Office of General Counsel pertaining to gold and silver leverage transactions which were the subject of Section 217 of the Commodity Futures Trading Commission Act of 1974, now recodified as part of Section 19 of the Commodity Exchange Act. 44 FR 13494–13501, March 12, 1979. As noted above, under that section if the Commission determines that any of the transactions are contracts for future delivery within the meaning of the Commodity Exchange Act, those transactions are required to be regulated as such. Thus, under Sections 4 and 4h of the Commodity Exchange Act, 7 U.S.C. 6, 6h, it would be unlawful to effect these transactions other than on or through a designated contract market.

On July 10, 1979, following the receipt and analysis of public comments on its proposal, the Commission announced its intention to determine, effective January 1, 1980, that leverage transactions for the delivery of gold and silver bullion or bulk coins of the type being offered to the public are, in fact, contracts for future delivery within the meaning of the Commodity Exchange Act. 44 FR 44177, July 27, 1979. In recognition of the interest expressed by its Congressional oversight committees regarding the Commission's determination that these leverage transactions are contracts for future delivery, the Commission has also informed those committees of the Commission's intentions. See, S. Rep. No. 1239, 95th Cong., 2d Sess. 28 (1978), the Conference Report on S. 2391, The Futures Trading Act of 1978. In the absence of a statutory change, the Commission expects to take final action on its determination sometime before the proposed effective date of January 1, 1980.

On July 5, 1979, the Commission's Enforcement Division provided the Commission with an update of its April 19, 1978, survey of leverage trading. The Enforcement Division's study focused on nine leverage transaction dealers. That study, as well as the initial survey, indicated that leverage transactions involving commodities other than gold and silver have similar characteristics to the gold and silver transactions that were the subject of the memorandum of the Commission's Office of General Counsel.

The Commission intends to review the moratorium on leverage transactions on commodities other than gold and silver or bulk coins as well as to review any petitions received for exemption from the moratorium. By this method, the Commission hopes to obtain additional data on the nature of these transactions in order to develop a permanent regulatory program if warranted. In considering any petitions for exemption that may be submitted, the Commission will examine carefully the characteristics and nature of the instrument which is the subject of the petition. Should the Commission determine that an instrument is, in fact, a contract for future delivery within the meaning of the Commodity Exchange Act, then it would be unlawful to effect such transactions except through a designated contract market.[7]

Eight written comments on the proposed rule were received.[8] Three of those comments from state attorneys general and one from a securities division of a secretary of state were favorable to either a temporary suspension of prohibition.[9] Two leverage transaction firms submitted a joint petition for rulemaking pursuant to Commission Rule 31.2, as an alternative to the Commission's proposed prohibition or temporary suspension.[10]

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[5] The Division of Enforcement survey, among other things, identified the principal characteristics of the leverage transactions then being marketed. Based on the survey findings, the Commission's Division of Economics and Education, in a May 8, 1978, memorandum to the Commission, concluded that the leverage transactions then being offered by the firms that were the subject of the Enforcement Division's survey were essentially contracts for future delivery.

[6] See letter and exhibits of September 8, 1978, from former Vice-Chairman Seevers to Senator Talmadge, copies of which are available for public inspection at the Commission's Washington, D.C., headquarters.

[7] In this connection, the Office of General Counsel's memorandum pertaining to leverage transactions on gold and silver or bulk coins specifically noted that the analysis contained in that memorandum applies to instruments other than gold and silver leverage transactions.

[8] One commentator asserted that precious gems did not fall within the definition of a commodity contained within Section 2(a)(1) of the Act and suggested that the Commission eliminate in its final action any suggestion that precious gems are commodities. In this connection, however, the Senate Committee Report accompanying S. 2391 made clear that the Commission would have the "authority to regulate or ban leverage contracts on diamonds * * *" S. Rep. No. 95–850, 95th Cong., 2d Sess. 27 (1978). Similarly, Senator Huddleston, the sponsor of S. 2391, observed during the floor debate on the bill, as reported by the Conference Committee:

"The media has recently disclosed the widespread potential for fraud in the marketing of leverage contracts in diamonds. The Commission under new Section 19 of the Commodity Exchange Act, will have the authority to regulate or ban leverage transactions in diamonds, emeralds, or other commodities on which leverage transactions are offered. It is my hope that this new authority coupled with the Commission's acquired experience over the past three years, will insure that the scandals with 'London' options will not be repeated with leverage transactions." 124 Cong. Rec. S16530 (daily ed., September 28, 1978).

[9] The Commission mailed a copy of its proposed rule to the attorneys general and securities administrators of the states and requested that they provide the Commission with their comments and any promotional materials they may have obtained from leverage contract firms.

[10] The petition for rulemaking, which covered leverage transactions on all commodities, was submitted on behalf of two firms which deal in leverage transactions and is presently pending before the Commission. Since the Commission is adopting a temporary moratorium until such time as it may determine that leverage transactions on commodities other than gold and silver bullion or bulk coins are contracts for future delivery or, in the alternative, to adopt, as the joint petitioners request, a separate regulatory structure for these transactions, consideration of the merits of the petition as it relates to these transactions will be deferred.

That rulemaking petition also related to leverage transactions on gold and silver bullion or bulk coins. However, as discussed above, on July 10, 1979 (44 FR 44177, July 27, 1979), the Commission announced its intention to determine, effective January 1, 1980, that leverage transactions for the delivery of gold and silver bullion or bulk coins of the type being offered to the public are contracts for future delivery within the meaning of the Commodity Exchange Act and are required to be regulated as such. Pending Congressional hearings, if any, with respect to the Commission's intent to

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On April 13, 1979, the Commission determined to make publicly available and seek written comments on that petition (44 FR 23092, April 18, 1979). That petition for rulemaking opposed a prohibition or moratorium and suggested that the Commission adopt a comprehensive regulatory structure to govern the offer and sale of leverage transactions which would include, among other things, registration, net working capital, segregation of customers' funds, disclosure and recordkeeping requirements. While the Commission may ultimately determine to adopt a separate regulatory scheme for certain classes of leverage transactions, such a decision would be premised on the Commission first concluding that these transactions are not contracts for future delivery within the meaning of the Commodity Exchange Act.

In any event, regardless of the form of regulation the Commission may ultimately decide to adopt concerning leverage transactions, some time will be needed to reach and implement that decision. In the interim, on the basis of the information it now possesses concerning leverage transactions and consistent with the basic policies underlying the Commodity Exchange Act, the Commission believes that the imposition of a moratorium is necessary to protect the public interest.[11]

One leverage firm commentator asserted that the Commission had not demonstrated that leverage transactions on any commodity are contrary to the public interest and that the legislative history of Section 19 indicates that the Commission should exercise its authority to prohibit leverage transactions in a commodity only if it determines that such transactions are contrary to the public interest or cannot be regulated successfully. Another leverage transaction firm commentator asserted that the Commission's proposal to include a public interest—economic purpose test similar to that contained in Section 5(g) of the Commodity Exchange Act is inappropriate, since leverage transactions are not designed with commercial usage in mind.

With respect to these comments, the Commission, at this time, has determined to impose only a temporary moratorium, rather than a prohibition, on entry into this area of the leverage transaction business. This temporary moratorium will not affect existing businesses. This approach also affords persons who had been planning to enter the field the opportunity to demonstrate that their business may commence consistent with the public interest, while at the same time permitting the Commission to evaluate these businesses under adequate controls. Further, the 1978 amendments to the Act, including Section 19, and their legislative history fully support the Commission's regulatory approach. As the statutory prohibitions on certain commodity option transactions and on leverage transactions involving domestic agricultural commodities enacted in 1978 demonstrate, Congress is particularly concerned that commodity-related transactions should be permitted only when they may be effected with a reasonable expectation of adequate customer protection.[12]

In its notice of proposed rulemaking, the Commission made clear that in considering whether leverage transactions are contrary to the public interest it would apply economic purpose criteria similar to those subsumed within Section 5(g) of the Act. Thus, in making its proposal, the Commission requested information concerning the commercial use of leverage transactions for hedging, price basing, or otherwise to facilitate the production, marketing and processing of commodities in interstate commerce, or any other economic purpose served by these transactions. Accordingly, the Commission did not suggest that leverage contracts must serve the same economic purpose as futures contracts but rather requested evidence concerning any economic purpose served by these transactions to balance against the real and potential danger for customer abuse—an equally important public interest consideration under the Act, as the 1978 amendments to the Act make clear. However, the Commission has not received any evidence indicating any significant economic purpose which may be served by these leverage transactions;[13] nor does it possess evidence sufficient to indicate that the number of firms operating in this area of the leverage transaction business would justify the creation of a separate regulatory structure. For these reasons, pending further study, the Commission has determined to impose a temporary moratorium.

Certain comments submitted with the joint rulemaking petition (see n. 10, *supra*) expressed the view that even the threat of a moratorium or prohibition would discourage legitimate enterprises from entering into the leverage transaction business. Those comments suggested that the proposed rule, even prior to adoption, would have a chilling effect by making it difficult to attract and retain qualified employees. In this connection, one leverage firm commentator urged that the adoption of a moratorium would be inconsistent with Section 15 of the Commodity Exchange Act, 7 U.S.C. 19 (1976), since the objectives of Section 15 could, in its view, be achieved by the Commission's regulation of all leverage transactions. In proposing and in adopting the moratorium, the Commission has considered carefully its responsibility under Section 15 of the Act. That Section does not require the Commission to subordinate the policies and purposes of the Commodity Exchange Act to those of the antitrust laws. Consistent with Section 15 the Commission may adopt regulations that may have anticompetitive implications, and is not required to take the least anticompetitive course of action when the objectives, policies or purposes of the Commodity Exchange Act would be better served in some other way. In this connection and notwithstanding Section 15 of the Act, Congress itself prohibited certain commodity option and leverage transactions under the Futures Trading Act of 1978 and authorized the Commission to prohibit other forms of leverage transactions.[14]

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regulate leverage transactions on gold and silver bullion or bulk coins as contracts for future delivery, the Commission will defer consideration of the rulemaking petition as it relates to this area of the leverage transaction field.

[11] Apart from the February 2, 1979, date, the moratorium will contain the same conditions for exemption currently in effect for leverage transactions on gold and silver bullion or bulk coins.

[12] Congress expressly cautioned both in 1974 and 1978 that any regulation of leverage transactions in gold and silver should be designed "to ensure the financial solvency of the transaction" and "prevent manipulation or fraud." 7 U.S.C. 15a (1976); 92 Stat. 876. See also note 8, *supra*.

[13] A leverage firm commentator (which was also a party to the joint rulemaking petition) asserted that one of the primary benefits obtained by leverage customers is the protection against the erosion of savings or wealth through inflation by the ownership of precious metals. However, the Commission has not received evidence that these leverage transactions in fact provide an economical means of obtaining precious metals.

[14] As the Commission stated in adopting its suspension of commodity options:

"the public interest considerations underlying the antitrust laws are predicated on the benefits flowing to the economy and the consumer from the effects of legitimate enterprises vying for a share of a given market through fair dealing and just and equitable principles of trade. In the absence of a demonstrated social or economic utility served by the product sold and where the marketing of that product is uniquely susceptible to * * * fraudulent and abusive practices, these public interest considerations are being subverted. Thus, notwithstanding the existence of the antitrust laws, Congress prohibited certain options transactions in 1936 and has continued that prohibition to the present day. And in 1974, at the same time it enacted section 15, Congress empowered the

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Although the Commission recognizes that the moratorium may inhibit competition by permitting some firms to continue to market leverage transactions while preventing others from doing so for the present time, the moratorium is an interim measure designed to halt the entry of firms into this area of the leverage transaction field only until an appropriate regulatory scheme to assure adequate customer protection safeguards is implemented, or until such time as the Commission may determine to regulate these leverage transactions as contracts for future delivery within the meaning of the Commodity Exchange Act.

Since publication of the proposed moratorium rule, the Commission has continued to monitor closely the offer and sale of leverage transactions in the United States. However, as the Commission indicated in its proposed rule, since the area of leverage transactions has yet to be brought under a system of comprehensive regulatory control, there exists a significant possibility that the increased marketing of these contracts will result in severe financial loss to numerous members of the public. The prices of leverage contracts are not competitively determined nor are they widely disseminated. Leverage transactions also require a substantial initial investment by the customer, a large percentage of which often goes immediately to the leverage dealer in the form of commissions, mark-ups, and other costs or fees. The lack of public understanding concerning leverage transactions together with the lure of large potential profits to be made, make these transactions highly susceptible to overreaching and fraudulent activities. Under these circumstances, and in the absence of any evidence that there is a significant economic purpose associated with these leverage transactions, the Commission has determined that adequate customer protection can be assured at this time only by a moratorium on the entry into the leverage transaction field on commodities other than gold and silver bullion and bulk coins. In this way, the Commission will be able to limit temporarily what would otherwise be the uncontrolled entry of firms into the business of offering and selling leverage transactions on such commodities. Further, this moratorium will provide the Commission with the opportunity to evaluate carefully this area of business activity, and to adopt and implement an appropriate regulatory program, if warranted.

The Commission fully appreciates that there may be some individuals or firms who may have been planning to establish a leverage transaction business after February 2, 1979, and who may now be temporarily prohibited from so doing. The Commission is also aware that some persons may have established leverage contract businesses subsequent to February 2, 1979, who now will be required temporarily to curtail leverage contracts sales activity.[15] However, these individuals or firms have proceeded at their own risk in the face of the Commission's publication of the proposed moratorium and prohibition rule on February 2, 1979. And, to minimize any adverse effects of the moratorium on persons who had made a substantial investment to develop a leverage transaction business but had not commenced the business by February 2, 1979, the moratorium rule establishes a procedure whereby such persons may make a written request to the Commission for an exemption from the moratorium. In any event, in balancing the adverse consequences which may be involved, the Commission has determined that the private interests of all these persons must yield to the public interest and the protection of the public.

Furthermore, with respect to requests for exemption from the moratorium which may be submitted to the Commission pursuant to paragraph (b) of the rule, such requests must be in writing and should set forth complete and specific details concerning the basis upon which the exemption is requested. The Commission wishes to make clear that it has no intention of expending its limited resources on a myriad of exemptive requests which are not meritorious and, therefore, it will not entertain frivolous or undocumented requests for exemption. Exemptions will be granted only if the Commission finds that the criteria set forth in paragraph (b) of the rule have been satisfied.

In consideration of the foregoing, Chapter I of Title 17 of the Code of Federal Regulations is hereby amended by adding a new section to Part 31 as follows:

§ 31.2 Temporary moratorium on the offer and sale of certain transactions for the delivery of commodities other than gold or silver bullion or bulk coins.

(a) Until the Commission by rule, regulation or order determines otherwise, it shall be unlawful for any person, by use of the mails or any means or instrumentality of interstate commerce to engage in the business of offering to enter into, entering into, or confirming the execution of, any transaction for the delivery of any commodity other than gold and silver bullion or bulk coins in the United States under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account or leverage contract or under any contract, account, agreement, scheme, or device that serves the same function or functions as such a standardized contract, or that is marketed or managed in substantially the same manner as such a standardized contract, who was not engaged in that business on February 2, 1979.

(b) The Commission may, in its discretion, grant an exemption from the provisions of paragraph (a) of this section to any person who can demonstrate to the Commission's satisfaction that (1) prior to February 2, 1979, the person had invested substantial resources to develop a business referred to in paragraph (a) of this section, (2) the business will be conducted in a manner that may reasonably be expected to ensure the financial solvency of the contract to be offered and sold and to prevent manipulation or fraud, and (3) the manner in which the business will be conducted will present no substantial risk to the public and will otherwise be consistent with the public interest.

(7 U.S.C. 12a, (1976); as amended, Pub. L. 95-405, secs. 2 and 23, 92 Stat. 865, 876-877.)

Issued in Washington, D.C. on September 25, 1979.

Jean A. Webb,

Deputy Secretary, Commodity Futures Trading Commission.

[FR Doc. 79-30259 Filed 9-27-79; 8:45 am]

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Commission to prohibit option transactions in the newly-regulated commodities." 43 FR 16156 (April 17, 1978).

[15] Of course, the temporary moratorium does not in any way relieve individuals or firms who have established leverage businesses after February 2, of the obligations owing to customers arising out of leverage contracts sold since that date but prior to the effective date of the moratorium. In this regard, the Commission will consider a failure by such individuals or firms to discharge these olbigations as constituting, among other things, a violation of the Commission leverage contract antifraud rule. 17 CFR 31.03 (1978).

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 159

[T.D. 79-253]

Non-Rubber Footwear, Certain Castor Oil Products, Scissors and Shears, and Cotton Yarn From Brazil; Declaration of Net Amount of Bounty or Grant

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

ACTION: Net Amount of Bounty or Grant Declared.

SUMMARY: This notice is to advise the public of the new rates of countervailing duty applicable to imports of non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn from Brazil. These rates will be applicable to such merchandise exported from Brazil on or after September 30, 1979.

EFFECTIVE DATE: September 30, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. Goldsmith, Economist, Office of Tariff Affairs, U.S. Department of the Treasury, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220, telephone (202) 566-2951.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 17, 1979 (44 F.R. 28790-2) it was announced that due to actions taken by the Government of Brazil to eliminate export payments which have been determined by Treasury to constitute bounties or grants, reductions of the countervailing duty rates applicable to imports of non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn, would be made quarterly to reflect the staged reduction of these benefits. The present action is taken to reduce the countervailing duty rates applicable to imports of the above merchandise which are exported from Brazil on or after September 30, 1979.

On the basis of the actions taken by the Government of Brazil on September 30, 1979, to reduce the payments to the exporters of the subject merchandise, it has been ascertained and determined that the net amount of bounties or grants paid or bestowed, directly or indirectly by the Government of Brazil on the exportation of the subject merchandise, in terms of the f.o.b. or ex-works price to the United States of the applicable merchandise, is as follows:

(1) Non-rubber footwear:

(A) 9.5 percent for shoes manufactured by firms whose export sales account for 40 percent or less of the value of their total sales; and

(B) 3.7 percent for shoes manufactured by firms whose export sales account for more than 40 percent of the value of their total sales.

(2) Certain castor oil products, 8.5 percent.

(3) Scissors and shears, 12.5 percent.

(4) Cotton yarn, 15.3 percent.

Accordingly, until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn, respectively, imported directly or indirectly from Brazil, and exported from that country on or after September 30, 1979, which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

Any merchandise subject to the terms of this declaration shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn, respectively, from Brazil.

The table in section 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for "non-rubber footwear," "certain castor oil products," "scissors and shears," and "cotton yarn," respectively, under the country heading "Brazil", the number of this Treasury Decision in the column so headed and the words "New Rate" in the column headed "Action."

(R.S. 251, section 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2049; 19 U.S.C. 66, 1303, as amended, 1624).

David R. Brennan,

Acting General Counsel of the Treasury.

September 24, 1979.

[FR Doc. 79-30258 Filed 9-27-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Adverse Effect Wage Rate for Agricultural Employment in the State of Arizona

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: On August 24, 1979, there was published in the Federal Register a proposal to amend 20 CFR § 655.207(b)(2) to add Arizona to the list of States for which agricultural adverse effect wage rates are computed and published annually (44 FR 49697). This document adopts that proposal. The adverse effect wage rates are established and set to prevent the employment of nonimmigrant alien workers from adversely affecting the wages of similarly employed United States workers.

EFFECTIVE DATE: This amendment applies to all agricultural employment in the State of Arizona beginning and/or occurring on or after September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Bodin, Chief, Division of Labor Certifications, U.S. Employment Service, Room 8410, 601 "D" Street, NW., Washington, D.C. 20213. Telephone: 202-376-6295.

SUPPLEMENTARY INFORMATION:

Temporary Alien Employment Certification Program. Pursuant to 8 CFR § 214.2(h)(3)(i) of the Immigration and Naturalization Service (INS) regulations, the Department of Labor (DOL) advises INS with respect to the availability of qualified U.S. workers for temporary jobs offered to certain nonimmigrant aliens, and with respect to the adverse effect that the employment of these aliens might have on similarly employed U.S. workers. This process and the factors taken into consideration during this process were described fully in the Notice of Proposed Rulemaking. 44 FR 49697-49698.

The DOL regulations governing the temporary labor certification process for agricultural employment are published at 20 CFR Part 655, Subpart C. The regulations require the Administrator, U.S. Employment Service (USES), to compute and to cause to be published annually adverse effect wage rates for agricultural employment in various States. The adverse effect wage rate for a State is the minimum rate that agricultural employers of nonimmigrant aliens must offer and pay all their workers to avoid adversely affecting the wages of similarly employed U.S. workers. 20 CFR § 655.207. The Notice of Proposed Rulemaking published on August 24, 1979, explained how the employment of nonimmigrant alien agricultural labor in Arizona has had and will continue to have an adverse effect on U.S. workers unless an adverse effect wage rate is set for that State. 44 FR 49698. DOL has determined to adopt that proposed rule and to amend 20 CFR § 655.207(b)(2) to include the State of Arizona.

If Arizona employers seeking nonimmigrant aliens for temporary agricultural labor offer those aliens or U.S. workers wages below the adverse effect wage rate, DOL will determine that similarly employed U.S. workers will be adversely affected. The wages offered and afforded to temporary aliens and to U.S. workers by specific agricultural employers in Arizona will be compared to the established adverse effect wage rate. If it is concluded that an adverse effect would result, the ultimate determination of availability of U.S. workers cannot be made. U.S. workers cannot be expected to accept employment under conditions below the established adverse effect levels. 20 CFR § 655.0(d). It is anticipated that the adverse effect wage rate for Arizona will begin at $3.67 per hour.

Consideration of Comments. Interested parties were invited to submit comments until September 24, 1979, on the proposed rule. The comments received were carefully reviewed and considered.

An agricultural employers' association objected to the proposal's comparison between the wages offered in job orders last year and those offered this year, which was one basis for determining the existence of adverse effect. The growers argue that the 1978 wage offer of $3.13 per hour, $.23 per hour higher than the 1979 offer, was made at the request of the Arizona State employment service, and did not reflect actual labor market conditions. However, it did indicate that in the 1978 season the growers were willing to pay the higher wage and that in 1979 they were willing to offer only a lower wage rate.

The growers' association also argues that the ETA Regional Administrator permitted the growers to recruit workers at the lower 1979 wage of $2.90 per hour, which they believe indicates that the rate did not have an adverse effect. The growers did not mention in their comments, however, that they had agreed to amend their job orders to offer the computed adverse effect wage rate when one is established for Arizona.

The growers state that even though they are recruiting with a wage offer of only $2.90 per hour, their job orders are attracting U.S. workers who have accepted employment at that wage. Nevertheless, even if U.S. workers are willing to accept lower wages, there is still an adverse effect as a result of the recruitment and/or employment of the alien workers at those low wages.

The growers' association also alleges that of 142 undocumented alien agricultural workers apprehended by the Immigration and Naturalization Service in the first four months of 1979, 109 were being paid between $4.40 and $6.49 per hour, arguing that this shows the absence of adverse effect. However, if these facts are as alleged, the growers should have no objection to a guaranteed adverse effect wage rate of only $3.67 per hour. If as the result of piece rates workers are able to earn more than the adverse effect wage rate, the higher production and higher earnings inure to the benefit of the employer and the employee alike. Additionally, the growers fail to consider the other assurances required from growers as a condition for certification of alien labor, such as housing, three daily meals, insurance, and a guarantee of employment for ¾ of the contract period. No evidence was submitted to show that the undocumented aliens employed by the growers received any of these benefits.

Other comments were received, from the Arizona Department of Employment Security, and from various farmworker-oriented organizations, all of which were favorable to the proposed rule, and urged that it be published in final without delay. One farmworker association, however, reproached DOL and ETA for the publication of the proposed rulemaking this late in the year. DOL and ETA also regret that the proposed rule was not published earlier, but the extent of time necessary to collect and assemble the data from which the proposal derived necessitated the delay.

The adverse comments were not persuasive and DOL and ETA have determined that an adverse effect wage rate is necessary in Arizona, to avoid adverse effect on the wages of similarly employed U.S. agricultural workers in that State.

Development of Regulations. This final rulemaking document was prepared under the direction and control of: Mr. David O. Williams, Administrator, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Washington, D.C.

Final Rule. Accordingly, § 655.207(b)(2) of Part 655 of Chapter V, Code of Federal Regulations, is revised to read as follows:

§ 655.207 Adverse effect rates.

* * * * *

(b) * * *

(2) *List of States.* Arizona, Colorado, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Texas, Vermont, Virginia, and West Virginia. Other States may be added as appropriate.

(Secretary of Labor's Order No. 4–75, 40 FR 18515).

Signed at Washington, D.C. this 25th day of September 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 79-30252 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 841

[Docket No. N-79-948]

Prototype Cost Determination Under 24 CFR, Part 841—Public Housing Program; Development Phase; Appendix A—Prototype Cost Limits for Low-Income Public Housing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, (HUD).

ACTION: Notice of Prototype Cost Determination Under 24 CFR, Part 841, Appendix A.

SUMMARY: On June 6, 1979, the Department published a revised schedule of "Prototype Cost Limits for Low-Income Public and Indian Housing." Omissions and errors detected in the June 6, 1979 Schedule A, and subsequent disclosure of factual data, require revisions to correct the per unit prototype cost limits for five areas in the State of Rhode Island; one area in the State of Michigan; one area in the State of Texas; one area in the State of North Dakota; five areas in the State of South Dakota; five areas in the State of Montana; three areas in the State of Nevada; and six areas in the State of California.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing—Room 6248 451 7th Street, S.W., Washington, D.C., 20410, (202) 755–4956 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The United States Housing Act of 1937 requires determination by HUD of the costs in different areas for construction and equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families. The prototype costs constitute a limit on development cost for construction and equipment of new public housing projects including Indian projects.

The schedules in this Notice establish revised per unit prototype cost limits for development of public housing under 24 CFR Part 841 (see Section 841.115(b)(2)), and of Indian Housing under 24 CFR Part 805 (see Sections 805.213 and 805.214(b)).

The prototype cost determinations are based on data supplied by the HUD Field Offices and by the public.

Where prototype schedules are established for special Indian prototype cost areas in accordance with 24 CFR Section 805.213, the prototype cost limits apply only for development of Indian Housing (these special areas are identified by an asterisk(*) on the schedules).

Section 6(b) of the U.S. Housing Act of 1937 provides that the prototype costs shall become effective upon the date of publication in the **Federal Register**, and this Notice is, therefore, made effective upon publication.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the address indicated above.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410.

The prototype per unit cost schedules issued under 24 CFR, Part 841, Appendix A, Prototype Cost Limits for Low-Income Housing are amended as follows:

1. At 44 FR 32521, revise the prototype per unit cost schedules for elevator dwellings, as shown on the prototype per unit cost schedules, Region I, Providence, Newport and Westerly, Rhode Island.

2. At 44 FR 32522, revise the prototype per unit cost schedules for elevator dwellings, as shown on the prototype per unit cost schedules, Region I, Pawtucket and Woonsocket, Rhode Island.

3. At 44 FR 32546, revise the prototype per unit cost schedules for detached and semi-detached dwellings, as shown on the prototype per unit cost schedules, Region V; *Manistique, Michigan.

4. At 44 FR 32559, revise the prototype per unit cost schedules for elevator dwellings, as shown on the prototype per unit cost schedules, Region VI; San Antonio, Texas.

5. At 44 FR 32567, revise the prototype per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the per unit cost schedules, Region VIII; *Fort Totten, North Dakota.

6. At 44 FR 32567, revise the prototype per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the per unit cost schedules, Region VIII; *Mission, South Dakota.

7. At 44 FR 32568, revise the prototype per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the per unit cost schedules, Region VIII; *Fort Thompson, *McLaughlin, *Wagner, and *Sissenton, South Dakota.

8. At 44 FR 32566, revise the prototype per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the per unit cost schedules, Region VIII; *Ronan, *Harlen, *Browning, *Wolf Point , and *Lodge Grass, Montana.

9. At 44 FR 32579, add the prototype per unit cost schedules for zero and one bedroom detached and semi-detached dwellings, and the complete schedules for row and walk-up dwellings, as shown on the per unit cost schedules, Region IX; Elko, Fallon and Garderville, Nevada.

10. At 44 FR 32573, revise the prototype per unit cost schedules for row and walk-up dwellings, as shown on the per unit cost schedules, Region IX; Victorville, California.

11. At 44 FR 32574, revise the prototype per unit cost schedules for row and walk-up dwellings, as shown on the per unit cost schedules, Region IX; Arrowhead, Barstow, Big Bear and Desert Center, California.

12. At 44 FR 32575, revise the prototype per unit cost schedules for row and walk-up dwellings, as shown on the prototype per unit cost schedules, Region IX; Needles, California.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b) U.S. Housing Act of 1937, 42 U.S.C. 1437(d)).

Issued at Washington, D.C. on September 19, 1979.

Lawrence B. Simmons,

Assistant Secretary for Housing-Federal Housing Commissioner.

BILLING CODE 4210-01-M

PROTOTYPE PER UNIT COST SCHEDULE
REGION I

RHODE ISLAND

PROVIDENCE	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure	$23,600	$27,500	$34,550				

NEWPORT	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure	$23,600	$27,500	$34,550				

WESTERLY	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure	$23,600	$27,500	$34,550				

PAWTUCKET	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure	$23,550	$27,450	$34,500				

WOON SOCKET	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure	$23,000	$26,850	$33,850				

PROTOTYPE PER UNIT COST SCHEDULE
REGION V

MICHIGAN

* MANISTIQUE	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	20,600	24,900	30,600	36,400	43,700	48,950	50,300
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

PROTOTYPE PER UNIT COST SCHEDULE
REGION VI

TEXAS

SAN ANTONIO	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure	18,800	21,900	27,800				

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

PROTOTYPE PER UNIT COST SCHEDULE
REGION VIII

NORTH DAKOTA

* FORT TOTTEN	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	31,300	34,800	39,700	44,450	51,800	56,800	58,950
Row Dwellings	29,750	33,050	37,700	42,200	49,200	53,950	56,000
Walk-Up	26,600	29,600	33,750	37,800	44,050	48,300	50,100
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

PROTOTYPE PER UNIT COST SCHEDULE
REGION VIII

SOUTH DAKOTA

* MISSION	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	26,800	31,100	37,050	42,900	51,700	57,500	59,900
Row Dwellings	25,450	29,550	35,200	40,750	49,100	54,600	56,900
Walk-Up	22,800	26,450	31,500	36,450	43,950	48,900	50,900
Elevator-Structure							

* FORT THOMPSON	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	26,350	30,550	36,400	42,150	50,800	56,600	59,050
Row Dwellings	25,050	29,000	34,600	40,050	48,250	53,750	56,100
Walk-Up	22,400	25,950	30,950	35,800	43,200	48,100	50,200
Elevator-Structure							

* MCLAUGHLIN	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	27,200	31,450	37,350	43,200	51,900	57,950	60,550
Row Dwellings	25,850	29,900	35,500	41,050	49,300	55,050	57,500
Walk-Up	23,100	26,750	31,750	36,700	44,100	49,250	51,450
Elevator-Structure							

* WAGNER	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	21,300	27,050	32,250	37,350	44,950	50,150	52,350
Row Dwellings	20,250	25,700	30,650	35,500	42,700	47,650	49,750
Walk-Up	18,100	23,000	27,400	31,750	38,200	42,600	44,500
Elevator-Structure							

*SISSENTON	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	26,300	30,400	36,050	41,650	50,000	55,900	58,350
Row Dwellings	25,000	28,900	34,250	39,550	47,500	53,100	55,450
Walk-Up	22,350	25,850	30,650	35,400	42,500	47,500	49,600
Elevator-Structure							

PROTOTYPE PER UNIT COST SCHEDULE
REGION VIII

MONTANA

* RONAN	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	25,150	29,000	34,550	39,900	48,100	53,600	56,150
Row Dwellings	23,900	27,550	32,800	37,900	45,700	50,900	53,350
Walk-Up	21,400	24,650	29,350	33,900	40,900	45,550	47,700
Elevator-Structure							

* BROWNING	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	26,000	29,800	35,300	40,650	48,900	54,550	57,100
Row Dwellings	24,700	28,300	33,550	38,600	46,450	51,800	54,250
Walk-Up	22,100	25,350	30,000	34,550	41,550	46,350	48,550
Elevator-Structure							

* HARLEM	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	25,150	29,000	34,550	39,900	48,100	53,600	56,150
Row Dwellings	23,900	27,550	32,800	37,900	45,700	50,900	53,350
Walk-Up	21,400	24,650	29,350	33,900	40,900	45,550	47,700
Elevator-Structure							

* WOLF POINT	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	25,650	29,850	35,450	41,350	49,550	55,350	58,050
Row Dwellings	24,350	28,350	33,700	39,300	47,100	52,600	55,150
Walk-Up	21,800	25,400	30,150	35,150	42,100	47,050	49,350
Elevator-Structure							

* LODGE GRASS	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	25,150	29,900	34,550	39,900	48,100	53,600	56,150
Row Dwellings	23,900	28,400	32,800	37,900	45,700	50,900	53,350
Walk-Up	21,400	24,650	29,350	33,900	40,900	45,550	47,700
Elevator-Structure							

PROTOTYPE PER UNIT COST SCHEDULE
REGION IX

NEVADA

ELKO	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	28,150	33,800					
Row Dwellings	26,175	32,100	35,650	41,750	49,900	55,350	57,900
Walk-Up	23,900	28,700	31,900	37,350	44,600	49,500	51,800
Elevator-Structure							

FALLON	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	28,150	33,800					
Row Dwellings	26,750	32,100	35,650	41,750	49,900	55,350	57,900
Walk-Up	23,900	28,700	31,900	37,350	44,600	49,500	51,800
Elevator-Structure							

GARDNERVILLE	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	28,150	33,800					
Row Dwellings	26,750	32,100	35,650	41,750	49,900	55,350	57,900
Walk-Up	23,900	28,700	31,900	37,350	44,600	49,500	51,800
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

PROTOTYPE PER UNIT COST SCHEDULE
REGION IX

CALIFORNIA

VICTORVILLE	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings	19,550	23,350	29,000	34,650	41,550	46,350	48,450
Walk-Up	17,500	20,900	25,900	31,050	37,200	41,500	43,350
Elevator-Structure							

ARROWHEAD	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings	19,850	23,850	29,550	35,250	42,450	47,250	49,400
Walk-Up	17,750	21,350	26,450	31,550	38,000	42,300	44,200
Elevator-Structure							

BARSTOW	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings	19,550	23,350	29,000	34,650	41,550	46,350	48,450
Walk-Up	17,500	20,900	25,900	31,050	37,200	41,500	43,350
Elevator-Structure							

BIG BEAR	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings	19,850	23,850	29,550	35,250	42,450	47,250	49,400
Walk-Up	17,750	21,350	26,450	31,550	38,000	42,300	44,200
Elevator-Structure							

DESERT CENTER	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings	21,950	26,300	32,600	38,950	46,850	52,200	54,750
Walk-Up	19,650	23,550	29,150	34,850	41,900	46,700	49,000
Elevator-Structure							

PROTOTYPE PER UNIT COST SCHEDULE
REGION IX

CALIFORNIA

NEEDLES	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings	22,250	26,550	32,900	39,400	47,200	52,700	55,050
Walk-Up	19,900	23,750	29,450	35,250	42,250	47,150	49,250
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

[FR Doc. 79-29861 Filed 9-27-79; 8:45 am]

BILLING CODE 4210-01-C

24 CFR Part 841

[Docket No. N-79-950]

Prototype Cost Determination Under 24 CFR, Part 841—Public Housing Program; Development Phase; Appendix A—Prototype Cost Limits for Low-Income Public Housing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Prototype Cost Determination Under 24 CFR, Part 841, Appendix A.

SUMMARY: On June 6, 1979, the Department published a revised schedule of "Prototype Cost Limits for Low-Income Public Housing." After consideration of additional factual data, revisions are necessary to increase per unit prototype cost limits for thirteen areas in the State of Washington.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing—Room 6248, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-4956 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The United States Housing Act of 1937 requires determination by HUD of the costs in different areas for construction and equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families. The prototype costs constitute a limit on development cost for construction and equipment of new public housing projects including Indian housing projects.

The schedules in this Notice establish revised per unit prototype cost limits for development of public housing under 24 CFR Part 841 (see § 841.115(b)(2)), and of Indian Housing under 24 CFR Part 805 (see §§ 805.213 and 805.214(b)).

The prototype cost determinations are based on data supplied by the HUD Seattle Office and by the public.

Where prototype schedules are established for special Indian prototype cost areas in accordance with 24 CFR Section 805.213, the prototype cost limits apply only for development of Indian Housing (these special areas are identified by an asterisk (*) on the schedules).

Section 6(b) of the U.S. Housing Act of 1937 provides that the prototype costs shall become effective upon the date of publication in the **Federal Register**, and this Notice is, therefore, made effective upon publication.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the address indicated above.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5128, 451 7th Street, S.W., Washington, D.C. 20410.

The prototype per unit cost schedules issued under 24 CFR, Part 841, Appendix A, Prototype Cost Limits for Low-Income Housing are amended as follows:

1. At 44 FR 32583, revise the prototype per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the per unit cost schedules, Region X; Seattle, Port Angeles, *Tahola, Longview, Aberdeen, Bellingham, Olympia and Yakima, Washington.

2. At 44 FR 32584, revise the prototype per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the per unit cost schedules, Region X; *Nespellem, Spokane, Cheney, Kennewick and Pullman, Washington.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b) U.S. Housing Act of 1937, 42 U.S.C. 1437(d).)

Issued at Washington, D.C. on September 25, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

BILLING CODE 4210-01-M

REGION X

SEATTLE	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	18,450	22,350	27,450	32,800	39,350	43,690	45,850
Row Dwellings	18,050	21,900	26,900	32,100	38,550	42,800	44,900
Walk-Up	17,000	20,600	25,350	30,250	36,300	40,300	42,300
Elevator-Structure							

PORT ANGELES	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	18,450	22,350	27,450	32,800	39,350	43,690	45,850
Row Dwellings	18,050	21,900	26,900	32,100	38,550	42,800	44,900
Walk-Up	17,000	20,600	25,350	30,250	36,300	40,300	42,300
Elevator-Structure							

*TAHOLA	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	19,350	23,400	28,750	34,350	41,250	45,900	48,200
Row Dwellings	18,950	22,900	28,150	33,650	40,400	44,950	47,200
Walk-Up	17,850	21,600	26,000	31,700	38,050	42,350	44,450
Elevator-Structure							

LONGVIEW	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	18,300	22,150	27,250	32,550	39,100	43,400	45,550
Row Dwellings	17,900	21,700	26,700	31,900	38,300	42,500	44,600
Walk-Up	16,900	20,000	25,150	30,000	36,100	40,050	42,050
Elevator-Structure							

ABERDEEN	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	18,300	22,150	27,250	32,550	39,100	43,400	45,550
Row Dwellings	17,900	21,700	26,700	31,900	38,300	42,500	44,600
Walk-Up	16,900	20,000	25,150	30,000	36,100	40,050	42,050
Elevator-Structure							

REGION X

BELLINGHAM	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	18,450	22,350	27,450	32,800	39,350	43,690	45,850
Row Dwellings	18,050	21,900	26,900	32,100	38,550	42,800	44,900
Walk-Up	17,000	20,600	25,350	30,250	36,300	40,300	42,300
Elevator-Structure							

OLYMPIA	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	18,450	22,350	27,450	32,800	39,350	43,690	45,850
Row Dwellings	18,050	21,900	26,900	32,100	38,550	42,800	44,900
Walk-Up	17,000	20,600	25,350	30,250	36,300	40,300	42,300
Elevator-Structure							

YAKIMA	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	19,150	23,200	28,500	34,050	40,900	45,500	47,800
Row Dwellings	18,750	22,700	27,900	33,350	40,050	44,550	46,800
Walk-Up	17,650	21,400	26,300	31,400	37,750	42,000	44,100
Elevator-Structure							

*NESPELLEM	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	20,050	24,250	29,800	35,600	42,750	47,450	49,800
Row Dwellings	19,650	23,750	29,200	34,850	41,850	46,450	48,750
Walk-Up	18,500	22,400	27,500	32,850	39,450	43,800	45,950
Elevator-Structure							

SPOKANE	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	16,550	20,050	24,600	29,400	35,300	39,200	41,150
Row Dwellings	16,200	19,650	24,100	28,800	34,550	38,400	40,300
Walk-Up	15,250	18,500	22,700	27,150	32,550	36,150	37,950
Elevator-Structure							

REGION X

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
CHENEY							
Det. & Semi-Det.	16,800	20,050	25,050	29,900	35,900	39,850	41,850
Row Dwellings	16,450	19,650	24,550	29,300	35,150	39,050	41,000
Walk-Up	15,500	18,500	23,100	27,600	33,100	36,750	38,600
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
KENNEWICK							
Det. & Semi-Det.	18,550	20,350	27,600	32,950	39,550	43,900	46,100
Row Dwellings	18,150	19,950	27,050	32,250	38,750	43,000	45,150
Walk-Up	17,100	18,800	25,450	30,400	36,500	40,500	42,550
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
PULLMAN							
Det. & Semi-Det.	17,250	20,900	25,650	30,650	36,800	40,850	42,900
Row Dwellings	16,900	20,450	25,100	30,000	36,050	40,000	42,000
Walk-Up	15,900	19,300	23,650	28,300	33,950	37,700	39,600
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

[FR Doc. 79-30308 Filed 9-27-79; 8:45 am]

BILLING CODE 4210-01-C

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7645]

Income Tax: Taxable Years Beginning After December 31, 1953; Definition of Employee Stock Purchase Plan

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final Regulations.

SUMMARY: This document provides final regulations relating to the treatment of qualified stock options and employee stock purchase plans. Changes to the applicable tax law were made by the Revenue Act of 1964. The regulations would provide employees and employers with the guidance needed to comply with that act, and would affect grantors and grantees of certain stock options.

EFFECTIVE DATE: The regulations will be effective for taxable years beginning after December 31, 1963.

FOR FURTHER INFORMATION CONTACT: Annie R. Alexander of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3671, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On February 20, 1979, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 423 of the Internal Revenue Code of 1954 (44 FR 10397). There was no request for a public hearing and accordingly none was held. After consideration of all comments regarding the proposed amendments, those amendments are adopted, as revised, by this Treasury decision.

Drafting Information

The principal author of this regulation is Annie R. Alexander of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Explanation of Revision to Proposed Regulations and Comments Considered

Consistent with one comment the final regulations in § 1.423-2(e)(1) are clarified to assure that an employee stock option plan, which permits all eligible employees to elect to participate in an offering, will not violate the requirements of Code § 423(b)(4) solely because eligible employees who elect not to participate in the offering are not granted options pursuant to such offerings.

Other comments did not result in any changes to the proposed Treasury decision because it was felt that the regulations do not require additional clarification, or the changes would make the regulations inconsistent with the statute.

Adoption of Amendments to the Regulations

After careful consideration the proposed amendments to the regulations are adopted subject to the following change:

Section 1.423-2(e)(1) is changed by adding a new sentence immediately after the last sentence of paragraph (e)(1) to read as follows:

§ 1.423-2 Employee stock purchase plan defined.

* * * * *

(e) *Employee covered by plan.* (1) * * * However, a plan which, by its terms, permits all eligible employees to elect to participate in an offering will not violate the requirements of this paragraph solely because eligible employees who elect not to participate in the offering are not granted options pursuant to such offering.

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

Approved: September 12, 1979.

Jerome Kurtz,
Commissioner of Internal Revenue.
Donald C. Lubick,
Assistant Secretary of the Treasury.

§ 1.423 [Deleted]

Paragraph 1. Section 1.423 is deleted.

Par. 2. Section 1.423-2 is amended by adding paragraph (e)(1), and paragraphs (f) (3) and (4) to read as follows.

§ 1.423-2 Employee stock purchase plan defined.

* * * * *

(e) *Employees covered by plan.* (1) Subject to the limitations of section 423(b) (3), (5) and (8), an employee stock purchase plan must, by its terms, provide that options are to be granted to all employees of any corporation which grants options to any of its employees by reason of their employment by such corporation except that one or more of the following categories of employees may be excluded from the coverage of the plan:

(i) Employees who have been employed less than 2 years;

(ii) Employees whose customary employment is 20 hours or less per week;

(iii) Employees whose customary employment is for not more than 5 months in any calendar year;

(iv) Officers;

(v) Persons whose principal duties consist of supervising the work of other employees; and

(vi) Highly compensated employees.

No option granted under a plan or offering which excludes from participation any employees, other than those who may be excluded under section 423(b)(4) and this paragraph, and those barred from participation by reason of section 423(b) (3), (5), and (8) and paragraphs (d), (f) and (i) of this section, can be regarded as having been granted under an employee stock purchase plan. If an option is not granted to any employee who is entitled to the grant of an option under the terms of the plan or offering, none of the options granted under such offering will be treated as having been granted under an employee stock purchase plan. Furthermore, no option will be considered as having been granted under an employee stock purchase plan if the option was granted in connection with an offering made after September 28, 1979, with respect to which employees, otherwise eligible, are denied participation to any extent because of their continuing participation or eligibility for participation in a prior plan or offering (including a prior plan or offering of a related corporation). However, a plan which, by its terms, permits all eligible employees to elect to participate in an offering will not violate the requirements of this paragraph solely because eligible employees who elect not to participate in the offering are not granted options pursuant to such offering.

* * * * *

(f) Equal rights and privileges. * * *

(3)(i) Except as provided in paragraph (f)(3)(ii) of this section, a plan permitting one or more employees to apply sums which were withheld under an earlier plan or offering towards the purchase of additional stock under the current plan or offering will be a violation of equal rights and privileges unless all employees in the current plan or offering

are permitted to make payments in an amount not less than that which any employee is allowed to carry over, to be applied to the purchase of shares under the current plan or offering.

(ii) A plan will not fail to satisfy the requirements of this section merely because one or more employees are permitted to apply sums, in an amount representing a fractional share, which were withheld under an earlier plan or offering toward the purchase of additional stock under the current plan or offering.

(4)(i) Section 423(b)(5) does not prohibit the delaying of the grant of an option to any employee who is barred from being granted an option solely by reason of such employee's failing to meet a minimum service requirement until such employee meets such requirement.

(ii) The provision of this paragraph (4) may be illustrated by the following example:

Example. N Corporation has an employee stock purchase plan which provides that options to purchase stock in an amount equal to ten percent of an employee's annual salary at a price equal to 85 percent of the fair market value at the time the option is granted will be granted to all employees other than those who have been employed less than 18 months. In addition, the plan provides that employees who have not yet met the minimum service requirements on the date the options are initially granted will be granted similar options on the date such employment has been attained. Such plan meets the requirements of section 423(b)(5).

[FR Doc. 79-30192 Filed 9-27-79; 8:45 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Parts 1, 2, 3, 4, 5, 6, 7, 8, 18, 47, 70, 71, 72, 170, 173, 178, 179, 181, 186, 194, 195, 196, 197, 200, 201, 211, 212, 213, 231, 240, 245, 250, 251, 252, 270, 275, 285, 290, 295, and 296

Title and Definition Changes; Correction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Correction notice to final rule (Treasury decision).

SUMMARY: This notice corrects errata appearing in Treasury Decision ATF-48 which provides nomenclature changes to be used throughout Title 27: Alcohol, Tobacco Products and Firearms.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Armida N. Stickney at 202-566-7626.

SUPPLEMENTARY INFORMATION: A number of editorial errors and inadvertent omissions appeared in Treasury Decision ATF-48 as published in the **Federal Register** of March 31, 1978 (43 FR 13531). It is necessary, therefore, that the Treasury decision be corrected as indicated below.

Authority and Issuance

This correction notice to T.D. ATF-48 is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917), 27 U.S.C. 205 (49 Stat. 981, as amended), 18 U.S.C. 926 (82 Stat. 1226), 18 U.S.C. 847 (84 Stat. 959), and 22 U.S.C. 2778 (90 Stat. 744).

Accordingly, FR Doc. 78-8370 is corrected as follows:

PART 1—BASIC PERMIT REQUIREMENTS UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

01. The table of sections in 27 CFR Part 1 is corrected by updating the citation of authority as follows:

* * * * *

Authority: August 29, 1935, ch. 815, sec. 1, 49 Stat. 977, as amended (27 U.S.C. 203, 204), unless otherwise noted.

§ 1.1 [Amended]

02. Section 1.1 is corrected by changing the clause "except that the provisions of 26 CFR Part 200, Rules of Practice in Permit Proceedings are" to read "except that the provisions of Part 200, Rules of Practice in Permit Proceedings, of this Chapter are".

03. Section 1.5 is corrected by deleting the citation of authority and is to read as follows:

§ 1.5 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this subpart.

Act. The Federal Alcohol Administration Act.

Applicant. Any person who has filed with the regional regulatory administrator an application for a basic permit under the Federal Alcohol Administration Act.

Basic permit. A formal document issued under the Act in the form prescribed by the Director, authorizing the person named therein to engage in the activities specified at the location stated.

Director. * * *

Other term. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by the Act.

Permittee. Any person holding a basic permit issued under the Federal Alcohol Administration Act.

Person. Any individual, partnership, joint-stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent.

Regional regulatory administrator. * * *

Resale at wholesale. A sale to any trade buyer.

Trade buyer. Any person who is a wholesaler or retailer of distilled spirits, wine, or malt beverages.

04. Section 1.31 is corrected to read as follows:

§ 1.31 Denial of permit applications.

If, upon examination of any application for a basic permit, the regional regulatory administrator has reason to believe that the applicant is not entitled to such a permit, he shall institute proceedings for the denial of the application in accordance with the procedure set forth in Part 200 of this chapter.

05. Section 1.35 is corrected to read as follows:

§ 1.35 Authority to issue, amend, deny, suspend, revoke, or annul basic permits.

The authority and power of issuing, amending, or denying basic permits, or amendments thereof, is conferred upon the Director and (except as to agency initiated curtailment) upon the regional regulatory administrator. The authority and power of suspending, revoking, or annulling basic permits is conferred upon the Director, and upon the administrative law judges referred to in Part 200 of this chapter. The Director, upon consideration of appeals on petitions for review, may order the regional regulatory administrator to issue, deny, suspend, revoke, or annul basic permits.

* * * * *

§§ 1.50, 1.51 and 1.52 [Amended]

06. Sections 1.50, 1.51, and 1.52 are corrected by changing the citation "26 CFR Part 200", wherever it appears, to read "Part 200 of this chapter". Section 1.52 is further corrected by changing "distilled spirits, wines or malt beverages" to read "distilled spirits, wines, or malt beverages".

§ 1.57 [Amended]

07. Section 1.57 is corrected by changing the parenthetic "(26 CFR Part 200)", wherever it appears, to read "(Part 200 of this chapter)"; and by changing "suspension, and annulment", wherever it appears, to read "suspension, or annulment".

§ 1.59 [Amended]

08. Section 1.59(c) is corrected by changing the phrase "of the examiner's recommended decision", wherever it appears, to read "of the administrative law judge's recommended decision".

PART 2—NONINDUSTRIAL USE OF DISTILLED SPIRITS AND WINE

09. The table of sections in 27 CFR Part 2 is corrected to read as follows:

* * * * *

Subpart B—Definitions

Sec.
2.5 Meaning of terms.
* * * * *

Authority: August 29, 1935, ch. 814, sec. 1, 49 Stat. 977, as amended (27 U.S.C. 202), unless otherwise noted.

10. Section 2.5 is corrected by deleting the citation of authority and is to read as follows:

§ 2.5 Meaning of terms.

Distilled spirits. Section 17(a) of the Federal Alcohol Administration Act defines "distilled spirits" as ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof for nonindustrial use.

Wine. Section 17(a) of the Federal Alcohol Administration Act defines "wine" as (a) wine as defined in section 610 and section 617 of the Revenue Act of 1918 (26 U.S.C. 5381–5392), as now in force or hereafter amended, and (b) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance, only if containing not less than 7 percent and not more than 24 percent of alcohol by volume, and if for nonindustrial use.

PART 3—BULK SALES AND BOTTLING OF DISTILLED SPIRITS

11. The table of sections in 27 CFR Part 3 is corrected to read as follows:

* * * * *

Subpart B—Definitions

Sec.
3.5 Meaning of terms.
* * * * *

Authority: August 29, 1935, ch. 814, sec. 6, 49 Stat. 985, as amended (27 U.S.C. 206), unless otherwise noted.

12. Section 3.5 is corrected by deleting the citation of authority and is to read as follows:

§ 3.5 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this subpart.

Alcohol. Ethyl alcohol distilled at or above 190° proof.

Brandy. Brandy or wine spirits for addition to wines as permitted by internal revenue law.

Distilled spirits. Section 17(a) of the Federal Alcohol Administration Act defines "distilled spirits" as ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whisky, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

In bulk. Distilled spirits in containers having a capacity in excess of one wine gallon.

Other terms. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the meaning assigned to it by the Act.

13. Section 3.12 is corrected to read as follows:

§ 3.12 Acquiring or receiving distilled spirits in bulk for redistillation, processing, rectification, warehousing, or warehousing and bottling.

Persons holding basic permits (issued under Part 1 of this chapter) authorizing the distilling, rectifying, or warehousing and bottling of distilled spirits, or operating permits (issued under § 201.136 et seq. of this chapter) may acquire or receive in bulk distilled spirits as follows:

(a) * * *

* * * * *

PART 4—LABELING AND ADVERTISING OF WINE

14. The citation of authority to the table of sections in 27 CFR Part 4 is corrected to read as follows:

* * * * *

Authority: August 29, 1935, ch. 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205), unless otherwise noted.

15. Section 4.10 is corrected by deleting the citation of authority and is to read as follows:

§ 4.10 Meaning of terms.

* * * * *

Act. The Federal Alcohol Administration Act.

Added brandy. Brandy or wine spirits for use in fortification of wine as permitted by internal revenue law.

Advertisement. See § 4.61 for meaning of term as used in Subpart G of this part.

Alcohol. Ethyl alcohol distilled at or above 190° proof.

American. The several States, the District of Columbia, and Puerto Rico; "State" includes the District of Columbia and Puerto Rico.

Bottler. Any person who places wine in containers of four liters or less. (See meaning for "containers" and "packer".)

Brand label. The label carrying, in the usual distinctive design, the brand name of the wine.

Container. Any bottle, barrel, cask, or other closed receptacle irrespective of size or of the material from which made for use for the sale of wine at retail. (See meaning for "bottler" and "packer".)

Director. * * *

Gallon. A U.S. gallon of 231 cubic inches of alcoholic beverages at 60° F.

Interstate or foreign commerce. Commerce between any State and any place outside thereof, or commerce within any Territory or the District of Columbia, or between points within the same State but through any place outside thereof.

Liter or litre. (a) A metric unit of capacity equal to 1,000 cubic centimeters and equivalent to 33.814 U.S. fluid ounces. For purposes of this part, a liter is subdivided into 1,000 milliliters (ml).

(b) For purposes of regulation, one liter of wine is defined as that quantity (mass) of wine occupying a one-liter volume at 20° Celsius (68° F).

Packer. Any person who places wine in containers in excess of four liters. (See meaning for "container" and "bottler".)

Percent or percentage. Percent by volume.

Permittee. Any person holding a basic permit under the Federal Alcohol Administration Act.

Person. Any individual, partnership, joint-stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent, and including an officer or employee of any agency of a State or political subdivision thereof.

Pure condensed must. The dehydrated juice or must of sound, ripe grapes, or other fruit or agricultual products, concentrated to not more than 80° (Balling), the composition thereof remaining unaltered except for removal of water.

Regional regulatory administrator. * * *

Restored pure condensed must. Pure condensed must to which has been added an amount of water not

exceeding the amount removed in the dehydration process.

Sugar. Pure cane, beet, or dextrose sugar in dry for containing, respectively, not less than 95 percent of actual sugar calculated on a dry basis.

Trade buyer. Any person who is a wholesaler or retailer.

United States. The several States, the District of Columbia, and Puerto Rico; the term "State" includes the District of Columbia and Puerto Rico.

Use of other terms. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by the Act.

Wine. (a) Wine as defined in section 610 and section 617 of the Revenue Act of 1918 (26 U.S.C. 3036, 3044, 3045) and (b) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, initation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 percent, and not more than 24 percent of alcohol by volume, and if for nonindustrial use.

§ 4.21 [Amended]

16. Section 4.21 is corrected (1) by changing in paragraph (a)(1)(iii) the clause "In the case of domestic wine, in accordance with section 5383 of the Internal Revenue Code" to read "In the case of domestic wine, in accordance with 26 U.S.C. 5383"; (2) by changing in paragraph (e)(1)(i) the clause "in accordance with the provisions of section 5384 of the Internal Revenue Code" to read "in accordance with the provisions of 26 U.S.C. 5384"; (3) by changing in paragraph (d)(1)(i) the clause "in accordance with the provisions of section 5384 of the Internal Revenue Code" to read "in accordance with the provisions of 26 U.S.C. 5384"; an (4) by changing in paragraph (f)(1)(i) the phrase "with Subpart T of 26 CFR Part 240," to read "Subpart T, Part 240, of this Chapter".

§ 4.34 [Amended]

17. Section 4.34(a) is corrected by changing the phrase "by Part 240 of this title", wherever it appears, to read "by Part 240 of this chapter".

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

18. The citation of authority to the table of sections in 27 CFR Part 5 is corrected to read as follows:

* * * * *

Authority: August 29, 1935, ch. 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205), unless otherwise noted.

19. Section 5.11 is corrected (1) by adding a definition for the term "advertisement", (2) by deleting the definition for the term "assistant regional commissioner", and (3) by deleting the statutory citation following the section. As amended, § 5.11 reads as follows:

§ 5.11 Meaning of terms.

* * * * *

Age. * * *

Advertisement. See § 5.62 for meaning of term as used in Subpart H of this part.

Bottle. * * *

* * * * *

§ 5.22 [Amended]

20. Section 5.22(b)(1)(iii) is corrected (1) by changing the phrase "under section 5025(e)(5), Internal Revenue Code (26 U.S.C. 5025(e)(5), and implementing regulations in 26 CFR Part 201" to read "under 26 U.S.C. 5025(e)(5) and Part 201 of this chapter"; and (2) by changing the sentence, "Other whiskies may be designated 'straight' to read "No other whiskies may be designated 'straight'.

§ 5.36 [Amended]

21. Section 5.36 is corrected by changing in paragraph (a)(2) the phrase "under section 5233, Internal Revenue Code (26 U.S.C. 5233)" to read "under 26 U.S.C. 5233".

PART 6—INDUCEMENTS FURNISHED TO RETAILERS

22. The citation of authority to the table of sections in 27 CFR Part 6 is corrected to read as follows:

* * * * *

Authority: August 29, 1935, ch. 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205), unless otherwise noted.

23. Section 6.10 is corrected by deleting the citation of authority and is to read as follows:

§ 6.10 Meaning of terms.

* * * * *

Industry member. Any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine, or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits, but shall not include an agency of a State or political subdivision thereof, or an officer or employee of such agency.

Other terms. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the meaning assigned to it by the Act.

Product. Distilled spirits, wine, or malt beverages, as defined in the Federal Alcohol Administration Act.

Retailer. Any person engaged in the sale of distilled spirits, wine, or malt beverages to consumers.

Retail establishment. Any premises where distilled spirits, wine, or malt beverages are sold or offered for sale to consumers, whether for consumption on or off the premises where sold.

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

24. The citation of authority to the table of sections in 27 CFR Part 7 is corrected to read as follows:

* * * * *

Authority: August 29, 1935, ch. 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205) unless otherwise noted.

25. Section 7.10 is corrected by deleting the citation of authority and is to read as follows:

§ 7.10 Meaning of terms.

* * * * *

Act. The Federal Alcohol Administration Act.

Advertisement. See § 7.10 for meaning of term as used in Subpart F of this part.

Brand label. The label carrying, in the usual distinctive design, the brand name of the malt beverage.

Bottler. Any person who places malt beverages in containers of a capacity of one gallon or less.

Container. Any can, bottle, barrel, keg, or other closed receptacle, irrespective of size or of the material from which made, for use for the sale of malt beverages at retail.

Director. * * *

Gallon. A U.S. gallon of 231 cubic inches of malt beverages at 39.1° F (4° C). All other liquid measures used are subdivisions of the gallon as defined.

Interstate or foreign commerce. Commerce between any State and any place outside thereof, or commerce within any Territory or the District of Columbia, or between points within the same State but through any place outside thereof.

Malt beverage. A beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their

products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

Other terms. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by the Act.

Packer. Any person who places malt beverages in containers of a capacity in excess of one gallon.

Person. Any individual, partnership, joint-stock company, business trust, association, corporation, or other form of business enterprise, including a receiver trustee, or liquidating agent, and including an officer or employee of any agency of a State or political subdivision thereof.

Regional regulatory administrator. * * *

United States. The several States, the District of Columbia, and Puerto Rico; the term "State" includes the District of Columbia and Puerto Rico.

PART 8—CREDIT PERIOD TO BE EXTENDED TO RETAILERS OF ALCOHOLIC BEVERAGES

26. The citation of authority to the table of sections in 27 CFR Part 8 is corrected to read as follows:

* * * * *

Authority. August 29, 1935, ch. 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205), unless otherwise noted.

27. Section 8.10 is corrected to read as follows:

§ 8.10 Meaning of terms.

* * * * *

Act. The Federal Alcohol Administration Act.

Distilled spirits. Ethyl alcohol, hydrated oxide of ethyl spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures therof, for nonindustrial use.

Malt beverage. A beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

Wine. (a) Wine as defined in the section 610 and section 617 of the Revenue Act of 1918 (26 U.S.C. 441, 444), as now in force or hereafter amended, and (b) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine compounds sold as wine, vermouth, cider, perry, and sake, in each instance only if containing not less than 7 percent and not more than 24 percent of alcohol by volume, and if for nonindustrial use.

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

28. The citation of authority to the table of sections in 27 CFR Part 18 is corrected to read as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917 (26 U.S.C. 7805), unless otherwise noted.

29. Section 18.11 is corrected by deleting the citation of authority and is to read as follows:

§ 18.11 Meaning of Terms

* * * * *

Bonded wine cellar. Premises established under Part 240 of this chapter for the production, blending, cellar treatment, storage, bottling, or packaging of untaxpaid wine, and includes premises designated as "bonded winery".

* * * * *

PART 47—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

30. The citation of authority to the table of sections in 27 CFR Part 47 is corrected to read as follows:

* * * * *

Authority: Sec. 38, Pub. L. 94–329, 90 Stat. 744 (22 U.S.C. 2778), unless otherwise noted.

31. Section 47.11 is corrected to read as follows:

§ 47.11 Meaning of terms.

* * * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any functions relating to the administration or enforcement of this part.

Article. Any of the arms, ammunition, and implements of war enumerated in the U.S. Munitions Import List.

Bureau. * * *

Carbine. A short-barrelled rifle whose barrel is generally not longer than 22 inches and is characterized by light weight.

CFR. * * *

Chemical agent. A substance useful in war which, by its ordinary and direct chemical action, produces a powerful physiological effect.

Director. * * *

Firearms. A weapon not over .50 caliber which will or is designed to or may be readily converted to expel a projectile by the action of an explosive, but shall not include BB and pellet guns or firearms covered by Category I (a) and (e) established to have been manufactured before 1898.

Import or importation. Bringing into the United States from a foreign country any of the articles on the Import List, but shall not include intransit, temporary import or temporary export transactions subject to Department of State controls under Title 22, Code of Federal Regulations.

Import List. * * *

Machinegun. * * *

Permit. The same as "license" for purposes of 22 U.S.C. 1934(c).

Person. A partnership, company, association, or corporation, as well as a natural person.

Pistol. A hand-operated firearm having a chamber integral with, or permanently aligned with, the bore.

Regional regulatory administrator. * * *

Revolver. A hand-operated firearm with a revolving cylinder containing chambers for individual cartridges.

Rifle. A shoulder firearm discharging bullets through a rifled barrel at least 16 inches in length, including combination and drilling guns.

Sporting-type sight including optical. * * *

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

United States. When used in the geographical sense, unless otherwise expressly defined, includes the several States, the insular possessions of the United States, the Canal Zone, the District of Columbia, and any territory over which the United States exercises all and any powers of administration, legislation, and jurisdiction.

U.S.C. * * *

PART 70—PROCEDURE AND ADMINISTRATION

32. The citation of authority to the table of sections in 27 CFR Part 70 is corrected to read as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917 (26 U.S.C. 7805), unless otherwise noted.

33. Section 70.11 is corrected by deleting the citation of authority and by adding the definition for ATF officer. Section 70.11 reads as follows:

§ 70.11 Meaning of terms.

* * * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

§§ 70.35 and 70.36 [Amended]

34. Sections 70.35 and 70.36(c) are corrected by changing the title "regional director", wherever it appears, to read "special agent in charge".

PART 71—STATEMENT OF PROCEDURAL RULES

35. Section 71.11 is corrected to read as follows:

§ 71.11 Meaning of terms.

* * * * *

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

* * * * *

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

* * * * *

PART 72—DISPOSITION OF SEIZED PERSONAL PROPERTY

0§ 72.11 [Amended]

36. Section 72.11 is corrected by deleting the citation of authority.

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

37. The table of sections in 27 CFR Part 170 is corrected to read as follows:

* * * * *

Subpart P–T—[Reserved]

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917 (26 U.S.C. 7805), unless otherwise noted.

38. Section 170.3 is corrected to read as follows:

§ 170.3 Applications.

* * * The applicant shall submit with his application a certified copy of ATF Form 2630 on which (a) as to a package filled in internal revenue bond, report was made of the gauge for withdrawal of the package from bond; or (b) as to a package filled after tax payment or determination, report was made of the gauge of the package at the time of its filling.

39. Section 170.43 is corrected to read as follows:

§ 170.43 Meaning of terms.

* * * * *

Controlled stock. Stock on control premises, comprising of:

(a) * * *

(b) * * *

(c) Tax-determined imported spirits from internal revenue bond (as authorized by 26 U.S.C. 5232) for rectification or bottling;

(d) * * *

* * * * *

40. Section 170.86 is corrected to read as follows:

§ 170.86 Meaning of terms.

* * * * *

Director. * * *

District director of customs. The district director of customs at a headquarters port of the district (except the district of New York, N.Y.); the area directors of customs in the district of New York, N.Y.; and the port director at a port not designated as a headquarters port.

Owner. * * *

* * * * *

Regional regulatory administrator. * * *

Tax. Any tax imposed by 26 U.S.C. 5001–5066, or by any corresponding provision or prior internal revenue laws, and in the case of any commodity of a kind subject to a tax under such sections, any tax equal to any such tax, any additional tax, or any floor stocks tax. The term includes an extraction denominated a "tax", and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

41. Section 170.123 is corrected to read as follows:

§ 170.123 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in Part 201 of this chapter, except that the term "in bond" shall refer to spirits possessed under bond to secure payment of internal revenue tax imposed by 26 U.S.C. 7652. The term "ATF officer" means an officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this subpart.

§ 170.153 [Amended]

42. Section 170.153(a) is corrected by replacing the phrase "by section 7652, I.R.C." with the phrase "by 26 U.S.C. 7652".

43. Section 170.612 is corrected by (1) deleting the terms for "assistant regional commissioner" and "I.R.C.", and deleting the citation of authority; and amending the terms "commodity tax", "special tax", "this chapter", and "taxpaid distilled spirits, or wines". As amended, § 170.612 read as follows:

§ 170.612 Meaning of terms.

* * * * *

Commodity tax. The tax or taxes imposed by 26 U.S.C. 5021 and 5022 on products of rectification.

* * * * *

Special tax. The special (occupational) tax imposed by 26 U.S.C. 5081, 5111, and 5121 on rectifiers and dealers in liquors.

Taxpaid distilled spirits or wines. Distilled spirits or wines as the case may be, on which the distilled spirits tax imposed by 26 U.S.C. 5001, or the wine taxes imposed by 26 U.S.C. 5041, have been paid or determined.

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

* * * * *

§ 170.683 [Amended]

44. Section 170.683 is corrected by changing the phrase "of 26 CFR Part 170", wherever it appears, to read "of 27 CFR Part 170".

§ 170.687 [Amended]

45. Section 170.687 is corrected by changing the phrase "to the Assistant Regional Commissioner, Alcohol, Tobacco and Firearms", wherever it appears, to read "to the Regional Regulatory Administrator, Bureau of Alcohol, Tobacco and Firearms".

PART 173—RETURNS OF SUBSTANCES, ARTICLES, OR CONTAINERS

46. The citation of authority to the table of sections in 27 CFR Part 173 is corrected to read as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917 (26 U.S.C. 7805), unless otherwise noted.

47. Section 173.5 is corrected by deleting the citation of authority and is to read as follows:

§ 173.5 Meaning of terms.

* * * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the

administration or enforcement of this part.

Articles. * * *

Assistant regional commissioner. The official responsible to and functions under the direction and supervision of the regional commissioner of the Internal Revenue Service.

* * * * *

Distilled spirits or spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, vodka, and products produced in such manner that the person producing them is a rectifier within the meaning of 26 U.S.C. 5082, as amended.

* * * * *

Render. To deliver the completed return to the office indicated in the demand letter, not later than the date required by the demand letter, or to mail such completed return, in an envelope properly addressed and stamped, in sufficient time for such envelope to be postmarked by the U.S. Postal Service not later than the date required by the demand letter. The time and date of the United States postmark shall constitute the time and date of delivery of the return to the designated office.

Substance. Includes, but not limited by, any of the following: * * *

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

United States. * * *

U.S.C. The United States Code.

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

48. The citation of authority to the table of sections in 27 CFR Part 178 is corrected to read as follows:

* * * * *

Authority: 18 U.S.C. 921–928, unless otherwise noted.

49. Section 178.11 is corrected (1) by deleting the definition for "Internal Revenue Code of 1954", (2) by deleting the citation of authority, and (3) by amending the definitions for "Act", "Federal Firearms Act", and "National Firearms Act" to read as follows:

§ 178.11 Meaning of terms.

* * * * *

Act. 18 U.S.C. Chapter 44.

Antique firearms. * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

* * * * *

Federal Firearms Act. 15 U.S.C. Chapter 18.

* * * * *

Indictment. * * *

Internal revenue district. * * *

* * * * *

National Firearms Act. 26 U.S.C. Chapter 53.

* * * * *

§§ 178.52, 178.53, 178.56, 178.57, 178.95, 178.127, and 178.144 [Amended]

50 and 51. Sections 178.52, 178.53, 178.56(b), 178.57, 178.95(c), 178.127, and 178.144 are corrected by changing the wording "internal revenue region", wherever it appears, to read "region".

§ 178.80 and 178.82 [Amended]

52. Sections 178.80 and 178.82 are corrected by changing the phrase "before the Internal Revenue Service", wherever it appears, to read "before the Bureau of Alcohol, Tobacco and Firearms".

§ 178.96 [Amended]

53. Section 178.96(b) is corrected by changing the phrase "with U.S. Post Office Department regulations" to read "with U.S. Postal Service regulations".

PART 179—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

54. The citation of authority to the table of sections in 27 CFR Part 179 is corrected to read as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805); August 16, 1964, ch. 736, 68A Stat. 721, as amended (26 U.S.C. Chapter 53), unless otherwise noted.

§ 179.1 [Amended]

55. Section 179.1 is corrected by changing the parenthetic "(Chapter 53, I.R.C.)" to read "(26 U.S.C. Chapter 53)".

§ 179.11 [Amended]

56. Section 179.11 is corrected (1) by adding the definition of "ATF officer" to read "*ATF officer.* An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part"; (2) by changing in the term "destructive devices" the phrase "pursuant to the provisions of section 4684(2), 4685, or 4686 of Title 10 of the United States Code;" to read 'under 10 U.S.C. 4684(2), 4685, or 4686;" (3) by changing the definition of "district director" to read "*District director.* A district director of the Internal Revenue Service in an internal revenue district"; (4) by changing in the term "importation" the phrase "pursuant to the I.R.C." to read "under Title 26 of the United States Code"; and (5) by deleting "I.R.C." as a term.

§ 179.22 [Amended]

57. Section 179.22 is corrected by changing (1) the wording "Any internal revenue officer or employee of the Internal Revenue Service" to read "Any ATF officer or employee of the Bureau of Alcohol, Tobacco and Firearms"; and (2) the wording "Chapter 53, I.R.C.", wherever it appears, to read "26 U.S.C. Chapter 53".

§ 179.23 [Amended]

58. Section 179.23 is corrected by changing the phrase "of Chapter 53, I.R.C." to read "of 26 U.S.C. Chapter 53".

§ 179.24 [Amended]

59. Section 179.24 is corrected by changing the phrase "with section 5845(f), I.R.C." to read "with 26 U.S.C. 5845(f)".

§ 179.25 [Amended]

60. Section 179.25 is corrected by changing the phrase "with section 5845(a), I.R.C." to read "with 26 U.S.C. 5845(a)".

§ 179.34 [Amended]

61. Section 179.34(a) is corrected (1) by changing the phrase "under section 5801, I.R.C." to read "under 26 U.S.C. 5801"; and (2) by changing the phrase "with section 5802, I.R.C.", to read "with 26 U.S.C. 5802".

§§ 179.38 and 179.39 [Amended]

62. Sections 179.38 and 179.39 are corrected by changing the phrase "under section 5801, I.R.C.", wherever it appears, to read "under 26 U.S.C. 5801".

§ 179.48 [Amended]

63. Section 179.48 is corrected by changing the following, wherever they appear, to read—

(1) From the phrase "under section 5801, I.R.C." to "under 26 U.S.C. 5801";

(2) From the parenthetic clause "(see sections 6601 and 6651, I.R.C.)" to "(see 26 U.S.C. 6601 and 6651)"; and

(3) From the phrase "under section 5871, I.R.C." to "under 26 U.S.C. 5871".

§ 179.66 [Amended]

64. Section 179.66 is corrected by changing the phrase "with section 5821, I.R.C." to read "with 26 U.S.C. 5821".

§§ 179.88 and 179.90 [Amended]

65. Sections 179.88(c) and 179.90(c) are corrected by changing the parenthetic

clause "(See sections 5852, 5861, and 5871, I.R.C.)", wherever it appears, to read "(See 26 U.S.C. 5852, 5861, and 5871.)".

§ 179.91 [Amended]

66. Section 179.91 is corrected by changing the parenthetic clause "(See sections 5811, 5852, 5861, and 5871, I.R.C.)" to read "(See 26 U.S.C. 5811, 5852, 5861, and 5871.)".

§ 179.10 [Amended]

67. Section 179.101(c) is corrected by changing the parenthetic reference "(Chapter 53, I.R.C.)" to read "(26 U.S.C. Chapter 53)".

§ 179.111 [Amended]

68. Section 179.111(a) is corrected by changing the parenthetic clause "(See sections 5861, 5871, and 5872 I.R.C.)" to read "(See 26 U.S.C. 5861, 5871, and 5872.)".

§ 179.163 [Amended]

69. Section 179.163 is corrected by changing the phrase "by section 7208, I.R.C." to read "by 26 U.S.C. 7208".

70. Section 179.181 is corrected to read as follows:

§ 179.181 Penalties.

Any person who violates or fails to comply with the requirements of 26 U.S.C. Chapter 53 shall, upon conviction, be subject to the penalties imposed under 26 U.S.C. 5871.

§ 179.182 [Amended]

71. Section 179.182 is corrected by changing the following, wherever they appear, to read—

(a) From "section 5872, I.R.C." to "26 U.S.C. 5872" and

(b) From "Chapter 53, I.R.C." to "26 U.S.C. Chapter 53".

72. Section 179.191 is corrected to read as follows:

§ 179.191 Applicability of other provisions of internal revenue laws.

All of the provisions of the internal revenue laws not inconsistent with the provisions of 26 U.S.C. Chapter 53 shall be applicable with respect to the taxes imposed by 26 U.S.C. 5801, 5811, and 5821 (see 26 U.S.C. 5846).

§ 179.192 [Amended]

73. Section 179.192 is corrected by changing the clause "see 18 U.S.C., chapter 44", to read "see 18 U.S.C. Chapter 44."

PART 181—COMMERCE IN EXPLOSIVES

74. The citation of authority to the table of sections in 27 CFR Part 181 is corrected to read as follows:

* * * * *

Authority: 18 U.S.C. Chapter 40, unless otherwise noted.

75. Section 181.11 is corrected (1) by deleting the citation of authority and (2) by amending the definition of "Act" to read as follows:

§ 181.11 Meaning of terms.

* * * * *

Act. 18 U.S.C. Chapter 40.

* * * * *

Army-type structure. * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

§§ 181.54, 181.56, 181.59, 181.61 and 181.104 [Amended]

76. Sections 181.54, 181.56, 181.59(b), 181.61, and 181.104(c) are corrected by changing the wording "internal revenue region", wherever it appears, to read "region".

§ 181.78 [Amended]

77. Section 181.78 is corrected (1) by changing the phrase "before the Internal Revenue Service" to read "before the Bureau of Alcohol, Tobacco and Firearms" and (2) by changing the phrase "in 31 CFR Part 10 (Treasury Department Circular No. 230)" to read "in 31 CFR Part 8".

PART 186—GAUGING MANUAL

78. The citation of authority to the table of sections in 27 CFR Part 186 is corrected to read as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

79. Section 186.11 is corrected by (1) deleting the definition of "I.R.C." and the citation of authority; and (2) by amending the definitions of "tax gallon", and "regional regulatory administrator", and "this chapter". Section 186.11 is to read as follows:

§ 186.11 Meaning of terms.

* * * * *

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

* * * * *

Tax gallon. The unit of measure of spirits for the importation of tax under 26 U.S.C. 5001. When spirits are 100 degrees of proof or more, the tax is determined on a proof gallon basis. When spirits are less than 100 degrees of proof, the tax is determined on a wine gallon basis.

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

* * * * *

PART 194—LIQUOR DEALERS

80. The table of sections in 27 CFR Part 194 is corrected by making the following format change to the citation of authority:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

§ 194.1 [Amended]

81. Section 194.1 is corrected by changing the phrase "under the Internal Revenue Code of 1954, as amended" to read "under Title 26 of the United States Code, as amended".

§ 194.3 [Amended]

82. Section 194.3 is corrected by changing the phrase, "in 27 CFR Part 1", to read "in Part 1 of this Chapter".

§ 194.4 [Amended]

83. Section 194.4 is corrected by changing the phrase "by Chapter 51, I.R.C.", to read "by 26 U.S.C. Chapter 51".

84. Section 194.11 is corrected by (1) deleting the definition for "I.R.C." and the citation of authority and (2) by amending the definition of "fiscal year" to read as follows:

§ 194.11 Meaning of terms.

* * * * *

Fiscal year. The period from October 1 of one calendar year through September 30 of the following year.

* * * * *

§ 194.23 [Amended]

85. Section 194.23(b) is corrected by changing the phrase "of Chapter 51, I.R.C.", to read "of 26 U.S.C. Chapter 51".

§ 194.101 [Amended]

86. Section 194.101 is corrected by changing the italicized parenthetic term "(*fiscal year*)", in paragraph (a), to read "(*tax year*)".

§ 194.103 [Amended]

87. Section 194.103 is corrected by changing the phrase "for the entire fiscal year" to read "for the entire tax year".

§ 194.104 [Amended]

88. Section 194.104 is corrected by changing the phrase "into a new fiscal year" to read "into a new tax year".

§ 194.136 [Amended]

89. Section 194.136 is corrected by changing the phrase "by section 6511, I.R.C." to read "by 26 U.S.C. 6511".

§ 194.193 [Amended]

90. Section 194.193 is corrected by changing the phrase "of section 5117, I.R.C." to read "of 26 U.S.C. 5117".

§ 194.261 [Amended]

91. Section 194.261 is corrected by changing the phrase "of Chapter 51, I.R.C.", wherever it appears, to read "of 26 U.S.C. Chapter 51".

92. Section 194.281 is corrected to read as follows:

§ 194.281 General.

A State, or political subdivision of a State, or a person holding a wholesale liquor dealers' basic permit issued under Part 1 of this chapter, may export bottled taxpaid distilled spirits with benefit of drawback to the extent provided in § 252.171 of this chapter.***

PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

93. The table of sections in 27 CFR Part 195 is corrected by updating the citation of authority as follows:

* * * * *

Authority: August 16, 1954, Ch. 736, Stat 917, as amended (26 U.S.C. 7805), unless otherwise noted.

94. Section 195.10 is corrected (1) by deleting the definition of "I.R.C." and the citation of authority and (2) by amending the section to read as follows:

§ 195.10 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart. Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Director. ***

Distilled spirits. The substance known as ethyl alcohol, ethanol, spirits, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and includes low wines produced by the vaporizing process in the manufacture of vinegar.

Distilling materials. The fermented mash of grain, molasses, or other materials produced for distillation.

District director of internal revenue. The Director, Internal Revenue Service, in any of the internal revenue districts.

Gallon or wine gallon. A United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

Grain gallon. A gallon of vinegar of 100 grain strength.

Grain strength. A measure of the acetic acid content of vinegar, expressed as 10 times the grams of acetic acid per 100 ml.

Including. The term "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

Person, proprietor, vinegar maker. Includes natural persons, trusts, estates, associations, partnerships, companies, and corporations.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proof gallon. The alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

Regional regulatory administrator. * * *

U.S.C. The United States Code.

Vinegar plant or vinegar factory. An establishment qualified under this part for the manufacture of vinegar by the vaporizing process.

§ 195.87 [Amended]

95. Section 195.87 is corrected by adding at the end of the sentence the phrase "of this part".

§ 195.114 [Amended]

96. Section 195.114 is corrected by changing the phrase "in Subpart L" to read "Subpart L of this part".

§ 195.130 [Amended]

97. Section 195.130 is corrected by adding at the end of the sentence the phrase "of this part".

PART 196—STILLS

98. The table of sections in 27 CFR Part 196 is corrected by updating the citation of authority as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

99. Section 196.5 is corrected by deleting the citation of authority and is to read as follows:

§ 196.5 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart. Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Condenser. Any apparatus capable of being used when connected with a still, for condensing or liquefying alcoholic or spirituous vapors, but shall not include condensers to be used with laboratory stills or stills used for distilling water or other nonalcoholic materials where the cubic capacity of such stills is one gallon or less.

Director. * * *

Director of the service center. The Director, Internal Revenue Service Center, in each of the internal revenue regions.

Distilled spirits or spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, and vodka.

Distilling. The distillation of spirits as defined by 26 U.S.C. 5002(a)(6)(A). Such distillation shall include: (a) The original manufacture of distilled spirits from mash, wort, or wash, or any material suitable for the production of spirits; (b) the redistillation of spirits in the course of manufacture; (c) the redistillation of spirits, or products containing spirits within the provisions of 26 U.S.C. 5082; (d) the distillation, redistillation, or recovery of spirits or of completely or specially denatured spirits, or of articles containing spirits or completely or specially denatured spirits; and (e) the redistillation or recovery of tax-free spirits.

Distilling apparatus. Any still or condenser defined in this section.

District director of internal revenue. The Director, Internal Revenue Service, in any of the internal revenue districts.

District director of customs. * * *

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

Person, manufacturer, distiller, user. An individual, a trust, estate, partnership, association, company, or corporation.

Regional regulatory administrator. * * *

Still. Any apparatus capable of being used for separating alcoholic or spirituous vapors, or spirituous solutions, or spirits, from spirituous solutions or mixtures, but shall not include stills used for laboratory purposes or stills used for distilling water or other nonalcoholic materials where the cubic capacity of such stills is one gallon or less.

§ 196.36 [Amended]

100. Section 196.36 is corrected by changing (1) the phrase "section 5101, I.R.C." to read as "26 U.S.C. 5101"; and (2) the phrase "in each year", wherever it appears, to read "in each tax year".

§ 196.60a [Amended]

101. Section 196.60a is corrected by changing the phrase "on the Internal Revenue Service form" to read "on Form 1610".

PART 197—DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

102. The table of sections in 27 CFR Part 197 is corrected by updating the citation of authority as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

103. Section 197.5 is corrected by deleting the citation of authority and is to read as follows:

§ 197.5 Meaning of terms.

* * * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Director. * * *

* * * * *

Distilled spirits. That substance known as ethyl alcohol, ethanol, spirits, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, including alcohol, whisky, brandy, rum, gin, and vodka, all of which are fully taxpaid or tax-determined at the distilled spirits rate.

Director of the service center. The Director, Internal Revenue Service Center, in each of the internal revenue regions.

District director or district director of internal revenue. The Director, Internal Revenue Service, in any of the internal revenue districts.

Filed. Subject to the provisions of 26 CFR 301.7502 through 301.7503–1, a claim for drawback shall be deemed to have been "filed" when it is delivered to the office of the proper regional regulatory administrator, and by that office received.

Intermediate products. Products containing distilled spirits which are not subject to drawback until used in a nonbeverage product eligible for drawback.

Nonbeverage products. Medicines, medicinal preparations, food products, flavors, or flavoring extracts, in the manufacture or production of which distilled spirits are used under the provisions of 26 U.S.C. 5131–5134 and this part, and which are unfit for use for beverage purposes.

Regional regulatory administrator. * * *

Tax year. The period which begins July 1 and ends on the following June 30.

Time distilled spirits are used. * * *

Total annual withdrawals. The total quantity of distilled spirits (proof gallons), which are used in the manufacture or production of nonbeverage products during a year.

U.S.C. The United States Code.

Used. Distilled spirits shall be deemed to have been "used" in the manufacture of a product under this part, when such spirits are either consumed in such manufacture or are incorporated in the product; except that spirits lost by causes such as spillage, leakage, breakage, or theft, prior to or during the process of manufacture, shall not be deemed to be consumed in such manufacture.

* * * * *

§§ 197.25, 197.55 and 197.56 [Amended]

104. Sections 197.25, 197.55, and 197.56 are corrected by changing the word "year", wherever it appears, to read "tax year".

§§ 197.27, 197.46, 197.48, and 197.50 [Amended]

105. Sections 197.27, 197.46, 197.48, and 197.50 are corrected by changing the term "fiscal year", wherever it appears, to read "tax year".

106. Section 197.117 is corrected to read as follows:

§ 197.117 Account of distilled spirits reordered in the manufacture of products eligible for drawback.

* * * (For additional provisions respecting the recovery of distilled spirits and the records of the recoveries, see Part 170, Subpart U, of this chapter.)

(Sec. 201, Pub. L. 85–859, 72 Stat. 1330, as amended (26 U.S.C. 7025))

§ 197.130a [Amended]

107. Section 197.130a is corrected by changing the wording "26 CFR Part 186, Gauging Manual", to read "in Part 186, Gauging Manual, of this chapter".

PART 200—RULES OF PRACTICES IN PERMIT PROCEEDINGS

108. The table of sections in 27 CFR Part 200 is corrected by revising Subpart B and by updating the citation of authority as follows:

* * * * *

Subpart B—Definitions

Sec.
200.5 Meaning of terms.

* * * * *

Authority: August 16, 1954, Ch. 736, 68A Stat. 917, as amended (26 U.S.C. 8705), unless otherwise noted.

§ 200.1 [Amended]

109. Section 200.1 is corrected by changing (1) the phrase "under the Internal Revenue Code (26 U.S.C.)" to read "under Title 26 of the United States Code"; and (2) the phrase "by the Alcohol, Tobacco and Firearms Division, Internal Revenue Service" to read "by the Bureau of Alcohol, Tobacco and Firearms".

110. Section 200.5 is corrected (1) by deleting the definition for "I.R.C." and the citation of authority and (2) by incorporating the definitions in § 200.16. As amended, § 200.5 reads as follows:

§ 200.5 Meaning of terms.

* * * * *

Applicant. Any person who has filed an initial application for a permit under the Federal Alcohol Administration Act or the Internal Revenue Code (26 U.S.C.).

Application.

(a) *General.* Any application for a permit under the Federal Alcohol Administration Act or the Internal Revenue Code (26 U.S.C.).

(b) *Initial application.* An application for an original permit for operations not covered by an existing permit.

(c) *Renewal application.* An application timely filed for the renewal of an existing permit.

Attorney for the Government. The Attorney in the office of the Chief Counsel (assigned to the National or regional office) authorized to represent the regional regulatory administrator in the proceeding.

CFR. The Code of Federal Regulations.

Citation. Includes any notice contemplating the disapproval of an application (whether initial or renewal) or any order to show cause why a permit should not be suspended, revoked or annulled.

Director. ***

Initial decision. The decision (order) of the regional regulatory administrator in any proceeding on an initial application for a permit, and the decision of the administrative law judge in any proceeding on the suspension, revocation, or annulment of a permit or on the disapproval of a renewal application.

Other term. Any other term defined in the Federal Alcohol Administration Act (27 U.S.C. 201), the Internal Revenue Code (26 U.S.C.) or the Administrative Procedure Act (5 U.S.C. 1001), where used in this part, shall have the meaning assigned to it therein.

Permit.

(a) *Basic Permit.* The document authorizing the person named therein to engage in a designated business or activity under the Federal Alcohol Administration Act.

(b) *Industrial use permit.* A document issued pursuant to 26 U.S.C. 5271(a), authorizing a person named therein to use distilled spirits free of tax, deal in or use specially or completely denatured spirits, as described therein.

(c) *Operating permit.* The document issued pursuant to 26 U.S.C. 5171(b), authorizing the person named therein to engage in the business described therein.

(d) *Tobacco permit.* The document issued pursuant to 26 U.S.C. 5713(a), authorizing the person named therein to engage in the business described therein.

(e) *Withdrawal permit.* The document issued pursuant to 26 U.S.C. 5271(a), authorizing the person named therein to withdraw tax-free spirits or specially denatured spirits, as specified therein.

Permittee. Any person holding a basic permit under the Federal Alcohol Administration Act or the Internal Revenue Code (26 U.S.C.).

Person. An individual, trust, estate, partnership, association, company, or corporation.

Recommended decision. The advisory decision of the administrative law judge in any proceeding on an initial application for a permit.

Regional regulatory administrator.

* * *

Respondent. any person holding a permit against which an order has been issued to show cause why such permit should not be suspended, revoked, or annulled, or against the renewal of which a notice of contemplated disapproval has been issued.

U.S.C. The United States Code.

§ 200.16 [Deleted]

111. Section 200.16 is deleted.

§ 200.26 [Amended]

112. Section 200.26 is corrected by replacing the phrase "by any employee of the Internal Revenue Service" with the phrase "by any employee of the Bureau of Alcohol Tobacco and Firearms".

113. Section 200.31 is corrected to read as follows:

§ 200.31 Attorneys.

A respondent or applicant may be represented by an attorney, a certified public accountant, or other person enrolled to practice before the Bureau of Alcohol, Tobacco and Firearms under the provisions of 31 CFR Part 8, and files in the proceeding a duly executed power of attorney to represent the applicant or respondent. See 26 CFR 601.501–601.527. The regional regulatory administrator shall be represented in proceedings under this part by the attorney for the Government who is authorize to execute and file motions, briefs, and other papers in the proceeding, on behalf of the regional regulatory administrator, in his own name as "Attorney for the Government".

§ 200.46 [Amended]

114. Section 200.46 is corrected (1) by changing the phrase "of Chapter 52" to read "26 U.S.C. Chapter 52" and (2) by changing the phrase "of the Internal Revenue Code" to read as "of 26 U.S.C.".

115. Section 200.48 is corrected to read as follows:

§ 200.48 Operating, industrial use, and withdrawal permits.

* * * * *

(a) Has not in good faith complied with the provisions of 26 U.S.C. Chapter 51 or enabling regulations; or

(b) * * *

* * * * *

(e) Has violated or conspired to violate any law of the United States relating to intoxicating liquor or has been convicted of any offense under 26 U.S.C. punishable as a felony or of any conspiracy to commit such an offense; or

(f) * * *

* * * * *

116. Section 200.49a is corrected to read as follows:

§ 200.49a Applications for operating, industrial use, and withdrawal permits.

If, on examination of an application (including a renewal application) for an operating, industrial use, or withdrawal permit, the regional regulatory administrator has reason to believe—

(a) * * *

(b) The applicant (including in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner) is, by reason of the applicant's business experience, financial standing, or trade connections, not likely to maintain operations in compliance with 26 U.S.C. Chapter 51 or implementing regulations; or

(c) * * *

* * * * *

117. Section 200.49b is corrected to read as follows:

§ 200.49b Applications for tobacco permits.

If, on examination of an application for a tobacco permit provided for in 26 U.S.C. 5713, the regional regulatory administrator has reason to believe—

(a) * * *

(b) The applicant (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner) is, by reason of his business experience, financial standing, or trade connections, not likely to maintain operations in compliance with 26 U.S.C. Chapter 52, or has failed to disclose any material information required or made any material false statement in the application; the regional regulatory administrator may issue a citation for the contemplated disapproval of the application.

118. Section 200.56 is corrected to read as follows:

§ 200.56 Form.

* * * * *

(a) Form 1430–A, "Order To Show Cause", shall be used for all citations for the suspension, revocation, or annulment, as the case may be, of permits under the Internal Revenue Code or the Federal Alcohol Administration Act.

(b) * * *

§§ 200.85, 200.95, 200.98, 200.99 and 200.100 [Amended]

119. Sections 200.85, 200.95, 200.98, 200.99, and 200.100 are corrected by deleting the citations of authority.

§§ 200.97 and 200.98 [Amended]

120. Sections 200.97 and 200.98 are corrected by changing the phrase "of the Internal Revenue Service", wherever it appears, to read "of the Bureau of Alcohol, Tobacco and Firearms".

PART 201—DISTILLED SPIRITS PLANTS

Note.—Since ATF is in the process of revising 27 CFR Part 201 in order to implement the Distilled Spirits Tax Revision

Act of 1979 (Title VIII of the Trade Agreements Act of 1979), errors and inadvertent omissions to 27 CFR Part 201, which appeared in Treasury Decision ATF-48, will not be corrected at this time.

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

121. The table of sections in 27 CFR Part 211 is corrected by updating the citation of authority as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

122. Section 211.11 is corrected (1) by deleting the definitions for "internal revenue officer" and "I.R.C."; (2) by deleting the citation of authority; and (3) by correcting the definitions for "industrial use permit", "this chapter", and "withdrawal permit". As corrected, § 211.11 reads as follows:

§ 211.11 Meaning of terms

* * * * *

Industrial use permit. The document issued under 26 U.S.C. 5271(a), authorizing the person named therein to deal in or use specially denatured alcohol or specially denatured rum or to recover denatured alcohol, specially denatured rum or articles, as described therein.

Manufacturer or user. * * *

* * * * *

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

U.S.C. * * *

Withdrawal permit. The document issued under 26 U.S.C. 5271(a), authorizing the person named therein to withdraw specially denatured alcohol or specially denatured rum, as specified therein, from the premises of a distilled spirits plant or bonded dealer.

§ 211.48 [Amended]

123. Section 211.48(b) is corrected by changing (1) the phrase "with Chapter 51, I.R.C." to read "with 26 U.S.C. Chapter 51" and (2) the citation of authority "(72 Stat. 1370; 26 U.S.C. 5271)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1370, as amended (26 U.S.C. 5271))".

124. Section 211.50 is corrected to read as follows:

§ 211.50 Suspension or revocation.

* * * * *

(a) Has not in good faith complied with the provisions of 26 U.S.C. Chapter 51, or regulations issued thereunder; or

* * * * *

(Sec. 201, Pub. L. 95–859, 72 Stat. 1370 as amended (26 U.S.C. 5271))

§ 211.108 [Amended]

125. Section 211.108 is corrected by changing (1) the phrase "of the Internal Revenue Service" to read "the Bureau of Alcohol, Tobacco and Firearms" and (2) the citation of authority to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1370, as amended, 1372, as amended (26 U.S.C. 5271, 5273))".

§ 211.147 [Amended]

126. Section 211.147(a) is corrected by changing the phrase "by the Internal Revenue Service" to read "by the Bureau of Alcohol, Tobacco and Firearms".

127. Section 211.190(b) is corrected to read as follows:

§ 211.190b Removals.

* * * Bulk conveyances shall be sealed at the time of filling by the consignor with railroad or other appropriate seals dissimilar in marking from cap seals used by the Bureau of Alcohol, Tobacco and Firearms.

PART 212—FORMULAS FOR DENATURED ALCOHOL AND RUM

128. The table of sections in 27 CFR Part 212 is corrected by updating the citation of authority as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

§ 212.5 [Amended]

129. Section 212.5 is corrected (1) by deleting the definition for "I.R.C." and (2) by deleting the citation of authority.

§ 212.15 [Amended]

130. Section 212.15(b) is corrected by changing the phrase "of Chapter 51 I.R.C." to read "26 U.S.C. Chapter 51".

PART 213—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

131. The table of sections in 27 CFR Part 213 is corrected by updating the citation of authority as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

132. Section 213.11 is corrected (1) by deleting the definition for "I.R.C."; (2) by deleting the citation of authority; and (3) by correcting the definitions of "industrial use permit", "this chapter"; and "withdrawal permit". As corrected, § 213.11 reads as follows:

§ 213.11 Meaning of terms.

* * * * *

Industrial use permit. The document issued under 26 U.S.C. 5271(a), authorizing the person named therein to use tax-free alcohol, as described therein.

Permittee. * * *

* * * * *

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

U.S.C. * * *

Withdrawal permit. The document issued under 26 U.S.C. 5271(a), authorizing the person named therein to withdraw tax-free alcohol, as specified therein, from the premises of distilled spirits plants.

§ 213.47 [Amended]

133. Section 213.47(b) is corrected by changing the phrase "with Chapter 51, I.R.C." to read "with 26 U.S.C. Chapter 51" and (2) the citation of authority "(72 Stat. 1370; 26 U.S.C. 5271)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1370, as amended (26 U.S.C. 5271))".

134. Section 213.49 is corrected to read as follows:

§ 213.49 Suspension or revocation of permits.

* * * * *

(a) Has not in good faith complied with the provisions of 26 U.S.C. Chapter 51, or regulations issued thereunder; or

* * * * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1370, as amended (26 U.S.C. 5271))

135. Section 213.101 is corrected to read as follows:

§ 213.101 Authorized uses.

* * * * *

(a) For the use of any educational organization described in 26 U.S.C. 503(b)(2), which is exempt from income tax under 26 U.S.C. 501(a), or for the use of any scientific university or college of learning;

* * * * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1362, as amended, 1370 as amended (26 U.S.C. 5214, 5271))

§ 213.103 [Amended]

136. Section 213.103 is corrected by changing (1) the phrase "under section 501(a), I.R.C." to read "under 26 U.S.C. 501(a)" and (2) the citation of authority "(72 Stat. 1362; 26 U.S.C. 5214)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1362, as amended (26 U.S.C. 5214))".

§ 213.117 [Amended]

137. Section 213.117 is corrected by changing the phrase "of section 5688(a)(2)(B), I.R.C." to read "of 26 U.S.C. 5688(a)(2)(B)".

§ 213.141 [Amended]

138. Section 213.141 is corrected by changing (1) the phrase "by section

5214(a)(2), I.R.C." to read "by 26 U.S.C. 5214(a)(2)" and (2) the citation of authority "(72 Stat. 1362; 26 U.S.C. 5214)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1362, as amended (26 U.S.C. 5214))".

PART 231—TAXPAID WINE BOTTLING HOUSES

139. The table of sections in 27 CFR Part 231 is corrected by updating the citation of authority as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

140. Section 231.10 is corrected by (1) deleting the definition for "I.R.C.", (2) by deleting the citation of authority, and (3) by adding a definition for "ATF officer". As corrected, § 231.10 reads as follows:

§ 231.10 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any functions relating to the administration or enforcement of this part.

Director. * * *

Exception. The definitions in this subpart are prescribed pursuant to the internal revenue laws governing the bottling, packaging and removal of taxpaid wine and shall not supersede or affect the requirements set forth in Part 4 of this chapter, relative to the labeling of wine under the provisions of the Federal Alcohol Administration Act.

Foreign wine. Wine produced outside the United States.

Gallon or wine gallon. The liquid measure equivalent to the volume of 231 cubic inches.

Package. Any barrel, cask, keg, or similar container, or any demijohn (or bottle) of two gallons or more capacity, used to remove wine from taxpaid wine bottling houses.

Proprietor. The operator of a taxpaid wine bottling house.

Regional regulatory administrator. * * *

Standard wine. Natural wine, specially sweetened natural wine, special natural wine and standard agricultural wine produced in accordance with the provisions of Part 240 of this chapter.

Taxpaid wine. Wine on which the tax imposed by 26 U.S.C. 5041 has been determined, regardless of whether the tax has actually been paid or the payment of tax has been deferred under 26 U.S.C. 5061.

U.S.C. The United States Code.

United States wine. Wine produced on bonded wine cellar premises in the United States.

Wine. When used without qualification, all still wine including vermouth and other special (flavored) natural wine.

§ 231.51 [Amended]

141. Section 231.51 is corrected by changing the phrase "in 27 CFR Part 1" to read "in Part 1 of this chapter".

142. Section 231.82 is corrected to read as follows:

§ 231.82 Bottling and labeling operations.

* * * * *

(b) Kind of wine (class and type), in the manner specified by Part 4 of this chapter;

(c) The alcohol content by volume in the manner specified by Part 4 of this chapter; and

(d) The net contents of the bottle, unless displayed on the bottle as provided in § 4.37(d) of this chapter.

* * * * *

§ 231.83 [Amended]

143. Section 231.83 is corrected by changing the phrase "of 27 CFR Part 4" to read "of Part 4 of this chapter".

PART 240—WINE

144. The table of sections in 27 CFR Part 240 is corrected to read as follows:

* * * * *

Sec.

240.783 Losses during a year.

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

145. Section 240.10 is corrected (1) by deleting the definition for "I.R.C.", (2) by deleting the citation of authority, (3) by adding a definition for "ATF officer", and (4) by updating the section to read as follows:

§ 240.10 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatibile with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Affiliated persons or firms. Any one or more bonded wine cellar proprietors associated as members of the same farm cooperative, or any one or more bonded wine cellar proprietors affiliated within the meaning of section 17(a)(5) of the Federal Alcohol Administration Act, as amended.

Agricultural wine. Wine made from suitable agricultural products other than the juice of grapes, berries, or other fruits.

Allied products. Commercial fruit products and by-products not taxable as wine.

Amelioration. The addition to juice or wine before, during and after fermentation, of either water or pure sugar, or a combination of water and pure sugar, or liquid sugar or invert sugar syrup, to adjust the acid content or to develop alcohol by fermentation.

Artificially carbonated wine. Effervescent wine artificially charged with carbon dioxide.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any functions relating to the administration or enforcement of this part.

Bonded wine cellar. Premises established under the provisions of Subpart C of this part, including premises designated as "bonded winery".

Concentrate plant. An establishment qualified under Part 18 of this chapter for the production of volatile fruit-flavor concentrates.

Container. Any case, cask, barrel, keg, pipeline, tank, tank truck, railroad tank car, or other approved container (except bottles having a capacity of one gallon or less) used to remove wine from bonded wine cellars.

Director. * * *

Director of the service center. The Director, Internal Revenue Service Center, in any of the internal revenue regions.

Distilled spirits plant. An establishment qualified under Part 201 of this chapter for the production, bonded storage, or bottling of spirits, or for rectification, or for any combination of such operations.

District director. The District Director of Internal Revenue.

Effervescent wine. Sparkling wine and artificially carbonated wine and shall

not include still wine as defined in this part.

Executed under penalties of perjury. * * *

Exception. The definitions in this subpart are prescribed pursuant to the internal revenue laws governing the production and removal of wine, and shall not supersede or affect the requirements set forth in Part 4 of this chapter, relative to the labeling of wine under the provisions of the Federal Alcohol Administration Act.

Fold. The ratio of the volume of the fruit mash or juice to the volume of the volatile fruit-flavor concentrate produced from such fruit mash or juice; for example, one gallon of concentrate of 100-fold would be the product from 100 gallons of fruit mash or juice.

Foreign wine. Wine produced outside the United States.

Fruit wine. Wine made from the juice of sound, ripe fruit (including berries) other than grapes.

Gallon or wine gallon. A United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

General bonded area. The unsegregated portion of the bonded wine cellar not set aside and designated for a particular use.

Heavy bodied blending wine. Wine made from fruit without added sugar, with or without added wine spirits, and conforming to the definition of natural wine in all respects except as to maximum total solids content.

In bond. When used with respect to wine spirits, "in bond" means such spirits possessed under bond to secure the payment of the internal revenue tax thereon and in respect to which the tax has not been determined as provided in this chapter, and includes such spirits withdrawn without payment of tax under 26 U.S.C. 5214(a)(5), and with respect to which relief from liability has not yet occurred. When used with respect to wine "in bond" means wine possessed under bond to secure the payment of the internal revenue tax thereon and in respect to which the tax thereon has not been determined as provided in this chapter, and includes such wines on the bonded premises of a bonded wine cellar, in transit to a bonded wine cellar, and such wine withdrawn without payment of tax under 26 U.S.C. 5362, and with respect to which relief from liability has not yet occurred.

Invert sugar syrup. A solution of invert sugar which has been prepared by recognized methods of inversion from pure sugar. It shall be a substantially colorless solution and contain not less than 60 percent sugar by weight (60 degrees Brix).

Juice (or must). The unfermented juice of fruit, berries and authorized agricultural products, exclusive of pulp, skins, or seeds.

Lees. The settlings of wine.

Liter or litre. A metric unit of capacity equal to 1000 cubic centimeters of alcoholic beverage, and equivalent to 33.814 U.S. fluid ounces. A liter is subdivided into 1000 milliliters (ml).

Liquid sugar. A substantially colorless pure sugar and water solution containing not less than 60 percent pure sugar by weight (60 degrees Brix).

Person. An individual, trust, estate, partnership, association, company, or corporation.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proof gallon. The alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

Proprietor. The operator of a bonded wine cellar, and includes the term "winemaker" when the context so requires.

Pure sugar. Pure refined sugar, suitable for human consumption, having a dextrose equivalent of not less than 95 percent on a dry basis, and produced from cane, beets, or fruit, or from grain or other sources of starch: *Provided,* That invert sugar syrup produced from such pure sugar by recognized methods of inversion may be used to prepare any sugar syrup, or solution of water and pure sugar.

Regional regulatory administrator. * * *

Same kind of fruit. In the case of grapes, all of the several species and varieties of grapes. In the case of fruits other than grapes, this term includes all of the several species and varieties of any given kind; except that this shall not preclude a more precise identification of the composition of the product for the purpose of its designation.

Sparkling wine or champagne. Effervescent wine charged with carbon dioxide, resulting from fermentation of the wine within a closed container or bottle.

Special natural wine. A product, such as vermouth, made pursuant to an approved formula in accordance with the provisions of 26 U.S.C. 5386, and Subpart S of this part.

Specially sweetened natural wine. A product having a total solids content in excess of 17 percent by weight and an alcohol content of not more than 14 percent by volume, made in accordance with the provisions of 26 U.S.C. 5385 and Subpart R of this part.

Standard agricultural wine. Agricultural wine made within the limitations of Subpart T of this part.

Standard wine. Natural wine, specially sweetened natural wine, special natural wine and standard agricultural wine, produced in accordance with the provisions of 26 U.S.C. 5381, 5385, 5386, and 5387 and Subparts P, Q, R, S, and T of this part.

Still wine. Noneffervescent wine, including those wines containing carbon dioxide as authorized in §§ 240.531 to 240.534, inclusive.

Sugar. Pure sugar, liquid sugar, and invert sugar syrup.

Taxpaid wine. Wine on which the tax imposed by 26 U.S.C. 5041, has been determined, regardless of whether the tax has actually been paid or the payment of tax has been deferred under 26 U.S.C 5061.

Tax year. The period from July 1 of one calendar year through June 30 of the following year.

Total solids. The degrees Brix of the dealcoholized wine.

U.S.C. The United States Code.

United States wine. Wine produced on bonded wine cellar premises in the United States.

Volatile fruit-flavor concentrate. Any volatile fruit-flavor concentrate produced by any process which includes evaporations from any fruit mash or juice at a concentrate plant.

Wine. When used without qualification, includes all still wines, champagne and other sparkling wines, artifically carbonated wine, and special natural wine produced on bonded wine cellar premises.

Wine spirits. As authorized for use in wine production by 26 U.S.C. 5373, brandy or wine spirits produced in a distilled spirits plant (with or without the use of water to facilitate extraction and distillation) exclusively from (a) fresh or dried fruit, or their residues, (b) the wine or wine residues therefrom, or (c) special natural wine; except that where, in the production of natural wine or special natural wine, sugar has been used, the wine or the residuum thereof may not be used if the unfermented sugars therein have been refermented. Such wine spirits shall not be reduced with water from the distillation proof, nor be distilled at less than 140 degrees of proof (except that commercial brandy aged in wood for a period of not less than 2 years, and barreled at not less than 100 degrees of proof, shall be deemed wine spirits for the purpose of this part).

Withdrawn without payment of tax. "Withdrawn free of tax", wherever used

in this part, except in reference to wine withdrawn under 26 U.S.C. 5362(c)(7), (8), and (9), shall mean "withdrawn without payment of tax".

§ 240.120 [Amended]

145. Section 240.120 is corrected by changing (1) the phrase "under section 5042, I.R.C." to read "under 26 U.S.C. 5042" and (2) the citation of authority "68A Stat. 867, 72 Stat. 1378; (26 U.S.C. 7302, 5351)" to read "August 16, 1954, ch. 736, 68A Stat. 867 (26 U.S.C. 7302); sec. 201, Pub. L. 85–859, 72 Stat. 1378, as amended (26 U.S.C. 5351)".

§ 240.191 [Amended]

146. Section 240.191 is corrected by changing the phrase "in 27 CFR Part 1" to read "Part 1 of this chapter".

§ 240.223 [Amended]

147. Section 240.223 is corrected by changing (1) the phrase "of Chapter 51, I.R.C." to read "of 26 U.S.C. Chapter 51" and (2) the citation of authority" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1314, as amended, 1383, as amended (26 U.S.C. 5001, 5382))".

§ 240.343 [Amended]

148. Section 240.343 is corrected by changing the phrase "of each year" to read "of each tax year".

§ 240.344 [Amended]

149. Section 240.344 is corrected by changing the phrase "by a United States post office" to read "by the U.S. Postal Service".

§ 240.489 [Amended]

150. Section 240.489 is corrected by changing (1) the phrase "by 27 CFR Part 4" to read "Part 4 of this chapter" and (2) the citation of authority "(72 Stat. 1381, 1383; 26 U.S.C. 5364, 5381)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1381 as amended, 1383 as amended (26 U.S.C. 5364, 5381))".

151. Section 240.523 is corrected to read as follows:

§ 240.523 Sterilizing and preserving.

Sterilizing and preserving agents, such as sulfur dioxide, potassium metabisulphite, or sodium metabisulphite, may be used to the extent necessary: *Provided*, The sulfur content of the finished wine does not exceed the limits prescribed in Part 4 of this chapter.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

§ 240.535 [Amended]

152. Section 240.535 is corrected by changing (1) the phrase "in section 5662, I.R.C.", to read "in 26 U.S.C. 5662" and (2) the citation of authority "(72 Stat. 1407; 26 U.S.C. 5662)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1407, as amended (26 U.S.C. 5662))".

§ 240.562 [Amended]

153. Section 240.562(a)(3) is corrected by changing the phrase "with 27 CFR Part 4" to read "with Part 4 of this chapter".

§ 240.566 [Amended]

154. Section 240.566 is corrected by changing (1) the phrase "in 27 CFR Part 4" to read "Part 4 of this chapter" and (2) the citation of authority "(68A Stat. 666; 26 U.S.C. 5368)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1381, as amended (26 U.S.C. 5368))".

§ 240.567 [Amended]

155. Section 240.567(c) is corrected by changing the phrase "by 27 CFR Part 4", to read "by Part 4 of this chapter".

§ 240.573 [Amended]

156. Section 240.573 is corrected by substituting the phrase "by the Bureau of Alcohol, Tobacco and Firearms," in place of the wording "by the Internal Revenue Service".

§ 240.579 [Amended]

157. Section 240.579 is corrected (1) by changing in paragraph (d) the phrase "27 CFR 4.37(d)" to read "§ 4.37(d) of this chapter"; and (2) by deleting both citations of authority found in the section; and (3) by adding a new citation of authority at the end of the section which is to read "Sec. 201, Pub. L. 85–859, 72 Stat. 1381, as amended, 5662, as amended (26 U.S.C. 5368, 5662))".

§§ 240.580, 240.581, 240.582 and 240.583 [Amended]

158. Sections 240.580, 240.581, 240.582, and 240.583 are corrected by changing the citation "27 CFR Part 4", wherever it appears, to read "Part 4 of this chapter".

§ 240.596 [Amended]

159. Section 240.596 is corrected by changing (1) the phrase "of the United States Post Office" to read "of the U.S. Postal Service".

§ 240.620 [Amended]

160. Section 240.620 is corrected by changing the wording "26 CFR Part 240" to read "27 CFR Part 240".

§ 240.783 [Amended]

161. Section 240.783 is corrected (1) by changing the title of the section to read "§ 240.783 Losses during a year", (2) by deleting the term "fiscal" wherever it appears in the section, and (3) by updating the citation of authority "(72 Stat. 1381; 26 U.S.C. 5370)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1381, as amended (26 U.S.C. 5370))".

§ 240.805 [Amended]

162. Section 240.805 is corrected by changing (1) the phrase "of section 5044, I.R.C." to read "of 26 U.S.C. 5044" and (2) the citation of authority "(72 Stat. 1332, 26 U.S.C. 5044)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1332, as amended (26 U.S.C. 5044))".

§ 240.820 [Amended]

163. Section 240.820 is corrected by changing (1) the phrase "under section 5373, Internal Revenue Code", to read "under 26 U.S.C. 5373" and (2) the citation of authority "(72 Stat. 1382; 26 U.S.C. 5373)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1382, as amended (26 U.S.C. 5373))".

§ 240.881 [Amended]

164. Section 240.881 is corrected by changing (1) the phrase "of Subchapter F of Chapter 51 of the Internal Revenue Code" to read "of Subchapter F of 26 U.S.C. Chapter 51", and (2) the citation of authority "(68A Stat. 672; 26 U.S.C. 5391)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1387 (26 U.S.C. 5391))".

PART 245—BEER

165. The table of sections in 27 CFR Part 245 is corrected by updating the citation of authority as follows:

* * * * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

166. Section 245.5 is corrected (1) by deleting the definition for "I.R.C.", (2) by deleting all of the citations of authority within and at the end of the section, and (3) by updating the section to read as follows:

§ 245.5 Meaning of terms.

When used in this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this subpart. Words in the plural form shall include the singular and vice versa, and words in the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things other than those enumerated which are in the same general class.

AFT officer. * * *

Beer. Beer, ale, porter, stout, and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

Bottle. A bottle, can, or similar container.

Bottling. The filling of bottles, cans, and similar containers.

Brewer. Any person who brews beer (except a person who produces only beer exempt from tax under 26 U.S.C. 5053(e)) and any person who produces beer for sale.

Brewery. The land and buildings described as such in the brewer's notice on Form 27–C, where beer is to be produced and packaged.

Brewing. The production of beer for sale.

Business day. The 24-hour cycle of operations in effect at the brewery, which, if other than the calendar day, is subject to the approval of the regional regulatory administrator. The business day, having been once established, shall be applicable to all records and operations of the brewery, and shall not be changed without approval of the regional regulatory administrator.

Cereal beverage. A malt beverage, either fermented or unfermented, which contains, when ready for consumption, less than one-half of 1 percent of alcohol by volume.

Delegate. * * *

Director of the service center. The Director, Internal Revenue Service Center, in any of the internal revenue regions.

District director. A district director of internal revenue.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, claim, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this ——— (insert type of document such as statement, report, certificate, application, claim, or other document), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct and complete."

Gallon. The liquid measure containing 231 cubic inches.

Package. A bottle, can, keg, barrel, or other original consumer container.

Packaging. The filling of any package.

Person. An individual, a trust, estate, partnership, association, company, and corporation.

Region. * * *

Regional regulatory administrator. * * *

Removed for consumption or sale. Except when used with respect to beer removed without payment of tax as authorized by law, (a) the sale and transfer of possession of beer for consumption at the brewery, or (b) any removal of beer from the brewery.

Secretary. The Secretary of the Treasury or his delegate.

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

U.S.C. The United States Code.

§ 245.75 [Amended]

167. Section 245.75 is corrected by changing (1) the phrase "by section 5091, I.R.C." to read "by 26 U.S.C. 5091" and (2) the citation of authority "(72 Stat. 1346; 26 U.S.C. 5142)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1346, as amended (26 U.S.C. 5142))".

§ 245.126 [Amended]

168. Section 245.126 is corrected by changing (1) the phrase "by 27 CFR Part 7" to read "by Part 7 of this chapter" and (2) the citation of authority "(72 Stat. 1389; 26 U.S.C. 5412)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1389, as amended (26 U.S.C. 5412))".

§ 245.208 [Amended]

169. Section 245.208 is corrected by changing the phrase "To the Assistant Regional Commissioner (Alcohol, Tobacco and Firearms), ——— Region, Internal Revenue Service:" to read "To the Regional Regulatory Administrator, ——— Region, Bureau of Alcohol, Tobacco and Firearms:".

§ 245.220 [Amended]

170. Section 245.220 is corrected by changing (1) the phrase "of section 7606 I.R.C." to read "of 26 U.S.C. 7606" and (2) the citation of authority "(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)" to read "(August 16, 1954, ch. 736, 68A Stat. 872, 903, as amended (26 U.S.C. 7342, 7606))".

§§ 245.240 and 245.241 [Amended]

171. Sections 245.240 and 245.241 are corrected by changing the phrase "of Part 245, Title 26, Code of Federal Regulations", wherever it appears, to read "of 27 CFR Part 245".

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

172. The table of sections in 27 CFR Part 250 is corrected by updating the citation of authority as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

173. Section 250.11 is corrected (1) by deleting the definition for "I.R.C.", (2) by deleting the citation of authority, (3) by adding a definition for "ATF officer", and (4) by updating the section to read as follows:

§ 250.11 Meaning of terms.

* * * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

* * * * *

Industrial spirits. * * *

Liquor bottle. * * *

* * * * *

Red strip stamp. The stamp prescribed under authority of 26 U.S.C. 5205(a)(2).

* * * * *

Virgin Islands regulations. Regulations issued or adopted by the Governor of the Virgin Islands, or his duly authorized agents, with the concurrence of the Secretary of the Treasury of the United States, or his delegate, under the provisions of 26 U.S.C. 5314, as amended, and § 250.201a.

Wine. * * *

174. Section 250.36 is corrected to read as follows:

§ 250.36 Products exempt from tax.

Subject to the provisions of this part, the following products may be brought into the United States from Puerto Rico without incurring liability to any tax imposed by 26 U.S.C. 5001(a)(10) or 7652(a):

(a) Industrial spirits for the purposes authorized in 26 U.S.C. 5214(a) (2) and (3).

* * * * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1375, as amended (26 U.S.C. 5314))

§§ 250.36a and 250.36(b) [Amended]

175. Sections 250.36a and 250.36(b) are corrected by changing (1) the phrase "in section 5214(a)(2) and (3), I.R.C.", wherever it appears, to read "in 26 U.S.C. 5214(a)(2) and (3)" and (2) the citations of authority "(72 Stat. 1375; 26 U.S.C. 5314)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1375, as amended (26 U.S.C. 5314))".

176. Section 250.39 is corrected to read as follows:

§ 250.39 Labels.

All labels affixed to bottles of liquors coming into the United States shall conform to the requirements of the Federal Alcohol Administration Act and implementing regulations (Parts 4, 5, and 7 of this chapter).

§ 250.53 [amended]

177. Section 250.53 is corrected by changing the phrase "in 27 CFR Part 5" to read "in Part 5 of this chapter".

178. Section 250.66 is corrected to read as follows:

§ 250.66 Bond, Form 2896—Distilled spirits and rectification.

(a) *Withdrawal of distilled spirits from bonded storage in Puerto Rico.* Where the proprietor of a bonded warehouse or a bonded processing room intends to withdraw for purpose of shipment to the United States, distilled spirits of Puerto Rican manufacture from bonded storage in Puerto Rico on computation, but before payment, of the tax imposed by 26 U.S.C. 7652(a), equal to the tax imposed in the United States by 26 U.S.C. 5001(a)(1), he shall, before making any such withdrawal, furnish a bond, Form 2896, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all distilled spirits so withdrawn. * * *

(b) *Rectification in Puerto Rico.* Where the proprietor of a rectifying plant in Puerto Rico intends to ship rectified products to the United States and desires that the tax imposed by 26 U.S.C. 7652(a), equal to the tax imposed in the United States by 26 U.S.C. 5021 and 5022, be computed at the time the bottling and casing is completed, but payment thereof be deferred, he shall furnish a bond, Form 2896, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all rectified spirits and wines so bottled and cased. * * *

(c) * * *

(Aug. 16, 1954, ch. 736, 68A Stat. 775, as amended, 847, as amended, 906, 907, as amended (26 U.S.C. 6302, 7101, 7102, 7651(2)(B), 7652(a)))

179. Section 250.67 is corrected to read as follows:

§ 250.67 Bond, Form 2897—Wine.

Where a proprietor intends to withdraw, for purpose of shipment to the United States, wine of Puerto Rican manufacture from bonded storage in Puerto Rico on computation, but before payment, of the tax imposed by 26 U.S.C. 7652(a), equal to the tax imposed in the United States by 26 U.S.C. 5041, he shall, before making any such withdrawal, furnish a bond, Form 2897, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all wine so withdrawn. * * *

(Aug. 16, 1954, ch. 736, 68A Stat. 775, as amended, 847, as amended, 906, 907, as amended (26 U.S.C. 6302, 7101, 7102, 7651(2)(B), 7652(a)))

180. Section 250.68 is corrected to read as follows:

§ 250.68 Bond, Form 2898—Beer.

Where a brewer intends to withdraw, for purpose of shipment to the United States, beer of Puerto Rican manufacture from bonded storage in Puerto Rico on computation, but before payment, of the tax imposed by 26 U.S.C. 7652(a), equal to the tax imposed in the United States by 26 U.S.C. 5051, he shall, before making any such withdrawal, furnish a bond, Form 2898, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all beer so withdrawn. * * *

(Aug. 16, 1954, ch. 736, 68A Stat. 775, as amended, 847, as amended, 906, 907, as amended (26 U.S.C. 6302, 7101, 7102, 7651(2)(B), 7652(a)))

§ 250.76 [Amended]

181. Section 250.76 is corrected by changing the phrase "by section 7652(a), I.R.C." to read "by 26 U.S.C. 7652(a)".

§ 250.77 [Amended]

182. Section 250.77 is corrected by changing (1) the phrase "by sections 5001(a)(1), 5021, and 5022, I.R.C." to read "by 26 U.S.C. 5001(a)(1), 5021, and 5022" and (2) the citation of authority "(68A Stat. 907; 26 U.S.C. 7652)" to read "(Aug. 16, 1954, ch. 736, 68A Stat. 907, as amended (26 U.S.C. 7652))".

183. Section 250.85(a) is corrected to read as follows:

§ 250.85 Rectification tax.

(a) *Computation.* After distilled spirits tax equal to the tax imposed in the United States by 26 U.S.C. 5001(a)(1), has been deferred or paid (as prescribed in § 250.80 or § 250.81) and the rectified spirits have been bottled and cased, or packaged, the rectifier shall prepare Form 2926, in quintuplet. He shall compute on Form 2926 the rectification tax (equal to the tax imposed in the United States by 26 U.S.C. 5021 and 5022) incurred on the spirits so rectified, and bottled and cased, or packaged. * * *

§ 250.92 [Amended]

184. Section 250.92 is corrected by changing (1) the phrase "by section 5041, I.R.C." to read "by 26 U.S.C. 5041" and (2) the citation of authority "(68A Stat. 907; 26 U.S.C. 7652)" to read "(Aug. 16, 1954, ch. 736, 68A Stat. 907, as amended (26 U.S.C. 7652))".

185. Section 250.96a is corrected to read as follows:

§ 250.96a Rectification tax.

Where wine, on which tax equal to the tax imposed in the United States by 26 U.S.C. 5041 has been deferred or paid (as prescribed in § 250.95 or § 250.96), is rectifed, the finished product is subject to tax equal to the rectification tax imposed in the United States by 26 U.S.C. 5021. * * *

§ 250.99 [Amended]

186. Section 250.99 is corrected by changing (1) the phrase in paragraph (a) "by section 5001(a)(1), I.R.C." to read "by 26 U.S.C. 5001(a)(1)"; (2) the phrase in paragraph (b) "by section 5041, I.R.C." to read "by 26 U.S.C. 5041"; and (3) the phrase in paragraph (c) "by section 5021 or section 5022, I.R.C." to read "by 26 U.S.C. 5021 or 5022".

§ 250.101 [Amended]

187. Section 250.101 is corrected by changing (1) the phrase "by section 5051, I.R.C." to read "by 26 U.S.C. 5051" and (2) the citation of authority "(68A Stat. 907; 26 U.S.C. 7652)" to read "(Aug. 16, 1954, ch. 736, 68A Stat. 907, as amended (26 U.S.C. 7652))".

§§ 250.107, 250.111 and 250.116 [Amended]

188. Sections 250.107, 250.111, and 250.116 are corrected by changing the citation "section 7652(a), I.R.C.", wherever it appears, to read "26 U.S.C. 7652(a)".

§ 250.109 [Amended]

189. Section 250.109 is corrected by changing (1) the phrase in paragraph (a) "by section 5001(a)(1), I.R.C." to read "by 26 U.S.C. 5001(a)(1)"; (2) the phrase in paragraph (b) "by section 5041, I.R.C." to read "by 26 U.S.C. 5041"; and (3) the phrase in paragraph (c) "by section 5051, I.R.C." to read "by 26 U.S.C. 5051".

§ 250.112 [Amended]

190. Section 250.112 is corrected by changing the following phrases:

(1) In paragraph (a), the phrase "by section 7652(a), I.R.C." to read "by 26 U.S.C. 7652(a)" and the phrase "by sections 5001(a)(1), 5021, and 5022 I.R.C.)" to read "by 26 U.S.C. 5001(a)(1), 5021, and 5022)";

(2) In paragraph (b), the Phrase "by section 7652(a), I.R.C." to read "by 26 U.S.C. 7652(a)" and the Phrase "by section 5041, I.R.C." to read "by 26 U.S.C. 5041"; and

(3) In paragraph (c), the phrase "by section 7652(a), I.R.C." to read "by 26 U.S.C. 7652(a)" and the phrase "by section 5051, I.R.C." to read "by 26 U.S.C. 5051".

§ 250.112a [Amended]

191. Section 250.112a is corrected by changing the phrase "in 26 CFR 250.112(e)" to read "in 27 CFR 250.112(e)".

§ 250.113 [Amended]

192. Section 250.113 is corrected by changing (1) the phrase in paragraph (c) "by sections 5001(a)(1), 5021, and 5022, I.R.C." to read "by 26 U.S.C. 5001(a)(1), 5021, and 5022"; (2) the phrase in

paragraph (d) "by section 5041, I.R.C." to read "by 26 U.S.C. 5041"; and (3) the phrase in paragraph (e) "by section 5051, I.R.C." to read "by 26 U.S.C. 5051".

193. Section 250.201 is corrected to read as follows:

§ 250.201 Products exempt from tax.

Subject to the provisions of this part, the following products may be brought into the United States from the Virgin Islands without incurring liability to the tax imposed by 26 U.S.C. 7652(b)(1):

(a) Industrial spirits for the purposes authorized in 26 U.S.C. 5214(a) (2) and (3),

* * * * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1375, as amended (26 U.S.C. 5314))

194. Section 250.201a is corrected to read as follows:

§ 250.201a Production in the Virgin Islands for tax-free shipment to the United States.

(a) * * *

(1) Industrial spirits produced or manufactured in the Virgin Islands and shipped to the United States free of tax for the purposes authorized in 26 U.S.C. 5214(a) (2) and (3);

(2) * * *

(b) * * *

(1) All provisions of 26 U.S.C. Chapter 51, with the exception of 26 U.S.C. 5314(b) and 5687; and

(2) The provisions of this subchapter in respect of the production, bonded warehousing, denaturation, and withdrawal of distilled spirits and the use of denatured spirits in the United States:

Provided, That such exemption shall be effective only to the extent that any amendments or revisions of the regulations issued by the Governor of the Virgin Islands, or his duly authorized agents, are concurred in by the Secretary of the Treasury of the United States or his delegate. Otherwise, all provisions of law as provided in 26 U.S.C. 5314(b), and the provisions of this subchapter in respect of the production, bonded warehousing, denaturation, and withdrawal from bond of distilled spirits and denatured spirits and the use of denatured spirits in the manufacture of products shall extend to and apply in the Virgin Islands (i) in respect of the production, bonded warehousing, and withdrawal of spirits for shipment to the United States free of tax for the purposes authorized in 26 U.S.C. 5214(a) (2) and (3), and (ii) in respect of the production, bonded warehousing, and denaturation of spirits, and to the withdrawal and use of denatured spirits, where the denatured spirits or products containing denatured spirits are to be shipped to the United States free of tax.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1375, as amended (26 U.S.C. 5314))

§ 250.201b [Amended]

195. Section 250.201b(a) is corrected by changing (1) the phrase "in section 5214(a) (2) and (3), I.R.C." to read "in 26 U.S.C. 5214(a) (2) and (3)" and (2) the citation of authority "(72 Stat. 1375; 26 U.S.C. 5314)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1375, as amended (26 U.S.C. 5314))".

§ 250.202 [Amended]

196. Section 250.202 is corrected by changing the parenthetic citation "(27 CFR Parts 1, 4, 5, 7)" to read "(Parts 1, 4, 5, and 7 of this chapter)".

§ 250.223 [Amended]

197. Section 250.223 is corrected by changing the phrase "in 27 CFR Part 5" to read "in Part 5 of this chapter".

198. Section 250.240 is corrected by changing (1) in paragraph (a)(1) the phrase "in 27 CFR Part 1" to read "in Part 1 of this chapter" and (2) the citation of authority "(72 Stat. 1358; 26 U.S.C. 5205)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1358, as amended (26 U.S.C. 5205))".

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

199. The table of sections in 27 CFR Part 251 is corrected by updating the citation of authority as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

§ 251.1 [Amended]

200. Section 251.1 is corrected by changing the phrase "of Part 250 of this Subchapter" to read "of Part 250 of this chapter".

201. Section 251.11 is corrected by (1) deleting the definition "I.R.C." (2) by deleting the statutory citation at the end of the section, and (3) by updating the definition of "Red strip stamps". Section 251.11 as corrected reads as follows:

§ 251.11 Meaning of terms.

* * * * *

Importer. * * *

Liquor bottle. * * *

* * * * *

Red strip stamps. The stamps prescribed under authority of 26 U.S.C. 5205(a)(2).

* * * * *

§§ 251.40 and 251.41 [Amended]

202. Sections 251.40 and 251.41 are corrected by changing (1) the phrase "by section 5001, I.R.C.", wherever it appears, to read "by 26 U.S.C. 5001" and (2) the citations of authority "(72 Stat. 1314; 26 U.S.C. 5001" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1314, as amend (26 U.S.C. 5001))".

§ 251.43 [Amended]

203. Section 251.43 is corrected by changing (1) the phrase "by section 5001, I.R.C." to read "by 26 U.S.C. 5001" and (2) the citation of authority "(72 Stat. 1314, 1331; 26 U.S.C. 5001, 5041)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1314, as amended, 5041, as amended (26 U.S.C. 5001, 5041))".

§ 251.45 [Amended]

204. Section 251.45 is corrected by changing (1) the phrase "by section 5051, I.R.C." to read "by 26 U.S.C. 5051" and (2) the citation of authority "(72 Stat. 1333, 1334, as amended; 26 U.S.C. 5051, 5054)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1333, as amended, 1334, as amended (26 U.S.C. 5051, 5054))".

§§ 251.56 and 251.58 [Amended]

205. Sections 251.56 and 251.58 are corrected by changing the phrase "27 CFR Part 5", wherever it appears, to read "Part 5 of this chapter".

§ 251.72 [Amended]

206. Section 251.72 is corrected by changing (1) the phrase "of Chapter 51, I.R.C." to read "of 26 U.S.C. Chapter 51" and (2) the citation of authority "(72 Stat. 1358; 26 U.S.C. 5205)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1358, as amended (26 U.S.C. 5205))".

§ 251.74 [Amended]

207. Section 251.74 is corrected by changing (1) the phrase "by 27 CFR Part 5" to read "by Part 5 of this chapter"; (2) "of 27 CFR Parts 4 and 7" to read "of Parts 4 and 7 of this chapter"; and (3) the citation of authority "(72 Stat. 1358, 1314; 26 U.S.C. 5205, 5301)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1358, as amended, 1374, as amended (26 U.S.C. 5205, 5301))".

§ 251.122 [Amended]

208. Section 251.122 is corrected by changing (1) the parenthetic phrase "(Part 201 of this subchapter)", wherever it appears, to read "(Part 201 of this chapter)"; and (2) the citation of authority "(72 Stat. 1358; 26 U.S.C. 5205)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1358, as amended (26 U.S.C. 5205))".

209. Section 251.171 is corrected to read as follows:

§ 251.171 General provisions.

Imported distilled spirits in bulk containers of five gallons or more capacity may, under the provisions of this subpart, be withdrawn by the proprietor of a distilled spirits plant from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of his plant, without payment of the internal revenue tax imposed on imported spirits by 26 U.S.C. 5001. Imported spirits so withdrawn and transferrd to a distilled spirits plant (a) may not be bottled in bond under 26 U.S.C. 5233, (b) may be redistilled or denatured only if of 185 degrees or more of proof, and (c) may be withdrawn from internal revenue bond for any purpose authorized by 26 U.S.C. Chapter 51, in the same manner as domestic distilled spirits. Imported distilled spirits transferred from customs custody to the bonded premises of a distilled spirits plant under the provisions of this subpart shall be received and stored thereat, and withdrawn or transferred therefrom, subject to the applicable provisions of Part 201 of this chapter. The person operating the bonded premises of the distilled spirits plant to which imported spirits are transferred shall become liable for the tax on distilled spirits withdrawn from customs custody under 26 U.S.C. 5232, upon release of the spirits from customs custody, and the importer shall thereupon be relieved of his liability for such tax.

(Sec. 7, Pub. L. 91–659, 82 Stat. 1328, as amended (26 U.S.C. 5232))

PART 252—EXPORTATION OF LIQUORS

210. The table of sections in 27 CFR Part 252 is corrected by updating the citation of authority as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

§ 252.1 [Amended]

211. Section 252.1 is corrected by changing the phrase "in section 5066, I.R.C." to read "in 26 U.S.C. 5066".

212. Section 252.11 is corrected (1) by deleting the definition for "I.R.C.", (2) by deleting the citation of authority, (3) and by updating the definitions of "tax" and "tax gallon". As corrected, § 252.11 read as follows:

§ 252.11 Meaning of terms.

* * * * *

ATF officer. * * *

* * * * *

Gallon or wine gallon. * * *

* * * * *

Liquor. * * *

* * * * *

Tax. The distilled spirits tax, the rectification tax (including the taxes imposed by 26 U.S.C. 5022 and 5023), the beer tax, or the applicable wine tax, as the case may be, imposed by 26 U.S.C. Chapter 51.

Tax gallon. The unit of measure of spirits for the imposition of tax under 26 U.S.C. 5001. When spirits are 100 degrees of proof or more when withdrawn from bond, the tax is determined on a proof gallon basis. When spirits are less than 100 degrees of proof when withdrawn from bond, the tax is determined on a wine gallon basis.

* * * * *

§ 252.25 [Amended]

213. Section 252.25 is corrected by changing (1) the phrase "in section 5522, I.R.C." to read "in 26 U.S.C. 5522" and (2) the phrase "in section 5066, I.R.C." to read "in 26 U.S.C. 5066".

214. Section 252.302(d) is corrected by changing (1) the phrase "of section 5008 (a) and (f), I.R.C." to read "of 26 U.S.C. 5008 (a) and (f)" and (2) the citation of authority "(72 Stat. 1323; 26 U.S.C. 5008)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1323, as amended (26 U.S.C. 5008)).

§ 252.316 [Amended]

215. Section 252.316(d) is corrected by changing (1) the phrase "of section 5370, I.R.C." to read "of 26 U.S.C. 5370" and (2) the citation of authority "(72 Stat. 1381; 26 U.S.C. 5370)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1381, as amended (26 U.S.C. 5370))".

PART 270—MANUFACTURE OF CIGARS AND CIGARETTES

216. The table of sections in 27 CFR Part 270 is corrected by updating the citation of authority to read as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

217. Section 270.1 is corrected by changing (1) the phrase "by Chapter 52 of the Internal Revenue Code", wherever it appears, to read "26 U.S.C. Chapter 52".

218. Sections 270.11 is corrected to read as follows:

§ 270.11 Meaning of terms.

* * * * *

Factory. The premises of a manufacturer of tobacco products as described in his permit issued under 26 U.S.C. Chapter 52.

In bond. The status of cigars, cigarettes, and cigarette papers and tubes, which come within the coverage of a bond securing the payment of internal revenue taxes imposed by 26 U.S.C. 5701 or 7652, and in respect to which such taxes have not been determined as provided by regulations in this chapter, including (a) such articles in a factory, (b) such articles removed, transferred, or released, pursuant to 26 U.S.C. 5704, and with respect to which relief from the tax liability has not occurred, and (c) such articles on which the tax has been determined, or with respect to which relief from the tax liability has occurred, which have been returned to the coverage of a bond.

Large cigarettes. * * *

* * * * *

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

* * * * *

§ 270.26 [Amended]

219. Section 270.26 is corrected by changing (1) the phrase "by section 5701, I.R.C." to read "by 26 U.S.C. 5701"; (2) the phrase "to section 5704, I.R.C." to read "to 26 U.S.C. 5704"; (3) the phrase "of section 5751(a) (1) or (2), I.R.C." to read "of 26 U.S.C. 5751(a) (1) or (2); (4) the citation of authority "(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat 1415, as amended, 1424, as amended (26 U.S.C. 5703, 5751))".

§ 270.27 [Amended]

220. Section 270.27 is corrected by changing (1) the phrase "in section 6501, I.R.C." to read "in 26 U.S.C. 6501" and (2) the citation of authority "(72 Stat. 1417; 26 U.S.C. 5703)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1415, as amended (26 U.S.C. 5703))".

§ 270.63 [Amended]

221. Section 270.63 is corrected by changing (1) the phrase "to Chapter 52, I.R.C." to read "to 26 U.S.C. Chapter 52" and (2) the citation of authority "(72 Stat. 1421; 26 U.S.C. 5712)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1421, as amended (26 U.S.C. 5712))".

§ 270.74 [Amended]

222. Section 270.74 is corrected by changing (1) the phrase "with Chapter 52, I.R.C." to read "with 26 U.S.C. Chapter 52" and (2) the citation of authority "(72 Stat. 1421; 26 U.S.C. 5713)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1421, as amended (26 U.S.C. 5713))".

§ 270.165 [Amended]

223. Section 270.165(c) is corrected by changing the phrase "of the U.S. Post

Office" to read "of the U.S. Postal Service".

§§ 270.166 and 270.168 [Amended]

224. Sections 270.166 and 270.168 are corrected by changing the phrase "in § 301.6311–1 of this chapter", wherever it appears, to read "in 26 CFR 301.6311–1".

§ 270.169 [Amended]

225. Section 270.169 is corrected by changing (1) the parenthetic phrase "(defined at § 301.7701–12 of this chapter)" to read "(defined at 26 CFR 301.7701–12)" and (2) the phrase "in § 301.6676–1 of this chapter" to read "in 26 CFR 301.6676–1".

§ 270.171 [Amended]

226. Section 270.171 is corrected by changing the phrase "in § 301.6091–1 of this chapter" to read "in 26 CFR 301.6091–1".

§ 270.252 [Amended]

227. Section 270.252 is corrected by changing the phrase "without internal revenue supervision" to read "without ATF supervision".

§ 270.283 [Amended]

228. Section 270.283 is corrected by changing (1) the phrase "by Chapter 52, I.R.C., or section 7652, I.R.C." to read "by 26 U.S.C. 7652 or Chapter 52" and (2) the citation of authority "(72 Stat. 1419, as amended; 26 U.S.C. 5707)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1419, as amended (26 U.S.C. 5707))".

§ 270.286 [Amended]

229. Section 270.286 is corrected by changing the parenthetic sentence "(Section 6511, I.R.C., provides that in most cases, any adjustment of claim for refund of an overpayment of tax on cigars and cigarettes must be made or filed within 3 years after the tax is paid.)" to read "(Section 6511, 26 U.S.C., provides that, in most cases, any adjustment of claim for refund of an overpayment of tax on cigars and cigarettes must be made or filed within three years after the tax is paid.)".

230. Section 270.332 is corrected by changing (1) the phrase "of Chapter 52, I.R.C." to read "of 26 U.S.C. Chapter 52", (2) the phrase "of the I.R.C." to read "of 26 U.S.C."; and (3) the citation of authority "(72 Stat. 1421; 26 U.S.C. 5713)" to read "(Sec. 201, Pub. L. 85–859, 72 Stat. 1421, as amended (26 U.S.C. 5713))".

PART 275—IMPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

231. The table of sections in 27 CFR Part 275 is corrected by updating the citation of authority to read as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

232. Section 275.11 is corrected by deleting the citation of authority and the definition for "I.R.C." As corrected, § 275.11 reads as follows:

§ 275.11 Meaning of terms.

* * * * *

Bonded manufacturer. A manufacturer of cigars or cigarettes in Puerto Rico who has an approved bond, in accordance with the provisions of this part, authorizing him to defer the payment in Puerto Rico of the internal revenue tax imposed on such products by 26 U.S.C. 7652(a) as provided in this part.

* * * * *

Importer. * * *

Large cigarettes. * * *

* * * * *

§ 275.40 [Amended]

233. Section 275.40 is corrected by changing (1) the phrase "by section 5701 or 7652, I.R.C." to read "by 26 U.S.C. 5701 or 7652" and (2) the citation of authority "(68A Stat. 907, as amended, 72 Stat. 1417; 26 U.S.C. 7652, 5703)" to read "(Aug. 16, 1954, ch. 736, 68A Stat. 907, as amended (26 U.S.C. 7652); Sec. 201, Pub. L. 85–859, Stat. 1417, as amended (26 U.S.C. 5703)).

§ 275.60 [Amended]

234. Section 275.60 is corrected by changing the phrase "in section 6501, I.R.C." to read "in 26 U.S.C. 6501".

§ 275.101 [Amended]

235. Section 275.101 is corrected by changing (1) the phrase "by section 7652(a), I.R.C." to read "by 26 U.S.C. 7652(a)"; (2) the phrase "in section 5701, I.R.C." to read "in 26 U.S.C. 5701"; and (3) the phrase "to section 7652(a)(3), I.R.C." to read "to 26 U.S.C. 7652(a)(3)".

§ 275.109 [Amended]

236. Section 275.109 is corrected by changing the phrase "by section 7652(a), I.R.C." to read "by 26 U.S.C. 7652(a)".

§ 275.114a [Amended]

237. Section 275.114a is corrected by changing (1) the phrase "in 26 CFR 275.114", wherever it appears to read "in 27 CFR 275.114".

§ 275.115 [Amended]

238. Section 275.115 is corrected by changing (1) the phrase "of § 301.6311–1 of this chapter" to read "of 26 CFR 301.6311–1" and (2) the citation of authority "(68A Stat. 778; 26 U.S.C. 6313)" to read "(Aug. 16, 1954, ch. 736, 68A Stat. 778 (26 U.S.C. 6313))".

§ 275.136 [Amended]

239. Section 275.136 is corrected by changing the phrase "by section 7652(a), I.R.C.", wherever it appears to read "by 26 U.S.C. 7652(a)".

§ 275.140 [Amended]

240. Section 275.140 is corrected by changing (1) the phrase "by section 7652(a), I.R.C., at the rates prescribed in section 5701, I.R.C.", wherever it appears, to read "by 26 U.S.C. 7652(a), at the rates prescribed in 26 U.S.C. 5701".

§ 275.163 [Amended]

241. Section 275.163 is corrected by changing the phrase "by Chapter 52, I.R.C. or by Section 7652, I.R.C." to read "by 26 U.S.C. 7652 or Chapter 52".

PART 285—MANUFACTURE OF CIGARETTE PAPERS AND TUBES

242. The table of sections in 27 CFR Part 285 is corrected by updating the citation of authority to read as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

243. Section 285.11 is corrected by deleting the citation of authority and the definition for "I.R.C.". As corrected, § 285.11 reads as follows:

§ 285.11 Meaning of terms.

* * * * *

In bond. The status of cigarette papers and tubes which come within the coverage of a bond securing the payment of internal revenue taxes imposed by 26 U.S.C. 5701 or 7652 and in respect to which such taxes have not been determined as provided by regulations in this chapter, including (a) such articles in a factory, (b) such articles removed, transferred, or released, pursuant to 26 U.S.C. 5704, and with respect to which relief from the tax liability has not occurred, and (c) such articles on which the tax has been determined, or with respect to which relief from the tax liability has occurred, which have been returned to the coverage of a bond.

Manufacturer of cigarette papers and tubes. * * *

* * * * *

§ 285.23 [Amended]

244. Section 285.23 is corrected by changing (1) the phrase "by section 5701, I.R.C." to read "by 26 U.S.C. 5701"; (2) the phrase "to section 5704, I.R.C." to read "to 26 U.S.C. 5704"; and (3) the phrase "of section 5751(a) (1) or (2), I.R.C." to read "of 26 U.S.C. 5751(a) (1) or (2)".

§ 285.26 [Amended]

245. Section 285.26 is corrected by changing the phrase "in section 6511, I.R.C." to read "in 26 U.S.C. 6511".

§ 285.28 [Amended]

246. Section 285.28 is corrected by changing the phrase "in section 6501, I.R.C." to read "in 26 U.S.C. 6501".

§ 285.29 [Amended]

247. Section 285.29 is corrected by changing the phrase "in § 301.6676–1 of this chapter" to read "in 26 CFR 201.6676–1".

§ 285.42 [Amended]

248. Section 285.42 is corrected by changing the phrase "of Chapter 52, I.R.C." to read "26 U.S.C. Chapter 52".

§ 285.173 [Amended]

249. Section 285.173 is corrected by changing the phrase "by Chapter 52, I.R.C., or section 7652, I.R.C." to read "by 26 U.S.C. 7652 or Chapter 52".

PART 290—EXPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

250. The table of sections in 27 CFR Part 290 is corrected by updating (1) the titles of §§ 290.264 and 290.266 and (2) the citation of authority. The table of sections reads as follows:

Sec.

* * * * *

290.264 To export warehouses.

* * * * *

290.266 Return of cigars from export warehouses.

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

§ 290.11 [Amended]

251. Section 290.11 is corrected by deleting the definition for "I.R.C." and the citation of authority.

§ 290.65 [Amended]

252. Section 290.65 is corrected by changing (1) the phrase "by section 5701, I.R.C." to read "by 26 U.S.C. 5701"; (2) the phrase "to section 5704, I.R.C." to read "to 26 U.S.C. 5704"; and (3) the phrase "of section 5751(a) (1) or (2), I.R.C." to read "of 26 U.S.C. 5751(a) (1) or (2)".

§ 290.69 [Amended]

253. Section 290.69 is corrected by changing the phrase "in section 6501, I.R.C." to read "in 26 U.S.C. 6501".

§ 290.92 [Amended]

254. Section 290.92 is corrected by changing the phrase "with Chapter 52, I.R.C." to read "with 26 U.S.C. Chapter 52".

§ 290.154 [Amended]

255. Section 290.154 is corrected by changing the phrase "by Chapter 52, I.R.C. or by section 7652, I.R.C." to read "by 26 U.S.C. 7652 or Chapter 52".

§ 290.162 [Amended]

256. Section 290.162 is corrected by changing (1) the phrase "of Chapter 52, I.R.C." to read "of 26 U.S.C. Chapter 52" and (2) the phrase "of the I.R.C." to read "of 26 U.S.C.".

§ 290.243 [Amended]

257. Section 290.243 is corrected by changing the citation "Chapter 52, I.R.C." wherever it appears, to read "26 U.S.C. Chapter 52".

258. Section 290.264 is corrected to read as follows:

§ 290.264 To export warehouses.

Where cigars are withdrawn from a customs warehouse for delivery to an export warehouse, the proprietor of the customs warehouse shall forward to the proprietor of the export warehouse three copies of the notice of removal, Form 2149, covering the shipment, for execution and disposition in accordance with procedure similar to that set forth in § 290.200 in connection with a shipment of cigars, cigarettes, and cigarette papers and tubes from a factory to an export warehouse. The executed copy of the notice of removal, Form 2149, returned to the customs warehouse proprietor by the export warehouse proprietor shall be filed with the appropriate regional regulatory administrator.

259. Section 290.266 is corrected to read as follows:

§ 290.266 Return of cigars from export warehouses.

Where cigars are returned to a customs warehouse from an export warehouse, the officer in charge of the customs warehouse shall execute the certificate of receipt on each of the copies of the related Form 2150 received from the export warehouse proprietor, after checking the containers to determine whether all the cigars described on the notice have been received. Thereafter, both copies of the Form 2150 shall be turned over to the proprietor of the customs warehouse who shall return one copy to the export warehouse proprietor for disposition as provided in § 290.201. The customs warehouse proprietor shall retain the other copy of the notice of removal, as a part of his records, for two years following the close of the calendar year in which the shipment was received. Such copy shall be made available for inspection by any ATF officer upon his request.

PART 295—REMOVAL OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR USE OF THE UNITED STATES

260. The table of sections in 27 CFR Part 295 is corrected by updating the citation of authority to read as follows:

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

261. Section 295.11 is corrected by (1) deleting the citation of authority and the definition for "I.R.C.", and (2) updating the definition for "this chapter". Section 295.11 reads as follows:

§ 295.11 Meaning of terms.

* * * * *

Federal agency. * * *

Large cigarettes. * * *

* * * * *

This chapter. Chapter I, Title 26, Code of Federal Regulations.

* * * * *

§ 295.35 [Amended]

262. Section 295.35 is corrected by changing the phrase "by section 5701, I.R.C." to read "by 26 U.S.C. 5701"; and (2) the phrase "of section 5751(a) (1) or (2), I.R.C." to read "of 26 U.S.C. 5751(a) (1) or (2)".

§ 295.37 [Amended]

263. Section 295.37 is corrected by changing the phrase "in section 6501, I.R.C." to read "in 26 U.S.C. 6501".

PART 296—MISCELLANEOUS REGULATIONS RELATING TO CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

264. The table of sections in 27 CFR Part 295 is corrected to read as follows:

Subpart A—Application of 26 U.S.C. 6423, as Amended, To Refund or Credit of Tax on Cigars, Cigarettes, and Cigarette Papers and Tubes

* * * * *

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

265. The heading to Subpart A and § 296.1 are corrected to read as follows:

Subpart A—Application of 26 U.S.C. 6423, as Amended, To Refund or Credit of Tax on Cigars, Cigarettes, and Cigarette Papers and Tubes

* * * * *

§ 296.1 Scope of regulations in this subpart.

The regulations in this subpart relate to the limitations imposed by 26 U.S.C. 6423, on the refund or credit of tax paid or collected in respect to any article of a kind subject to a tax imposed by 26 U.S.C. Chapter 52.

266. Section 296.2 is corrected by (1) deleting the citation of authority and definition for "I.R.C." and (2) updating the section to read as follows:

§ 296.2 Meaning of Terms.

* * * * *

Article. * * *
Claimant. * * *
Director. * * *
* * * * *
Owner. * * *
* * * * *
Regional regulatory administrator. The principal ATF regional regulatory official responsible for administering regulations in this subpart.
Tax. Any tax imposed by 26 U.S.C. Chapter 52, or by any corresponding provision of prior internal revenue laws, and in the case of any commodity of a kind subject to a tax under such chapter, any tax equal to any such tax, any additional tax, or any floor stocks tax. The term includes an exaction denominated a "tax", and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

§ 296.7 [Amended]

267. Section 296.7 is corrected by changing the parenthetical sentence "(For provisions relating to hand-carried documents see § 301.6091–1(b) of this Chapter.)" to read "(For provisions relating to hand-carried documents, see 26 CFR 301.6091–1(b).)".

§ 296.71 [Amended]

268. Section 296.71 is corrected by changing the phrase "to implement section 5708, I.R.C." to read "to implement 26 U.S.C. 5708".

269. Section 296.72 is corrected by (1) deleting the citation of authority and definition for "I.R.C." and (2) updating the section to read as follows:

§ 296.72 Meaning of terms.

* * * * *

Duty or duties. * * *
Region. * * *
Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.
Removal or remove. * * *
Tax paid or determined. The internal revenue tax on cigars, cigarettes, and cigarette papers and tubes which has actually been paid, or which has been determined pursuant to 26 U.S.C. 5703(b), and regulations thereunder, at the time of their removal subject to tax payable on the basis of a return.
* * * * *

§ 296.80 [Amended]

270. Section 296.80 is corrected by changing the phrase "in sections 7206 and 7207 of the Internal Revenue Code" to read "in 26 U.S.C. 7206 and 7207".

271. Section 296.163 is corrected to read as follows:

§ 296.163 Meaning of terms.

* * * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this subpart.
Dealer. * * *
Manufacturer of tobacco products. * * *
* * * * *

Signed: August 15, 1979.

G. R. Dickerson,
Director.

[T.D. ATF–48, amended]

[FR Doc. 79–30261 Filed 9–27–79; 8:45 am]
BILLING CODE 4810–31–M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 513

[AR 600–15]

Assistance of Creditor by Department of the Army

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: On August 6, 1979 notice was published in the Federal Register (44 FR 4567) that the Department of the Army was proposing a revision to 32 CFR Part 513 regulation on the policies for processing claims of delinquent indebtedness against Army members. This proposal implemented and expanded the recent amendments of the DOD Directive 1344.9 that incorporates provision of (a) the Truth-in-Lending Act, and (b) the recently enacted Fair Debt Collection Practices Act, which prohibits debt collection agencies from contacting third parties. Interested persons were given until September 5, 1979 to submit written comments. Two comments were received, but after discussion between the writers and Army officials, the comments were withdrawn. Effective September 1, 1979 the cost for locator service in § 513.6 was increased to $2.40. An editorial change was made in § 513.8(b) to correct an incomplete sentence at the end of the subparagraph. The revised rule is adopted as published except for the rate increase and the editorial correction.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. Mary-Howard Critchell, Telephone 202–325–8080, or write to Cdr. MILPERCEN, DAPC–EPA–P, 2461 Eisenhower Avenue, Alexandria, VA 22331.

Accordingly 32 CFR Part 513 is revised to read as follows:

PART 513—ASSISTANCE OF CREDITOR BY THE DEPARTMENT OF THE ARMY

Sec.
513.1 Purpose.
513.2 Applicability.
513.3 Policy.
513.4 Banks and credit unions.
513.5 Fair Debt Collection Practices Act.
513.6 Locator service.
513.7 Debt processing procedures.
513.8 Debt complaints returned to creditors without action.
513.9 Exemptions from Full Disclosure and Standards of Fairness.
513.10 Action by commanders.
513.11 Referral to Department of the Army.
513.12 Appendix A—Certificate of Compliance.

Authority: The provisions of this Part 513 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012.

§ 513.1 Purpose.

This Part gives Department of the Army policy and guidance in handling debt claims against Army members. The Army Regulation (AR 600–15) complies with the Department of Defense (DOD) Directive 1344.9 contained in Part 43a, Chapter I of this title.

§ 513.2 Applicability.

(a) This Part applies to all active Army members and to creditors who seek help in processing debt complaints against Army members.

Note.—A debt collector is not a creditor.

(b) This Part does not apply to—

(1) Soldiers who are retired or separated from active duty unless assigned to the Reserves.

(2) Claims for support of dependents or claims by the Federal, State or local government.

§ 513.3 Policy.

(a) The Army expects soldiers to conduct their private affairs satisfactorily and pay their just debts promptly. It must be a legal debt acknowledged by the soldier in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment which conforms to the Soldiers' and Sailors' Relief Act (50 U.S.C. Appendix, Section 501 et seq. (1970)) if applicable.

(b) The Army has no legal authority to force soldiers to pay their debts; nor can the Army divert any part of their pay even though payment was decreed by a civil court. Although the Army does not condone irresponsibility, only civil authorities can enforce payment of private debts.

(c) The Army will revoke debt processing privileges for those creditors who do not abide by the rules for processing debt complaints, or who are trying to use the Army as a debt collection agency.

§ 513.4 Banks and credit unions.

Banks and credit unions located on military bases must apply DOD Standards of Fairness, before making loans or credit agreements. Banks and credit unions which do not meet this requirement will be denied help in processing debt complaints. If soldiers are referred to off-base branches of an on-post bank or credit union, the branches must also comply with the Standards of Fairness before making loans or credit agreements.

§ 513.5 Fair Debt Collection Practices Act.

Section 43a.5(e) of this title states that the debt collector must have the prior consent of the debtor to contact the commanding officer. This consent must be in writing and include the debt collector's name.

§ 513.6 Locator service.

(a) Current military address for all active Army personnel may be obtained by writing Commander, US Army Enlisted Records and Evaluation Center (USAEREC), Fort Benjamin Harrison, IN 46249. All requests must include the soldier's full name, rank, social security number, and the date and place of birth if social security number is not known. A check or money order for $2.40 payable to the Treasurer of the United States must be enclosed with each request.

(b) If a debt collector knows the soldier is represented by a civilian lawyer or a military legal assistance officer, he must first contact one of them. If he does not know or cannot find out the name and address of the lawyer, or does not receive a response, he may then write to the above address. However, debt collectors must not use postcards nor state that the locator service is being sought in order to collect a debt; doing so would violate the Fair Debt Collection Practices Act.

§ 513.7 Debt processing procedures.

In addition to § 43a.6 (b) and (c) of this title, creditors must submit a true copy of the signed contract. An additional paragraph has been added to the Certificate of Compliance (Appendix A). (See § 513.12.) This insures that the creditor is complying with the relevant State's law regarding contact with an employer, as stated in section 43a5(d) of this title.

§ 513.8 Debt complaints returned to creditors without action.

(a) In addition to the provision in sec. 43a.5(c) (1) through (3), debt complaints will not be processed if:

(1) A loan or credit has been made without a credit check.

(2) A loan or credit has been made to a soldier who cannot furnish references or already has a delinquent debt with the creditor.

(3) The soldier was not given a chance to answer a previous inquiry (45 days for those in the contiguous 48 States and the District of Columbia; 60 days for all others).

(b) The provisions of sec. 43a.5(c)(1) are explained in greater detail in AR 600–15. Photostatic copies of actual correspondence, or documentary proof that every effort has been made to obtain payment by direct contact with the soldier must be enclosed with all requests for assistance.

§ 513.9 Exemptions from Full Disclosure and Standards of Fairness.

The following debt complaints are exempt from the Full Disclosure and Standards of Fairness. This does not prevent the debtor from questioning service charges and negotiating a fair and reasonable settlement.

(a) Claims from private parties selling personal items (e.g., car, furniture, appliances, etc.) on a one-time basis.

(b) Claims from companies furnishing services in which credit is given only to facilitate the service (e.g., utilities, milk, laundry, and related services).

(c) Claims by endorsers, co-makers, or lenders who intend only to help the soldier in getting credit. These claims, however, may not benefit the above through receipt of interest or otherwise.

(d) Contract for the purchase, sale, or rental of real estate.

(e) Claims in which the total unpaid amount does not exceed $50.

(f) Claims based on a revolving or open-end credit account. The account must show:

(1) The periodic interest rate and the equivalent annual rate.

(2) The balance to which the interest is applied to compute the charge.

(g) Liens on real property (e.g., a house). This does not include improvements or repairs.

§ 513.10 Action by commanders.

(a) Creditors, notified of the requirements of this Part, who refuse or repeatedly fail to comply with them, will be informed by the commander that no action will be taken until they comply with the provisions of this Part. Commanders receiving subsequent inquiries from Headquarters, Department of the Army (HQDA), White House, Congress, or any other source will inform HQDA that the creditor has been informed that no action can be taken until the creditor provides the necessary data or documentation.

(b) Inquiries from creditors, no matter what the merits of the claim, which clearly show that the creditor is attempting to make unreasonable use of the debt processing privilege, will be referred to HQDA through channels, with a recommendation stating the reasons why the creditors' debt processing privileges should be revoked.

§ 513.11 Referral to Department of the Army.

(a) Creditors who have complied with these terms and are unsuccessful, after reasonable efforts to collect the debt, may request help from Commander, US Army Military Personnel Center. In such cases, the information must be the same as that furnished the unit commander. The request should be sent to Cdr, MILPERCEN, ATTN: DAPC–OPR–P, Alexandria, VA 22332 for commissioned and warrant officers, or ATTN: DAPC–EPA–P, Alexandria, VA 22331 for enlisted members. All requests must include:

(1) The soldier's full name, rank, social security number, and the date and place of birth, if social security number is not known.

(2) The amount and date of the original debt.

(3) The terms of payment.

(4) The balance due.

(5) The required documents, including copies of all correspondence.

(b) Separate letters must be written on each account for prompt and efficient processing.

(c) Inquiries which clearly show that the creditor is not conforming with this Part, or is trying to use the Army as a collection agency, will be informed that the debt processing privilege has been revoked. The Commanding General, MILPERCEN, will inform commanders world-wide by electrical message that the debt processing privilege of a specific creditor has been revoked.

§ 513.12 Appendix A—Certificate of Compliance.

I certify that the (Name of Creditor) ———— upon extending credit to (Name of soldier) ———— on (Date) ———— complied with the full disclosure requirements of the Truth-in-Lending Act and Regulation Z (or the laws and regulations of State of ————), and that the attached statement is a true copy of the general and specific disclosures provided the soldier as required by law.

I also certify that, to the best of my knowledge (Name) ———— is presently located in the State of ———— and that this inquiry conforms to the laws of that State regarding contact with the employer of a debtor. I further certify that the Standards of Fairness set forth in appendix A of AR 600–15 have been applied to the consumer credit transaction to which this form refers. (If the unpaid balance has been adjusted as a consequence, the specific adjustments in the finance charge and the annual percentage rate should be set forth below.)

(Adjustments) ————
(Date of Certification) ————
(Signature of Creditor or Authorized Representative) ————
(Street) ————

Dated: September 25, 1979.

By authority of the Secretary of Army.

Jerry L. Quintard,

Lieutenant Colonel, US Army Chief, Personnel Actions Branch, MILPERCEN.

[FR Doc. 79-30191 Filed 9-27-79; 8:45 am]

BILLING CODE 3710-08-M

Defense Logistics Agency

32 CFR Part 1290

Policy and Procedures for Processing of Minor Offenses and Violations Referred to U.S. District Courts

AGENCY: Defense Logistics Agency.

ACTION: Final Rule.

SUMMARY: This regulation prescribes policy and procedures for the processing of minor offenses and violations referred to US District Courts. It requires that traffic offenses occurring on DLA installations be referred to the US Magistrate in the interest of impartial judicial determination and effective law enforcement. It allows the Heads of DLA activities the option of referring non-traffic minor offenses to the US Magistrate. The regulation applies to all persons who operate a motor vehicle on a DLA installation. The regulation implements DoD Instruction 6055.4, Department of Defense Traffic Safety Program.

EFFECTIVE DATE: August 7, 1979.

FOR FURTHER INFORMATION CONTACT: Maj. David H. Gilmore, Commercial AC 202–274–6263, AUTOVON 284–6263.

By order of the Director.

William I. Starrett, Jr.,

Captain, SC, USN, Staff Director, Administration, DLA.

Part 1290, Subchapter B, Chapter XII of Title 32 of the Code of Federal Regulations is added to read as follows:

PART 1290–PREPARING AND PROCESSING MINOR OFFENSES AND VIOLATION NOTICES REFERRED TO U.S. DISTRICT COURTS

Sec.

1290.1 References. [1]
1290.2 Purpose and scope.
1290.3 Policy.
1290.4 Definitions.
1290.5 Background.
1290.6 Significant Changes.
1290.7 Responsibilities.
1290.8 Procedures.
1290.9 Forms and reports.
Appendix A—Preparation Guide for DD Form 1805, Violation Notice.
Appendix B—Ticket Sample—A Parking Violation.
Appendix C—Ticket Sample—A Moving Violation.
Appendix D—Ticket Sample—A Nontraffic Violation.

Authority: Department of Defense Instruction 6055.4; 18 U.S.C. 13, 3401, and 3402.

§1290.1 References.

(a) DLAR 5720.1/AR 190–5/OPNAVINST 11200.5B/AFR 125–14/MCO 5110.1B, Motor Vehicle Traffic Supervision.

(b) DLAR 5710.1, Authority of Military Commanders To Issue Security Orders and Regulations for the Protection of Property or Places Under Their Command.

(c) Sections 1, 3401 and 3402, Title 18, U.S.Code (USC).

(d) Rules of procedures for the Trial of Minor Offenses before United States Magistrates.

(e) Section 13, Title 18, U.S. Code, Assimilative Crimes Act.

§1290.2 Purpose and scope.

(a) This Part 1290 implements DoD Instruction 6055.4, Department of Defense Traffic Safety Program, and sets forth basic objectives and procedures applicable to implementation of the Federal Magistrate System by DLA. This Part 1290 is applicable to HQ DLA, Defense Supply Centers (DSC's), less Defense Fuel Supply Center and Defense Industrial Supply Center, and to Defense Depots, less Defense Depot Mechanicsburg. DLA activities/personnel tenant on other DoD activities will abide by the requirements of the host.

(b) This Part 1290 provides Heads of DLA primary level field activities (PLFAs) with a means of exercising effective control over violators who are not otherwise under their jurisdiction.

§1290.3 Policy.

(a) It is the policy of HQ DLA that the Heads of DLA PLFAs will take such steps as are necessary to prevent offenses. Emphasis will be placed on prevention rather than apprehension and prosecution of offenders.

(b) The procedures outlined in this Part 1290 may, at the discretion of the Head of the activity concerned, be invoked in lieu of the provisions of the Uniform Code of Military Justice (UCMJ) to deal with minor offenses of a civil nature, other than violations of state traffic laws, committed by military personnel. These procedures may also be invoked to deal with nontraffic minor offenses committed by civilian personnel.

§1290.4 Definitions.

For the purpose of this Part 1290 the following definitions apply:

This Part 1290 supersedes Part 1290 April 26, 1972.

(a) *Law Enforcement Personnel.* Persons authorized by the Head of the PLFA to direct, regulate, control traffic; to make apprehensions or arrests for violations of traffic regulations; or to issue citations or tickets. Personnel so designated will include the Command Security Officer and all other personnel in 080, 083, 085, or 1800 series positions.

(b) *Minor Federal Offenses.* Those offenses for which the authorized penalty does not exceed imprisonment

[1] Reference (a) may be purchased from the Commander, U.S. Army AG Publications Center, 2800 Eastern Blvd., Baltimore, Md. 21220; reference (b) from the Defense Logistics Agency (DASC–IP), Cameron Station, Alexandria, Va. 22314; references (c), (d), and (e) from the Superintendent of Documents, Government Printing Office, Washington, D. C. 20402.

for a period of 1 year, or a fine of not more than $1000, or both (18 U.S.C. 3401f).

(c) *Petty Federal Offenses.* Those offenses for which the authorized penalty does not exceed imprisonment for a period of 6 months or a fine of not more than $500, or both (18 U.S.C. 1(3)).

Note.—A petty offense is a type of minor offense.

(d) *Violation Notice.* DD Form 1805, Violation Notice, which will be used to refer all petty offenses to the U.S. Magistrate/District Courts for disposition.

Note.—A complaint, made under oath on forms provided by the magistrate, is the prescribed form for charging minor offenses other than petty offenses.

§1290.5 Background.

(a) DoD Instruction 6055.4 requires that all traffic violations occurring on DoD installations be referred to the appropriate United States Magistrate, or State or local system magistrate, in the interest of impartial judicial determination and effective law enforcement. Exceptions will be made only for those rare violations in which military discipline is the paramount consideration, or where the Federal court system having jurisdiction has notified the PLFA commander it will not accept certain offenses for disposition.

(b) Generally, the Federal Magistrate System applies state traffic laws and appropriate Federal laws to all personnel while on Federal property (Section 13, Title 18, U.S. Code, Assimilative Crimes Act).

§1290.6 Significant changes.

This revision incorporates the DoD requirement for referral of traffic violations occurring on military installations to the Federal or local magistrate.

§1290.7 Responsibilities.

(a) HQ DLA.

(1) *The Command Security Officer, DLA (DLA-T)* will:

(i) Exercise staff supervision over the Magistrate system within DLA.

(ii) Provide guidance and assistance to DLA activities concerning administrative and procedural aspects of this Part 1290.

(2) *The Counsel, DLA (DLA-G)* will provide guidance and assistance to DLA activities concerning legal aspects of this Part 1290.

(b) *The Heads of DLA Primary Level Field Activities* will:

(1) Develop and put into effect the necessary regulatory and supervisory procedures to implement this Part 1290.

(2) Ensure implementing directives authorize law enforcement/security force (080, 083, 085 and 1800 series) personnel to issue DD Form 1805.

(3) Periodically publish in the PLFA Daily or Weekly Bulletin, a listing of offenses for which mail-in procedures apply, with the amount of the fine for each, and a listing of offenses requiring mandatory appearance of the violator before the U.S. Magistrate. The listings will indicate that they are not necessarily all inclusive and that they are subject to change. A copy of the listings will be provided to the local Union representatives.

§ 1290.8 Procedures.

(a) *The U.S. Magistrate Court Provides DLA* with:

(1) The means to process and dispose of certain categories of minor offenses by mail. Under this system, U.S. Magistrate and District Courts will, by local court rule, preset fines for the bulk of petty violations (Federal or Assimilated) and permit persons charged with such violations, who do not contest the charge nor wish to have a court hearing, to pay their fines by using mail-in, preaddressed, postage paid envelopes furnished to them with the violation notice.

(2) Efficient, minimal commitment of judicial and clerical time by using uniform procedures which centralize the collection of fines, the scheduling of mandatory hearings or hearings where violators request them, and the keeping of violator records.

(3) A simple but sure method of accounting for fines collected and tickets issued.

(4) Impartial enforcement of minor offense laws.

(b) *Court Appearances*

(1) Mandatory Appearances

(i) As required by the Administrative Office of the United States Courts, each District Court will determine, by local court rule, those offenses requiring mandatory appearance of violators. PLFA Counsels will coordinate with local magistrates or district courts and secure a court approved list of offenses requiring mandatory appearance of violators before the local U.S. Magistrate.

(ii) Mandatory appearance offense categories normally include:

(A) Indictable offenses.

(B) Offenses resulting in accidents.

(C) Operation of motor vehicle while under the influence of intoxicating alcohol or a narcotic or habit producing or other mind altering drug, or permitting another person who is under the influence of intoxicating alcohol, or a narcotic or habit producing or mind altering drug to operate a motor vehicle owned by the defendant or in his/her custody or control.

(D) Reckless driving or speeding.

(2) Voluntary Appearances

(i) Requested by violators at the time DD Form 1805 is issued.

(A) Personnel issuing DD Form 1805 will refer violator for hearings before U.S. Magistrates in each instance where a hearing is requested by the violator.

(B) Command security officers will provide security force personnel with necessary information to facilitate scheduling violators to appear before U.S. Magistrates. Box B of the DD Form 1805 will be marked by the issuing official for each violator requesting a hearing. Additionally procedures set forth in Appendix A will be accomplished by the official issuing violation notice.

(ii) Requested by violators by mail.

(A) Voluntary appearance procedures are also available for violators who are not present at the time a DD Form 1805 is issued (i.e., parking violations) or who subsequently decide to voluntarily appear before a U.S. Magistrate rather than pay the fine indicated in the DD Form 1805.

(B) Violators who use the mail-in procedure to voluntarily appear before a U.S. Magistrate must follow the instructions in Box B of the DD Form 1805 (violator copy). The violator will be notified by the clerk of the District Court of the time and place to appear for the scheduled hearing.

§ 1290.9 Forms and reports.

(a) General information on preparation and issue of DD Form 1805:

(1) The U.S. Magistrate system is based on use of a four-ply ticket designed to provide legal notice to violators and records required by the court, law enforcement authorities, and, if appropriate, the state motor vehicle departments. The DD Form 1805 is printed on chemically carbonized paper and prenumbered in series for accounting control. Heads of DLA primary level field activities are responsible for maintaining accountability for each ticket issued and stocks on hand.

(2) DLA field activity Counsels will coordinate with the U.S. Magistrate of the judicial district in which the activity is located and maintain the information listed below:

(i) List of petty offenses for which mail-in procedure is authorized and the amount of the fine for each specific offense. The District Court address will be prestamped on the violator's copy of the DD Form 1805 by the applicable issuing authority.

(ii) List of minor offenses requiring mandatory appearance of the violator before the magistrate. The name and location of the magistrate before whom violators will appear. Schedule will be coordinated with nearest Military Service activity and appearance will be conducted jointly whenever possible.

(b) Issue procedures for DD Form 1805:

(1) Information entered on the DD Form 1805 is dependent upon two considerations:

(i) The type of violation, i.e., parking, (such as blocking a fire lane) moving traffic violation, or nontraffic offenses.

(ii) Whether the offense cited requires the mandatory appearance of the violator before a U.S. Magistrate.

(2) Preparation and disposition of DD Form 1805:

(i) See illustration in Appendix B for petty offenses where the mail-in fine procedures are authorized.

(A) The amount of the fine for a specific offense must be recorded in the lower right corner of the DD Form 1805. This amount will always be predetermined by the U.S. Magistrate and provided to on duty enforcement personnel by the activity security officer or equivalent authority. When violation notices are issued for an offense (e.g., parking violation) and the offender is absent, all entries concerning the violator will be left blank.

(B) Disposition of DD Form 1805 will be as follows:

(*1*) The fourth copy (envelope) will be issued to the violator or placed on the vehicle of the violator.

(*2*) Copies one (white copy), two (yellow copy), and three (pink copy) will be returned to the Security Officer's office. The Security Officer will forward copies one and two, by letter of transmittal, to the appropriate U.S. District Court.

(*3*) Copy three will be filed at the Security Office or equivalent issuing authority. DLA Form 1454, Vehicle Registration/Driver Record, will be annotated with each traffic offense.

(ii) When DD Form 1805 is used to cite personnel for mail-in type violations, the appropriate supervisor will be provided an information copy of DLA Form 635, Security/Criminal Incident Report, denoting the date, time, place, and type of violation, and the amount of fine assessed.

(iii) Heads of DLA primary level field activities or their representative will not accept or otherwise collect any fines or keep records of fines paid or not paid. They also will take no action concerning nonpayment delinquencies except where warrants are subsequently issued for the violator concerned by the appropriate court authorities.

(iv) See illustrations in Appendices C and D for minor offenses requiring the mandatory appearance of violators before the U.S. Magistrate:

(A) Mail-in fine procedures will not apply in mandatory appearance cases. The law enforcement authority issuing a violation notice for an offense requiring mandatory appearance of the violator, will place a check mark in "Box A", DD Form 1805. The name and location of the U.S. Magistrate before whom the violator must appear will be inserted on the line below "United States District Court" as shown in Appendix C. The date and time of the initial appearance will be entered in the space provided in "Box A". It is the violator's responsibility to verify the date, time, and place of required court appearances.

(B) Disposition of DD Form 1805 will be as follows:

(*1*) The fourth copy (envelope) will be issued to the violator.

(*2*) Copies one (white copy), two (yellow copy), and three (pink copy) will be returned to the Security Officer's office. The Security Officer will forward copies one and two, by transmittal as soon as possible, to the magistrate before whom the violator is scheduled to appear.

(*3*) Copy three will be filed in the office of the Security Officer or equivalent issuing authority.

(C) When DD Form 1805 is used to cite personnel for mandatory appearance type offenses, the individual's supervisor will be provided an information copy of DLA Form 635, denoting the date, time, place, and type of violation, and the date the violator is scheduled to appear before the U.S. Magistrate.

(v) Additional information governing preparation of DD Form 1805 is provided as Appendix A.

Appendix A.—Preparation Guide for DD Form 1805, Violation Notice

All violations will require:

Last four digits of the Social Security Number of the Issuing guard/police officer (placed in space marked "Officer No."). Date of notice (is also violation date unless otherwise shown) and time. Description of violation, including place noted. Violation code number and issuing location code number (as determined by local Magistrate/District Court). Examples are shown at Appendices B, C, and D.

In addition to above items

Parking offenses require: Vehicle description (make, color, body type), licensing state, auto license number; and, if violator is present: Driver permit number, driver address, driver's name (all of above items and); moving traffic offenses require: Birth date and sex, race (if it appears on driver's permit), height and weight.

Nontraffic offenses require: Statute violated, person's name, person's address, birth date, and sex; and, if applicable: Race, height, and weight.

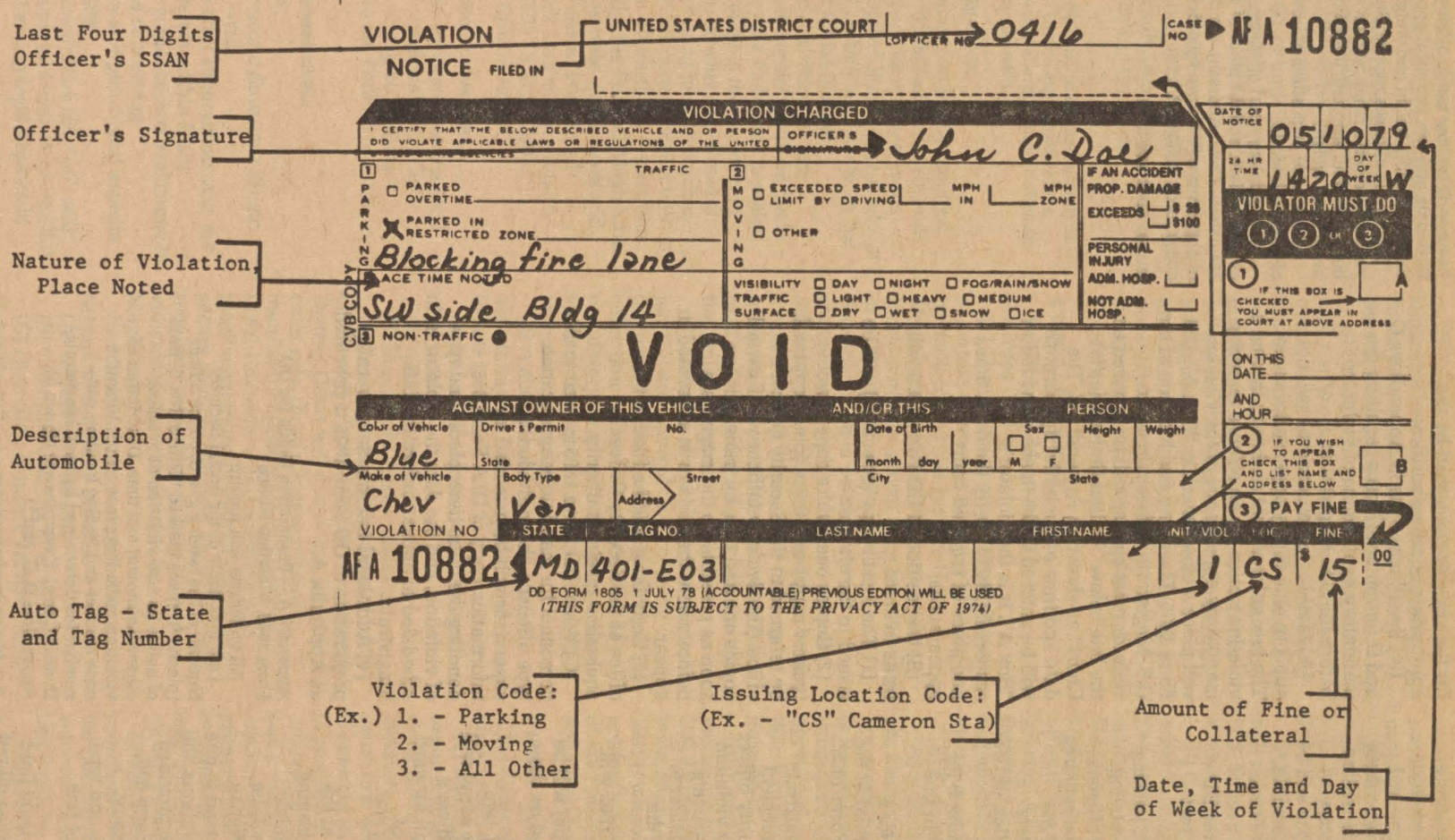
All mailable disposition offenses—amount of fine (collateral).

All mandatory court offenses—Above data, as appropriate, and the place of court (i.e., Magistrate Court Address), the date and time of appearance (if known by officer), and check mark in Box "A".

BILLING CODE 3620-01-M

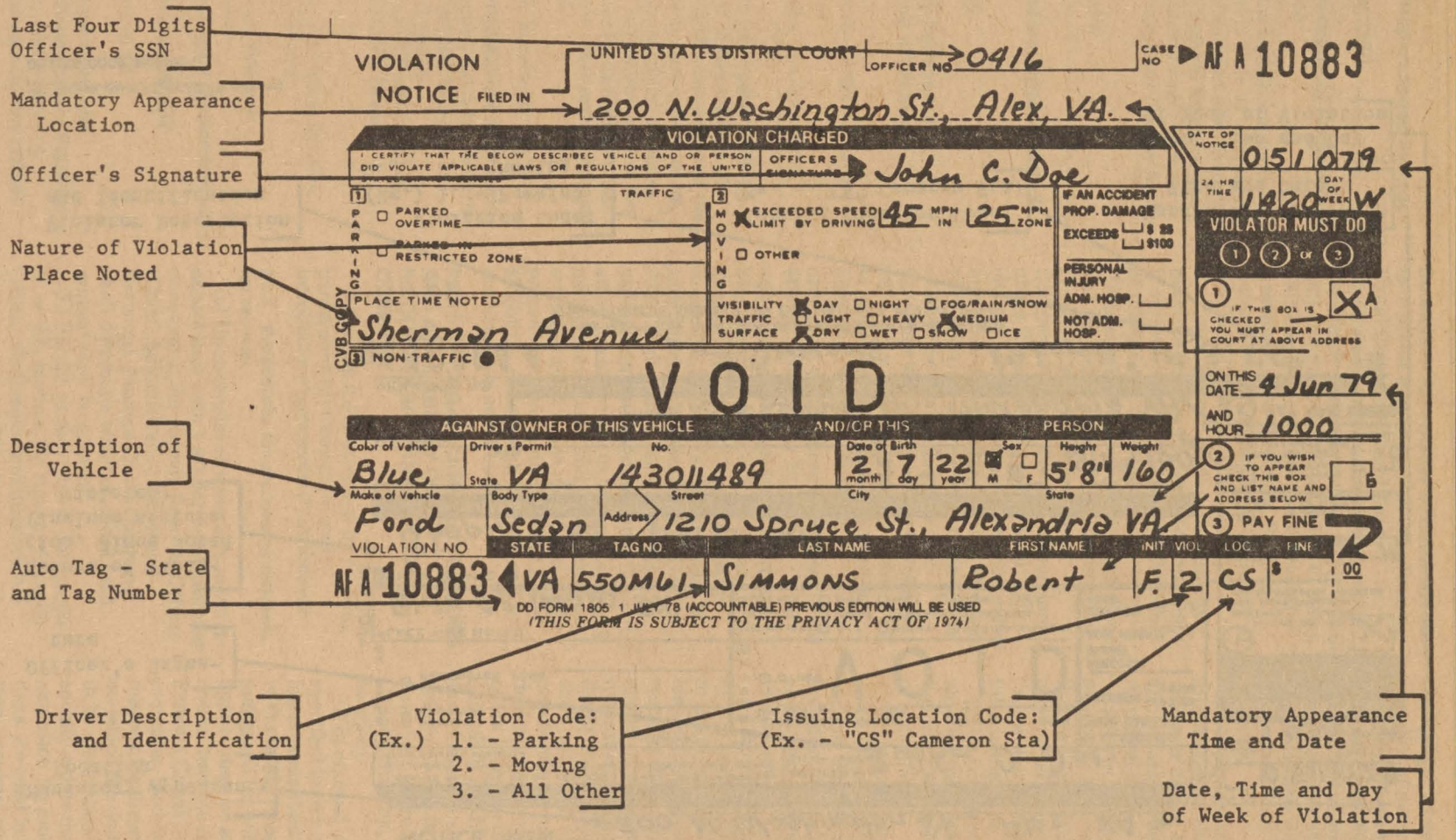
APPENDIX B

TICKET SAMPLE - A PARKING VIOLATION

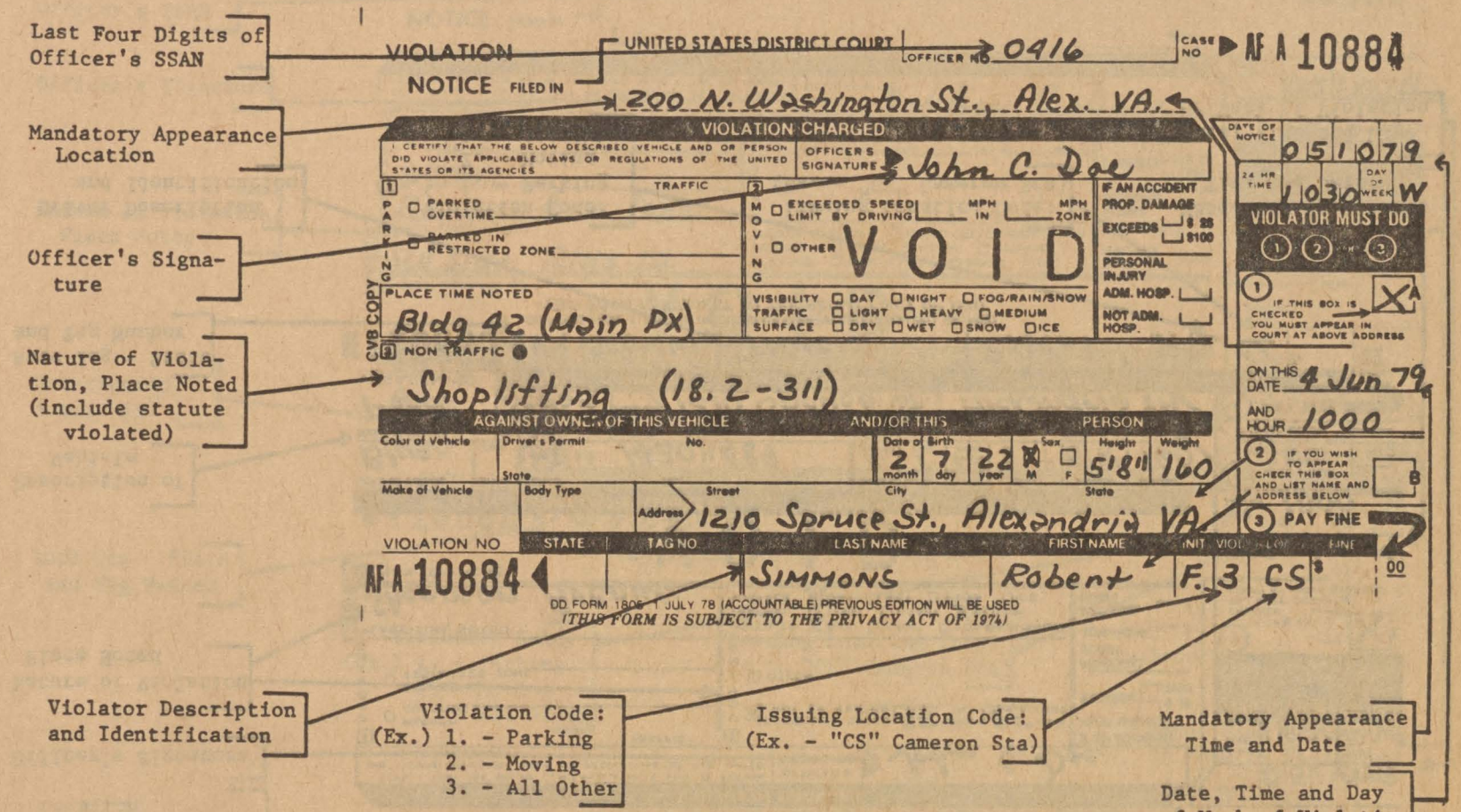


APPENDIX C

TICKET SAMPLE - A MOVING VIOLATION
(In Mandatory Appearance Category)



APPENDIX D
TICKET SAMPLE - A NONTRAFFIC VIOLATION
(In Mandatory Appearance Category)



[FR Doc. 79-29940 Filed 9-27-79; 8:45 am]
BILLING CODE 3620-01-C

Defense Civil Preparedness Agency

32 CFR Chapter XVIII

Transfer and Vacation of Regulations: Cross Reference

The regulations in this chapter have been transferred to Title 44 Chapter I and this chapter vacated elsewhere in this issue of the **Federal Register**. See the Table of Contents under Federal Emergency Management Agency for the page number.

BILLING CODE 4210-23-M

Corps of Engineers, Department of the Army

33 CFR Part 209

Shipping Safety Fairways & Anchorages, Gulf of Mexico; Correction

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

ACTION: Correction to a correction.

SUMMARY: On 18 September 1979 (44 CFR 54047) the U.S. Army Corps of Engineers published a correction in the **Federal Register** to an amendment to regulations which establish shipping safety fairways and anchorages in the Gulf of Mexico under 33 CFR 209.135. Paragraph (c) is in error and is changed to paragraph (d).

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, (202) 272-0200 or write: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

Accordingly, 33 CFR 209.135(c) is revised to read 33 CFR 209.135(d).

George Brazier,

Chief, Construction-Operations Division, Directorate of Civil Works.

[FR Doc. 79-30202 Filed 9-27-79; 8:45 am]

BILLING CODE 3710-92-M

PANAMA CANAL COMPANY

35 CFR Parts 9 and 10

Organization, Functions and Availability of Information—Panama Canal Company and Access to Information Concerning Individuals

AGENCY: Panama Canal Company/Canal Zone Government.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise and amend certain Panama Canal Company/Canal Zone Government regulations implementing the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). This change delegates to the Executive Assistant to the President, Panama Canal Company (Executive Secretary of the Canal Zone) and the Agency Records Officer (Chief, Administrative Services Division) certain authority that is currently vested in the Vice President of the Panama Canal Company (Lieutenant Governor of the Canal Zone) and the Administrative Assistant to the President of the Panama Canal Company (Deputy Executive Secretary of the Canal Zone), respectively. This change is necessary because upon entry into force of the Panama Canal Treaty of 1977 and related agreements, the Office of the Vice President-Lieutenant Governor will disappear on October 1, 1979. Also, it seems prudent at this time to centralize the initial determination authority on one individual.

EFFECTIVE DATE: These amendments are effective September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. Hazel M. Murdock, Assistant to the Secretary, Panama Canal Company, Room 312, Pennsylvania Building, 425 13th Street N.W., Washington, D.C. 20004 (Telephone: 202-724-0104).

SUPPLEMENTARY INFORMATION: Since the amendments relate to matters of agency policy, procedures and practices, they are not subject to the notice and public procedures requirements of 5 U.S.C. 553(b)(A). Accordingly, Parts 9 and 10 are amended as follows:

PART 9—ORGANIZATION, FUNCTIONS AND AVAILABILITY OF INFORMATION—PANAMA CANAL COMPANY

1. Section 9.4 is amended by revising paragraphs (a) through (e) and introductory paragraph (f) as follows:

§ 9.4 Procedures for processing requests for records.

(a) Upon receipt of a request, made in accordance with § 9.3, for information or documents, the Agency Records Officer (Chief, Administrative Services Division), Panama Canal Company, shall determine whether or not such request shall be granted.

(b) Except as provided in paragraph (f) of this section, the Agency Records Officer shall make and dispatch his determination within ten (10) working days after the receipt of such request. He shall notify the requester of such determination and of the reasons therefor and, in the case of a denial of the request, of the requester's right to appeal that determination to the Executive Assistant to the President, Panama Canal Company. In addition, notification of an adverse determination shall include a statement that the determination is that of the Agency Records Officer, whose name shall also be given.

(c) A person whose request for information or documents is denied in whole or in part by the Agency Records Officer may appeal such determination. Any such appeal must:

(1) Be in writing, addressed to the Executive Assistant to the President, Panama Canal Company, and be clearly marked on the exterior with the words, "Appeal under the Freedom of Information Act," and

(2) Be submitted within ten (10) working days after receipt of the Agency Records Officer's notification of denial of the request.

(d) Upon receipt of an appeal, made in accordance with paragraph (c) of this section, the Executive Assistant to the President, Panama Canal Company, shall make a determination with respect to that appeal.

(e) Except as provided in paragraph (f) of this section, the Executive Assistant to the President shall make and dispatch his determination within twenty (20) working days after receipt of such appeal. If on appeal the denial of the request is, in whole or in part, upheld, the Executive Assistant to the President shall notify the requester of the provisions for judicial review of that determination under section 552(a)(4)(B) of the Freedom of Information Act, as amended. In addition, such notification shall include a statement that the determination is that of the Executive Assistant to the President, Panama Canal Company, whose name shall also be given.

(f) In unusual circumstances as specified in this paragraph, the time limits prescribed in either paragraph (b) with respect to initial actions or paragraph (e) with respect to actions on appeal, may be extended by written notice from the Agency Records Officer, Panama Canal Company, to the requester. Such notice shall set forth the reasons for the extension and the date on which the determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten (10) working days. As used in this paragraph, the term "unusual circumstances" means to the extent reasonably necessary to the proper processing of a request—

* * * * *

2. Section 9.5(d) is revised as follows:

§ 9.5 Uniform schedule of fees.

* * * * *

(d) Information and documents shall be furnished without charge, or at a reduced charge, when the Agency Records Officer, Panama Canal Company, or, if the request is on appeal, the Executive Assistant to the President, Panama Canal Company, determines that waiver or a reduction of the fees provided for in paragraph (a) of this section is in the public interest because furnishing the information can be considered as primarily benefiting the public. In the case of a reduced charge, the Agency Records Officer or the Executive Assistant to the President, if the request is on appeal, shall determine the amount of the reduction.

PART 10—ACCESS TO INFORMATION CONCERNING INDIVIDUALS

3. Section 10.8(c) is revised as follows:

§ 10.8 Agency review of request for correction or amendment of record.

* * * * *

(c) Where after initial review all or part of the individual's request is disapproved, the Agency Records Officer or the system manager will:

(1) Advise the individual of this determination and the reasons therefor, including any criteria for determining accuracy which were employed in the review;

(2) Inform the individual that he may request a further review by the Executive Secretary of the Canal Zone (Executive Assistant to the President, Panama Canal Company) or by some other specified official in cases where the initial determination is based upon advice from another agency; and

(3) Describe the procedures to be followed in obtaining such review.

4. Section 10.9 is amended by revising paragraphs (a) through (d) as follows:

§ 10.9 Appeal of initial adverse agency determination on correction or amendment.

(a) An individual whose request for correction or amendment of a record has been denied in whole or in part may obtain review of such denial by the Executive Secretary of the Canal Zone (Executive Assistant to the President, Panama Canal Company). Requests for review must be in writing and must be clearly marked on the exterior and in the text with the words "Privacy Act Appeal."

(b) Following receipt of a request, the Executive Secretary-Executive Assistant shall direct such review as he deems appropriate and shall make a final agency determination within 30 working days from the date of the request.

(c) If the Executive Secretary-Executive Assistant concurs in the refusal to amend the record, he will advise the individual of such refusal and the reasons therefor, and that:

(1) Such determination is a final agency action;

(2) The individual may file a concise statement setting forth his reasons for disagreeing with the determination, and any procedures to be followed in submitting such a statement;

(3) Such statement, if submitted, will be made available to anyone to whom the record is subsequently disclosed and to any prior recipients of the disputed record (to the extent that an accounting of disclosures has been maintained), together with any summary of the agency's position which is considered appropriate; and

(4) The individual may seek judicial review of the agency's refusal to amend a record, in accordance with 5 U.S.C. § 552a(g).

(d) If the Executive Secretary-Executive Assistant determines that the record should be amended in accordance with the individual's request, he will so advise the individual. The system manager will be responsible for correcting the record and, where an accounting of disclosures has been maintained, for advising all previous recipients of the record that such correction has been made.

* * * * *

Dated: September 19, 1979.

H. R. Parfitt,

Governor of the Canal Zone, President, Panama Canal Company.

[FR Doc. 79-30208 Filed 9-27-79; 8:45 am]

BILLING CODE 3640-01-M

VETERANS ADMINISTRATION

38 CFR Part 39

State Cemetery Grants; Aid to States for Establishment, Expansion, and Improvement of Veterans' Cemeteries

AGENCY: Veterans Administration.

ACTION: Interim regulations with comments requested.

SUMMARY: The Veterans Administration is proposing new regulations for the implementation of legislation which provides for a program of aid to States for the establishment, expansion, and improvement of veterans' cemeteries.

DATES: Comments must be received on or before November 27, 1979. It is proposed to make these regulations effective October 1, 1979.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. Comments will be available for inspection at the address shown above during normal business hours until December 7, 1979.

FOR FURTHER INFORMATION CONTACT: C. W. Eyman (202) 389-2313.

SUPPLEMENTARY INFORMATION: Pub. L. 95-476 (92 Stat. 1497), the Veterans' Housing Benefits Act of 1978, authorized the Administrator of Veterans Affairs to make grants to any State to assist such State in establishing, expanding, or improving veterans' cemeteries owned by such State.

The Act authorizes the appropriation of $5,000,000 for fiscal year 1980 and for each of the four succeeding fiscal years to provide such assistance. The Administrator of Veterans Affairs is authorized to establish the form and manner of applying for assistance under this program and to prescribe standards and guidelines relating to State veterans' cemetery site selection, planning, and construction.

The Veterans Administration is proposing new regulations for the guidance of States seeking assistance under this program for the provision of cemeterial benefits to eligible veterans.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding these documents to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until December 7, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the above address and room number.

Approved: September 20, 1979.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

A new Part 39 is added to read as follows:

PART 39—STATE CEMETERY GRANTS

Aid to States for Establishment, Expansion, and Improvement of Veterans' Cemeteries

Sec.

39.1 Definitions.
39.2 Scope of the State cemetery grant program.
39.3 Applications with respect to projects.
39.4 Disallowance of a grant application and notice of a right to hearing.
39.5 Responsibilities following project completion.
39.6 State to retain control of operations.
39.7 Recapture.
39.8 General standards for site selection and construction of State veterans' cemeteries.

Authority: 38 U.S.C. 1008.

Aid to States for Establishment, Expansion, and Improvement of Veterans' Cemeteries

§ 39.1 Definitions.

For the purpose of this part:

(a) The term "establishment" means the process of site selection, land acquisition, development planning, contouring, landscaping, and construction necessary to convert a tract of land to an operational cemetery. (38 U.S.C. 1008(c)(2))

(b) The term "expansion" means an increase in the burial capacity or acreage of a cemetery through the addition of gravesites and/or cemeterial facilities. (38 U.S.C. 1008(c)(2))

(c) The term "improvement" means the enhancement of a cemetery through landscaping, nonrecurring maintenance, or addition of other features apprppriate to cemeteries. (38 U.S.C. 1008(c)(2))

(d) The term "time phased development plan" means a detailed, narrative description of the proposed site's characteristics, schedule for development, and estimates of costs by phases of construction. (38 U.S.C. 1008(c)(2))

(e) The term "project" means an undertaking to establish, expand, or improve a specific site for use as a State-owned veterans' cemetery. (38 U.S.C. 1008(c)(2))

(f) The term "State" means each of the several States, Territories and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. (38 U.S.C. 101(20))

(g) The term "veteran" means a person who served in the active military, naval, or air service and who died while in service or was discharged or released therefrom under conditions other than dishonorable. (38 U.S.C. 1002)

§ 39.2 Scope of the State cemetery grants program.

(a) Subject to the availability of an appropriation, the Administrator may approve grants to assist any State in establishing, expanding, or improving veterans' cemeteries which are or will be owned by such State. In order to qualify for assistance under this program, a cemetery must be operated solely for the interment of veterans, their wives, husbands, surviving spouses, minor children, and unmarried adult children who were physically or mentally disabled and incapable of self-support. (38 U.S.C. 1008(c)(2) and 101(4))

(b) The amount of the Federal contribution to a State is limited to 50 percent of the combined value of the land to be acquired or dedicated for cemetery purposes and the dollar value of the improvements to be made. The remaining 50 percent of the project's cost will be contributed by the State. (38 U.S.C. 1008(b)(2))

(c) A State may dedicate for the purposes of the cemetery involved land which it already owns. The value of land of this nature can be included in the computation of the State's portion of the funding for the establishment of a State veteran's cemetery. The value of the land, however, cannot exceed 50 percent of the State's total contribution to the project's cost. "Uniform Appraisal Standards for Federal Land Aquisitions" (Interagency Land Acquisition Conference—1973) shall be used as guidelines when determining the value of the land. (38 U.S.C. 1008(b)(3))

§ 39.3 Applications with respect to projects.

(a) A State seeking Federal assistance for establishment, expansion, or improvement of a State veterans' cemetery shall submit to the Administrator a preapplication and an application for such assistance in compliance with the uniform requirements for grants-in-aid to State and local governments prescribed by Office of Management and Budget Circular No. A–102, Revised. The applicant shall submit as a part of the application or as an attachment thereto:

(1) The amount of the grant requested with respect to such project which may not exceed 50 per centum of the estimated cost of construction of such project.

(2) A description of the site for such project.

(3) Plans and specifications as required by § 39.8.

(4) Any comments or recommendations made by appropriate State (and areawide) clearinghouses pursuant to policies outlined in part I, OMB Circular No. A–95, Revised. (38 U.S.C. 1008(a)(1))

(b) The applicant must furnish reasonable assurance that:

(1) Any cemetery established, expanded, or improved through assistance of this program shall be used exclusively for the interment of eligible persons as set forth in §§ 39.1(g) and 39.2(a).

(2) Title to such site is or will be vested solely in the State.

(3) It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

(4) It will comply with the provisions of: Executive Order 11988, 3 CFR 1977 Comp., p. 117 relating to floodplain management and Executive Order 11752, relating to the prevention, control, and abatement of environmental pollution.

(5) It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.

(6) It will obtain approval by the Administrator of the final working drawings and specifications before the project is advertised or placed on the market for bidding; it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; it will submit to the Administrator for prior approval changes that alter the costs of the project, use of space, or functional layout; it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.

(7) It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Administrator may require.

(8) It will operate and maintain the facility in accordance with standards as prescribed under § 39.5.

(9) It will give the Administrator and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant.

(10) It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1–1961, as modified (41 CFR 101–19.603). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

(11) It will cause work on the project to be commenced within a reasonable time after receipt of notification from the Administrator that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.

(12) It will not dispose of or encumber its title or other interests in the site and facilities.

(13) It will comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) and in accordance with Title VI of that Act, no person in the United States shall, on the grounds 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 and will immediately take any measure necessary to effectuate this agreement. This assurance shall obligate the applicant for the period during which the site is operated as a State veterans' cemetery.

(14) It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

(15) It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.

(16) It will comply with all requirements imposed by the Veterans Administration concerning special requirements of law, program requirements, and other administrative requirements in accordance with OMB Circular A–102, Revised.

(17) It will comply with the provisions of the Hatch Act which limits the political activity of employees.

(18) It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local government.

(19) It will insure that the facilities under its ownership which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Veterans Administration of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized in the project is under consideration for listing by the EPA.

(20) It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Pub. L. 93–234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

(21) It will assist the Veterans Administration in its compliance with section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a–1 et seq.) by (i) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR 800.8) by the activity, and notifying the Veterans Administration of the existence of any such properties, and by (ii) complying with all requirements established by the Veterans Administration to avoid or mitigate adverse effects upon such properties.

(c) The Administrator will approve any such application if the Administrator finds that there are sufficient funds available to make the grant requested with respect to such project and that:

(1) It has been determined by the Veterans Administration that the application meets the requirements of paragraphs (a) and (b) of this section.

(2) The plans and specifications for such project are in accordance with § 39.8.

(3) The State has established procedures for determining reasonableness, allowability, and allocability of costs in accordance with the provisions of Federal Management Circular 74–4.

(4) The State is not receiving more than 20 per centum of the total amount appropriated for such grants for such fiscal year. (38 U.S.C. 1008(b)(1))

(d) The Administrator shall certify approved applications to the Secretary of the Treasury in the amount of the grant requested, but in no event an amount greater than 50 percent of the estimated cost of the project, and shall designate the appropriation from which it shall be paid. Such certification shall provide for payment to the applicant or, if designated by the applicant, to any agency or instrumentality of the applicant. Funds paid for the establishment, expansion, or improvement of a State veterans' cemetery will be used solely for carrying out such project as so approved. (38 U.S.C. 1008(c)(2))

(e) Any amendment of any application, whether or not approved under paragraph (c) of this section, will be subject to review and approval pursuant to the regulations governing grants to States for establishment, expansion, and improvement of State veterans' cemeteries in the same manner as an original application. (38 U.S.C. 1008(c)(1))

(f) Sums provided under paragraph (d) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated. If all funds from a grant have not been utilized by a State for the purpose for which the grant was made within 3 years after the Administrator has certified the approved application for such grant to the Secretary of the Treasury, the United States shall be entitled to recover any such unused grant funds from such State. (38 U.S.C. 1008(d))

§ 39.4 Disallowance of a grant application and notice of a right to hearing.

(a) No application for the establishment, expansion or improvement of State veterans' cemeteries shall be disapproved until the applicant has been afforded an opportunity for a hearing.

(b) Whenever a hearing is requested under this section, notice of hearing, procedure for the conduct of such hearing, and procedures relating to decisions and notices shall be in accord with the provisions of §§ 18.9 and 18.10, Title 38, Code of Federal Regulations. Failure of an applicant to request a hearing under this section or to appear

at a hearing for which a date has been set shall be deemed to be a waiver of the right to be heard and constitutes consent to the making of a decision on the basis of such information as is available. (38 U.S.C. 1008(c)(2))

§ 39.5 Responsibilities following project completion.

(a) The State shall, within a reasonable period following completion of such project, cause to be affixed at the main entrance to the veterans' cemetery suitable public acknowledgment of VA cemetery grant assistance in the form of a sign which shall be designed and furnished by the Veterans Administration. (38 U.S.C. 1008(c)(2))

(b) State veterans' cemeteries established, expanded, or improved with assistance under this program shall be operated and maintained as follows:

(1) The cemetery shall be maintained as a suitable memorial to the veterans interred.

(2) Sanitation and sanitary facilities shall be maintained in accordance with applicable State and local health standards.

(3) The cemetery shall be kept safe for public use.

(4) Buildings, roads, walks, and other structures shall be kept in reasonable repair to prevent undue deterioration.

(5) The cemetery shall be kept open for public use at reasonable hours and times of the year. (38 U.S.C. 1008(c)(1))

(c) The Administrator, in coordination with the State, shall:

(1) Audit such projects at their completion in accordance with audit procedures as established by the VA Office of the Inspector General.

(2) Inspect the project at completion for compliance with the standards set forth in § 39.8; and at least once in every 3-year period following completion of the project, and throughout the period the facility is operated as a State veterans' cemetery.

(d) At the completion of such inspections, the VA inspector(s) shall submit a written report to the Director, State Cemetery Grants Program, giving the date and location where the inspection was made and citing any deficiencies and corrective action taken or proposed. (38 U.S.C. 1008(c)(2))

(e) Failure of the State to comply with paragraphs (a) through (c) of this section shall be considered cause for the Veterans Administration to suspend any payments due a State on any or all projects until the situation involved is corrected. (38 U.S.C. 1008(c)(2))

§ 39.6 State to retain control of operations.

Neither the Administrator nor any employee of the Veterans Administration shall exercise any supervision or control over the administration, personnel, maintenance, or operation of any State veterans' cemetery constructed, expanded, or improved with assistance received under this program except as prescribed in this part. (38 U.S.C. 1008(c)(2))

§ 39.7 Recapture.

If a State which has received a grant to establish, expand, or improve a veteran's cemetery ceases to own such cemetery, ceases to operate such cemetery as a veterans' cemetery, or uses any part of the funds provided through such grant for a purpose other than for which the grant was made, the United States shall be entitled to recover from the State the total of all grants made to the State in connection with the establishment, expansion or improvement of such cemetery. (38 U.S.C. 1008(b)(4))

§ 39.8 General standards for site selection and construction of State veterans' cemeteries.

(a) *General.* (1) The various codes, requirements, recommendations (as well as any amendments or revisions) of State and local authorities or technical and professional organizations, to the extent and manner in which reference is made in these standards, are applicable to grants for construction of State veterans' cemeteries. Additional information concerning these standards may be obtained from the Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420.

(2) These standards constitute general design and construction criteria and shall apply to all projects for which Federal assistance is requested under 38 U.S.C. 1008.

(3) In developing these standards, no attempt has been made to comply with all of the various State and local codes and regulations. These standards must be followed where they exceed State or local codes and regulations. Conversely, compliance is required with State and local codes where such requirements provide a higher standard. However, the additional cost, if any, in using standards which are higher than those of the VA (Veterans Administration) should be carefully considered and justified.

(4) The space criteria and area requirements referred to in these standards should be used as a guide in planning. Additional area and facilities beyond those specified as basic may be included if found to be required by the program but are subject to approval by VA. Substantial deviation from the space or area standards should be carefully considered and justified, except for occasional variances which would require individual justification. Failing to meet or exceeding the standards by more than 10 percent in the completed plan would be regarded as evidence of inferior design or as exceeding the boundaries of professional requirements. VA participation may be subject to proportionate reduction in those projects which unjustifiably exceed maximum space or area criteria.

(b) *Site Planning Standards.*—(1) *Site Selection.* (i) *Location.* The land should be located as closely as possible to the densest veteran population in the area under consideration.

(ii) *Size.* Sufficient acreage should be available to provide gravesites for estimated needs for at least 20 years. Acreage could vary depending on the State veteran population and National Cemetery availability.

(iii) *Accessibility.* The site should be readily accessible by highway, bus, railroad, or other public transportation.

(iv) *Topography.* The land should range from comparatively level to rolling and moderately hilly terrain. Natural rugged contours are suitable only if development and maintenance costs would not be excessive and burial areas would be accessible to elderly and infirm visitors. The land should not be subject to flooding.

(v) *Water Table.* The water table should be lower than the maximum proposed depth of burial.

(vi) *Soil requirement.* The soil should be free from rock, muck, quicksand, and other materials that would hamper the economical excavation of graves by normal methods. In general, the soil should meet the standards of good agricultural land that is capable of supporting lawns, shrubs, and trees, with normal care and without the addition of topsoil.

(vii) *Utilities.* Electricity and/or gas should be available (if required).

(viii) *Water Supply.* An adequate supply of water should be available.

(ix) *Sanitary sewer.* An approved means to dispose of storm flow and sewage from the facility should be available.

(2) *Site Development Requirements.* (i) *General.* The development plan shall provide for adequate hardsurfaced roads, walks, parking areas, public rest rooms, flag circle, protective enclosure of the area, and a main gate. Pedestrian gates should also be provided at the main gate for activities that may be

necessary or appropriate when the main gates are closed.

(ii) *Road widths.* Road widths shall be compatible with proposed traffic flows and volumes.

(iii) *Surface and Structure Parking.* All parking facilities shall include provisions to accommodate the physically handicapped. A minimum of one space shall be set aside and identifed with signage in each parking area with additional spaces provided in the ratio of one handicapped space to every twenty regular spaces. Handicapped spaces shall not be placed between two conventional diagonal or head-on-parking spaces. Each of the handicapped parking spaces shall not be less than 9 feet wide; in addition, a clear space 4 feet wide shall be provided between the adjacent conventional parking spaces and also on the outside of the end spaces.

(iv) *Pavement Design.* The pavement section of all roads, service areas and parking areas shall be designed for the maximum anticipated traffic loads and existing soil conditions and in accordance with local and State design criteria.

(v) *Curbs.* Bituminous roads may be provided with integral curbs and gutters constructed of portland cement concrete. Free standing curbs may be substituted when the advantage of using them is clearly indicated. All curbs shall have a "roll-type" cross section for vehicle and equipment access to lawn areas except as may be necessary for traffic control.

(vi) *Curb Radii.* The radii of curbs at road intersections shall not be less than 20'-0".

(vii) *Curb Ramps (Curb Cuts).* Curb ramps shall be provided to accommodate the physically handicapped and lawnmowers. Curb ramps shall be provided at all intersections of roads and walks. The curb ramps shall not be less than 4 feet wide; they shall not have a slope greater than 8 percent, and preferably not greater than 5 percent. The vertical angle between the surface of a curb ramp and the surface of a road or gutter shall not be less than 176 degrees; the transition between the two surfaces shall be smooth. Curb ramps shall have nonslip surfaces.

(viii) *Walks.* Walks shall be designed with consideration for the physically handicapped. Walks and ramps designed on an incline shall have periodic level platforms. All walks, ramps and platforms shall have nonslip surfaces. Any walk shall be ramped if the slope exceeds 3 percent. Ramps shall not have a slope greater than 8 percent, and preferably not greater than 5 percent. The ramps shall have handrails on both sides unless other protective devices are provided; every handrail shall have clearance of not less than 1½ inches between the back of the handrail and the wall or any other vertical surface behind it. Ramps shall not be less than 4 feet wide between curbs; curbs shall be provided on both sides. The curbs shall not be less than 4 inches high and 4 inches wide. A level platform in a ramp shall not be less than the full width of the ramp and not less than 5 feet long. Entrance platforms and ramps shall be provided with protective weather barriers to shield them against hazardous conditions resulting from inclement weather.

(ix) *Steps.* Exterior steps may be included in the site development as long as provisions are also provided for use by physically handicapped persons.

(x) *Grading.* Minimum lawn slopes shall be 2 percent; critical spot grade elevations shall be shown on the contract drawings. Insofar as practicable, lawn areas shall be designed without steep slopes.

(xi) *Landscaping.* (A) The landscaping plan should provide for a park-like setting of harmonious open spaces balanced with groves of indigenous and cultivated deciduous and evergreen trees. Shrubbery should be kept to a minimum.

(B) Plants having thorns, or branches and leaves ending in thorns should not be used in heavy pedestrian traffic areas.

(C) Where lawn areas are to be mowed, layout spaces and planting beds should be designed to provide adequate room to accommodate mowing equipment.

(D) If necessary as preventive maintenance, edging should be provided around planting beds.

(E) Steep slopes that are unsuitable for interment areas should be kept in their natural state.

(xii) *Surface Drainage.* Surface grades shall be determined in coordination with the architectural, structural and mechanical design of buildings and facilities so as to provide proper surface drainage.

(xiii) *Burial Areas.* (A) *General.* A site plan of the cemetery shall include a burial layout. If appropriate, the burial layout should reflect the phases of development in the various sections. All applicable dimensions to roadways, fences, utilities or other structures shall be indicated on the layout.

(B) *Area Standard.* The VA standard for computing gravesite yield from net burial acreage is 600 gravesites per acre. This figure normally can account for roads, utilities, and other service related structures. Depending on the character of the land and the way in which the cemetery is to be developed, a minimum of 50 percent of the gross acreage available at the site should be designated as burial acreage. A site proposed for development as a veterans' cemetery should be adequate to meet the State's projected interment needs for a minimum of twenty years.

(C) *Gravesites.* Gravesites should be laid out in uniform pattern. There should be a minimum of 10 feet from the edge of roads and drives and a minimum of 20 feet from the boundaries or fence lines. Maximum carrying distance from the edge of a permanent road to any gravesite should not be over 275 feet. Temporary roads may be provided to serve areas in phase developments.

(D) *Monumentation.* It is advisable that permanent gravesite control markers be installed based on a grid system throughout the burial area unless otherwise specified. This will facilitate the gravesite layout, placement of utility lines, and alignment of headstones. Markers may be either flat or upright, but must be uniform throughout the cemetery.

(c) *Architectural Design Standards.*— (1) *Architectural and Structural Requirements.* (i) *Fire Safety Codes.* The latest edition of the National Fire Codes (a compilation of National Fire Protection Association Codes, Standards, recommended practices and manuals) will be the design criteria. Fire safety construction features not included in the National Fire Codes shall be designed in accordance with the requirements of the latest edition of the National Building Code (American Insurance Association). Where the adopted codes state conflicting requirements, the National Fire Codes shall govern.

(ii) *State and Local Codes.* In addition to compliance with the standards set forth in this document, all applicable local and State building codes and regulations must be observed. In areas not subject to local or State building codes, the recommendations of any one of the following national codes shall apply insofar as such recommendations are not in conflict with the standards set forth in this document.

(A) *National Building Code.* American Insurance Association, Engineering and Safety Services, 85 John Street, New York, New York 10038.

(B) *Basic Building Code.* Building Officials Conference of America, 1313 East 60th Street, Chicago, Illinois 60637.

(iii) *Occupational Safety and Health Standards.* Applicable standards as contained in the Occupational Safety and Health Act must be observed.

(iv) *Handicapped Provisions.* Applicable standards as contained in ANSI Standard No. A117.1 ("Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped") must be observed.

(2) *Mechanical Requirements.* The heating system, boilers, steam system, ventilation system and air-conditioning system shall be furnished and installed to meet all requirements of the local and State codes and regulations, and the regulations of the National Fire Protection Association and the National Board of Fire Underwriters and the minimum general standards as set forth. Where there is no local or State boiler code, the recommendations of the American Society of Mechanical Engineers (ASME) shall apply. The design and specifications shall comply with the standards relating to the control of air pollution.

(3) *Plumbing Requirements.* Plumbing systems shall comply with all applicable local and State codes, the requirements of the State Department of Health, and the minimum general standards as set forth in these regulations. Where no State or local codes are in force, the National Plumbing code AASA–A40.8, latest edition, shall apply.

(4) *Electrical Requirements.* The installation of electrical work and equipment shall comply with the National Electrical Codes (NFPA Nos. 70, 76A, and 72E) all local and State codes and laws applicable to electrical installations and the minimum general standards as set forth in these regulations. The regulations of the local utility company shall govern service connections. Aluminum busways should not be used as a conducting medium in the electrical distribution system.

(5) *Space Criteria.* Space criteria for cemetery buildings at active VA national cemeteries are published in chapters 701 and 703 of VA Handbook H–08–9, Planning Criteria for VA Facilities, which can be inspected at or made available through the VA address listed in subparagraph (a)(1) of this paragraph.

(d) *Plan Preparation.* (1) *General.* The requirements contained herein have been established for the guidance of the State agency and the architect to provide a standard for preparation of drawings, specifications and estimates.

(2) *Predesign Conferences.* A conference is recommended for all major construction projects primarily to ensure that the State agency becomes oriented to VA procedures and requirements plus any technical comments pertaining to the project.

(3) *Preapplication Requirements.* No plans and specifications will be required with the preapplication submission to the VA. A location map showing the location of the project and all appropriate demographic boundaries shall be incorporated in the preapplication submission.

(4) *Application Requirements.*— (i) *Boundary and Site Survey and Soil Investigation.* (A) The State agency shall provide for a survey and soil investigation of the site and furnish a legal description of the site. The purpose of this survey and soil investigation is to obtain data necessary for the evaluation of the site as a cemetery, structural design and utility service connections. A boundary and site survey need not be submitted if one was submitted for a previously approved project and there have been no changes. Relevant information may then be shown on the site plan.

(B) If required the survey shall show:

(*1*) The outline and location referenced to boundaries, of all existing buildings, streets, alleys (whether public or private), block boundaries, easements, encroachments, the names of streets, railroads and streams, and other information as hereinafter specified. If there is nothing of this character affecting the property, the Surveyor shall so state on the drawings.

(*2*) The point of beginning, bearing, distances, and interior angles. Closures computations shall be furnished with the survey and error of closure shall not exceed 1 foot for each 10,000 feet or lineal traverse. Boundaries of an unusual nature (curvilinear, off-set, or having other change or direction between corners), shall be referenced with curve data (including measurement chord) and other data sufficient for replacement and such information shall be shown on the map. For boundaries of such nature, coordinates shall be given for all angles and other pertinent points.

(*3*) The area of the parcel in acres or in square feet.

(*4*) The location of all monuments.

(*5*) Delineation of 100-year floodplain and source.

(*6*) The signature and certification of the Surveyor.

(C) Soil investigation of the scope necessary to ascertain site characteristics for construction and burial or to determine foundation requirements. A new soil investigation is not required if one was done for a previously approved project on the same site and information contained is adequate and unchanged. Soil investigation when done shall be documented in a signed report.

(*1*) Adequate investigation shall be made to determine the subsoil conditions. The investigation shall include a sufficient number of test pits or test borings as will determine, in the judgment of the architect, the true conditions.

(*2*) The following information shall be covered in the report:

(*i*) Thickness, consistency, character, and estimated safe bearing value where needed for structural foundation design of the various strata encountered in each pit or boring.

(*ii*) Amount and elevation of ground water encountered in each pit or boring, its probable variation with the seasons, and effect on the subsoil.

(*iii*) The elevation of rock, if known, and the probability of encountering quicksand.

(*3*) The elevations and location of tops of workings relative to the site, if the site is underlaid with mines, or old workings are located in the vicinity.

(ii) *Preliminary Site Plan.* A site plan showing the proposed layout of all facilities on the selected site shall be included as an exhibit to the formal application. If the project is to be phased into different year programs, the phasing shall be indicated. The preliminary site plan shall be submitted on standard 28 inch by 42 inch plan sheets as a scale sufficiently large to show necessary details or dimensions.

(iii) *Preliminary Architectural Drawings.* All buildings are to be shown on drawings accompanying the application. The drawings must comply with the following requirements:

(A) A site plan of the immediate area around the building shall be drawn to a convenient scale and shall show the building roof plan, utility services, walks, gates, walls or fences, flagpoles, drives, parking areas, indication of handicapped provisions, landscaping, north arrow and any other appropriate items.

(B) Floor plans of all levels at a convenient scale shall be double line drawings and shall show overall dimensions, construction materials, door swings, names and square feet for each space, toilet room fixtures and interior finish schedule.

(C) Elevations of the exteriors of all buildings shall be drawn to the same scale as the plan and shall include all material indications.

(D) Preliminary mechanical and electrical layout plans shall be drawn at a convenient scale and shall have an equipment and plumbing fixture schedule.

(e) *Final Working Drawings and Specifications.* Prior to the release of funds for the construction of any project being sponsored under this program, the VA must approve the final working drawings and specifications.

(1) Final working drawings shall be prepared so that clear and distinct prints may be obtained, accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for complete VA review and comment. Separate drawings shall be prepared for each of the following types of work: architectural, structural, heating and ventilating, plumbing and electrical. They shall include the following:

(i) *Architectural Drawings.* Site plan showing all new topography, grades, existing buildings, roadways, walks and areas to be seeded. All structures and other work to be removed; all floor plans and a roof plan if any new work is involved; all elevations which are affected by the alterations; building sections; demolition drawings. All details to complete the proposed work and finish schedules.

(ii) *Planting Drawings.* (A) All proposed features such as roads, buildings, walks, utility lines, burial layout, etc.

(B) Contours, scale, north arrow, legend showing existing trees.

(C) A graphic or keyed method of showing plant types as well as quantities of each plant.

(D) Plant list with the following: key, quantity, botanical name, common name, size and remarks (i.e., balled and burlaped, container, 3 stem clump, specimen, etc.)

(E) Typical tree and shrub planting details.

(F) Areas to be seeded or sodded.

(G) Areas to be mulched.

(iii) *Layout Drawings.* Submit a layout plan which shows the following:

(A) Roadways, walks, buildings, scale and north arrow, boundary lines and fence lines.

(B) Section layout with permanent section monument markers and lettering system.

(C) Gravesite layout and numbering system.

(D) Gravesites which are obstructed.

(E) Direction the headstone faces.

If the cemetery is existing and the project is expansion or renovation, show available, occupied, obstructed and reserved gravesites.

(iv) *Equipment Drawings.* Large scale drawings of typical special rooms indicating all fixed equipment and major items of furniture and moveable equipment.

(v) *Structural Drawings.* Complete foundation and framing plans and details. General notes to include: governing code, material strengths, live loads, windloads, foundation design values, and seismic zone.

(vi) *Mechanical Drawings.* Heating and ventilation drawings showing complete systems and details of air conditioning, heating ventilation and exhause. Plumbing drawings showing sizes and elevations of soil and waste systems; sizes of all hot and cold water piping; drainage and vent systems; plumbing fixtures and riser diagrams.

(vii) *Electrical Drawings.* Separate drawings for lighting and power. Service entrance, feeders and all characteristics. All panel, breaker, switchboard and fixture schedule. All lighting outlets, receptacles, switches, power outlets and circuits. Telephone layout, fire alarm systems and emergency lighting.

(2) Final specifications (to be used for bid purposes) shall be in completed format. Specifications shall include the invitations for bids, cover of title sheet, index, general requirements, form of bid bond, form of agreement, performance and payment bond forms, and sections describing materials and workmanship in detail for each class of work.

(3) Show in convenient form and detail the estimated total cost of the work to be performed under the contract including provisions of fixed equipment shown by the plans and specifications, if applicable, to reflect the changes of the approved financial plan. Estimates shall be summarized and totaled under each trade or type of work.

(4) All of the above requirements must be met and approved prior to the State agency advertising for bids.

(f) *Final Review and Approval—(Bid Tabulations and Cost Estimates).* (1) The State agency shall submit itemized bid tabulations; assurance, if required; and a revised Grant application form reflecting final cost in the project. If there are non-VA participating areas, these should be itemized separately.

(2) Following VA approval of bid tabulations and cost estimates, a Memorandum of Agreement executing the grant awards will be signed by the Administrator.

(38 U.S.C. 1008)

[FR Doc. 79-30188 Filed 9-27-79; 8:45 am]

BILLING CODE 8320-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-26

[FPMR Amendment E-233]

Purchase of Items From Federal Supply Schedule Contracts; Lower Prices for Identical Items

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation permits agencies to purchase products from any source when they are available at lower overall costs than the prices of identical products provided by multiple-award Federal Supply Schedule contracts. Recent experience has indicated that lower prices occasionally become available. The intended effect is to minimize the cost of products and services to ordering agencies while maintaining the mandatory use requirements of schedule contracts.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Agin, Acquisition Management and Review Directorate (202-566-1867).

SUPPLEMENTARY INFORMATION: Contracts awarded before January 10, 1979, are not affected by the change. Contracts based on solicitations issued on or after January 10, 1979, include a clause that reflects the relaxation of the use requirement. This relaxation was authorized by an instruction issued by the Federal Supply Service (FSS Procurement Letter No. 283, January 10, 1979.)

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.

Section 101-26.401-4 is amended by adding new paragraph (f) to read as follows:

§ 101-26.401-4 Exceptions to mandatory use.

* * * * *

(f) *Lower prices for identical items.* (1) Agencies may purchase products from any source when they are available at prices lower than the prices of identical products provided by multiple-award Federal Supply Schedule contracts.

(2) All of the costs and related considerations for lower priced products shall be evaluated, including but not limited to comparisons of warranties, transportation costs (origin and destination), and delivery terms. However, the prohibition in § 101-26.401(a) must be observed.

(3) When products are purchased from noncontract sources at delivered prices that are lower than the prices provided by multiple-award schedule contracts, copies of the purchase order shall be sent to the General Services Administration, (FCC) Washington, DC 20406, at the time the order is issued.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: September 20, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-30113 Filed 9-27-79; 8:45 am]

BILLING CODE 6820-82-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 51g

Grants for Health Education-Risk Reduction

AGENCY: Center for Disease Control, Public Health Service, HEW.

ACTION: Final rule (with subsequent comment period).

SUMMARY: This final rule applies to grants to initiate or strengthen health education-risk reduction programs. The grants are intended to encourage participation and coordination of efforts by all agencies involved in health education. The grants will support personal choice health behavior education to reduce the risk of premature death and disability associated with cigarette smoking, obesity, hypertension, and other risk factors associated with chronic and preventable health conditions affecting the American people.

DATES: This regulation is effective September 28, 1979. Comments are due November 27, 1979.

ADDRESS: Written comments should be sent to the Director, Bureau of Health Education, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333. Comments will be available for public inspection between 8 a.m. and 4:30 p.m. in Building 14 at the same address.

FOR FURTHER INFORMATION CONTACT: Billy G. Griggs, Deputy Director, Bureau of Health Education, Center for Disease Control, Atlanta, Georgia 30333, telephone (404) 329-3111 or FTS: 236-3111.

SUPPLEMENTARY INFORMATION: This final rule applies to grants authorized under Section 1703(a) of the Public Health Service Act. It establishes procedures and requirements for awarding grants to State and local health agencies to assist them in becoming the recognized resource and established contact point for health education-risk reduction programs. This grant program was originally proposed as part of the Department's smoking and health program. However, it was expanded to address other health education-risk reduction activities as recommended in the House Appropriations Committee Report:

"The Committee believes that the increased funds requested in the budget and approved by the committee should be used for the support of a broad range of health information and promotion activities, as contemplated in Title XVII of the Public Health Service Act, and not concentrated on any one health problem, to the exclusion of all others, as proposed in the budget." (H.R. Rep. No. 1248, 95th Cong., 2d Sess. 19 (1978).)

The purpose of the health education-risk reduction grant program is to assist State and local health agencies in initiating or strengthening health education programs. The grants will encourage participation and coordination of efforts by all agencies, public and private, involved in health education programs. The grant funds will be used for projects which emphasize personal choice health behavior education to reduce the risk of premature death and disability associated with cigarette smoking, obesity, hypertension, and other chronic and preventable health conditions and diseases affecting the American people. Grantees will establish surveillance systems to obtain current data on chronic and preventable diseases related to personal choice behavior. These systems will permit continuous monitoring of program impact and will provide a basis for the direction of future health education-risk reduction programs.

The statute authorizes the award of grants to a wide variety of organizations in addition to State and local health agencies. However, these regulations limit potential grantees to State and local health agencies because they have the statutory responsibility for the public health of their citizens and the maximum opportunity for coordinating these services. In addition, the establishment of a health education-risk reduction program, generally at the State government level, provides a unique potential for coordinating the diverse activities in health education conducted under a variety of auspices, for stimulating new or expanded programs, and for continuity of effort. Limiting grantees to State and local health agencies will make the best use of the limited grant funds.

Grant funds will be available for basic activities and for optional activities. Under the grants for basic activities, States will identify and list existing health education-risk reduction activities, eliminate or reduce undesirable duplicate efforts, pinpoint target groups needing health education-risk reduction activities, and set up programs to meet these identified problems or needs. Grant funds may also be used for optional activities which address specific risk reduction activities such as media approaches, special innovative youth activities, and intervention activities with specific high risk target groups. Grantees are encouraged to enter into arrangements with other organizations in developing optional program activities.

The issuance of a final rule without a Notice of Proposed Rulemaking is necessary because only a brief period remains during this fiscal year for carrying out the congressional mandate for the health education-risk reduction program. If grants are not awarded by September 30, 1979, funds for this fiscal year cannot be used.

For this reason the Secretary has determined that it would be impracticable and contrary to the public interest to follow proposed rulemaking procedures or to delay the effective date of this regulation, and that good cause exists, under 5 U.S.C. 553, for their omission.

Nevertheless, comments are invited on this rule. All comments will be considered, and the regulation will be republished and revised as necessary.

Chapter I of Title 42, code of Federal Regulations, is amended by adding a new Part 51g as set forth below.

Dated: July 16, 1979.

Julius B. Richmond

Assistant Secretary for Health.

Approved: September 24, 1979.

Patricia Roberts Harris

Secretary.

PART 51g—GRANTS FOR HEALTH EDUCATION-RISK REDUCTION

Sec.

51g.1 To which programs does this regulation apply?
51g.2 Definitions.
51g.3 Who is eligible to apply for a health education-risk reduction grant?
51g.4 What information must be included in the application for a grant?
51g.5 How will grant applications be evaluated and the grants awarded?
51g.6 How may a grantee use grant funds?
51g.7 Which other HEW regulations apply to these grants?
51g.8 Which other conditions apply to these grants?

Authority: Sec. 215, 58 Stat. 690 (42 U.S.C. 216); Sec. 1703(a), 90 Stat. 697 (42 U.S.C. 300u-2(a)).

§ 51g.1 To which programs does this regulation apply?

This regulation applies to health education-risk reduction grants authorized under Section 1703(a) of the Public Health Service Act (42 U.S.C. 300u-2(a)).

§ 51g.2 Definitions.

As used in this regulation:

"Act" means the Public Health Service Act, as amended.

"Health education-risk reduction" refers to health program activities which address personal choice behavior to produce changes which may result in lowering risks of developing or aggravating a chronic disease or other preventable health condition or in improving health. Examples of personal choice behavior are cigarette smoking, food selection, alcohol consumption, exercise, and stress reduction.

"Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department to whom the authority involved has been delegated.

"State" means one of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

§ 51g.3 Who is eligible to apply for a health education-risk reduction grant?

Any State health agency, or local health agency with the concurrence of its State health agency, may apply for a health education-risk reduction grant.

§ 51g.4 What information must be included in the application for a grant?

(a) A grant application must include evidence or a description of the following:

(1) *Background and need*

(i) Political subdivision included in the project.

(ii) Structure of grantee health agency.

(iii) Current population (age groups) of project area.

(iv) Ethnic and geographic characteristics of project area.

(v) Current relevant morbidity and mortality data on the specific diseases and conditions affected by personal choice behavior. A plan for establishing a system for the collection of these morbidity data must be included if one has not already been established.

(vi) Resources and facilities available to implement the program. This information must specify personnel, by position and number; funds, by amount and source; and facilities, by description and location.

(vii) Utilization and coordination of volunteers.

(viii) Interrelationship with other relevant State and Federally assisted programs.

(ix) Additional State and other resources which will be mobilized.

(2) *Project Objectives*

(i) The objectives must be specific, measurable, and realistic.

(ii) The objectives must relate to the following national program goals:

(A) To increase knowledge and awareness in the general population of the health hazards of cigarette smoking, obesity, hypertension, and other risk factors related to chronic and preventable health conditions and diseases.

(B) To provide susceptible groups such as young people, pregnant women, the elderly, and others the opportunity to make informed decisions (for example, not to smoke or to adopt a lifestyle to combat obesity) that will positively affect personal, family, and community health and well-being.

(C) To reduce the risk factors of cigarette smoking, obesity, hypertension, and other precursors of chronic and preventable health conditions and diseases and bring about a measurable reduction in premature death and disability associated with these conditions.

(iii) Both short-term (up to 1 year) and long-term (up to 5 years) objectives must be stated.

(b) The application must contain a narrative description of procedures for carrying out the following basic program activities:

(1) Establishment of the grantee as the lead organization in coordinating health education-risk reduction activities.

(2) Establishment of working liaisons with voluntary agencies, professional and education groups, and other organizations to facilitate education, prevention, and lifestyle change programs directed toward populations in need of these programs. Examples of these organizations are State and local Boards of Education, school systems, Parent-Teacher Associations, Cooperative Extension Services, voluntary health agencies, and health service providers.

(3) Conduct of public and professional education and information activities about lifestyle and chronic disease programs with special emphasis on the general health effects of smoking and other risk factors.

(4) Development of plans for identifying and recording information on the risk factors of chronic diseases and for developing or modifying surveillance systems to record the morbidity and mortality of smoking-related diseases (for example, myocardial infarction, cancer of lung, larynx, pharynx, and urinary bladder). These activities must be coordinated with existing data collection systems for these diseases.

(5) Establishment of prevalence and attitudinal baseline data for selected groups to provide documentation for education activities related to smoking or other risk factors.

(6) Identification and listing of existing health education-risk reduction activities on a Statewide or local project area basis, including those carried out in schools or by voluntary and private agencies.

(c) The application may request funds for optional program activities. A grantee must submit additional narrative and budget material for each optional program activity. Applications for optional program activities must address specific risk reduction activities such as media approaches, special innovative youth activities, and health education activities with specific high risk target groups. Voluntary and other private sector health and education agencies and organizations may submit proposals for support of health education-risk reduction programs to the State or local health agency for consideration as part of the grant application.

(d) The application must contain evidence satisfactory to the Secretary that it meets all applicable requirements of Section 1513(e) of the Act concerning review by the appropriate Health Systems Agency.

§ 51g.5 How will grant applications be evaluated and the grants awarded?

(a) The Secretary may award grants for projects which will best promote the purposes of Section 1703(a) of the Act. In making this determination, the Secretary will consider the extent to which:

(1) The basic program elements are addressed.

(2) The grantee agency health education unit is being involved in the program in a meaningful and productive manner.

(3) Budget requests and proposed use of grant funds are appropriate and reasonable.

(4) A logical method of operation is specified for each proposed activity.

(5) The applicant has developed adequate plans for involving a wide range of public, private, and voluntary agencies in health education activities in the project area and plans have been made to use existing community resources effectively.

(6) The project objectives are specific, measurable, realistic, and related to the national program goals.

(7) Effective evaluation measures are specified.

(b) Neither the approval of a grant application nor the award of any grant obligates the United States to make any additional, supplemental, continuation,

or other award to any approved program. The grantee must apply for continuing support.

§ 51g.6 How may a grantee use grant funds?

A grantee may use grant funds for salaries and related costs of planning, organizing, and implementing health education-risk reduction program activities. A grantee may not use grant funds to supplant or replace existing State or local funds.

§ 51g.7 Which other HEW regulations apply to these grants?

Several other HEW regulations apply to grants under this part. These include, but are not limited to:

45 CFR Part 74—Administration of Grants.

45 CFR Part 75—Informal Grant Appeals Procedures.

45 CFR Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health, Education, and Welfare Effectuation of Title VI of the Civil Rights Act of 1964.

45 CFR Part 81—Practice and Procedure for Hearings Under Part 80.

45 CFR Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

§ 51g.8 Which other conditions apply to these grants?

The Secretary may, with respect to any grant award, impose additional conditions at the time of the grant award when the Secretary determines that they are necessary to advance the approved program, the interest of the public health, or the conservation of grant funds.

[FR Doc. 79-30145 Filed 9-27-79; 8:45 am]
BILLING CODE 4110-86-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1820

[Circular No. 2452]

Application Procedures; Subpart 1821—Execution and Filing of Forms; Place for Filing

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking amends 43 CFR 1821.2–1 to reflect the addresses of offices where applicants can inspect records and file applications and other documents under this title. This updating is designed to expedite the processing of applications.

EFFECTIVE DATE: September 28, 1979.

ADDRESS: Any suggestions or inquiries should be sent to: Director (650), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Cecil R. Feeney (202) 343–7424.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is Cecil R. Feeney of the Office of Legislation and Regulatory Management, Bureau of Land Management, Washington, D.C.

It is hereby determined that publication of this final rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)] is required.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The customary 30-day period between the publication date and effective date of final rules is hereby waived because this rulemaking does not initiate change, but is an administrative action reflecting changes.

Under the authority of section 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1740), Part 1820, Group 1800, Subchapter A, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

James Curlin

Acting Assistant Secretary of the Interior.

September 24, 1979.

1. Section 1821.2–1 is amended to read as follows:

§ 1821.2–1 Office hours; place for filing.

* * * * *

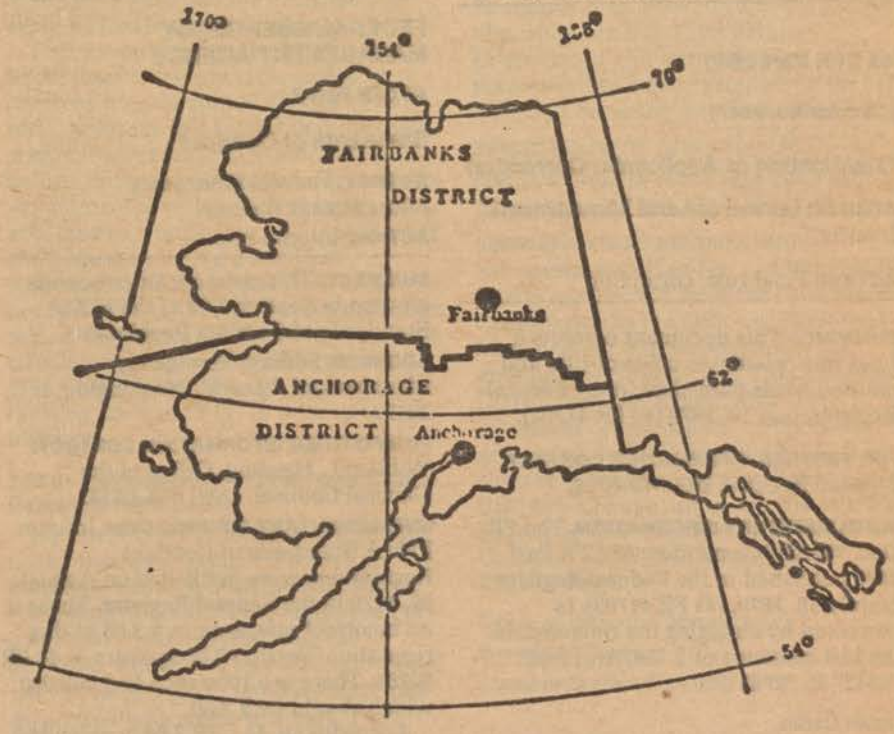
(d) * * *

Office and Area of Jurisdiction

Alaska State Office, 701 "C" Street, Box 13, Anchorage, Alaska 99513—Southern Alaska.[1]

Fairbanks District Office, N. Post of Ft. Wainwright, P.O. Box 1150, Fairbanks, Alaska 99707—Northern Alaska.[1]

[1] See diagram for division line.



Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85073—Arizona.
California State Office, Federal Building, 2800 Cottage Way, Sacramento, California 95825—California.
Colorado State Office, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202—Colorado.
Eastern States Office, 350 So. Pickett Street, Alexandria, Virginia 22304—Arkansas, Iowa, Louisiana, Minnesota, Missouri, and all States east of the Mississippi River.
Idaho State Office, Federal Building, 550 West Fort Street, Box 042, Boise, Idaho 83724—Idaho.
Montana State Office, Granite Tower, 222 N. 32nd Street, P.O. Box 30157, Billings, Montana 59107—Montana, North Dakota, and South Dakota.
Nevada State Office, Federal Building, 300 Booth Street, Reno, Nevada 89509—Nevada.
New Mexico State Office, U.S. Post Office and Federal Building, South Federal Place, Santa Fe, New Mexico 87501—New Mexico, Oklahoma, and Texas.
Oregon State Office, 729 Northeast Oregon Street, Portland, Oregon 97208—Oregon and Washington.
Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111—Utah.
Wyoming State Office, 2515 Warren Avenue, P.O. 1828, Cheyenne, Wyoming 82001—Wyoming, Kansas, and Nebraska.

[FR Doc. 79-30168 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Part 2540

[Circular No. 2447]

Qualification of Applicants; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule relating to color-of-title and omitted lands published in the **Federal Register**, July 18, 1979 (44 FR 41792).

FOR FURTHER INFORMATION CONTACT: Stephen Spector, 202-343-8731.

SUPPLEMENTARY INFORMATION: The FR Doc. 79-22171 amending 43 CFR Part 2540 published in the **Federal Register** on July 18, 1979, (44 FR 41793), is corrected by changing the reference in the last sentence of § 2547.1(a) from "2342" to "2742".

James Curlin,

Acting Assistant Secretary of the Interior.

September 24, 1979.

[FR Doc. 79-30194 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Part 2740

[Circular No. 2450]

Recreation and Public Purposes Act; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule relating to Recreation and Public Purposes Act published in the **Federal Register**, July 25, 1979 (44 FR 43470).

FOR FURTHER INFORMATION CONTACT: Stephen Spector, 202-343-8731.

SUPPLEMENTARY INFORMATION: The FR Doc. 79-22923 amending 43 CFR 2740 published in the **Federal Register** on July 25, 1979 (44 FR 43470), is corrected by changing the sentence in item "1", which follows the signature of the Assistant Secretary of the Interior in column 2 on page 43471, from "1. Part 2740 is revised to read as follows:" to "1. Subparts 2740 and 2741 are revised to read as follows:".

James Curlin,

Acting Assistant Secretary of the Interior.

September 24, 1979.

[FR Doc. 79-30195 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 3

Standards of Conduct

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This corrects an erroneous citation in Section 3.88 of the FEMA Standards of Conduct Regulations.

ADDRESS: Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of the General Counsel, (202) 254-6435.

SUPPLEMENTARY INFORMATION: Interim FEMA Standards of Conduct Regulations were published on August 27, 1979 in the **Federal Register.** There is an incorrect reference in § 3.88 of this regulation. Section 3.88 appears at 44 FR 50284. There is a reference to § 008.080 which should be § 3.80.

Accordingly, 44 CFR 3.88 is amended by deleting "§ 008.080" where it appears in the section and substituting "§ 3.80" in lieu thereof.

(5 CFR Parts 735, EO 11222 (30 FR 6469), 3 CFR 1964-1965 Compl. page 306).

Dated: September 24, 1979.

George Jett,

General Counsel.

[FR Doc. 79-30092 Filed 9-27-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 65

[Docket No. FEMA 5700]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the forseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh St., SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood Insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of

Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.9 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
Iowa	Carroll	City of Carroll	October 2, 1979.
Washington	Spokane	Town of Rockford	October 2, 1979.
Louisiana	Richland Parish	Town of Mangham	October 9, 1979.
Oklahoma	Wagoner	Town of Red Bird	October 9, 1979.
Texas	McLennan	City of Lacy-Lakeview	October 9, 1979.
New Jersey	Monmouth	Township of Upper Freehold	October 12, 1979.
Louisiana	East Carroll Parish	Town of Lake Providence	October 16, 1979.
Texas	Archer	City of Archer City	October 16, 1979.
Washington	Spokane	Town of Fairfield	October 16, 1979.
Kansas	Harper	City of Harper	October 23, 1979.
Texas	San Patricio	City of Mathis	October 23, 1979.
South Carolina	Dorchester	Town of Harleyville	October 26, 1979.
New Jersey	Morris	Borough of Mount Arlington	October 26, 1979.
Kansas	Rawlins	City of Herndon	October 30, 1979.
Utah	Sevier	Town of Annabella	October 30, 1979.
Washington	King	Town of Black Diamond	October 30, 1979.

(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: September 14, 1979.

Gloria M. Jinenez,

Federal Insurance Administrator.

[FR Doc. 79-30111 Filed 9-27-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

45 CFR Part 19

Change of Designation of Chairman of the Pharmaceutical Reimbursement Board

AGENCY: Office of the Secretary, HEW.

ACTION: Final regulation.

SUMMARY: This rule specifies that the Director of the Bureau of Program Policy within the Health Care Finanoing Administration (HCFA) or his designee will serve as Chairman of the Pharmaceutical Reimbursement Board. The amendment is made necessary by an internal reorganization within HCFA.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Peter Rodler, 301–594–9465.

SUPPLEMENTARY INFORMATION: The present Maximum Allowable Cost (MAC) regulations specify that the Director of the Office of Pharmaceutical Reimbursement (OPR) will serve as Chairman of the Pharmaceutical Reimbursement Board. The Health Care Financing Administration, within which OPR is located, has recently undergone internal reorganization. The present functions of OPR will be conducted within the newly created Bureau of Program Policy. The amended rule specifies that the Director of the Bureau of Program Policy or his designee will serve as Chairman of the Board.

This amendment to the MAC regulations is merely technical, and involves no substantive change in the MAC program. We intend that the MAC program will continue to function as before, without interruption. Because the amendment is technical and involves no substantive change, we find that there is good cause to waive a notice of proposed rulemaking and good cause not to have a delayed effective date. The rule is, therefore, published in final form, effective on the date of publication.

45 CFR Section 19.4 is amended by revising paragraph (a) to read as follows:

§ 19.4 Establishment of Pharmaceutical Reimbursement Board.

(a) There is established in the Health Care Financing Administration a Pharmaceutical Reimbursement Board consisting of six full time employees of the Department, representing the principal offices and agencies concerned with developing and implementing cost determinations under this part. The Director of the Bureau of Program Policy, HCFA, or his designee shall serve as the Chairman.

* * * * *

(Section 1102 of the Social Security Act, 42 U.S.C. 1302)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program).

Dated: September 24, 1979.

Patricia Roberts Harris,

Secretary.

[FR Doc. 79-30147 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-35-M

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program

AGENCY: Office of Personnel Management.

ACTION: Final Rule; Nomenclature and Editorial Changes.

SUMMARY: This document makes nomenclature and editorial changes to the Office of Personnel Management's regulations on the Voting Rights Program. These changes result from Reorganization Plan No. 2 of 1978, which abolished the U.S. Civil Service Commission and transferred responsibility for the program to the U.S. Office of Personnel Management.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: James Ludwig, 202–632–5420.

SUPPLEMENTARY INFORMATION: Reorganization Plan No. 2 of 1978 (43 FR 36037) transferred, from the Civil Service Commission to the Office of Personnel Management, the responsibility for maintaining Chapter 8 of Title 45 of the Code of Federal Regulations. This document contains a list of terms and addresses that will be changed in that chapter. Because the forms titles (e.g., CSC 805–L) have not been changed, they appear as CSC forms. As their titles are changed, notice will appear in the **Federal Register.**

Office of Personnel Management

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is amending Part 801, of Title 45, Code of Federal Regulations as follows:

Part 801 [Amended].

(1) The following are nomenclature and editorial changes to Part 801 of Title 45, Code of Federal Regulations.

Change from	*to*
United States Civil Service Commission	U.S. Office of Personnel Management
U.S. Civil Service Commission	U.S. Office of Personnel Management
Civil Service Commission	U.S. Office of Personnel Management
Commission	OPM
Comision del Servicio Civil de los Estados Unidos	Officina de Administracion de Personal de los Estados Unidos de America.

* * * * *

§ 801.206 Appendix C [Revised].

(2) Appendix C of § 801.206 is revised to read as follows:

Appendix C

These are the addresses of each Examiner (State Supervisor), U.S. Office of Personnel Management.

Alabama

Examiner (State Supervisor), U.S. Office of Personnel Management, Southeast Region, 75 Spring Street, S.W., Atlanta, Georgia, 30303.

Georgia

Examiner (State Supervisor), U.S. Office of Personnel Management, Southeast Region, 75 Spring Street, S.W., Atlanta, Georgia, 30303.

Louisiana

Examiner (State Supervisor), U.S. Office of Personnel Management, Southwest Region, 610 South Street, Room 804, New Orleans, Louisiana, 70130.

Mississippi

Examiner (State Supervisor), U.S. Office of Personnel Management, Southeast Region, 802 State Street, Room 403, Jackson, Mississippi, 39201. Address effective December 1, 1979: 75 Spring Street, S.W., Atlanta, Georgia, 30303.

South Carolina

Examiner (State Supervisor), U.S. Office of Personnel Management, Southeast Region, 75 Spring Street, S.W., Atlanta, Georgia, 30303.

Texas

Examiner (State Supervisor), U.S. Office of Personnel Management, Southwest Region, 1100 Commerce Street, Room 4C24, Dallas, Texas, 75242.

(Reorganization Plan No. 2 of 1978 [43 FR 36037])

[FR Doc. 79-30144 Filed 9-27-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

45 CFR Part 1361

Vocational Rehabilitation Programs

AGENCY: Department of Health, Education, and Welfare, Office of Human Development Services, Rehabilitation Services Administration.

ACTION: Final regulation with a comment period.

SUMMARY: This regulation provides for the designation of a substitute agency to carry out a State's vocational rehabilitation service program when the Commissioner of the Rehabilitation Services Administration has withheld all funds from the previously designated State agency. The purpose of the regulation is to identify the procedures and criteria for choosing a substitute agency.

DATES: Effective date: This regulation is final October 29, 1979. All comments received on this regulation on or before November 27, 1979 will be considered for possible revision.

ADDRESS: Written comments on the regulations should be sent to the Commissioner, Rehabilitation Services Administration, Department of Health, Education, and Welfare, Washington, D.C. 20201. These comments will be open for inspection in Room 3321, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Harold F. Shay, Director, Division of Manpower Development, Rehabilitation Services Administration, Room 3321, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C. 20201, (Area Code (202) 245-0079) or (TTY (202) 245-0591).

SUPPLEMENTARY INFORMATION: This regulation implements section 101(c)(2) of the Rehabilitation Act of 1973, as added by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95-602). Under this provision, the Commissioner may designate a substitute agency to carry out the State's program of vocational rehabilitation services if funds are totally withheld from the previously designated sole State vocational rehabilitation agency because either (1) the State plan has been found out of conformity with the Act or (2) the State has not been complying with the requirements of the Act in its administration of the State plan. This regulation will be operative only when an administrative decision under section 1361.5 of this part is in effect and funds either have been totally withheld from a State agency or funds have been granted to a State agency on a temporary basis for the purpose of assisting in an orderly transition of responsibility to a substitute agency. The substitute State agency provision will not be applied when funds have only been partially withheld.

Any public or nonprofit private organization or agency, or any political subdivision of a State, may apply to serve as the substitute agency. The Commissioner will designate a substitute agency on the basis of a competitive review of proposals submitted by applicants. Each proposal will be expected to describe the applicant's plans for developing a vocational rehabilitation service program which conforms will all State plan requirements established under Title I of the Act. The Commissioner will select the proposal which offers the greatest promise of program excellence. The substitute State plan need not be submitted by the substitute agency until after the proposal with the greatest merit has been selected.

A substitute State plan may be approved for a three-year period or for that period of time remaining after funds have been withheld under a previously approved State plan. The Commissioner will determine on an individual basis the period of time for which each substitute State plan is approved, based on such factors as the period of time remaining under a previously approved State plan and the reasons for withholding funds from the State.

Administration of the State vocational rehabilitation program by a sole State agency is, of course, preferred. The regulation, therefore, provides a mechanism by which the previously designated State agency will be re-designated as the sole State agency for vocational rehabilitation if it submits an approvable State plan or changes its administration of the plan to comply with Federal requirement after the substitute agency has begun operation. When a State agency has been re-designated, the Commissioner will determine the earliest possible date for the State agency to resume administrative responsibility for the program after he has discussed the matter with both the State agency and the substitute State agency.

In developing this regulation, consideration was given to specifying a date on which the State agency would

routinely resume its operation of the program. This approach was considered not feasible because of the special variables expected in each situation. The Commissioner will determine therefore the date of resumption of responsibility in each special case.

Because of the likelihood that it will soon be necessary for the Commissioner to designate a substitute State agency, this regulation is being published in final form and will be effective 30 days after publication. A Notice of Availability of Draft Regulations was published in the **Federal Register** of April 2, 1979 (44 Fed. Reg. 19214) and approximately 100 requests for draft regulations were received.

The Rehabilitation Service Administration will publish a complete set of proposed regulations covering new provisions of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 and recodifying existing regulations under the Rehabilitation Act of 1973 in the near future. There will be a 60-day comment period on section 1361.24 and we will consider public comment on this final regulation before we publish the final version of those proposed and recodified rules.

Accordingly, Part 1361 of Chapter XIII of Title 45 of the Code of Federal Regulations is amended as follows:

PART 1361—THE STATE VOCATIONAL REHABILITATION PROGRAM

In Subpart B of Part 1361, § 1361.24 is added as follows:

§ 1361.24 Designation of substitute State vocational rehabilitation agency.

(a) *General Provisions.* (1) If the Commissioner has withheld all funding from a State under § 1361.5, he may designate another agency to substitute for the State agency in carrying out the State's program of vocational rehabilitation services. Funds are considered to be withheld when a final administrative decision under § 1361.5 is in effect and funds either are not granted to a State agency or are granted to the State agency to enable it to operate the program on a temporary basis pending the orderly transition of responsibility to a substitute agency.

(2) Any public agency or nonprofit organization or agency within the State or any political subdivision of the State may apply for designation as a substitute agency.

(3) To be eligible for designation as a substitute agency, the applicant must submit a proposal for a substitute State plan which meets the requirements of this part.

(4) The substitute State plan covers a three-year period or the remaining portion of the period covered by the previously approved State plan. The Commissioner may not make a grant to a substitute agency until he approves its plan.

(b) *Proposal submittal.* A proposal for submitting a substitute State plan must be in the format required by the Commissioner.

(c) *Factors considered in evaluating proposals.* In selecting a substitute agency, the Commissioner considers the following factors:

(1) The program and financial capacity of the applicant agency for carrying out a program of vocational rehabilitation services, including the source of funds to be contributed in order to match Federal funds;

(2) The organizational structure of the applicant agency;

(3) The qualifications to be required of the applicant agency staff; and

(4) The extent to which the proposed State vocational rehabilitation service program is comparable to the program which had been carried out under the most recent previously approved State plan in the State.

(d) *Review of proposals.* In selecting a substitute agency, the Commissiner evaluates the relative merit of all proposals which are submitted.

(e) *Substitute agency matching share.* The Commissioner shall not make any payment to the substitute agency unless it has provided assurances that it will contribute the same proportion of the total amount of funds as the State would have been obligated to contribute if the State agency were carrying out the vocational rehabilitation service program.

(f) *State agency re-designation.* If the State agency changes its State plan or agrees to change its administration of the plan to comply with Federal requirements, the State agency is re-designated as the agency to operate the vocational rehabilitation program. The State agency resumes its operation of the program on a date determined by the Commissioner after discussion with the substitute agency and the State agency.

(29 U.S.C. 712)

EFFECTIVE DATE: These regulations shall be effective October 29, 1979.

Dated: August 24, 1979.

Robert R. Humphreys,

Commissioner, Rehabilitation Services Administration.

Approved: August 27, 1979.

Arabella Martinez,

Assistant Secretary for Human Development Services.

Approved: September 24, 1979.

Patricia Roberts Harris,

Secretary.

[FR Doc. 79-30296 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF COMMERCE

United States Fire Administration

45 CFR Chapter XX

Transfer and Vacation of Regulations

The regulations in this chapter have been transferred to Title 44 Chapter I and this chapter vacated elsewhere in this issue of the **Federal Register.** See the Table of Contents under Federal Emergency Management Agency for the page number.

BILLING CODE 4210-23-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 81, 83, 90

[Gen. Docket No. 78-376; FCC 79-523]

Making the Frequencies 156.050 and 156.175 MHz Available for Port Operations Purposes in the Coast Guard Designated New Orleans Vessel Traffic Services Area

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Amendment of the rules to make the frequencies 156.050 and 156.175 MHz available for port commercial and port operations purposes in a portion of the Coast Guard designated New Orleans Vessel Traffic Services (VTS) radio protection area. As a result of the assignment of three maritime mobile frequencies for exclusive use for VTS purposes in the New Orleans VTS area, this amendment is deemed necessary to help alleviate the burden on the remaining frequencies available.

EFFECTIVE DATE: October 29, 1979.

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

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of Parts 2, 81, 83 and 89 of the rules to make the frequencies 156.050 and 156.175 MHz available for port operations purposes in the Coast Guard designated New Orleans Vessel Traffic Services area. Gen Docket No. 78–376.

Report and Order—(Proceeding Terminated)

[43 FR 59110]

Adopted: September 13, 1979.
Released: September 21, 1979.

By the Commission:

Summary

1. This action will amend the Commission's rules to make two additional frequencies (156.050 and 156.175 MHz) available for commercial and port operations purposes in a portion of the U.S. Coast Guard designated New Orleans Vessel Traffic Services (VTS) radio protection area.

Background

2. As part of a program to implement the provisions of the "Ports and Waterways Safety Act of 1972" (Pub. L. 92–340, 86 Stat. 424, 33 U.S.C. 1221) the U.S. Coast Guard is establishing Vessel Traffic Services (VTS) systems for a number of the largest and busiest port areas in the United States. These VTS systems are, essentially, vessel movement reporting systems designed to prevent damage to or loss of vessels, bridges or other structures in U.S. navigable waters, and to protect these waters and associated natural resources from environmental harm resulting from such damage or loss. At the request of the Commandant, U.S. Coast Guard, the Commission amended the rules in order to make up to three frequencies available exclusively for VTS purposes within designated VTS radio protection areas.[1] Due to a scarcity of suitable frequencies it was necessary to select frequencies previously authorized for commercial (156.550 MHz) and port operations (156.600 and 156.700 MHz) purposes in the Maritime Mobile Service. Although these frequencies were extensively utilized in the large port areas involved, the Commission believed it was expected by law, and in the public interest, to assist the Coast Guard in implementing the new legislation.

3. As traffic has shifted in the affected port areas [2] from the previously available frequencies, use of the remaining frequencies has been increasing. It appears that maritime communications in the New Orleans port area have been particularly strained. Due to the size and number of vessel movements, the Coast Guard divided the New Orleans VTS area into three sectors and utilized all three of the frequencies available for assignment exclusively for VTS purposes. This has resulted in the loss of two of the seven available port operations frequencies and one of the eight commercial frequencies for vessels operating in the New Orleans VTS area.

4. In conjunction with meetings with the Coast Guard and industry the staff has been studying the feasibility of utilizing frequencies in the band 156.025–156.250 MHz [3] for port operations purposes in certain VTS areas. Although this band is allocated to the land mobile Public Safety Radio Service in the United States, assignments could be made such that the use of one or more of the subject frequencies by maritime mobile stations in certain VTS areas would not result in harmful interference. As an initial step in providing some relief for maritime licensees operating in designated VTS areas, the rules were amended in Docket No. 21370 [4] to make available the frequency 156.250 MHz for port operations purposes in the New Orleans and Houston VTS areas. After careful investigation it was determined that the use of the band edge frequency 156.250 MHz by maritime mobile stations in these two VTS areas would not result in harmful interference with land mobile assignments on the adjacent highway maintenance frequencies.

5. Because of the apparent need by vessel operators in the New Orleans area, we individually addressed that area in the Notice of Proposed Rule Making in this proceeding.[5] After analyzing land mobile assignments in the band 156.025–156.250 MHz in the New Orleans port area, we proposed to make the frequencies 156.050 and 156.175 MHz available to stations in the Maritime Mobile Service in a portion of the New Orleans VTS area.[6] We noted that the use of these two frequencies by maritime stations would prevent the assignment of four Highway Maintenance Radio Service (HMRS) frequencies [7] in the New Orleans area due to the potential for co-channel interference. However, we specifically requested comments as to whether the two selected frequencies could be utilized by the Maritime Mobile Service in the entire VTS radio protection area [8] without potential harm to the HMRS.

Comments

6. Comments regarding the Notice of Proposed Rule Making were received from (1) the American Commercial Barge Line Company,[9] (2) the Union Mechling Corporation, (3) the American Waterways Operators, Inc. (AWO), (4) the G. W. Gladders Towing Company, Inc., and (5) the Ad Hoc Committee for Ports and Waterways. No reply comments were filed.

7. All of the comments supported the proposed amendment of the Commission's rules. In addition the American Commercial Barge Line Company and AWO support the use of the two subject frequencies in the entire VTS area rather than only in a portion thereof. AWO states that the acute need of the maritime service for additional frequencies extends to Baton Rouge, approximately 100 miles upstream from New Orleans. AWO further argues that there is no indication that allowing the use of the two frequencies in the entire New Orleans VTS area would interfere with existing or proposed HMRS operations.

8. As an ancillary matter, AWO notes that we have proposed to allocate both frequencies for port operations usage. Coupled with 156.250 MHz which was also allocated for port operations purposes (in Docket No. 21370 supra) these port operations dedicated frequencies replace the one commercial and two port operations frequencies originally taken for VTS usage. AWO suggests that, in view of the frequency shortage in the Mississippi River area, 156.050 and 156.175 MHz be authorized for both commercial and port operations usage.

Discussion

9. The use of the two subject frequencies in the entire VTS radio protection area would result in interference with existing HMRS licensees located along the perimeter of the area. Considering typical radiated powers, antenna heights and area propagation characteristics, in the case of frequencies 5 kHz apart (e.g. 156.045 and 156.050 MHz) an additional protection area of approximately 75 miles beyond the VTS radio protection area boundaries would be required to prevent harmful interference between marine and highway maintenance users. For frequencies 10 kHz apart (e.g. 156.050 and 156.060 MHz) an additional 50 miles would be required. However, it appears that by enlarging the portion of the VTS area where the two frequencies are authorized to include the complete New Orleans-Baton Rouge corridor, relief will be provided for the most heavily travelled and heavily congested area without potential interference problems being caused to existing HMRS licensees. Therefore, we will authorize the use of the frequencies 156.050 and 156.175 MHz by maritime mobile stations from the various pass entrances in the Gulf of Mexico to Devil's Swamp Light at mile 242.4 AHP (above head of pass) near Baton Rouge, rather than to Godchaux light at river mile 136 as initially proposed.

10. In regard to AWO's suggestion that the subject frequencies be authorized for both

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[1] Report and Order, Docket No. 20444, Adopted December 2, 1975, 40 FR 57673, 56 FCC 2d 1089.

[2] The Coast Guard is in various stages of implementing VTS systems in the port areas of New Orleans, New York, Houston, Seattle, San Francisco and Valdez (Alaska).

[3] Frequencies in this band are allocated internationally to the maritime mobile service in Appendix 18 of the Radio Regulations. Therefore, they are within the operating capabilities of many existing shipboard transceivers.

[4] Report and Order, Docket No. 21370, Adopted December 7, 1977, 42 FR 6496, 67 FCC 2d 903.

[5] Notice of Proposed Rule Making, Gen Docket No. 78–376, adopted December 7, 1978, 43 FR 59110, FCC 78–844.

[6] We proposed to limit the use of the subject frequencies by maritime mobile stations to the lower Mississippi River, from the various pass entrances in the Gulf of Mexico to Godchaux light at river mile 136. This is approximately 25 air miles from the Center of New Orleans. Further we proposed to limit assignment of the four HMRS frequencies within 100 miles from the center of New Orleans (29°56'53" N., 90°04'10" W.).

[7] 156.045, 156.060, 156.165 and 156.180 MHz.

[8] The New Orleans VTS radio protection area is defined in Rules 81.357 and 83.361 as the rectangle between north latitudes 27°30' and 31°30' and west longitudes 87°30' and 92°.

[9] Two comments were filed on behalf of the American Commercial Barge Line Company. One received January 15, 1979 was signed by Paul H. Hise, Electronic Engineer. The other, signed by Jack R. Bullard, Marine Superintendent, was received January 17, 1979. Since both comments are similar, we are treating them as one herein.

commercial and port operations usage,[10] we feel this is a viable approach. One of the three frequencies dedicated for VTS purposes was previously used for commercial communications. We proposed to make both 156.050 and 156.175 MHz available for port operations purposes because industry appeared to be most concerned with the need to reduce congestion on port operations channels. However, in light of the heavy use of commercial as well as port operations frequencies in the New Orleans area and the relatively limited use (at least initially) expected on the new replacement frequencies, we will follow AWO's recommendation and authorize both commercial and port operations communications on the frequencies 156.050 and 156.175 MHz.

Action

11. In view of the above, we are amending the Commission's rules, substantially as proposed in the NPRM, to make the frequencies 156.050 and 156.175 MHz available for commercial and port operations purposes in a portion of the Coast Guard designated New Orleans VTS radio protection area. As a result of the reregulation of the Private Land Mobile Radio Service, Part 90 rather than Part 89 (as appears in the caption and the Notice of Proposed Rule Making) will be amended by this proceeding.

12. Regarding questions on matters covered in this document contact Robert McNamara, (202) 632-7175.

13. Accordingly, IT IS ORDERED, That, pursuant to the authority contained in Sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended, the Commission's rules ARE AMENDED as set forth in the attached Appendix, effective October 29, 1979.

14. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

[Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.]

Federal Communications Commission,

William J. Tricarico,

Secretary.

Attachment: Appendix.

Appendix

Parts 2, 81, 83 and 90 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

[10] "Port operations" communications consist of messages relating to the safety, operational handling and movement of ships in or near ports, locks or navigable waterways. These communications may be between ship stations or between a ship station and a coast station. "Commercial" communications consist of messages pertaining to commercial, operational or economic matters directly related to the purposes for which a ship is used. The communications may be between ship stations aboard commercial transport vessels or between a ship station aboard a commercial vessel and a coast station.

A. PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

In § 2.106 the table is amended by deleting NG 117 and adding NG 119 in column 8 in the band 154.6375—156.250 MHz, and NG footnotes are amended by adding NG 119, to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

Band (MHz)	Service	Frequency (MHz)	Nature of Services and Stations
7	8	10	11
* * * * *			
154.6375-156.25.	Land mobile (NG 119).	.....	Public safety.
* * * * *			

* * * * *

NG Footnotes.

* * * * *

NG 119. Specified frequencies in the band 156.025—156.250 MHz may be assigned to stations in the maritime mobile service for commercial and port operations purposes within certain Coast Guard designated Vessel Traffic Services (VTS) radio protection areas, or parts thereof, listed in §§ 81.357 and 83.361.

B. PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

In § 81.356, the table in paragraph (a) is amended, and paragraph (b)(3) is added, to read as follows:

§ 81.356 Assignable frequencies in the band 156-162 MHz.

(a) * * *

Port operations			
01	156.050	156.050 Coast to ship.	3
63	156.175	156.175 ..... do	3
05	156.250	156.250 ..... do	2
* * * * *			

Commercial			
01	156.050	156.050 Coast to ship.	3
63	156.175	156.175 ..... do	3
07	156.350	156.350 ..... do	.....
* * * * *			

* * * * *

(b) * * *

(3) Available for use within the U.S. Coast Guard designated Vessel Traffic Services (VTS) area of New Orleans, on the Lower Mississippi River from the various pass entrances in the Gulf of Mexico to Devil's Swamp light at river mile 242.4 AHP (above head of pass) near Baton Rouge.

* * * * *

C. PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.351, the table in paragraph (a) is amended, and paragraph (b)(9) added, to read as follows:

§ 83.351 Frequencies available.

(a) * * *

Carrier frequency (MHz)	Conditions of use	
	Section	Limitations
* * * * *		
156.050	83.359	9
156.175	83.359	9
156.250	83.359	12
* * * * *		

(b) * * *

(9) Available for use within the U.S. Coast Guard designated Vessel Traffic Services (VTS) area of New Orleans, on the Lower Mississippi River from the various pass entrances in the Gulf of Mexico to Devil's Swamp light at river mile 242.4 AHP (above head of pass) near Baton Rouge.

* * * * *

2. In § 83.359, the table under "Port Operations" and "Commercial" is amended to read as follows:

§ 83.359 Frequencies in the band 156-162 MHz available for assignment.

* * * * *

Channel designator	Frequency MHz		Points of communication
	Ship	Coast	
* * * * *			
Port Operations			
01	156.050	156.050	Intership and ship to coast.
63	156.175	156.175	Do.
05	156.250	156.250	Do.
* * * * *			
* * * * *			
Commercial			
01	156.050	156.050	Intership and ship to coast.
63	156.175	156.175	Do.

07	156.350	156.350	Do.	

* * * * *

* * * * *

D. PART 90—PRIVATE LAND MOBILE RADIO SERVICES

In § 90.23, the table in paragraph (b) is amended and a new subparagraph c(14) is added, to read as follows:

§ 90.23 Highway maintenance radio service.

(b) * * *

Frequency or band	Class of station(s)	Limitations
MHz:		
* * * * *		
156.045	Mobile	14
156.060	do	14
* * * * *		
156.165	Base and mobile	5,14
156.180	do	5,14
* * * * *		

(c) * * *

(14) This frequency may not be assigned with 100 miles of New Orleans (coordinates 29–56–53 N and 90–04–10 W).

* * * * *

[FR Doc. 79–29987 Filed 9–27–79; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Parts 2, 87

[Gen. Docket No. 78–235; RM–2971; FCC 79–526]

Making the Frequencies in the 190–200, 510–525 and 525–535 kHz Bands Available to the Aeronautical Radionavigation Service; Providing for Sharing of the Bands 275–285 and 325–335 kHz by Aeronautical and Maritime Radionavigation Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action terminates the proceeding and amends the rules to provide additional frequencies for aeronautical radionavigation beacons. In addition it provides for certain portions of the bands used by aeronautical beacons to be shared by maritime beacons. The action was necessary because of frequency congestion in part brought about by use of beacons on off-shore drilling and exploration platforms for the guidance of helicopters and small craft, and in part by the proliferation of navigation beacons at private airports. These rule amendments will provide more frequencies for the installation of these beacons.

EFFECTIVE DATE: October 29, 1979.

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

FOR FURTHER INFORMATION CONTACT: Kemp J. Beaty, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)

Gen Docket No. 78–235 RM–2971

Adopted: September 13, 1979.

Released: September 21, 1979.

By the Commission:

In the matter of amendment of Parts 2 and 87 of the Commission's rules to make frequencies in the 190–200, 510–525 and 525–535 kHz bands available to the aeronautical radionavigation service. Amendment of Part 2 of the rules to provide for sharing of the bands 275–285 and 325–335 kHz by aeronautical and maritime radionavigation services.

1. Acting on a petition for rulemaking from the Radio Technical Commission for Aeronautics (RTCA), the Commission released a Notice of Proposed Rule Making (NPRM) in the subject matter on August 11, 1978. This was published in the **Federal Register** on August 17, 1978 (43 FR 36489). Comments were due on October 16, 1978, and reply comments due on November 15, 1978.

2. The petition requested that the Commission consider the following:

a. Make the band 190–200 kHz available exclusively for the aeronautical radionavigation service;

b. make the band 525–535 kHz available for the aeronautical radionavigation service on a shared co-equal basis with Travelers Information Stations;

c. make the band 510–525 kHz available exclusively for aeronautical radionavigation with a footnote concerning use of 512 kHz for use by the maritime mobile service, and

d. consider the sharing of the bands 275–285 and 325–335 kHz by maritime and aeronautical radionavigation.

3. Comments were submitted by the following:

Aircraft Owners and Pilots Association
Aeronautical Radio, Inc. and the Air Transport Association of America
Alaska Aviation Radio, Inc.
Condor Helicopter
Central Committee on Telecommunications of the American Petroleum Institute
Radio Technical Commission for Aeronautics

All of the comments favored the proposal. No reply comments were submitted.

4. The reason given by RTCA for its proposal is a condition of congestion on most of the frequencies now used for aeronautical non-directional beacons (NDB). These beacons, normally assigned frequencies from 200 to 415 kHz, are used for navigation purposes by both general aviation and carrier aircraft. The signal from the beacon is used to determine the aircraft's bearing from a fixed point. The stations are primarily operated by the U.S. Government with provision made for the authorization of non-Government facilities by the Commission after coordination between the Commission and the Federal Aviation Administration (FAA). For the past several years, concurrent with the growth in aviation, installation of these beacons has increased. Since 1970 non-Government installations have increased from 523 to 1033. According to figures available from the FAA, there were more than 1800 stations in use on January 1, 1977. An FAA survey of its Regional Offices which coordinated these assignments indicates that each region has at least one area which has now reached, or shortly will reach, saturation.[1] A substantial portion of the increase has been due to the use of helicopters to service and supply off-shore drilling platforms. With the recent expansion of off-shore drilling for natural fuels, we anticipate considerable growth in the use of beacons. A plan for a time-sharing program for operation of the beacons is presently under study in the Gulf of Mexico area. However, this program is still in the development stages and no firm conclusions have been reached at this time.

5. There appears to be a similar need for additional spectrum space for maritime radionavigation. This, too, has been brought about by the surge of activity in off-shore exploration and drilling and an increased use of small marine craft.

6. In recognition of these problems, the Interdepartment Radio Advisory Committee (IRAC) established a committee (Ad Hoc 149) to study the question of how more spectrum might be made available. After studying the occupancy of the bands 190–535 kHz, the basic approach adopted was to recommend increased sharing in the same spectrum region between beacons and the other services whose current use of the bands are relatively light, or, in some cases, non-existent. The conclusions and recommendations of this committee were forwarded as a U.S. proposal for the 1979 General World Administrative Radio Conference. The RTCA petition argues that the need for additional spectrum space for both aeronautical and maritime radiobeacons is sufficiently urgent to warrant immediate action on the national level. We have reviewed RTCA's conclusion as to the need to act now and we agree that this is required without delay.

7. The NPRM proposed reallocation of the 190–200 kHz to provide one additional channel for aeronautical beacons. The full band 160–200 kHz is presently allocated for non-Government fixed and Government fixed and Maritime mobile use in the United States. There are no non-Government fixed

[1] This survey indicates that new NDBs are not able to be accommodated in Ohio, Indiana, Connecticut, within 50 NM of Poughkeepsie, NY (an area which includes southern New York and parts of western Pennsylvania and northern New Jersey), Boston, Massachusetts, Louisiana Gulf Coast and within 100 NM of Ft. Rucker, Alabama. Other areas which are very tight are San Francisco, California Bay area, Los Angeles, CA basin, North Carolina, upper South Carolina, Kentucky, the Texas coast, Puget Sound, Washington and the north slope of Alaska.

assignments on the proposed frequencies. The U.S. Navy has fixed operations in Hawaii on 198 kHz. Since most direction finding equipment used aboard aircraft is capable of tuning to as low as 190 kHz, we envision no delays in use of the band as proposed. We are therefore amending Section 2.106, Table of Allocations, to reallocate the band 190–200 kHz to aeronautical radionavigation. To afford protection to the U.S. Navy installations in Hawaii, new footnote US 226 will be added prohibiting interference to its station on 198 kHz.

8. The NPRM also proposed to reallocate these bands to provide two additional channels for maritime beacons. Currently, the band 285–325 kHz is allocated primarily to maritime beacons and the bands immediately above and below to aeronautical beacons. Our NPRM proposed that 10 kHz immediately above and below the band 285–325 kHz be reallocated to permit sharing by aeronautical and maritime beacons. Marine radiobeacon receivers normally tune from 285 to 325 kHz, so should be able to tune (or can be made to tune) the additional frequencies with little or no modification. The Ad Hoc 149 committee found that, under certain restrictions, maritime and aeronautical beacons could share the same spectrum compatibly. NDB assignments for both services are coordinated through the IRAC, and this should insure compatibility. We are therefore amending the rules to permit sharing of the bands 275–285 and 325–335 kHz by aeronautical and maritime radionavigation. Maritime radionavigation will be afforded secondary status and use will be limited to NDB's.

9. As presently constituted, the U.S. Table of Allocations shows 510–535 kHz to be one band. However, within the Radio Regulations of the International Telecommunication Union, this range is separated into two bands, 510–525 and 525–535 kHz. For reasons explained below we are amending Rule Section 2.106 to show the same delineation.

10. In its study of the use of the frequencies from 200 to 525 kHz, the IRAC agreed that the present prohibition in US 14 against non-Government use of 510–525 kHz is not necessary. We are therefore amending the rules to allocate the band 510–525 kHz for both Government and non-Government aeronautical radionavigation service. Footnote US 14 is amended and new footnote US 225 is being added to establish this use of the frequencies and protect the continued use of 512 kHz as a ship calling frequency. We have proposed, at the 1979 WARC, the use of this band on a secondary basis by the maritime radionavigation service.

11. There is, of course, some possibility that these proposals will not be adopted by the WARC, although we believe there is a strong likelihood they will. If they are adopted by the WARC, any domestic changes made now would be in compliance with the new ITU allocation table. If they are not adopted by the WARC, our domestic table will be in derogation of the ITU allocation, which means that our beacon use would be secondary to other uses of other countries which are in accord with the Table. However, this does not present a significant international problem because these beacons have relatively short propagation ranges at medium and low frequency bands. In addition, we are not adopting RTCA's request to make the band 525–535 kHz available on a shared basis with Travelers Information Stations as further studies and research must be done to establish guidelines for sharing.

12. Footnote US 18 provides that non-Government authorizations for radionavigation stations may be made in certain frequency bands in those cases where the Government is not prepared to render the service. We will amend this footnote to show the bands as amended by this rulemaking.

13. Regarding questions on matters covered in this document contact: Kemp J. Beaty, Telephone (202) 632–7175.

14. Considering the above and under the authority contained in Sections 4(i), 303 (b), (c), (d), (f) and (r) of the Communications Act of 1934, as amended, IT IS ORDERED, That effective October 29, 1979, Parts 2 and 87 of the Commission's Rules ARE AMENDED as shown in the Appendix.

15. It is further ordered, That this proceeding is terminated.

[Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303]

Federal Communications Commission,

William J. Tricarico,

Secretary.

Attachment: Appendix

Appendix

Parts 2 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS.

Section 2.106, the Table of Frequency Allocations, is amended to read as follows, footnotes US 14 and US 18 are amended and new footnotes US 225 and US 226 are added as follows:

BILLING CODE 6712-01-M

§ 2.106 Table of Frequency Allocations.

* * * * *

§2.106 Band (kHz) 7	Service 8	Class of Station 9	Frequency (kHz) 10	(OF SERVICES Nature(of stations 11
160-190	*	*	*	*
190-200	AERONAUTICAL RADIONAVIGATION. (US 226)	Radionavigation land.		AERONAUTICAL RADIONAVIGATION.
200-275	*	*	*	*
275-285	AERONAUTICAL RADIONAVIGATION. Maritime radio-navigation (Radiobeacons). (US18) Aeronautical mobile.	*	*	AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION. MARITIME RADIO-NAVIGATION.
***	***	***	***	***
325-335	AERONAUTICAL RADIONAVIGATION. Maritime radio-navigation (Radiobeacons). (US18) Aeronautical mobile.	*	*	AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION. MARITIME RADIO-NAVIGATION.
335-405	*	*	*	*
***	***	***	***	***
510-525 (US14) (US225)	AERONAUTICAL RADIONAVIGATION Maritime radio-navigation (Radiobeacons). (US18)	Radionavigation land.		AERONAUTICAL RADIONAVIGATION. MARITIME RADIO-NAVIGATION.
525-535 (US221)	*	*	*	*
*	*	*	*	*

BILLING CODE 6712-01-C

Footnotes

* * * * *

US14: When 500 kHz is used for distress purposes, ship and coast stations may use 512 kHz for calling except in inland waters.

* * * * *

US18: Navigation aids in the U.S. and possessions between 90 and 110 kHz, 190 and 525 kHz and 1800 and 2000 kHz, are normally operated by the U.S. Government. However, authorizations may be made by the Commission for non-Government operation in these bands subject to the conclusion of appropriate arrangements between the commission and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

* * * * *

US225: In addition to its present Government use, the frequency band 510–525 kHz is available to Government and non-Government aeronautical radionavigation stations inland of the Territorial Base line [1] as coordinated with the military services. In addition, the frequency 510 kHz is available for non-Government ship-helicopter operations when beyond 100 nautical miles from shore and required for aeronautical radionavigation.

US226: In the state of Hawaii, stations in the aeronautical radionavigation service shall not cause harmful interference to U.S Navy reception from its station at Honolulu on 198 kHz .

B. Part 87—Aviation Services.

In § 87.501, paragraph (f) is amended to read as follows:

§ 87.501 Frequencies available.

* * * * *

(f) Radiobeacon stations: 190–285 kHz; 325–415 kHz; 510–525 kHz.

* * * * *

[FR Doc. 79-29986 Filed 9-27-79; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. 1397]

Chesapeake & Ohio Railroad Co.; Authorization To Operate Over the Baltimore & Ohio Railroad Co. tracks at Cottage Grove, Ind.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1397.

[1] Territorial Base Line is the line from which territorial sea limits are measured.

SUMMARY: Service Order No. 1397 authorizes The Chesapeake and Ohio Railway Company to operate over The Baltimore and Ohio Railroad Company tracks at Cottage Grove, Indiana.

This order extends existing C&O rights over B&O tracks at Cottage Grove by approximately 761 feet which will improve transit time by reducing train delays and improving switching at the interchange point.

EFFECTIVE DATE: 11:59 p.m., September 21, 1979, until further order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–4840.

Decided: September 20, 1979.

The Chesapeake and Ohio Railway Company (C&O) operates its trains between Cincinnati, Ohio, and Cottage Grove, Indiana, over tracks of The Baltimore and Ohio Railroad Company (B&O) under a trackage rights agreement approved by the Commission. Each C&O train must stop at the present connection at Cottage Grove to obtain train dispatcher authority and to operate a hand-throw switch. Track and signal changes, including the installation of a power switch, are being made at Cottage Grove which will permit C&O trains to enter and leave B&O trackage without stopping.

C&O and B&O have entered into an agreement in which B&O grants to the C&O trackage rights over additional tracks at Cottage Grove. This agreement extends the existing C&O rights over B&O tracks at Cottage Grove by approximately 761 feet. C&O has filed an application with the Commission for trackage rights over these B&O tracks.

These new trackage rights will improve transit time by reducing train delays and will improve interchange switching at this point. These additional trackage rights do not provide for any extension of service.

It is the opinion of the Commission that an emergency exists requiring operation of C&O trains over these tracks of B&O 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,

§ 1033.1397 The Chesapeake & Ohio Railway Co. authorized to operate over tracks of the Baltimore & Ohio Railroad Co.

(a) The Chesapeake and Ohio Railway Company (C&O) is authorized to operate over tracks of The Blatimore and Ohio Railroad Company (B&O) between B&O valuation station 14443+82 and B&O valuation station 14436+21, a distance of approximately 761 feet, at Cottage Grove, Indiana.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgement of the application of C&O seeking authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 11:59 p.m., September 21, 1979.

(e) *Expiration.* 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 Joel E. Burns not participating.

Agatha L. Mergenovich, *Secretary.*

[FR Doc. 79-30138 Filed 9-27-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Atlantic Groundfish Regulations; Final Regulations; Correction of Regulations and Establishment of Catch Limits

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Promulgation of final and corrected regulations; establishment of catch limits.

SUMMARY: The fishery management plan for Atlantic groundfish (FMP) which was implemented October 1, 1978, continues in effect. Catch limits for the first quarter of the fishing year (beginning October 1, 1979) are established in Appendix B. The closure provision, section 651.24(c), is corrected to implement the FMP's intent that a fishery must be closed to prevent an annual quota from being exceeded. The amendment to section 651.23(a),

proposed on July 23, 1979, to eliminate "Piggybacking" of catch limits for cod and haddock, is made final.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930. Telephone: (617) 281–3600.

SUPPLEMENTARY INFORMATION: The FMP, as implemented October 1, 1978 (43 FR 45872) and amended to eliminate "piggybacking" (44 FR 42977), remains in effect until any subsequent amendment is implemented by final regulations. An amendment to increase quotas, which was implemented by emergency regulation on July 23, 1979 (44 FR 42977), was intended as a single, short-term action for the fourth quarter only, and expires September 30, 1979.

The New England Fishery Management Council has recently submitted to the Secretary an amendment, based on the latest stock assessment data. The amendment would increase optimum yields (OY's) and increase mesh sizes. Implementation of this amendment cannot occur before late January of 1980. Therefore, the fishing year must begin with the same OY's as at the beginning of the 1978–79 fishing year.

Catch Limits

The Council and the Regional Director have recommended certain catch limits for the beginning of the 1979–80 fishing year. The Assistant Administrator has adopted the recommendations, pursuant to section 651.23(f). Cod and haddock fisheries still open at the end of the fourth quarter will continue at the same levels. Those which were closed will reopen at levels identical to the catch limits of October 1, 1978.

The fishery for yellowtail flounder east of 69° W. longitude will be set at 5,000 pounds per week or per trip, whichever is the longer time period the same as a year ago. West of 69° W. longitude,yellowtail catches will be limited to 1,500 pounds per week or per trip, whichever is the longer time period, as long as necessary to spread fishing effort throughout the winter season. These catch limits appear in Appendix B.

Management Measures

Management measures are the same as those implemented by final regulation on January 3, 1979 (44 FR 885), with several exceptions:

1. The amendment proposed on July 23, 1979, to eliminate "piggybacking" is published as a final regulation. The provision, § 651.23(a)(2), allows a vessel which fishes for cod and haddock in both management areas (Gulf of Maine, Georges Bank and South) to land only the larger of the catch limits from either area. The amendment was designed to eliminate the practice of claiming combined catch limits from more than one management area. It will not reduce the total harvest, but will spread the catch out over a longer period and result in more dependable catch statistics.

No comments were received on the proposed regulation. Implementation of this amendment to the FMP does not constitute a major federal action under the National Environmental Policy Act. The Assistant Administrator has made an initial determination that this action does not require preparation of a regulatory analysis, nor does it meet the criteria of significance under E.O. 12044.

2. Section 651.23 was revised on July 23, 1979 (44 FR 42977), to clarify the Council's intent that catch limits may be adjusted up or down, and to change an inconsistent reference in paragraph (b).

3. Section 651.24(c) was "corrected" on March 16, 1979 (44 FR 16017), so that overruns of quarterly quotas did not automatically result in closures. In changing "shall" to "may," however, the regulation inadvertently eliminated mandatory closures to prevent an annual quota from being exceeded. Section 651.24(c) is corrected to preserve the FMP's requirement that annual quotas be enforced through closures.

The Assistant Administrator finds that there is good cause to make these regulations effective sooner than 30 days after their publication, because of the conservation needs of the fishery resource.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C. this 24th day of September, 1979.

Winfred H. Meibohn,

Executive Director, National Marine Fisheries Service.

Part 651 is revised as follows:

1. Paragraph 651.23(a) is amended to read:

§ 651.23 Catch limitations.

(a) *General.* (1) Appendix B to this part sets forth the catch limitations which govern fishing for groundfish. For any fishing trip, a vessel is entitled to the catch limitation for only one vessel class.

(2) A vessel which fishes for cod and haddock in both management areas (Gulf of Maine, Georges Bank and South) during a week may land only the larger of the catch limitations from either area. A vessel may not land catch limitations from both areas.

(3) A vessel which fishes for yellowtail flounder in both management areas (east of 69° W. long., west of 69° W. long.) during a week or trip may land only the larger of the catch limitations from either area. A vessel may not land catch limitations from both areas.

2. Paragraph (c) of § 651.24 is amended to read:

§ 651.24. Closures

* * * * *

(c) *Notice of closure.* (1) the Assistant Administrator may, by publication of a notice in the **Federal Register**, close the fishery for groundfish for the relevant species, vessel class, and area, on the date recommended under paragraph (b) of this section, or on such other date as the Assistant Administrator determines will prevent the quarterly quota from being exceeded.

(2) The Assistant Administrator shall, by publication of a notice in the **Federal Register**, close the fishery for groundfish for the relevant species, vessel class, and area, on the date recommended under paragraph (b) of this section, or on such other date as the Assistant Administrator determines will prevent the annual quota from being exceeded.

3. Appendices A and B are revised as follows:

Appendix A.—*Quarterly Quotas*

[In metric tons]

	October to December 1979	January to March 1980	April to June 1980	July to September 1980	Annual
Cod—Gulf of Maine (commercial):					
Mobile gear:					
1–60 GRT	581	699	798	479	2,557
61–125 GRT	342	277	262	266	1,147
Over 125 GRT	180	171	55	55	461
Fixed gear	317	253	645	620	1,835
Total	1,420	1,400	1,760	1,420	6,000
Cod—Georges Bank and South (commercial):					
Mobile gear:					
1–60 GRT	501	593	648	364	2,106
61–125 GRT	1,777	1,567	2,232	1,361	6,937
Over 125 GRT	2,958	2,129	2,426	2,365	9,878
Fixed gear	404	311	824	1,540	3,079
Total	5,640	4,600	6,130	5,630	22,000

Appendix A.—*Quarterly Quotas*—Continued

[In metric tons]

	October to December 1979	January to March 1980	April to June 1980	July to September 1980	Annual
Haddock—Gulf of Maine (commercial):					
Mobile gear:					
1–60 GRT	183	146	460	200	989
61–125 GRT	261	209	183	160	813
Over 125 GRT	178	202	83	86	549
Fixed gear	106	210	265	198	779
Total	728	767	991	644	3,130
Haddock—Georges Bank and South (commercial):					
Mobile gear:					
1–60 GRT	86	40	150	157	433
61–125 GRT	650	662	1,782	1,023	4,117
Over 125 GRT	1,133	1,393	2,449	1,720	6,695
Fixed gear	33	72	82	338	525
Total	1,902	2,167	4,463	3,238	11,770
Yellowtail Flounder—East of 69°W (commercial and recreational):					
All classes	810	1,500	640	1,450	4,400
Yellowtail Flounder—West of 69°W (commercial and recreational):					
All classes	960	1,150	830	760	3,700

Revised October 1, 1979.

Appendix B.—*Catch Limitations*

Vessel class	Gulf of Maine weekly limit	Georges Bank and south weekly limit
Cod (pounds per week) [1]		
0–60 GRT	2,500	7,000
61–125 GRT	5,000	14,000
Over 125 GRT	7,000	20,000
Fixed gear	5,000	16,000
Haddock (pounds per week) [1]		
0–60 GRT	5,000	7,000
61–125 GRT	7,000	14,000
Over 125 GRT	10,000	20,000
Fixed gear	16,000	16,000

Vessel class	West of 69° W.	East of 69° W.
Yellowtail Flounder [2]		
0–60 GRT	1,500	5,000
61–125 GRT	1,500	5,000
Over 125 GRT	1,500	5,000

[1] No overruns are allowed.

[2] Pounds per week or per trip, whichever is the longer time period. No overruns are allowed.

Revised October 1, 1979.

[FR Doc. 79-30260 Filed 9-27-79; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 44, No. 190
Friday, September 28, 1979

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

DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

1980 Peanut Program; Proposed Determinations Regarding National Acreage Allotments and Poundage Quotas

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture proposes with respect to the 1980 crop of peanuts to: a. Determine and proclaim a national poundage quota;

b. Determine and proclaim a national acreage allotment; and

c. Apportion such allotment to States.

The effect of the determinations is to establish for the 1980 crop of peanuts the national poundage quota and the national acreage allotment and to apportion such allotment to States. This notice invites comments on these proposed determinations.

DATE: Written comments must be received by November 15, 1979 in order to be sure of consideration.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Dalton J. Ustynik, (ASCS), (202) 447–6733.

SUPPLEMENTARY INFORMATION: The following determinations are required to be made by the Secretary not later than December 1, 1979, in accordance with provisions of section 358 of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "Act").

(a) *National poundage quota.* Section 358 (1) of the Act provides that the Secretary shall, not later than December 1, 1979, announce a national poundage quota for 1980 crop peanuts at not less than 1,516,000 tons. it further provides that if the Secretary determines that the minimum national poundage quota for any marketing year is insufficient to meet total estimated requirements for domestic edible use and a reasonable carryover, such quota may be increased by the Secretary to the extent determined by the Secretary to be necessary to meet such requirements.

The latest available data indicate that a national poundage quota of 1,516,000 tons should be sufficient to meet total requirements for domestic edible use and a reasonable carryover during the 1980 marketing year:

Quota Peanuts—Projected Supply and Domestic Edible and Related Requirements, 1980 Marketing Year

	1,000 tons
Quota	1,516
Effective quota	1,600
Projected supply:	
Carryin	275
Quota marketings	1,566
Total supply	1,841
Projected requirements:	
Domestic edible	1,050
Seed	103
Crushing residual	150
Subtotal, domestic edible and related	1,303
Carryover (15 percent of requirements)	195
Total statutory requirement	1,498
Available for other use	343

b. *National acreage allotment.* Section 358(k) of the Act provides that the Secretary shall, not later than December 1, 1979, announce a national acreage allotment for 1980 crop peanuts taking into consideration projected domestic use, exports, and a reasonable carryover, subject to the proviso that such allotment shall be not less than 1,614,000 acres.

The latest available data indicate that the minimum acreage allotment should be sufficient to meet total requirements for domestic use, exports and a reasonable carryover during the 1980 marketing year:

Total Projected Supply and Projected Requirements, 1980 Marketing Year

	Projected Estimate *1,000 tons*
Supply:	
Carryin	300
Marketings	1,960
Imports	negligible
Total	2,260

Total Projected Supply and Projected Requirements, 1980 Marketing Year —Continued

	Projected Estimate *1,000 tons*
Requirements:	
Domestic edible, seed and commercial crushing	1,302
Exports	510
Total requirements	1,812
Reasonable carryover (15 percent of requirements)	272
Total	2,084
Available for other use	176

(c) *Apportionment of national acreage allotment to the States.* Apportionment of the national peanuts acreage allotment among the States is governed by section 358(c)(1) of the Act, which provides that apportionment among the States shall be on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made, except that the minimum allotment for the State of New Mexico shall not be reduced below the 1977 crop acreage allotment as increased pursuant to a short supply determination under section 358(c)(2) of the Act. Under this provision, the 1980 crop of peanuts will be apportioned to the States on the basis of their shares of the 1979 national acreage allotment.

Proposed rule

The Secretary proposes to: (a) Determine and proclaim a national poundage quota, (b) Determine and proclaim a national acreage allotment, and (c) Apportion such allotment to States.

Before making final determinations, consideration will be given to any relevant data, views, recommendations, or alternative proposals which are submitted in writing to the Director of the Price Support and Loan Division, ASCS–USDA.

All written submissions made pursuant to this notice will be made available for inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 3741-South Building.

Note.—This proposal has been classified as significant and is being published under emergency procedures, as authorized by Executive Order 12044 and Secretary's Memorandum No. 1955, without a full 60-day comment period. It has been determined by Jerome F. Sitter that an emergency situation exists which warrants less than a full 60-day comment period on this proposal because the Food and Agriculture Act of 1977 provides

that the acreage allotment and national poundage quota for the 1980 crop year must be announced by December 1, 1979.

A Draft Impact Analysis is available from Gypsy S. Banks (ASCS), (202) 447-6733.

Signed at Washington, D.C. on September 20, 1979.

John W Goodwin,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-29903 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

[7 CFR Part 989]

Raisins Produced From Grapes Grown in California; Proposed Amendment of Subpart—Administrative Rules and Regulations, Definitions of Varietal Types of Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking proposes definitions of the varietal types established under the Federal marketing order for California raisins, to indicate which raisins are included in each category, and to allow for the inclusion of other raisins which have been developed recently. In this connection, the term "Dipped Seedless" raisins would be changed to "Dipped and Related Seedless" raisins and would include raisins which are artificially dried but not dipped or sprayed. The proposal is based on a recommendation of the Raisin Administrative Committee, the body established under the order, to administer its terms and provisions.

DATES: Comments must be received by October 17, 1979.

ADDRESSES: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: William J. Higgins, (202) 447-5053.

SUPPLEMENTARY INFORMATION: This action would be taken under § 989.10 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

In 1977, the order was amended to simplify the classification of raisins used in regulating the volume and quality of raisins moving to market. As amended, § 989.10 lists seven varietal types of raisins. Each category is intended to include all raisins with similar characteristics and market uses regardless of the method of making the raisins or variety of grapes used. The seven listed varietal types are: Natural (sun-dried) Seedless; Dipped Seedless; Golden Seedless; Muscats (including other raisins with seeds); Sultana; Zante Currant; and Monukka raisins. Section 989.10 also provides that the Committee may, subject to the approval of the Secretary, change this list of varietal types.

As proposed, § 989.110 defines the varietal types of raisins listed in § 989.10 to indicate which raisins are included in each category, and to allow for the inclusion of other raisins which have been developed recently. In this connection, the varietal type "Dipped Seedless" would be changed to "Dipped and Related Seedless" and would include raisins which are artificially dried but not dipped or sprayed. Seedless raisins which have been artifically dried but not dipped or sprayed closely resemble those currently in the Dipped Seedless category and it is appropriate that they be included with them in the same category. In the absence of the proposal, handlers of artificially dried but not dipped or sprayed raisins could circumvent order regulations, and reap the benefits of the order without any of its limitations.

The proposed change in the term "Dipped Seedless" to "Dipped and Related Seedless" necessitates minor wording changes in Subpart—Quality Control (7 CFR 989.701-989.703) and these changes are also proposed.

This proposal has been reviewed under USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because the information upon which the proposed regulation is based was not available in time to avoid delaying the issuance of the final regulation beyond the time when deliveries for 1979 crop raisins begin in volume and handlers finalize their marketing plans. In making such plans, handlers should have the benefit of concrete groundrules, not proposals which may or may not be effectuated.

A determination has been made that this action should not be classified "significant". A draft Impact Analysis is available from William J. Higgins, (202) 447-5053.

The proposal is as follows:

1. Add a new § 989.110 to Subpart—Administrative Rules and Regulations (7 CFR Part 989.102-989.176) to read as follows:

§ 989.110 Changed list of Varietal types.

Pursuant to § 989.10, the list of varietal types of raisins contained in that section is changed by changing the term "Dipped Seedless" to Dipped and Related Seedless" any by specifying definitions for each varietal type category as follows:

(a) Category (1), Natural (sun-dried) Seedless includes all sun-dried seedless raisins that possess characteristics similar to natural Thompson Seedless raisins which have not been dipped in or sprayed with water with or without soda, oil, or other chemicals prior to or during the drying process.

(b) Category (2), Dipped and Related Seedless includes, but is not limited to, all seedless raisins produced by sun-drying or other dehydration of grapes which have been dipped in or sprayed with water with or without soda, oil, or other chemicals and which may or may not have been sulfured prior to drying. This category would also include seedless raisins produced from grapes which were not dipped in or sprayed with water prior to artificial dehydration. It would not include Golden Seedless raisins, but could include dried-on-the-vine raisins.

(c) Category (3), Golden Seedless includes all seedless raisins whose color varies from dark to golden yellow.

(d) Category (4), Muscats (including other raisins with seeds) include all raisins with seeds.

(e) Category (5), Sultana includes all raisins with an undeveloped (vestigial) seed.

(f) Category (6), Zante Currant includes all raisins produced from Black Corinth or White Corinth grapes.

(g) Category (7), Monukka includes all raisins produced from Monukka and Black Imperial grapes.

§§ 989.701-989.703 [Amended]

2. Amend §§ 989.701, 989.702, and 989.703 of Subpart Quality Control (7 CFR Part 989.701-989.703) by changing the term "Dipped Seedless" to "Dipped and Related Seedless" wherever that term appears in these sections.

Dated: September 25, 1979.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 79-30263 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

[7 CFR Part 1701]

Specification for Service Entrance and Station Protector Installations; Proposed Revision of REA Bulletin

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Bulletin 345–52, Specification for Service Entrance and Station Protector Installations (PC–5). This document was designed to be used in conjunction with REA's Telephone System Construction Contract which has recently been revised. Changes in this contract will be reflected in the revision of PC–5.

DATE: Public comments must be received no later than: November 27, 1979.

ADDRESS: Submit written comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355–S, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry Hutson, telephone (202) 447–3827.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 345–52.

Interested persons may obtain copies of this proposed action from the address indicated above. All written submission made pursuant to this action will be made available for public inspection during regular business hours, address above.

General Summary of Changes

PC–5 will, by this revision, be divided into two subparts; PC–5A, Specification for Service Entrance and Station Protector Installations and PC–5B, Specification for Station Installations. The PC–5A will conform closely with the revised 515g. The PC–5B will set standards for station wiring and instrument installations—subjects no longer covered in the Telephone System Construction Contract.

On issuance of revised Bulletin 345–52, Appendix A to Part 1701 will be modified accordingly.

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A draft Impact Analysis has been prepared and is available from the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355–S, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: September 21, 1979.

William W. Kelly,

Acting Assistant Administrator.

[FR Doc. 79-30152 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Ch. III]

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to notify the public of the regulatory actions currently being considered by FDIC. The agenda provides information on regulations that have been proposed by FDIC but have not yet been finally adopted, certain regulations that are currently under development, and existing regulations that are under review. The agenda also contains a list of those regulation on which final action has been taken since the publication of the last agenda.

ADDRESS: Interested persons are invited to submit comments on the semiannual agenda to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments on a specific regulation included in the agenda should be addressed to the official whose name appears below with the information about the regulation.

FOR FURTHER INFORMATION CONTACT: Jerry L. Langley, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC, 20429 (202) 389–4237.

SUPPLEMENTARY INFORMATION:

Proposals to Simplify FDIC Rules and Regulations

[12 CFR Parts 301, 305, 306, 307, 325, 327, and 330]

On September 4, 1979, FDIC issued for comment proposals to simplify its rules and regulations. The proposed changes would eliminate four regulations: Part 301 (Introductory), Part 305 (Payment of Insured Deposits), Part 306 (Receiverships and Liquidations), and Part 325 (Introductory). The regulations are basically informational in nature and contain little or no operative language. Further, the proposals, if adopted, would revise Part 330 (Clarification and Definition of Deposit Insurance Coverage) by deleting §§ 330.13 and 330.14 relating to continuation of prior insurance coverage and notification of depositors. These sections are outdated.

The proposal would also change Part 307 (Voluntary Termination of Insured Status) and Part 327 (Assessments) by: (1) Retitling Part 307 as "Termination of Insured Status"; (2) eliminating as unnecessary §§ 307.1 and 307.2 which prescribe procedures for insured nonmember banks that voluntarily terminate their insured status through liquidation and member banks that terminated their insured status by ceasing to be a member of the Federal Reserve System; (3) transferring the assessment provisions of Part 307 to Part 327; and (4) revising the remainder of Part 307 to simplify the reporting and depositor notice requirements for insured banks whose deposits are assumed by other insured banks.

For further information, contact Jerry L. Langely, Senior Attorney, Legal Division, 202–389–4237.

International Banking Act Amendments

[12 CFR Parts 303–307, 326–329, 331–333, 335, 337–339, and 341–343]

The International Banking Act of 1978 authorizes Federal deposit insurance coverage for U.S. branches of foreign banks and in some cases requires insurance. The Act also establishes special requirements for branches which are insured. To bring foreign banks and branches within the coverage of its present regulatory scheme, FDIC intends to make a series of technical amendments to its existing regulations. Because these amendments are procedural in nature and are required by statute, FDIC may adopt them in final form without a comment period.

For further information, contact Margaret M. Olsen, Attorney, Legal Division, 202–389–4433.

Change in Bank Control

[12 CFR Part 303]

On January 24, 1979, FDIC adopted revisions to §§ 303.11 and 303.15 of its regulations to implement the Change in Bank Control Act of 1978. The Act provides for advance notice to FDIC of the changes in control of banks regulated by FDIC. Additional public comment on the revisions was invited through April 6, 1979. Although certain comments were received in response to the invitation, no significant problems areas were identified which justify or require any immediate amendments to the regulations.

For further information, contact Katharine H. Haygood, Attorney, Legal Division, 202–389–4433.

Rules of Practice and Procedure

[12 CFR Part 308]

FDIC is in the process of simplifying the language of this Part which sets forth the procedures used by FDIC in proceedings brought under section 8 of the Federal Deposit Insurance Act and certain other statutory provisions.

For further information, contact Barbara I. Gersten, Attorney, Legal Division, 202–389–4261.

Disclosure of Confidential Financial Information

[12 CFR Part 309]

On June 11, 1979, FDIC issued for public comment a proposal to amend Part 309 to permit routine disclosure of the Trust Department Annual Reports of Assets filed with FDIC by insured State nonmember banks. The period for public comment ended on August 16, 1979. The comments that were received are being evaluated.

For further information, contact Pamela E. F. LeCren, Attorney, Legal Division, 202–389–4433.

FDIC is also considering an amendment to this Part that will provide for notice to a bank before FDIC releases business information submitted by the bank which the bank considers confidential. This is under consideration because of the concerns voiced by foreign banks now subject to FDIC rules and regulations under the International Banking Act of 1978.

For further information, contact Margaret M. Olsen, Attorney, Legal Division, 202–389–4433.

Right to Financial Privacy

[12 CFR Part 309]

FDIC is in the process of preparing technical amendments to Part 309 to conform it to the requirements of the Right to Financial Privacy Act of 1978, enacted by Congress as Title XI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978. These amendments are expected to be published in final form in the near future.

For further information, contact Pamela E. F. LeCren, Attorney, Legal Division, 202–389–4433.

Assessments

[12 CFR Part 327]

FDIC is in the process of simplifying the language of this Part which sets forth the procedures to be used for the computation and payment of assessments by insured banks as provided under sections 7 and 8 of the Federal Deposit Insurance Act.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202–389–4237.

Depositor Notice on Maturing Time Deposits

[12 CFR Part 329]

On November 22, 1976, FDIC published for comment a proposed amendment to § 329.3(f). Under the proposed amendment, FDIC would require insured State nonmember banks to give notice to depositors of maturing time deposits, which become demand deposits unless renewed or withdrawn within ten days after maturity. A revised version of the proposal is being prepared and will be published for public comment soon.

For further information, contact F. Douglas Birdzell, Senior Attorney, Legal Division, 202–389–4324.

Disclosure of Withdrawal Penalties

[12 CFR Part 329]

On July 30, 1979, FDIC adopted several amendments to this Part which require insured nonmember banks to grant requests for withdrawal without penalty when depositors die or are judicially declared mentally incompetent. FDIC is preparing conforming amendments to the provisions of § 329.4(f) relating to the disclosure of withdrawal penalties to depositors. Because these amendments are procedural in nature, FDIC intends to publish them in final form without a comment period.

For further information, contact F. Douglas Birdzell, Senior Attorney, Legal Division, 202–389–4324.

Exemption to Nondeposit Obligation Restrictions

[12 CFR Part 329]

Under Part 329, FDIC restrictions that govern the advertising and payment of interest on deposits also apply to nondeposit obligations that are undertaken by insured State nonmember banks for the purpose of obtaining funds to be used in the banking industry. In order to eliminate unnecessary restraints, FDIC is proposing an amendment to § 329.10(b) which would exempt from such restrictions certain nondeposit obligations of mutual savings banks in amounts of $100,000 or more. The proposal was issued for public comment on September 17, 1979. Written comments are invited through October 26, 1979.

For further information, contact Daniel Wm. Persinger, Assistant General Counsel, Legal Division, 202–389–4387.

Securities of Insured State Nonmember Banks

[12 CFR Part 335]

On June 4, 1979, FDIC issued for comment a proposal to amend Part 335 which contains FDIC's securities disclosure regulations. The amendments would update the regulations and make them substantially similar to those of the Securities and Exchange Commission, as required by section 12(i) of the Securities and Exchange Act of 1934. The period for comment ended on August 7, 1979. The comments that were received are being evaluated.

For further information, contact Gerald J. Gervino, Attorney, Legal Division, 202–389–4422.

Recordkeeping and Confirmation Requirements for Securities Transactions

[12 CFR Part 344]

On July 16, 1979, FDIC adopted this Part requiring insured State nonmember banks that effect certain securities transactions for customers to provide confirmation of and maintain records with respect to such transactions, effective January 1, 1980. (44 FR 43260). Additional comments on the confirmation requirements as they apply to transactions in U.S. Government, agency and municipal securities were invited until September 24, 1979. FDIC will consider the comments and adopt any appropriate amendments to the regulation.

For further information, contact Gerald J. Gervino, Attorney, Legal Division, 202–389–4422.

Disclosure of Brokerage Allocation Practices

[12 CFR Part 344]

Under section 28(e)(2) of the Securities Exchange Act of 1934, FDIC is preparing an amendment to Part 344 to require insured nonmember banks

exercising investment discretion to disclose their brokerage allocation practices. The disclosure would aid settlors and certain beneficiaries of trusts in comparing the services that are provided for the commissions charged by the various brokerage firms with which the banks do business. It is expected that the revision will be published for comment.

For further information, contact Gerald J. Gervino, Attorney, Legal Division, 202–389–4422.

Correspondent Accounts and Disclosure of Material Facts

[12 CFR Parts 349 and 304]

On March 9, 1979, FDIC, in conjunction with the Board of Governors of the Federal Reserve System and the Comptroller of the Currency, published for comment proposed regulations to implement Titles VIII and IX of the Financial Institutions Regulatory and Interest Rate Control Act of 1978.

Title VIII prohibits banks maintaining a correspondent account relationship with each other from extending credit on preferential terms to each other's executive officers, directors, or principal stockholders. It also prohibits the opening of a correspondent account relationship between banks where there is a preferential extension of credit from one bank to an executive officer, director, or principal shareholder of the other bank. In connection with Title IX, Title VIII further requires insured banks and their executive officers and principal stockholders of record to file certain disclosure reports. The period for public comment ended on April 20, 1979. The comments that have been received are being evaluated on an interagency basis.

For further information, contact Pamela E. F. LeCren, Attorney, Legal Division, 202–389–4433.

Final Actions Since Last Semiannual Agenda

The following final regulatory actions have been taken by FDIC since the publication of the last semiannual agenda in the **Federal Register** (44 FR 18035, March 26, 1979):

1. FDIC has withdrawn the proposal to revise Part 302 relating to the development and review of its regulations. A policy statement has been adopted to replace the Part. Its content is substantially the same as that of the proposed revision. 44 FR 31007 (May 30, 1979).

2. The technical amendments to Part 307 pertaining to the termination of insured status have been adopted in final form. 44 FR 20633 (April 6, 1979).

3. The proposed revisions of Parts 308 and 327 to implement provisions of recent statutory amendments have been adopted in final form. 44 FR 25412 (May 1, 1979); 44 FR 20634 (April 6, 1979).

4. An official interpretation of section 329.3(a) has been issued. It states the position of FDIC's Board of Directors with respect to pooling of funds to achieve minimum denominations required for certain categories of deposits. 44 FR 32356 (June 6, 1979).

5. Proposals to amend Part 329 to address the problem of relatively low return to small savers under existing depository institution interest rate structure have been adopted in final form. 44 FR 32353 (June 6, 1979).

6. FDIC has adopted amendments to Part 329 relating to penalties for early withdrawal of deposits, interest rate ceilings on deposits, and restrictions on nondeposit obligations. 44 FR 46264 (August 7, 1979).

7. FDIC has amended Part 336 of its regulations to change the designated FDIC Ethics Counselor from the Assistant to the Chairman of the Board of Directors to the Executive Secretary of FDIC. 44 FR 27379 (May 10, 1979).

8. The proposal to establish a new Part 340 regarding the use of offering circulars for public issuance of bank securities has been withdrawn. A policy statement containing a substantial simplification of the proposed Part has been adopted instead. 44 FR 39381 (July 6, 1979).

9. Final rules to amend Part 330 and to establish a new Part 346 in order to implement the deposit insurance provision of the International Banking Act of 1978 have been adopted. 44 FR 40056 (July 9, 1979). Part 346 was amended in September 1979. 44 FR 52675 (September 10, 1979).

10. The proposed new Part 347 and amendments to Parts 303, 304 and 332 concerning foreign activities of insured State nonmember banks have been adopted in final form. 44 FR 25193, 25194. (April 30, 1979).

11. The proposed new Part 348 concerning management official interlocks has been adopted in final form. 44 FR 42152 (July 19, 1979).

12. Corrections have been made to the following provisions: Section 303.11, 44 FR 30076 (May 24, 1979); § 303.14, 44 FR 32649 (May 30, 1979).

By Order of the Board of Directors, dated September 24, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 79-30132 Filed 9-27-79; 8:45 am]

BILLING CODE 6714-01-M

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

Human Prescription Drugs in Oral Dosage Forms; Proposed Exemption of Isosorbide Dinitrate in Sublingual and Chewable Forms Containing Not More Than 10 Miligrams of Isosorbide Dinitrate From Child-Protection Packaging Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes for public comment an exemption from child-protection packaging requirements for isosorbide dinitrate in sublingual and chewable dosage forms containing not more than 10 milligrams of isosorbide dinitrate. An exemption for sublingual and chewable dosage forms containing not more than 5 milligrams of isosorbide dinitrate is currently in effect. The Commission believes that child-protection packaging for the larger dosage forms is unnecessary to protect children from serious illness or injury, based upon the lack of adverse reaction by children who have accidentally ingested isosorbide dinitrate-containing drugs in the past. In addition, the Commission believes that an exemption is justified because of the seriousness of the consequences should administration of this medication be delayed by accessibility problems due to special packaging. Ives Laboratories petitioned the Commission to take this action.

DATES: Comments on this proposed exemption must be received by November 27, 1979. Comments received after this date will be considered to the extent practicable. If the Commission issues a final regulation concerning the exemption, the Commission proposes that the exemption become effective on the date the final regulation is published in the **Federal Register.**

ADDRESS: Comments, preferably in five copies, should be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments received may be seen in the Office of the Secretary, 1118 18th Street, N.W., Third Floor, during working hours Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. Fred Marozzi, Division of Safety Packaging and Scientific Coordination, Directorate for Engineering and Science, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 301–492–6477.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 1978, the Consumer Product Safety Commission received a petition (PP 79–1) from Ives Laboratories, of New York City, requesting an exemption from child-protection packaging requirements for sublingual and chewable forms of isosorbide dinitrate in dosage units containing isosorbide dinitrate in strengths of 10 milligrams (mg) or less.[1] Isosorbide dinitrate-containing drugs are generally used to relieve the pain associated with an angina attack (constriction of a blood vessel supplying oxygen to the heart). The principal adverse effect associated with such drugs is that because they dilate the blood vessels, the drugs can produce a drop in blood pressure that can result in a feeling of weakness or fainting and a loss of consciousness. However, as soon as the patient is places in a reclining position with the feet raised, consciousness usually returns immediately.

Human prescription oral drugs containing over 5 mg of isosorbide dinitrate are currently subject to the Commission's child-protection packaging requirements, set forth at 16 CFR 1700.14(a)(10). Sublingual and chewable forms of isosorbide dinitrate in dosage units of 5 mg or less are currently exempted from these requirements at 16 CFR 1700.14(a)(10)(ii).[2] That exemption was granted at a time when only 5 mg dosage strengths for the drug were manufactured. Since that time, a few manufacturers, including the petitioner, have produced 10 mg tablets in response to the fact that some angina patients require a higher dose of medication to control symptoms. For the reasons stated below, the Commission has decided to propose an exemption for sublingual and chewable forms of isosorbide dinitrate in dosage units containing isosorbide dinitrate in strengths of 10 mg or less. The Commission, therefore, proposes to revise the existing exemption for isosorbide dinitrate by setting a higher dosage level for exemption.

Grounds for Exemption

Ives Laboratories contends that the same grounds which justified an exemption for isosorbide dinitrate in 5 mg sublingual and chewable forms support the current request. The 5 mg exemption was based on the following facts: (1) the difficulty and delay that a patient might experience in trying to open a child-resistant closure while under the stress of an angina attack could result in serious consequences; (2) sublingual form of nitroglycerin previously had been exempted for the same accessibility reasons; (3) Commission staff examination of the National Clearinghouse for Poison Control Centers (NCPCC) data for 1969 through 1972 revealed no reported cases of serious illness or injury to young children accidentally ingesting isosorbide dinitrate; specifically, of the 74 reported ingestions of this drug by children under 5 years of age during this period, only two cases reported symptoms (lethargy), and three cases (including the former two) reported hospitalizations for observation purposes.

A search of the most current data sources available to the Commission staff reveals a continued lack of serious adverse reaction by young children who have accidentally ingested isosorbide dinitrate. Data from the NCPCC indicate that of the 240 reported ingestions by children under 5 years of age from 1969 through 1976, 11 children reportedly manifested some symptoms, for which 5 were hospitalized. Two case involved lethargy, and one case involved pallor; all three children were hospitalized for observation. The children in the remaining two cases were reported as having rapid pulse rates; one child was hospitalized for observation and was found stable by evening, and the other child was hospitalized for an unspecified duration. The remaining 6 children of the 11 who exhibited some symptoms were not hospitalized. Of the 229 remaining children who reportedly exhibited no symptoms, 5 were hospitalized for observation.

Data collected by six poison control centers under contract with the Commission during the years 1976 through 1977 reveal 9 reported ingestions of isosorbide dinitrate by children, with only one case of nausea and vomiting. None of these 9 children was hospitalized. The amounts ignested in these cases ranged from one-half to 23 tablets (the child ingesting 23 tablets (50–55 mg) reportedly did not show any symptoms).

The National Electronic Injury Surveillance System Comment File for 1973 through the first six months of 1979 contain two incidents associated with isosorbide dinitrate involving children under 5 years of age. One incident occurred in 1978, and the other occurred in June, 1979. Both children were treated and released from the hospital emergency room.

The Commission's consumer complaint files and death certificate files contain no reports associated with isosorbide dinitrate, as of June, 1979.

The Commission staff also conducted a toxicological evaluation of isosorbide dinitrate. Although the literature does not contain any estimate of what would be a toxic dose of isosorbide dinitrate, the Commission staff has assumed that a toxic dose of isosorbide dinitrate would be greater than 1 gram (or greater than 100–10 mg tablets). This assumption is based upon the finding that the organic nitrates, such as isosorbide dinitrate and nitroglycerin, are much less active in producing the substance methemoglobin (the increase of which reduces the body's oxygen supply in the blood) than the inorganic nitrites, such as sodium nitrite, which have been studied to a greater extent. (In the literature there is a case in which 130 mg of sodium nitrite caused serious symptoms in a 2-month old child; 450 mg were fatal in a slightly older child. It is estimated that 1 gm of sodium nitrite might be fatal in an adult).

Information availabe to the Commission indicates that greater than normal levels of methemoglobin have not been detected in patients taking organic nitrates at prescribed dosage strengths. The Commission staff estimates that an extremely high dosage strength of isosorbide dinitrate—considerably higher than any of the reported accidental ingestions by young children—would produce some methemoglobin. However, none of the reported ingestions of this drug indicated symptoms of cyanosis (blueness of the skin). Because this symptom appears at concentrations of 10–15% methemoglobin, and because serious and possibly fatal effects of lack of oxygen do not occur until concentrations of more than 60% methemoglobin, the Commission staff concludes that very low levels of methemoglobin, if any, were formed in the 240 accidental ingestions.

Commission staff investigation further reveals that although the cardiovascular effects of ingesting isosorbide dinitrate can sometimes result in a momentary loss of consciousness until the patient is placed in a reclining position, this symptom also was not observed in any

[1] Although the petitioner's letter actually specified only the chewable form for an exemption, the Commission is proposing an exemption for both chewable and sublingual forms of isosorbide dinitrate. The reasons for this proposal are: (1) the existing 5 mg exemption applies to these two forms of this drug, (2) the sublingual and chewable forms of isosorbide dinitrate are the two forms of the drug which are recommended for use during an angina attack, and (3) the effects of both forms are sufficiently similar to apply the same conclusions concerning the risk of injury from accidental ingestion of the drug by young children.

[2] On November 20, 1974, the Commission published a document in the **Federal Register** (39 FR 40761) issuing an exemption for sublingual and chewable forms of isosorbide dinitrate in dosage strengths of 5 milligrams or less.

of the 240 reported cases of accidental ingestion by children.

The Commission solicited the opinion of the Food and Drug Administration (FDA) on the exemption request. Based upon the need for rapid accessibility to the drugs for treatment of angina pectoris and upon the lack of reported substantial hazard to children, FDA concluded that the exemption should be granted.

The Commission also solicited the opinion of its Technical Advisory Committee on Poison Prevention Packaging. Of the 14 members who commented on the petition, 10 members recommended granting the exemption and 4 members recommended denial. The four members who recommended denial expressed concern about the cardiovascular effects and toxic potential of isosorbide dinitrate, cited inadequate injury data relating to dosage strengths, and questioned the need for the exemption since alternative dosage forms are available. The ten members who recommended granting the petition cited the need for rapid access to the medication by angina patient and the lack of evidence of serious illness or injury to young children in cases of accidental ingestion.

Findings

Based on currently available information showing a lack of adverse human experience reported from ingesting isosorbide dinitrate - containing drugs, the Commission preliminary finds that that sublingual and chewable forms of this drug containing not more than 10 milligrams of isosorbide dinitrate do not pose a risk of serious personal illness or serious injury to children. Furthermore, based on the fact that a patient might suffer serious consequences in trying to open a child-resistant closure while under the stress of an angina attack, the Commission preliminarily finds that special packaging is not appropriate for this substance. The Commission emphasizes that this proposed exemption is limited to isosorbide dinitrate in sublingual and chewable forms, containing not more than 10 milligrams of isosorbide dinitrate and containing no other substance subject to the requirements for special packaging under 16 CFR 1700.14(a)(10). The applicability of the requirement of special packaging at 16 CFR 1700.14(a)(10) is not affected by this proposal. Products within the scope of this proposal must continue to be in special packaging until the effective date of any final regulation.

Environmental Considerations

The Commission's interim rules for carrying out its responsibilities under the National Environmental Policy Act (see 16 CFR Part 1021; 42 FR 25494) provide that exemptions to an existing standard that do not alter the principal purpose or effect of the standard normally have no potential for affecting the environment and that, therefore, environmental review of exemptions is generally not required (§ 1021.5(b)(1)). The rules also state that environmental review of rules requiring poison prevention packaging is generally not required (§ 1021.5(b)(3)).

With respect to this exemption of isosorbide dinitrate in 10-milligram sublingual and chewable forms from poison preventing packaging, the Commission finds that the rule will have no significant effect on the human environment and that no environmental review is necessary.

Conclusion and Promulgation

Having considered the petition, the poison control statistics from the National Clearinghouse for Poison Control Centers and from six poison control centers under contract with the Commission, and other human experience data and medical and scientific literature, and having consulted, pursuant to section 3 of the Poison Prevention Packaging Act (PPPA) of 1970, with the Technical Advisory Committee on Poison Prevention Packaging established in accordance with section 6 of the Act, the Commission concludes that an exemption from the special packaging requirements for isosorbide dinitrate in sublingual and chewable dosage forms containing not more than 10 milligrams of isosorbide dinitrate should be proposed as set forth below. Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91–601, sections 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–572, sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes that 16 CFR 1700.14 be amended by revising paragraph, (a)(10)(ii), as follows:

§ 1700.14 Substances requiring special packaging

(a) * * *

(10) *Prescription Drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provision of § 1700.15 (a), (b), and (c), except for the following:

(ii) Sublingual and chewable forms of isosorbide dinitrate in dosage units containing isosorbide dinitrate in strengths of 10-milligrams or less.

Dated: September 26, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-30313 Filed 9-27-79; 8:45 am]

BILLING CODE 6355-01-M

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-6127; File No. S7-801]

Accountant Liability for Reports on Unaudited Interim Financial Information Under Securities Act of 1933

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: Since the issuance of Statement on Auditing Standards No. 24 (SAS No. 24) by the Auditing Standards Board of the American Institute of Certified Public Accountants (AICPA) in March 1979, several reports by independent public accountants on interim unaudited financial information have been included in Securities Act filings on Form S–16 or S–14. Such filings have raised a question of whether accountants could be liable under Section 11(a) of the Securities Act (which imposes liability on every accountant "who has with his consent been named as having prepared . . . any report") in such circumstances. The Commission is proposing for comment two alternative rules which, if adopted, would have the effect of excluding accountants issuing such reports from Section 11(a) liability.

DATE: Comments should be received by the Commission on or before November 15, 1979.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7–801. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: James J. Doyle (202–272–2130), Office of

the Chief Accountant, Consuela M. Washington (202–272–2573), Division of Corporation Finance, or Robert Chira (202–272–2437), Special Advisor, Office of the General Counsel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is proposing for public comment two alternative rules which would amend 17 CFR 230.437 and 436, either of which if adopted would have the effect of excluding accountants from potential liability under Section 11(a) of the Securities Act of 1933 for SAS No. 24 reports included in Securities Act filings. Version "A" would provide that the written consent of the accountant under Section 7 of the Securities Act would not be required (without the need for application to the Commission on a case-by-case basis) if an SAS No. 24 report prepared for use other than a registration statement is included in a Securities Act filing. This would have the effect that no Section 11(a) liability would result since the accountant would not have consented to being named as "having prepared . . . any report." Version "B" would exclude an SAS No. 24 report from the definition of "report" for the purposes of Sections 7 and 11 of the Securities Act.

Although other forms of reporting on unaudited information are now under consideration by the AICPA, either rule would address only reports on interim financial information under SAS No. 24.

I. Background

A. Development of Reporting on Interim Financial Information

In March 1979, the Auditing Standards Board of the AICPA issued Statement on Auditing Standards No. 24 [1] which delineates procedures to be followed by accountants with respect to reviews of unaudited interim financial information and which sets forth standards for reports based on such reviews. A report under SAS No. 24 consists of the following: (1) a statement that the review of interim financial information was made in accordance with established professional standards for such reviews; (2) an identification of the interim financial information reviewed; (3) a description of the procedures for a review of interim financial information; (4) a statement that a review of interim financial information is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is an expression of opinion regarding the financial statements taken as a whole, and accordingly no such opinion is expressed; and (5) a statement about whether the accountant is aware of any material modifications that should be made to the accompanying financial information so that it conforms with generally accepted accounting principles.[2]

The Commission has encouraged increased auditor involvement with interim financial information and reports containing a limited statement of assurance by accountants concerning unaudited financial information or other matters for which a full audit has not been undertaken.[3] Other proposals being considered include reports on required supplemental information concerning the effects of changing prices [4] and reports on internal accounting controls.[5] The expansion of auditors' responsibilities beyond the audits of financial statements was also recommended by the Commission on Auditors' Responsibilities.[6] In encouraging reviews by auditors of interim financial information the Commission has recognized that although such reviews will not prevent all deficiences in interim financial reports, they will increase the likelihood that management will discover needed adjustments on a timely basis and be able to identify problem areas more promptly so that adjustments are not so frequently required in the last quarter of a fiscal year. The Commission has noted that "the involvement of independent accountants will add the expertise of professional accountants with wide experience in reporting problems. . . . This should improve individual company reporting and direct greater professional attention to the general problems of interim reporting." [7]

In furtherance of this objective, in September 1975 the Commission issued ASR No. 177 which amended Form 10–Q to increase substantially the requirements concerning the content of quarterly reports. In this regard, it permitted, but did not require, reporting companies to state that an independent accountant had reviewed the data in accordance with established professional standards and procedures for such a review. If the registrant so states, it must also indicate whether all adjustments or additional disclosures proposed by the independent accountant have been reflected, and if not, why not. In addition, the registrant may include as an exhibit a letter from the independent accountant who reviewed the interim financial data before the filing of the Form 10–Q. At the same time, ASR 177 amended Regulation S–X to require certain registrants to disclose summarized quarterly financial data in unaudited notes to annual financial statements.

In response to ASR No. 177, the AICPA issued SAS No. 10 [8] and SAS No. 13.[9] SAS No. 10 set forth the procedures to be followed by accountants in reviewing quarterly financial data in Form 10–Q as well as the summaries of such data in the unaudited footnote to annual audited financial statements. These procedures were limited and considerably less than those undertaken in an audit of annual financial statements.

SAS No. 13 prescribed the form of the accountant's letter in the event that such accountant reviewed the interim financial data on a timely basis (the so-called "timely review") before the filing of the quarterly report.[10] It allowed the accountant to state that the interim financial information had been reviewed but that the accountant had not performed an audit and did not express an opinion on the information. Furthermore, SAS No. 13 required the accountant to modify his report if (a) a change in accounting principle had not been in conformity with generally accepted accounting principles, or (b)

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[1] SAS No. 24, "Review of Interim Financial Information," AICPA, March 1979.

[2] See Id., paragraph 17.

[3] See, e.g., Securities and Exchange Commission Report to Congress on the Accounting Profession and the Commission's Oversight Role, U.S. Government Printing Office, July 1979, pages 241–243.

[4] The Financial Accounting Standards Board (FASB) has proposed that such supplemental information be required to be presented by certain companies for years ending on or after December 25, 1979. See "Financial Reporting and Changing Prices," FASB Exposure Draft, December 28, 1978.

[5] In Securities Exchange Act Release No. 15772, April 30, 1979, [44 FR 26702] the Commission proposed rules which would require an independent public accountant to examine and report on a management statement on internal accounting controls for periods ending after December 15, 1980.

[6] The Commission on Auditors' Responsiblilities: "Report, Conclusions, and Recommendations," AICPA, 1978. See generally pages 51–69. It specifically recommended that the auditor should be required to review and report on the company's interim information on a timely basis, stating:

> The auditor's involvement in the process can result in a general improvement in financial reporting even if it is limited to a review of the process rather than an audit. A review is likely to inhibit practices that cannot stand even superficial scrutiny. However, the main benefit of a review of a process is that it can be expected to improve the preparation of information.

Id., p. 64.

[7] Accounting Series Release No. 177, September 10, 1975.

[8] SAS No. 10, "Limited Review of Interim Financial Information," AICPA, December 1975.

[9] SAS No. 13, "Reports on a Limited Review of Interim Financial Information," AICPA, May 1976.

[10] SAS No. 13 did not prescribe any report for the summary of interim financial data in the unaudited note to the annul financial statements.

the registrant had not given effect to a material adjustment or disclosure proposed by the accountant. However, although an unmodified report implied that the accountant had not become aware of any improper changes in accounting principle or any necessary adjustment or disclosure in the interim financial data, SAS No. 13 did not permit the accountant to give any express assurance to that effect.

In March 1979, the AICPA issued SAS No. 24, which superseded SAS No. 10 and SAS No. 13. The only substantive change from the review procedures contained in SAS No. 10 is that a letter containing written representations from management as to certain matters relied on by the accountant is now required. However, the procedures for reviews of interim financial information remain as they were under SAS No. 10 and SAS No. 13—that is, limited to inquiries and review procedures which are substantially less than an audit.

The significant differences between the objectives of such a review as compared to the objectives of an audit is described as follows:

The objective of a review of interim financial information is to provide the accountant, based on objectively applying his knowledge of financial reporting practices to significant accounting matters of which he becomes aware through inquiries and analytical review procedures, with a basis for reporting whether material modifications should be made for such information to conform with generally accepted accounting principles. The objective of a review of interim financial information differs significantly from the objective of an examination of financial statements in accordance with generally accepted auditing standards. The objective of an audit is to provide a reasonable basis for expressing an opinion regarding the financial statements taken as a whole. A review of interim financial information does not provide a basis for the expression of such an opinion, because the review does not contemplate a study and evaluation of internal accounting control; tests of accounting records and of responses to inquiries by obtaining corroborating evidential matter through inspection, observation, or confirmation; and certain other procedures ordinarily performed during an audit. A review may bring to the accountant's attention significant matters affecting the interim financial information, but it does not provide assurance that the accountant will become aware of all significant matters that would be disclosed in an audit.[11]

With respect to reporting on a timely review of interim financial information, SAS No. 24 does make a substantive change from SAS No. 13. SAS No. 24 permits the accountant to express some assurance in his report, as follows:

Based on our review, we are not aware of any material modifications that should be made to the accompanying financial (information or statements) for them to be in conformity with generally accepted accounting principles.

SAS No. 13, by contrast, prohibited the accountant from giving any such assurance. The example of a report in SAS No. 13 is as follows:

We have made a limited review, in accordance with standards established by the American Institute of Certified Public Accountants, of (describe the information or statements subjected to such review) of ABC Company and consolidated subsidiaries as of September 30, 19X1 and for the three-month and nine-month periods then ended. Since we did not make an audit, we express no opinion on the (information or statements) referred to above.

With respect to an accountant's timely review of interim financial information in a Form 10–Q, paragraph 2 of SAS No. 24 makes clear: "This Statement does not apply to an accountant's involvement with interim financial information included in documents filed with the Securities and Exchange Commission pursuant to the Securities Act of 1933 . . . ." In recent practice, however, several SAS No. 24 reports have been used by registrants in connection with Securities Act registration statements. This has occurred when an accountant has issued an SAS No. 24 report included by the registrant in a Form 10–Q, and the registrant subsequently has filed a Securities Act registration statement on Form S–16 incorporating by reference the Form 10–Q. This has also occurred when an SAS No. 24 report on interim financial information has been included in a proxy statement which subsequently has been included in a Securities Act registration statement on Form S–14.

If SAS No. 24 reports are used by registrants in connection with Securities Act registration statements, concern has been raised that there may be reluctance on the part of accountants to issue reports on the basis of the limited review procedures specified in SAS No. 24 because of their potential liability under Section 11(a) of the Securities Act. Alternatively, if accountants perform significantly expanded procedures, much closer to a complete audit, in order to meet potential liability concerns under Section 11(a), substantial increased costs to issuers could result.

As a result of the foregoing, the Commmission has determined to consider adoption of either of the two rules being proposed in this Release.

B. Statutory Framework

Section 11(a)(4) of the Securities Act imposes civil liability for material misstatements or omissions in registration statements upon "every accountant . . . who has with his consent beennamed . . . as having prepared or certified any report or valuation which is used in connection with the registration statement. . . ." [12] Section 7 of the Securities Act deals with the matter of consent by requiring the filing of a written consent with the registration statement by any accountant who is named as having prepared or certified a report for use in connection with the registration statement. Section 7 establishes a separate requirement for reports which are used in a registration statement but which were prepared by the accountant for some other purpose; here, written consent is required "unless the Commission dispenses with such filing as impracticable or as involving undue hardship on the person filing the registration statement".[13]

As a consequence of the interrelationship between Sections 7

[11] SAS No. 24, paragraph 3.

[12] Section 11(a) in imposing civil liability for material misstatements or omissions in registration statements applies to: (4) every accountant, engineer, or appraiser, or any person whose profession gives authority to a statement made by him, who has with his consent been named as having prepared or certified any part of the registration statement, or as having prepared or certified any report or valuation which is used in connection with the registration statement, with respect to the statement in such registration statement, report, or valuation, which purports to have been prepared or certified by him. . . .

[13] The pertinent language of Section 7 is: If any accountant, engineer, or appraiser, or any person whose profession gives authority to a statement made by him, is named as having prepared or certified any part of the registration statement, or is named as having prepared or certified a report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement. If any such person is named as having prepared or certified a report or valuation (other than a public official document or statement) which is used in connection with the registration statement, but is not named as having prepared or certified such report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement unless the Commission dispenses with such filing as impracticable or as involving undue hardship on the person filing the registration statement.

and 11, concern has been expressed that accountants issuing SAS No. 24 reports, who subsequently consent under Section 7 to being named in a registration statement which incorporates their report by reference, could be held subject to Section 11(a) which imposes liability on every accountant "who has with his consent been named as "having prepared . . . any report. . . ."

Since SAS No. 24 was only recently issued, the question of whether accountants could be held liable under Section 11(a) for SAS No. 24 reports included with the consent of the accountants pursuant to Section 7 in Securities Act filings has not yet been tested in the courts. Under existing case law, Section 11(a) liability of an accountant who has consented to being named in a registration statement has been limited to audited financial statements which have been certified by him. *See Escott* v. *Bar Chris Construction Corp.*, 283 F. Supp. 643 (S.DN.Y. 1968), and *Grimm* v. *Whitney-Fidalgo Seafoods, Inc.*, [1977–78 Transfer Binder] CCH Fed. Sec. L. Rep. ¶ 96,029 (S.DN.Y. 1973). These cases arose, however, before the issuance of SAS No. 24 reports and their inclusion in Securities Act filings with the accountant's consent to being named as having prepared them. As a result of the different facts now presented by issuance of SAS No. 24 reports, the accountant's consent and issuance of such a report may be found to come within the language of Section 11(a)(4) which imposes liability on an accountant "who has with his consent been named as having prepared or certified . . . any report or valuation which is used in connection with the registration statement. . . ."

The Commission recognizes that an important consequence, if Section 11(a) liability is applicable to accountants in these circumstances, is that a plaintiff who makes a prima facie showing of a material misstatement or omission in a registration statement will have met his burden of proof. The burden of proof will then shift to the defendant-accountant under Section 11(b)(3)(B)(i) to demonstrate that he believed the statement was true and not misleading after conducting a "reasonable investigation" and that he had reasonable ground for this belief.[14]

It should be noted that accountants have heretofore considered their duty to conduct a reasonable investigation to have been met when they performed a full audit [15] and not when only limited procedures are involved as in an SAS No. 24 review. There is therefore additional uncertainty, if Section 11(a)(4) is applicable to accountants for SAS No. 24 reports, as to whether SAS No. 24 limited procedures will constitute a reasonable investigation defense in these circumstances under Section 11(b)(3)(B)(i).

In the event that the Commission were to adopt either proposed rule which would have the effect of excluding accountants from Section 11(a) liability in these circumstances, it should be emphasized that accountants would nevertheless remain subject to liability under Section 17(a) of the Securities Act of 1933 for SAS No. 24 reports used in connection with registration statements.[16] The Section provides an alternate vehicle for securing many of the protections afforded under Section 11 of the Securities Act,[17] although there are significant differences between the two sections. In this regard, the Commission in proposing this rule does so, in part, based upon its belief that a private action may properly be brought under Section 17(a) of the Securities Act or Section 10(b) of the Securities Exchange Act on behalf of investors aggrieved by an SAS 24 Report which contains misstatements or omissions or would operate as a fraud.

Another consequence if either proposed rule is adopted is that if shareholders sued the corporate directors or underwriters of the issuer for damages under Section 11(a), the directors and underwriters in defense may not be able to rely on an SAS No. 24 report on interim financial data included in a registration statement as statements "purporting to be made on the authority of an expert . . . which they had no reasonable ground to believe . . . were untrue . . ." under Section 11(b)(3)(C).[19] Rather, directors and underwriters may be required, as has been the case before issuance of SAS No. 24 whenever unaudited financials are included in a registration statement, to affirmatively demonstrate under Section 11(b)(3)(A) that, after conducting a reasonable investigation, they had reasonable ground to believe, and did believe, that the interim financial data was true.[20]

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[14] Section 11(b)(3) provides a defense to Section 11(a) liability for every person named in Section 11(a), other than an issuer, if such person sustains the burden of proof that:

(B) as regards any part of the registration statement purporting to be made upon his authority as an expert or purporting to be a copy of or extract from a report or valuation of himself as an expert,

(i) he had, after reasonable investigation, reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or (ii) such part of the registration statement did not fairly represent his statement as an expert or was not a fair copy of or extract from his report or valuation as an expert . . . .

[15] E.g. Codification of Statements on Auditing Standards, AU § 630.02, in the context of "Letter to Underwriters" states: "The accountants' reasonable investigation must be premised upon an audit; it cannot be accomplished short of an audit."

[16] Section 17(a) of the Securities Act provides in its entirety: It shall be unlawful for any person in the offer or sale of any securities by the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails, directly or indirectly—

(1) to employ any device, scheme, or artifice to defraud, or

(2) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(3) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

[17] With respect to Commission enforcement actions, Section 17(a) has generally been interpreted by the courts to impose civil liability without *scienter*. *Securities and Exchange Commission* v. *World Radio Mission*, 544F.2d 535 (1st Cir. 1976); *Securities and Exchange Commission* v. *Coven*, 581 F.2d 1020 (2d Cir. 1978), *cert. denied*, 47 U.S.L.W. 3568 (1979); *Securities and Exchange Commission* v. *Aaron*, [Current] CCH Fed. Sec. L. Rep. ¶ 96,800 (2d Cir. 1979); *Securities Exchange Commission* v. *American Realty Trust*, [1978] CCH Fed. Sec. L. Rep. ¶ 96,605 (4th Cir. 1978). Therefore, insofar as material misstatements or omissions are made by accountants in SAS No. 24 Reports used in registration statements, the Commission may take appropriate enforcement action against such accountants under Section 17(a). Of course, where an accountant's report is found to be fraudulent, and the fraud has occurred in connection with the purchase or sale of a security, civil liability would also arise pursuant to Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78j(b), and Rule 10b–5 thereunder, 17 CFR 240. 10b–5. *see*, e.g., *Blue Chip Stamps* v. *Manor Drug Stores*, 421 U.S. 723 (1975).

[19] Section 11(b)(3) provides a defense to Section 11(a) liability to every person named in Section 11(a), other than an issuer, if such person sustains the burden of proof that:

(C) as regards any part of the registration statement purporting to be made on the authority of an expert (other than himself) or purporting to be a copy of or extract from a report or valuation of an expert (other than himself), he had no reasonable ground to believe, and did not believe, at the time such part of the registration statement became effective, that the statements therein were untrue or that there was an omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or that such part of the registration statement did not fairly represent the statement of the expert or was not a fair copy of or extract from the report or valuation of the expert . . ."

[20] Section 11(b)(3) provides a defense to Section 11(a) liability to every person named in Section 11(a), other than an issuer, if such person shall sustain the burden of proof that:

(A) as regards any part of the registration statement not purporting to be made on the authority of any expert and not purporting to be a copy of or extract from a report or valuation of an expert, and not purporting to be made on the authority of a public official document or statement, he had, after reasonable investigation, reasonable ground to believe and did believe, at the time such

Footnotes continued on next page

II. Discussion of Proposed Rules

A. Version "A"

As proposed, Version "A" (the "exemptive rule") would provide that the written consent of an accountant pursuant to Section 7 of the Act may be omitted, without specific application to the Commission, in respect of a report on unaudited interim financial information prepared by an independent accountant for other than use in a registration statement when the accountant has conducted a review of and reported on such information in accordance with SAS No. 24. If adopted, the Commission's view would be that a waiver of the consent requirement should operate to insulate the accountant from Section 11(a) liability if such SAS No. 24 report is included in a Securities Act filing.

In proposing such a rule the Commission is calling for comment on whether, because of the consent requirement under Section 7 and its interrelationship with Section 11, a finding may be made pursuant to Section 7 that requiring consent is likely to be impracticable or alternatively that it imposes an undue hardship on registrants. If either finding may be made, the Commission also invites comment on whether the public interest in having these types of reports on interim financial data included in other Commission filings outweighs the public interest in having accountants held to potential liability under Section 11(a) of the Securities Act for SAS No. 24 reports included in registration statements.

B. Version "B"

As an alternative formulation, the Commission could adopt, pursuant to its rulemaking authority under Section 19(a) of the Securities Act, a "definitional" rule, defining "report" as one of the "accounting, technical and trade terms used in this title." Version "B" would, in effect, define an SAS No. 24 report not to be a report prepared or certified by an accountant within the meaning of Sections 7 and 11 of the Act. Accordingly, the filing of a consent under Section 7 would be unnecessary, and accountants would not be liable for such reports under Section 11(a).

C. Choice of Rules

The Commission invites public comment on which rule is preferable if either is to be adopted. The Commission notes that, among other considerations, the exemptive rule appears to be more limited in that it applies to circumstances where SAS No. 24 reports are prepared for uses other than inclusion in the registration statement, and not when prepared specifically for use in a registration statement, while the definitional rule would apply in either case.

The Commission invites comments on whether both formulations adequately address the Section 11(a) potential liability problem: Version "A" by dispensing with the required consent, and Version "B" by defining "report" as not including an SAS No. 24 report.

The Commission notes that if either rule is adopted appropriate disclosure would still be required in the prospectus under the caption "Experts" that the accountant's consent was not included and that, accordingly, no civil liability under Section 11(a) of the Act for the accountant should result.

III. Other Considerations

The Commission recognizes that it could elect not to adopt either of the rules being proposed, thus leaving the issue of accountant liability for SAS No. 24 reports for future judicial determination. And, the Commission could preserve the practice, developed in the several filings which have occurred to date, which requires the accountant to consent to the use of the SAS No. 24 report but which allows him to state that it is not clear whether his report has been made on the authority of an expert within the purview of Sections 7 and 11 of the Act. The Commission invites comment as to whether to continue this course of action.

The Commission invites comment on whether, absent adoption of either proposed rule, SAS No. 24 reports will be discouraged or, if issued in such circumstances, whether significantly higher costs to registrants might result in the future due to the potential for use in a Securities Act filing.

The Commission also requests comment on whether accountants' concern over Section 11(a) liability sufficiently outweighs the public interest in having accountants and other professionals on whom investors rely held to potential liability under Section 11(a). Conversely, comment is invited on whether adoption of either rule might help clarify to the investing public the limited nature of the accountant's involvement in reviewing unaudited data and not mislead any investor into confusing audited financial information with unaudited data.

Finally, the Commission notes that adoption of either rule could further accountant involvement throughout the year with interim financial information. Due to the increasing integration of Securities Act registration statements and periodic reporting requirements under the Securities Exchange Act of 1934, comment is invited as to whether such continuous accountant involvement supplements other Commission efforts to provide public investors with a continuing disclosure system.

IV. Authority for Proposed Rules

The exemptive rule (Version "A") providing for a waiver of the written consent required by Section 7 would be promulgated pursuant to Sections 7 and 19(a) of the Securities Act of 1933. Section 7 confers authority on the Commission to dispense with the filing of a consent where an accountant is named as having prepared a report which is used in connection with a registration statement, but who is not named as having prepared such report for use in the registration statement, if the Commission finds such a consent would involve "impracticality or undue hardship on the person filing the registration statement." Section 19(a) grants the Commission authority to "make * * * such rules and regulations as may be necessary to carry out the provisions of this title * * *"

The definitional rule (Version "B") excluding an SAS No. 24 report from the definition of "report" in Sections 7 and 11 of the Securities Act would be promulgated pursuant to Section 19(a) of the Securities Act of 1933 which grants the Commission authority to define "accounting, technical and trade terms used in this title."

V. Request for Comments

All interested persons are invited to submit their views and comments on the foregoing in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C., 20549 on or before November 15, 1979. Such communications should refer to File S7–801 and will be available for public inspection.

VI. Text of Proposed Rules

In consideration of the foregoing, it is proposed to amend 17 CFR Chapter II as follows:

A. Proposed Rule Amendment—Waiver of Consent

Text of the Proposed Amendment

Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by designating the present paragraph as (a) and adding

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Footnotes continued from last page
part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading . . .

paragraphs (b) and (c) to § 230.437 as follows:

§ 230.437 Application to dispense with consent.

(a) * * *

(b) Notwithstanding the provisions of paragraph (a) any such consent may be omitted without application to the Commission in respect of a report on unaudited interim financial information (as defined in paragraph (c) below) prepared for use other than in a registration statement by an independent accountant who has conducted a review of such interim financial information.

(c) The term "report on unaudited interim financial information" shall mean a report which consists of the following: (1) a statement that the review of interim financial information was made in accordance with established professional standards for such reviews; (2) an identification of the interim financial information reviewed; (3) a description of the procedures for a review of interim financial information; (4) a statement that a review of interim financial information is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is an expression of opinion regarding the financial statements taken as a whole and, accordingly, no such opinion is expressed; and (5) a statement about whether the accountant is aware of any material modifications that should be made to the accompanying financial information so that it conforms with generally accepted accounting principles.

B. Proposed Rule Amendment—Definition of "Report"

Text of the Proposed Amendment

Part 230 of Chapter II of the Title 17 of the Code of Federal Regulations is proposed to be amended by adding paragraphs (c) and (d) to § 230.436 as follows:

§ 230.436 Consents required in special cases.

* * * * *

(c) Notwithstanding the provisions of paragraph (b), a report prepared or certified by an expert within the meaning of sections 7 and 11 of the act shall not include a report on unaudited interim financial information (as defined in paragraph (d) below) by an independent accountant who has conducted a review of such interim financial information.

(d) The term "report on unaudited interim financial information" shall mean a report which consists of the following: (1) a statement that the review of interim financial information was made in accordance with established professional standards for such reviews; (2) an identification of the interim financial information reviewed; (3) a description of the procedures for a review of interim financial information; (4) a statement that a review of interim financial information is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is an expression of opinion regarding the financial statements taken as a whole, and, accordingly, no such opinion is expressed; and (5) a statement about whether the accountant is aware of any material modifications that should be made to the accompanying financial information so that it conforms with generally accepted accounting principles.

By the Commission.

George A. Fitzsimmons,

Secretary.

September 20, 1979.

[FR Doc. 79-30157 Filed 9-27-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regs. No. 4]

Federal Old-Age, Survivors' and Disability Insurance Benefits; Wage Credits for Veterans and Members of the Uniformed Services

AGENCY: Social Security Administration, HEW.

ACTION: Proposed rule.

SUMMARY: The Social Security Administration is revising the regulations in Subpart N of 20 CFR Part 404 to make them clearer and easier for the public to use. Generally, Subpart N contains the rules on wage credits for veterans and members of the uniformed services. We provide wage credits under the old-age, survivors', and disability insurance programs to World War II and post-World War II veterans of active military or naval service of the United States, to certain veterans who served in the armed forces of allied countries during World War II, and to members of the uniformed services who served on active duty after 1956. In addition, this subpart contains the rules under which certain deceased World War II veterans are considered (deemed) fully insured. This results in the veterans' survivors having the same benefit rights as if the veterans were actually fully insured when they died.

DATE: Your comments will be considered if we receive them no later than November 27, 1979.

ADDRESSES: Send your written comments to: Social Security Administration, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments we receive in response to this notice will be available for public inspection at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 1169, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Mrs. Vera Schlosser, 4-H-10, West High-rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, 301-594-7332.

SUPPLEMENTARY INFORMATION: We are revising this subpart as part of HEW's "Operation Common Sense," a Department-wide effort to review, simplify, and reduce HEW's rules.

General

The rules explain that we provide noncontributory wage credits to individuals who served in the active military or naval service of the United States during the World War II or post-World War II period. We also provide noncontributory wage credits to certain individuals who served in the active military or naval service of allied countries during World War II. In addition, individuals get wage credits for serving on active duty or active duty for training in the uniformed services of the United States beginning in 1957, when services as members of the uniformed services were first covered for social security purposes on a contributory basis.

Reorganizing Sections

We changed the title of this subpart to more accurately reflect the content and we reorganized the sections so that the sequence is more logical. We added subtitles to highlight important rules and to make them easier to find. We also arranged the rules in outline form for the convenience of the user.

Definitions

We added a new section (§ 404.1302) to define terms that are used in this subpart. We also added definitions to certain sections where they specifically apply.

Wage Credits for World War II Veterans and Veterans of Post-World War II Service

A wage credit is the (deemed) amount of dollars we add for each month or part of a month the veteran was in the active military or naval service of the United States during the World War II or post-World War II period (§ 404.1340). These wage credits are added after an application for monthly benefits or a lump-sum death payment is filed. We use these wage credits when they result in entitlement to a monthly benefit, a higher monthly benefit amount, or a lump-sum death payment. They are also used to establish a period of disability. The wage credits are used instead of the actual amounts earned by the veteran while in the active military or naval service because those earnings were not covered for social security purposes. For purposes of these regulations the "World War II period" is the period September 16, 1940, through July 24, 1947. The "post-World War II period" is the period July 25, 1947 through December 31, 1956.

We discuss in §§ 404.1310–404.1313 who may qualify as a World War II veteran, how we determine whether the 90-day active service requirement for a World War II veteran is met, what we consider to be World War II active military or naval service, and what we do not consider to be World War II active military or naval service. In §§ 404.1320–404.1323 we discuss similar rules that apply to post-World War II veterans.

There are circumstances when wage credits cannot be granted to World War II or post-World War II veterans. The limits on granting wage credits and the exceptions to the limits are described in §§ 404.1342 and 404.1343.

Wage Credits for Members of the Uniformed Services

Individuals also get wage credits for serving on active duty or active duty for training in the uniformed services of the United States beginnning in 1957. We refer to these individuals as members of the uniformed services. We discuss in § 404.1330 who may qualify as a member of a uniformed service.

Services of members of the uniformed services are covered for social security purposes. These individuals get wage credits for each calendar quarter in 1957 through 1977 or for each calendar year beginning in 1978 for active duty or active duty for training in addition to the wages they were paid as a member of a uniformed service. The amount of wage credits they get is based on the wages they are paid for their services. The rules are described in § 404.1341.

We added the rules on members of the uniformed services to this subpart because wage credits for them are in several respects similar to those given World War II veterans and veterans of post-World War II service. There are, however, some differences. For instance, World War II and post-World War II veterans receive wage credits based on the length of active military or naval service, type of separation from active military or naval service, and in some cases whether the veterans are receiving other Federal benefits based on their active military or naval service. However, members of the uniformed services receive wage credits regardless of length of service, type of separation, or receipt of other Federal benefits based on their services as members of the uniformed services.

Deemed Insured Status for World War II Veterans

Section 404.1350 explains that certain deceased World War II veterans are considered (deemed) fully insured. This section also explains how we compute benefits for their survivors. In § 404.1351 we describe when deemed insured status does not apply.

Effect of Other Benefits on Payment of Social Security Benefits and Payments

When social security benefits are based on deemed insured status (§ 404.1350) for a World War II veteran and the veteran's survivor is also eligible for compensation or a pension from the Veterans Administration (VA), this may result in an erroneous social security payment. Similarly, when social security benefits are based on wage credits for a World War II or post-World War II veteran, and the veteran or his or her survivor is eligible for another Federal benefit (other than from the VA), this may result in an erroneous social security payment. Sections 404.1360 and 404.1361 describe how we determine when an erroneous payment is made and §§ 404.1362 and 404.1363 describe how we determine the amount of erroneous payments.

Evidence of Active Service and Membership in a Uniformed Service

Section 404.1370 describes the types of evidence we request when an individual files an application for monthly benefits or a lump-sum death payment based on active military or naval service during the World War II or post-World War II period. Section 404.1371 describes the kinds of evidence we accept to show entitlement to wage credits for membership in a uniformed service during the years 1957 through 1967.

Provisions Deleted or Extensively Modified

1. The terms "World War II veteran" and "veteran of post-World War II service" do not include an individual who died while in the active military or naval service and whose death was inflicted as punishment for a military or naval offense under the laws of the United States or an allied country. We propose to remove this seldom used provision from the regulations, but the rule will be used in any case where it applies.

2. The limits on granting wage credits to World War II and post-World War II veterans do not apply if using them reduces the veteran's primary insurance amount (§ 404.203(a)) by 50 cents or less. We propose to remove this rarely applicable provision from the regulations, but the rule will be used when appropriate.

3. We propose to remove the rules explaining that a parent of a deceased veteran filing for parent's insurance benefits has 2 years from the date of the veteran's death to file evidence of support from the veteran because these rules are contained in Subpart G of Part 404.

4. Individuals who were on active service with the commissioned corps of the United States Public Health Service during the post-World War II period are considered post-World War II veterans regardless of whether they were on detail to a service department. Also, individuals who were on active service in the commissioned corps of the United States Coast and Geodetic Survey during the post-World War II period are considered post-World War II veterans regardless of whether they were on detail to a service department. To avoid confusion, these provisions have been revised to state that individuals who were on active service with the commissioned corps of the United States Public Health Service or the United States Coast and Geodetic Survey during the post-World War II period are considered post-World War II veterans.

(Catalog of Federal Domestic Assistance program Nos. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors' Insurance)

Dated: August 6, 1979

Robert P. Bynum,

Acting Commissioner of Social Security.

Approved: September 24, 1979.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended by revising Subpart N to read as follows:

Subpart N—Wage Credits for Veterans and Members of the Uniformed Services

General

Sec.
404.1301 Introduction.
404.1302 Definitions.

World War II Veterans

404.1310 Who is a World War II veteran.
404.1311 Ninety-day active service requirement for World War II veterans.
404.1312 World War II service included.
404.1313 World War II service excluded.

Post-World War II Veterans

404.1320 Who is a post-world War II veteran.
404.1321 Ninety-day active service requirement for Post-World War II veterans.
404.1322 Post-World War II service included.
404.1323 Post-World War II service excluded.

Separation From Active Service

404.1325 Separation from active service under conditions other than dishonorable.

Members of the Uniformed Service

404.1330 Who is a member of a uniformed service

Amounts of Wage Credits and Limits on Their Use

404.1340 Wage credits for a World War II or post-World War II veteran.
404.1341 Wage credits for a member of a uniformed service.
404.1342 limits on granting World War II and post-World War II wage credits.
404.1343 When the limits on granting World War II and post-World War II wage credits do not apply.

Deemed Insured Status for World War II Veterans

404.1350 Deemed insured status.
404.1351 When deemed insured status does not apply.
404.1352 Benefits and payments based on deemed insured status.

Effect of Other Benefits on Payment of Social Security Benefits and Payments

404.1360 Veterans Administration pension or compensation payable.
Sec.
404.1361 Federal benefit payable other than by Veterans Administration.
404.1362 Treatment of social security benefits or payments where Veterans Administration pension or compensation payable.
404.1363 Treatment of social security benefits or payments where Federal benefit payable other than by Veterans Administration.

Evidence of Active Service and Membership in a Uniformed Service

404.1370 Evidence of active service and separation from active service.
404.1371 Evidence of membership in a uniformed service during the years 1957 through 1967.

Authority: Sec. 205, 210, 217, 229, and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 64 Stat. 494, 64 Stat. 512, as amended, 81 Stat. 833 as amended, 49 Stat. 647 as amended; 42 U.S.C. 405, 410, 417, 429, and 1302

General

§ 404.1301 Introduction.

(a) The Social Security Act (Act), under section 217, privides for noncontributory wage credits to veterans who served in the active military or naval service of the United States from September 16, 1940, through December 31, 1956. These individuals are considered World War II or post-World War II veterans. The Act also provides for noncontributory wage credits to certain individuals who served in the active military or naval service of an allied country during World War II. These individuals are considered World War II veterans. In addition, certain individuals get wage credits, under section 229 of the Act, for service as members of the uniformed services on active duty or active duty for training beginning in 1957 when that service was first covered for social security purposes on a contributory basis. These individuals are considered members of the uniformed services.

(b) World War II or post-World War II veterans receive wage credits based on the length of active military or naval service, type of separation from service and, in some cases, whether the veteran is receiving another Federal benefit. However, a member of a uniformed service receives wage credits regardless of length of service, type of separation, or receipt of another Federal benefit.

(c) The Social Security Administration (SSA) uses these wage credits, along with any covered wages or self-employment income of the veteran or member of a uniformed service, to determine entitlement to, and the amount of, benefits and the lump-sum death payment that may be paid to them, their dependents or survivors under the old-age, survivors', and disability insurance programs. These wage credits can also be used by the veteran or member of the uniformed service to meet the insured status and quarters of coverage requirements for a period of disability.

(d) This subpart tells how veterans or members of the uniformed services obtain wage credits, what evidence of service SSA requires, how SSA uses the wage credits, and how the wage credits are affected by payment of other benefits.

(e) This subpart explains that certain World War II veterans who die are considered (deemed) fully insured. This gives those veterans' survivors the same benefit rights as if the veterans were actually fully insured when they died.

(f) The rules are organized in the following manner:

(1) Sections 404.1310–404.1313 contain the rules on World War II veterans. We discuss who may qualify as a World War II veteran, how we determine whether the 90-day active service requirement for a World War II veteran is met, what we consider to be World War II active military of naval service, and what we do not consider to be World War II active military or naval service.

(2) Sections 404.1320–404.1323 contain the rules on post-World War II veterans. We discuss who may qualify as a post-World War II veteran, how we determine whether the 90-day active service requirement for a post-World War II veteran is met, what we consider to be post-World War II active military or naval service, and what we do not consider to be post-World War II active military or naval service.

(3) In § 404.1325 we discuss what is a "separation under conditions other than dishonorable." The law requires that a World War II or post-World War II veteran's separation from active military or naval service be other than dishonorable for the veteran to get wage credits.

(4) Section 404.1330 contains the rules on members of the uniformed services. We discuss who may qualify as a member of a uniformed service.

(5) In §§ 404.1340–404.1343, we discuss the amount of wage credits for veterans and members of the uniformed services, situations which may limit the use of wage credits for World War II and post-World War II veterans, and situations in which the limits do not apply.

(6) Sections 404.1350–404.1352 contain the rules on deemed insured status for World War II veterans. We discuss when deemed insured status applies, the amount of wage credits used for deemed insured World War II veterans, how the wage credits affect survivors' social

security benefits, and when deemed insured status does not apply.

(7) Sections 404.1360–404.1363 contain the rules on the effect of other benefits on the payment of social security benefits and lump-sum death payments based on wage credits for veterans. We discuss what happens when we learn of a determination that a Veterans Administration pension or compensation is payable or that a Federal benefit is payable before or after we determine entitlement to a monthly benefit or lump-sum death payment based on the death of the veteran.

(8) Sections 404.1370 and 404.1371 contain the rules on what we accept as evidence of a World War II and post-World War II veteran's active military or naval service, including date and type of separation, and what we accept as evidence of entitlement to wage credits for membership in a uniformed service during the years 1957 through 1967.

§ 404.1302 Definitions.

As used in this subpart—

"Act" means the Social Security Act, as amended.

"Active duty" means periods of time an individual is on full-time duty in the active military or naval service after 1956 and includes active duty for training after 1956.

"Active service" means periods of time prior to 1957 an individual was on full-time duty in the active military or naval service. It does not include totaling periods of active duty for training purposes before 1957 which are less than 90 days.

"Allied country" means a country at war on September 16, 1940, with a country with which the United States was at war during the World War II period. Each of the following countries is considered an allied country: Australia, Belgium, Canada, Czechoslovakia, Denmark, France, India, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Union of South Africa, and the United Kingdom.

"Domiciled in the United States" means an individual has a true, fixed, and permanent home in the United States to which the individual intends to return whenever he or she is absent.

"Federal benefit" means a benefit which is payable by another Federal agency (other than the Veterans Administration) or an instrumentality owned entirely by the United States under any law of the United States or under a program or pension system set up by the agency or instrumentality.

"Post-World War II period" means the time period July 25, 1947, through December 31, 1956.

"Reserve component" means Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, National Guard of the United States or Air National Guard of the United States.

"Resided in the United States" means an individual had a place where he or she lived, whether permanently or temporarily, in the United States and was bodily present in that place.

"Survior" means you are a parent, widow, divorced wife, widower, or child of a deceased veteran or member of a uniformed service.

"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"Veteran" means an individual who served in the active military or naval service of the United States and was discharged or released from that service under conditions other than dishonorable. For a more detailed definition of the World War II veteran and a post-World War II veteran, see §§ 404.1310 and 404.1320.

"Wage credit" means a dollar amount we add to the earnings record of a veteran of the World War II or the post-World War II period. It is also a dollar amount we add to the earning record of a member of a uniformed service who was on active duty after 1956. The amount is set out in the Act and is added for each month, calendar quarter, or calendar year of service as required by law.

"We", "us", or "our" means the Social Security Administration.

"World War II period" means the time period September 16, 1940, through July 24, 1947.

"You" or "your" means a veteran, a veteran's survivor or a member of a uniformed service applying for or entitled to a social security benefit or a lump-sum death payment.

World War II Veterans

§ 404.1310 Who is a World War II veteran.

You are a World War II veteran if you were in the active service of the United States during the World War II period and, if no longer in active service, you were separated from that service under conditions other than dishonorable after at least 90 days of active service. The 90-day active service requirement is discussed in § 404.1311.

§ 404.1311 Ninety-day active service requirement for World War II veterans.

(a) The 90 days of active service required for World War II veterans do not have to be consecutive if the 90 days were in the World War II period. The 90-day requirement cannot be met by totaling the periods of active duty for training purposes before 1957 which were less than 90 days.

(b) If, however, all of the 90 days of active service required for World War II veterans were not in the World War II period, the 90 days must (only in those circumstances) be consecutive if the 90 days began before September 16, 1940, and ended on or after that date, or began before July 25, 1947, and ended on or after that date.

(c) The 90 days of active service is not required if the World War II veteran died in service or was separated from service under conditions other than dishonorable because of a disability or injury which began or worsened while performing service duties.

§ 404.1312 World War II service included.

Your service was in the active service of the United States during the World War II period if you were in the—

(a) Army, Navy, Marine Corps, or Coast Guard, or any part of them;

(b) Commission corps of the United States Public Health Service and were—

(1) On active commissioned service during the period beginning September 16, 1940, through July 28, 1945, and the active service was done while on detail to the Army, Navy, Marine Corps, or Coast Guard; or

(2) On active commissioned service during the period beginning July 29, 1945, through July 24, 1947, regardless of whether on detail to the Army, Navy, Marine Corps, or Coast Guard;

(c) Commissioned corps of the United States Coast and Geodetic Survey and were—

(1) During the World War II period—

(i) Transferred to active service with the Army, Navy, Marine Corps, or Coast Guard; or

(ii) Assigned to active service on military projects in areas determined by the Secretary of Defense to be areas of immediate military hazard; or

(2) On active service in the Philippine Islands on December 7, 1941; or

(3) On active service during the period beginning July 29, 1945, through July 24, 1947;

(d) Philippin Scouts and performed active service during the World War II period under the direct supervision of recognized military authority;

(e) Active service of an allied country during the World War II period and—

(1) Had entered into that active service before December 9, 1941;

(2) Were a citizen of the United States throughout that period of active service or lost your United States citizenship solely because of your entrance into that service;

(3) Had resided in the United States for a total of four years during the five-year period ending on the day you entered that active service; and

(4) Were domiciled in the United States on that day; or

(f) Women's Army Auxiliary Corps, during the period May 14, 1942, through September 29, 1943, and performed active service with the Army, Navy, Marine Corps, or Coast Guard after September 29, 1943.

§ 404.1313 World War II service excluded.

Your service was not in the active service of the United States during the World War II period if, for example, you were in the—

(a) Women's Army Auxiliary Corps, except as described in § 404.1312(f);

(b) Coast Guard Auxiliary;

(c) Coast Guard Reserve (Temporary) unless you served on active full-time service with military pay and allowances;

(d) Civil Air Patrol; or

(e) Civilian Auxiliary to the Military Police.

Post-World War II Veterans

§ 404.1320 Who is a post-World War II veteran.

You are a post-World II veteran if you were in the active service of the United States during the post-World War II period and, if no longer in active service, you were separated from the service under conditions other than dishonorable after at least 90 days of active service. The 90-day active service requirement is discussed in § 404.1321.

§ 404.1321 Ninety-day active service requirement for post-World War II veterans.

(a) The 90 days of active service required for post-World War II veterans do not have to be consecutive if the 90 days were in the post-World War II period. The 90-day requirement cannot be met by totaling the periods of active duty for training purposes before 1957 which were less than 90 days.

(b) If, however, all of the 90 days of active service required for post-World War II veterans were not in the post-World War II period, the 90 days must (only in those circumstances) be consecutive if the 90 days began before July 25, 1947, and ended on or after that date, or began before January 1, 1957, and ended on or after that date.

(c) The 90 days of active service is not required if the post-World War II veteran died in service or was separated from service under conditions other than dishonorable because of a disability or injury which began or worsened while performing service duties.

§ 404.1322 Post-World War II service included.

Your service was in the active service of the United States during the post-World War II period if you were in the—

(a) Air Force, Army, Navy, Marine Corps, Coast Guard, or any part of them;

(b) Commissioned corps of the United States Public Health Service and were on active service during that period;

(c) Commissioned corps of the United States Coast and Geodetic Survey and were on active service during that period; or

(d) Philippine Scouts and performed active service during the post-World War II period under the direct supervision of recognized military authority.

§ 404.1323 Post-World War II service excluded.

Your service was not in the active service of the United States during the post-World War II period if, for example, you were in the—

(a) Coast Guard Auxiliary;

(b) Coast Guard Reserve (Temporary) unless you served on active full-time service with military pay and allowances;

(c) Civil Air Patrol; or

(d) Civilian Auxiliary to the Military Police.

Separation From Active Service

§ 404.1325 Separation from active service under conditions other than dishonorable.

Separation from active service under conditions other than dishonorable means any discharge or release from the active service except—

(a) A discharge or release for desertion, absence without leave, or fraudulent entry;

(b) A dishonorable or bad conduct discharge issued by a general court martial of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, or by the active service of an allied country during the World War II period;

(c) A dishonorable discharge issued by the United States Public Health Service or the United States Coast and Geodetic Survey;

(d) A resignation by an officer for the good of the service;

(e) A discharge or release because the individual was a conscientious objector; or

(f) A discharge or release because the individual was convicted by a civil court for treason, sabotage, espionage, murder, rape, arson, burglary, robbery, kidnapping, assault with intent to kill, assault with a deadly weapon, or because of an attempt to commit any of these crimes.

Members of the Uniformed Services

§ 404.1330 Who is a member of a uniformed service.

A member of a uniformed service is an individual who served on active duty after 1956. You are a member of a uniformed service if you—

(a) Are appointed, enlisted, or inducted into—

(1) The Air Force, Army, Navy, Coast Guard, or Marine Corps; or

(2) A reserve component of the uniformed services in paragraph (a)(1) of this section (except the Coast Guard Reserve as a temporary member);

(b) Served in the Army or Air Force under call or conscription;

(c) Are a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessors, the Environmental Science Services Administration and the Coast and Geodetic Survey;

(d) Are a commissioned officer of the Regular or Reserve Corps of the Public Health Service;

(e) Are a retired member of any of the above services;

(f) Are a member of the Fleet Reserve or Fleet Marine Corps Reserve;

(g) Are a cadet at the United States Military Academy, Air Force Academy, or Coast Guard Academy, or a midshipman at the United States Naval Academy; or

(h) Are a member of the Reserve Officers Training Corps of the Army, Navy or Air Force, when ordered to annual training duty for at least 14 days and while performing official travel to and from that duty.

Amounts of Wage Credits and Limits on Their Use

§404.1340 Wage credits for World War II and post-World War II veterans.

In determining your entitlement to, and the amount of, your monthly benefit or lump-sum death payment based on your active service during the World War II period or the post-World War II period, and for establishing a period of disability as discussed in §§ 404.118 and 404.120, we add the (deemed) amount of $160 for each month during a part of which you were in the active service as described in § 404.1312 or § 404.1322. For example, if you were in active service from October 11, 1942, through August 10, 1943, we add the (deemed) amount of $160 for October 1942 and August 1943 as well as November 1942 through July 1943. The amount of wage credits that are added in a calendar year cannot cause the total amount credited to your earnings record to exceed the annual earnings limitation explained in §§ 404.1027(a) and 404.1068(b).

§404.1341 Wage credits for a member of a uniformed service.

(a) *General.* In determining your entitlement to, and the amount of, your monthly benefit or a lump-sum death payment based on your wages while on active duty as a member of a uniformed service after 1956 and for establishing a period of disability as discussed in § 404.118, we add wage credits to the wages paid you as a member of that service. The amount of the wage credits and applicable time periods and the limits on the amount of the wage credits are discussed in paragraphs (b) and (c) of this section.

(b) *Amount of wage credits.* The amount of wage credits added is—

(1) $100 for each $300 in wages paid to you for your service in each calendar year after 1977; and

(2) $300 for each calendar quarter in 1957 through 1977, regardless of the amount of wages actually paid you during that quarter for your service.

(c) *Limits on wage credits.* The amount of the wage credits we add cannot exceed $1,200 for any calendar year. Also, the total of the wage credits added to wages paid you as a member of a uniformed service for that year cannot cause the total amount credited to your earnings record to exceed the annual earnings limitation explained in §§ 404.1027(a) and 404.1068(b).

§ 404.1342 Limits on granting World War II and post-World War II wage credits.

(a) You get wage credits for World War II or post-World War II active service only if the use of the wage credits results in entitlement to a monthly benefit, a higher monthly benefit; or a lump-sum death payment.

(b) You may get wage credits for active service in July 1947 for either the World War II period or the post-World War II period but not for both. If your active service is before and on or after July 25, 1947, we add the $160 wage credit to the period which is most advantageous to you.

(c) You do not get wage credits for the World War II period if another Federal benefit (other than one payable by the Veterans Administration) is determined by a Federal agency or an instrumentality owned entirely by the United States to be payable to you, even though the Federal benefit is not actually paid or is paid and then terminated, based in part on your active service during the World War II period except as explained in § 404.1343.

(d) You do not get wage credits for the post-World War II period if another Federal benefit (other than one payable by the Veterans Administration) is determined by a Federal agency or an instrumentality owned entirely by the United States to be payable to you, even though the Federal benefit is not actually paid or is paid and then terminated, based in part on your active service during the post-World War II period except as explained in § 404.1343.

§ 404.1343 When the limits on granting World War II and post-World War II wage credits do not apply.

The limits on granting wage credits described in § 404.1342(c) and (d) do not apply—

(a) If the wage credits are used solely to meet the insured status and quarters of coverage requirements for a period of disability as described in §§ 404.118 and 404.120;

(b) If you are the widow or child of a veteran of the World War II period or post-World War II period and you are entitled under the Civil Service Retirement Act of 1930 to a survivor's annuity based on the veteran's active service and—

(1) You give up your right to receive the survivor's annuity;

(2) A benefit under the Civil Service Retirement Act of 1930 based on the veteran's active service is not payable to the veteran; and

(3) Another Federal benefit is not payable to the veteran or his or her survivors except as described in paragraph (c) of this section; or

(c) For the years 1951 through 1956, if another Federal benefit is payable by the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or the Public Health Service based on post-World War II active service but only if the veteran was also paid wages as a member of a uniformed service after 1956.

Deemed Insured Status for World War II Veterans

§ 404.1350 Deemed insured status.

(a) *When deemed insured status applies.* If you are the survivor of a World War II veteran, we consider the veteran to have died fully insured as discussed in § 404.113 and we include wage credits in determing your monthly benefit or lump-sum death payment if—

(1) The veteran was separated from active service of the United States before July 27, 1951; and

(2) The veteran died within 3 years after separation from active service and before July 27, 1954.

(b) *Amount of wage credits used for deemed insured World War II veterans.* (1) When we compute a survivor's benefit or lump-sum death payment, we add to the World War II veteran's earnings record an amount of wages equal to at least—

(i) 200 dollars for each calendar year in which the veteran had at least 30 days of active service beginning September 16, 1940, through 1950; and

(ii) An average monthly wage of $160.

(2) If the World War II veteran was fully or currently insured without the wage credits, we add increment years (years after 1936 and prior to 1951 in which the veteran had at least $200 in creditable earnings) to the increment years based on the veteran's wages.

§ 404.1351 When deemed insured status does not apply.

As a survivor of a World War II veteran, you cannot get a monthly benefit or lump-sum death payment based on the veteran's deemed insured status as explained in § 404.1350 if—

(a) Your monthly benefit or lump-sum death payment is larger without using the wage credits;

(b) The Veterans Administration has determined that a pension or compensation is payable to you based on the veteran's death;

(c) The veteran died while in the active service of the United States;

(d) The veteran was first separated from active service after July 26, 1951;

(e) The veteran died after July 26, 1954; or

(f) The veteran's only service during the World War II period was by enlistment in the Philippine Scouts as authorized by the Armed Forces Voluntary Recruitment Act of 1945 (Pub. L. 190 of the 79th Congress).

§ 404.1352 Benefits and payments based on deemed insured status.

(a) *Our determination.* We determine your monthly benefit or lump-sum death payment under the deemed insured status provisions in §§ 404.1350 and 404.1351 regardless of whether the Veterans Administration has determined that any pension or compensation is payable to you.

(b) *Certification for payment.* If we determine that you can be paid a monthly benefit or lump-sum death payment, we certify these benefits for payment. However, the amount of your monthly benefit or lump-sum death payment may be changed if we are informed by the Veterans Administration that a pension or compensation is payable because of the veteran's death as explained in § 404.1360.

(c) *Payments not considered as pension or compensation.* We do not consider as pension or compensation—

(1) National Service Life Insurance payments;

(2) United States Government Life Insurance payments; or

(3) Burial allowance payments made by the Veterans Administration.

Effect of Other Benefits on Payment of Social Security Benefits and Payments

§ 404.1360 Veterans Administration pension or compensation payable.

(a) *Before we determine and certify payment.* If we are informed by the Veterans Administration that a pension or compensation is payable to you before we determine and certify payment of benefits based on deemed insured status, we compute your monthly benefit or lump-sum death payment based on the death of the World War II veteran without using the wage credits discussed in § 404.1350.

(b) *After we determine and certify payment.* If we are informed by the Veterans Administration that a pension or compensation is payable to you after we determine and certify payment of benefits based on deemed insured status, we—

(1) Stop payment of your benefits or recompute the amount of any further benefits that can be paid to you; and

(2) Determine whether you were erroneously paid and the amount of any erroneous payment.

§ 404.1361 Federal benefit payable other than by Veterans Administration.

(a) *Before we determine and certify payment.* If we are informed by another Federal agency or instrumentality of the United States (other than the Veterans Administration) that a Federal benefit is payable to you by that agency or instrumentality based on the veteran's World War II or post-World War II active service before we determine and certify your monthly benefit or lump-sum death payment, we compute your monthly benefit or lump-sum death payment without using the wage credits discussed in § 404.1340.

(b) *After we determine and certify payment.* If we are informed by another Federal agency or instrumentality of the United States (other than the Veterans Administration) that a Federal benefit is payable to you by that agency or instrumentality based on the veteran's World War II or post-World War II active service after we determine and certify payment, we—

(1) Stop payment of your benefits or recompute the amount of any further benefits that can be paid to you; and

(2) Determine whether you were erroneously paid and the amount of any erroneous payment.

§ 404.1362 Treatment of social security benefits or payments where Veterans Administration pension or compensation payable.

(a) *Before we receive notice from the Veterans Administration.* If we certify your monthly benefit or a lump-sum death payment as determined under the deemed insured status provisions in § 404.1350 before we receive notice from the Veterans Administration that a pension or compensation is payable to you, our payments to you are erroneous only to the extent that they exceed the amount of the accrued pension or compensation payable.

(b) *After we receive notice from the Veterans Administration.* If we certify your monthly benefit or lump-sum death payment as determined under the deemed insured status provisions in § 404.1350 after we receive notice from the Veterans Administration that a pension or compensation is payable to you, our payments to you are erroneous whether or not they exceed the amount of the accrued pension or compensation payable.

§ 404.1363 Treatment of social security benefits or payments where Federal benefit payable other than by Veterans Administration.

If we certify your monthly benefit or lump-sum death payment based on World War II or post-World War II wage credits after we receive notice from another Federal agency or instrumentality of the United States (other than the Veterans Administration) that a Federal benefit is payable to you by that agency or instrumentality based on the veteran's World War II or post-World War II active service, our payments to you are erroneous to the extent the payments are based on the World War II or post-World War II wage credits. The payments are erroneous beginning with the first month you are eligible for the Federal benefit.

Evidence of Active Service and Membership in a Uniformed Service

§ 404.1370 Evidence of active service and separation from active service.

(a) *General.* When you file an application for a monthly benefit or lump-sum death payment based on the active service of a World War II or post-World War II veteran, you must submit evidence of—

(1) Your entitlement as required by Subpart H of this part or other evidence that may be expressly required;

(2) The veteran's period in active service of the United States; and

(3) The veteran's type of separation from active service of the United States.

(b) *Evidence we accept.* We accept as proof of a veteran's active service and separation from active service—

(1) An original certificate of discharge, or an original certificate of service, from the appropriate military service, from the United States Public Health Service, or from the United States Coast and Geodetic Survey;

(2) A certified copy of the original certificate of discharge or service made by the State, county, city agency or department in which the original certificate is recorded;

(3) A certification from the appropriate military service, United States Public Health Service, or United States Coast and Geodetic Survey showing the veteran's period of active service and type of separation;

(4) A certification from a local selective services board showing the veteran's period of active service and type of separation; or

(5) Other evidence that proves the veteran's period of active service and type of separation.

§ 404.1371 Evidence of membership in a uniformed service during the years 1957 through 1967.

(a) *General.* When you file an application for a monthly benefit or lump-sum death payment based on the service of a member of a uniformed service during the years 1957 through 1967, you should submit evidence identifying the member's uniformed service and showing the period(s) he or she was on active duty during the period.

(b) *Evidence we accept.* The evidence we sell accept includes any official correspondence showing the member's status as an active service member during the appropriate period, a certification of service by the uniformed service, official earnings earnings statements, copies of the member's Form W–2, and military orders, for the appropriate period.

[FR Doc. 79-30148 Filed 9-27-79; 8:45 am]
BILLING CODE 4110-07-M

[20 CFR Part 404]

Federal Old-Age, Survivors, and Disability Insurance Program; Coverage of Employees of State and Local Governments; Decision To Develop Regulations

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Department of Health, Education, and Welfare plans to expand

and rewrite its current regulations in 20 CFR Part 404, Subpart M, on including employees of State and local governments and interstate instrumentalities in the social security program. The primary purpose of this recodification is to reflect in the regulations SSA's policies on the coverage of these employees; many of these policies have been in effect for many years. In addition, we will rewrite these regulations in clear, common sense language. The existing regulations will be updated to reflect many policies now being followed including: how States and interstate instrumentalities many initiate or terminate an agreement with the Secretary of Health, Education, and Welfare, providing social security coverage for their employees; how States and interstate instrumentalities may appeal decisions affecting these agreements; refunds of contributions; charging of interest; Secretary's review of assessments and claims for credit or refund; and giving notices. As we rewrite this subpart, we will look at the current relevance of each policy. The Department of Health, Education, and Welfare has classified this recodification proposal as policy significant.

FOR FURTHER INFORMATION CONTACT: Armand Esposito, Room 4234, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–7455.

Dated: August 6, 1979.

Approved:

Robert P. Bynum,

Acting Commissioner of Social Security.

[FR Doc. 79–30321 Filed 9–27–79; 8:45 am]

BILLING CODE 4110–07–M

Food and Drug Administration

[21 CFR Part 50]

[Docket No. 78N–0400]

Protection of Human Subjects; Informed Consent

Correction

In FR Doc. 79–24787 appearing on page 47713 in the issue of Tuesday, August 14, 1979, on page 47723, in the 6th line of paragraph (10) of § 50.3, ". . . described of this chapter." should have read ". . . described in this chapter."

On page 47724, paragraph (h) of § 50.3, in the fifth line ". . . maybe either . . ." should have read ". . . may be either . . ." and in the seventh line ". . . benefit of . . ." should have read ". . . benefit or . . .".

BILLING CODE 1505–01–M

[21 CFR Parts 56, 314, and 430]

[Docket No. 77N–0350]

Protection of Human Subjects; Standards for Institutional Review Boards for Clinical Investigations

Correction

In FR Doc. 79–24786 appearing on page 47699 in the issue of Tuesday, August 14, 1979, make the following corrections:

(1) In the center column of page 47702, in the table of contents for part 56, the entry for "56.9 Cooperative clinical investigations" should have been listed in Subpart A after "56.8 . . ." instead of in Subpart B.

(2) In the third column of page 47706, in the second line of paragraph (2) of § 56.90(b), ". . . article is adequate. . ." should have read ". . . article is inadequate . . .".

(3) In the third column of page 47707, the heading for § 56.204 should have read,

"§ 56.204 Notice of an opportunity for a hearing on proposed disqualification."

(4) In the middle column of page 47710, the last line of § 314.110(a)(11), ". . . § 56.26 . . ." should have read ". . . § 56.6 . . .".

(5) On page 47711, in the 9th line of § 430.20, ". . . set for the in Part 56 . . ." should have read ". . . set forth in Part 56 . . .".

BILLING CODE 1505–01–M

FEDERAL MEDIATION AND CONCILIATION SERVICE

[29 CFR Ch. XII]

Semi-Annual Agenda of Regulations Under Review and Development

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Publication of Semi-annual Agenda of Regulations under Review and Development.

SUMMARY: This notice contains the semi-annual list of existing FMCS Regulations presently under review by the Service and the list of proposed Regulations currently under development. The Regulations discussed are those governing Federal Sector, Health Care, and Arbitration under the Insecticide, Fungicide, and Rodenticide Act. The list is published pursuant to Section 2(a) of Executive Order 12044.

FOR FURTHER INFORMATION CONTACT: David Vaughn, Associate General Counsel, or Nancy Broff, Assistant General Counsel, Federal Mediation and Conciliation Service, Washington, D.C., 20427, (202) 653–5305, FTS 653–5305.

SUPPLEMENTARY INFORMATION: This Agenda of Regulations under development or review by Federal Mediation and Conciliation Service is published semi-annually pursuant to Section 2(a) of Executive Order 12044. The initial list of Regulations was contained in paragraph 5 of the report published at 43 FR 54139. This Agenda has been approved by the Director of FMCS.

The following Regulations are under review or development:

1. The development of Regulations governing the role of the Service and the parties in the operation of the Health Care Amendments of 1974 (P.C. 96–360) has been completed. The Regulations were published at 44 FR 42683 and became effective on August 1, 1979. Inquiries regarding the health care regulations may be directed to Nancy Broff, Assistant General Counsel, (202) 653–5305.

2. The review of Regulations governing FMCS Mediation Services in the Federal Sector (29 CFR Part 1425) listed previously is continuing. Revision of the Regulations is necessary in order to comply with Section § 7134 of the Civil Service Reform Act of 1978 and to incorporate changes in FMCS procedures due to the evolving nature of federal sector labor relations. A regulatory analysis is not required for these Regulations.

An Advance Notice of Proposed Rulemaking was published on July 10, 1979 (44 FR 40354) for a 60-day period of public comment. The agency is currently reviewing the comments, and publication in the **Federal Register** of draft regulations is expected in the near future. Inquiries regarding the Federal Sector Regulations may be directed to David Vaughn, Associate General Counsel or Nancy Broff, Assistant General Counsel (202) 653–5305.

3. FMCS is in the process of developing new Regulations as to how FMCS will make appointments of arbitrators for disputes regarding compensation for use or development of data in connection with the registration of pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (Public Law 95–386, September 30, 1978), and as to the procedure and rules that will be applicable to such arbitration proceedings. Development of Regulations is necessary for FMCS to perform its statutory responsibility under FIFRA. A regulatory analysis is not required for these Regulations.

Because of the relatively small roll of FMCS in the FIFRA regulatory scheme and the need to have the system in place quickly, the Service did not issue an Advance Notice of Proposed Rulemaking. The proposed regulations, which were developed after extensive discussions with the Environmental Protection Agency, were published in the Federal Register on July 24, 1979 (44 FR 43292) for a 60-day period of public comment. FMCS expects to publish final Regulations in the near future. Inquiries concerning the FIFRA Regulations may be directed to Nancy Broff, Assistant General Counsel, (202) 653–5305.

4. The Labor-Management Cooperation Act of 1978 (P. L. 95–524) authorizes FMCS to provide assistance, including grants and contracts, for establishment and operation of labor-management committees. Because the legislation was passed after FMCS submitted its FY 1980 budget request, a Budget Amendment is necessary before the Service can provide funding for grants to labor management committees.

If budgetary authority is granted, the Service will need to develop regulations to implement the funding program. The Service is engaged in internal discussions so Advance Notice of Proposed Rulemaking can be drafted promptly if an appropriations bill is passed. Inquiries concerning this program may be directed to David Vaughn, Associate General Counsel, (202) 653–5305.

Wayne L. Horvitz,

Director.

[FR Doc. 79-30222 Filed 9-27-79; 8:45 am]

BILLING CODE 6732-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1600]

Coordination of Federal Equal Employment Opportunity Programs

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: These procedural regulations are proposed pursuant to Executive Order 12067 (Providing for Coordination of Federal Equal Employment Opportunity Programs) and implement the obligations outlined in Sections 1–303 and 1–304 of E. O. 12067 which require that Federal agencies consult and coordinate with EEOC in the development of rules, regulations, policies, procedures or orders dealing with equal employment opportunity. These proposed regulations outline the means by which the consultation and coordination shall occur between the EEOC and Federal agencies and departments which are authorized to enforce Federal law in support of equal employment opportunity.

Executive Order 12067 assigns to EEOC the responsibility to provide leadership and coordination in the government's effort to "maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistency among the operations, functions, and jurisdictions of the Federal departments and agencies."

DATE: Comments on these Regulations must be received on or before November 26, 1979.

FOR FURTHER INFORMATION CONTACT: Francesta E. Farmer, Director, Office of Interagency Coordination, Room 2534, Equal Employment Opportunity Commission, 2401 "E" Street, N.W., Washington, D.C. 20506.

ADDRESS: Comments may be sent to: Francesta E. Farmer, Director, Office of Interagency Coordination, Room 2534, Equal Employment Opportunity Commission, 2401 "E" Street, N.W., Washington, D.C. 20506, (202) 653–5490.

SUPPLEMENTARY INFORMATION: This proposed regulation is the first issuance to agencies under E. O. 12067. The first draft of these procedures was disseminated to affected Federal agencies in December 1978 for comment. Of the approximately 40 responses received about 25 either approved or had no comments A subsequent revision was disseminated to Federal agencies in June 1979. To date, approximately 18 agencies have responded.

These regulations are being issued pursuant to Section 1–303 of E. O. 12067. Their intended effect is to promote uniform standards and consistent enforcement of equal employment opportunity programs on the part of Federal agencies.

These regulations identify the Office of Interagency Coordination (OIC) and assign to OIC the responsibility of managing the review of proposed issuances at the informal and formal stages. These regulations also clarify EEOC's authority to interpret E. O. 12067 and the right of EEOC as well as the affected departments or agencies to confirm to the Executive Office of the President disputes which cannot be resolved through good faith efforts on the part of EEOC and a department or agency.

The following areas are highlighted and specific comment by the public is invited on these areas:

1. The defintion of "significant issuance" distinguishes those documents which must be published from written communications which need not be. Comments are solicited on the criteria for making this determination.

2. Section 9A of the regulations "Notification to EEOC of the Development of Rules" requires that when an initiating agency develops an issuance, it shall provide a *draft* of that issuance and subsequent redrafts to the Director, OIC. Comments are solicited on how to identify at which stage of development a draft should be submitted for review.

3. Earlier drafts of these regulations had required notice to EEOC both when the agency intended to develop an issuance and when an agency had prepared a draft. In this proposal, EEOC has chosen to require notice only when an issuance is prepared. (See Section 9A and Section 9F "Formal Submission in Advance of Publication for Comment").

4. Section 9A contains the requirement that EEOC make the determination that an issuance is exempt as an internal management and administration matter upon receipt from the initiating agency.

These regulations have been reviewed in acordance with Executive Order 12044. It has been determined that they do not require a regulatory analysis under Section 3 of that Order.

Signed at Washington this 24th day of September.

For the Commission.

Eleanor Holmes Norton,

Chair.

Equal Employment Opportunity Commission—Management Directive

EEO–MD——

To the Heads of Federal Agencies

1. Subject: Procedures on Interagency Coordination of EEO Issuances.

2. Purpose: These regulations prescribe the means by which review and consultation shall occur between the Equal Employment Opportunity Commission and other Federal departments and agencies having responsibility for enforcement of Federal statutes, Executive Orders, regulations and policies which require equal employment opportunity without regard to race, color, religion, sex, national origin, age or handicap. Subsequent regulations will expand on standards for the coordination of specific matters referenced or alluded to herein.

3. Supersession: None. These regulations are the first in a series of instructions issued by EEOC pursuant to its authority under Executive Order 12067.

4. Authority: These regulations are prepared pursuant to the Equal Employment Opportuntity Commission's obligation and authority under Section 1–303 and 1–304 of Executive Order 12067 (Providing for Coordination of Federal Equal Employment Opportunity Programs) 43 Federal Register 28967 (July 5, 1978).

5. Policy Intent: These procedures will govern the conduct of such departments and agencies in the development of uniform standards, guidelines and policies for defining discrimination, uniform procedures for investigations and compliance reviews, and uniform recordkeeping and reporting requirements and training programs. These procedures will also facilitate information sharing, and programs to develop appropriate publications and other cooperative programs. This goal is to be achieved with the maximum participation and review on both an informal and formal basis by the relevant Federal agencies and departments and, finally, by the public.

6. Scope: These procedures apply to Federal departments and agencies having EEO program responsibilities or authority other than EEO responsibilities for their own Federal employees. Its provisions do not apply to issuances related to internal management or administration of the department or agency. However, it shall be the responsibility of the EEOC to determine the extent to which a particular issuance is covered by this exemption.

7. Definitions:

"Affected Agency" means any agency as defined below, whose program, policies, procedures, authority or other statutory mandates (including coverage of groups of employers, unions, State and local governments or other organizations mandated by statute or Executive Order) indicate that the agency may have an interest in the proposed issuance.

"Agency Component" means a discreet office, program, division, subdivision, or any group of these offices, programs, divisions or sub-agencies, having policy-making authority and/or statutory responsibility for EEO.

"Consultation" means the exchange of advice and opinions on a subject occurring among the EEOC and affected agencies before formal submission of the issuance.

"Departments" and "Agencies" means those Executive and independent agencies, agency components, regulatory commissions, and advisory bodies having EEO program responsibilities or authority other than EEO responsibilities for their own Federal employees.

"Formal Submission" means the act of formal transmittal of a written, publication-ready document by the issuing agency to the EEOC and other affected agencies for at least 15 working days from date of receipt. The formal submission shall take place before the publication of any issuance as a final document.

"Internal or Administrative Document," pursuant to 1–304, means any document relating to internal EEO programs or any document setting forth administrative procedures for the conduct of programs (e.g., internal reporting requirements, forms, tables of organization, etc.) Internal or administrative documents do not include compliance manuals, training materials or any other internal documents setting forth procedures for the resolution of complaints, standards of review or proof, or any other policies, standards or directives having implications for non-Federal employees.

"Issuance" includes, but is not limited to, any rule, regulation, guideline, order, policy directive, procedural directive, legislative proposal, publication, or data collection or recordkeeping instrument, and also includes agency documents as described above, or revisions of such documents, developed pursuant to court order. "Issuance" does not include orders issued to specific parties as a result of adjudicatory-type processes.

"Order" means Executive order 12067 (Providing for Coordination of Federal Equal Employment Opportunity Programs).

"Publication" means either the publication of an interim document for public comment, or, at the end of the formal submission period as defined above, the printing of an issuance as final in the **Federal Register** as well as in any other Federal or private publication as appropriate.

"Significant Issuance" means any issuance which the public must be afforded an opportunity to comment upon. In determining whether an issuance is significant, the EEOC shall apply the following criteria:

a. The type and number of individuals, businesses, organizations, employers, unions and State and local governments affected;

b. The compliance and reporting requirements likely to be involved;

c. The impact on the identification and elimination of descrimination in employment;

d. The relationship of the proposed issuance to those of other programs and agencies.

8. Responsibilities:

A. The Director of the Office of Interagency Coordination (OIC) is responsible for coordinating the consultation and review process with other agencies on any issuances covered by the Order.

B. All Federal departments and agencies shall advise and offer to consult with the EEOC during the development of any proposed rules, regulations, policies, procedures or orders concerning equal employment opportunity.

9. Policies and Procedures:

A. *Notification to EEOC of Development of Rules:* Whenever an agency of the Federal government (initiating agency) develops a proposed issuance which will require consultation among the affected agencies, a responsible official of that agency or agency component shall initiate consultation by immediately advising the Chair of the EEOC (ATTN: Director, OIC) and indicate the appropriate office or person responsible for development of the issuance. It is suggested that agencies notify the Commission whenever they intend to develop an issuance so that potential duplication, overlap or inconsistency with the proposed issuances of other agencies can be identified before substantial agency time and resources have been expended. However, an early draft, designated at agency discretion, must be forwarded to the Commission prior to the point that the issuance is deemed final and ready for publication. EEOC recognizes that subsequent intra-agency clearance activities may change the policies outlined in the issuance and may add or delete items included in prior drafts. Therefore, during this period of policy development, an initiating agency shall not be bound by the contents of drafts which precede the final draft.

A responsible agency official shall initiate consultation by making a request of or submitting the appropriate documents to the EEOC. Except as provided in Section 9(G) below, in no instance shall there be formal submission to the EEOC or the affected agencies without prior consultation pursuant to Section 1–304 of the Order. The requirement for consultation applies equally and to the same extent whether or not the agency plans to publish the issuance in the **Federal Register** for public comment.

Issuances related to internal management or administration are exempt from the consultation process under the Order. The EEOC will consider any justification offered by an agency in support of an EEOC determination that an issuance would be exempt and shall determine upon receipt the extent to which a particular issuance is covered by the exemption.

B. *Rules Proposed by EEOC:* Whenever the EEOC proposes to develop an issuance, the procedure outlined in these guidelines shall also apply, as set forth in the Section 1–303 of the Order. The EEOC shall advise and consult with other affected agencies whenever it develops an issuance, in the same manner and to the same extent as other agencies are required to do so in Section 9(A) above and in other sections below.

C. *Scope of Consultation Determined:* At the start of consultation, the EEOC shall determine which other agencies would be affected by the proposed issuance, and the initiating agency shall consult with such agencies. However, agencies may consult with any other agencies that they believe would be affected by the issuance. The consultation period shall be determined by the parties. During the consultation period, the EEOC shall seek to resolve any disputes with the initiating agency before publication.

D. *Coordination of Proposed Issuance:*

1. *Procedure for publication of proposed issuance.* If the initiating agency, after consultation with EEOC, proposes to publish the issuance for purposes of receiving comments from the public, it shall confer with EEOC and agree on a mutually agreeable length of time, no less than 15 working days, during which the proposal shall be submitted to all affected Federal departments and agencies pursuant to Section 1–304 of the Order. The period of submission shall be sufficient to allow all affected departments and agencies time in which to properly review the proposal. The initiating agency may proceed to publication of the proposed issuance for comment after 15 working days if the EEOC has not requested an extension of time or otherwise communicated the need for more time to review the proposal.

2. *Procedure for publication of final issuance.* After the period for public comment has closed, the initiating agency shall then incorporate the changes it deems appropriate and forward to EEOC for review, a copy of the document as published, a copy of the document as amended, any staff analysis, and copies of the public comments as received by the agency. The time needed to review these materials shall be agreed on by the EEOC and the initiating agency. After completion of this review, the initiating agency shall formally submit the proposed final issuance to all affected agencies for at least 15 working days prior to publication.

E. *Nondisclosure of Interim Drafts:* In the interest of encouraging full interagency discussion of these matters and expediting the coordination process, the EEOC will not disclose to the public any drafts other than those which are to be published for comment without the permission of the proposing agency. This does not preclude the proposing agency from making such disclosures at its discretion.

F. *Formal Submission in Absence of Consultation:* If an initiating agency has an issuance which was already under development on or before July 1, 1978, when Executive Order 12067 became effective, and on which there has been no consultation, the agency shall *immediately* notify the EEOC of the existence of such proposals and the following procedure shall apply:

(1) EEOC shall confer with the initiating agency and shall determine whether the proposal should be the subject of informal consultation and/or formal submission to other affected Federal departments and agencies pursuant to Section 1–304 of the Order. This does not preclude the right of the agency to consult with any other agency it wishes.

(2) If the EEOC decides that informal consultation and/or formal submission is necessary, it shall confer with the proposing agency and agree on a mutually acceptable length of time for one or both (the informal consultation and/or formal submission).

(3) The period of formal submission shall be sufficient to allow all affected departments and agencies time in which to properly review the proposal. While such period may be longer, in no instance may it be shorter than 15 working days.

G. *Temporary Waiver of Guideline Requirements:* In the event that the proposed issuance is of great length or complexity, the EEOC may, at its discretion, grant a temporary waiver of the requirements contained in Section 9(A). Such waivers may be granted if:

(1) The period of consultation and thorough review required for these documents would be so long as to disrupt normal agency operations; or

(2) The initiating agency is issuing a document to meet an immediate statutory deadline; or

(3) The initiating agency presents other compelling reasons why interim issuance is essential.

In the event of a waiver, the initiating agency shall clearly indicate that the issuance is interim and subject to review. As part of the waiver, the initiating agency shall certify, in writing, that the EEOC reserves the right, after publication, to review the document in light of the objectives of the Order, and may require substantive conforming changes.

H. *Notice of Unresolved Disputes:* Whenever the Commission or a Federal department or agency believes that there exists a dispute between them concerning the promulgation of a final issuance and it is determined that further good faith efforts on the part of the Commission and the department or agency involved would be ineffective in achieving a resolution of the dispute, the agency or department involved shall send written notification to the EEOC of the dispute and the reasons therefor before any steps are taken to refer the dispute to the Executive Office of the President.

Such reference to the Executive Office of the President shall be made not later than 15 working days following receipt of the initiating agency's notice of intent publicly to announce the subsequently disputed issuance and may be made by the Chair of the EEOC or the head of the Federal department or agency. Nevertheless, referral should occur only in extraordinary circumstances after substantial efforts to resolve the dispute in a reasonable time have occurred.

I. *Interpretation of the Order:* Subject to the dispute resolution procedures set forth above and in accordance with the objectives set forth in 1–201 and the procedures in 1–303 of the Order, the EEOC shall interpret the meaning and intent of the order. EEOC also will issue procedural changes under the Order, as appropriate, after advice and consultation with affected agencies as provided for in these procedures.

10. Reporting Requirements: The regulations do not establish reporting requirements other than the required notices of proposed rulemaking and formal and informal review.

[FR Doc. 79–30062 Filed 9–27–79; 8:45 am]

BILLING CODE 6570–06–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining

[30 CFR Parts 722 and 843]

Services of Notices of Violation, Cessation Orders, and Show Cause Orders; Informal Public Hearings

AGENCY: Office of Surface Mining (OSM) U.S. Department of the Interior Washington, D.C. 20240.

ACTION: Notice of Public Hearing and Reopening of the Record on Proposed Rulemaking.

SUMMARY: Notice is being given of a public hearing to be held on proposed amendments to OSM's interim and permanent program regulations published August 20, 1979, 44 FR 48720–48723. The record will be reopened for purposes of including the transcript of the public hearing and subsequent written comments.

DATES: The record will remain open for receipt of additional written comments until October 15, 1979, for the proposed rulemaking. The hearing will be held on October 9, 1979 at 9:30 a.m.

ADDRESSES: Written comments must be mailed to: Office of Surface Mining, U.S. Department of the Interior, P.O. Box 7267, Benjamin Franklin Station, Washington, D.C. 20044. Alternatively, comments may be hand delivered to: Office of Surface Mining, Room 135, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, where all comments will be available for inspection.

The hearing will be held at the Department of the Interior Auditorium, 18th and C Streets, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard Robinson, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343–8061.

SUPPLEMENTARY INFORMATION: In 44 FR 48720–48723, August 20, 1979, OSM published proposed amendments to its interim and permanent regulations concerning service of notices of violation, cessation orders and show cause orders, and informal public hearings. Information regarding the public hearing on the proposed rulemaking was inadvertently omitted.

DATES: The hearing will be held at the Department of the Interior Auditorium, 18th and C Streets, N.W., Washington, D.C. 20240, and will begin at 9:30 a.m. on October 9, 1979. Persons wishing to testify at the public hearing on the proposed rulemaking should contact Richard Robinson (202) 343–8061.

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and facilitate the job of the court reporter. The record will remain open for receipt of additional written comments until October 15, 1979, for the proposed rulemaking.

The public hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard at the end of scheduled speakers. The hearing will end after all people scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Dated: September 21, 1979.

Walter N. Heine,

Director, Office of Surface Mining.

[FR Doc. 79–30221 Filed 9–27–79; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Ch. II]

Improving Government Regulations; Semiannual Agenda

AGENCY: Bureau of Government Financial Operations.

ACTION: Semiannual agenda.

SUMMARY: As required by Executive Order 12044, "Improving Government Regulations," and the Treasury Department directive implementing that Executive Order, the Bureau of Government Financial Operations has prepared and is publishing for public information a listing of its regulatory actions since March 30, 1979. The Bureau announces that it has no significant or nonsignificant new regulations under development. This semiannual agenda lists the status of the regulations that were published on March 30, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. William V. Bour, Jr., at 202–566–8707. For any information about any particular item on the semiannual agenda, contact the individual listed in column headed "knowledgeable official" for that item.

Semiannual Agenda

The semiannual agenda reads as set forth below.

Dated: September 25, 1979.

By direction of the Secretary of the Treasury.

D. A. Pagliai,

Commissioner.

Description	Justification for regulatory action	Regulatory analysis	Legal authority	CFR	Knowledgeable official
Indorsement and payment of checks drawn on the United States.	This proposed regulation will provide instructions for forms of indorsement of Treasury checks. *Status:* Proposed rule published in the FEDERAL REGISTER on September 12, 1979.	No	31 U.S.C. 561–564, 5 U.S.C. 301.	31 CFR Part 240.	Michael D. Serlin, 202–566–2392.
Depositaries and financial agents of the Government.	To assist handicapped persons and qualified disabled veterans employed by contractors with the U.S. by providing affirmative action programs in their behalf. See Sec. 503 of Rehabilitation Act of 1973 and Sec. 503 of Veterans Employment and Readjustment Act of 1972. *Status:* Final rule published in the FEDERAL REGISTER on September 11, 1979.	No	29 U.S.C. 793, 38 U.S.C. 2012, Exec. Order 11701.	31 CFR Part 202.	Charles F. Schwan III, 202–566–8488.

[FR Doc. 79-30134 Filed 9-27-79; 8:45 am]

BILLING CODE 4810-35-M

BOARD FOR INTERNATIONAL BROADCASTING

[32 CFR Part 2600]

Executive Order 12065; Implementing Regulations

AGENCY: Board for International Broadcasting.

ACTION: Proposed rule.

SUMMARY: Section 5–402 of Executive Order 12065, relating to national security information, requires that regulations establishing agency information security policy and guidelines for systematic declassification review shall be published in the **Federal Register.** This notice proposes to adopt a new Part 2600 of 32 CFR, consisting of the regulations set forth below, to implement the policy, program and procedures of the Executive Order as they apply to the Board.

DATES: Written comments may be submitted on or before October 29, 1979.

ADDRESS: All comments should be addressed to: Arthur D. Levin, Budget and Administrative Officer, Board for International Broadcasting, 1030 15th Street, N.W., Suite 430, Washington, D.C. 20005.

It is proposed to add a new Chapter XXVI, Board for International Broadcasting, of 32 CFR to include Part 2600 as follows:

PART 2600—SECURITY INFORMATION REGULATIONS

Sec.

2600.1 Policy.
2600.2 Program.
2600.3 Procedures.

Authority: Executive Order 12065.

§ 2600.1 Policy.

It is the policy of the Board for International Broadcasting (BIB) to act in accordance with Executive Order 12065 in matters relating to national security information.

§ 2600.2 Program.

The Executive Director is designated as the Board for International Broadcasting's official responsible for implementation and oversight of information security programs and procedures. He acts as the recipient of questions, suggestions and complaints regarding all elements of this program, and is solely responsible for changes to it and for ensuring that it is at all times consistent with Executive Order 12065. The Executive Director also serves as the BIB's official contact for requests for declassification of materials submitted under the provisions of Executive Order 12065, regardless of the point of origin of such requests. He is responsible for assuring that requests submitted under the Freedom of Information Act are handled in accordance with that Act and that declassification requests submitted under the provisions of Executive Order 12065 are acted upon within 60 days of receipt.

§ 2600.3 Procedures.

(a) *Mandatory Declassification Review.* (1) All requests for mandatory review shall be handled by the Executive Director or his designee. Under no circumstances shall the Executive Director refuse to confirm the existence or non-existence of a document requested under the Freedom of Information Act or the mandatory

review provisions of Executive Order 12065, unless the fact of its existence or non-existence would itself be classified under Executive Order 12065.

(2) A request for declassification shall be acted upon within 60 days of receipt, providing that the request reasonably describes the information which is the subject of the request for declassification.

(3) In light of the fact that the BIB does not have original classification authority and national security information in its custody has been classified by another Federal agency, the Executive Director shall refer all requests for national security information in its custody to the Federal agency that classified it for review and disposition in accordance with Executive Order 12065 and that agency's regulations and guidelines.

(b) *Handling.* All classified documents shall be delivered to the Executive Director 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 Executive Director or his designee is not available to receive such documents, they shall be turned over to the Budget and Administrative Officer and secured, unopened, in the combination safes located in the file room of the BIB offices until the Executive Director or his designee is available. Under no circumstances shall classified materials that cannot be delivered to the Executive Director or his designee be stored other than in the designated safes.

(c) *Reproduction.* Reproduction of classified material shall take place only in accordance with Executive Order 12065, Section 4–4, 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 and distribution of copies shall be maintained, where required by the Executive Order, by the Budget and Administrative Officer, and the log shall be stored with the original documents. These measures shall not restrict reproduction for the purposes of mandatory review.

(d) *Storage.* All classified documents shall be stored in the combination safes located in the file room of the BIB offices.

The combination shall be changed as required by Information Security Oversight Office (ISOO) Directive No. 1, Section IV–F–5–a. The combination shall be known only to the Executive Director and his designees each of whom must have the appropriate security clearance.

(e) *Employee Education.* All employees who have been granted a security clearance and who have occasion to handle classified materials shall be advised of handling, reproduction and storage procedures and shall be required to review Executive Order 12065 and appropriate ISOO directives. This shall be accomplished by a memorandum to all affected employees at the time these procedures are implemented. New employees will be instructed in procedures as they enter employment with the BIB.

(f) *Agency Terminology.* the use of the terms "Top Secret", "Secret" and "Confidential" shall be limited to materials classified for national security purposes.

Dated: September 21, 1979.

John A. Gronouski,

Chairman.

[FR Doc. 79-30253 Filed 9-27-79; 8:45 am]

BILLING CODE 6155-01-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

[41 CFR Parts 51-3 and 51-4]

Workshop Certification

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed rule.

SUMMARY: The Committee proposes to amend its regulations regarding the submission and processing of initial and annual certifications by workshops and central nonprofit agencies. The changes have been occasioned by the revision of the Committee's Forms 401 through 404 which are used for reporting by workshops of certain data required by the Committee under the Act. The changes are the result of a review by the Committee of the reports it requires from workshops in order to reduce the amount of information provided by workshops and the amount of records workshops must maintain.

DATES: Comments must be received on or before November 30, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: Currently, Committee regulations require central nonprofit agencies to submit to the Committee a comprehensive annual report for each fiscal year concerning the operations of its workshops under the Act, including significant accomplishments and developments, and such other details as the central nonprofit agencies consider appropriate or the Committee may request. That provision has resulted in a substantial amount of data being required from the workshops for submission to the Committee. The Committee has determined that much of the information submitted is not required on a recurring basis and has reduced the amount of operational data to be reported annually to about one-third that previously required. The Committee has also revised the annual certificates which workshops are required to submit, Committee Form 403 and 404, to reflect on the reverse side the minimum operational data the Committee needs to fulfill its responsibilities under the Act. Therefore, the requirement for the submission of a separate annual report has been eliminated.

The proposed new paragraph 51–3.2(j) addresses the responsibilities of the central nonprofit agencies for processing initial certificates. In the past, this subject was not covered in Part 51–3 although it has been one of the responsibilities assigned to the central nonprofit agencies by the Committee.

A new section 51–3.6 "Report to Central Nonprofit Agencies", is proposed which will authorized the central nonprofit agencies to obtain any information, in addition to that required by the Committee, which they determine is necessary for their own management purposes. However, such information must be requested separately from the Committee's annual certification.

In paragraph 51–4.2(a)(3) it is proposed to streamline the procedure for the Committee's notifying workshops of the verification of their nonprofit status. In paragraph 51–4.3(a)(7) the recordkeeping requirements with regard to the initial and annual evaluations would be reduced.

There are a number of other minor changes such as those which clarify the requirements for submitting initial and annual certifications.

It is proposed to amend 41 CFR 51, as follows:

PART 51–3 CENTRAL NONPROFIT AGENCIES

1. In § 51–3.2 revise paragraphs (j) and (k) to read as follows:

§ 51–3.2 Responsibilities.

* * * * *

(j) At the time the central nonprofit agency recommends to the Committee

the addition of a commodity or service to the Procurement List, it shall submit a completed, original copy of the appropriate Initial Certification (Committee Form 401 or 402) for the workshop concerned. This requirement does not apply to a workshop that is already authorized to produce a commodity or provide a service under the Act.

(k) Review and forward to the Committee by December 15 of each year a completed, original copy of the appropriate Annual Certification (Committee Form 403 or 404) for each of its participating workshops covering the fiscal year ending the preceding September 30.

2. Add a new § 51–3.6 to read as follows:

§ 51–3.6 Reports to central nonprofit agencies.

Any information, other than that contained in the Annual Certification required by paragraph 51–4.3(a)(4), which a central nonprofit agency requires its workshops to submit on an annual basis shall be requested separately from the Annual Certification. Any such request shall not indicate that the information is requested by the Committee. The central nonprofit agency shall, prior to distribution, provide to the Committee a copy of each form which it plans to use to obtain such information from its workshops and, when requested, shall make available to the Committee the results of the information so obtained.

PART 51–4 WORKSHOPS

3. In § 51–4.2 redesignate paragraphs (a)(3), (b), and (c) as paragraphs (b), (c), and (d) respectively and revise to read as follows:

51–4.2 Procedures for qualification.

* * * * *

(b) The Committee shall review the documents submitted and, if they are acceptable notify the workshop by letter, with a copy to its central nonprofit agency, that the Committee has verified its nonprofit status under the Act.

(c) Submit two completed copies of the appropriate Initial Certification (Committee Form 401 or 402) to its central nonprofit agency, when the addition of a commodity or service is recommended to the Committee for provision by the workshop. This requirement does not apply if a workshop is already authorized to produce a commodity or provide a service under the Act.

(d) To maintain its qualification under the Act, each workshop authorized to produce a commodity or provide a service under the Act must continue to meet the requirements for a "workshop for the blind" or "workshop for the other severely handicapped" as defined in paragraph 51–1.2(h) or (i), respectively. Additionally, each such workshop shall complete and submit the appropriate Annual Certification (Committee Form 403 or 404) as required by paragraph 51–4.3(a)(4).

4. In § 51–4.3 revise paragraphs (a)(4), (a)(7) and (a)(8) to read as follows:

§ 51–4.3 Responsibilities.

Each workshop participating under the Act shall:

* * * * *

(4) Submit to its central nonprofit agency by November 15, two completed copies of the appropriate Annual Certification covering the fiscal year ending the preceding September 30.

* * * * *

(7) Maintain a file on each blind and other severely handicapped individual which includes reports on the individual's capability for normal competitive employment, prepared at least annually by a person or persons qualified by training and experience to evaluate the work potential, interests, aptitudes and abilities of handicapped persons. The file on individuals who have been in the workshop for less than two years shall contain the report of the initial or preadmission evaluation and, where appropriate, the next annual reevaluation. The file on individuals who have been in the workshop for two or more years shall, as a minimum, contain reports of the two most recent annual reevaluations.

(8) Maintain an ongoing placement program with staff assigned responsibility for evaluation and placement to include liaison with appropriate community services such as the State employment service, employer groups, and others; and list with one or more of these services those individuals whose most recent evaluations show them to be capable of normal competitive employment.

* * * * *

C. W. Fletcher,

Executive Director.

[FR Doc. 79–30193 Filed 9–27–79; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 126]

Health Education Assistance Loan Program

AGENCY: Office of Education, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Commissioner of Education proposes to develop a Notice of Proposed Rule Making to implement certain provisions of the Health Professions Education Assistance Act of 1976. The regulation will govern provisions not previously implemented in the Health Education Assistance Loan (HEAL) Program. Additionally, the regulation will make changes based on public comments received on 45 CFR Part 126, Interim Final Regulation, effective September 15, 1978. The HEAL Program provides Federally insured loans to graduate students in health professions schools.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Laverentz, ROB–3, Room 3674, 400 Maryland Avenue, S.W., Washington, D.C. 20202, telephone (202) 245–2201.

(Catalog of Federal Domestic Assistance No. 13.574 Health Education Assistance Loan Program)

Dated: August 2, 1979.

Mary F. Berry,

Acting U.S. Commissioner of Education.

[FR Doc. 79–30320 Filed 9–27–79; 8:45 am]

BILLING CODE 4110–02–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

[48 CFR Parts 10 and 11]

Draft Federal Acquisition Regulation; Availability

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.[1]

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment segments of the draft Federal Acquisition Regulation

[1] Draft regulation field as part of the original document.

(FAR) regarding (1) specifications, standards, and other product descriptions and (2) the acquisition and distribution of commercial products. Availability of additional segments for comment will be announced at other times. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before December 5, 1979.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William J. Maraist, Deputy Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, NW, Room 9025, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Strat Valakis (202) 305-3300.

SUPPLEMENTARY INFORMATION: The fundamental purpose of the FAR is to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear, and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following draft Federal Acquisition Regulation parts are available upon request for public and Government agency review and comment.

PART 10—SPECIFICATIONS, STANDARDS, AND OTHER PRODUCT DESCRIPTIONS

The government acquires and uses hundreds of thousands of different products annually. To help effectively acquire and manage this large number of items, a central system of uniform product descriptions has been developed. This system is generally referred to as the government's specification program. The policies, procedures, and definitions used in administering the specification program are set forth in this part.

PART 11—THE ACQUISITION AND DISTRIBUTION OF COMMERCIAL PRODUCTS

This part prescribes policies, procedures, and definitions for acquiring and distributing commercial products. It requires agencies to purchase commercial products and use commercial distribution systems whenever such products or distribution systems adequately satisfy the Government's needs.

Background

To aid in reviewing Parts 10 and 11, the following background material is provided.

Part 10

The Commission on Government Procurement in its 1972 report recommended that, "development of new Federal specifications for commercial-type products be limited to those that can be specifically justified including the use of total cost-benefit criteria. All commercial product-type specifications should be reevaluated every five years. Purchase descriptions should be used when Federal specifications are not available."

In order to implement the Commission's recommendation a government-wide management system has been developed covering the preparation and issuance of specifications, standards, and other product descriptions used in the procurement process. This part describes that system. It includes policies and procedures relating to the use of all forms of product descriptions. It provides for a new series of descriptions—commercial item descriptions, and it provides definite guidelines relating to the establishment of need and justification criteria.

The policies included in the management system maximize the use of functional and performance-type descriptions. They eliminate unnecessary Federal specifications and standards, and emphasize reliance on commercial packaging, packing, and marking. Reference materials are limited by the system to those which are essential and efficient, and the complexity of purchase descriptions are generally reduced commensurate with the legitimate and essential needs of Federal agencies.

Policies contained in the part that are not presently covered by the FPR and DAR are:

(1) The establishment of a preference for the use of voluntary standards to communicate the Government's needs and for the use of commercial item descriptions to acquire commercial products when voluntary standards cannot be used.

(2) The establishment of a preference for the use of functional specifications when voluntary standards and commercial item descriptions are not appropriate.

(3) The elimination of brand-name-or-equal descriptions which become unnecessary with the use of functional specifications and commercial item descriptions; and

(4) The requirement that agencies establish a system of user feedback on centrally managed product descriptions, the products acquired under the product descriptions, and the associated logistics system.

Part 11

The December 1972 report of the Commission on Government Procurement recommended that the Office of Federal Procurement Policy be responsible for policies to, "achieve greater economy in the procurement, storage, and distribution of commercial products used by Federal agencies." This part implements that recommendation and addresses the Acquisition and Distribution of Commercial Products (ADCoP) policy first promulgated by the Office of Federal Procurement Policy in May 1976.

This Part is intended to permit agencies to take advantage of the efficiencies of the commercial market place and to prevent the development of duplicative and overlapping Government systems for the procurement and supply of common commercial products. Specific objectives of the part are to (1) reduce acquisition lead time; (2) ensure the acquisition of products that meet users' needs; (3) increase competition for Government contracts; (4) strengthen the commercial industrial base; (5) reduce unnecessary Government investments in inventories and accompanying storage, handling, and distribution costs; and (6) take advantage of commercial quality assurance, warranties, and installation, maintenance, and repair services.

There is no present FPR or DAR coverage of the policies contained in this part. Specifically, the FPR and DAR do not require agencies to conduct market research and analysis prior to selecting an acquisition strategy for a commercial product. Similarly, the FPR and DAR do not require the use of acceptable commercial products and commercial distribution systems. Market research and analysis, the use of commercial products, and reliance on commercial distribution systems are covered by this part.

Dated: September 25, 1979.

LeRoy J. Haugh,

Associate Administrator for Regulations and Procedures.

[FR Doc. 79-30262 Filed 9-27-79; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 651]

Mid-Atlantic Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Public hearings on amendments to the Fishery Management Plans for Atlantic Squid and Atlantic Mackerel.

SUMMARY: The Mid-Atlantic Fishery Management Council announces public hearings for consideration of proposed amendments to the Fishery Management Plans for Atlantic Squid and Atlantic Mackerel.

DATES: The hearings will be held on the following dates and at the following places:

October 15, 1979—Dutch Inn, Great Island Road, Narragansett (Galilee), RI 02882.
October 16, 1979—Sheraton Inn, 291 Jones Road, Falmouth, MA 02540.
October 17, 1979—Gloucester City Hall, Dale Avenue, Gloucester, MA 01930.
October 18, 1979—Holiday Inn Downtown, 88 Spring Street, Portland, Maine 04111.
October 18, 1979—Asbury Avenue Pavillion, South Asbury and Ocean Avenue, Asbury Park, NJ 07712.
October 19, 1979—Golden Eagle, Philadelphia Avenue on the Beach, Cape May, NJ 08204.
October 22, 1979—Holiday Inn, Route 25, Riverhead, NY 11901.
October 22, 1979—Sheraton Foundainbleau Inn, 10100 Ocean Highway, Ocean City, MD 21842.
October 23, 1979—Quality Inn Lake Wright, 6280 Northampton Blvd., Norfolk, VA 23502.

All of the above hearings will start promptly at 7:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674–2331.

SUPPLEMENTAL INFORMATION:

Proposed Amendment to the Fishery Management Plan for Atlantic Squid

The Fishery Management Plan for Atlantic Squid (squid plan) was approved by the Assistant Administrator for Fisheries, NOAA, on June 6, 1979, and published on July 26, 1979 (44 FR 37252). The squid plan contains management measures for squid fishing in the fishery conservation zone off the Atlantic coast during the 1979–80 fishing year (April 1, 1979-March 31, 1980).

The Mid-Atlantic Fishery Management Council (Council) proposes to amend the squid plan to extend it beyond March 31, 1980. The Council has considered alternative management measures as follows:

1. Take no action. In that event the National Marine Fisheries Service would be required to prepare a preliminary fishery management plan to govern foreign fishing.
2. Continue the present squid plan for the 1980–81 fishing year with no other changes.
3. Continue the present squid plan without time limits with no other changes.
4. Provide a reserve for *Illex* and *Loligo*. A reserve is a portion of the optimum yield (of each of the two squid genera under the squid plan) that would be initially unallocated to a specific user group. The amount of squid in reserve would be distributed during the fishing year to the domestic and foreign fishermen depending on performance of the U.S. harvesting sector and assessments of the stocks of squid.
5. Increase optimum yields.
6. Reduce optimum yields.
7. Combine the squid plan and the Council's proposed Fishery Management Plan for Butterfish.
8. Modify the objectives of the squid plan.

The Council proposes to: Extend the squid plan for two years, Provide for reserves, Modify the objectives of the plan, and Combine the squid plan with the butterfish plan as soon as the Secretary of Commerce approves the butterfish plan.

Proposed Amendment to the Fishery Management Plan for Atlantic Mackerel

The Fishery Management Plan for Atlantic Mackerel (mackerel plan) was approved by the Assistant Administrator for Fisheries, NOAA, on July 3, 1979, and published on September 13, 1979 (44 FR 53191). The mackerel plan contains management measures for mackerel fishing in the fishery conservation zone off the Atlantic coast during the 1979–80 fishing year (April 1, 1979-March 31, 1980).

The Council proposes to amend the mackerel plan to extend it beyond March 31, 1980. The Council has considered alternative management measures as follows:

1. Take no action. In that event the National Marine Fisheries Service would be required to prepare a preliminary fishery management plan to govern foreign fishing.
2. Continue the present mackerel plan for the 1980–81 fishing year with no other changes.
3. Continue the present mackerel plan without time limits.
4. Continue the mackerel plan with changes to optimum yield and quotas and provision for a reserve.
5. Revise Objective 4, "Achieve efficient allocation of capital and labor in the mackerel fishery." The Counicl's intent is more clearly stated as "Achieve efficiency in harvesting and use."

The Council proposes to extend the mackerel plan for one year (to March 31, 1981), increase the optimum yield, modify quotas, provide a reserve, and revise Objective 4.

Written comments should be sent to the contact person identified above by November 5, 1979, to receive full consideration in the process of amending the squid and mackerel plans. The hearings will be tape recorded and the tapes filed as an official formal transcript of proceedings. Summary minutes will be prepared on each hearing.

Dated September 24, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-30232 Filed 9-27-79; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 44, No. 190
Friday, September 28, 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

Agricultural Marketing Service

Farmers Livestock Auction Sales, Inc., et al.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.),* no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., Name, and Location of Stockyard; Date of Posting

MI—101 Farmers Livestock Auction Sales, Inc., Bad Axe, Michigan, May 18, 1979.
MI—109 Charlotte Livestock Commission, Inc., Charlotte, Michigan, May 13, 1979.
MI—114 Detroit Stock Yards, Detroit, Michigan, November 1, 1979.
MI—115 Dundee Livestock, Dundee, Michigan, April 22, 1959.
MI—122 Michigan Agricultural Cooperative Marketing Assn., Lake City, Michigan, June 15, 1971.
MI—124 Lapeer Stockyards, Lapeer, Michigan, April 25, 1959.
MI—132 Cloverland Livestock Auction, Inc., Rudyard, Michigan, May 9, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register.** This notice shall become effective on September 28, 1979.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.).*

Done at Washington, D.C., this 20th day of September, 1979.

Edward L. Thompson,

Chief, Registrations, Bonds and Reports Branch, Livestock Marketing Division.

[FR Doc. 79-30149 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

Meat Import Limitations; Fourth Quarterly Estimate

Public Law 88–482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, and frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by Section 2(a) of the Act.

In accordance with the requirements of the Act, the following fourth quarterly estimates for 1979 are published.

1. The estimated aggregate quantity of such articles prescribed by Section 2(a) of the Act during the calendar year 1979 is 1,131.6 million pounds.

2. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1979 is 1,570.0 million pounds.

This estimate is based upon a voluntary restraint program which has been negotiated by the Department of State with major supplying countries. Were it not for the restraint program, the estimate of imports in 1979 subject to the Act would have been higher. Since the estimated quantity of imports continues to exceed 110 percent of the estimated quantity prescribed by Section 2(a) of the Act, limitations for the calendar year 1979 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), are required unless suspended by the President pursuant to Section 2(d) of the Act. Such limitations were imposed by Proclamation 4642 of February 26, 1979, but were simultaneously suspended.

Done at Washington, D.C. this 24th day of September 1979.

Bob Bergland,

Secretary.

[FR Doc. 79-30069 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-01-M

Section 22 Import Fees; Determination of Quarterly Import Fees On Sugar

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. This notice announces those determinations for the fourth calendar quarter of 1979.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250 (202–447–6723).

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4631, dated December 28, 1978. Headnote 4 of Part 3 of the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding the applicable duty and 0.90 cents per pound to cover attributed costs for freight, insurance, stevedoring, financing, weighing and sampling, is less that 15.0 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar

quarter, adjusted to a United States delivered basis, plus the fee then in effect: (1) Exceeds 16.0 cents, the fee then in effect shall be decreased by one cent; or (2) Is less than 14.0 cents, the fee then in effect shall be increased by one cent. The fee, in any event, may not be greater than 50 per centum of the average of such daily spot price quotations. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .52 cents per pound.

The average of the daily spot (world) price quotations for raw sugar for the applicable twenty day period prior to the fourth calendar quarter of 1979 has been calculated to be 9.53 cents per pound. This results in a fee of 1.76 cents per pound for item 956.15 [15.0 cents—(9.53 cents average spot price + 2.81 cents duty + .90 cents attributed costs) = 1.76 cents]. Accordingly, the fee for items 956.05 and 957.15 for the fourth calendar quarter of 1979 is 2.28 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce the amount of the quarterly fees no later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary is also required to certify the amounts of such fees to the Secretary of the Treasury and file notice thereof with the Federal Register prior to the beginning of the calendar quarter during which the fees shall be applicable. This notice is therefore being issued in order to comply with the requirements of Headnote 4(c).

Notice

Notice is hereby given that, in accordance with the requirements of Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the fourth calendar quarter of 1979 shall be as follows:

Item and Fee

956.05—2.28 cents per lb.
956.15—1.76 cents per lb.
957.15—2.28 cents per lb.

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iii) of Headnote 4.

Signed at Washington, D.C. on September 20, 1979.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 79-30231 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-10-M

Rural Electrification Administration

United Power Association; Elk River, Minn.; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 STAT. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $24,632,000 to United Power Association of Elk River, Minnesota. These loan funds will be used to finance a construction program consisting of approximately 30 miles of 115 kV transmission line, conversion of 4.3 miles of 69 kV to 115 kV and a 69/24.9 kV substation to 115/24.9 kV; and acquisition of a 67 mile portion of a 500 kV transmission line.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Philip O. Martin, Manager, United Power Association, Elk River, Minnesota 55330.

In order to be considered, proposals must be submitted on or before October 29, 1979 to Mr. Martin. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as United Power Association and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 20th day of September 1979.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 79-29952 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-15-M

Science and Education Administration

Joint Council on Food and Agricultural Sciences

According to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: Joint Council on Food and Agricultural Sciences.
Date: October 10-12, 1979.
Time and Place: 1:00-5:00 p.m., October 10; 8:30 a.m.-5:00 p.m., October 11; 8:30 a.m.-Noon, October 12. Holiday Inn—Capitol Beltway Motel, 10000 Baltimore Avenue, College Park, Md.
Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.
Comments: The public may file written comments before or after the meeting with the contact person below.
Purpose: Review progress in the establishment of the organizational structure for planning and coordination; discuss plans and preparations for the Joint Council Annual Report for 1979; assess status of progress of work of Joint Council study panels; and conduct a session on planning and supporting research, extension, and higher education in the food and agricultural sciences.
Contact person: Dr. J. C. Torio, Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C. this 24th day of September 1979.

James Nielsen,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 79-30135 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-03-M

Joint Council on Food and Agricultural Sciences Executive Committee

According to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: Executive Committee of the Joint Council on Food and Agricultural Sciences.
Date: October 10, 1979.
Time and Place: 9:30 a.m.-Noon, Holiday Inn—Capitol Beltway Motel. 10,000 Baltimore Avenue, College Park, Maryland.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: Review the status of putting into place the organizational structure for planning and coordination; prepare for the October 10–12, 1979 meeting of the Joint Council; and review progress on the preparation of the Joint Council annual report for 1979.

Contact Person: Dr. J. C. Torio, Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Department of Agriculture, Room 351–A, Administration Building, Washington, D.C. 20250, telephone (202) 447–6651.

Done at Washington, D.C., this 24th day of September, 1979.

James Nielson,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 79–30136 Filed 9–27–79; 8:45 am]

BILLING CODE 3410–03–M

CIVIL AERONAUTICS BOARD

[Docket 34136]

Chicago/Texas/Southeast-Western Mexico Route Proceeding; Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Richard J. Murphy to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 79–30203 Filed 9–27–79; 8:45 am]

BILLING CODE 6320–01–M

[Docket Nos. 34582, 32711, and 33019]

Southwest Airlines Automatic Market Entry Investigation; Dallas/Fort Worth-Florida Service Investigation (Part II); Chicago-Midway Expanded Service Proceeding; Hearing

Notice is hereby given, pursuant to the provisions o the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled proceedings will be held on October 9, 1979, at 10:00 a.m. (local time), in Room 1003, Hearing Room A, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details of these cases, interested persons are referred to Civil Aeronautics Board Order 79–9–78 adopted September 14, 1979, reopening and remanding certain issues in these proceedings to an administrative law judge and other documents which are in the dockets of these proceedings on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 24, 1979.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 79–30206 Filed 9–27–79; 8:45 am]

BILLING CODE 6320–01–M

[Docket 36419]

Texas-Alberta-Alaska Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 30, 1979, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administative Law Judge Ronnie A. Yoder.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the judge of (1) proposed statements of issues; (2) porposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of International Aviation will circulate its material on or before October 5, 1979, and the other parties on or before October 19, 1979. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., September 24, 1979.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 79–30205 Filed 9–27–79; 8:45 am]

BILLING CODE 6320–01–M

[Order 79–9–147; Docket 36683]

Investigation of Compliance With the Board's Consumer Protection Rules for Charters; Order Instituting Informal Nonpublic Investigation Pursuant to Part 305 of the Board's Procedural Regulations

Issued under delegated authority September 25, 1979.

Since our concern that consumers be afforded the protections contained in the Board's charter regulations is of primary importance, there is a continuing need for the Board to monitor the activities of persons involved in the sale and operation of public charters. SPR–156, which was adopted on March 2, 1979, provides several new benefits for charter participants: refunds when charter packages are cancelled or major changes occur, disclosure requirements for charter advertising, and specific requirements for contracts between charter operators and participants. Additionally, the Board has recently authorized air taxis and direct air carriers to market public charters, subject to similar consumer protection rules. (SPR–164 and SPR–166, adopted August 20 and 23, 1979). We are therefore planning to conduct an informal nonpublic investigation in this docket under the procedures established in Part 305 of the Board's regulations, 14 CFR 305, to determine whether tour operators, air carriers and others are complying with the consumer protection regulations governing charters, including these new provisions.

Petitions for review of this order may be filed by any person who discloses a substantial interest which would be adversely affected by it within the meaning of § 385.50 of the regulations. Such petitions shall conform to the requirements of § 385.51 of the regulations and shall be filed within ten days of service of this order or within ten days of receipt of any subpoena issued pursuant to § 305.7(a) of the regulations, whichever shall be earlier.

In view of the importance of the matters described herein, both with respect to the Board's ongoing regulatory requirements and the public's confidence in the soundness and integrity of its air transportation system, immediate action is required. Since our institution of this investigation is consistent with prior Board precedent and policy, petitions for review shall not of themselves stay the effectiveness of this order, the conduct of our investigation, or the validity or effectiveness of any subpoena issued thereunder.

Accordingly, 1. Under the authority of sections 202, 204, 411, 415, 1001, 1002, 1004 and 1007 of the Act and pursuant to the authority delegated to the Director, Bureau of Consumer Protection, by § 385.22 of the Board's regulations, we institute an informal nonpublic investigation under 14 CFR 305 to determine:

a. whether, with respect to charters operated or to be operated pursuant to the Board's Special Regulations, including Part 380, tour organizers, charter operators, ticket agents, air carriers, or other persons have failed to comply with the refunding, promotion and advertising, participant contracts, financial protection, or other requirements; have submitted false or

incomplete records, documents, or reports to the Board; or have advertised, solicited, or operated charters prior to the time authorization to so act was secured from the Board; and

b. if so, what remedial action, if any, should be taken.

2. We designate Charles L. Reischel, Howard M. Schmeltzer, and Edward H. Bonekemper, III, as Investigation Attorneys to conduct this investigation.

3. This order shall be stayed only by the express direction of the Board.

This order shall be published in the Federal Register.

Reuben B. Robertson,

Director, Bureau of Consumer Protection.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-30204 Filed 9-27-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Economic Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Census Advisory Committee of the American Economic Association will convene on October 19, 1979, at 9:15 a.m. in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Economic Association advises the Director, Bureau of the Census, on technical matters, accuracy levels, and conceptual problems concerning the economic censuses; reviews major aspects of the Bureau's programs, and advises on the role of analysis within the Bureau and the need for providing data in more detail.

The Committee is composed of 15 members of the American Economic Association.

The agenda for the meeting, which is scheduled to adjourn at 3:45 p.m., is: 1) Introductory remarks by the Director, Bureau of the Census, including staff changes, major budget program developments, and other topics of current interest; 2) election of chairperson-elect; 3) status of adjustment of 1980 census count; 4) redesign of Current Population Survey; 5) report on the American Statistical Association/National Science Foundation/Census Bureau Research Fellowship Program; 6) supplement to the Origin of Exports Survey; 7) status of the Study of Minority-Owned Manufacturing Firms; 8) mid-decade census; and 9) date and plans for the next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Elmer Biles, Senior Economic Advisor, Bureau of the Census, Room 3061, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-7184.

Dated: September 25, 1979.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 79-30314 Filed 9-27-79; 8:45 am]

BILLING CODE 3510-07-M

Economic Development Administration

Petitions by Producing Firms For Determinations of Eligibility to Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from nineteen firms: (1) Neatfit Knitting Mill, Inc., 1920 East 20th Street, Los Angeles, California 90058, a producer of knitted outerwear (accepted September 13, 1979); (2) Dakota Industries, Inc., Box 932, Sioux Falls, South Dakota 57101, a producer of outerwear and other garments (accepted September 13, 1979); (3) Iberia Jewelry Design, Inc., 1534 South Figueroa Street, Los Angeles, California 90015, a producer of costume jewerly (accepted September 13, 1979); (4) T.M. Landis, Inc., 45 Main Street, Mainland, Pennsylvania 19451, a processor of meat (accepted September 14, 1979); (5) C & M Coat Company, Inc., 1620 Manhattan Avenue, Union City, New Jersey 07087, a producer of women's coats (accepted September 14, 1979); (6) Silco Specialties, Inc., Box 961, Wilkes-Barre, Pennsylvania 18703, a producer of handbags (accepted September 17, 1979); (7) G. S. Furniture Manufacturing, Inc., 8981 San Fernando Road, Sun Valley, California 91352, a producer of furniture (accepted September 17, 1979); (8) Roger Adam Limited, 47 Broadway, Lynbrook, New York 11563, a producer of women's sportswear (accepted September 17, 1979); (9) V & R Finishing Corporation, 2032 Greene Avenue, Ridgewood, New York 11237, a producer of women's tops and sweaters (accepted September 17, 1979); (10) DenTron Radio Company, Inc., 2100 Enterprise Parkway, Twinsburg, Ohio 44087, a producer of stereo equipment (accepted September 17, 1979); (11) Rochester Clothing Company, Inc., 288 Martin Street, Rochester, New York 14605, a producer of men's coats and pants (accepted September 18, 1979); (12) Stanco Manufacturing Company, 67 35th Street, Brooklyn, New York 11232, a producer of men's, women's and boys' knitted shirts (accepted September 20, 1979); (13) Sprunger Corporation, Box 1621, Elkhart, Indiana 46515, a producer of drill presses, saws and lathes (accepted September 20, 1979); (14) Della Dee Fashions, Inc., Box 7, Folsomville, Indiana 47614, a producer of women's apparel (accept September 20, 1979); (15) Manchester Modes, Inc., Pine Street, Manchester, Connecticut 06040, a producer of women's coats, jackets and suits (accepted September 20, 1979); (16) Salton, Inc., 1260 Zerega Avenue, Bronx, New York 10462, a producer of electric kitchen appliances (accepted September 20, 1979); (17) Taylor Radio Company, Inc., 3305 Commerce Drive, Augusta, Georgia 30909, a producer of C. B. radios and base stations (accepted September 20, 1979); (18) Kinzua Plastics, Inc., 145 Fairmount Avenue, Jamestown, New York 14701, a producer of fishing rod blanks (accepted September 21, 1979); and (19) Smith of Galeton Gloves, 66 Sherman Street, Galeton, Pennsylvania 16922, a producer of men's, women's and children's gloves (accepted September 21, 1979).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Ratification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the

tenth calendar day following the publication of this notice.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 79-30086 Filed 9-27-79; 8:45 am]

BILLING CODE 3510-24-M

Foreign-Trade Zones Board

[Order No. 147]

Resolution and Order Approving Application of the City of Long Beach for a Foreign-Trade Zone in Long Beach, Calif.

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Board of Harbor Commissioners of the Port of Long Beach, submitted on behalf of the City of Long Beach, a California municipal corporation, filed with the Foreign-Trade Zones Board (the Board) on March 29, 1979, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Long Beach, California, within the Los Angeles/Long Beach Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves an industrial park type zone that envisages the possible construction of buildings by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Foreign-Trade Zones Board

Washington, D.C.

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone in Long Beach, Calif.

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board of Harbor Commissioners of the Port of Long Beach has made application (filed on March 29, 1979) on behalf of the City of Long Beach (the Grantee), in due and proper form to the Board, requesting the establishment, operation and maintenance of a foreign-trade zone at Long Beach, California, within the Los Angeles-Long Beach Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's Regulation (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 50, at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C., this 14th day of September 1979, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Juanita M. Kreps,

Chairman and Executive Officer.

Attest: John J. Daponte, *Executive Secretary.*

[FR Doc. 79-30175 Filed 9-27-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Issuance of Permit

On August 15, 1979, Notice was published in the **Federal Register** (44 FR 47782), that an application has been filed with the National Marine Fisheries Service by Mr. William L. Dovel, Oceanic Society, Stamford, Connecticut 06902, to take by capture, tag, and release shortnose sturgeon *(Acipenser brevirostrum)* in the Hudson River.

Notice is hereby given that on September 19, 1979, and as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Scientific Purposes Permit for the above taking to Mr. William L. Dovel, subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on the finding that such Permit: (1) Was applied for in good faith; (2) Will not operate to the disadvantage of the endangered species which is the subject of the Permit; and (3) Will be consistent with the purposes and policies set forth in Section 2 of the Act.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: September 19, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-30255 Filed 9-27-79; 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: S.A.R.L. La Galoperie; b. Address: Boite Postale 10, 59186 Anor, France.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins *(Tursiops truncatus)*, 3; California sea lions *(Zalophus californianus)*, 2.

4. Type of Take: To capture and maintain permanently in a facility. Beached/stranded California sea lions will be utilized, if available.

5. Location of Activity: The dolphins will be collected from Copano Bay, Texas, and the sea lions, if wild animals are used, will be collected from the Channel Islands, California.

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 29, 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 aplication are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11614, March 12, 1975). In this regard, the application:

(a) Was submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the Direction des Services Veterinaires, that Department being responsible, among other things, for ensuring the suitable care of animals in captivity;

(b) Includes: i. A verification from the Veterinaires of France of the information set forth in the application;

ii. A certification from the Veterinaires that the Government of France is prepared to monitor compliance with the terms and conditions of the permit, and will do so, if and when necessary; and

iii. A statement that the Veterinaires will have no objection to a NMFS decision to amend, suspend, or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Veterinaires of France have been found appropriate and sufficient to allow consideration of this permit application.

Document 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, N.W., Washington, D.C.;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 21, 1979.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-30258 Filed 9-27-79; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1979; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1979 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 31, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1979, November 15, 1978 (43 FR 53151):

Class 3990

Pallet, Material Handling, 3990-00-599-5326.

C. W. Fletcher,

Executive Director.

[FR Doc. 79-30170 Filed 9-27-79; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1979; Proposed Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletion from Procurement List.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1979 a commodity produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 31, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

It is proposed to delete the following commodity from Procurement List 1979, November 15, 1978 (43 FR 53151):

Class 7920

Brush, Scrub, Vegetable, 7920-00-324-2746.

C. W. Fletcher,

Executive Director.

[FR Doc. 79-30169 Filed 9-27-79; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L 92-463), announcement is made of the following committee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Viral & Rickettsial Diseases.

Date of meeting: October 16 and 17, 1979.

Time: 0845.

Proposed agenda: This meeting will be open to the public on October 16, 1979, from 0845

to 1130 to discuss the scientific research program of the Viral & Rickettsial Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisios set forth in Section 5526(c)(6), Title 5, U.S. Code and Section 10(d) of P. L. 92–463, the meeting will be closed to the public on October 16, from 1300 to 1630 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. If the review of research proposals requires additional time, the closed portion of the meeting may be extended into October 17.

Dr. Howard Noyes, Associate Director, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Committee members and substantive program information.

For the commander:

Richard O. Spertzel,

Colonel, VC Executive Officer.

[FR Doc. 79–30201 Filed 9–27–79; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Public Notice of Proposed Floodplain Action, Fairview-Bandon No. 2 230–kV Line

Bonneville Power Administration (BPA) hereby solicits public comment on a BPA proposal to replace an existing 115–kV transmission line with a 230–kV double circuit transmission line. The proposed action is necessary to accommodate projected load growth and maintain system reliability.

Known as Fairview-Bandon No. 2, the existing transmission line crosses the floodplain of the Coquille River approximately two miles (3 km.) south of Coquille, Oregon. Existing wood poles would be replaced with lattice steel towers, potentially changing the visual impact of the transmission line. The existing right-of-way would be widened and some tall growing trees removed.

Also being considered is the removal and retirement of Fairview-Bandon No. 1 between Fairview and Norway Substations. This 115–kV line is partially located in the floodplain of the North Fork, approximately five miles (8 km.) southeast of Coquille, Oregon.

The alternative to locating the proposed action in the floodplain is no action, which would lead to overload conditions by 1986.

Comments concerning potential impacts of the proposal, mitigation measures, and alternatives are welcome; all comments will be considered in evaluating the proposal and alternatives. Questions and comments should be directed to John E. Kiley, Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, telephone 503–234–3361, extension 5136. The public comment period will close October 19, 1979.

Dated at Portland, Oregon, this 19th day of September 1979.

Sterling Munro,

Administrator.

[FR Doc. 79–30119 Filed 9–27–79; 8:45 am]

BILLING CODE 6450–01–M

Public Notice of Proposed Floodplain Action, Chemawa–Salem 230-kV Line

Bonneville Power Administration (BPA) hereby solicits public comment on a BPA proposal to replace two existing 115-kV transmission lines near Salem, Oregon, with a 230-kV double circuit transmission line. The proposed action is necessary to accommodate projected load growth and maintain system reliability.

Located between Chemawa Substation and Salem Substation, the existing lines occupy ten and one-half miles (17 km.) of transmission line corridor, crossing the Willamette River floodplain north of Salem at Spongs Landing Park. In the floodplain, the proposed action would remove H-frame wood poles and replace them with steel towers. Alternatives presently being considered are whether to construct lattice steel towers or tubular steel towers, and no action. The proposed construction would have possible impacts to waterfowl and potentially change the visual impact. No action would lead to impending overload conditions in the Salem area.

Comments concerning potential impacts of this proposal, mitigation measures, and alternatives are welcome; all comments will be considered in evaluating the proposal and alternatives. Questions and comments should be directed to John E. Kiley, Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, telephone 503–234–3361, extension 5136. The public comment period will close October 15, 1979.

Dated at Portland, Oregon, this 19th day of September, 1979.

Sterling Munro,

Administrator.

[FR Doc. 79–30120 Filed 9–27–79; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of August 1979. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Allocation and Price Regulations and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the aforementioned regulations.

For further information regarding these Consent Orders, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/767–7745.

Firm's Name, Address, and Date of Consent Order

Sheldon Hanson, d.b.a. H & B Texaco Service, 2515 Fifth St., Wichita Falls, Tx 76301; July 31, 1979.

James R. Ezell, d.b.a. Quick-Fill Corporation, 5801 Marvin D. Love F'way, Suite 300, Dallas, Tx 75237; Aug. 23, 1979.

Joplin Gulf, 204 Elm, Graham, Tx 76046; Aug. 21, 1979.

Wilford Montgomery, d.b.a. Lee circle Texaco, 919 St. Charles Ave., New Orleans, La. 70130; Aug. 20, 1979.

Coronado Heights Mobil, 3741 N.W. 63rd, Oklahoma City, OK 73116; Aug. 28, 1979.
Ray Alyesamerl, d.b.a. Chef & I–10 Shell Service, Center, 6700 Chef Menteur H'way, New Oleans, La 70126; Aug. 28, 1979.
Doyle Netherland, d.b.a. Doyle's Avenue "A" Shell, Center, 4280 West Bank Expressway, Marrero, La 70072; Aug. 15, 1979.
Chef Menteur H'way Shell, 6700 Chef Menteur H'way, New Orleans, La. 70126; Aug. 15, 1979.
Dales Ave. A Shell, 4200 West Bank H'way, Marrero, La 70072; Aug. 16, 1979
William Fredrick, d.b.a. Airline Shell, 611 Arnold Ave., River Ridge, La. 70123; Aug. 9, 1979.
Central Ave. Texaco, 4327 Jefferson H'way, Jefferson, La. 70121; July 30, 1979.
Gauthier Exxon, 3331 Carondelt, New Orleans, La. 70115; Aug. 8, 1979.
Willford Fontone, d.b.a. Fontone For Corners, Phillips 66, University and Cameron, Lafayette, La. 70501; Aug. 6, 1979.
Darold Gulf, Rt. 3, Box 804 (H'way 10 & 347), Henderson, La. 70517; July 31, 1979.
Oil Center Amoco, 633 Penhook Rd., Layfayette, La. 70501; July 31, 1979.
Mike Nassif Exxon, 8160 Gulf Freeway, Houston, Tx 77017; Aug. 9, 1979.

Issued in Dallas, Texas, this 20th day of September, 1979.

Herbert F. Buchanan,

Deputy District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79–30219 Filed 9–27–79; 8:45 am]

BILLING CODE 6450–01–M

Action Taken on Consent Order

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of August 1979. These Consent Orders concern prices charged by retail motor gasoline dealers in excess of the maximum lawful selling price for motor gasoline since August 1, 1979, failure to properly post the maximum lawful selling price or certification, and engaging in business practices which are either discriminatory with respect to purchasers of motor gasoline, result in a higher price than permitted or tied the sale of gasoline to the purchase of another service. The purpose and effect of these Consent Orders is to bring the consenting firms into compliance with the Mandatory Petroleum Allocation and Price Regulations from August 1, 1979 and they do not address or limit any liability with respect to consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

A. With respect to selling prices: 1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Roll back prices to achieve refund of overcharges;

3. Properly maintain records required under the aforementioned regulations.

B. With respect to business practices: 1. Cease and desist from employing any form of discriminatory practice;

2. Cease and desist from employing and practice designed to obtain a price higher than is permitted by the regulations;

3. Cease and desist from employing any practice of making the sale of gasoline contingent upon the purchase of another service, charging for services by means of a fee computed on a cents per gallon basis, or charging a fee to dispense gasoline.

C. With respect to posting requirements: 1. Properly post the maximum lawful selling price or certification;

2. Rollback the maximum lawful selling price for failure to post.

For further information regarding these Consent Orders, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/767–7745.

Firm's Name, Address, and Date of Consent Order

Ray Hollingsworth dba Ray's Chevron Service, 1101 Andrews H'way Midland, Tx 79701; Aug. 4, 1979.
Village Tire Center, 2200 W. Wall Midland, Tx 79701; Aug. 6, 1979.
Joe D. Stegall, dba Village Gulf, 2110 W. Wall Midland, Tx 79701; Aug. 6, 1979.
Charles B. Notley, dba C. B. Notley Exxon, 4001 N. Grandview Odessa, Tx 79761; Aug. 7, 1979.
J. L. Chanceller, dba Chanceller's Gulf, 42nd & N. Dixie Odessa, Tx 79762; Aug. 7, 1979.
N. B. Mabrey, dba Mabrey Gulf Service, 1363 East 8th Odessa, Tx 79761; Aug. 8, 1979.
John Patrick Callahan, dba Pat & Susan Callahan Exxon, 3305 Sherwood Way San Angelo, Tx 76901; Aug. 8, 1979.
James T. Randall, dba Randall's Exxon, 310 W. Dickenson Ft. Stockton, Tx 79735; Aug. 9, 1979.
Joe Shuster, dba Shuster Comanche Shell, 1200 W. Dickenson Ft. Stockton, Tx 79735; Aug. 9, 1979.
Jesus Vega, dba Vega Chevron, 301 E. Holland Alpine, Tx 79830; Aug. 10, 1979.
Fred M. Daughtry, dba Mountain Park Chevron, 7801 Alabama El Paso, Tx 79904; Aug. 6, 1979.
Harold West, dba Harold's Chevron, 5525 Montana El Paso, Tx 79903; Aug. 6, 1979.
Lazardo Borado, dba Freeway Chevron, 7500 Gateway East El Paso, Tx 79915; Aug. 7, 1979.
Mike Null, dba Interstate Chevron, 5040 East I–10 El Paso, Tx 79912; Aug. 9, 1979.
Jeff J. Charles, dba Thunderbird Chevron, 5914 North Mesa St. El Paso, Tx 79912; Aug. 9, 1979.
John Nelson & Jessie Young dba Quality Texaco, 601 E. Dickenson Ft. Stockton, Tx 79735; Aug. 9, 1979.
Everett Texaco, 23 W. Wadley Midland, Tx 79701; Aug. 16, 1979.
Isabel Pallanes, dba Chester's Chevron, 2300 W. Wadley Midland, Tx 79701; Aug. 16, 1979.
David Albrecht, dba Albrecht Texaco, 2200 West Front Midland, Tx 79701; Aug. 8, 1979.
Elisco Nelendic, dba Hondo Village Exxon, 4922 Hondo Pass El Paso, Tx; Aug. 20, 1979.
L. R. Nichol's Exxon, 300 North Hobart Pampa, Tx 79065; Aug. 20, 1979.
Tommy Crutchfield, dba Holiday Chevron, 2101 I–40 East Amarillo, Tx 79104; Aug. 21, 1979.
Edwin T. Simmons, dba Simmons Exxon, 1000 Andrews H'way Midland, Tx 79701; Aug. 20, 1979
Johnny F. Montoya, dba North Midkiff Exxon, 3210 North Midkiff Midland, Tx 79701; Aug. 20, 1979.
Thomas Linton, dba Kimber-Lee Park Shell, 3211 North Midkiff Midland, Tx 79701; Aug. 20, 1979.
Clifford Cacy, dba Cliff's Chevron, 1201 South Union Roswell, N.M. 88201; Aug. 7, 1979.
James A. Weese, 720 East 7th Clovis, N.M. 88101; Aug. 6, 1979.
Riley Brewer, dba Riley Mobil, 800 East 1st Clovis, N.M. 88101; Aug. 6, 1979.
George Lathrop, dba Lathrop's Chevron, 1015 W. Main St. Artesia, N.M. 88101; Aug. 8, 1979.
Johnny Barajas, dba Johnny's Exxon, 1302 E. 2nd St. Roswell, N.M. 88201; Aug. 8, 1979.
E. J. Argenbright, dba Matawan Texaco, 801 W. 2nd St. Roswell, N.M. 88201; Aug. 9, 1979.
Hubert Merritt, dba Merritt's Exxon, 223 West Broadway Tatum, N.M. 88267; Aug. 10, 1979.
Ike's Shamrock, 120 Maxwell Springer, N.M. 87747; Aug. 8, 1979.
Darryl Rigdon, 1300 W. Tucumcari Blvd. Tucumcari, N.M. 88401; Aug. 6, 1979.
Robert Null, dba I–10 Chevron, 500 East Railroad Deming, N.M. 88030; Aug. 10, 1979.
Henry T. Briceno, dba Henry's Chevron, 1204 South Canal Carlsbad, N.M. 88220; Aug. 13, 1979.
Doyle Purvis, dba Purvis Exxon, 300 East 20th Farmington, N.M. 87401; Aug. 10, 1979.
George Hillman, dba East Main Chevron, 4110 East Main Farmington, N.M. 87401; Aug. 21, 1979.
Robert E. Dobbs, dba Triangle Chevron, 2901 Central Ave., N.E. Albuquerque, N.M. 87106; Aug. 14, 1979.
Rick Arirnt, dba Centendial Shell, 7010 Central, S.E. Albuquerque, N.M. 87106; Aug. 14, 1979.
Jim W. Davis, dba I–25 and Gibson Exxon, 1306 Gibson Rd., S.E. Albuquerque, N.M. 87106; Aug. 14, 1979.

Bertran B. Blackwell, dba Western Skies Chevron, 13300 Central Ave., S.E. Albuquerque, N.M. 87112; Aug. 16, 1979.
Jack Veach's Texaco, 1101 W. Airport F'way Irving, Tx 75062; Aug. 7, 1979.
Clyde Stafford, dba Stafford's Exxon, 1901 E. H'way 356 Irving, Tx 75062; Aug. 6, 1979.
Leonel Espailcot, dba Rick's Texaco, 4101 W. Airport F'way Irving, Tx 75062; Aug. 3, 1979.
Joe Raspente, dba Raspante Exxon 722 E. Irving Blvd. Irving, Tx 75060; Aug. 6, 1979.
George Deel, dba Deel's Exxon, 403 W. Irving Blvd. Irving, Tx; Aug. 6, 1979.
Jerry Williams, dba Williams Auto World, 2025 E. Pipeline Rd. Bedford, Tx 76021; Aug. 3, 1979.
Carl Griffith, dba Carl Griffith Shell, 101 S. Industrial Euless, Tx 76039; Aug. 2, 1979.
Otis W. Perry, 2406 S. Carrier Pkway Grand Prairie, Tx 75051; Aug. 13, 1979.
Roger Nash, dba Roger Nash Exxon, 1630 North Loop 323 Tyler Tx 75704; Aug. 18, 1979.
Joe Snow, dba Snow's Conoco, 315 Ft. Worth Dr. Denton, Tx 76201; Aug. 7, 1979.
Marion C. Quinn Mobil, 3101 Forest Lane Dallas, Texas 75235; Aug. 6, 1979.
Isaac N. Toew's Texaco, 2525 Valley View Farmers Branch, Tx 75234; Aug. 6, 1979.
Bob Norman, dba University Mobil, 1105 E. University Denton, Tx 76201; Aug. 6, 1979.
Bill Lindsey, dba Lindsey Gulf, 1205 E. University Denton, Tx 76201; Aug. 3, 1979.
Larry B. Howell, dba Howell's 66, 801 I–35 East Denton, Tx 76201; Aug. 3, 1979.
William E. Gilbreath, dba Interstate Mobil, 4001 Stemmons Denton, Tx 76201; Aug. 3, 1979.
Bill J. Love Exxon, P.O. Box 338 (I–20 & FM 707) Tye, Tx 79563; Aug. 16, 1979.
Kellas M. Davis, dba K & H Shell, Rt. 1, Box 475 Abilene, Tx 79601; Aug. 16, 1979.
Myles Kitner, dba Wynnewood Texaco, 2304 Llewellyn Dallas, Tx 75224; Aug. 24, 1979.
Olin Vaughn, dba Vaughn's Shell Station, 500 W. Kiest Blvd. Dallas, Tx 75224; Aug. 16, 1979.
Glenn D. Miser Texaco, 6509 Brentwood Star Rd. Ft. Worth, Tx 76112; Aug. 7, 1979.
Jim Reed Texaco Station, 3324 Belknap Ft. Worth, Tx 76111; Aug. 8, 1979.
Lee Roy Oaks, dba Oak's Exxon, P.O. Box 4277 (H'way 69 & Loop 323) Tyler, Tx 75701; Aug. 21, 1979.
Warren Coffman, dba Coffman's Texaco Service, 3210 Gentry Parkway Tyler, Tx 75702; Aug. 21, 1979.
Truman Allen, dba Allen's Exxon, 5900 East End Blvd. Marshall, Tx; Aug. 10, 1979.
Black & Phillips Mobil, 201 East End Blvd., N. Marshall, Tx 75670; Aug. 18, 1979.
Bailey Salmon, Jr., dba Salmon's Exxon, 128 W. Marshall Longview, Tx 75601; Aug. 24, 1979.
Tom Barwise Texaco Tire Center, 3901 Altamesa Ft. Worth, Tx 76133; Aug. 22, 1979.
Floyd Bell, dba Holiday Gulf, 2107 H'way 75N Sherman, Tx 75090; Aug. 17, 1979.
Grady White, Jr., dba Martin & White Exxon, 1708 E. H'way 82 Gainesville, Tx 76249; Aug. 17, 1979.
Eric Wright, dba Early Chevron, 130 Early Blvd. Brownwood, Tx 76801; Aug. 21, 1979.
Ron Holder, dba Holder's Gulf, 1065 Dilmer Sulphur Springs, Tx 75482; Aug. 21, 1979.
M. M. Moore, dba Moore's Texaco Service Station, 202 Ferguson Mt. Pleasant, Tx 75455; Aug. 21, 1979.
Dick Johnson, dba Johnson Exxon, 414 East Tyler Athens, Tx 75751; Aug. 21, 1979.
E. H. Gay, dba Gay Gulf Service Station, 1001 E. Rusk Jacksonville, Tx 75766; Aug. 22, 1979.
Royce Fletcher, dba Glass Texaco, 401 S. Bolton Jacksonville, Tx; Aug. 22, 1979.
Francis Bateman, dba Bateman Texaco, 1108 S. Jackson Jacksonville, Tx 75766; Aug. 22, 1979.
F. E. Weimer, dba Alto Exxon Station, P.O. Box 637 (H'way 69 & 29) Alto, Tx 75925; Aug. 22, 1979.
Hugh Estes Click, dba Click's Arco, Box 45 Alto, Tx 75925; Aug. 22, 1979.
William G. Ross, Jr., dba Ross East Main Exxon, 608 E. Main St. Nacogdoches, Tx 75961; Aug. 23, 1979.
E. G. Wilson, dba Wilson's Gulf, 2344 W. Ledbetter Dallas, Tx 75224; Aug. 24, 1979.
Paul Collum, dba I–30 Gulf, I–30 & Summerhill Rd. Texarkana, Tx 75503; Aug. 22, 1979.
Miles and Son Texaco, 4621 Summerhill Rd. Texarkana, Tx 75501; Aug. 22, 1979.
Bill Shockley's Conoco, 2007 N. Robinson Rd. Texarkana, Tx 75501; Aug. 22, 1979.
Amos Denny, dba Denny's Exxon, 1725 New Boston Rd. Texarkana, Tx 75501; Aug. 22, 1979.
Albert McCoy's Exxon, 1604 S. Vine Tyler, Tx 75701; Aug. 23, 1979.
D. C. Sims, dba West 80 Exxon, 4701 W. Marshall Longview, Tx 75604; Aug. 24, 1979.
Kenneth Cuvelier, dba Cuvelier, Inc., 4300 South Broadway Tyler, Tx 75701; Aug. 15, 1979.
John A. Jones Exxon, 4705 E. Lancaster Ft. Worth, Tx 76103; Aug. 9, 1979.
Jimmy L. Isham, dba Holiday Gulf, 2715 North NW Loop 323 Tyler, Tx 75701; Aug. 21, 1979.
Doug Moseley, dba Moseley's Gulf, 404 East End Blvd., S. Marshall, Tx 75670; Aug. 13, 1979.
W. H. Fleming, Jr. Exxon, 301 S. High Longview, Tx; Aug. 10, 1979.
P. R. Sibbley, dba Youree at Southfield Exxon, 4520 Youree Dr. Shreveport, La. 71105; Aug. 24, 1979.
Bill's McArthur Gulf Service, 35 McArthur Dr. Alexandria, La 71301; Aug. 23, 1979.
Interstate Exxon, 5109 Monkhouse Dr. Shreveport, La. 71109; Aug. 20, 1979.
Bill Hood, dba Hood's Island Exxon, 935 Camella Dr. Shreveport, La 71104; Aug. 21, 1979.
James A. Hagen, dba Airline Mobil Service Center, 1898 Airline Dr. Bossier, La 71112; Aug. 20, 1979.
Euan Patric, dba Patrick's Truck Stop, Inc., Rt. 4, Box 8 Couchatta, La 71019; Aug. 24, 1979.
Wixon's Texaco, 5201 Monkhouse Dr. Shreveport, La 71109; Aug. 20, 1979.
Armistead Texaco, Rt. 4, Box 7D Coushatta, La 71019; Aug. 29, 1979.
McCain's Gulf, 421 Texas Street Natchitoches, La 71415; Aug. 28, 1979.
Thompson's Texas Street Texaco, 401 Texas Street Natchitoches, La 71451; Aug. 28, 1979.
Polk Street Amoco, 1125 Polk Street Mansfield, La 71052; Aug. 27, 1979.
Leonard's Texaco, P.O. Box 653 Coushatta, La 71019; Aug. 27, 1979.
Miller's I–20 Exxon, I–20 & Grambling Rd. Grambling, La 71245; Aug. 27, 1979.
East Side Exxon, LA 1 and Bienville Natchitoches, La 71457; Aug. 30, 1979.
Robert Chavoya Exxon, 2849 North Central Dallas, Tx 75204; Aug. 14, 1979.
Richard A. Landrum, 1619 W. Erwin Tyler, Tx 75702; Aug. 16, 1979.
Clarence R. Barron Exxon, 505 No. Center Brownwood, Tx 76801; Aug. 28, 1979.
Reed Grocery, 402 Broadway Daingerfield, Tx 75638; Aug. 24, 1979.
George Whitehead, 510 S. Patrick Dublin, Tx 76446; Aug. 28, 1979.
Don Stone, 303 E. Blackjack Dublin, Tx 76446; Aug. 28, 1979.
M. A. Turner's Mobil, 2505 Inwood Rd. Dallas, Tx; Aug. 29, 1979.
McSweens Exxon, 4631 Maple St. Dallas, Tx 75219; Aug. 27, 1979.
Avens Gulf, 1424 S. E. 29th Oklahoma City, Ok 73106; Aug. 7, 1979.
Bert's Texaco, 9205 E. Franklin Rd Norman, Ok; Aug. 8, 1979.
Robert H. Edwards, dba Pro-Am Truck Stop, I–40 and Choctaw Rd Oklahoma City, Ok; Aug. 10, 1979.
Brent Lane, dba Lane's Texaco, 1302 N. Porter Norman, Ok 73071; Aug. 21, 1979.
Barber Street Exxon, 823 E. 9th Little Rock, Ar; Aug. 9, 1979.
Geyer Springs 66, 8001 Geyer Springs Rd Little Rock, Ar; Aug. 10, 1979.
Freeman Protho Texaco, 2522 Jacksonville H'way North Little Rock, Ar; Aug. 9, 1979.
Trek's Texaco, 721 E. 9th Little Rock, Ar; Aug. 9, 1979.
Howard Stack, dba Bell H Grocery, Box 562 Heiderheimer, Tx 76533; Aug. 6, 1979.
Truly Investment Co., Grand Prairie, dba Bargain Oil Co., Inc., Cameron, Tx 76520; Aug. 6, 1979.
Joe Ambriz Gulf, 207 W. 4th Cameron, Tx 76520; Aug. 6, 1979.
Frank Tomascik, dba Service Oil Co., Box 125 Buckholts, Tx 76518; Aug. 6, 1979.
Calvin Allison, dba Allison Exxon, Box 225 Buckholts, Tx 76518; Aug. 6, 1979.
John Klecka, dba Roger's Texaco, H'way 190 Rogers, Tx; Aug. 6, 1979.
Graham Bros. Texaco, 3629 S. General Bruce Dr. Temple, Tx 76501; Aug. 7, 1979.
E. C. Kotrla, dba Slim Kotrla's Conoco, 2613 S. General Bruce Dr. Temple, Tx 76501; Aug. 7, 1979.
Ben Winkler, 51st and I–35 Temple, Tx 76501; Aug. 7, 1979.
David Pitts, dba Pitt's 66, P.O. Box 12 Troy Tx 76579; Aug. 8, 1979.
J. R. Prince, dba Prince Texaco #2, I–35 and FM 935 Troy, Tx 76579; Aug. 8, 1979.
Ray E. Griffis, dba Griffis' Gulf, 2600 LaSalle Waco, Tx 76706; Aug. 8, 1979.
Ceil K. Ashley, dba Ashley Texaco, I–35 and H'way 107 Eddy, Tx 76524; Aug. 8, 1979.
Bill Ferris, dba I–35 Texaco, 111 S. Blvd. Belton, Tx 76513; Aug. 10, 1979.
Allen D. Meadors, 1002 Market Hearne, Tx 77859; Aug. 14, 1979.
Bobby Madden, 602 Market Hearne, Tx 77859; Aug. 14, 1979.
Ramirez Gulf, 401 N. Main Cotulla, Tx 78014; Aug. 6, 1979.
Perez Gulf, Box 206 Encinal, Tx 78019; Aug. 7, 1979.

Martinez Texaco, H'way 81 Encinal, Tx 78019; Aug. 7, 1979.
Tom H. Yates, I–35 & Del Mar Blvd., 2119 Sanders, 2019 Guadalupe Laredo, Tx; Aug. 8, 1979.
Joe Guerra, dba Guerra Exxon, I–35 & Del Mar Blvd. Laredo, Tx; Aug. 7, 1979.
T. J. Hall, 4420 S. Bernardo 2720 Saunders Laredo, Tx 78040; Aug. 7, 1979.
Geronimo Santos, 4202 San Bernardo Laredo, Tx 78014; Aug. 7, 1979.
Rocha Gulf, 2603 Saunders Laredo, Tx 78040; Aug. 8, 1979.
Gary W. Brown, 102 N. 1st Carrizo Springs, Tx 78834; Aug. 8, 1979.
Jim Johnson, 305 1st Street Carrizo Springs, Tx 78834; Aug. 8, 1979.
H. C. LaGrone, 401 N. 1st Street Carrizo Springs, Tx 78834; Aug. 8, 1979.
Richard George, 800 N. 1st Street Carrizo Springs, Tx 78834; Aug. 8, 1979.
David Baggdt, Box 2587 Eagle Pass, Tx 78852; Aug. 9, 1979.
Ed Ferguson, 2415 Main Street Eagle Pass, Tx 78852; Aug. 9, 1979.
Joan Martinez, 2195 Main Street Eagle Pass, Tx 78852; Aug. 9, 1979.
Harry E. Ferguson, 750 Main Eagle Pass, Tx 78852; Aug. 9, 1979.
Jose A. Martiarena, 130 E. Garfield Del Rio, Tx 78840; Aug. 9, 1979.
Bill Green, 409 E. Gibbs Del Rio, Tx 78840; Aug. 9, 1979.
J. J. Foster Exxon, 909 Avenue F Del Rio, Tx 78840; Aug. 10, 1979.
Francisco S. Ramirez, 1800 Avenue F Del Rio, Tx 78840; Aug. 10, 1979.
Joe Villareal, 1200 E. Gibbs Del Rio, Tx 78840; Aug. 10, 1979.
Jesse Morales, Jr., 595 W. Main Uvalde, Tx 78801; Aug. 10, 1979.
Antonio Vela, 201 West Main Uvalde, Tx 78801; Aug. 10, 1979.
R. C. Thornton, 335 E. Main Uvalde, Tx 78801; Aug. 10, 1979.
Rodolfo Alejandro, H'way 90 Sabinal, Tx 78881; Aug. 10, 1979.
Joe Nigro, dba Joe Nigro Gulf, 1303 Vance Jackson San Antonio, Tx 78201; Aug. 20, 1979.
Vernon Votaw Texaco, I–10 & Mile Marker 653 Waelder, Tx 78959; Aug. 21, 1979.
Florian J. Vrana, dba Vrana's Exxon, 710 E. U.S. H'way 90 Flatona, Tx 78941; Aug. 21, 1979.
Robert Madrigal, dba Round Rock Gulf, I–35 & Old H'way 81 Round Rock, Tx 78664; Aug. 24, 1979.
John & Luz Castillo, dba Castillo's Texaco, I–35 & FM 620 Round Rock, Tx 78664; Aug. 24, 1979.
Armando Aguilar, P.O. Box 741 Laferia, Tx 78599; Aug. 7, 1979.
Jose A. Jimenez Gulf, 6226 S. Flores San Antonio, Tx 78214; Aug. 28, 1979.
Lewis LaFevre, dba Texas Texaco, 6020 S. Flores San Antonio, Tx 78214; Aug. 28, 1979.
Juan Clapa Exxon, 526 W. Cevallos San Antonio, Tx 78207; Aug. 28, 1979.
Noe Morin Texaco, 1025 Pleasanton Dr. San Antonio, Tx 78124; Aug. 29, 1979.
Lionel Cortinas, dba Arco Stop Shop, 1124 D Floresville, Tx 78114; Aug. 29, 1979.
Clem Christa, Jr. Mobil, 916 10th Street Floresville, Tx 78114; Aug. 29, 1979.
Denver L. Malaw, dba A & M Gulf Self Service, Rt. 2, Box 103 Floresville, Tx 78114; Aug. 29, 1979.
L. N. Elder & Sons, Inc., dba White's Auto Store, 757 West Court Seguin, Tx 78155; Aug. 30, 1979.
Siegfried Donsback Exxon, 601 N. Auston St. Seguin, Tx 78155; Aug. 30, 1979.
M. C. Reed Mobil Service Station, 415 N. Austin St. Seguin, Tx 78155; Aug. 30, 1979.
Adam Priere Mobil, 103 W. Kingsbury Seguin, Tx 78155; Aug. 30, 1979.
Paul Hermilo, dba Paul's Texaco, 102 W. Kingsburg Seguin, Tx 78155; Aug. 30, 1979.
Isidoro A. Vigil, dba Green Valley Phillips 66, Rt. 1, Box 406 Cibolo, Tx 78108; Aug. 31, 1979.
Eugene Bielke Exxon, H'way 78 Marion, Tx 78124; Aug. 31, 1979.
J. C. Dengler Texaco, P.O. Box 458 McQueeney, Tx 78123; Aug. 31, 1979.
Jesse Butler Exxon, 106 E. Kingsburg Seguin, Tx 78155; Aug. 31 1979.
Donald Boeder, 1098 E. I–10 Seguin, Tx 78155; Aug. 31, 1979.
Humbert Crusz, 1723 W. H'way 83 McAllen, Tx 78501; Aug. 7, 1979.
Marcelo Ledesma, H'way 77S & Ed Carey Harlingen, Tx 78550; Aug. 7, 1979.
Pablo Montoya, Jr., 619 2nd St. Mercedes, Tx 78570; Aug. 8, 1979.
Manual Martinez, 301 E. H'way 83 Weslaco, Tx 76596; Aug. 8, 1979.
D. G. Hobbs, 1 South Case Pharr, Tx 78577; Aug. 9, 1979.
Jesus Saenz, 110 E. H'way 83 Pharr, Tx 78577; Aug. 9, 1979.
Fred Davin 1520 N. 10th St. McAllen, Tx 78501; Aug. 9, 1979.
Glen P. Quinn, 3921 N. 10th St. McAllen, Tx 78501; Aug. 10, 1979.
Pablo Fuentes Gulf, 1422 E. Harrison Harlingen, Tx 78550; Aug. 9, 1979.
Troyce Shofner Exxon, 1434 E. Harrison Harlingen, Tx 78550; Aug. 9, 1979.
Memo's Conoco, Queen Isabell & Gomez Port Isabel, Tx 78578; Aug. 7, 1979.
Jon J. Schroeder Exxon, H'way 100 and Trevino Port Isabel, Tx 78578; Aug. 7, 1979.
Captain Henry, 503 West H'way 100 Port Isabel, Tx 78578; Aug. 7, 1979.
Ernie's Texaco, 1873 Boca Chica Brownsville, Tx 78520; Aug. 7, 1979.
Walco #9–079, 4500 E. 14th St. Brownsville, Tx 78520; Aug. 8, 1979.
Four Corners Texaco, H'way & Boca Chica Blvd. Brownsville, Tx 78520; Aug. 8, 1979.
El Centro Super Markets, Inc., 4435 E. 14th St. Brownsville, Tx 78521; Aug. 8, 1979.
R & R Fina, 1500 Central Blvd. Brownsville, Tx 78520; Aug. 8, 1979.
George Lipe Exxon Service, 1454 Central Blvd. Brownsvile, Tx 78520; Aug. 8, 1979.
Harry L. Faulk Gulf, FM 802 & Expressway 83 Brownsville, Tx 78520; Aug. 8, 1979.
Bill's Exxon Service, 397 E. H'way 77 San Benito, Tx 78586; Aug. 9, 1979.
Sunshine Texaco, 1397 E. H'way 77 San Benito, Tx 78586; Aug. 9, 1979.
Tropical Trail Texaco, 1397 W. H'way 77 San Benito, Tx 78586; Aug. 10, 1979.
Sanchez Texaco, 211 N. Ed Carey Dr. Harlingen, Tx 78550; Aug. 9, 1979.
Herrera's Texaco, 1301 N. 23rd St. McAllen, Tx 78501; Aug. 10, 1979.
Molina Walco Station, 1200 S. 23rd St. McAllen, Tx 78501; Aug. 10, 1979.
Noris Hall Truck Stop, Inc., P.O. Box 9550 Corpus Christi, Tx 78408; Aug. 15, 1979.
Aramando Rivera, 5420 Leopard Corpus Christi, Tx 78408; Aug. 16, 1979.
Curtis Hill, 103 Cleveland Aransas Pass, Tx 78336; Aug. 16, 1979.
Allen Duroy, 700 N. Allister Port Aransas, Tx 78373; Aug. 17, 1979.
Henry's Exxon, 1600 S. 23rd St. McAllen, Tx 78501; Aug. 10, 1979.
Joe Morin, dba Joe's Texaco Service, 304 N. Odem Sinton, Tx 78387; Aug. 20, 1979.
Ted Knox Texaco, 502 W. Sinton St. Stinton, Tx 78387; Aug. 20, 1979.
Thomas J. Salvato, dba 7 Seas Gulf, Park Road 22 Corpus Christi, Tx 78418; Aug. 20, 1979.
Tom Spiewak, dba Jito of Parde, Inc., P.O. Box 8151 Corpus Christi, Tx 78412; Aug. 20, 1979.
Charles Rawalt, dba The Coastway, 13402 S. Padre Island Dr. Corpus Christi, Tx 78418; Aug. 22, 1979.
S. A. Kimbrell, dba Red Dot Bait Stand, 913 Lunhurst Corpus Christi, Tx 78418; Aug. 20, 1979.
Al Kennedy, dba Jerry's Place, 3909 Laguna Shores Flour Bluff, Tx 78418; Aug. 21, 1979.
Jack Edwards, dba Ed's Sporting Goods, 10425 S. Padre Island Dr. Corpus Christi, Tx 78418; Aug. 22, 1979.
W. L. Hermis, dba Gardendale Service Station, 5437 Staples Street Corpus Christi, Tx 78411; Aug. 22, 1979.
David McMinn, dba McMinn's Gulf, 4428 Kostoryz Rd. Corpus Christi, Tx 78415; Aug. 23, 1979.
Jose Sanchez Rodriguez, dba, Del Mar Exxon, 2314 Ayers Corpus Christi, Tx 78408; Aug. 23, 1979.
Zenon R. Canales, dba Canale's Mobil, 1159 E. Main Alice, Tx 78332; Aug. 23, 1979.
Gwynn Senf, dba Gwynn's Exxon, 323 W. Sinton St. Sinton, Tx 78387; Aug. 20, 1979.
Robert N. West, dba West's Texaco, P.O. Box 163 (H'way 181) Taft, Tx 78390; Aug. 22, 1979.
B. D. Bailey, dba Bailey's Ice House, H'way 136 Bayside, Tx 78340; Aug. 22, 1979.
B. C. Grimes, dba Grime's Exxon, General Delivery Bayside, Tx 78340; Aug. 22, 1979.
Jose R. Rodriguez, dba Jose Exxon, 1205 East Main St. Alice, Tx 78332; Aug. 23, 1979.
Duke Barry, dba Duke's Texaco, 1101 East Main Alice, Tx 78389; Aug. 23, 1979.
Manuel Olivares Texaco, H'way 181 Skidmore, Tx 78389; Aug. 23, 1979.
E. L. Gilliam's Store, Rt. 1, Box 184 Sinton, Tx 78387; Aug. 24, 1979.
Hurb Stoddard Texaco, US H'way 181 & Houston Portland, Tx 78374; Aug. 27, 1979.
Butler & Clevenser, dba Portland #2 Texaco, US H'way 181 & Wildcat Portland, Tx 78374; Aug. 24, 1979.
Louis Cantu, dba St. Paul Grocery, (H'way 181) Rt. 1, Box 211A St. Paul, Tx 78387; Aug. 24, 1979.
Fermin Olivares Exxon, US H'way 181 & Sullun Skidmore, Tx 78389; Aug. 24, 1979.
Jose Numez Gulf, Box 54 (Baylor & H'way 77) Odem, Tx 78370; Aug. 27, 1979.
Tony Benavidez Texaco, H'way 77 & Selleas St. Odem, Tx 78370; Aug. 27, 1979.
Tony Mohar Gulf Station, 516 Junction H'way Kerrville, Tx 78028; Aug. 30, 1979.
L. M. Jones, dba Schertz Exxon Station, 432 Main St. Schertz, Tx 78154; Aug. 31, 1979.

Max Piegza, dba Max's Texaco, 101 W. I–10 Seguin, Tx 78155; Aug. 31, 1979.
Clarence Schuenemann, dba Schuenemann Exxon Service Station, 1805 H'way 46 North Seguin, Tx 78155; Aug. 31, 1979.
Richard Seals, dba Richard's Exxon, 6904 Bellfort Houston, Tx 77087; Aug. 14, 1979.
Marvis W. Koon, dba Koon's Texas, 7702 Bellfort Houston, Tx 77061; Aug. 7, 1979.
Montgomery Wards, 2222 Spencer Pasadena, Tx 77504; Aug. 10, 1979.
Ben Finch, dba Quail Valley Texaco, 2465 Cartwright Missouri City, Tx; Aug. 10, 1979.
Avant, Inc. Gulf Station, 2301 Broadway; Aug. 15, 1979.
Dimitrios Texaco Service, 2122 Gessner at Hammery Houston, Tx 77055; Aug. 9, 1979.
Nicholaos Emmanouil, dba Nick's Gulf Service, 8201 Katy F'way at Wirt and Westview at Campbell Houston, Tx 77055; Aug. 9, 1979.
Chung Sik Pak, dba Park's Mobil Service Station, 10101 Long Point Houston, Tx 77043; Aug. 10, 1979.
Aaron A. Dominguez, dba Aaron's Mobil Service Center, 8435 Katy F'way Houston, Tx 77024; Aug. 10, 1979.
Ahmed Maged, dba Ahmed's Mobil Station, 12102 Hempstead H'way Houston, Tx 77092; Aug. 10, 1979.
National Convenience Stores, dba Stop N Go Markets District #32, 4038 Boone Road Houston, Tx 77099; Aug. 15, 1979.
A. Spahis, dba Bunker Hill Texaco Service Station, 995 Bunker Hill Houston, Tx 77024; Aug. 16, 1979.
George D. Hardy, dba Hardy's Gulf Service, 3754 Westheimer Houston, Tx 77027; Aug. 10, 1979.
Gary A. Simon, dba Gary's Exxon; 6166 Westeimer Houston, Tx 77057; Aug. 13, 1979.
Teddy Koulianos Texaco, 10202 Westheimer Houston, Tx 77042; Aug. 8, 1979.
Eggat M. Sheedid Mobil, 8003 Beechnut Houston, Tx 77036; Aug. 9, 1979.
Antonios E. Moustakelis, dba Tony's Exxon, 5202 Richmond Houston, Tx 77056; Aug. 10, 1979.
Nick Tsaroumis, dba Westwood Texaco, 9602 Southwest F'way Houston, Tx 77036; Aug. 7, 1979.
Marcel Rizk, dba Sharptown Texaco, 7070 Southwest D'way Houston, Tx 77074; Aug. 7, 1979.
George Thanos, dba Southway Texaco Service Station, 8601 Southwest F'way Houston, Tx 77074; Aug. 7, 1979.
Kostas Roudas, dba Kostas' Texaco—Memorial City, 10097 Katy F'way Houston, Tx 77024; Aug. 16, 1979.
Konstantinos Alexopoules, dba Alexopoules' Texaco, 11009 Katy F'way Houston, Tx 77099; Aug. 7, 1979.
Huelett Northon, dba Spencer Shell, 3028 Shaver Pasadena, Tx 77502 City; Aug. 21, 1979.

Issued in Dallas, Texas, this 20th day of September, 1979.

Herbert F. Buchanan,

Deputy District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-30220 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 50256-3325-04-77]

Ben French No. 4, Black Hills Power & Light Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On June 4, 1979, Black Hills Power and Light Company (Black Hills) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Ben French No. 4 as an existing facility pursuant to § 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978; 42 U.S.C. 8301 et seq. (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine Ben French No. 4 is a new or existing powerplant. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants.

The purpose of this Notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with Section 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before October 19, 1979.

ADDRESSES: Ten copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B–110, Washington, D.C. 20461, Phone (202) 634–2170.

James W. Workman, Acting Director, Division of Existing Faclities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128I, Washington, D.C. 20461, Phone (202) 254–7450.

G. Randolph Comstock (Office of the General Counsel), Department of Energy, 12th & Pennsylvania Avenue, NW., Room 7134, Washington, D.C. 20461, Phone (202) 633–8814.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversions, Economic Regulatory Administrations, Department of Energy, 2000 M Street, NW., Room 3128I, Washington, D.C. 20461, Phone (202) 254–7442.

SUPPLEMENTARY INFORMATION: Black Hills Power and Light Company (Black Hills) is a corporation organized under the laws of the State of South Dakota. Black Hills supplies electric service in western South Dakota and eastern Wyoming.

Black Hills stated that it executed a contract in January 1976 for the constructon of a 25.2 MW, oil-fired combustion turbine, to be known as Ben French No. 4 in Pennington, County, South Dakota, and that commercial operation was scheduled for June 1979.

On June 4, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 14, 1979, Black Hills requested that ERA classify Ben French No. 4 as an "existing" facility.

In accordance with § 515.6 of ERA's Revised Interim Rule, a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. Black Hills supported its request for classification by providing evidence in support of their claim that it would suffer a substantial financial penalty if Ben French No. 4 were not permitted to proceed as an oil-burning facility. A summary of the evidence requirements and Black Hills' response to those requirements follows:

Substantial financial penalty—Pursuant to § 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that at least 25 percent of the total projected project cost of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In resonse to the evidence requirements of § 515.6(b)(1) of the Revised Inerim Rule, Black Hills provided the following information:

Total projected project cost as of 11/09/78	$3,511,000
Total project expenditures as of 11/09/78	1,303,000
Total recoverable expenditures	1,000,000
Total nonrecoverable outlays, including penalty charges for obligations and cancellations	1,943,000
Nonrecoverable outlays percent of total projected project expenditures as of 11/09/78	55.3

ERA hereby invites all interested persons to submit written comments on this matter.

The public file, containing Black Hills' request for classification and supporting materials, is available for inspection upon request at: ERA, Room B–110, 2000 M Street NW., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on September 24, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-30216 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 50868-9005-21-77]

El Paso Electric Co.; Copper Station No. 1

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On June 4, 1979, El Paso Electric Company (El Paso) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Copper Station No. 1 as an existing facility pursuant to § 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine whether Copper Station No. 1 is a new or existing powerplant. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants.

The purpose of this Notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with § 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before October 19, 1979.

ADDRESSES: Ten copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Phone (202) 634-2170.

James W. Workman, Acting Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 31281, Washington, D.C. 20461, Phone (202) 254-7450.

G. Randolph Comstock (Office of the General Counsel), Department of Energy, 12th & Pennsylvania Avenue, N.W., Room 7134, Washington, D.C. 20461, Phone (202) 633-8814.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 31281, Washington, D.C. 20461, Phone (202) 254-7442.

SUPPLEMENTARY INFORMATION: El Paso Electric Company (El Paso) is a corporation organized under the laws of the State of Texas. El Paso supplies electric service in southwestern Texas and a portion of New Mexico.

El Paso stated that it executed contracts in December 1977 for the construction of a 67 MW, combustion turbine capable of burning No. 2 distillate fuel oil, residual oil or natural gas and to be known as Copper Station No. 1 in El Paso County, Texas, and that commercial operation is scheduled for May 1980.

On June 4, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, El Paso requeted that ERA classify Copper Station No. 1 as an "existing" facility.

In accordance with § 515.6 of ERA's Interim Rule, a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. El Paso suppported its request for classification by providing evidence in support of their claim that it would suffer a substantial financial penalty if Copper Station No. 1 were not permitted to proceed as an oil/gas-burning facility. A summary of the evidence requirements and El Paso's response to those requirements follows:

Substantial financial penalty—Pursuant to § 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In response to the evidence requirements of § 515.7(b)(1) of the Revised Interim Rule, El Paso provided the following information:

Total projected project cost as of 11/09/78	$10,800,000
Total projected project cost as of 11/09/78	7,042,309
Total recoverable expenditures3,427,780	
Total nonrecoverable outlays, including penalty charges for obligations and cancellations	5,491,838
Nonrecoverable outlays percent of total projected project expenditures as of 11/09/78	50.8

ERA hereby invites all interested persons to submit written comments on this matter.

The public file, containing El Paso's request for classification and supporting materials, is available for inspection upon request at: ERA, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C., on September 24, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-30217 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Interim Remedial Orders for Immediate Compliance

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Interim Remedial Orders for Immediate Compliance (IROICs) were issued by the Office of Enforcement, ERA, to the firms listed during the month of August 1979. These IROICs concern both prices charged by retail motor gasoline dealers in excess of the maximum lawful selling prices for motor gasoline and discriminatory business practices. To prevent further irreparable harm to the public interest which might result if the firms continued these pricing and business practices, the lawfulness of which could not be justified, IROICs were issued in accordance with 10 CFR 205.199D and ordered the firms to come into compliance with legal requirements by taking the following actions:

1. Reduce prices for each grade of gasoline to not more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height;

3. Properly maintain records required under the Mandatory Petroleum Allocation and Price Regulations, Title 10, Code of Federal Regulations; and

4. Cease and desist from employing any form of discrimination practices as set forth in 10 CFR 210.62(b) and conform its business practices to those practices followed during the base period.

In the alternative, these firms were ordered to come forth within five days with support for the lawfulness of its business practices and the maximum lawful selling prices they otherwise contend are appropriate.

For further information regarding these IROICs, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/767-7745.

Firm's Name, Address, and Date

Doy Gatlin, dba El Paso Auto Truck Stop, Inc., 1301 North Horizon Blvd, El Paso, TX 79927, Aug. 22, 1979.

Samuel D. Lee, dba Lee's Gulf, 2238 South Main, Stafford, TX 77077, Aug. 10, 1979.

Bruce's Texaco, 9142 Long Point, Houston, TX, Aug. 16, 1979.

Issued in Dallas, Texas on the 20th day of September, 1979.

Herbert F. Buchanan,

Deputy District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-30218 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

Canadian Crude Oil Allocation Program Allocation Notice for the October 1 Through December 31, 1979, Allocation Period

In accordance with the provisions of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby publishes the allocation notice specified in § 214.32 for the allocation period commencing October 1, 1979.

The Canadian National Energy Board (NEB) recently announced that, beginning in October 1979, exports of crude oil from Canada will be authorized on a monthly basis, instead of a quarterly basis.[1] Consequently, although this allocation notice is for the October through December 1979 quarter, the volumes listed represent only October exports from Canada. Pursuant to § 214.32(c), this quarterly notice will be revised with the publication of supplemental notices when Canada notifies the ERA of export levels for November and for December.

The issuance of Canadian crude oil rights for the October 1, 1979, allocation period to refiners and other firms is set forth in the Appendix to this notice. As to this allocation period, the Appendix lists: (1) The name of each refiner and other firm to which rights have been issued; (2) The base period volume[2] of Canadian crude oil for each first or second priority refinery; (3) The base period volume of Canadian light and heavy crude oil respectively, for each first or second priority refinery; (4) The nominations to ERA for Canadian light and heavy crude oil, respectively, of each refiner or other firm; (5) The number of rights for Canadian light and heavy crude oil, respectively, expressed in barrels per day, issued to each such refiner or other firm; and (6) The specific first or second priority refineries for which rights are applicable. The appendix also contains a list equating the quarterly allocations to monthly export volumes, since the allocation volumes being announced at this time will all be exported in October.

The issuance of Canadian crude oil rights is made pursuant to § 214.31, which provides that rights may be issued to refiners or other firms that own or control a first or second priority refinery based on the number of barrels of Canadian light and heavy crude oil, respectively, included in the refinery's volume of crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period, November 1, 1974, through October 31, 1975. These calculations have been made and are shown on a barrels per day basis.

The listing contained in the Appendix also reflects any adjustments made by ERA to base period volumes to compensate for reductions in volumes due to unusual or nonrecurring operating conditions or to reflect current operating conditions as provided by § 214.31(d).

Based on its review of the affidavits, supplemental affidavits and reports filed pursuant to Subpart D of Part 214, and other information available to the agency, ERA has designated each refinery or other facility listed in the Appendix as a first or second priority refinery as defined in § 214.21. If a refinery or other facility has not been designated as a priority refinery by ERA, such refinery or other facility is not entitled to process or otherwise consume Canadian crude oil subject to allocation under the program.

As provided by § 214.31(e), in the allocation period commencing October 1, 1979, each refinery or other firm which has been issued Canadian crude oil rights for light and heavy crude oil, respectively, is entitled to process, consume or otherwise utilize in the priority refinery or refineries specified in the Appendix to this notice a number of barrels of Canadian light and heavy crude oil, respectively, subject to allocation under Part 214, equal to the number of rights specified in the Appendix.

The NEB has formally advised ERA that the total volume of Canadian light crude oil authorized for export to the United States, and therefore subject to allocation under Part 214, for the month of October 1979 will be 13,939 B/D; all of which is operationally constrained in the following manner:

—11,200 B/D of condensate through the Rangeland-Aurora-Glacier pipeline system to Montana.

—2,689 B/D of light crude oil through the Murphy pipeline system to Montana.

—50 B/D of light crude oil through the Union Oil pipeline from the Reagan field in Canada to the Thunderbird refinery (second priority) at Cut Bank, Montana.

The total volume of Canadian heavy crude oil authorized for export and subject to allocation under Part 214 will be 94,393 B/D for this allocation period.

Allocation of Canadian Light Crude Oil

Giving effect to the operational constraints on the exports of light crude oil requires that a total of 13,889 B/D for the month of October (=13,939 B/D less 50 B/D to Thunderbird refinery) or 4,697 B/D for the allocation quarter, be allocated among the three first priority refineries with base period volumes of Canadian light crude oil in the Billings/Laurel area of Montana. The adjusted base period volumes of Canadian light crude oil for the eligible first priority refineries substantially exceeds the light crude oil export level. Accordingly, the export level of light crude oil was allocated on a pro rata basis with reference to one-fourth of their adjusted total base period volumes.

Allocation of Canadian Heavy Crude Oil

The authorized export level for Canadian heavy crude oil for the month of October 1979, is 94,393 B/D or 31,806 B/D for the allocation period commencing October 1, 1979. Allocations of heavy crude oil were made according to the procedures specified in § 214.31(a)(3).

First priority refineries for which nominations had been submitted were allocated heavy crude oil on a pro rata basis with reference to one-fourth of their total base period volumes of Canadian heavy crude oil. Murphy Oil Corporation's allocation was reduced to conform to the level of its nomination. Allocations under the third through sixth steps specified in § 214.31(a)(3) were not necessary because the export level of heavy crude oil does not exceed the total Canadian base period volumes for

[1] The ERA is considering proposing a change in the regulations to account for Canada's decision to announce exports on a monthly rather than a quarterly basis.

[2] Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (November 1, 1974, through October 31, 1975) on a barrels per day basis.

all first priority refineries for which nominations for heavy crude oil had been received.

On or prior to the thirtieth day preceding each allocation period, each refiner or other firm that owns or controls a first priority refinery shall file with ERA the supplemental affidavit specified in § 214.41(b) to confirm the continued validity of the statements and representations contained in the previously filed affidavit or affidavits, upon which the designation for that priority refinery is based. Each refiner or other firm owning or controlling a first or second priority refinery shall also file the periodic report specified in § 214.41(d)(1) on or prior to the thirtieth day preceding each allocation period, provided, however, that the information as to estimated nominations specified in § 214.41(d)(1)(i) is not required to be reported.

Within 30 days following the close of each three-month allocation period, each refiner or other firm that owns or controls a priority refinery shall file the periodic report specified in § 214.41(d)(2) certifying the actual volumes of Canadian crude oil and Canadian plant condensate included in the crude oil runs to stills of or consumed or otherwise utilized by each such priority refinery (specifying the portion thereof that was allocated under Part 214) for the allocation period.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before October 29, 1979.

Issued in Washington, D.C. on September 21, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

BILLING CODE 6450-01-M

APPENDIX

CANADIAN ALLOCATION PROGRAM

RIGHTS - October 1, thru December 31, 1979
(Barrels Per Day)

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation 1/: Light	Allocation 1/: Heavy
	AMOCO							
II	Whiting, Ind.	26,751	25,560	1,191	0	0	0	0
II	Casper, Wyo.	2,991	2,991	0	0	0	0	0
II	Mandan, N.D.	8,995	8,995	0	0	0	0	0
II	Sugar Creek, Mo.	317	317	0	0	0	0	0
	ARCO							
II	Cherry Point, Wash.	34,225	34,225	0	0	0	0	0
	ASHLAND							
II	Buffalo, N.Y.	36,752	32,033	4,719	0	0	0	0
II	Findlay, Ohio	2,198	33	2,165	0	0	0	0
I	St. Paul Park, Minn.	14,707 2/	13,127 2/	1,580 2/	40,000	25,050	0	5,422 3/
	CLARK							
II	Blue Island, Ill.	18,764	18,764	0	0	0	0	0
	CONSUMERS POWER							
I	Essexville, Mich.	13,872	13,872	0	0	0	0	0
I	Marysville, Mich.	27,306	27,306	0	17,500	0	0	0
	CONOCO							
I	Billings, Mont.	25,994	25,994	0	25,994	0	2,198 4/	0
II	Denver, Colo.	4,639	4,639	0	4,638	0	0	0
II	Ponca City, Ok.	1,188	1,188	0	1,188	0	0	0
I	Wrenshall, Minn.	20,651	20,651	0	20,651	0	0	0
	CRA							
II	Coffeyville, Kan.	318	318	0	0	0	0	0
II	Phillipsburg, Kan.	173	173	0	0	0	0	0
II	Scottsbluff, Neb.	401	401	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation 1/: Light	Allocation 1/: Heavy
II	CRYSTAL Carson City, Mich.	1.104	1.104	0	0	0	0	0
II	DOW CHEMICAL, U.S.A. Bay City, Mich.	2,767	2,767	0	0	0	0	0
II	ENERGY COOPERATIVE East Chicago, Ind.	10,804	10.267	537	0	0	0	0
I	EXXON Billings. Mont.	15,908	15,908	0	16,000	0	1,345 4/	0
I	FARMERS UNION Laurel, Mont.	13.439	13.439	0	13,500	0	1.137 4/	0
II	GLADIEUX Fort Wayne. Ind.	774	774	0	0	0	0	0
II	GULF Toledo. Ohio	13,253	13,253	0	0	0	0	0
II	HUSKY Cheyenne. Wyo.	4,865	4.865	0	0	0	0	0
II	Cody, Wyo.	806	806	0	0	0	0	0
I	KOCH Pine Bend, Minn.	44,383 2/	3.396 2/	40,987 2/	0	95,000	0	23,689 3/
I	LAKE SUPERIOR D.P. Ashland, Wisc.	125	125	0	0	0	0	0
II	LAKESIDE Kalamazoo, Mich.	1.240	1,240	0	0	0	0	0
II	LAKETON Laketon, Ind.	141	10	131	0	5,000	0	0
II	LITTLE AMERICA Casper, Wyo.	2,248	2.248	0	0	0	0	0
II	Sinclair, Wyo.	709	709	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation 1/: Light	Allocation 1/: Heavy
	MARATHON							
II	Detroit, Mich.	10,301	10.159	142	19,522	10,000	0	0
	MOBIL							
II	Buffalo, N.Y.	24.995	24,995	0	0	6,036	0	0
II	Ferndale, Wash.	45,444	45,444	0	0	10.975	0	0
II	Joliet, Ill.	14,606	2.132	12.474	0	12,989	0	0
	MURPHY							
I	Superior, Wisc.	25.625	20,253	5,372	10,000	8.000	0	2.695
	NCRA							
II	McPherson, Kan.	836	836	0	0	0	0	0
II	PESTER REFINING CO.							
	El Dorado, Ken.	196	196	0	0	0	0	0
	PHILLIPS							
II	Great Falls, Mont.	1,222	1.222	0	0	0	0	0
II	Kansas City, Kan.	3,352	3,105	247	0	0	0	0
	ROCK ISLAND							
II	Indianapolis, Ind.	1.063	1,063	0	0	0	0	0
	SHELL							
II	Anacortes, Wash.	55,919	55,919	0	0	0	0	0
II	Wood River, Ill.	8.673	8.673	0	0	0	0	0
	SOHIO							
II	Toledo, Ohio	29,182	29,182	0	15,000	10,000	0	0
	SUN							
II	Toledo, Ohio	16,427	16,427	0	0	0	0	0
	TENNECO							
II	Chalmette, La.	1.767	1,767	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation 1/: Light	Allocation 1/: Heavy
	TEXACO							
II	Anacortes, Wash.	41,229	41.229	0	0	0	0	0
II	Casper. Wyo.	1,380	1,380	0	0	0	0	0
II	Lockport, Ill.	1.244	1.244	0	0	0	0	0
	TEXAS AMERICAN							
II	West Branch, Mich.	2.011	2.011	0	0	0	0	0
	THE REFINERY CORP.							
II	Commerce City, Colo.	174	174	0	0	0	0	0
	THUNDERBIRD							
II	Cut Bank, Mont.	554	554	0	50	0	17 4/	0
	TOTAL PETROLEUM							
II	Alma, Mich.	9,727	3.020	6.707	0	8.000	0	0
	UNION OIL OF CALIF.							
II	Lemont. Ill.	11,711	11,711	0	10,000	20,000	0	0
	UNITED REFINING							
II	Warren, Pa.	9,917	9.789	128	0	0	0	0
	WYOMING REFINING CO.							
II	New Castle, Wyo.	676	676	0	0	0	0	0
	TOTAL PRIORITY I	202.010	154,071	47.939	143.645	128,050	4,680	31,806
	TOTAL PRIORITY II	469.029	440,588	28,441	50,398	83.000	17	0
	TOTAL I&II	.671,039	594,659	76.380	194,043	211.050	4.697	31,806

1/ Although §214.21 and §214.31 require that allocations be made on a quarterly basis. the Canadian National Energy Board has announced export volumes only for the month of October 1979.
2/ Adjusted.
3/ Adjustments to base period volumes not given effect in allocation of Canadian heavy crude oil.
4/ Operational constraint.

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Canadian Crude Oil Exports for October

The allocations on the preceding list are given in barrels/quarter, since the regulations provide for allocations on a quarterly basis. However, the allocations only reflect Candian exports for October 1979. For the convenience of refiners receiving allocations and other interested parties, the following list of Canidian exports for October is given by refinery. This is how the oil would be allocated if allocations were made on a monthly basis.

	Allocation (B/D)	
	Light	Heavy
Ashland:		
St. Paul Park, Minn.	0	16,091
Conco:		
Billings, Mont.	6,524	0
Exxon::		
Billings, Mont.	3,992	0
Farmers Union:		
Laurel, Mont.	3,373	0
Koch:		
Pine Bend, Minn.	0	70,302
Murphy:		
Superior, Wisc.	0	8,000
Thunderbird:		
Cut Bank, Mont.	50	0
Total Priority I	13,889	94,393
Total Priority II	50	0
Total I & II	13, 939	94,393

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BILLING CODE 6450-01-M

Domestic Crude Oil Allocation Program; Entitlement Notice for July 1979

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: July 1979 entitlement notice.

SUMMARY: Under the Department of Energy's (DOE) domestic crude oil allocation (entitlements) program, this is the monthly entitlement notice which sets forth the entitlement purchase or sale requirements of domestic refiners for July 1979.

DATES: Payments for entitlements required to be purchased under this notice must be made by September 30, 1979. The monthly transaction report specified in § 211.66(i) shall be filed with the DOE by October 10, 1979.

FOR FURTHER INFORMATION CONTACT:

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street NW., Room 61281, Washington, D.C. 20461, (202) 254-8660.

Kristina Clark (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Room 6A-127, Washington, D.C. 20585, (202) 252-6744.

SUPPLEMENTAL INFORMATION: In accordance with the provisions of 10 CFR § 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for July 1979 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports, middle distillate imports, and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4); August 1979 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for July 1979 is calculated to be .220984.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil including in a refiner's adjusted crude oil receipts for the month of July 1979, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .542919 of a barrel of deemed old oil.

The issuance of entitlements for the month of July 1979 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of July 1979 is hereby fixed at $16.01, which is the exact differential as reported for the month of July between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of July 1979 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of July 1979 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of July 1979 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months of September 1975 through May 1979 pursuant to 10 CFR § 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, *see Beacon Oil Company, et al*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the July 1979 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its July 1979 entitlement purchase requirement and that no one firm will be unable to sell its entitlement by reason of a default by Arizona Fuels. For a full discussion of the issues involved, *see Entitlement Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 586,463 barrels.

For the month of July 1979, imports of residual fuel oil eligible for entitlements issuances totaled 25,033,834 barrels.

For the month of July 1979, imports of middle distillates eligible for entitlement issuances totaled 2,050,604 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity
California lower tier, crude oil	7,228,773	19°
California upper tier, crude oil	9,879,213	20°

The total number of entitlements required to be purchased and sold under this notice is 20,804,286.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for July 1979, the pricing composition and weighted average costs thereof are as follows:

	Volumes	Weighted average cost	Percent of total volumes*
Lower Tier	68,576,908	$6.44	14.2
Upper Tier	96,118,950	13.76	19.9
Exempt Domestic:			
Alaskan	39,760,380	18.97	8.2
Stripper	49,071,474	23.80	10.2
Naval Petroleum Reserve	3,416,193	20.13	0.7
Tertiary	58,648	17.16	0.01
Newly Discovered	3,040,849	25.67	0.6
Total Domestic	260,043,402	17.24	53.9
Total Imported (Incl. SPR)	222,394,720	23.07	46.1
Total Reported Crude Oil Receipts	482,438,122	18.58	
Total Reported Crude Oil Runs to Stills	492,245,601		
Total Uncontrolled (Exempt Domestic and Imported)	317,742,264	22.66	65.9

*Volumes may not add due to rounding.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for July 1979 must be made by September 30, 1979.

On or prior to October 10, 1979, each firm which is required to purchase or sell entitlements for the month of July 1979 shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of July. The monthly transaction report forms for the month July have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by September 30, 1979 are requested to contact the ERA at (202) 254–3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to September 30, 1979, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before October 29, 1979.

Issued in Washington, D.C., on September 21, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

BILLING CODE 6450-01-M

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
-CONSOL'D-SALES	-64,478	0	0	0	0	0	64,478[1]/
A-JOHNSON	5,543	74,743	0	0	0	0	69,200
ALLIED	584	20,676	0	0	0	0	20,092
AMER-PETROFINA	1,177,832	912,638	0	0	0	265,194	0
AMERADA-HESS	2,398,497	3,926,571	0	157,153	0	0	1,528,074
AMOCO	10,313,641	7,068,871	0	0	0	3,244,770	0
ANCHOR	10,825	34,171	0	0	2,447	0	23,346
APEX	0	20,428	0	20,428	0	0	20,428
ARCO	3,654,788	5,712,079	0	0	39,816	0	2,057,291
ARIZONA	99,286	34,808	0	0	0	64,478	0
ASAMERA	137,299	127,760	0	0	0	9,539	0
ASHLAND	1,186,416	2,819,701	0	0	0	0	1,633,285
BASIN	50,790	104,814	0	0	7,451	0	54,024
BAYOU	39,445	38,633	0	0	0	812	0
BEACON	182,936	97,596	-10,640	0	14,957	85,340	0
BELCHER	0	162,972	0	162,972	0	0	162,972
BI-PETRO	36,468	169,682	0	0	0	0	133,214
BRUIN	165,556	125,306	0	0	0	40,250	0
C&H	0	290	0	0	0	0	290
CALCASIEU	105,496	79,217	0	0	0	26,279	0
CALUMET	18,395	19,213	0	0	0	0	818
CANAL	116,240	57,144	0	0	0	59,096	0
CARBONIT	56,181	51,044	0	0	0	5,137	0
CARIBOU	63,971	50,358	0	0	4,282	13,613	0
CASTLE	0	23,163	0	23,163	0	0	23,163
CENTRAL	0	9,988	0	9,988	0	0	9,988
CHAMPLIN	1,591,027	1,451,724	0	0	122,488	139,303	0
CHARTER	456,079	476,569	-5,518	0	0	0	20,490
CHARTER-BAHAMAS	0	510,045	0	510,045	0	0	510,045
CHEVRON	6,794,771	7,404,158	105,860[3]/	12,047	210,710	0	609,387
CIBRO	6	219,764	0	11,463	0	0	219,764
CITGO	2,229,813	1,780,132	0	0	0	449,681	0
CLAIBORNE	79,968	34,921	0	0	0	45,047	0
CLARK	393,278	737,791	0	0	0	0	344,513

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
COASTAL	282,426	1,514,491	0	108,901	0	0	1,232,065
COLONIAL	0	20,210	0	20,210	0	0	20,210
CONOCO	2,667,944	2,452,568	0	0	48,633	215,376	0
CONSUMERS-POWER	0	79,968	0	79,968	0	0	79,968
COPANO	18,871	18,049	0	0	0	822	0
CORAL	15,989	218,340	0	0	0	0	202,351
CORCO	0	1,096,770	372,068	247,161	0	0	1,096,770
CRA-FARMLAND	354,880	569,614	0	0	0	0	214,734
CROSS	51,830	68,958	0	0	0	0	17,128
CROWN	375,758	682,648	0	0	0	0	306,890
CRYSTAL-OIL	129,879	102,844	0	0	0	27,035	0
CRYSTAL-REF	0	15,426	0	0	0	0	15,426
DELTA	249,443	334,845	0	0	0	0	85,402
DEMENNO	23,891	62,002	0	0	4,216	0	38,111
DETROIT-ED	0	53,031	0	53,031	0	0	53,031
DFSC	0	243	0	243	0	0	243
DIAMOND	445,389	362,141	0	0	0	83,248	0
DILLMAN	0	346	0	0	0	0	346
DORCHESTER	16,255	186,518	0	0	0	0	170,263
DOW	96,939	87,728	0	0	0	9,211	0
E-SEABOARD	0	70,608	0	70,608	0	0	70,608
ECO	114,463	78,565	0	0	16,569	35,898	0
EDDY	49,865	30,603	0	0	0	19,262	0
ENERGY-COOP	0	728,348	7,413	0	0	0	728,348
ENTERPRISE	0	6,847	0	6,847	0	0	6,847
ERGON	21,037	79,443	0	0	0	0	58,406
ERICKSON	44,050	116,624	0	0	0	0	72,574
EVANGELINE	58,639	25,205	0	0	0	33,434	0
EXXON	10,927,924	10,168,966	214,496 3/	571,043	0	758,958	0
EZ-SERVE	33,722	24,565	0	0	0	9,157	0
FARMERS-UN	220,703	239,242	0	0	0	0	18,539
FIGOL	0	1,242	1,242 3/	0	0	0	1,242
FLETCHER	13,265	190,293	0	0	1,520	0	177,028
FLINT	6,413	5,608	0	0	0	805	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
FRIENDSWOOD	35,555	62,185	0	0	0	0	26,630
FUNDING	91,882	42,014	0	0	0	49,868	0
GARY	186,900	72,735	0	0	0	114,165	0
GETTY	1,266,566	1,341,445	0	0	0	0	74,879
GIANT	50,593	52,736	0	0	0	0	2,143
GIBNEY&SHUVER	0	80	80 3/	0	0	0	80
GLACIER-PARK	103,147	35,641	0	0	0	67,506	0
GLADIEUX	35,509	50,657	0	0	0	0	15,148
GOLDEN-EAGLE	0	112,159	0	0	0	0	112,159
GOLDKING	270,457	122,253	0	0	0	148,204	0
GOOD-HOPE	51,218	232,968	0	0	0	0	181,750
GRAND-TRUNK	0	1,783	1,783 3/	0	0	0	1,783
GUAM	0	158,660	0	0	0	0	158,660
GULF	7,697,948	6,377,495	3,367	35,603	29,999	1,320,453	0
GULF-STS	69,877	122,643	0	0	0	0	52,766
HALL-DIST	0	20	20 3/	0	0	0	20
HIRI	0	473,949	0	0	0	0	473,949
HOWELL	157,598	232,434	0	0	0	0	74,836
HUDSON-OIL	36,258	139,319	0	0	0	0	103,061
HUNT	253,212	224,997	0	0	0	28,215	0
HUSKY	809,392	809,392	474,800	0	0	0	0 2/
INDEPENDENT-REF	30,806	95,963	0	0	0	0	65,157
INDIANA-FARM	45,418	155,695	0	0	0	0	110,277
INDUST-FUEL	35,061	18,889	0	0	0	16,172	0
INTER-PETRO	0	15,457	0	15,457	0	0	15,457
INTER-PROCESS	24,744	214,393	0	0	0	0	189,649
IRVING	0	26,102	0	26,102	0	0	26,102
KENCO	45,724	32,808	0	0	0	12,916	0
KENTUCKY	14,006	9,210	0	0	0	4,796	0
KERN	252,781	243,456	67,401	0	21,117	9,325	0
KERR-MCGEE	1,021,753	927,748	0	0	0	94,005	0
KOCH	690,040	861,764	0	0	0	0	171,724
LAGLORIA	345,928	256,025	0	0	0	89,903	0
LAKE-CHARLES	0	31,639	0	0	0	0	31,639

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
LAKEHEAD	0	8,312	8,312 3/	0	0	0	8,312
LAKESIDE	17,582	16,473	0	0	0	1,109	0
LAKETON	191,288	171,106	91,396	0	0	20,182	0
LITTLE-AMER	1,714,088	559,395	41,844	0	0	1,154,693	0
LOUISIANA-LAND	577,525	264,200	0	0	0	313,325	0
MACMILLAN	97,209	106,679	0	0	11,426	0	9,470
MARATHON	4,642,150	2,951,990	0	0	0	1,690,160	0
MARION	114,722	147,870	0	0	0	0	33,148
METROPOLITAN	0	138,077	0	138,077	0	0	138,077
MID-AMER	448	22,834	0	0	0	0	22,386
MOBIL	6,466,109	5,943,199	234,231 3/	44,658	223,394	522,910	0
MOBILE-BAY	0	88,341	0	0	0	0	88,341
MOHAWK	383,528	264,502	46,898	0	25,422	119,026	0
MONOCO	0	14,542	0	14,542	0	0	14,542
MONSANTO	409,683	244,395	0	0	0	165,288	0
MORRISON	23,537	7,947	0	0	0	15,590	0
MOUNTAINEER	4,080	2,504	0	0	0	1,576	0
MT-AIRY	105,410	114,949	0	0	0	0	9,539
MURPHY	926,446	862,440	0	0	0	64,006	0
N-AMER-PETRO	137,338	170,322	0	0	28,599	0	32,984
NATL-COOP	250,446	380,740	0	0	0	0	130,294
NAVAJO	346,283	209,512	0	0	0	136,771	0
NEVADA	42,308	22,838	0	0	0	19,470	0
NEW-EDGINGTON	532,162	314,745	39,177	0	85,355	217,417	0
NEW-ENGL-POWER	0	118,981	0	118,981	0	0	118,981
NEWHALL	47,342	108,531	0	0	4,967	0	61,189
NORTHEAST-PETRO	0	55,178	0	55,178	0	0	55,178
NORTHLAND	44,970	44,970	30,171	0	0	0	0
NORTHVILLE	0	20,213	0	20,213	0	0	20,213
OKC	145,284	187,101	0	0	0	0	41,817
OKLA-REF	62,344	103,783	0	0	0	0	41,439
OXNARD	14,196	24,215	0	0	2,805	0	10,019
PEERLESS	0	41,515	0	0	0	0	41,515
PEMEX	0	129,599 4/	0	0	0	0	129,599

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
PENNZOIL	526,066	368,198	0	0	0	157,868	0
PESTER	139,382	166,447	0	0	0	0	27,065
PHILLIPS	2,984,119	1,953,183	0	0	-54	1,030,936	0
PHILLIPS-PR	0	204,628	0	204,628	0	0	204,628
PIONEER	90,469	48,702	0	0	0	41,767	0
PLACID	620,292	250,745	0	0	0	369,547	0
PLATEAU	243,307	183,727	0	0	0	59,580	0
PORT	9,082	9,864	0	0	0	0	782
POWERINE	180,443	237,000	0	0	26,041	0	56,557
PRIDE	201,167	116,461	0	0	0	84,706	0
QUAD	78,245	37,470	0	0	0	40,775	0
QUAKER-ST	53,331	182,230	0	0	0	0	128,899
QUITMAN	0	60,724	0	0	0	0	60,724
RANCHO-REF	12,503	7,573	0	0	0	4,930	0
RICHARDS	195	68,560	0	0	0	0	68,365
ROAD-OIL	0	7,574	0	0	0	0	7,574
ROCK-ISLAND	228,723	271,257	0	0	0	0	42,534
SABER-TEX	33,685	92,122	0	0	0	0	58,437
SABRE-CAL	37,281	66,362	0	0	2,925	0	24,[illegible]
SAGE-CREEK	9,260	4,205	0	0	0	5,055	0
SAN-JOAQUIN	248,952	171,283	0	0	48,287	77,669	0
SCALLOP	0	254,738	0	254,738	0	0	254,738
SCANOIL	0	36,200	0	36,200	0	0	36,200
SCHULZE	20,429	10,239	0	0	0	10,190	0
SEAVIEW	0	236,425	0	0	0	0	236,425
SECTOR	48,785	35,143	0	0	0	13,642	0
SEMINOLE	12,582	88,974	0	0	0	0	76,392
SENTRY	41,986	154,101	57,089	0	3,731	0	112,115
SHELL	9,552,369	6,568,913	0	0	235,971	2,983,456	0
SHEPHERD	32,265	69,955	0	0	0	0	37,690
SIGMOR	15,551	183,916	0	0	0	0	168,365
SILVER-EAGLE	2,253	1,379	0	0	0	874	0
SLAPCO	114,585	71,971	0	0	0	42,614	0
SO-HAMPTON	85,246	86,417	0	0	0	0	1,17[illegible]

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
SOHIO	1,162,347	3,181,253	0	0	0	0	2,018,906
SOMERSET	27,594	31,053	0	0	0	0	3,459
SOUND	29,438	54,629	0	0	5,320	0	25,191
SOUTHERN-UNION	228,844	265,208	0	0	0	0	36,364
SOUTHLAND	396,787	229,855	44,235	0	0	166,932	0
SOUTHWESTERN	6,637	7,223	1,841	0	0	0	586
SPRAGUE	0	26,658	0	26,658	0	0	26,658
SUNLAND	4,176	89,239	0	0	94	0	85,063
SUNOCO	3,768,397	3,874,523	6,973	0	0	0	106,126
T&S	0	2,312	0	0	0	0	2,312
TENNECO	1,411,716	718,265	0	0	7,765	693,451	0
TESORO	248,491	484,942	0	0	0	0	236,451
TEXACO	9,074,882	7,231,071	58,105 3/	192,577	139,095	1,843,811	0
TEXAS-AMERICAN	99,771	68,876	0	0	0	30,895	0
TEXAS-ASPH	25,234	9,048	0	0	0	16,186 5/	0
TEXAS-CITY	472,134	814,071	0	0	0	0	341,937
THAGARD	104,671	111,514	3,883	0	16,270	0	6,843
THRIFTWAY	47,634	34,118	0	0	0	13,516	0
THUNDERBIRD	75,403	91,807	0	0	0	0	16,404
TIPPERARY	21,168	50,608	0	0	0	0	29,440
TONKAWA	75,755	47,564	0	0	0	28,191	0
TOSCO	1,812,847	1,381,875	0	0	231,957	430,972	0
TOTAL-PETROLEUM	504,319	593,117	0	0	0	0	88,798
UCC-CARIBE	0	150,641	0	150,641	0	0	150,641
UNI-REF	113,434	106,090	0	0	0	7,344	0
UNION-OIL	3,706,665	3,227,307	0	0	131,566	479,358	0
UNTD-REF	113,662	268,788	0	0	0	0	155,126
US-OIL	22,113	152,418	0	0	2,899	0	130,305
USA-PETROCHEM	41,768	272,677	0	0	4,438	0	230,909
VAL-VERDE	5,145	3,705	0	0	0	1,440	0
VICKERS	189,399	435,126	0	0	0	0	245,727
VICKSBURG	11,712	52,494	0	0	0	0	40,782
WARREN	0	15,615	15,615 3/	0	0	0	15,615
WARRIOR	60,463	31,183	9,169	0	0	29,280	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
WEST-COAST	59,124	50,702	0	0	11,714	8,422	0
WESTERN	122,093	74,832	0	0	0	47,261	0
WHATCOM	0	171 3/	171	0	0	0	171
WINSTON	56,701	117,600	0	0	0	0	60,899
WIREBACK	0	398	0	0	0	0	398
WITCO	88,887	162,984	0	0	11,182	0	74,097
WYOMING	99,703	75,634	0	0	0	24,069	0
YETTER	0	534	0	0	0	0	534
YORKSTON	0	498 3/	498	0	0	0	498
YOUNG	54,322	33,569	16,662	0	0	20,753	0
TOTAL	118,405,062	118,405,062	1,938,642	3,399,524	1,785,374	20,804,286	20,804,286

1/ See discussion in Notice.

2/ This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in Husky Oil Co. v. DOE, et al., Civ. Action No. C77-190-B (D.Wyo., filed March 14, 1978), remanded _____F.2d ___ (No. 10-18 TECA, August 10, 1978).

3/ Entitlements issued pursuant to the regulation issued May 24, 1979 (44 FR 31162 May 31, 1979) which provides entitlements benefits for imports of middle distillates for the months May 1979 through August 1979.

4/ Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

5/ This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[FR Doc. 79-30118 Filed 9-27-79; 8:45 am]
BILLING CODE 6450-01-C

Refiners Crude Oil Allocation Program; Allocation Period of October 1, 1979 Through March 1, 1980

The notice specified in 10 CFR 211.65(g) of the refiners' crude oil allocation program is hereby issued for the allocation period of October 1, 1979 through March 1, 1980.

The buy/sell list for refiners for the allocation period commencing October 1, 1979, is set forth as an appendix to this notice. The provisions of 10 CFR 211.65 apply to all transactions made under the buy/sell list. Included as part of the list, as required by 10 CFR 211.65(g), are: the names of refiner-buyers and their eligible refineries; the quantity of crude oil each refiner-buyer is eligible to purchase; the total allocation obligation for all refiner-sellers; the fixed percentage share for each refiner-seller; and the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyers.

The allocations shown on the buy/sell list for refiner-buyers were determined in accordance with 10 CFR 211.65(b) and (c)(2). With respect to allocations under 10 CFR 211.65(b), for the allocation period of October 1, 1979 through March 31, 1980, each refiner-buyer shall be entitled to purchase, for each of its refineries that is determined by ERA not to have access to imported crude oil, an amount of crude oil equal to the difference between (1) the volume of crude oil runs to stills (not including crude oil processed for other refiners) at the eligible refinery in the period October 1, 1978 through March 31, 1979, and (2) the volume of crude oil runs to stills (not including crude oil runs attributable to purchaser under 10 CFR 211.65 or crude oil processed for other refiners) at the eligible refinery in the period April 1, 1979 through September 30, 1979 (calculated by using the level of the crude oil runs to stills at that refinery in the period April 1, 1979 through July 31, 1979 for the entire six month period).

The buy/sell list sets forth separately the allocations for refiner-buyers with eligible newly constructed refinery capacity and reactivated refineries and expanded refinery capacity. Pursuant to 10 CFR 211.65(a)(1)(iii), ERA has decided to assign such refinery capacity an allocation equal to 25 percent of the capacity for the allocation period commencing October 1, 1979. In the event that ERA subsequently determines that any such allocation is incorrect, ERA will adjust the allocation in this allocation period or in the allocation period commencing April 1, 1980.

Pursuant to 10 CFR 211.65(c)(1), any small refiner may apply to ERA for review of the denial of eligibility of a refinery owned by that refiner where significant changes in the refinery's access to imported crude oil have occured since the refinery was determined by ERA to be ineligible for an allocation. Any refiner-buyer may apply to ERA for an adjustment to an allocation for an eligible refinery to compensate for reductions in crude oil runs to stills due to unusual or nonrecurring operating conditions or an unconsummated directed sale under 10 CFR 211.65(j) due to documented delays in delivering allocated crude oil. Applications for review of eligibility for an allocation or adjustment to an allocation for the allocation period commencing April 1, 1980, must be received by ERA no later than January 31, 1979.

Pursuant to 10 CFR 211.65(c)(2), any refiner-buyer may apply to ERA at any time for an emergency allocation for one or more of its eligible refineries for one or more allocation periods, or for part of an allocation period; *provided that* such refiner will be required to demonstrate that it has incurred or will incur a reduction in its crude oil supply for the eligible refinery for which an emergency allocation is sought equal to at least 25 percent of its runs to stills in the period January through October 1978.

The buy/sell list covers PAD Districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(f), each refiner-seller shall offer for sale, directly or through exchange, to refiner-buyers during an allocation period a quantity of crude oil equal to that refiner-seller's sales obligation plus any portion of that refiner-seller's sales obligation as to which ERA directs a sale pursuant to 10 CFR 211.65(j).

Pursuant to 10 CFR 211.65(h), each refiner-buyer and refiner-seller is required to report to ERA in writing or by telex the details of each transaction under the buy/sell list within forty-eight hours of the completion of arrangements therefor. Each report must identify the refiner-seller, the refiner-buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

The procedures of 10 CFR 211.65(j) provide that if a sale is not agreed upon subsequent to the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request ERA to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such request must be received by the ERA no later than twenty days after the publication date of the buy/sell notice for the allocation period for which the assignment of a refiner-seller is requested. Upon such request, ERA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer.

In directing a refiner-seller to make such sales, the ERA will consider the percentage of each refiner-seller's sales obligation for the allocation period that has been sold as reported pursuant to § 211.65(h), as well as the refiner-seller or sellers that can best be expected to consummate a particular directed sale. If, in ERA's opinion, a valid directed sale request cannot reasonably be expected to be consummated by a refiner-seller that has not completed all or substantially all of its sales obligation for the allocation period, the ERA may issue one or more directed sales orders that would result in one or more refiner-sellers selling more than their published sales obligations for that allocation period. In such cases, the refiner-seller or sellers will receive a barrel-for-barrel reduction in their sales obligation for the next allocation period pursuant to 10 CFR 211.65(f)(3)(ii).

If the refiner-buyer declines to purchase the crude oil specified by the ERA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation period, provided that the refiner-seller or refiner-sellers have fully complied with the provisions of 10 CFR 211.65.

Refiner-buyers requesting directed sales must document their inability to purchase crude oil from refiner-sellers by supplying the following information to the ERA:

(i) Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy/sell program transactions.

(ii) Name and location of the refineries for which crude oil has been sought, the amount of crude oil sought for each refinery, and the technical specification of crude oils that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Names and locations of all refiner-sellers from which crude oil has been sought under the buy/sell notice, the refineries for which crude oil has been sought, and the volume and specifications of the crude oil sought from each refiner-seller.

(v) The response of each refiner-seller to which a request to purchase crude oil has been made and the name and telephone number of the individual contacted at each such refiner-seller.

(vi) Such other pertinent information as the ERA may request.

All reports and applications made under this notice should be addressed to: Crude Oil Allocation Branch, 20th Street Postal Station, P.O. Box 19028, Washington, D.C. 20036.

This notice is issued pursuant to Subpart G of DOE's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before October 29, 1979.

Issued in Washington, D.C., September 21, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix

The list of refiner-sellers and refiner-buyers for the period April 1, 1979 through September 30, 1979, is as follows. The first part of the list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil that each refiner-buyer is eligible to purchase for each eligible refinery. Allocations for newly constructed refinery capacity and reactivated refineries and expanded refinery capacity are set forth in the second part of the list.

The list of refiner-sellers' sales obligations does not reflect any sales that may have been consummated to fulfill obligations first listed in the supplemental allocation list issued on September 14, 1979.

Six refiner-sellers are to be given credit for half their sales to Commonwealth Oil Refining Company made at the direction of the Office of Hearings and Appeals (Case Nos. DEL-8020 and DES-8020). These refiner-sellers will be given credit in future regular or supplemental Buy/Sell lists after such sales have been completed.

Crude Oil Allocation Program for the Period October 1, 1979–March 31, 1980

Refiner-sellers	Share [1]	Sales obligation [2]
Amoco Oil Company	.105	1,635,791
Atlantic Richfield Company	.077	1,193,309
Chevron U.S.A., Inc.	.025	1,798,510
Cities Service, Inc.	.101	384,409
Continental Oil Company	.004	62,469
Exxon Company, U.S.A.	.089	1,389,248

Crude Oil Allocation Program for the Period October 1, 1979–March 31, 1980—Continued

Refiner-sellers	Share [1]	Sales obligation [2]
Getty Refining and Marketing Co.	.021	331,322
Gulf Refining and Marketing Co.	.091	1,411,418
Marathon Oil Company	.022	352,808
Mobil Oil Corporation	.094	1,469,342
Phillips Petroleum Company	.041	646,915
Shell Oil Company	.113	1,765,495
Sun Company	.055	866,836
Texaco Incorporated	.114	1,891,400
Union Oil Company of California	.046	838,544
Total sales		[3] 16,037,816

[1] All Refiner-Sellers' percentage shares have changed because of the Continental Oil Company and Exxon Company, U.S.A. Decision and Order dated March 20, 1979. Case numbers are FEX-0185 and FEX-0184.

[2] Barrels.

Eligible Refineries—October 1, 1979–March 31, 1980

Refiner	Refinery location	Allocation (barrels)
Asamera Oil, Inc	Denver, CO	448,545
Carbonit Ref. Inc	Hearne, TX	0
Caribou Four Corners	Woods Cross, UT.	320,473
Caribou Four Corners	Kirtland, NM	22,504
CRA-Farmland Ind., Inc.	Scottsbluff, NE.	109,649
CRA-Farmland Ind., Inc.	Phillipsburg, KS.	124,909
Dow/Refinery	Bay City, MI	445,409
Evangeline Ref	Jennings, LA	0
Farmers Union Central Exchange.	Laurel, MT	2,083,473
Giant Industries	Bloomfield, NM.	0
Hunt Oil Company	Tuscaloosa, AL.	190,213
Kenco Ref. Co., Inc	Wolf Point, MT.	0
Kentucky Oil Ref. Co	Betsy Layne, KY.	0
Little America Ref	Sinclair, WY	1,054,512
Little America Ref	Casper, WY	106,092
Macmillan RF Oil Co	Norphlet, AR	89,768
Marion Corporation	Mobile, AL	973,662
Mount Airy	Mount Airy, LA.	58,533
Newhall Ref. Co	Newhall, CA	185,039
OKC Corp	Okmulgee, OK.	264,944
Pennzoil Co. (Atlas)	Shreveport, LA.	0
Plateau, Inc	Bloomfield, NM.	0
Plateau, Inc	Roosevelt, UT	9,727
Pioneer Ref. Co	Nixon, TX	0
Pride Ref., Inc	Abilene, TX	508,488
Rancho Ref. Co. of TX	Donna, TX	0
Shepherd Oil Inc	Jennings, LA	727,849
Somerset Ref. Inc	Somerset, KY	0
Southern Union	Lovington, NM.	1,883,256
Southern Union	Monument, NM.	128,054
Southwestern Ref. Co	La Barge, WY.	18,560
Texas American Petrochemicals, Inc.	West Branch, MI.	0
Thunderbird Resources (Westco).	Cut Bank, MT	222,333
Thunderbird Resources (Westland).	Williston, ND	120,537
Western Ref. Co	Woods Cross, UT.	659,935
Wyoming Ref. (Tesoro)	Newcastle, WY.	0
Total		10,756,464

Additional allocations for newly constructed and expanded refining capacity and reactivated refineries

Refiner	Refinery location	Capacity (B/D)	Allocation (barrels)
Plateau	Bloomfield, NM.	7,900	361,425

Previously Issued October Emergency Allocations [1]

Refiner	Refinery locations	October 1979 allocations (barrels)
Allied Materials	Stroud, OK	57,939
Bruin	St. James, LA	188,511
Crystal Refining	Carson City, MI.	73,005
Delta	Memphis, TN	264,275
Ergon	Vicksburg, MS	189,658
Gladieux	Ft. Wayne, IN	186,992
Hudson	Cushing, OK	425,661
Indiana Farm Bureau	Mt. Vernon, IN.	213,993
Lakeside	Kalamazoo, MI.	31,062
Rock Island	Rock Island, IN.	698,616
Shepherd	Jennings, LA	42,346
Southern Union	Lovington, NM.	50,685
Texas City	Texas City, TX.	2,035,522
United	Warren, PA	461,662
Total allocations		4,919,927

[1] The Decisions and Orders for these allocations are available for public inspection in ERA Public Docket Room, Room B-110, 2000 M Street, NW., Washington, D.C. 20036.

Total October 1979–March 1980 Allocations—11,117,889.

Total October emergency allocations—4,919,927.

Total allocations—16,037,816.

[FR Doc. 79-30018 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-My

Federal Energy Regulatory Commission

[No. 81]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 20, 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 (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. 79-17542
2. 03-047-10108
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Piles #1
6. Peter Pender
7. Franklin AR
8. 182.0 million cubic feet
9. August 23, 1979
10.

1. 79-17543
2. 03-047-10097-0000-1
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Hettie Stubblefield #1-C
6. Peter Pender
7. Franklin AR

8. 248.0 million cubic feet
9. August 23, 1979
10. Arkansas Oklahoma Gas Corporation

1. 79–17544
2. 03–047–10081–0000–1
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. V Hiatt #1–C
6. Cecil
7. Franklin AR
8. 58.0 million cubic feet
9. August 23, 1979
10.

1. 79–17545
2. 03–047–10097–0000–2
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Hettie Stubblefield #1–T
6. Peter Pender
7. Franklin AR
8. 248.0 million cubic feet
9. August 23, 1979
10. Arkansas Oklahoma Gas Corporation

1. 79–17546
2. 03–047–10081–0000–2
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. V Hiatt #1–T
6. Cecil
7. Franklin AR
8. 58.0 million cubic feet
9. August 23, 1979
10.

1. 79–17547
2. 03–047–10105–0000–1
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Atha #1–C
6. Ozark
7. Franklin AR
8. 213.0 million cubic feet
9. August 23, 1979
10.

1. 79–17548
2. 03–047–10105–0000–2
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Atha #1–T
6. Ozark
7. Franklin AR
8. 213.0 million cubic feet
9. August 23, 1979
10.

1. 79–17550
2. 03–047–10129
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Shale Pit #1
6. Massard
7. Sebastian AR
8. 222.0 million cubic feet
9. August 24, 1979
10. Arkansas Oklahoma Gas Corporation

1. 79–17551
2. 03–047–10132–0000–1
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Mill Creek #1–C
6. Massard
7. Sebastian AR
8. 353.0 million cubic feet
9. August 24, 1979
10. Arkansas Oklahoma Gas Corporation

1. 79–17552
2. 03–047–10132–0000–2
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Mill Creek #1–T
6. Massard
7. Sebastian AR
8. 353.0 million cubic feet
9. August 24, 1979
10. Arkansas Oklahoma Gas Corporation

1. 79–17553
2. 03–047–10139–0000–1
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Pearl Gipson #1–C
6. Gragg
7. Sebastian AR
8. 312.0 million cubic feet
9. August 24, 1979
10. Arkansas Louisiana Gas Co

1. 79–17554
2. 03–047–10139–0000–2
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Pearl Gipson #1–T
6. Gragg
7. Sebastian AR
8. 312.0 million cubic feet
9. August 24, 1979
10. Arkansas Louisiana Gas Co

1. 79–17557
2. 03–047–10092–0000–1
3. 102
4. Weiser-Brown Oil Company
5. Bica #1–12 C
6. Batson
7. Franklin AR
8. 156.0 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company

1. 79–17558
2. 03–047–10092–0000–2
3. 102
4. Weiser-Brown Oil Company
5. Bida #1–12 T
6. Batson
7. Franklin AR
8. 3.8 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company

1. 79–17559
2. 03–071–10148–0000–1
3. 103
4. Weiser-Brown Oil Company
5. Sherrell #1–9 C
6. Batson
7. Johnson AR
8. 168.8 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company

1. 79–17560
2. 03–071–10148–0000–2
3. 103
4. Weiser-Brown Oil Company
5. Sherrell #1–9 UT
6. Batson
7. Johnson AR
8. 253.5 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company

1. 79–17561
2. 03–071–10148–0000–3
3. 103
4. Weiser-Brown Oil Company
5. Sherrell #1–9 LT
6. Batson
7. Johnson AR
8. 84.8 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company

1. 79–17562
2. 03–071–10152–0000–1
3. 103
4. Weiser-Brown Oil Company
5. U S A #1–4 C
6. Batson
7. Johnson AR
8. 243.2 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company

1. 79–17563
2. 03–071–10152–0000–2
3. 103
4. Weiser-Brown Oil Company
5. U S A #1–4 T
6. Batson
7. Johnson AR
8. 66.6 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company

1. 79–17564
2. 03–071–10153–0000–1
3. 103
4. Weiser-Brown Oil Company
5. U S A #2–4 C
6. Batson
7. Johnson AR
8. 46.9 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company

1. 79–17565
2. 03–071–10153–0000–2
3. 103
4. Weiser-Brown Oil Company
5. U S A #2–4 T
6. Batson
7. Johnson AR
8. 221.3 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company

1. 79–17566
2. 03–071–10166–0000–1
3. 103
4. Weiser-Brown Oil Company
5. Rinke #1–6 C
6. Union City
7. Johnson AR
8. 540.0 million cubic feet
9. August 24, 1979
10. Arkansas Louisiana Gas Company

1. 79–17567
2. 03–071–10166–0000–2
3. 103
4. Weiser-Brown Oil Company
5. Rinke #1–6 T
6. Union City
7. Johnson AR
8. 270.0 million cubic feet
9. August 23, 1979
10. Arkansas Louisiana Gas Company

1. 79–17661
2. 03–083–10037
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Rocky Top #1
6. Booneville
7. Logan AR
8. 233.0 million cubic feet
9. August 24, 1979
10.

1. 79–17662

2. 03–115–10038
3. 103
4. Sun Oil Company (Delaware)
5. Billy Webb Well No 1
6. Ross
7. Pope AR
8. 31.0 million cubic feet
9. August 24, 1979
10. Arkansas Louisiana Gas 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. 75–17723/79–2088
2. 17–057–21592
3. 102
4. Alliance Exploration Corporation
5. No. 1 Martinez 162547
6. Rousseau
7. Lafourche, LA
8. 700.0 million cubic feet
9. August 27, 1979
10. Texas Gas Transmission Corp

Montana Board of Oil and Gas 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. 75–17568/7–79–223
2. 25–041–21823
3. 108
4. Tricentrol United States Inc
5. McCloskey 29–4–32–15
6. Tiger Ridge-Bullhook Unit
7. Hill, MT
8. 18.0 million cubic feet
9. August 24, 1979
10. Northern Natural Gas Company

1. 79–17569/7–79–238
2. 25–101–21794
3. 103
4. Texaco, Inc
5. R P Hasquet No. 1
6.
7. Toole, MT
8. 76.0 million cubic feet
9. August 24, 1979
10. Montana Power Company

1. 79–17570/7–79–240
2. 25–017–00000
3. 108
4. Montana-Dakota Utilities Co
5. J P Johnson 44–21
6. Liscom Creek
7. Custer, MT
8. 8.0 million cubic feet
9. August 24, 1979
10. Montana Dakota Utilities Co

1. 79–17571/7–79–239
2. 25–041–21893
3. 108
4. Western Natural Gas Company
5. Majerus 1–3 Sec 3 T–32N R–14–E
6. Tiger Ridge
7. Hill, MT
8. 3.5 million cubic feet
9. August 24, 1979
10. Northern Natural Gas Company

1. 79–17572/7–79–221
2. 25–005–22044
3. 103
4. Tricentrol United States Inc
5. Hiller 3–5–31–18
6. Tiger Ridge
7. Blaine, MT
8. 118.6 million cubic feet
9. August 24, 1979
10. Northern Natural Gas Company

1. 79–17607/7–79–222
2. 25–005–22059
3. 102
4. Tricentrol United States Inc
5. Hiller 27–15–32–18
6. Tiger Ridge
7. Blaine, MT
8. 346.0 million cubic feet
9. August 23, 1979
10. Northern Natural Gas 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. 79–17608
2. 30–015–23458
3. 102
4. Anadarko Production Company
5. Turkey Track State 2
6. Turkey Track
7. Eddy, NM
8. 360.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Co

1. 79–17724
2. 30–045–09214
3. 108 denied
4. Amoco Production Company
5. Stedje Gas Com #1
6. Basin-Dakota
7. San Juan, NM
8. 21.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Co

1. 79–17725
2. 30–045–21005
3. 108
4. Amoco Production Company
5. Sammons Gas Com D#1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 14.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Company

1. 79–17726
2. 30–045–20984
3. 108
4. Amoco Production Company
5. Caneple Gas Com C#1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 1.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Co

1. 79–17727
2. 30–045–07921
3. 108
4. Amoco Production Company
5. Lefkovitz Gas Com #1–X
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 15.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Company

1. 79–17728
2. 30–045–07780
3. 108
4. Amoco Production Company
5. Pollock M Gas Com #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 12.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Company

1. 79–17729
2. 30–045–10168
3. 108
4. Amoco Production Company
5. Wallace Gas Com #2
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 8.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Co

1. 79–17730
2. 30–045–08765
3. 108
4. Amoco Production Company
5. State Gas Com T#1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 8.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Co

Ohio Department of Natural Resources, Division 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. 79–17556/04906
2. 34–059–21888–0014
3. 108
4. Appalachian Exploration Inc
5. Art #1
6.
7. Guernsey, OH
8. 9.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co

1. 79–17731/04581
2. 34–167–23842–0014
3. 108
4. Valentine Oil Properties
5. Deist #2
6.

7. Washington, OH
8. 2.7 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79–17732/04582
2. 34–167–23841–0014
3. 108
4. Valentine Oil Properties
5. Halsser #1
6.
7. Washington, OH
8. 2.3 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79–17733/04583
2. 34–167–22539–0014
3. 108
4. Valentine Oil Properties
5. Pearl & Nellie Dailey #1
6.
7. Washington, OH
8. .4 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79–17734/04584
2. 34–167–22672–0014
3. 108
4. Valentine Oil Properties
5. Ralston #1
6.
7. Washington, OH
8. .4 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79–17735/04585
2. 34–167–22578–0014
3. 108
4. Valentine Oil Properties
5. Sylvia Jamison Well #1
6.
7. Washington, OH
8. .5 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79–17736/04587
2. 34–167–22538–0014
3. 108
4. Valentine Oil Properties
5. Harold & Irene Huck #1
6.
7. Washington, OH
8. .1 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79–17737/04865
2. 34–007–20693–0014
3. 108
4. Meridian Oil & Gas Ent Inc
5. Clara M Byrd Well #1
6.
7. Ashtabula, OH
8. 15.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17738/03849
2. 34–151–22227–0014
3. 108
4. Belden & Blake Oil Production
5. W Bowman Comm #6–597
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17739/03850
2. 34–151–22215–0014
3. 108
4. Belden & Blake Oil Production
5. W Bowman #5–592
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17740/03851
2. 34–151–22210–0014
3. 108
4. Belden & Blake Oil Production
5. G & B Stark #1–591
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17741/03852
2. 34–019–20549–0014
3. 108
4. Belden & Blake Oil Production
5. Karl Hoover #4–587
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17742/03853
2. 34–019–20546–0014
3. 108
4. Belden & Blake Oil Production
5. Karl Hoover Comm #3–576
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17743/03854
2. 34–019–20706–0014
3. 108
4. Belden & Blake Oil Production
5. Glen Gery #4–687
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17744/03855
2. 34–151–22370–0014
3. 108
4. Belden & Blake Oil Production
5. P Downes Comm #1–680
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17745/03956
2. 34–151–22372–0014
3. 108
4. Belden & Blake Oil Production
5. W Bowman #9–678
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17746/03857
2. 34–019–20661—0014
3. 108
4. Belden & Blake Oil Production
5. James Bros Coal #5–676
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17747/03858
2. 34–019–20241—0014
3. 108
4. Belden & Blake Oil Production
5. A B Baker #3–542
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17748/03859
2. 34–019–20283—0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #4.451
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17749/03860
2. 34–019–20535—0014
3. 108
4. Belden & Blake Oil Production
5. W & E Grell Comm #3–567
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17750/03861
2. 34–019–20532—0014
3. 108
4. Belden & Blake Oil Production
5. W E Grell #2–566
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17751/03862
2. 34–019–20533–0014
3. 108
4. Belden & Blake Oil Production
5. James Bros Coal Co #4–565
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17752/03863
2. 34–019–20530–0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger #4–564
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17753/03864
2. 34–019–20531–0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger #13–563
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17754/03865

2. 34–019–20650–0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #8–655
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17755/03866
2. 34–019–20645–0014
3. 108
4. Belden & Blake Oil Production
5. Hickory Clay #7–648
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17756/03967
2. 34–151–22327–0014
3. 108
4. Belden & Blake Oil Production
5. Mehl Young Comm #3–642
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17757/03868
2. 34–019–20644–0014
3. 108
4. Belden & Blake Oil Production
5. Karl Hoover #5–647
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17758/03870
2. 34–151–22296–0014
3. 108
4. Belden & Blake Oil Production
5. R Bogue Comm #2–632
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17759/03869
2. 34–151–22329–0014
3. 108
4. Belden & Blake Oil Production
5. G Gill #4–639
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17760/03872
2. 34–151–22255–0014
3. 108
4. Belden & Blake Oil Production
5. E Gill Comm #3–623
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17761/03873
2. 34–019–20245–0014
3. 108
4. Belden & Blake Oil Production
5. Natco Corp #2–400
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17762/03874
2. 34–019–20189–0014
3. 108
4. Belden & Blake Oil Production
5. W E Grell #1–237
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17763/03875
2. 34–151–22232–0014
3. 108
4. Belden & Blake Oil Production
5. G & M Close Comm #2–605
6.
7. Stark OH
8. 9.2 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17764/03876
2. 34–151–22233–0014
3. 108
4. Belden & Blake Oil Production
5. G & M Close Comm #1–604
6.
7. Stark OH
8. 9.2 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17765/03877
2. 34–151–22323–0014
3. 108
4. Belden & Blake Oil Production
5. Howenstine #2–641
6.
7. Stark OH
8. 6.6 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17766/03878
2. 34–151–22182–0014
3. 108
4. Belden & Blake Oil Production
5. Howenstine #1–589
6.
7. Stark OH
8. 6.6 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17767/03879
2. 34–019–20835–0014
3. 108
4. Belden & Blake Oil Production
5. Glen Gery #5–745
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17768/03880
2. 34–151–22467–0014
3. 108
4. Belden & Blake Oil Production
5. W Bowman Comm #11–689
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17769/03881
2. 34–019–20268–0014
3. 108
4. Belden & Blake Oil Production
5. Natco Corp #3–401
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17770/04318
2. 34–151–22564–0014
3. 108
4. Belden & Blake Oil Production
5. E Halter Comm #1–735
6.
7. Stark OH
8. 6.1 million cubic feet
9. August 28, 1979
10. Buckeye-Franklin Co

1. 79–17771/04319
2. 34–151–22565–0014
3. 108
4. Belden & Blake Oil Production
5. F Bowman #2–734
6.
7. Stark OH
8. 6.1 million cubic feet
9. August 28, 1979
10. Buckeye-Franklin Co

1. 79–17772/04320
2. 34–019–20811–0014
3. 108
4. Belden & Blake Oil Production
5. G Dowell #3–732
6.
7. Carroll OH
8. 1.8 million cubic feet
9. August 28, 1979
10. MB Operating Co Inc

1. 79–17773/04323
2. 34–157–21704–0014
3. 108
4. Belden & Blake Oil Production
5. MWCD #1–646
6.
7. Tuscarawas OH
8. 13.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17774/04324
2. 34–151–22374–0014
3. 108
4. Belden & Blake Oil Production
5. C Border Comm #1–640
6.
7. Stark OH
8. 4.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17775/04325
2. 34–019–20627–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #24–633
6.
7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer

1. 79–17776/04327
2. 34–019–20584–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #22–622
6.

7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17777/04328
2. 34-019-20583-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #21-621
6.
7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17778/04329
2. 34-019-20594-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #23-609
6.
7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17779/04330
2. 34-019-20561-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #19-601
6.
7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17780/04331
2. 34-019-20551-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #18-586
6.
7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17781/04334
2. 34-151-21913-0014
3. 108
4. Belden & Blake Oil Production
5. L & G Thouvenin #2-513
6.
7. Stark OH
8. 3.5 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17782/04335
2. 34-019-20388-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #10-510
6.
7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17783/04341
2. 34-133-20336-0014
3. 108
4. Belden & Blake Oil Production
5. Alvin Rothermel Comm #1-388
6.
7. Portage OH
8. 1.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17784/04580
2. 34-167-23802-0014
3. 108
4. Valentine Oil Properties
5. Deist #1
6.
7. Washington OH
8. 2.7 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79-17785/02161
2. 34-105-21634-0014
3. 108
4. Petro-Lewis Corporation
5. Lemley #1 Andrew F
6.
7. Meigs OH
8. .0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission
1. 79-17786/02162
2. 34-105-21626-0014
3. 108
4. Petro-Lewis Corporation
5. Carson #1 Harold E
6.
7. Meigs OH
8. 6.6 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission
1. 79-17787/02164
2. 34-105-21686-0014
3. 108
4. Petro-Lewis Corporation
5. Karr #1 Ortho
6.
7. Meigs OH
8. 1.2 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission
1. 79-17788/02689
2. 34-009-21484-0014
3. 108
4. Robert V Altier Agent C/O N A Ross
5. Smith #1
6.
7. Athens OH
8. 3.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission
1. 79-17789/02951
2. 34-119-21249-0014
3. 108
4. Russell Hayes L Pflieger J Bebout
5. Christian R Heckel #2
6.
7. Muskingum OH
8. 7.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17790/02952
2. 34-031-21584-0014
3. 108
4. O & G Co and L Pflieger
5. Clyde Blair #4
6.
7. Coshocton OH
8. 1.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17791/02987
2. 34-119-22129-0014
3. 108
4. The Oxford Oil Co
5. Carl Longstreth #1
6.
7. Muskingum OH
8. 2.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17792/02990
2. 34-157-22126-0014
3. 108
4. The Oxford Oil Co
5. Robert Lahna #1
6.
7. Tuscarawas OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17793/02992
2. 34-169-20438-0014
3. 108
4. The Oxford Oil Co
5. Andrew Johnson #A-2
6.
7. Wayne OH
8. 4.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17794/02993
2. 34-075-21594-0014
3. 108
4. The Oxford Oil Co
5. Woodrow Johnson #1
6.
7. Holmes OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17795/03204
2. 34-127-23214-0014
3. 108
4. The Oxford Oil Co
5. Parker C Ice #1-A
6.
7. Perry OH
8. 2.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17796/03740
2. 34-151-21828-0014
3. 108
4. Belden & Blake Oil Production
5. W Bowman Comm #1-499
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17797/03741
2. 34-019-20334-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #7-497
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17798/03742
2. 34-019-20249-0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger #4-447
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17799/03743

2. 34–019–20237–0014
3. 108
4. Belden & Blake Oil Production
5. Smith & Evans Comm #1–445
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17800/03744
2. 34–019–20238–0014
3. 108
4. Belden & Blake Oil Production
5. Smith & Evans Comm #2–446
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17801/03745
2. 34–019–20286–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #5–443
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17802/03746
2. 34–019–20246–0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #7–442
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17803/03747
2. 34–019–20278–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #3–441
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17804/03748
2. 34–019–20240–0014
3. 108
4. Belden & Blake Oil Production
5. Louisa Farber Comm #3–440
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17805/03749
2. 34–019–20232–0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #6–438
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17806/03750
2. 34–019–20230–0014
3. 108
4. Belden & Blake Oil Production
5. A B Baker #2–437
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17807/03751
2. 34–019–20231–0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #5–436
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17808/03752
2. 34–019–20229–0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #4–435
6.
7. Carroll OH
8. 3. million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17809/03753
2. 34–019–20275–0014
3. 108
4. Belden & Blake Oil Production
5. R P Smith Comm #1–434
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17810/03754
2. 34–019–20225–0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #3–433
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17811/03756
2. 34–019–20227–0014
3. 108
4. Belden & Blake Oil Production
5. A B Baker #1–430
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17812/03757
2. 34–019–20224–0014
3. 108
4. Belden & Blake Oil Production
5. N W Baker Comm #1–425
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17813/03758
2. 34–019–20274–0014
3. 108
4. Belden & Blake Oil Production
5. J F Larson #1–424
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17814/03759
2. 34–019–20221–0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #1–422
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17815/03760
2. 34–019–20226–0014
3. 108
4. Belden & Blake Oil Production
5. Louisa Farber #2–421
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17816/03761
2. 34–019–20272–0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger Comm #7–420
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17817/03762
2. 34–019–20262–0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger #6–419
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17818/03763
2. 34–151–20219–0014
3. 108
4. Belden & Blake Oil Production
5. Louisa Farber #1–415
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17819/03764
2. 34–019–20253–0014
3. 108
4. Belden & Blake Oil Production
5. R P Smith-Evans #3–412
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17820/03771
2. 34–019–20282–0014
3. 108
4. Belden & Blake Oil Production
5. James & James Comm #1–450,
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17821/03772
2. 34–019–20252–0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger #5–448
6.

7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17822/03846
2. 34–019–20256–0014
3. 108
4. Belden & Blake Oil Production
5. Smith & Evans Comm #4–455
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17823/03847
2. 34–019–20259–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #1–454
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17824/04923
2. 34–119–23751–0014
3. 108
4. The Clinton Oil Co
5. Toth #1
6.
7. Muskingum, OH
8. 8.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79–17825/04924
2. 34–127–22084–0014
3. 108
4. The Clinton Oil Co
5. Shiplett #6
6.
7. Perry, OH
8. 8.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79–17826/04926
2. 34–119–23638–0014
3. 108
4. The Clinton Oil Co
5. Goss #5
6.
7. Muskingum, OH
8. 4.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79–17827/04931
2. 34–127–23369–0014
3. 108
4. The Clinton Oil Co
5. Mason #3
6.
7. Perry, OH
8. 2.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79–17828/04945
2. 34–119–23570–0014
3. 108
4. The Clinton Oil Co
5. M Foster #1
6.
7. Muskingum, OH
8. 8.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79–17829/04947
2. 34–119–23285–0014
3. 108
4. Alan Schottenstein
5. William Lake #3
6.
7. Muskingum, OH
8. 14.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17830/04948
2. 34–007–20692–0014
3. 108
4. Meridian Oil & Gas Ent Inc
5. Robert R Spencer Well #1
6.
7. Ashtabula, OH
8. 10.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17831/04949
2. 34–007–20761–0014
3. 108
4. Meridian Oil & Gas Ent Inc
5. Beatrice A Wilson Well #1
6.
7. Ashtabula, OH
8. 3.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17832/04950
2. 34–007–20760–0014
3. 108
4. Meridian Oil & Gas Enter Inc
5. Robert R Spencer Well #2
6.
7. Ashtabula, OH
8. 8.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17833/04968
2. 34–119–23282–0014
3. 108
4. Alan Schottenstein
5. John McCormick #1
6.
7. Muskingum, OH
8. 5.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17834/04981
2. 34–151–20998–0014
3. 108
4. Belden & Blake Oil Production
5. S Kukich Comm #1–298
6.
7. Stark, OH
8. 14.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17835/04982
2. 34–151–20997–0014
3. 108
4. Belden & Blake Oil Production
5. L & G Hornberger Comm #1–297
6.
7. Stark, OH
8. 3.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17836/04984
2. 34–151–20850–0014
3. 108
4. Belden & Blake Oil Production
5. M Sabo #1–199
6.
7. Stark, OH
8. 2.4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17837/04985
2. 34–151–20810–0014
3. 108
4. Belden & Blake Oil Production
5. Hambleton Puncheon #1–180
6.
7. Stark, OH
8. 9.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17838/04986
2. 34–157–20739–0014
3. 108
4. Belden & Blake Oil Production
5. C Pieczynski #1–303
6.
7. Tuscarawas, OH
8. 1.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17839/04987
2. 34–151–20858–0014
3. 108
4. Belden & Blake Oil Production
5. Howard Comm #1–202
6.
7. Stark, OH
8. 4.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17840/04988
2. 34–151–20883–0014
3. 108
4. Belden & Blake Oil Production
5. Dafler Comm #2–215
6.
7. Stark, OH
8. 6.4 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17841/04989
2. 34–151–20779–0014
3. 108
4. Belden & Blake Oil Production
5. Carl Maier #1–169
6.
7. Stark, OH
8. 11.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17842/04990
2. 34–151–20736–0014
3. 108
4. Belden & Blake Oil Production
5. Ira Smith #1–162
6.
7. Stark, OH
8. 7.2 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17843/03848
2. 34–151–22228–0014
3. 108
4. Belden & Blake Oil Production
5. B Williams Et Al Comm #1–598
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17844/01496

2. 34–089–22216–0014
3. 108
4. American Exploration Co
5. Denman #3
6.
7. Licking, OH
8. 2.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp

1. 79–17845/01692
2. 34–009–21015–0014
3. 108
4. Joseph J Mihelic
5. Howard #3
6.
7. Athens, OH
8. .5 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp

1. 79–17846/01693
2. 34–009–20726–0014
3. 108
4. Joseph J Mihelic
5. Howard #2
6.
7. Athens, OH
8. .5 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp

1. 79–17847/01694
2. 34–115–00451–0014
3. 108
4. Joseph J Mihelic
5. Dougan #2
6.
7. Morgan, OH
8. .7 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp

1. 79–17848/01695
2. 34–115–00660–0014
3. 108
4. Joseph J Mihelic
5. Devore #4
6.
7. Morgan, OH
8. .3 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp

1. 79–17849/01696
2. 34–115–00659–0014
3. 108
4. Joseph J Mihelic
5. Devore #3
6.
7. Morgan OH
8. .3 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp

1. 79–17850/01697
2. 34–115–00661–0014
3. 108
4. Joseph J Mihelic
5. Devore #5
6.
7. Morgan OH
8. .3 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp

1. 79–17851/01698
2. 34–115–20867–0014
3. 108
4. Joseph J Mihelic
5. McIntire #1
6.
7. Morgan OH
8. 1.3 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp

1. 79–17852/01699
2. 34–115–20909–0014
3. 108
4. Joseph J Mihelic
5. McIntire #2
6.
7. Morgan OH
8. 1.3 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp

1. 79–17853/01700
2. 34–115–00644–0014
3. 108
4. Joseph J Mihelic
5. Allen #2
6.
7. Morgan OH
8. .8 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp

1. 79–17854/01701
2. 34–115–00643–0014
3. 108
4. Joseph J Mihelic
5. Allen #1
6.
7. Morgan OH
8. .8 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp

1. 79–17855/01807
2. 34–031–23174–0014
3. 108
4. Oxford Oil Co
5. R Miskimens #1
6.
7. Coshocton OH
8. 13.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp

1. 79–17856/02160
2. 34–105–21693–0014
3. 108
4. Petrc-Lewis Corporation
5. Herald-Dolan #2
6.
7. Meigs OH
8. 3.6 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission

1. 79–17857/04970
2. 34–119–22033–0014
3. 108
4. The Clinton Oil Co
5. Crock #1
6.
7. Muskingum OH
8. 8.0 million cubic feet
9. August 28, 1979
10. Ohio Fuel Gas

1. 79–17858/04971
2. 34–119–23284–0014
3. 108
4. Alan Schottenstein
5. J Lake #1
6.
7. Muskingum OH
8. 2.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission Corp

1. 79–17859/04972
2. 34–119–23267–0014
3. 108
4. Alan Schottenstein
5. Opal Best #1
6.
7. Muskingum OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission Corp

1. 79–17860/04974
2. 34–119–23262–0014
3. 108
4. Alan Schottenstein
5. Clyde Watson #2
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission Corp

1. 79–17861/04975
2. 34–119–23263–0014
3. 108
4. Alan Schottenstein
5. Clyde Watson #1
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission Corp

1. 79–17862/04979
2. 34–151–20513–0014
3. 108
4. Belden & Blake Oil Production
5. Canton Terrace #1–100
6.
7. Stark OH
8. 8.4 million cubic feet
9. August 28, 1979
10. East Ohio Gas

1. 79–17863/04980
2. 34–151–21000–0014
3. 108
4. Belden & Blake Oil Production
5. S Brechbuhler Comm #1–301
6.
7. Stark OH
8. 1.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas

1. 79–17864/04907
2. 34–157–21253–0014
3. 108
4. Appalachian Exploration Inc
5. Baer Unit #1
6.
7. Tuscarawas OH
8. 14.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co

1. 79–17865/04914
2. 34–119–23236–0014
3. 108
4. Alan Schottenstein
5. D Prouty #2
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17866/04915
2. 34–119–23247–0014
3. 108
4. Alan Schottenstein
5. Cross #1–A
6.

7. Muskingum OH
8. 20.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17867/04916
2. 34–119–23286–0014
3. 108
4. Alan Schottenstein
5. William Lake #2
6.
7. Muskingum OH
8. 13.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17868/04917
2. 34–119–23473–0014
3. 108
4. Clinton Oil Co
5. Freeman #1
6.
7. Muskingum OH
8. 3.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79–17869/04918
2. 34–119–23467–0014
3. 108
4. Clinton Oil Co
5. Good #1
6.
7. Muskingum OH
8. 12.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79–17878/04919
2. 34–119–23512–0014
3. 108
4. Clinton Oil Co
5. Lounsbury #1
6.
7. Muskingum OH
8. 8.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79–17871/04920
2. 34–119–22971–0014
3. 108
4. Clinton Oil Co
5. Gee #1
6.
7. Muskingum OH
8. 4.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79–17872/04921
2. 34–115–21520–0014
3. 108
4. Clinton Oil Co
5. W T Hilamen #1
6.
7. Morgan OH
8. 1.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79–17873/04991
2. 34–151–20560–0014
3. 108
4. Belden & Blake Oil Production
5. Magdalene Boron #1–107
6.
7. Stark OH
8. 6.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17874/04992
2. 34–151–20512–0014
3. 108
4. Belden & Blake Oil Production
5. Canton Amusement #2–93
6.
7. Stark OH
8. 8.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17875/04993
2. 34–151–20564–0014
3. 108
4. Belden & Blake Oil Production
5. Barber Comm #1–90
6.
7. Stark OH
8. 5.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17876/04994
2. 34–151–20437–0014
3. 108
4. Belden & Blake Oil Production
5. Cock Comm #1–74
6.
7. Stark OH
8. 4.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17877/04995
2. 34–151–20342–0014
3. 108
4. Belden & Blake Oil Production
5. Metro Brick #1–49
6.
7. Stark OH
8. 7.5 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17878/04996
2. 34–151–20270–0014
3. 108
4. Belden & Blake Oil Production
5. J C Steiner #1–38
6.
7. Stark OH
8. 4.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17879/04997
2. 34–153–20354–0014
3. 108
4. Belden & Blake Oil Production
5. Rockwell Stipe Comm #3–315
6.
7. Summit, OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17880/04998
2. 34–153–20352–0014
3. 108
4. Belden & Blake Oil Production
5. E & L Merkel Comm #1–313
6.
7. Summit, OH
8. .4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17881/04999
2. 34–153–20350–0014
3. 108
4. Belden & Blake Oil Production
5. Von Gunten Comm #1–309
6.
7. Summit, OH
8. .4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17882/05001
2. 34–153–20336—0014
3. 108
4. Belden & Blake Oil Production
5. G & H Weinrich #3–299
6.
7. Summit, OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17883/05002
2. 34–153–20340–0014
3. 108
4. Belden & Blake Oil Production
5. P & D Martin #1–304
6.
7. Summit, OH
8. .2 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17884/05003
2. 34–103–21075–0014
3. 108
4. Belden & Blake Oil Production
5. R & F Carr #2–284
6.
7. Medina, OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17885/05004
2. 34–153–20307–0014
3. 108
4. Belden & Blake Oil Production
5. J & S Laughlin #2–279
6.
7. Summit, OH
8. .4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17886/05005
2. 34–103–21067–0014
3. 108
4. Belden & Blake Oil Production
5. R & F Carr #1–275
6.
7. Medina, OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17887/05006
2. 34–153–20301–0014
3. 108
4. Belden & Blake Oil Production
5. F & M Bleichroot Comm #1–269
6.
7. Summit, OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17888/03629
2. 34–133–20298–0014
3. 108
4. Belden & Blake Oil Production
5. H & B Kerns Comm #1–385
6.
7. Portage, OH
8. 5.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas

1. 79–17889/03630
2. 34–133–20255–0014
3. 108
4. Belden & Blake Oil Production
5. E & N Thomas Comm #1–382
6.
7. Portage, OH
8. 5.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas

1. 79–17890/03631
2. 34–133–20245–0014
3. 108
4. Belden & Blake Oil Production
5. L & I May Comm #1–380
6.
7. Portage, OH
8. 10.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas

1. 79–17891/03632
2. 34–151–22581–0014
3. 108
4. Belden & Blake Oil Production
5. J Baylor Comm #1–739
6.
7. Stark, OH
8. 3.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17892/03633
2. 34–151–22552–0014
3. 108
4. Belden & Blake Oil Production
5. W & C Bucher Well #1–730
6.
7. Stark, OH
8. 5.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17893/03634
2. 34–151–22541–0014
3. 108
4. Belden & Blake Oil Production
5. H & H Pepper #1–724
6.
7. Stark, OH
8. 8.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17854/03635
2. 34–151–22679–0014
3. 108
4. Belden & Blake Oil Production
5. F Kilgore Comm #2–787
6.
7. Stark, OH
8. 17.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17895/03636
2. 34–151–21944–0014
3. 108
4. Belden & Blake Oil Production
5. J Rentsch Comm #1–522
6.
7. Stark, OH
8. 5.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17896/03637
2. 34–133–20385–0014
3. 108
4. Belden & Blake Oil Production
5. W & H Jones Comm #1–405
6.
7. Portage, OH
8. 1.2 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17897/03640
2. 34–151–21080–0014
3. 108
4. Belden & Blake Oil Production
5. C & M Shilling Comm #1–423
6.
7. Stark, OH
8. 3.5 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17898/03642
2. 34–151–22468–0014
3. 108
4. Belden & Blake Oil Production
5. D & R Price Comm #1–690
6.
7. Stark, OH
8. 11.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17899/03644
2. 34–151–22362–0014
3. 108
4. Belden & Blake Oil Production
5. R Maier Comm #2–674
6.
7. Stark, OH
8. 5.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17900/03645
2. 34–151–21753–0014
3. 108
4. Belden & Blake Oil Production
5. P & V Mayes #1–493
6.
7. Stark, OH
8. 3.2 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17901/03646
2. 34–151–21745–0014
3. 108
4. Belden & Blake Oil Production
5. H Schmuck #6–490
6.
7. Stark, OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17902/03647
2. 34–151–21744–0014
3. 108
4. Belden & Blake Oil Production
5. H Schmuck #5–489
6.
7. Stark, OH
8. .5 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17903/03648
2. 34–151–21742–0014
3. 108
4. Belden & Blake Oil Production
5. J & S Davis Comm #1–488
6.
7. Stark, OH
8. 2.4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17904/03649
2. 34–151–22658–0014
3. 108
4. Belden & Blake Oil Production
5. F Kilgore Comm #1–772
6.
7. Stark, OH
8. 19.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17905/03650
2. 34–151–22652–0014
3. 108
4. Belden & Blake Oil Production
5. L & I Miller #1–770
6.
7. Stark, OH
8. 12.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17906/03729
2. 34–019–20254–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer Comm #1–408
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17907/03730
2. 34–019–20260–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #2–404
6.
7. Carroll, OH
8. 2.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17908/03731
2. 34–019–20453–0014
3. 108
4. Belden & Blake Oil Production
5. Hickory Clay #3–540
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Beldon & Blake Corporation

1. 79–17909/03732
2. 34–019–20422–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #12–535
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17910/03733
2. 34–019–20421–0014
3. 108
4. Belden & Blake Oil Production
5. Hickory Clay #2–534
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17911/03734
2. 34–019–20409–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #11–532

6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17912/03735
2. 34–157–21107–0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger #10–519
6.
7. Tuscarawas OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17913/03736
2. 34–151–21902–0014
3. 108
4. Belden & Blake Oil Production
5. W Bowman #3–511
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17914/03737
2. 34–019–20359–0014
3. 108
4. Belden & Blake Oil Production
5. C & V Hoover #1–506
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17915/03738
2. 34–019–20360–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #9–505
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17916/03739
2. 34–019–20356–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #8–500
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17917.03598
2. 34–151–21206–0014
3. 108
4. Belden & Blake Oil Production
5. J & E Sukosd Comm #1–456
6.
7. Stark OH
8. 4.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17918/03599
2. 34–151–21181–0014
3. 108
4. Belden & Blake Oil Production
5. D Shammo Comm #1–444
6.
7. Stark OH
8. 9.2 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17919/03600
2. 34–151–21097–0014
3. 108
4. Belden & Blake Oil Production
5. Wilbur Wentling #1–439
6.
7. Stark OH
8. 7.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17920/03603
2. 34–151–21095–0014
3. 108
4. Belden & Blake Oil Production
5. C & V Stahl Comm #1–427
6.
7. Stark OH
8. 3.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17921/03604
2. 34–133–20325–0014
3. 108
4. Belden & Blake Oil Production
5. H & H & I McCaffery Comm #1–398
6.
7. Portage OH
8. 4.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17922/03605
2. 34–133–20327–0014
3. 108
4. Belden & Blake Oil Production
5. R & S Rodenbucher Comm #1–396
6.
7. Portage OH
8. 2.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17923/03606
2. 34–133–20326–0014
3. 108
4. Belden & Blake Oil Production
5. M Stanford Comm #1–395
6.
7. Portage OH
8. 3.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17924/03608
2. 34–133–20210–0014
3. 108
4. Belden & Blake Oil Production
5. W & M Breiding Comm #1–377
6.
7. Portage OH
8. 9.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17925/03609
2. 34–133–20224–0014
3. 108
4. Belden & Blake Oil Production
5. A Rothermel Comm #1–376
6.
7. Portage OH
8. 6.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17926/03610
2. 34–133–20218–0014
3. 108
4. Belden & Blake Oil Production
5. J & E Misock Comm #1–375
6.
7. Portage OH
8. 3.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17927/03611
2. 34–133–20223–0014
3. 108
4. Belden & Blake Oil Production
5. J Bedard Comm #1–374
6.
7. Portage OH
8. 5.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17928/03612
2. 34–133–20242–0014
3. 108
4. Belden & Blake Oil Production
5. J & A Curry Comm #1–372
6.
7. Portage OH
8. 12.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17929/03623
2. 34–151–22354–0014
3. 108
4. Belden & Blake Oil Production
5. J Baumgartner Comm #1–660
6.
7. Stark OH
8. 14.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17930/03624
2. 34–050–22360–0014
3. 108
4. Belden & Blake Oil Production
5. C Snyder #2–659
6.
7. Stark OH
8. 3.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17931/03625
2. 34–133–20239–0014
3. 108
4. Belden & Blake Oil Production
5. K & J Showers Comm #1–391
6.
7. Portage OH
8. 10.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17932/03626
2. 34–133–20257–0014
3. 108
4. Belden & Blake Oil Production
5. M & J Herchek Comm #1–390
6.
7. Portage OH
8. 12.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17933/03627
2. 34–133–20256–0014
3. 108
4. Belden & Blake Oil Production
5. B & A Knecht Comm #1–389
6.
7. Portage OH
8. 5.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas

1. 79–17934/03628
2. 34–133–20230–0014
3. 108
4. Belden & Blake Oil Production
5. R & M Bender Comm #1–387
6.
7. Portage OH
8. 5.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas

1. 79–17935/03550
2. 34–151–22347–0014
3. 108
4. Belden & Blake Oil Production
5. W English #2–657
6.
7. Stark OH
8. 2.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17936/03551
2. 34–151–21736–0014
3. 108
4. Belden & Blake Oil Production
5. W & G Berger Comm #1–487
6.
7. Stark OH
8. 1.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17937/03552
2. 34–151–21735–0014
3. 108
4. Belden & Blake Oil Production
5. O & E Kintigh Comm #1–485
6.
7. Stark OH
8. 4.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17938/03553
2. 34–151–21729–0014
3. 108
4. Belden & Blake Oil Production
5. E Erechbill #3–482
6.
7. Stark OH
8. 1.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17939/03554
2. 34–151–21728–0014
3. 108
4. Belden & Blake Oil Production
5. G & Bevington Comm #1/481
6.
7. Stark OH
8. .4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17940/03555
2. 34–151–21713–0014
3. 108
4. Belden & Blake Oil Production
5. C & B Bennington Comm #1–479
6.
7. Stark OH
8. 2.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17941/03556
2. 34–151–21704/0014
3. 108
4. Belden & Blake Oil Production
5. P & M Bechtel #1–478
6.
7. Stark OH
8. .4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17942/03557
2. 34–151–21706–0014
3. 108
4. Belden & Blake Oil Production
5. E Brechbill Comm #2–477
6.
7. Stark OH
8. 2.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17943/03558
2. 34–151–21613–0014
3. 108
4. Belden & Blake Oil Production
5. H Schmuck #4–470
6.
7. Stark OH
8. .1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17944/03559
2. 34–151–21326–0014
3. 108
4. Belden & Blake Oil Production
5. E & R Garl Comm #1–464
6.
7. Stark OH
8. 6.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17945/03560
2. 34–151–21271–0014
3. 108
4. Belden & Blake Oil Production
5. H C Schmuck #4–463
6.
7. Stark OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17946/03561
2. 34–151–22513–0014
3. 108
4. Belden & Blake Oil Production
5. W & N Walker Comm #1–721
6.
7. Stark OH
8. 3.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17947/03562
2. 34–151–20355–0014
3. 108
4. Belden & Blake Oil Production
5. E & L Merkel Comm #2–318
6.
7. Stark OH
8. .4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17948/03563
2. 34–151–20356–0014
3. 108
4. Belden & Blake Oil Production
5. S & M Goins #1–319
6.
7. Stark OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17949/03580
2. 34–151–22236–0014
3. 108
4. Belden & Blake Oil Production
5. G Gill #2–611
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation

1. 79–17950/03582
2. 34–151–22501–0014
3. 108
4. Belden & Blake Oil Production
5. O & F Schmucki #1–705
6.
7. Stark OH
8. 6.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17951/03586
2. 34–019–20213–0014
3. 108
4. Belden & Blake Oil Production
5. E & M Saybe #1–409
6.
7. Mahoning OH
8. 4.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17952/03589
2. 34–151–22342–0014
3. 108
4. Belden & Blake Oil Production
5. B & A Hrometz #1–649
6.
7. Stark OH
8. 7.5 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17953/03592
2. 34–151–22338–0014
3. 108
4. Belden & Blake Oil Production
5. C & M Mandeville Comm #1–643
6.
7. Stark OH
8. 7.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17954/03594
2. 34–151–22313–0014
3. 108
4. Belden & Blake Oil Production
5. F Farmer #3–637
6.
7. Stark OH
8. 4.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17955/03595
2. 34–151–21254–0014
3. 108
4. Belden & Blake Oil Production
5. H C Schmuck #3–462
6.
7. Stark OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79–17956/03596
2. 34–151–21250–0014
3. 108
4. Belden & Blake Oil Production
5. H & H Schmuck #2–461

6.
7. Stark OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17957/03597
2. 34–015–12116–0014
3. 108
4. Belden & Blake Oil Production
5. Franklin Real Estate #2–459
6.
7. Stark OH
8. 2.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17958/03569
2. 34–151–22256–0014
3. 108
4. Belden & Blake Oil Production
5. Mehl Young Comm #2–619
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17959/03570
2. 34–151–22056–0014
3. 108
4. Belden & Blake Oil Production
5. W Bowman #4–545
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17960/03571
2. 34–019–20478–0014
3. 108
4. Belden & Blake Oil Production
5. Hickory Clay #4–546
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17961/03572
2. 34–019–20519–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #16–556
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17962/03573
2. 34–019–20510–0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #17–558
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17963/03574
2. 34–019–20512–0014
3. 108
4. Belden & Blake Oil Production
5. Karl Hoover #2–559
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17964/03575
2. 34–019–20460–0014
3. 108
4. Belden & Blake Oil Production
5. Hickory Clay #5–560
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17965/03576
2. 34–019–20529–0014
3. 108
4. Belden & Blake Oil Production
5. James Bros Coal #2–561
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17966/03577
2. 34–151–20360–0014
3. 108
4. Belden & Blake Oil Production
5. P & D Martin #4–346
6.
7. Stark OH
8. .2 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17967/03578
2. 34–151–20369–0014
3. 108
4. Belden & Blake Oil Production
5. G Black Comm #1–349
6.
7. Stark OH
8. .4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17968/03579
2. 34–151–22237–0014
3. 108
4. Belden & Blake Oil Production
5. G Gill #1–610
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79–17969/03613
2. 34–133–20198–0014
3. 108
4. Belden & Blake Oil Production
5. N Hankey Comm #1–371
6.
7. Portage OH
8. 10.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79–17970/03614
2. 34–133–20196–0014
3. 108
4. Belden & Blake Oil Production
5. A & M Costick Comm #1–368
6.
7. Portage OH
8. 18.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17971/03615
2. 34–133–20148–0014
3. 108
4. Belden & Blake Oil Production
5. W & E Gray Comm #1–366
6.
7. Portage OH
8. 12.4 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79–17972/03616
2. 34–151–21938–0014
3. 108
4. Belden & Blake Oil Production
5. H C Bamberger Comm #1–521
6.
7. Stark OH
8. 17.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17973/03617
2. 34–151–21945–0014
3. 108
4. Belden & Blake Oil Production
5. L & G Thouvenin Comm #4–520
6.
7. Stark OH
8. 2.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17974/03618
2. 34–151–21934–0014
3. 108
4. Belden & Blake Oil Production
5. L & G Kianicka Comm #1–514
6.
7. Stark OH
8. 13.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79–17975/03619
2. 34–151–21863–0014
3. 108
4. Belden & Blake Oil Production
5. O & E Kintigh Comm #2–504
6.
7. Stark OH
8. 2.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–17573
2. 47–047–00634
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11774
6. Pineville field area A–59442
7. McDowell WV
8. 16.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17574
2. 47–055–00032
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11761
6. Pineville field area A–59442
7. Mercer WV

8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17575
2. 47–109–00737
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11607
6. Pineville field area A–59442
7. Wyoming WV
8. 4.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17576
2. 47–047–00643
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Consolidation Coal Co 11982
6. Pineville field area A–59442
7. McDowell WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17577
2. 47–047–00642
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Consolidation Coal 11979
6. Pineville field area A–59442
7. McDowell WV
8. 1.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17578
2. 47–095–00485
3. 108 denied
4. Consolidated Gas Supply Corporation
5. L H Maple 12386
6. West Virginia other A–85772
7. Tyler WV
8. 15.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17579
2. 47–047–00648
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Consolidation Coal Co 11981
6. Pineville field area A–59442
7. McDowell WV
8. 2.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17580
2. 47–047–00635
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11770
6. Pineville field area A–59442
7. McDowell WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17581
2. 47–033–01084
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Matheny—Calkins 12383
6. West Virginia other A–85772
7. Harrison WV
8. .0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17582
2. 47–055–00037
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 12158
6. Pineville field area A–59442
7. Mercer WV
8. 12.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17583
2. 47–055–00036
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11768
6. Pineville field area A–59442
7. Mercer WV
8. 12.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17584
2. 47–017–01853
3. 108 denied
4. Consolidated Gas Supply Corporation
5. E W Kreyenbuhl 12356
6. West Virginia other A–85772
7. Doddridge WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17585
2. 47–047–00727
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 12363
6. Pineville field area A–59442
7. McDowell WV
8. 20.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17586
2. 47–055–00028
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11759
6. Pineville field area A–59442
7. Mercer WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17587
2. 47–047–00613
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11709
6. Pineville field area A–59442
7. McDowell WV
8. 14.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17588
2. 47–041–01918
3. 108 denied
4. Consolidated Gas Supply Corporation
5. T Fahey 11639
6. West Virginia other A–85772
7. Lewis WV
8. 1.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17589
2. 47–047–00678
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 12156
6. Pineville field area A–59442
7. McDowell WV
8. 20.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17590
2. 47–097–01695
3. 108 denied
4. Consolidated Gas Supply Corporation
5. L D Perrine 12212
6. West Virginia other A–85772
7. Upshur WV
8. 20.0 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17591
2. 47–109–00746
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11773
6. Pineville field area A–59442
7. Wyoming WV
8. .4 million cubic feet
9. August 24, 1979
10. General System Purchasers

1. 79–17592
2. 47–055–00035
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11765
6. Pineville field area A–59442
7. Mercer, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17593
2. 47–055–00030
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11766
6. Pineville field area A–59442
7. Mercer, WV
8. 13.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17594
2. 47–041–01990
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Bennett—Hall 11954
6. West Virginia other A–85772
7. Lewis, WV
8. 14.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17595
2. 47–047–00627
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11762
6. Pineville field area A–59442
7. McDowell, WV
8. 14.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17596
2. 47–047–00633
3. 108 denied
4. Consolidated Gas Supply Corporation
5. G M Evans 11872
6. Pineville field area A–59442
7. McDowell, WV
8. 20.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17597

2. 47–109–00738
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11609
6. Pineville field area A–59442
7. Wyoming, WV
8. 12.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17598
2. 47–047–00596
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11604
6. Pineville field area A–59442
7. McDowell, WV
8. 16.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17599
2. 47–047–00647
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Consolidation coal 11980
6. Pineville field area A–59442
7. McDowell, WV
8. 1.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17600
2. 47–055–00031
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11767
6. Pineville field area A–59442
7. Mercer, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17601
2. 47–047–00636
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11918
6. Pineville field area A–59442
7. McDowell, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17602
2. 47–047–00686
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 12204
6. Pineville field area A–59442
7. McDowell, WV
8. 9.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17603
2. 47–047–00626
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11760
6. Pineville field area A–59442
7. McDowell, WV
8. 10.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17604
2. 47–041–02036
3. 108 denied
4. Consolidated Gas Supply Corporation
5. R R Hopkins 12095
6. West Virginia other A–85772
7. Lewis, WV
8. 9.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17605
2. 47–047–00728
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 12364
6. Pineville field area A–59442
7. McDowell, WV
8. 9.0 million cubic feet
9. August 24, 1979
10. General system purchasers

1. 79–17606
2. 47–109–00753
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 12125
6. West Virginia other A–85772
7. Wyoming, WV
8. 1.0 million cubic feet
9. August 24, 1979
10. General system purchasers

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. 79–17709/COA 1868–79
2. 05–067–06131–0000–0
3. 108
4. Lynoo Oil Corporation
5. Dorothy L Gould #3
6. Ignacio Blanco Pictured Cliffs
7. La Plata, Co
8. 10.0 million cubic feet
9. August 24, 1979
10. Northwest Pipeline Company

1. 79–17549/NM–1454–79
2. 30–039–05940–0000–0
3. 108
4. El Paso Natural Gas Company
5. Hill 10
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79–17555/NM1758–79
2. 30–045–22503–0000–0
3. 103
4. El Paso Natural Gas Company
5. Scott, 6A
6. Blanco
7. San Juan, NM
8. 231.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79–17609/NM–1837–79
2. 30–045–09162–0000–0
3. 108
4. Ladd Petroleum Corporation
5. Twin Mounds #1–25
6. Basin Dakota
7. San Juan, NM
8. 23.0 million cubic feet
9. August 23, 1979
10.El Paso Natural Gas Company

1. 79–17610/NM–524–79–10
2. 30–015–22623–0000–0
3. 102
4. Anadarko Production Company
5. Power Federal Commission 1–Y
6. Cedar Lake Morrow
7. Eddy, NM
8. 720.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico

1. 79–17611/NM–524–79–10
2. 30–015–22623–0000–0
3. 103
4. Anadarko Production Company
5. Power Federal Commission 1–Y
6. Cedar Lake Morrow
7. Eddy, NM
8. 720.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico

1. 79–17612/NM–2109–79
2. 30–039–60018–0000–0
3. 108
4. El Paso Natural Gas Company
5. Lindrith Unit NP #68
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17613/NM–2111–79
2. 30–045–12065–0000–0
3. 108
4. El Paso Natural Gas Company
5. Feuille A #3
6. Aztec-Pictured Cliff Gas
7. San Juan, NM
8. 15.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17614/NM–2112–79
2. 30–039–07274–0000–0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28–7 1 MV & PC
6. Blanco MV & Blanco South PC
7. Rio Arriba, NM
8. 19.3 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17615/NM–2115–79
2. 30–039–05838–0000–0
3. 108
4. EL Paso Natural Gas Company
5. Canyon Largo Unit #42
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 21.5 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17616/NM–32–78
2. 30–045–00000–0000–0
3. 108
4. Mesa Petroleum Co
5. Triee Federal #2
6. Basin Dakota
7. San Juan NM
8. 19.2 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Co

1. 79–17617/NM–0205–79
2. 30–045–11856–0000–0

3. 108
4. Supron Energy Corporation
5. Hodges #8
6. Basin Dakota
7. San Juan NM
8. .0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Co

1. 79–17618/NM–1988–79
2. 30–039–00000–0000–0
3. 108
4. Continental Oil Company
5. Axi Apache H #14
6. Axi Apache Area
7. Rio Arriba NM
8. 7.4 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17619/NM–1989–79
2. 30–039–00000–0000–0
3. 108
4. Continental Oil Company
5. Axi Apache C #3
6. Axi Apache Area
7. Rio Arriba NM
8. 6.3 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17620/NM–1991–79
2. 30–039–00000–0000–0
3. 108
4. Continental Oil Company
5. Axi Apache J #2
6. Axi Apache Area
7. Rio Arriba NM
8. 12.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17621/NM–1995–79
2. 30–039–21434–0000–0
3. 103
4. Continental Oil Company
5. Axi Apache O #15
6. Axi Apache Area
7. Rio Arriba NM
8. 16.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17622/NM–1996–79
2. 30–039–00000–0000–0
3. 108
4. Continental Oil Company
5. Axi Apache L #3
6. Axi Apache Area
7. Rio Arriba NM
8. 2.2 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17623/NM–1998–79
2. 30–039–00000–0000–0
3. 108
4. Continental Oil Company
5. Axi Apache J #7
6. Axi Apache Area
7. Rio Arriba NM
8. 8.2 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17624/NM–2000–79–1
2. 30–039–21435–0000–0
3. 108
4. Continental Oil Company
5. Axi Apache O #16
6. Axi Apache Area
7. Rio Arriba NM
8. 4.4 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17625/NM–2000–79–1
2. 30–039–21435–0000–0
3. 103
4. Continental Oil Company
5. Axi Apache O #16
6. Axi Apache Area
7. Rio Arriba NM
8. 6.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17626/NM–2005–79
2. 30–039–00000–0000–0
3. 108
4. Continental Oil Company
5. Axi Apache J #10–Com
6. Axi Apache Area
7. Rio Arriba NM
8. 11.7 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17627/NM–2007–79
2. 30–039–00000–0000–0
3. 108
4. Continental Oil Company
5. Axi Apache N #6
6. Axi Apache Area
7. Rio Arriba NM
8. 28.1 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17628/NM–2008–79
2. 30–039–00000–0000–0
3. 108
4. Continental Oil Company
5. Axi Apache A #3
6. Axi Apache Area
7. Rio Arriba NM
8. 3.3 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17629/NM–2009–79–1
2. 30–039–21433–0000–0
3. 108
4. Continental Oil Company
5. Axi Apache O #14
6. Axi Apache Area
7. Rio Arriba NM
8. 10.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17630/NM–2009–79–1
2. 30–039–21433–0000–0
3. 103
4. Continental Oil Company
5. Axi Apache O #14
6. Axi Apache Area
7. Rio Arriba NM
8. 11.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico

1. 79–17631/NM–2071–79
2. 30–039–07061–0000–0
3. 108
4. EL Paso Natural Gas Company
5. Rincon Unit #87
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.8 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17632/NM–2104–79
2. 30–045–20355–0000–0
3. 108
4. El Paso Natural Gas Company
5. Filan #6
6. Basin-Dakota Gas
7. San Juan NM
8. 15.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17633/NM–2105–79
2. 30–045–20502–0000–0
3. 108
4. El Paso Natural Gas Company
5. Storey #7
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 5.8 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17634/NM–2106–79
2. 30–045–20501–0000–0
3. 108
4. El Paso Natural Gas Company
5. Russell #8
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 16.4 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17635/NM–2107–79
2. 30–039–20232–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit NP #146
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 19.7 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17636/NM–2108–79
2. 30–045–20503–0000–0
3. 108
4. El Paso Natural Gas Company
5. Hardie A #3
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 13.9 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17637/NM–1134–79
2. 30–045–20818–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit 217
6. Basin-Dakota Gas
7. San Juan NM
8. 20.1 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company Northwest Pipeline Co Southern Union Gathering Co

1. 79–17638/NM–1356–79
2. 30–039–20869–0000–0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27–5 Unit #173
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba 14.0NM
8. 14.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company Northwest Pipeline Co

1. 79–17639/NM–1366–79
2. 30–045–21225–0000–0
3. 108
4. El Paso Natural Gas Company

5. Nye 9
6. Aztec-Fruitland Gas
7. San Juan NM
8. 11.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17640/NM–1367–79
2. 30–045–20904–0000–0
3. 108
4. El Paso Natural Gas Company
5. Hardie 6
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 11.7 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17641/NM–1368–79
2. 30–045–07339–0000–0
3. 108
4. El Paso Natural Gas Company
5. White Kutz 2
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan NM
8. 17.5 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17642/NM–1369–79
2. 30–045–05535–0000–0
3. 108
4. El Paso Natural Gas Company
5. Mc Manus 13
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 1.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17643/NM–1370–79
2. 30–045–05635–0000–0
3. 108
4. El Paso Natural Gas Company
5. Mc Manus 14
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 13.5 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17644/NM–1371–79
2. 30–045–13312–0000–0
3. 108
4. El Paso Natural Gas Company
5. Quitzau 11
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 16.4 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17645/NM 1372–79
2. 30–045–05561–0000–0
3. 108
4. El Paso Natural Gas Company
5. Sheets C 5
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 8.8 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17646/NM 1373–79
2. 30–045–21454–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huebell 4
6. Bloomfield-Chacra Gas
7. San Juan NM
8. 13.9 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17647/NM 1374–79
2. 30–045–07181–0000–0
3. 108
4. El Paso Natural Gas Company
5. Howell 2
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 8.4 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17648/NM 1375–79
2. 30–045–09291–0000–0
3. 108
4. El Paso Natural Gas Company
5. Stewart 2
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 7.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17649/NM 1376–79
2. 30–045–09156–0000–0
3. 108
4. El Paso Natural Gas Company
5. Stewart 1
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 3.3 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17650/NM 1378–79
2. 30–039–06798–0000–0
3. 108
4. El Paso Natural Gas Company
5. Reuter 1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17651/NM 1379–79
2. 30–045–21149–0000–0
3. 108
4. El Paso Natural Gas Company
5. Hardie 9
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 13.5 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17653/NM 1416–79
2. 30–045–21116–0000–0
3. 108
4. El Paso Natural Gas Company
5. Case 16
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 10.6 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17654/NM 1756–79
2. 30–045–22529–0000–0
3. 103
4. El Paso Natural Gas Company
5. Walker Com 2A
6. Blanco
7. San Juan NM
8. 262.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17655/NM 1882–79
2. 30–039–05822–0000–0
3. 108
4. Lynco Oil Corporation
5. Hall #3
6. South Blanco PC
7. Rio Arriba NM
8. 3.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

1. 79–17656/NM 1921–79
2. 30–039–00000–0000–0
3. 108
4. Continential Oil Company
5. Axi Apache F #2
6. Axi Apache Area
7. Rio Arriba NM
8. 8.9 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Co (C–4786)

1. 79–17657/NM 1987–79
2. 30–039–00000–0000–0
3. 108
4. Continental Oil Company
5. Axi Apache L #6
6. Axi Apache Area
7. Rio Arriba NM
8. 1.1 million cubic feet
9. August 23, 1979
10. Gas Co of New Mexico (C–4787)

1. 79–17658/NM 1907–79
2. 30–039–00000–0000–0
3. 108 Denied
4. Continental Oil Company
5. Northeast Haynes #8
6. Otero Ranch
7. Rio Arriba NM
8. 11.1 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas (C–04608)

1. 79–17659/NM 1914–79
2. 30–039–05511–0000–0
3. 108 Denied
4. Continental Oil Company
5. Northeast Haynes #2
6. Otero Ranch
7. Rio Arriba NM
8. 11.8 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas (C–4608)

1. 79–17660/NM 1999–79
2. 30–039–00000–0000–0
3. 108
4. Continental Oil Company
5. Axi Apache P #3
6. Axi Apache Area
7. Rio Arriba NM
8. 8.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C–4787)

1. 79–17663/NM 1883–79
2. 30–039–05771–0000–0
3. 108
4. Lynco Oil Corporation
5. Hall #2
6. South Blanco PC
7. Rio Arriba NM
8. 7.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79–17664/NM 1884–79
2. 30–039–21099–0000–0
3. 108
4. Lynco Oil Corporation
5. Peggy Federal 1–A
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 3.0 million cubic feet

9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17665/NM 1885–79
2. 30–039–21159–0000–0
3. 108
4. Lynco Oil Corporation
5. Regina #7
6. South Blanco
7. Rio Arriba NM
8. 1.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17666/NM 1917–79
2. 30–025–00000–0000–0
3. 108
4. Continental Oil Company
5. Lockhart B–13A #5
6. Terry Blinebry
7. Lea NM
8. 8.7 million cubic feet
9. August 24, 1979
10. Getty Oil Co (C–112)
1. 79–17667/NM 2039–79
2. 30–045–11409–0000–0
3. 108
4. El Paso Natural Gas Company
5. San Juan 32–9 unit #69
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 5.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17668/NM 2041–79
2. 30–039–06195–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #90
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 10.2 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17669/NM 2061–79
2. 30–039–06907–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #40
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 19.7 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17670/NM 2062–79
2. 30–039–06044–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #13
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 14.6 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17671/NM 2063–79
2. 30–039–05462–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #91
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 4.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17672/NM 2064–79
2. 30–045–11376–0000–0
3. 108
4. El Paso Natural Gas Company
5. San Juan 32–9 Unit #67
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 5.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17673/NM 423–78
2. 30–025–25170–0000–0
3. 103
4. Grace Petroleum Corporation
5. Felmont Federal #1
6. South Salt Lake
7. Lea NM
8. 900.0 million cubic feet
9. August 24, 1979
10. Gas Company of New Mexico
1. 79–17674/NM 503–79
2. 30–039–00000–0000–0
3. 108
4. D E Florance
5. Jicarilla Apache–362 #D–4
6. Ballard Pictured Cliff
7. Rio Arriba NM
8. 19.5 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Co
1. 79–17675/NM 503–79
2. 30–039–60024–0000–0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #4
6. Otero
7. Rio Arriba NM
8. 4.4 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17676/NM 504–79
2. 30–039–05910–0000–0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache A #2
6. Otero
7. Rio Arriba NM
8. 2.9 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17677/NM 505–79
2. 30–039–05354–0000–0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #5
6. Otero
7. Rio Arriba NM
8. 10.1 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17678/NM–506–79
2. 30–039–05839–0000–0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache A #6(Dual)
6. Otero
7. Rio Arriba, NM
8. 10.9 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17679/NM–507–79
2. 30–039–00000–0000–0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #6
6. Otero
7. Rio Arriba, NM
8. 13.5 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17680/NM–501–79
2. 30–039–08091–0000–0
3. 108
4. Amerada Hess Corporation
5. McKenzie Federal #2
6. Otero
7. Rio Arriba, NM
8. 10.1 million cubic feet
9. August 24, 1979
10. Gas Company of New Mexico
1. 79–17681/NM–508–79
2. 30–039–60024–0000–0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #1
6. Otero
7. Rio Arriba, NM
8. 7.3 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17682/NM–509–79
2. 30–039–05354–0000–0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #7
6. Otero
7. Rio Arriba, NM
8. 3.1 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17683/NM–510–79
2. 30–039–05362–0000–0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #2
6. Otero
7. Rio Arriba, NM
8. 3.1 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17684/NM–511–79
2. 30–039–20349–0000–0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #8
6. Otero
7. Rio Arriba, NM
8. 4.6 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17685/NM–512–79
2. 30–039–05421–0000–0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #3
6. Otero
7. Rio Arriba, NM
8. 1.4 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17686/NM–513–79
2. 30–039–05227–0000–0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache D #1
6. Otero
7. Rio Arriba, NM
8. 4.8 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79–17687/NM–515–79

2. 30-039-05176-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache H TR 1 #1
6. Otero
7. Rio Arriba, NM
8. 6.8 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17688/NM-516-79
2. 30-039-60036-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache F #5
6. Otero
7. Rio Arriba, NM
8. 3.8 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17689/NM-517-79
2. 30-039-05137-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache H TR 1 #2
6. Otero
7. Rio Arriba, NM
8. 9.1 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17690/NM-518-79
2. 30-039-82338-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache F #8
6. Otero
7. Rio Arriba, NM
8. 15.4 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17691/NM-522-79
2. 30-039-05107-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache H TR 2 #2
6. Otero
7. Rio Arriba, NM
8. 13.9 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17692/NM-523-79
2. 30-039-20022-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache J #1
6. Otero
7. Rio Arriba, NM
8. 13.6 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17693/NM-1350-79
2. 30-045-06325-0000-0
3. 108
4. Gulf Oil Corporation
5. Scott E Federal Well No. 1
6. Kutz Pictured Cliffs West
7. San Juan, NM
8. 6.2 million cubic feet
9. August 24, 1979
10. Gas Company of New Mexico

1. 79-17694/NM-1351-79
2. 30-045-06343-0000-0
3. 108
4. Gulf Oil Corporation
5. Scott E Federal Well No. 5
6. Kutz Pictured Cliffs West
7. San Juan, NM
8. 13.7 million cubic feet
9. August 24, 1979
10. Gas Company of New Mexico

1. 79-17695/NM-1355-79
2. 30-039-20082-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 29-7 Unit #101
6. Basin-Dakota Gas
7. Rio Arriba, NM
8. 18.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17696/NM-1357-79
2. 30-039-20676-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27-5 Unit #157
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation

1. 79-17697/NM-1417-79
2. 30-039-07075-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit NP 42
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 4.7 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17698/NM-1418-79
2. 30-039-20403-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit NP 172
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 4.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17699/NM-1419-79
2. 30-045-20916-0000-0
3. 108
4. El Paso Natural Gas Company
5. El Paso 2
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 14.6 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17700/NM-1692-79
2. 30-039-06411-0000-0
3. 108
4. El Paso Natural Gas Company
5. Quantius 1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.4 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17701/NM-1693-79
2. 30-039-20738-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit 199
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.6 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17702/NM-1754-79
2. 30-045-22500-0000-0
3. 103
4. El Paso Natural Gas Company
5. Barrett 1A
6. Blanco
7. San Juan, NM
8. 359.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17703/NM-1755-79
2. 30-045-22452-0000-0
3. 103
4. El Paso Natural Gas Company
5. Walker 1A
6. Blanco
7. San Juan, NM
8. 366.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17704/NM-1757-79A
2. 30-045-22372-0000-1
3. 103
4. El Paso Natural Gas Company
5. Pritchard 3A (Mesaverde)
6. Blanco
7. San Juan, NM
8. 349.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17705/NM-1757-79B
2. 30-045-22372-0000-2
3. 103
4. El Paso Natural Gas Company
5. Pritchard 3A Undes Fruitland
6. Blanco
7. San Juan, NM
8. 349.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17706/NM-1761-79
2. 30-045-22905-0000-0
3. 103
4. El Paso Natural Gas Company
5. San Juan 32-9 Unit #97
6. Blanco
7. San Juan, NM
8. 230.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17707/NM-1762-79
2. 30-045-22907-0000-0
3. 103
4. El Paso Natural Gas Company
5. San Juan 32-9 Unit #4A
6. Blanco
7. San Juan, NM
8. 150.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17708/NM-1763-79
2. 30-045-22906-0000-0
3. 103
4. El Paso Natural Gas Company
5. San Juan 32-9 Unit #93
6. Blanco
7. San Juan, NM
8. 180.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17710/NM-1869-79
2. 30-045-05602-0000-0
3. 108
4. Lynco Oil Corporation
5. Nickson #1

6. Ballard PC
7. San Juan, NM
8. 4.0 million cubic feet
9. August 24, 1979
10. Gas Co of New Mexico

1. 79–17711/NM–1870–79
2. 30–045–05625–0000–0
3. 108
4. Lynco Oil Corporation
5. Nickson #3
6. Ballard PC
7. San Juan, NM
8. 8.0 million cubic feet
9. August 24, 1979
10. Gas Co of New Mexico

1. 79–17712/NM–1871–79
2. 30–045–05602–0000–0
3. 108
4. Lynco Oil Corporation
5. Nickson #2
6. Ballard PC
7. San Juan, NM
8. 5.0 million cubic feet
9. August 24, 1979
10. Gas Co of New Mexico

1. 79–17713/NM–1872–79
2. 30–045–09682–0000–0
3. 108
4. Lynco Oil Corporation
5. Dick Hunt #1
6. Basin Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. August 24, 1979
10. Northwest Pipeline Company

1. 79–17714/NM–1873–79
2. 30–045–09525–0000–0
3. 108
4. Lynco Oil Corporation
5. Dick Hunt #2
6. Basin Dakota
7. San Juan, NM
8. 17.0 million cubic feet
9. August 24, 1979
10. Northwest Pipeline Company

1. 79–17715/NM1874–79
2. 30–039–21167–0000–0
3. 108
4. Lynco Oil Corporation
5. Porkchop #1
6. Ballard PC
7. San Juan, NM
8. 16.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79–17716/NM1875–79
2. 30–039–05808–0000–0
3. 108
4. Lynco Oil Corporation
5. Federal 30–H–1
6. Gavilan PC
7. Rio Arriba, NM
8. .0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79–17717/NM–1876–79
2. 30–039–21160–0000–0
3. 108
4. Lynco Oil Corporation
5. Regina #8
6. South Blanco
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79–17718/NM–1877–79
2. 30–039–06271–0000–0
3. 108
4. Lynco Oil Corporation
5. Federal #30–F–1
6. Gavilan PC
7. Rio Arriba, NM
8. 15.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79–17719/NM–1878–79
2. 30–039–00000–0000–0
3. 108
4. Lynco Oil Corporation
5. Hall #6
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 7.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79–17720/NM–1880–79
2. 30–039–05730–0000–0
3. 108
4. Lynco Oil Corporation
5. Hall #1
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 4.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79–17721/NM1881–79
2. 30–039–05875–0000–0
3. 108
4. Lynco Oil Corporation
5. Hall #4
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 13.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79–17722/NM–1901–79
2. 30–025–00000–0000–0
3. 108
4. Continental Oil Company
5. Reed B #7
6. New Mexico Federal Unit
7. Lea, NM
8. 14.7 million cubic feet
9. August 20, 1979
10. Phillips Petroleum Co (C–257)

1. 79–17652/NM–1380–79
2. 30–045–21140–0000–0
3. 108
4. El Paso Natural Gas Company
5. Hughes A 7
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 11.7 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 15, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–30098 Filed 9–27–79; 8:45 am]

BILLING CODE 6450–01–M

[No. 84]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 20, 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.

California Department of Conservation, Division 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. 79–18857/79–6–0056
2. 04–011–20127
3. 103
4. Gas Producing Enterprises Inc
5. S Sycamore #1
6. West Grimes
7. Colusa CA
8. 73.0 million cubic feet
9. September 5, 1979
10. Pacific Gas & Electric

1. 79–18858/79–6–0055
2. 04–067–20125
3. 102
4. Union Oil Co of California
5. Florin #1
6. Florin Gas Field
7. Sacramento CA
8. 365.0 million cubic feet
9. September 5, 1979
10.

1. 79–18859/79–6–0048
2. 04–013–20137
3. 103
4. Depco Inc
5. Bonnickson 48–7
6. South Oakley Field
7. Contra Costa CA
8. 54.8 million cubic feet
9. September 5, 1979
10.

1. 79–18860/79–6–0050
2. 04–013–20132
3. 103
4. Depco Inc
5. Nunn 21–17
6. South Oakley Field

7. Contra Costa CA
8. 748.0 million cubic feet
9. September 5, 1979
10. Dow Chemical Company

1. 79–18861/79–6–0049
2. 04–013–20114
3. 103
4. Depco Inc
5. McLeod No 444–7
6. South Oakley Field
7. Contra Costa CA
8. 748.0 million cubic feet
9. September 5, 1979
10. Dow Chemical Company

Kansas Corporation 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. 79–18816/K–79–0172
2. 15–067–20445
3. 103
4. Ashland Exploration Inc
5. Flowers 2–9
6. Panoma Council Grove
7. Grant KS
8. 97.3 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18817/K–79–0173
2. 15–067–20492
3. 103
4. Ashland Exploration Inc
5. B D Evans 2–25
6. Panoma Council Grove
7. Grant KS
8. 108.8 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18818/K–79–0174
2. 15–081–20152
3. 103
4. Ashland Exploration Inc
5. Roy #7–20
6. Panoma Council Grove
7. Haskell KS
8. 54.7 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18819/K–79–0175
2. 15–067–20465
3. 103
4. Ashland Exploration Inc
5. Stuart 3–34
6. Panoma Council Grove
7. Grant KS
8. 107.8 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18820/K–79–0176
2. 15–067–20544
3. 103
4. Ashland Exploration Inc
5. A B Gilbert 2–30
6. Panoma Council Grove
7. Grant KS
8. 134.3 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18821/K–79–0177
2. 15–081–20129
3. 103
4. Ashland Exploration Inc
5. J C Stevens 4–7
6. Panoma Council Grove
7. Haskell KS
8. 120.9 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18822/K–79–0178
2. 15–067–20466
3. 103
4. Ashland Exploration Inc
5. Garton 2–32
6. Panoma Council Grove
7. Grant KS
8. 102.9 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18823/K–79–0179
2. 15–067–20474
3. 103
4. Ashland Exploration Inc
5. Snowbarger 2–2
6. Panoma Council Grove
7. Grant KS
8. 88.8 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18824/K–79–0180
2. 15–067–20486
3. 103
4. Ashland Exploration Inc
5. Ben Evans 2–6
6. Panoma Council Grove
7. Grant KS
8. 100.2 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18826/K–79–0212
2. 15–187–20239
3. 108
4. Ashland Exploration Inc
5. Baugham #3–16
6. Panoma Council Grove
7. Stanton KS
8. 4.0 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company

1. 79–18827/K–79–0144
2. 15–067–20478
3. 103
4. Ashland Exploration Inc
5. Lowe 2–35
6. Panoma Council Grove
7. Grant KS
8. 87.7 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18828/K–79–0146
2. 15–067–20493
3. 103
4. Ashland Exploration Inc
5. Klein 2–23
6. Panoma Council Grove
7. Grant KS
8. 92.7 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18829/K–79–0162
2. 15–067–20459
3. 103
4. Ashland Exploration Inc
5. Blakesley #2–35
6. Panoma Council Grove
7. Grant KS
8. 76.2 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18830/K–79–0132
2. 15–067–20457
3. 103
4. Ashland Exploration Inc
5. Hockett 2–4
6. Panoma Council Grove
7. Grant KS
8. 90.8 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79–18831/K–79–0207
2. 15–187–20222
3. 103
4. Ashland Exploration Inc
5. T R Winger 2–23
6. Panoma Council Grove
7. Stanton KS
8. 109.0 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company

1. 79–18832/K–79–0208
2. 15–067–20491
3. 103
4. Ashland Exploration Inc
5. Julian #2–23
6. Panoma Council Grove
7. Grant KS
8. 49.4 million cubic feet
9. September 4, 1979
10. Panhandle Eastern Pipeline Company

1. 79–18833/K–79–0209
2. 15–067–20440
3. 103
4. Ashland Exploration Inc
5. J Pinney 2–27
6. Panoma Council Grove
7. Grant KS
8. 122.9 million cubic feet
9. September 4, 1979
10. Panhandle Eastern Pipeline Company

1. 79–18834/K–79–0210
2. 15–067–20501
3. 103
4. Ashland Exploration Inc
5. Reed 2–1
6. Panoma Council Grove
7. Grant KS
8. 40.8 million cubic feet
9. September 4, 1979
10. Panhandle Eastern Pipeline Company

1. 79–18835/K–79–0211
2. 15–067–20495
3. 103
4. Ashland Exploration Inc
5. Taylor #2–2
6. Panoma Council Grove
7. Grant KS
8. 99.9 million cubic feet
9. September 4, 1979
10. Panhandle Eastern Pipeline Company

1. 79–18836/K–79–0141
2. 15–067–20460
3. 103
4. Ashland Exploration Inc
5. Teeter 9–23
6. Panoma Council Grove
7. Grant KS
8. 92.7 million cubic feet

9. September 4, 1979
10. Cities Service Gas Company
1. 79-18837/K-79-0142
2. 15-067-20462
3. 103
4. Ashland Exploration Inc
5. Teeter 8-14
6. Panoma Council Grove
7. Grant KS
8. 103.8 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18838/K-79-0143
2. 15-067-20437
3. 103
4. Ashland Exploration Inc
5. Teeter 7-10
6. Panoma Council Grove
7. Grant KS
8. 92.4 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18839/K-79-0145
2. 15-067-20436
3. 103
4. Ashland Exploration Inc
5. Winter 3-3
6. Panoma Council Grove
7. Grant KS
8. 82.3 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18840/K-79-0147
2. 15-067-20552
3. 103
4. Ashland Exploration Inc
5. Williams 3-31
6. Panoma Council Grove
7. Grant KS
8. 97.3 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18841/K-79-0148
2. 15-067-20481
3. 103
4. Ashland Exploration Inc
5. Ray Lighty 4-14
6. Panoma Council Grove
7. Grant KS
8. 116.3 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18842/K-79-0149
2. 15-067-20480
3. 103
4. Ashland Exploration Inc
5. Ray Lighty 3-11
6. Panoma Council Grove
7. Grant KS
8. 94.6 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18843/K-79-0150
2. 15-067-20490
3. 103
4. Ashland Exploration Inc
5. Truesdale #2-12
6. Panoma Council Grove
7. Grant KS
8. 71.3 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18844/K-79-0199
2. 15-075-20190
3. 103
4. Ashland Exploration Inc
5. Heltemes #4-19
6. Panoma Council Grove
7. Hamilton KS
8. 93.5 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18845/K-79-0200
2. 15-075-20191
3. 103
4. Ashland Exploration Inc
5. Heltemes 5-25
6. Panoma Council Grove
7. Hamilton KS
8. 102.7 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18846/K-79-0201
2. 15-075-20179
3. 103
4. Ashland Exploration Inc
5. C A Hoffman 2-16
6. Panoma Council Grove
7. Hamilton KS
8. 167.2 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18847/K-79-0202
2. 15-187-20219
3. 103
4. Ashland Exploration Inc
5. E Mohney 2-34
6. Panoma Council Grove
7. Stanton KS
8. 94.4 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18848/K-79-0203
2. 15-187-20224
3. 103
4. Ashland Exploration Inc
5. A E Smith 2-26
6. Panoma Council Grove
7. Stanton KS
8. 117.1 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18849/K-79-0204
2. 15-075-20194
3. 103
4. Ashland Exploration Inc
5. M Stucky #2-17
6. Panoma Council Grove
7. Hamilton KS
8. 112.3 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18850/K-79-0205
2. 15-187-20223
3. 103
4. Ashland Exploration Inc
5. D R Wilson 1-22
6. Panoma Council Grove
7. Stanton KS
8. 125.9 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18851/K-79-0206
2. 15-187-20220
3. 103
4. Ashland Exploration Inc
5. C Winger 6-35
6. Panoma Council Grove
7. Stanton KS
8. 145.0 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18888/K-79-0151
2. 15-067-20455
3. 103
4. Ashland Exploration Inc
5. R J Lighty 2-29
6. Panoma Council Grove
7. Grant KS
8. 96.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18889/K-79-0152
2. 15-081-20131
3. 103
4. Ashland Exploration Inc
5. Threlkeld 2-6
6. Panoma Council Grove
7. Haskell KS
8. 104.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18890/K-79-0153
2. 15-067-20441
3. 103
4. Ashland Exploration Inc
5. M Thurow 4-34
6. Panoma Council Grove
7. Grant KS
8. 129.1 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18891/K-79-0154
2. 15-067-20503
3. 103
4. Ashland Exploration Inc
5. Baughman #4-13
6. Panoma Council Grove
7. Grant KS
8. 89.4 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18892/K-79-0155
2. 15-067-20424
3. 103
4. Ashland Exploration Inc
5. Bain #1-9
6. Panoma Council Grove
7. Grant KS
8. 69.5 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18893/K-79-0156
2. 15-067-20539
3. 103
4. Ashland Exploration Inc
5. Miller 2-14
6. Panoma Council Grove
7. Grant KS
8. 103.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18894/K-79-0157
2. 15-067-20543
3. 103
4. Ashland Exploration Inc
5. McCall 4-28
6. Panoma Council Grove
7. Grant KS
8. 83.4 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18895/K-79-0158

2. 15–067–20463
3. 103
4. Ashland Exploration Inc
5. McCall #3–15
6. Panoma Council Grove
7. Grant KS
8. 88.8 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18896/K–79–0159
2. 15–067–20489
3. 103
4. Ashland Exploration Inc
5. Ashland #1–3
6. Panoma Council Grove
7. Grant KS
8. 68.9 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18897/K–79–0160
2. 15–067–20547
3. 103
4. Ashland Exploration Inc
5. Radcliff 2–21
6. Panoma Council Grove
7. Grant KS
8. 144.7 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18898/K–79–0161
2. 15–081–20124
3. 103
4. Ashland Exploration Inc
5. Poncetti 2–19
6. Panoma Council Grove
7. Haskell KS
8. 160.7 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18899/K–79–0163
2. 15–067–20476
3. 103
4. Ashland Exploration Inc
5. Blackwelder #4–24
6. Panoma Council Grove
7. Grant KS
8. 123.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18900/K–79–0164
2. 15–067–20439
3. 103
4. Ashland Exploration Inc
5. L M Owen 2–22
6. Panoma Council Grove
7. Grant KS
8. 139.0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18901/K–79–0165
2. 15–081–20128
3. 103
4. Ashland Exploration Inc
5. Effie Owens 2–16
6. Panoma Council Grove
7. Haskell KS
8. 165.9 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18902/K–79–0166
2. 15–067–20475
3. 103
4. Ashland Exploration Inc
5. Blackwelder #3–23
6. Panoma Council Grove
7. Grant KS
8. 130.5 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18903/K–79–0167
2. 15–067–20444
3. 103
4. Ashland Exploration Inc
5. Eldridge 2–26
6. Panoma Council Grove
7. Grant KS
8. 120.2 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18904/K–79–0168
2. 15–067–20464
3. 103
4. Ashland Exploration Inc
5. Ramsey 2–10
6. Panoma Council Grove
7. Grant KS
8. 114.1 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18905/K–79–0169
2. 15–067–20479
3. 103
4. Ashland Exploration Inc
5. Crail #2–8
6. Panoma Council Grove
7. Grant KS
8. 103.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18906/K–79–0170
2. 15–081–20141
3. 103
4. Ashland Exploration Inc
5. Collingwood #5–9
6. Panoma Council Grove
7. Haskell KS
8. 147.6 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18907/K–79–0171
2. 15–067–20494
3. 103
4. Ashland Exploration Inc
5. Brewer #2–24
6. Panoma Council Grove
7. Grant KS
8. 115.9 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18908/K–79–0131
2. 15–067–20546
3. 103
4. Ashland Exploration Inc
5. Stubbs 2–36
6. Panoma Council Grove
7. Grant KS
8. 127.1 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18909/K–79–0133
2. 15–067–20502
3. 103
4. Ashland Exploration Inc
5. Stuart 4–27
6. Panoma Council Grove
7. Grant KS
8. 96.2 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18910/K–79–0134
2. 15–067–20545
3. 103
4. Ashland Exploration Inc
5. L L Gilbert 3–31
6. Panoma Council Grove
7. Grant KS
8. 175.6 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18911/K–79–0135
2. 15–067–20542
3. 103
4. Ashland Exploration Inc
5. Lahey 5–26
6. Panoma Council Grove
7. Grant KS
8. 99.6 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18912/K–79–0136
2. 15–067–30477
3. 103
4. Ashland Exploration Inc
5. T J Lahey 4–28
6. Panoma Council Grove
7. Grant KS
8. 128.1 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18913/K–79–0137
2. 15–067–20456
3. 103
4. Ashland Exploration Inc
5. Lahey 3–33
6. Panoma Council Grove
7. Grant KS
8. 99.6 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18914/K–79–0138
2. 15–067–20461
3. 103
4. Ashland Exploration Inc
5. Teeter 10–26
6. Panoma Council Grove
7. Grant KS
8. 126.4 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18915/K–79–0139
2. 15–067–20473
3. 103
4. Ashland Exploration Inc
5. Koenig 7–11
6. Panoma Council Grove
7. Grant KS
8. 119.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18916/K–79–0140
2. 15–067–20443
3. 103
4. Ashland Exploration Inc
5. C N King 5–30
6. Panoma Council Grove
7. Grant KS
8. 104.6 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18941/K–79–0124
2. 15–067–20549
3. 103
4. Ashland Exploration Inc
5. Ashland #2–36
6. Panoma Council Grove

7. Grant KS
8. 152.7 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18942/K-79-0125
2. 15-081-20125
3. 103
4. Ashland Exploration Inc
5. Anthony #2-18
6. Panoma Council Grove
7. Haskell KS
8. 105.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18943/K-79-0126
2. 15-061-20521
3. 103
4. Ashland Exploration Inc
5. E L Allmon #2-13
6. Panoma Council Grove
7. Grant KS
8. 86.5 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18944/K-79-0127
2. 15-067-20541
3. 103
4. Ashland Exploration Inc
5. Maude Allmon #2-7
6. Panoma Council Grove
7. Grant KS
8. 66.4 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18945/K-79-0128
2. 15-067-20540
3. 103
4. Ashland Exploration Inc
5. Roy King 2-22
6. Panoma Council Grove
7. Grant KS
8. 209.0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18946/K-79-0129
2. 15-067-20438
3. 103
4. Ashland Exploration Inc
5. Teeter 6-15
6. Panoma Council Grove
7. Grant KS
8. 140.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18947/K-79-0130
2. 15-067-20551
3. 103
4. Ashland Exploration Inc
5. Hooper 5-22
6. Panoma Council Grove
7. Grant KS
8. 93.0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18948/K-79-0191
2. 15-075-20177
3. 103
4. Ashland Exploration Inc
5. I S Brothers #3-3
6. Panoma Council Grove
7. Hamilton KS
8. 84.7 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18949/K-79-0192
2. 15-075-20178
3. 103
4. Ashland Exploration Inc
5. Federal Farm Mortgage
6. Panoma Council Grove
7. Hamilton KS
8. 97.4 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18950/K-79-0193
2. 15-075-20176
3. 103
4. Ashland Exploration Inc
5. R S Fields #1-36
6. Panoma Council Grove
7. Hamilton KS
8. 92.3 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18951/K-79-0194
2. 15-187-20735
3. 103
4. Ashland Exploration Inc
5. Floyd #2-9
6. Panoma Council Grove
7. Stanton KS
8. 70.1 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18952/K-79-0195
2. 15-075-20180
3. 103
4. Ashland Exploration Inc
5. E M Frease 2-20
6. Panoma Council Grove
7. Hamilton KS
8. 101.4 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18953/K-79-0196
2. 15-075-20175
3. 103
4. Ashland Exploration Inc
5. E M Frease #3-25
6. Panoma Council Grove
7. Hamilton KS
8. 144.0 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18954/K-79-0197
2. 15-075-20181
3. 103
4. Ashland Exploration Inc
5. L J Hattrup #2-30
6. Panoma Council Grove
7. Hamilton KS
8. 107.2 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18955/K-79-0198
2. 15-075-20182
3. 103
4. Ashland Exploration Inc
5. Heltemes #1-36
6. Panoma Council Grove
7. Hamilton KS
8. 69.0 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18956/K-79-0181
2. 15-067-20485
3. 103
4. Ashland Exploration Inc
5. Reno 2-25
6. Panoma Council Grove
7. Grant KS
8. 100.8 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18957/K-79-0182
2. 15-075-20189
3. 103
4. Ashland Exploration Inc
5. Barney Akers #2-5
6. Panoma Council Grove
7. Hamilton KS
8. 21.6 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18958/K-79-0183
2. 15-067-20425
3. 103
4. Ashland Exploration Inc
5. Nora Christian #4-16
6. Panoma Council Grove
7. Grant KS
8. 80.4 million cubic feet
9. September 5, 1979
10. Panhandle Eastern Pipeline Company

1. 79-18959/K-79-0184
2. 15-075-20193
3. 103
4. Ashland Exploration Inc
5. Brothers #4-9
6. Panoma Council Grove
7. Hamilton KS
8. 118.4 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18960/K-79-0185
2. 15-075-20192
3. 103
4. Ashland Exploration Inc
5. Lampe Inc 2-8
6. Panoma Council Grove
7. Hamilton KS
8. 38.6 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18961/K-79-0186
2. 15-187-20221
3. 103
4. Ashland Exploration Inc
5. C Winger #7-27
6. Panoma Council Grove
7. Stanton KS
8. 60.9 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18962/K-79-0187
2. 15-187-20236
3. 103
4. Ashland Exploration Inc
5. C Winger #8-21
6. Panoma Council Grove
7. Stanton KS
8. 66.3 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18963/K-79-0188
2. 15-187-20241
3. 103
4. Ashland Exploration Inc
5. C Winger #9-28
6. Panoma Council Grove
7. Stanton KS
8. 101.1 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79-18964/K-79-0189

2. 15–187–20237
3. 103
4. Ashland Exploration Inc
5. C Winger #10–33
6. Panoma Council Grove
7. Stanton KS
8. 121.8 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

1. 79–18965/K–79–0190
2. 15–187–20238
3. 103
4. Ashland Exploration Inc
5. C Winger #11–4
6. Panoma Council Grove
7. Stanton KS
8. 102.0 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas 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. 79–18880
2. 30–025–00000
3. 102 103
4. Hng Oil Company
5. Shoe Bar Ranch Unit 34 #1
6. South Shoe Bar
7. Lea NM
8. 729.0 million cubic feet
9. September 5, 1979
10. Natural Gas Pipeline of America

1. 79–18881
2. 30–025–00000
3. 102 103
4. Hng Oil Company
5. Shoe Bar Ranch Unit 3 #1
6. South Shoe Bar (Atoka)
7. Lea NM
8. 803.0 million cubic feet
9. September 5, 1979
10. Natural Gas Pipeline of America

1. 79–18882
2. 30–045–23163
3. 103
4. Amoco Production Company
5. Earl B. Sullivan #1
6. Bloomfield Chacra
7. San Juan NM
8. 171.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Co

1. 79–18883
2. 30–025–25609
3. 103
4. Victory III Petroleum Company
5. New Mexico 22 State No 1
6. Kemnitz-Lower Wolfcamp SW/4 22–16S–
7. Lea NM
8. 65.0 million cubic feet
9. September 5, 1979
10. Continental Oil Company

1. 79–18884
2. 30–025–08522
3. 108
4. Phillips Petroleum Company
5. Vacuum ABO Unit 01–01
6. Vacuum ABO Reef
7. Lea NM
8. 2.1 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Co

1. 79–18885
2. 30–025–00000
3. 103
4. Natomas North America Inc
5. Antelope Ridge State Com 23 #1
6. Wildcat
7. Lea NM
8. 720.0 million cubic feet
9. September 5, 1979
10. Gas Company of New Mexico El Paso Natural Gas Co

1. 79–18886
2. 30–045–23311
3. 103
4. Southland Royalty Company
5. Zachry Com #1–A
6. Blanco Mesa Verde
7. San Juan NM
8. 150.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company

1. 79–18887
2. 30–045–23200
3. 103
4. Dugan Production Corp
5. Winifred #2
6. Harper Hill Fruitland PC
7. San Juan NM
8. 48.0 million cubic feet
9. September 5, 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. 79–18718/139–NGPA
2. 33–053–00770
3. 102
4. Terra Resources Inc
5. BNRR 1–29
6. Bicentennial
7. McKenzie ND
8. 12.0 million cubic feet
9. September 10, 1979
10. True Oil Company

1. 79–18729/131–NGPA
2. 33–007–00248
3. 102
4. Cities Service Co
5. Wike A #1
6. Little Knife
7. Billings ND
8. 146.0 million cubic feet
9. August 30, 1979
10.

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. 79–18676/00030
2. 35–009–00000
3. 103
4. Amarex Inc
5. Russell Estate #1–35
6. Carpenter
7. Beckham OK
8. 54.8 million cubic feet
9. August 28, 1979
10. Arkansas Louisiana Gas Company

1. 79–18677/00035
2. 35–011–00000
3. 103
4. Amarex Inc
5. Neely #1
6. South Greenfield
7. Blaine OK
8. 900.0 million cubic feet
9. August 28, 1979
10.

1. 79–18678/00153
2. 35–007–21320
3. 103
4. American Petrofina Company of Texas
5. Beckham-Hennigh No 1
6. Mocane Laverne
7. Beaver OK
8. 96.0 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Company

1. 79–18679/00154
2. 35–007–21387
3. 103
4. American Petrofina Company of Texas
5. Beckham-Thomas No 1
6. Mocane Laverne
7. Beaver OK
8. 120.0 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Company

1. 79–18680/00155
2. 35–007–21361
3. 103
4. American Petrofina Company of Texas
5. Lorene Beckham No 1
6. Mocane Laverne
7. Beaver OK
8. 12.0 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Company

1. 79–18681/00156
2. 35–007–21336
3. 103
4. American Petrofina Company of Texas
5. Hennigh-Lotspeich No 1
6. Mocane Laverne
7. Beaver OK
8. 29.0 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Company

1. 79–18682/00168
2. 35–139–00000
3. 108
4. Ashland Exploration Inc
5. Lida Hawkins #1
6. Guymon Hugoton
7. Texas OK
8. 11.6 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Company

1. 79–18683/00169
2. 35–025–20307
3. 103
4. Ashland Exploration Inc
5. Ross #3
6. Keyes
7. Cimarron OK
8. .0 million cubic feet
9. August 28, 1979
10. Colorado Interstate Gas Company

1. 79–18684/00170
2. 35–007–00000
3. 108
4. Ashland Exploration Inc
5. RE Adams #8
6. Mocane
7. Beaver OK
8. 6.2 million cubic feet
9. August 28, 1979
10. Colorado Interstate Gas Company

1. 79–18685/00171
2. 35–007–00000
3. 108
4. Ashland Exploration Inc
5. RE Adams #8
6. Mocane
7. Beaver OK
8. 11.0 million cubic feet
9. August 28, 1979
10. Colorado Interstate Gas Company

1. 79–18686/00179
2. 35–093–21369
3. 103
4. Ashland Exploration Inc
5. Rother #1–34
6. Seiling NE
7. Major OK
8. 121.2 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Co

1. 79–18687/00183
2. 35–151–35269
3. 108
4. Ashland Exploration Inc
5. Gerloff #1
6. Freedom NW
7. Woods OK
8. 9.5 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Co

1. 79–18688/00191
2. 35–139–21040
3. 103
4. Anadarko Production Co
5. Oklahoma State J No 1
6. Unity Creek
7. Texas OK
8. 120.0 million cubic feet
9. August 28, 1979
10. Panhandle Eastern Pipeline Co

1. 79–18689/00192
2. 35–047–21351
3. 103
4. Blaik Oil Company
5. McClanahan #1
6. Sooner Trend
7. Garfield OK
8. 5.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18686/00193
2. 35–047–00000
3. 103
4. Blaik Oil Company
5. McClanahan #2
6. Sooner Trend
7. Garfield OK
8. 6.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18691/00194
2. 35–047–21757
3. 103
4. Blaik Oil Company
5. King-Boedeker #2
6. Sooner Trend
7. Garfield OK
8. 12.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18692/00195
2. 35–047–21676
3. 103
4. Blaik Oil Company
5. Spohrer Unit #4
6. Sooner Trend
7. Garfield OK
8. 20.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18693/00196
2. 35–047–21743
3. 103
4. Blaik Oil Company
5. Thomas Unit #2
6. Sooner Trend
7. Garfield OK
8. 16.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18694/00197
2. 35–047–21693
3. 103
4. Blaik Oil Company
5. Traylor Unit #3
6. Sooner Trend
7. Garfield OK
8. 13.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18695/00198
2. 35–047–21651
3. 103
4. Blaik Oil Company
5. Ava Unit #4
6. Sooner Trend
7. Garfield OK
8. 14.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18696/00199
2. 35–047–21711
3. 103
4. Blaik Oil Company
5. Neely Unit #4
6. Sooner Trend
7. Garfield OK
8. 9.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18697/00200
2. 35–047–21712
3. 103
4. Blaik Oil Company
5. Avel Unit #4
6. Sooner Trend
7. Garfield OK
8. 16.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18698/00201
2. 35–007–21408
3. 103
4. Blaik Oil Company
5. Nichols Unit #1
6. Mocane
7. Beaver OK
8. 150.0 million cubic feet
9. August 28, 1979
10. Northern Natural Gas

1. 79–18699/00210
2. 35–047–21391
3. 103
4. Blaik Oil Company
5. Taylor #2
6. Sooner Trend
7. Garfield OK
8. 3.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18700/00211
2. 35–047–21403
3. 103
4. Blaik Oil Company
5. Milacek #2
6. Sooner Trend
7. Garfield OK
8. 4.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18701/00212
2. 35–047–21380
3. 103
4. Blaik Oil Company
5. Baker #2
6. Sooner Trend
7. Garfield OK
8. 12.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18702/00213
2. 35–047–21780
3. 103
4. Blaik Oil Company
5. Hromas #2
6. Sooner Trend
7. Garfield OK
8. 14.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18703/00214
2. 35–047–21501
3. 103
4. Blaik Oil Company
5. Wilson #2
6. Sooner Trend
7. Garfield OK
8. 6.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18704/00215
2. 35–003–20587
3. 103
4. Blaik Oil Company
5. Schmidt #2
6. Sooner Trend
7. Alfalfa OK
8. 12.0 million cubic feet
9. August 28, 1979
10. Union Texas Petroleum

1. 79–18705/00216
2. 35–003–20584
3. 103
4. Blaik Oil Company
5. Marteney #2

6. Sooner trend
7. Alfalfa, OK
8. 7.0 million cubic feet
9. August 28, 1979
10. Union Texas Petroleum

1. 79–18706/00217
2. 35–003–20579
3. 103
4. Blaik Oil Company
5. Buller #2
6. Sooner trend
7. Alfalfa, OK
8. 10.0 million cubic feet
9. August 28, 1979
10. Union Texas Petroleum

1. 79–18707/00177
2. 35–073–22073
3. 103
4. Classen Oil and Gas Company
5. Rose Ingle #1
6. Sooner trend
7. Kingfisher, OK
8. 30.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79–18708/00166
2. 35–093–21380
3. 103
4. Creslenn Oil Company
5. Unwin Unit No 1
6. N S Seiling
7. Major County, OK
8. 150.0 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Company

1. 79–18709/00243
2. 35–053–00092
3. 108
4. Energy Reserves Group Inc.
5. F C Feist #1
6. S E Eureka
7. Grant, OK
8. 5.0 million cubic feet
9. August 28, 1979
10. Sun Oil Company

1. 79–18710/00264
2. 35–053–00128
3. 108
4. Energy Reserves Group Inc
5. F C Feist A #1
6. S E Eureka
7. Grant, OK
8. 3.0 million cubic feet
9. August 28, 1979
10. Sun Oil Company

1. 79–18711/00102
2. 35–077–20132
3. 108
4. Grace Petroleum Corporation
5. Carver 1–23
6. Robbers Cave
7. Latimer, OK
8. 6.4 million cubic feet
9. August 28, 1979
10. Arkansas Louisiana Gas Company

1. 79–18712/00219
2. 35–007–00000
3. 108
4. Ivanhoe Petroleum Company
5. Poorbaugh #1 (Sec 8–4N–27 ECM)
6. Mocane-Laverne
7. Beaver, OK
8. 5.6 million cubic feet
9. August 28, 1979
10. Panhandle Eastern Pipeline Company

1. 79–18713/00165
2. 35–017–20808
3. 103
4. Mesa Petroleum Co
5. Jonas 1–23
6. N W Union City
7. Canadian, OK
8. 302.0 million cubic feet
9. August 28, 1979
10. Transok Pipeline Company, Michigan Wisconsin P/L Co

1. 79–18714/00222
2. 35–015–20722
3. 103
4. Michigan Wisconsin Pipeline Company
5. Hotz A #1
6. South Niles
7. Caddo, OK
8. 270.0 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Company

1. 79–18715/00223
2. 35–011–20672
3. 103
4. Michigan Wisconsin Pipeline Company
5. Groendyke-Hall A 1–9
6. Elm Grove
7. Blaine, OK
8. 450.0 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Company, Transok Pipeline Co

1. 79–18716/00224
2. 35–011–20829
3. 103
4. Michigan Wisconsin Pipeline Company
5. Mordecai #1
6. Elm Grove
7. Blaine, OK
8. 274.0 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Company

1. 79–18717/00225
2. 35–011–20890
3. 103
4. Michigan Wisconsin Pipeline Company
5. Williams #2–29
6. Squaw Creek
7. Blaine, OK
8. 1460.0 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Company, Mustang Fuel Corp

1. 79–18719/00190
2. 35–083–00000
3. 103
4. Wm J O'Connor
5. Hainer #2
6. East Guthrie
7. Logan, OK
8. 365.0 million cubic feet
9. August 28, 1979
10. Magic Circle Gas Corporation, Cities Service Gas Corp

1. 79–18720/00092
2. 35–059–00000
3. 108
4. Okmar Oil Company
5. Bessie Unit #1
6. N W Lovedale
7. Harper, OK
8. 10.0 million cubic feet
9. August 28, 1979
10. Cities Service Gas Co

1. 79–18721/00142
2. 35–111–20500
3. 108
4. Okmar Oil Company
5. B-Line #1
6.
7. Okmulgee, OK
8. 7.0 million cubic feet
9. August 28, 1979
10. Phillips Petroleum Co

1. 79–18722/00140
2. 35–059–20293
3. 108
4. Premier Resources Ltd
5. Seeger #1–C
6. Mocane-Laverne
7. Harper, OK
8. 15.9 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Company

1. 79–18723/00139
2. 35–051–00000
3. 108
4. R & N Associates—G M Neubert Agt
5. Jacobs No 1
6. Burns Beaver
7. Grady, OK
8. 18.6 million cubic feet
9. August 28, 1979
10. Getty Oil Company

1. 79–18724/00203
2. 35–121–20495
3. 103
4. Samson Resources Company
5. McBee Unit No 1
6. West Wilburton
7. Pittsburg, OK
8. 547.5 million cubic feet
9. August 28, 1979
10. Arkansas Louisiana Gas Company

1. 79–18725/00207
2. 35–061–20240
3. 103
4. Samson Resources Company
5. Rush Unit No 1
6. Kunta
7. Haskell, OK
8. 365.0 million cubic feet
9. August 28, 1979
10. Arkansas Louisiana Gas Company, Okla Gas and Electric Co, Public Service Co of Okla

1. 79–18726/00209
2. 35–079–22073
3. 103
4. Samson Resources Company
5. Burrows No 1
6. Bokoshe
7. Leflore, OK
8. 182.5 million cubic feet
9. August 28, 1979
10. Arkansas Louisiana Gas Company

1. 79–18727/00133
2. 35–007–35367
3. 108
4. Sohio Natural Resources Co
5. Shepherd #1 Well
6. Mocane Laverne
7. Beaver, OK
8. 10.6 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Co

1. 79–18728/00143
2. 35–093–20570
3. 108
4. I A Wyant & H W O'Keefe

5. Taylor Unit No 1–13
6. N E Cheyenne Valley
7. Major, OK
8. 8.0 million cubic feet
9. August 28, 1979
10. Phillips Petroleum Co

West Virginia Department of Mines Oil and Gas Division

1. Control Number (FERC/State)
2. Api well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 79–18730
2. 47–041–01812
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. G Gibson—11381
6. West Virginia Other A–85772
7. Lewis WV
8. 18.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18731
2. 47–041–01757
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Fleming Howell 11223
6. West Virginia Other A–85772
7. Lewis WV
8. 4.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18732
2. 47–041–01202
3. 108
4. Consolidated Gas Supply Corporation
5. Mabel I Linger 10508
6. West Virginia Other A–85772
7. Lewis WV
8. 6.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18733
2. 47–041–00962
3. 108
4. Consolidated Gas Supply Corporation
5. Bertha Linger 10423
6. West Virginia Other A–85772
7. Lewis WV
8. 10.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18734
2. 47–041–01207
3. 108
4. Consolidated Gas Supply Corporation
5. Robert Mccue 10507
6. West Virginia Other A–85772
7. Lewis WV
8. 11.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18735
2. 47–041–01480
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Brent Maxwell 10797
6. West Virginia Other A–85772
7. Lewis WV
8. 4.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18736
2. 47–041–00406
3. 108
4. Consolidated Gas Supply Corporation
5. C A See 10247
6. West Virginia Other A–85772
7. Lewis WV
8. 8.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18737
2. 47–041–00457
3. 108
4. Consolidated Gas Supply Corporation
5. C A See 10257
6. West Virginia Other A–85772
7. Lewis WV
8. 15.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18738
2. 47–033–00997
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. M L Nutter 12228
6. West Virginia Other A–85772
7. Harrison WV
8. 3.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18739
2. 47–041–00168
3. 108
4. Consolidated Gas Supply Corporation
5. E P Powell 1505
6. West Virginia Other A–85772
7. Harion WV
8. 3.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18740
2. 47–041–01980
3. 108
4. Consolidated Gas Supply Corporation
5. P M Ball 4523
6. West Virginia Other A–85772
7. Doodridge WV
8. 10.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18741
2. 47–041–00022
3. 108
4. Consolidated Gas Supply Corporation
5. Cordelia Bailey 8325
6. West Virginia Other A–85772
7. Lewis WV
8. 8.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18742
2. 47–041–01959
3. 108
4. Consolidated Gas Supply Corporation
5. W Turner 11805
6. West Virginia Other A–85772
7. Lewis WV
8. 13.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18743
2. 47–047–00807
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. R L Dennis 11921
6. Pineville Field Area A–59442
7. Mcdowell WV
8. 20.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18744
2. 47–013–02932
3. 108
4. Consolidated Gas Supply Corporation
5. Logan Mcdonald 6458
6. West Virginia Other A–85772
7. Calhoun WV
8. 3.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18745
2. 47–007–00979
3. 108
4. Consolidated Gas Supply Corporation
5. I N Brown 11328
6. West Virginia Other A–85772
7. Braxton WV
8. 2.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18746
2. 47–013–02919
3. 108
4. Consolidated Gas Supply Corporation
5. Peter Hicks 7266
6. West Virginia Other A–85772
7. Calhoun WV
8. 3.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18747
2. 47–013–02912
3. 108
4. Consolidated Gas Supply Corporation
5. S P Bell 6725
6. West Virginia Other A–85772
7. Calhoun WV
8. 3.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18748
2. 47–017–02403
3. 108
4. Consolidated Gas Supply Corporation
5. Z T Ball 766
6. West Virginia Other A–85772
7. Doddridge WV
8. 12.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18749
2. 47–021–00414
3. 108
4. Consolidated Gas Supply Corporation
5. Cora Lockard 9291
6. West Virginia Other A–85772
7. Glmer WV
8. 3.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18750
2. 47–021–01986
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 11141
6. West Virginia Other A–85772

7. Gilmer WV
8. 10.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18751
2. 47–033–00109
3. 108
4. Consolidated Gas Supply Corporation
5. Willian Jarvis 3871
6. West Virginia Other A–85772
7. Harrison WV
8. 8.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18752
2. 47–013–02482
3. 108
4. Consolidated Gas Supply Corporation
5. Allen Hardman 11373
6. West Virginia Other A–85772
7. Calhoun WV
8. 8.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18753
2. 47–017–01909
3. 108
4. Consolidated Gas Supply Corporation
5. Chas G Schutte 764
6. West Virginia Other A–85772
7. Doddridge WV
8. 11.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18754
2. 47–017–01673
3. 108
4. Consolidated Gas Supply Corporation
5. W H Hitt 3151
6. West Virginia Other A–85772
7. Doddridge WV
8. 7.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18755
2. 47–001–03100
3. 108
4. Consolidated Gas Supply Corporation
5. 10841–B Reeder
6. West Virginia Other A–85772
7. Barbour WV
8. 13.0 million cubic feet
9. August 31, 1979
10. General System Purchasers

1. 79–18862
2. 47–041–01288
3. 108
4. Consolidated Gas Supply Corporation
5. Russell Barton 10614
6. West Virginia Other A–85772
7. Lewis WV
8. 7.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18863
2. 47–041–01282
3. 108
4. Consolidated Gas Supply Corporation
5. F White 10548
6. West Virginia Other A–85772
7. Lewis WV
8. 11.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18864
2. 47–041–01281
3. 108
4. Consolidated Gas Supply Corporation
5. F Smith 10540
6. West Virginia Other A–85772
7. Lewis WV
8. 12.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18865
2. 47–041–01243
3. 108
4. Consolidated Gas Supply Corporation
5. Carl F Simons 10521
6. West Virginia other A–85772
7. Lewis WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18866
2. 47–097–00731
3. 108
4. Consolidated Gas Supply Corporation
5. Icy L Malcomb 10422
6. West Virginia other A–85772
7. Upshur WV
8. 11.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18867
2. 47–041–01856
3. 108
4. Consolidated Gas Supply Corporation
5. G. Smith 11483
6. West Virginia other A–85772
7. Lewis WV
8. 13.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18868
2. 47–033–00991
3. 108
4. Consolidated Gas Supply Corporation
5. John D McReynolds 8159
6. West Virginia other A–85772
7. Harrison WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18869
2. 47–041–02698
3. 108
4. Consolidated Gas Supply Corporation
5. S D Camden 8231
6. West Virginia other A–85772
7. Lewis WV
8. 9.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18870
2. 47–041–02720
3. 108
4. Consolidated Gas Supply Corporation
5. George W Smith 8349
6. West Virginia other A–85772
7. Lewis WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18871
2. 47–045–0056
3. 108
4. Consolidated Gas Supply Corporation
5. Boone County Coal Corp 9262
6. West Virginia other A–85772
7. Logan WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18872
2. 47–045–00071
3. 108
4. Consolidated Gas Supply Corporation
5. Boone County Coal Corp 9269
6. West Virginia other A–85772
7. Logan WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18873
2. 47–045–00096
3. 108
4. Consolidated Gas Supply Corporation
5. Boone County Coal Corp 9280
6. West Virginia other A–85772
7. Logan WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18874
2. 47–033–00526
3. 108
4. Consolidated Gas Supply Corporation
5. W T Law 11205
6. West Virginia other A–85772
7. Harrison WV
8. 15.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18875
2. 47–097–00608
3. 108
4. Consolidated Gas Supply Corporation
5. Lona Zickafoose 10284
6. West Virginia other A–85772
7. Upshur WV
8. 12.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18876
2. 47–041–01022
3. 108
4. Consolidated Gas Supply Corporation
5. Icie M Fox 10406
6. West Virginia other A–85772
7. Lewis WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18877
2. 47–041–01366
3. 108
4. Consolidated Gas Supply Corporation
5. Carl W Smith 10676
6. West Virginia other A–85772
7. Lewis WV
8. 6.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18878
2. 47–041–01109
3. 108
4. Consolidated Gas Supply Corporation
5. W M Zinn 10436
6. West Virginia other A–85772
7. Lewis WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18879

2. 47–041–01034
3. 108
4. Consolidated Gas Supply Corporation
5. Ona L Strader 10429
6. West Virginia other A–85772
7. Lewis WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18917
2. 47–035–00698
3. 108
4. Consolidated Gas Supply Corporation
5. John B Euler 9408
6. West Virginia other A–85772
7. Jackson WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18918
2. 47–033–00875
3. 108
4. Consolidated Gas Supply Corporation
5. M W Smith 8015
6. West Virginia other A–85772
7. Harrison WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18919
2. 47–033–00850
3. 108
4. Consolidated Gas Supply Corporation
5. L Conley 6920
6. West Virginia other A–85772
7. Harrison WV
8. 7.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18920
2. 47–033–00821
3. 108
4. Consolidated Gas Supply Corporation
5. James Monroe 7926
6. West Virginia other A–85772
7. Harrison WV
8. .4 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18921
2. 47–041–00163
3. 108
4. Consolidated Gas Supply Corporation
5. Thomas Casey 4028
6. West Virginia other A–85772
7. Lewis WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18922
2. 47–041–00106
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8975
6. West Virginia other A–85772
7. Lewis WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18923
2. 47–085–01765
3. 108
4. Consolidated Gas Supply Corporation
5. J C Patton 10102
6. West Virginia other A–85772
7. Ritchie WV
8. 9.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18924
2. 47–041–00385
3. 108
4. Consolidated Gas Supply Corporation
5. W Lough 10227
6. West Virginia other A–85772
7. Lewis WV
8. 12.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18925
2. 47–041–01870
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. C Skinner 11531
6. West Virginia other A–85772
7. Lewis WV
8. 12.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18926
2. 47–097–01058
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Troy E Hardman 10932
6. West Virginia other A–85772
7. Upshur WV
8. 20.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18927
2. 47–033–00545
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. M Burnside 11294
6. West Virginia other A–85772
7. Harrison WV
8. 18.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18928
2. 47–033–00536
3. 108
4. Consolidated Gas Supply Corporation
5. M F Randolph 11224
6. West Virginia other A–85772
7. Harrison WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18929
2. 47–035–00783
3. 108
4. Consolidated Gas Supply Corporation
5. John B Euler 9478
6. West Virginia other A–85772
7. Jackson WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18930
2. 47–097–00471
3. 108
4. Consolidated Gas Supply Corporation
5. W L Ashworth 9971
6. West Virginia other A–85772
7. Upshur WV
8. 9.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18931
2. 47–097–00354
3. 108
4. Consolidated Gas Supply Corporation
5. B L Martin 9301
6. West Virginia other A–85772
7. Upshur WV
8. 17.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18932
2. 47–045–0856
3. 108
4. Consolidated Gas Supply Corporation
5. Dingess Run Coal Co 10698
6. West Virginia Other A–85772
7. Logan WV
8. 14.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18933
2. 47–043–00830
3. 108
4. Consolidated Gas Supply Corporation
5. Robert F. Ferrell 9203
6. West Virginia Other A–85772
7. Linicoln WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18934
2. 47–085–01764
3. 108
4. Consolidated Gas Supply Corporation
5. Alfred Barr 10101
6. West Virginia Other A–85772
7. Ritchie WV
8. 2.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18935
2. 47–085–01715
3. 108
4. Consolidated Gas Supply Corporation
5. J R Wesfall 10030
6. West Virginia Other A–85772
7. Ritchie WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18936
2. 47–033–00520
3. 108
4. Consolidated Gas Supply Corporation
5. M J Loughmiller 11160
6. West Virginia Other A–85772
7. Harrison WV
8. 12.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18937
2. 47–033–00417
3. 108
4. Consolidated Gas Supply Corporation
5. W Gaston 1231
6. West Virginia Other A–85772
7. Harrison WV
8. 4.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18938
2. 47–033–00153
3. 108
4. Consolidated Gas Supply Corporation
5. Virginia Haymond 5547
6. West Virginia Other A–85772

7. Harrison WV
8. 2.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18939
2. 47–033–00606
3. 108
4. Consolidated Gas Supply Corporation
5. Lloyd Washburn 11461
6. West Virginia Other A–85772
7. Harrison WV
8. 19.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

1. 79–18940
2. 47–033–00595
3. 108 denied
4. Consolidated Gas Supply Corporation
5. C E Snider 11425
6. West Virginia Other A–85772
7. Harrison WV
8. 21.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

Wyoming 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. Purchasers(s)

1. 79–18756A/NG–242–79
2. 49–035–20030
3. 108
4. Belco Petroleum Corporation
5. Bird-State 1 20030
6. East Labarge
7. Sublette
8. 6.0 million cubic feet
9. August 31, 1979
10. Northwest Pipeline Corporation

1. 79–18756B/NG243–79
2. 49–035–20034
3. 108
4. Belco Petroleum Corporation
5. Bird-State 2 20034
6. East Labarge
7. Sublette WY
8. 11.0 million cubic feet
9. August 31, 1979
10. Northwest Pipeline Corporation

1. 79–18757/NG–244–79
2. 49–009–09118
3. 108
4. Belco Petroleum Corporation
5. Shawnee 8–13 09118
6. Flat Top
7. Converse WY
8. 12.0 million cubic feet
9. August 31, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79–18758/NG–245–79
2. 49–023–08559
3. 108
4. Belco Petroleum Corporation
5. GRBU 42 (Lot 37) 08559
6. Green River Bend
7. Lincoln WY
8. 11.0 million cubic feet
9. August 31, 1979
10. Northwest Pipeline Corporation

1. 79–18759/NG–246–79
2. 49–035–07595
3. 108
4. Belco Petroleum Corporation
5. GRBU 10–9 07595
6. Green River Bend
7. Sublette WY
8. 15.0 million cubic feet
9. August 31, 1979
10. Northwest Pipeline Corporation

1. 79–18760/NG–233–79
2. 49–013–20680
3. 102
4. Monsanto Company
5. Oconnell #1–36
6. Madden
7. Fremont WY
8. 146.0 million cubic feet
9. August 31, 1979
10. Colorado Interstate Gas Company

1. 79–18761/NG–247–79
2. 49–035–20373
3. 108
4. Belco Petroleum Corporation
5. Budd 3–5 20373
6. Big Piney
7. Sublette
8. 11.0 million cubic feet
9. August 31, 1979
10. Northwest Pipeline Corporation

1. 79–18762/NG–194–79
2. 49–037–21244
3. 103
4. Prenalta Corporation
5. State 12–16–21–103
6. Crooked Canyon
7. Sweetwater WY
8. 146.0 million cubic feet
9. August 31, 1979
10. Stauffer Chemical Company of Wyoming

1. 79–18763/NG–250–79
2. 49–037–21199
3. 102
4. Davis Oil Company
5. Hay Reservoir #13
6. Hay Reservoir
7. Sweetwater WY
8. 180.0 million cubic feet
9. August 31, 1979
10. Colorado Intrastate Gas Company.

1. 79–18764/NG–254–79
2. 49–037–21061
3. 103
4. Davis Oil Company
5. Nickel #1
6. Wild Rose
7. Sweetwater
8. 180.0 million cubic feet
9. August 31, 1979
10. Natural Gas Pipeline Company of Amepanhandle Eastern P/L Co

1. 79–18765/NG–160–79
2. 49–003–72098–5
3. 103
4. Amoco Production Company
5. Salazar Unit #2
6. Salazar
7. Sweetwater WY
8. 58.0 million cubic feet
9. August 31, 1979
10. Cities Service Gas Company

1. 79–18766/NG–258–79
2. 49–009–05751
3. 108
4. Belco Petroleum Corporation
5. Macson Hall 1–11 05751
6. Flat Top
7. Converse WY
8. 6.0 million cubic feet
9. August 31, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79–18767/NG–255–79
2. 49–037–20932
3. 103
4. Kenneth Luff Inc
5. #4–25 Amoco Champlin
6. Antelope
7. Sweetwater WY
8. 200.0 million cubic feet
9. August 31, 1979
10. Mountain Fuel Supply Company

1. 79–18768A/NG–188–79
2. 49–005–24542
3. 102
4. Reading & Bates Petroleum Co
5. State #2
6. Hartzog Draw
7. Campbell WY
8. 1980.0 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company

1. 79–18768B/NG–189–79
2. 49–005–24526
3. 102
4. Reading & Bates Petroleum Co
5. State #1
6. Hartzog Draw
7. Campbell WY
8. 744.0 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company

1. 79–18768C/NG–190–79
2. 49–005–24541
3. 102
4. Reading & Bates Petroleum Co
5. State #3
6. Hartzog Draw
7. Campbell WY
8. 1896.0 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company

1. 79–18769/NG–212–79
2. 49–037–20886
3. 103
4. Michigan Wisconsin Pipe Line Company
5. Judson #1–11
6. South Spearhead Ranch
7. Converse WY
8. 380.0 million cubic feet
9. August 31, 1979
10. Mountain Fuel Supply Company

1. 79–1870/NG–97–79
2. 49–037–21132
3. 103
4. Marathon Oil Company
5. Marathon State #1–16
6. Wamsutter
7. Sweetwater WY
8. 203.0 million cubic feet
9. August 31, 1979
10. Colorado Interstate Gas Compnay

1. 79–18771/NG–240–79
2. 49–005–24772
3. 103
4. Skyline Oil Company
5. Big Al No 1–13
6. Hartzog Draw

7. Campbell WY
8. 5.7 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company
1. 79–18772A/NG–251–79
2. 49–009–21464
3. 102
4. Davis Oil Company
5. Cheesbrough #2
6. Mikes Draw
7. Converse WY
8. 50.0 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company
1. 79–18772B/NG–252–79
2. 49–009–21400
3. 102
4. Davis Oil Company
5. Cheesbrough #1
6. Mikes Draw
7. Converse WY
8. 13.0 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company
1. 79–18772C/NG–253–79
2. 49–009–21465
3. 102
4. Davis Oil Company
5. Holmes #1
6. Mikes Draw
7. Converse WY
8. 60.0 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company

U.S. Geological Survey Metairie, La.

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. 79–18773/G9–763
2. 17–713–40050–00D2–0
3. 102
4. Ocean Production Company
5. OCS–G–072 No 29C
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18774/G9–759
2. 17–713–40044–00D2–0
3. 102
4. Ocean Production Company
5. OCS–G–072 No 24B
6. South Pelto 20 Field
7. 12
8. 200.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18776/G8–199
2. 17–713–40036–00D1–0
3. 102
4. Ocean Production Company
5. OCS–G 072 No 23A
6. South Pelto 20 Field
7. 12
8. 110.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18777/G9–827
2. 17–713–40057–00D2–0
3. 102
4. Ocean Production Company
5. OCS–G–072 No 31C
6. South Pelto 20 Field
7. 12
8. 1825.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18778/G9–828
2. 17–713–40057–00D1–0
3. 102
4. Ocean Production Company
5. OCS–G–072 No 31A
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18779/G9–760
2. 17–713–40047–00S1–0
3. 102
4. Ocean Production Company
5. OCS–G–072 No 26
6. South Pelto 20 Field
7. 12
8. 350.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18780/G8–206
2. 17–713–40040–00D1–0
3. 102
4. Ocean Production Company
5. OCS–G 072 No 27A
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18781/G9–764
2. 17–713–40053–00D1–0
3. 102
4. Ocean Production Company
5. OCS–G–072 No 30A
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18782/G9–762
2. 17–713–40050–00D1–0
3. 102
4. Ocean Production Company
5. OCS–G–072 No 29A
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18783/G9–761
2. 17–713–40053–00D2–0
3. 102
4. Ocean Production Company
5. OCS–G–072 No 30B
6. South Pelto 20 Field
7. 12
8. 2200.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18784/G9–758
2. 17–713–40044–00D1–0
3. 102
4. Ocean Production Company
5. OCS–G–072 No 24A
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18785/G9–834
2. 17–713–40122–0000–0
3. 102
4. Chevron USA Inc
5. OCS–G–2955 #B–6
6. Main Pass 133
7. 236
8. 894.0 million cubic feet
9. September 4, 1979
10. Southern Natural Gas Co
1. 79–18786/G9–737
2. 17–713–40158–01S1–0
3. 102
4. Arco Oil and Gas Company
5. OCS G 2137 D–11
6. South Pass Blk 61 Field
7. 60
8. 90.0 million cubic feet
9. September 4, 1979
10. Southern Natural Gas Company
1. 79–18788/G8–178
2. 17–713–40028–00D1–0
3. 102
4. Ocean Production Company
5. OCS G 072 No 22A
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18789/G8–205
2. 17–713–40040–00D2–0
3. 102
4. Ocean Production Company
5. OCS G 072 No 27B
6. South Pelto 20 Field
7. 12
8. 450.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18790/G8–180
2. 17–713–40028–00D2–0
3. 102
4. Ocean Production Company
5. OCS G 072 No 22B
6. South Pelto 20 Field
7. 12
8. 450.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18791/G8–181
2. 17–713–40036–00D3–0
3. 102
4. Ocean Production Company
5. OCS G 072 No 23C
6. South Pelto 20 Field
7. 12
8. 550.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79–18792/G9–634
2. 17–709–00419–00S2–0
3. 102
4. Ocean Production Company
5. OCS–G 0228 #2A
6. Eugene Island 89 Field
7. 93
8. 365.0 million cubic feet

9. September 4, 1979
10. United Gas Pipeline Company
1. 79–18793/G9–772
2. 17–705–40335–0000–0
3. 102
4. McMoran Offshore Exploration Co
5. OCS–G 3390 #7
6. Vermilion
7. 25
8. 5475.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas Pipeline Co
1. 79–18794/G 9–835
2. 17–724–40116–0000–0
3. 102
4. Chevron USA Inc
5. OCS–G–2955 No. B4
6. Main Pass 133
7. 236
8. 1862.0 million cubic feet
9. September 4, 1979
10. Southern Natural Gas Co
1. 79–18815/G9–833
2. 17–724–40117–0000–0
3. 102
4. Chevron USA Inc
5. OCS–G–2955 No. B–5
6. Main Pass 133
7. 236
8. 111.7 million cubic feet
9. September 4, 1979
10. Southern Natural Gas Co
1. 79–18775/G9–694
2. 42–711–40361–0000–0
3. 102
4. Aminoil Development Inc
5. OCS–G–3286 No. B–3
6. West Cameron
7. 613
8. 1825.0 million cubic feet
9. September 4, 1979
10.
1. 79–18787/G8–148
2. 42–711–40200–00D1–0
3. 102
4. Sun Oil Company
5. OCS–G–2434 No. A–5
6. East High Island
7. A–370
8. 2600.0 million cubic feet
9. September 4, 1979
10. Trunkline Gas Company, Michigan-Wisconsin P/L Co, Natural Gas Pipeline Co
1. 79–18795/G9–678
2. 42–711–40269—0000–0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–19
6. High Island East Add South Ext
7. A–340
8. 20305.1 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18796/G9–672
2. 42–711–40241–0000–2
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–15D
6. High Island East Add South Ext
7. A–339
8. 7134.6 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18797/G9–667
2. 42–711–40210–0000–3
3. 102
4. Pennzoil Oil & Gas Inc
5. Pennzoil Company No. A–11 Alt 2
6. High Island East Add South Ext
7. A–339
8. 1798.4 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18798/G9–668
2. 42–711–40210–0000–2
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–11 Alt 1
6. High Island East Add South Ext
7. A–339
8. 1798.4 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18799
2. 42–711–40210–0000–1
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–11
6. High Island East Add South Ext
7. A–339
8. 112.4 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18800/G9–676
2. 42–711–40188–0000–0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–9
6. High Island East Add South Ext
7. A–340
8. 21091.9 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18801/G9–664
2. 42–711–40178–0000–2
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–8D
6. High Island East Add South Ext
7. A–339
8. 21299.8 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18802/G9–674
2. 42–711–40241–0000–1
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–15
6. High Island East Add South Ext
7. A–339
8. 1601.7 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Coo
1. 79–18803/G9–663
2. 42–711–40171–0000–0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–7
6. High Island East Add South Ext
7. A–339
8. 7674.4 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18804/G9–669
2. 42–711–40211–0000–0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–12
6. High Island East Add South Ext
7. A–339
8. 20538.3 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18805/G9–675
2. 42–711–40261–0000–0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–17
6. High Island East Add South Ext
7. A–339
8. 17141.0 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18806/G9–671
2. 42–711–40235–0000–0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–14
6. High Island East Add South Ext
7. A–339
8. 13445.9 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18807/G9–670
2. 42–711–40223–0000–0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–13
6. High Island East and South Ext
7. A–339
8. 1729.0 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18808/G9–665
2. 42–711–40178–0000–1
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–8
6. High Island East add South Ext
7. A–339
8. 16803.8 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18809/G9–681
2. 42–711–40307–0000–0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–24
6. High Island East add South Ext
7. A–340
8. 12009.9 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79–18810/G9–662
2. 42–711–40157–0000–1
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–5
6. High Island East add South Ext

7. A–339
8. 20541.1 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Natural Gas Pipeline Co

1. 79–18811/G9–679
2. 42–711–40278–0000–0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–20
6. High Island East add South Ext
7. A–340
8. 13171.6 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co

1. 79–18812/G9–661
2. 42–711–40157–0000–2
3. 102 Denied
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–5D
6. High Island East add South Ext
7. A–339
8. 20934.5 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co

1. 79–18813/G9–680
2. 42–711–40282–0000–0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–21
6. High Island East add South Ext
7. A–340
8. 6595.1 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co

1. 79–18814/G9–677
2. 42–711–40263–0000–0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A–18
6. High Island East add South Ext
7. A–340
8. 5690.3 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co

1. 79–18825/G9–673
2. 42–711–40241–0000–3
3. 102
4. Pennzoil Louisiana and Texas offsho
5. Pennzoil Company # A–15 alternate
6. High Island E addition S extension
7. A–339
8. 1518.2 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co

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. 79–18852
2. 35–113–00000–0000–0
3. 103
4. Service Drilling Co
5. Star #6
6.
7. Osage OK
8. 42.0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18853
2. 35–113–00000–0000–0
3. 103
4. Service Drilling Co
5. Fred #2–8 (2–A)
6.
7. Osage OK
8. .0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18854
2. 35–113–00000–0000–0
3. 103
4. Service Drilling Co
5. Star #7
6.
7. Osage OK
8. 10.0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18855
2. 35–113–00000–0000–0
3. 103
4. Service Drilling Co
5. Fred #3–8 (#3)
6.
7. Osage OK
8. .0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79–18856
2. 35–113–24056–0000–0
3. 103
4. CEJA Corporation
5. Brooks #1A–NW1/4 Sec 22–27N–7E
6. South Foraker
7. Osage OK
8. 182.0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 15, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–30099 Filed 9–27–79; 8:45 am]

BILLING CODE 6450–01–M

[No. 83]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 20, 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 pusuant to the Natural Gas Policy Act of 1978.

Kansas Corporation 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. 79–18325/K–78–0388
2. 15–047–20317
3. 103
4. Beren Corporation
5. Elledge #2
6. Truosdale NE
7. Edwards KS
8. 72.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Company

1. 79–18326/K–78–0367
2. 15–125–00000
3. 108
4. Benson Mineral Group Inc
5. Peoples Kansas Gas
6. Jefferson-Sycamore
7. Montgomery KS
8. 1.8 million cubic feet
9. September 7, 1979
10. Union Gas Systems Inc

1. 79–18327/K–78–366
2. 15–125–00000
3. 108
4. Benson Mineral Group Inc
5. Sprague-Fleming
6. Jefferson-Sycamore
7. Montgomery KS
8. 4.7 million cubic feet
9. September 7, 1979
10. Union Gas Systems Inc

1. 79–18328/K–78–353
2. 15–095–20660
3. 103
4. The Maurice L Brown Company
5. Swingle #1
6. Spivey-Grabs
7Kingman KS
8. 183.0 million cubic feet
9. September 7, 1979
10. Peoples Natural Gas 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. 79–18670/79–1662
2. 17–075–22504
3. 102
4. C F Braun & Co
5. I L Perez No 1–D
6. Bayou Gentilly-Section 17–15S–14E
7. Plaquemines Parish La
8. 500.0 million cubic feet
9. August 30, 1979
10.

1. 79–18671/79–181
2. 17–001–20636
3. 102 103
4. MCRAE Exploration Inc
5. Henry Dommert Estate No. 1
6. Egan
7. Acadia LA
8. .0 million cubic feet
9. August 30, 1979
10. United Gas Pipeline Co

1. 75–18673/79–2174
2. 17–113–20843
3. 102
4. Goldking Production Company
5. O A Broussard Estate No. 1
6. Erath
7. Vermilion Parish LA
8. 723.0 million cubic feet
9. August 30, 1979
10. Dow Chemical USA

1. 79–18674/79–1663
2. 17–075–22504
3. 102
4. C F Braun & Co
5. I L Perez No. 1
6. Bayou Gentilly—Section 17–15S–14E
7. Plaquemines Parish LA
8. 500.0 million cubic feet
9. August 30, 1979
10.

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 OCSA area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–18675
2. 21–101–00000
3. 102
4. Energy Acquisition Corp
5. Roll in Davis et al #2–19
6. Manistee
7. Manistee MI
8. 400.0 million cubic feet
9. August 31, 1979
10. Michigan Consolidated Gas Co

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. 79–18255
2. 30–045–22221
3. 103
4. Amoco Production Co
5. Sammons Gas Com H #1
6. Blanco-Pictured
7. San Juan NM
8. 110.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Com

1. 79–18256
2. 30–025–25522
3. 103
4. Sun Oil Company
5. Walter Lynch Well No 5
6. Wantz Granite Wash
7. Lea NM
8. 66.0 million cubic feet
9. August 30, 1979
10. Skelly Oil Company

1. 79–18257
2. 30–025–26213
3. 103
4. Doyle Hartman Oil Operator
5. Wilson State No 1
6. Eumont Gas Pool
7. Lea NM
8. 111.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18258
2. 30–025–25967
3. 103
4. Doyle Hartman Oil Operator
5. Highland State No 1
6. Jalmat (Gas) Pool
7. Lea NM
8. 75.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18259
2. 30–025–25825
3. 103
4. Lewis B Burleson Inc
5. Harrison #2
6. Jalmat
7. Lea NM
8. 144.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18260
2. 30–045–01008
3. 108
4. Amoco Production Company
5. State Gas Com BJ #1
6. Basin-Dakota
7. San Juan NM
8. 13.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18261
2. 30–045–21080
3. 108
4. Amoco Production Company
5. Hare Gas Com #1
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 14.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79–18262
2. 30–045–00000
3. 108
4. Petroleum Corp of Texas
5. Langlie State A No 2–Y B–1167
6. Jalmat Yates (Gas)
7. Lea County NM
8. 13.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79–18263
2. 30–025–25628
3. 103
4. Southern Union Exploration Co
5. Susco State #2
6. Flying M
7. Lea NM
8. 4.0 million cubic feet
9. August 30, 1979
10. Warren Petroleum Company

1. 79–18264
2. 30–025–25554
3. 103
4. Southern Union Exploration Co
5. Susco State #1
6. Flying M
7. Lea NM
8. 7.0 million cubic feet
9. August 30, 1979
10. Warren Petroleum Company

1. 79–18265
2. 30–025–25636
3. 103
4. E L Latham Jr & Roy G Barton Jr
5. Cash #1
6. Flying M (SA) Field
7. Lea NM
8. 10.0 million cubic feet
9. August 30, 1979
10. Warren Petroleum Company

1. 79–18266
2. 30–005–20071
3. 108
4. Arco Oil and Gas Company
5. L C Harris Well No 2
6. Cato
7. Chaves NM
8. 2.9 million cubic feet
9. August 30, 1979
10. Cities Service Company

1. 79–18267
2. 30–005–20077
3. 108
4. Arco Oil and Gas Company
5. L C Harris Well No 3
6. Cato
7. Chaves NM
8. 2.9 million cubic feet
9. August 30, 1979
10. Cities Service Company

1. 79–18268
2. 30–005–20078
3. 108
4. Arco Oil and Gas Company
5. L C Harris Well No 4
6. Cato
7. Chaves NM
8. 2.9 million cubic feet
9. August 30, 1979
10. Cities Service Company

1. 79–18269
2. 30–005–20068
3. 108
4. Arco Oil and Gas Company
5. L C Harris Well No 1
6. Cato

7. Chaves
8. 2.9 million cubic feet
9. August 30, 1979
10. Cities Service Company

1. 79–18270
2. 30–045–00000
3. 108
4. Petroleum Corp of Texas
5. Farming A State Lease E–1201
6. Fulcher Kutz Field
7. San Juan County NM
8. 18.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18271
2. 30–015–70344
3. 102
4. Mesa Petroleum Co
5. Catclaw State #1
6. Wildcat
7. Eddy NM
8. 150.0 million cubic feet
9. August 30, 1979
10. Northern Natural Gas Co

1. 79–1827255
2. 30–0145–22702
3. 102
4. Amoco Production Company
5. Teledyne 8 Well No 1
6. Wildcat-Morrow
7. Eddy NM
8. 1795.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18273
2. 30–015–22686
3. 102
4. Amoco Production Company
5. Williams Gas Com No 1
6. Undesignated Morrow
7. Eddy NM
8. 627.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18274
2. 30–015–22677
3. 102
4. Amoco Production Company
5. Brantley Gas Com No 1
6. Undesignated-Morrow
7. Eddy NM
8. 362.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18275
2. 30–015–22451
3. 102
4. Amoco Production Company
5. Ingalls Gas Com No 1
6. Undesignated-Morrow
7. Eddy NM
8. 134.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18276
2. 30–015–22791
3. 102
4. J C Barnes Oil Company
5. Big Chief Comm No 3
6.
7. Eddy NM
8. 2.5 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18277
2. 30–045–10928
3. 108
4. Union Texas Petroleum
5. Culpepper-Martin No 3
6. Basin Dakota Sec 7–T31N–R12W
7. San Juan NM
8. 11.0 million cubic feet
9. August 30, 1979
10. Southern Union Gathering Co

1. 79–18278
2. 30–015–22814
3. 103
4. Southland Royalty Company
5. State 23A Comm #1
6. Undesignated Morrow
7. Eddy NM
8. 125.0 million cubic feet
9. August 30, 1979
10. Llano Incorporated

1. 79–18279
2. 30–025–10074
3. 103
4. Amoco Production Company
5. Grizzell A No 5
6. Drinkard
7. Lea NM
8. 50.6 million cubic feet
9. August 30, 1979
10. Getty Oil Company, El Paso Natural Gas Company, Northern Natural Gas Company

1. 79–18280
2. 30–025–26114
3. 103
4. Amoco Production Company
5. State Dr No 3
6. E Lusk (Wolfcamp)
7. Lea NM
8. 80.0 million cubic feet
9. August 30, 1979
10. Phillips Petroleum Co

1. 79–18281
2. 30–045–09124
3. 108
4. Amoco Production Company
5. Rowland Gas Com #1
6. Basin-Dakota
7. San Juan NM
8. 10.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79–18282
2. 30–045–08814
3. 108
4. Amoco Production Company
5. Jaquez Gas Com B #2
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 9.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18283
2. 30–045–08004
3. 108
4. Amoco Production Company
5. Chavez Gas Com B #1
6. Aztec Pictured Cliffs
7. San Juan NM
8. 18.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79–18284
2. 30–045–20285
3. 108
4. Amoco Production Company
5. Gallegos Canyon Unit #262
6. Basin-Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18285
2. 30–045–09569
3. 108
4. Amoco Production Company
5. Totah Vista Gas Com #1
6. Basin-Dakota
7. San Juan, NM
8. 13/0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18286
2. 30–025–01270
3. 108
4. Phillips Petroleum Company
5. New Mex-A No 3
6. Kemnitz Lower Wolfcamp
7. Lea, NM
8. 1.9 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18287
2. 30–025–26170
3. 103
4. Amerada Hess Corporation
5. State of #5
6. Eumont-Queen
7. Lea, NM
8. 88.0 million cubic feet
9. August 30, 1979
10. Northern Natural Gas Company

1. 79–18288
2. 30–025–26223
3. 103
4. Phillips Petroleum Company
5. Philmex No 13
6. Maljamar GB-SA
7. Lea, NM
8. 28.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18289
2. 30–015–00000
3. 103
4. Ralph Nix
5. Hondo Kelly Com #1
6. Undesignated Atoka Penn
7. Eddy, NM
8. 36.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18290
2. 30–025–09316
3. 108
4. Texas Pacific Oil Company Inc
5. State A A/C 1 No 85
6. Langlie Mattix/7 R Queen
7. Lea, NM
8. 9.1 million cubic feet
9. August 30, 1979
10. Phillips Petroleum Company

1. 79–18291
2. 30–025–09396
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 1 No 73
6. Langlie Mattix/7 R Queen
7. Lea, NM
8. 6.9 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18292
2. 30–025–09314
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 1 No 68
6. Langlie Mattix/7R-Queen
7. Lea, NM
8. 8.6 million cubic feet
9. August 30, 1979
10. Phillips Petroleum Company

1. 79–18293
2. 30–025–09312
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 1 No 62
6. Langlie Mattix/7R-Queen
7. Lea, NM
8. 11.6 million cubic feet
9. August 30, 1979
10. Phillips Petroleum Company

1. 79–18294
2. 30–025–00000
3. 108
4. Two States Oil Company
5. Cole B State Lease Well No 1
6. Penrose Skelly Grayburg
7. Lea, NM
8. 7.0 million cubic feet
9. August 30, 1979
10. Warren Petroleum Company

1. 79–18295
2. 30–045–09487
3. 108 denied
4. Amoco Production Company
5. Hancock Gas Com #1
6. Basin-Dakota
7. San Juan, NM
8. 21.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79–18296
2. 30–045–20293
3. 108 denied
4. Amoco Production Company
5. State Gas Com BN#1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 21.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79–18297
2. 30–045–08762
3. 108
4. Amoco Production Company
5. Lobato Gas Com B #1–X
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 12.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18298
2. 30–045–20686
3. 108
4. Amoco Production Company
5. Gutierrez Gas Com C#1
6. Blanco-Fruitland
7. San Juan, NM
8. 5.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18299
2. 30–045–20978
3. 108
4. Amoco Production Company
5. Valencia Gas Com C#1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 17.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18300
2. 30–045–08776
3. 108
4. Amoco Production Company
5. State Gas Com B G #1
6. Blanco-Mesaverde
7. San Juan, NM
8. 19.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79–18301
2. 30–045–00000
3. 103
4. Great Western Drilling Company
5. J E Decker 3–A
6. Blanco Mesa Verde
7. San Juan, NM
8. .0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18302
2. 30–045–00000
3. 103
4. Great Western Drilling Company
5. J E Decker 2–A
6. Blanco Mesa Verde
7. San Juan, NM
8. .0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18303
2. 30–025–20879
3. 108
4. Phillips Petroleum Company
5. Vacuum ABO Unit 01–09
6. Vacuum ABO Reef
7. Lea, NM
8. .7 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18304
2. 30–025–10712
3. 108
4. Texas Pacific Oil Company Inc
5. State A A/C 1 No 79
6. Langlie Mattix/7 R Queen
7. Lea, NM
8. 10.9 million cubic feet
9. August 30, 1979
10. Phillips Petroleum Company

1. 79–18305
2. 30–025–11543
3. 108
4. Texas Pacific Oil Company Inc
5. S E Eaton No 2
6. Langlie Mattix/7 R Queen
7. Lea, NM
8. 8.7 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18306
2. 30–025–00000
3. 108
4. Gil-Mc Oil Corporation
5. Linam A Com No 1
6. Eumont
7. Lea, NM
8. 18.3 million cubic feet
9. August 30, 1979
10. Warren Petroleum Company

1. 79–18307
2. 30–025–26227
3. 103
4. Phillips Petroleum Company
5. East Vaccum GB/SA Unit Tr 3202 No 00
6. Vacuum Grayburg/San Andres
7. Lea, NM
8. 109.8 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79–18308
2. 30–025–26230
3. 103
4. Phillips Petroleum Company
5. East Vacuum GB/SA Unit TR3229 005
6. Vacuum Grayburg-San Andres
7. Lea, NM
8. 58.8 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79–18309
2. 30–025–00000
3. 108
4. Amerada Hess Corporation
5. State LM T #2
6. Jalmat
7. Lea, NM
8. 17.1 million cubic feet
9. August 30, 1979
10. Northern Natural Gas Co

1. 79–18310
2. 30–025–26224
3. 103
4. Phillips Petroleum Company
5. East Vacuum GB/SA Unit Tr 2739 No 0
6. Vacuum Grayburg/San Andres
7. Lea, NM
8. 15.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18311
2. 30–025–26320
3. 103
4. Martindale Petroleum Corp
5. Little V #3
6. Drinkard
7. Lea, NM
8. 40.0 million cubic feet
9. August 30, 1979
10. Getty Oil Company

1. 79–18312
2. 30–039–05520
3. 108
4. J Gregory Merrion
5. Edna #1
6. Devils Fork Gallup
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18313
2. 30–039–05576
3. 108
4. J Gregory Merrion
5. Edna #3
6. Devils Fork Gallup
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18314
2. 30–039–05579
3. 108
4. J Gregory Merrion
5. Edna #4

6. Devils Fork Gallup/Mesa Verde
7. Rio Arriba NM
8. 11.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18315
2. 30–015–22730
3. 103
4. Flag-Redfern Oil Company
5. New Mexico State No 1 Well
6. Shugart Yates Grayburg
7. Eddy NM
8. 12.8 million cubic feet
9. August 30, 1979
10. Continental Oil Company

1. 79–18316
2. 30–045–22954
3. 103
4. Amoco Production Company
5. Martinez Gas Com I #1
6. Blanco Mesaverde
7. San Juan NM
8. 50.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18617
2. 30–025–00000
3. 102
4. Southern Union Exploration Company
5. Lea L State #1
6. Undesignated
7. Lea NM
8. 182.0 million cubic feet
9. August 30, 1979
10. Gas Company of New Mexico

1. 79–18659
2. 30–015–70345
3. 102
4. Mesa Petroleum Co
5. Gardner State #1
6. Wildcat
7. Eddy NM
8. 1800.0 million cubic feet
9. August 30, 1979
10. Natural Gas Pipeline Company of America

1. 79–18660
2. 30–025–25961
3. 102
4. Arco Oil and Gas Company
5. Langley Getty Com No 1
6. Undesignated Devonian Gas
7. Lea County NM
8. 2190.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18661
2. 30–015–00000
3. 102 103
4. Harvey E Yates Company
5. Amoco 22 State #1
6.
7. Eddy County NM
8. .0 million cubic feet
9. August 30, 1979
10. Llano Inc

1. 79–18662
2. 30–015–22825
3. 102
4. Hondo Oil & Gas Company
5. Exxon State #1
6. Wild Morrow Gas
7. Eddy NM
8. 560.0 million cubic feet
9. August 30, 1979
10. Tuco Inc

1. 79–18663
2. 30–025–26075
3. 102
4. Arco Oil & Gas Company
5. Langley Greer Com #1
6. Undesignated Devonian
7. Lea NM
8. 1300.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18664
2. 30–005–00000
3. 102
4. Wainoco Oil & Gas Company
5. White Ranch No 2
6. White Ranch Mississippian
7. Chaves NM
8. 292.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79–18665
2. 30–025–26292
3. 102 103
4. Hng Oil Company
5. NM 34 Stat Com # L–5464
6. South Shoebar
7. Lea NM
8. 621.0 million cubic feet
9. August 30, 1979
10. Natural Gas Pipeline Company

1. 79–18666
2. 30–025–00000
3. 102 Denied
4. Sabine Production Company
5. North Edison Fee No 1
6. North Edison Morrow
7. Lea NM
8. 73.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18667
2. 30–015–22698
3. 102
4. Anadarko Production Company
5. New Mexico AA State No 1
6. North Turkey Track Morrow
7. Eddy NM
8. 1825.0 million cubic feet
9. August 30, 1979
10. Llano Inc

1. 79–18668
2. 30–015–22617
3. 102
4. W A Moncrief Jr
5. Baldridge Canyon Com 1
6. Wildcat
7. Eddy NM
8. 600.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

Ohio Department of Natural Resources, Division 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. 79–18382/00402
2. 34–053–20195–0014
3. 108
4. Neill C Flemister Jr
5. ROJ Corp #1
6.
7. Gallia OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18383/01024
2. 34–005–23115–0014
3. 108
4. Hortin and Huffman
5. Rena Heffelfinger #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18384/01322
2. 34–005–23110–0014–
3. 108
4. Hortin and Huffman
5. James and Mildred Fisher #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18385/01321
2. 34–005–23136–0014
3. 108
4. Hortin and Huffman
5. C & M Bender #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18386/06114
2. 34–009–21945–0014
3. 103
4. Trend Exploration Ltd
5. Trend #2 Coakley
6. Coolville
7. Athens OH
8. .0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18387/06109
2. 34–133–21912–0014
3. 103
4. R D Curry Production Co
5. Thomas J Gadel #1
6.
7. Portage OH
8. 1.0 million cubic feet
9. August 30, 1979
10. The East Ohio Gas Company

1. 79–18388/06110
2. 34–133–21556–0014–
3. 103
4. R D Curry Production Company
5. Habyan-Thompson-Haught Unit #1
6.
7. Portage OH
8. 2.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company

1. 79–18389/06111
2. 34–133–21731–0014
3. 103
4. Viking Resources Corporation
5. John Francis #1
6.

7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.

1. 79–18390/06112
2. 34–133–21871–0014
3. 103
4. Viking Resources Corporation
5. Corbett-Writtenberry #2
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.

1. 79–18391/06113
2. 34–133–21870–0014
3. 103
4. Viking Resources Corporation
5. Corbett-Writtenberry #1
6.
7. Portage, OH
8. 30.0 million cubic feet
9. August 30, 1979
10.

1. 79–18392/06115
2. 34–075–19780–014
3. 103
4. Berwell Energy Inc
5. James Waddell No 1
6.
7. Holmes, OH
8. 24.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18393/06119
2. 34–075–22160–0014
3. 103
4. Oxford Oil Co
5. Emanuel Miller #1
6.
7. Holmes, OH
8. 9.0 million cubic feet
9. August 30, 1979
10.

1. 79–18394/06120
2. 34–169–22097–0014
3. 103
4. Amtex Oil and Gas Inc
5. Neiss Well No 1
6.
7. Wayne, OH
8. 250.0 million cubic feet
9. August 30, 1979
10.

1. 79–18395/06134
2. 34–155–20637–0014
3. 103
4. Atlas Energy Group Inc
5. May Unit No 1—#0531
6.
7. Trumbull, OH
8. .0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18396/06135
2. 34–133–21928–0014
3. 103
4. Jud Noble and Associates Inc
5. H & M Hall #4
6.
7. Portage, OH
8. 20.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company

1. 79–18397/06136
2. 34–151–23028–0014
3. 103
4. Belden & Blake and Co L P No 71
5. W & P Ames Comm #1–891
6.
7. Stark, OH
8. 36.5 million cubic feet
9. August 30, 1979
10.

1. 79–18398/06137
2. 34–151–23027–0014
3. 103
4. Belden & Blake and Co L P No 71
5. C & L Linerode Comm #1–884
6.
7. Stark, OH
8. 36.5 million cubic feet
9. August 30, 1979
10.

1. 79–18399/06138
2. 34–151–23034–0014
3. 103
4. Belden & Blake and Co L P No 71
5. D Huenergardt Comm #1–882
6.
7. Stark, OH
8. 36.4 million cubic feet
9. August 30, 1979
10.

1. 79–18400/06139
2. 34–151–23030–0014
3. 103
4. Belden & Blake and Co L P No 71
5. Magnolia Mining #10–881
6.
7. Stark, OH
8. 36.5 million cubic feet
9. August 30, 1979
10.

1. 79–18401/–06140
2. 34–151–22892–0014
3. 103
4. Belden & Blake and Co L P No 71
5. K & R Wenger #1–856
6.
7. Stark, OH
8. 36.5 million cubic feet
9. August 30, 1979
10.

1. 79–18402/06141
2. 34–089–23599–0014
3. 103
4. American Well Management Company
5. Bero No 1
6.
7. Licking, OH
8. 18.0 million cubic feet
9. August 30, 1979
10.

1. 79–18403/06142
2. 34–127–24307–0014
3. 103
4. Bell Drilling & Producing Co
5. George F Weaver #1
6.
7. Perry, OH
8. 2.4 million cubic feet
9. August 30, 1979
10. Altheirs Oil Inc

1. 79–18404/06143
2. 34–005–23224–0014
3. 103
4. Hortin & Huffman
5. Guy Z & Fern O Humm #1
6.
7. Ashland, OH
8. 10.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18405/06144
2. 34–089–23561–0014
3. 103
4. Hortin & Huffman
5. Rolla E Weiss #1
6.
7. Licking, OH
8. 3.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp

1. 79–18406/06145
2. 34–075–22135–0014
3. 103
4. Hortin & Huffman
5. Charles & Mary Lou Bender #1
6.
7. Holmes, OH
8. 5.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company

1. 79–18407/06146
2. 34–083–22568–0014
3. 103
4. Hortin & Huffman
5. Robert K & Trudy Kauffman #1
6.
7. Knox, OH
8. 4.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18408/06147
2. 34–031–21995–0014
3. 103
4. Jerry Moore Inc
5. Huber A Brenly Unit #1
6. Keene
7. Coshocton, OH
8. 10.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18409/06148
2. 34–031–23458–0014
3. 103
4. Jerry Morre Inc
5. Huber A Brenly Unit #3
6. Keene
7. Coshocton, OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18410/06149
2. 34–031–23107–0014
3. 103
4. Jerry Moore Inc
5. Bruce Holderbaum Unit #1
6. Keene
7. Coshocton, OH
8. 3.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18411/06150
2. 34–099–21175–0014
3. 103
4. Phoenix Ohio Partners—1979
5. D & R Myers #3–3030
6.
7. Mahoning, OH
8. 36.5 million cubic feet
9. August 30, 1979
10.

1. 79–18412/06151

2. 34–099–21174–0014
3. 103
4. Phoenix Ohio Partners—1979
5. D & R Myers #2–3029
6.
7. Mahoning, OH
8. 36.5 million cubic feet
9. August 30, 1979
10.

1. 79–18413/06152
2. 34–099–21151–0014
3. 103
4. Phoenix Ohio Partners—1979
5. D Hartzell #1–3024
6.
7. Mahoning, OH
8. 36.5 million cubic feet
9. August 30, 1979
10.

1. 79–18414/06153
2. 34–099–21180–0014
3. 103
4. Phoenix Ohio Partners—1979
5. D & R Myers #1–3028
6.
7. Mahoning, OH
8. .0 million cubic feet
9. August 30, 1979
10.

1. 79–18415/06154
2. 34–099–21152–0014
3. 103
4. Phoenix Ohio Partners—1979
5. I McElroy #1–3023
6.
7. Mahoning, OH
8. 36.5 million cubic feet
9. August 30, 1979
10.

1. 79–18416/06155
2. 34–031–22153–0014
3. 103
4. Seneca Energy Corp
5. H J Lowe #1
6.
7. Coshocton, OH
8. .0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18417/06156
2. 34–031–23279–0014
3. 103
4. Jerry Moore Inc
5. Nellie M Miller #1–16
6. Keene
7. Coshocton, OH
8. 7.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18418/06157
2. 34–031–23520–0014
3. 103
4. Jerry Moore Inc
5. William W Osborne #1
6. Keene
7. Coshocton, OH
8. 4.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18419/06158
2. 34–031–23333–0014
3. 103
4. Jerry Moore Inc
5. Margaret W Roemer #1
6. Keene
7. Coshocton, OH
8. 10.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18420/06159
2. 34–031–23337–0014
3. 103
4. Jerry Moore Inc
5. Margaret W Roemer #2
6. Keene
7. Coshocton, OH
8. 4.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18421/06160
2. 34–031–23278–0014
3. 103
4. Jerry Moore Inc
5. Eddie Schrader Unit #1
6. Keene
7. Coshocton, OH
8. 8.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18422/06161
2. 34–031–23499–0014
3. 103
4. Jerry Moore Inc
5. Alvin F Staufer #1
6. Keene
7. Coshocton, OH
8. 6.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18423/06162
2. 34–031–23223–0014
3. 103
4. Jerry Moore Inc
5. Ben V Beachy #3
6. Keene
7. Coshocton, OH
8. 8.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18424/06163
2. 34–031–23193–0014
3. 103
4. Jerry Moore Inc
5. Ben V Beachy #2
6. Keene
7. Coshocton, OH
8. 7.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18425/06164
2. 34–031–23078–0014
3. 103
4. Jerry Moore Inc
5. Ben V Beachy Unit #1
6. Keene
7. Coshocton, OH
8. 6.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18426/06165
2. 34–031–23473–0014
3. 103
4. Jerry Moore Inc
5. Oatie Kise Unit #1
6. Keene
7. Coshocton, OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18427/06166
2. 34–031–23128–0014
3. 103
4. Jerry Moore Inc
5. R Martin Daugherty Unit #1
6. Keene
7. Coshocton, OH
8. 8.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18428/06167
2. 34–031–23303–0014
3. 103
4. Jerry Moore Inc
5. R Martin Daugherty #2
6. Keene
7. Coshocton, OH
8. 7.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18429/06168
2. 34–031–23264–0014
3. 103
4. Jerry Moore Inc
5. Richard P Gilmore #1
6. Keene
7. Coshocton, OH
8. 7.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18430/06169
2. 34–031–23246–0014
3. 103
4. Jerry Moore Inc
5. John C Eberly #1
6. Keene
7. Coshocton, OH
8. 8.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18431/06170
2. 34–031–23176–0014
3. 103
4. Jerry Moore Inc
5. Jerry P Nini Unit #1
6. Keene
7. Coshocton, OH
8. 6.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18432/06171
2. 34–031–23183–0014
3. 103
4. Jerry Moore Inc
5. Levi J Miller #1–11
6. Keene
7. Coshocton, OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18433/06173
2. 34–085–20284–0014
3. 103
4. Frank R Angeloro
5. Angeloro
6. Not Named
7. Lake OH
8. 100.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company

1. 79–18434/06179
2. 34–157–23340–0014
3. 103
4. Joe L Schrimsher
5. Carl E Fivecoat #1
6.

7. Tuscarawas, OH
8. 20.0 million cubic feet
9. August 30, 1979
10.

1. 79-18435/01517
2. 34-005-23121-0014
3. 108
4. Hortin and Huffman
5. Richard & Pauline Teeters §1
6.
7. Ashland, OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79-18436/01518
2. 34-005-23111-0014
3. 108
4. Hortin and Huffman
5. Carl & Thelma Stitzlein #1
6.
7. Ashland, OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79-18437/01518
2. 34-005-23123-0014
3. 108
4. Hortin and Huffman
5. Irvin Mumper #1
6.
7. Ashland, OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79-18438/01520
2. 34-005-23122-0014
3. 108
4. Hortin & Huffman
5. James & Mildred Fisher #2
6.
7. Ashland, OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79-18439/01523
2. 34-157-21459-0014
3. 108
4. Zenith Exploration Company
5. G Marsh #1
6.
7. Tuscarawas, OH
8. 17.0 million cubic feet
9. August 30, 1979
10. Stone Creek Brick Co

1. 79-18440/01524
2. 34-029-20556-0014
3. 108
4. Zenith Exploration Company
5. FD & EP Emmons #1
6.
7. Columbiana, OH
8. 12.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79-18441/01525
2. 34-157-21795-0014
3. 108
4. Zenith Exploration Company
5. Robert H Williamson #1
6.
7. Tuscarawas, OH
8. 10.0 million cubic feet
9. August 30, 1979
10. Mutual Oil & Gas Co

1. 79-18442/03909
2. 34-127-24267-0014
3. 103
4. Custom Industries Inc
5. Jack Treadway #4
6.
7. Perry, OH
8. 36.0 million cubic feet
9. August 30, 1979
10.

1. 79-18443/05564
2. 34-115-21766-0014
3. 103
4. ONeal Productions Inc
5. Ferguson Et Al (Huck) #1
6. McConnesville
7. Morgan, OH
8. .0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79-18444/05925
2. 34-059-22521-0014
3. 103
4. William N Tipka
5. Cunningham #1
6.
7. Guernsey, OH
8. .0 million cubic feet
9. August 30, 1979
10. The East Ohio Gas Co

1. 79-18445/05979
2. 34-031-23386-0014
3. 103
4. Conpetro Inc
5. Althea Braniger #2
6.
7. Coshocton, OH
8. .0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79-18446/06001
2. 34-157-22849-0014
3. 103
4. William N Tipka
5. Angel #1
6.
7. Tuscarawas, OH
8. .0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79-18447/06002
2. 34-157-22762-0014
3. 103
4. William N Tipka
5. G Sauser #1A
6.
7. Tuscarawas, OH
8. 40.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79-18448/06003
2. 34-157-22840-0014
3. 103
4. William N Tipka
5. Angel Unit #1
6.
7. Tuscarawas, OH
8. .0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79-18449/06004
2. 34-119-24785-0014
3. 103
4. Cameron Brothers
5. Marvin Stephens #1
6.
7. Muskingum, OH
8. 9.0 million cubic feet
9. August 30, 1979
10.

1. 79-18450/06005
2. 34-031-23349-0014
3. 103
4. Dale C Dugan
5. Larry Fox #1
6.
7. Coshocton, OH
8. 5.0 million cubic feet
9. August 30, 1979
10.

1. 79-18451/06006
2. 34-127-24224-0014
3. 103
4. Altier Petroleum Inc
5. G Sherrick #2
6.
7. Perry OH
8. 12.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp

1. 79-18452/06014
2. 34-133-21848-0014
3. 103
4. Viking Resources Corporation
5. G & P Hudak & J P & M Sekel #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.

1. 79-18453/06015
2. 34-053-20432-0014
3. 103
4. Altheirs Oil Inc
5. Hortie Roush #3
6. Cheshire Twp
7. Gallia OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79-18454/06016
2. 34-053-20428-0014
3. 103
4. Altheir Petroleum Inc
5. Hortie Roush #2
6. Cheshire Twp
7. Gallia OH
8. 13.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79-18455/06017
2. 34-053-20427-0014
3. 103
4. Altheirs Oil Inc
5. Hortie Roush #1
6. Cheshire Twp
7. Gallia OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79-18456/06018
2. 34-053-20364-0014
3. 103
4. Altheirs Oil Inc
5. Henry #1
6. Addison Twp
7. Gallia OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79-18457/06007

2. 34–133–21423–0014
3. 103
4. Clinton Sands Natural Resource GP
5. Morgan #1
6.
7. Portage OH
8. 25.0 million cubic feet
9. August 30, 1979
10.

1. 79–18458/06008
2. 34–133–21835–0014
3. 103
4. Viking Resources Corporation
5. Fred P Kirkhart #2
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.

1. 79–18459/06010
2. 34–133–21709–0014
3. 103
4. Viking Resources Corporation
5. Richard & Annice Blackburn #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.

1. 79–18460/06011
2. 34–133–21726–0014
3. 103
4. Viking Resources Corporation
5. Michael Dittmer (Eagleson Unit) #3
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.

1. 79–18461/06012
2. 34–133–21724–0014
3. 103
4. Viking Resources Corporation
5. Michael D Dittmer (Eagleson Unit)
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.

1. 79–18462/06013
2. 34–133–21847–0014
3. 103
4. Viking Resources Corporation
5. J Natale & R Stewart Unit #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.

1. 79–18463/01323
2. 34–005–23152–0014
3. 108
4. Hortin and Huffman
5. Richard & Thelma Krebs #2
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18464/01324
2. 34–005–23147–0014
3. 108
4. Hortin and Huffman
5. Richard E & Thelma J Krebs #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18465/01325
2. 34–005–23146–0014
3. 108
4. Hortin and Huffman
5. Rena C Heffelfinger #2
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18466/01326
2. 34–005–23142–0014
3. 108
4. Hortin and Huffman
5. Sadie S Chesrown #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18467/01327
2. 34–005–23141–0014
3. 108
4. Hortin and Huffman
5. Robert W & Colleen Stitzlein #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18468/01328
2. 34–005–23143–0014
3. 108
4. Hortin and Huffman
5. William L Raubenolt #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18469/01329
2. 34–005–23153–0014
3. 108
4. Hortin and Huffman
5. John M Leininger Jr #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18470/01379
2. 34–083–22153–0014
3. 108
4. Lein Bates Jr
5. Douglas #1
6.
7. Knox OH
8. 25.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18471/01383
2. 34–083–22395–0014
3. 108
4. Bates Oil & Gas Inc
5. McCullough-Hogle #1
6.
7. Knox OH
8. 4.4 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18472/01388
2. 34–083–22402–0014
3. 108
4. Bates Oil & Gas Inc
5. Gorsuch #2
6.
7. Knox OH
8. 1.5 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18473/03007
2. 34–127–22617–0014
3. 108
4. George W Sharp
5. R E Beard #1
6.
7. Perry OH
8. 1.6 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18474/03008
2. 34–127–23243–0014
3. 108
4. George W Sharp
5. E Beard #2
6.
7. Perry OH
8. 1.6 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18475/03009
2. 34–127–23671–0014
3. 108
4. George W Sharp
5. R E Beard #5
6.
7. Perry OH
8. 7.3 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18476/03011
2. 34–059–21739–0014
3. 108
4. Resource Exploration Inc
5. Dorst #1
6.
7. Guernsey OH
8. 1.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18477/03014
2. 34–059–21755–0014
3. 108
4. Resource Exploration Inc
5. McClelland #2
6.
7. Guernsey OH
8. 1.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18478/03015
2. 34–059–21747–0014
3. 108
4. Resource Exploration Inc
5. Pribonic #1
6.
7. Guernsey OH
8. 1.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18479/03016
2. 34–059–21751–0014
3. 108
4. Resource Exploration Inc
5. McClelland #1
6.

7. Guernsey OH
8. 1.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79–18480/04867
2. 34–059–22052–0014
3. 108
4. Appalachian Exploration Inc
5. R Smith #1
6.
7. Guernsey OH
8. 3.0 million cubic feet
9. August 30, 1979
10. Consolidated Aluminum Corp
1. 79–18481/04869
2. 34–059–21997–0014
3. 108
4. Appalachian Exploration Inc
5. Scott-Edwards #1
6.
7. Guernsey OH
8. 13.0 million cubic feet
9. August 30, 1979
10. Consolidated Aluminum Corp
1. 79–18482/04879
2. 34–059–21998–0014
3. 108
4. Appalachian Exploration Inc
5. Scott #2
6.
7. Guernsey OH
8. 3.0 million cubic feet
9. August 30, 1979
10. Consolidated Aluminum Corp
1. 79–18483/04883
2. 34–059–22049–0014
3. 108
4. Applachian Exploration Inc
5. F Ringer #1
6.
7. Guernsey OH
8. 10.0 million cubic feet
9. August 30, 1979
10. Consolidated Aluminum Corp
1. 79–18484/04888
2. 34–059–22006–0014
3. 108
4. Appalachian Exploration Inc
5. Milhoan #1
6.
7. Guernsey OH
8. 8.0 million cubic feet
9. August 30, 1979
10. Consolidated Aluminum Corp
1. 79–18485/04932
2. 34–127–23407–0014
3. 108
4. The Clinton Oil Co
5. Mason #4
6.
7. Perry OH
8. 2.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79–18486/04933
2. 34–119–23135–0014
3. 108
4. The Clinton Oil Co
5. Pearson #1
6.
7. Muskingum OH
8. 8.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79–18487/04934
2. 34–119–23536–0014
3. 108
4. The Clinton Oil Co
5. E. Swingle #1
6.
7. Muskingum OH
8. 8.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79–18488/04935
2. 34–119–23468–0014
3. 108
4. The Clinton Oil Co
5. Potts #1
6.
7. Muskingum OH
8. 1.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79–18489/04936
2. 34–167–23184–0014
3. 108
4. The Clinton Oil Co
5. West #1
6.
7. Washington OH
8. 1.0 million cubic feet
9. August 30, 1979
10. River Gas Co
1. 79–18490/04938
2. 34–167–21314–0014
3. 108
4. The Clinton Oil Co
5. Nellie Hall #2
6.
7. Washington OH
8. .3 million cubic feet
9. August 30, 1979
10. River Gas Co
1. 79–18491/04939
2. 34–119–23415–0014
3. 108
4. The Clinton Oil Co
5. S Swingle #1
6.
7. Muskingum OH
8. 1.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79–18492/04941
2. 34–119–23554–0014
3. 108
4. The Clinton Oil Co
5. R Swingle #1
6.
7. Muskingum OH
8. 12.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79–18493/04942
2. 34–119–23627–0014
3. 108
4. The Clinton Oil Co
5. Wilson #2
6.
7. Muskingum OH
8. .5 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79–18494/04944
2. 34–119–22972–0014
3. 108
4. The Clinton Oil Co
5. Deitrick #1
6.
7. Muskingum OH
8. 4.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79–18495/04964
2. 34–105–21673–0014
3. 108
4. Robert D Carson & Mary V Carson
5. Dater #1
6.
7. Meigs OH
8. 6.6 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79–18496/05114
2. 34–089–23759–0014
3. 108
4. Dick Hart
5. W & E Shafen #1
6.
7. Licking OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79–18497/05119
2. 34–089–23826–0014
3. 108
4. Dick Hart
5. W & E Shafen #2
6.
7. Licking OH
8. 5.1 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79–18498/05120
2. 34–115–21087–0014
3. 108
4. Roger Michael Stright
5. Stright #1
6.
7. Morgan OH
8. 2.2 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79–18499/05176
2. 34–157–22873–0014
3. 108
4. Whirlpool Corporation
5. Snyder #3
6.
7. Tuscarawas OH
8. 15.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79–18500/05177
2. 34–157–22874–0014
3. 108
4. Whirlpool Corporation
5. Snyder #4
6.
7. Tuscarawas OH
8. 15.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79–18501/05178
2. 34–157–22872–0014
3. 108
4. Whirlpool Corporation
5. Snyder #2
6.
7. Tuscarawas OH
8. 15.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79–18502/05179

2. 34–157–22871–0014
3. 108
4. Whirlpool Corporation
5. Snyder #1
6.
7. Tuscarawas OH
8. 15.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18503/05180
2. 34–157–22875–0014
3. 108
4. Whirlpool Corporation
5. F Edwards #1
6.
7. Tuscarawas OH
8. 14.6 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18504/05182
2. 34–157–22788–0014
3. 108
4. Whirlpool Corporation
5. Murphy #2
6.
7. Tuscarawas OH
8. 11.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18505/05183
2. 34–157–22565–0014
3. 108
4. Whirlpool Corporation
5. Murphy #1
6.
7. Tuscarawas OH
8. 11.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18506/05187
2. 34–059–21890–0014
3. 108
4. Whirlpool Corporation
5. Neilley-Mathers Unit #1
6.
7. Guernsey OH
8. 4.0 million cubic feet
8. 4.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18507/05188
2. 34–059–21891–0014
3. 108
4. Whirlpool Corporation
5. Ringer-Mathers #1
6.
7. Guernsey OH
8. 15.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18508/05189
2. 34–059–21807–0014
3. 108
4. Whirlpool Corporation
5. Ringer-Lucas #1
6.
7. Guernsey OH
8. 7.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18509/05190
2. 34–059–21889–0014
3. 108
4. Whirlpool Corporation
5. Ringer #2
6.
7. Guernsey OH
8. 7.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18510/05293
2. 34–119–22227–0014
3. 108
4. The Oxford Oil Co
5. E D Mann #1
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18511/05294
2. 34–119–22330–0014
3. 108
4. The Oxford Oil Co
5.E D Mann #2
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18512/05295
2. 34–119–23364–0014
3. 108
4. The Oxford Oil Co
5. E D Mann #3
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18513/05296
2. 34–119–23365–0014
3. 108
4. The Oxford Oil Co
5. E D Mann #4
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18514/05297
2. 34–119–23973–0014
3. 108
4. The Oxford Oil Co
5. E D Mann #5
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18515/05299
2. 34–075–21991–0014
3. 108
4. The Oxford Oil Co
5. Andy Rohskopf #1
6.
7. Holmes OH
8. 15.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18516/05300
2. 34–075–21751–0014
3. 108
4. The Oxford Oil Co
5. John Schlabach #1
6.
7. Holmes OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79–18517/06044
2. 34–155–25730–0014
3. 103
4. A W E Inc
5. Tryon No 1
6.
7. Trumbull OH
8. 36.5 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18518/06045
2. 34–119–24518–0014
3. 103
4. Williston Oil & Develoment Corp
5. Williston Oil #39
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18519/06046
2. 34–119–23045–0014
3. 103
4. Williston Oil & Development Corp
5. Frame/Sutton #4
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18520/06047
2. 34–119–24682–0014
3. 103
4. Williston Oil & Development Corp
5. Williston #51
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18521/06048
2. 34–119–24686–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #52
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18522/06049
2. 34–119–24687–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #53
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18523/06050
2. 34–009–21967–0014
3. 103
4. R Wolfe Oil & Gas
5. Linscott #2 permit #1967
6.
7. Athens OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Company

1. 79–18524/06051
2. 34–155–21032–0014
3. 103
4. A W E Inc
5. Borland-Olson No 1

6.
7. Trumbull OH
8. 36.5 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18525/06053
2. 34–155–20597–0014
3. 103
4. Pyramid Oil & Gas Company
5. Strock #1
6.
7. Trumbull OH
8. 30.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company

1. 79–18526/06054
2. 34–155–21064–0014
3. 103
4. Pyramid Oil & Gas Company
5. New Ditrich #1
6.
7. Trumbull OH
8. 30.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company

1. 79–18527/06055
2. 34–155–20567–0014
3. 103
4. Pyramid Oil & Gas Company
5. Good #2
6.
7. Trumbull OH
8. 30.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company

1. 79–18528/06056
2. 34–127–24186–0014
3. 103
4. Quaker State Oil Refining Corp
5. Adcock 3–T–1 80146–3
6.
7. Perry OH
8. 4.7 million cubic feet
9. August 30, 1979
10. Foraker Gas Co

1. 79–18529/06057
2. 34–127–24121–0014
3. 103
4. Quaker State Oil Refining Corp
5. Taylor #3–T–1 80186
6.
7. Perry OH
8. 14.6 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18530/06053
2. 34–127–24082–0014
3. 103
4. Quaker State Oil Refining Corp
5. Taylor #2–T–1 80161–2
6.
7. Perry OH
8. 8.4 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18531/06059
2. 34–127–24114–0014
3. 103
4. Quaker State Oil Refining Corp
5. Adcock 2–T–5 80150–2
6.
7. Perry OH
8. 3.3 million cubic feet
9. August 30, 1979
10. Foraker Gas Co

1. 79–18532/06060
2. 34–127–24182–0014
3. 103
4. Quaker State Oil Refining Corp
5. Adcock 4–T–5 80150–4
6.
7. Perry OH
8. 4.7 million cubic feet
9. August 30, 1979
10. Foraker Gas Co

1. 79–18533/06061
2. 34–119–24652–0014
3. 103
4. Clinton Oil Co
5. James Siegrist #2
6.
7. Muskingum OH
8. 20.0 million cubic feet
9. August 30, 1979
10.

1. 79–18534/06062
2. 34–089–23607–0014
3. 103
4. George M Gernhardt
5. Sands #3
6.
7. Licking OH
8. 12.0 million cubic feet
9. August 30, 1979
10.

1. 79–18535/06068
2. 34–121–22123–0014
3. 103
4. Tiger Oil Inc
5. Vernon White #1
6.
7. Noble OH
8. 15.0 million cubic feet
9. August 30, 1979
10. The East Ohio Gas Company

1. 79–18536/06069
2. 34–115–21784–0014
3. 103
4. The Benatty Corporation
5. D Robinson #1
6.
7. Morgan OH
8. 5.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company

1. 79–18537/06070
2. 34–169–22155–0014
3. 103
4. Patco Inc
5. Boyas #1
6.
7. Wayne OH
8. 20.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission

1. 79–18538/06071
2. 34–157–23338–0014
3. 103
4. William N Tipka
5. Frank Quillin #1
6.
7. Tuscarawas OH
8. .0 million cubic feet
9. August 30, 1979
10. The East Ohio Gas Co

1. 79–18539/06072
2. 34–121–22054–0014
3. 103
4. Tiger Oil Inc
5. Alice Gorrell #1
6.
7. Noble OH
8. .0 million cubic feet
9. August 30, 1979
10. The East Ohio Gas Company

1. 79–18540/06073
2. 34–099–21146–0014
3. 103
4. Rowley & Brown Petroleum Corp
5. Lloyd #1
6.
7. Mahoning OH
8. 27.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company

1. 79–18541/06074
2. 34–133–21906–0014
3. 103
4. Orion Energy Corp
5. Wise Bros #3
6.
7. Portage OH
8. 12.0 million cubic feet
9. August 30, 1979
10.

1. 79–18542/06075
2. 34–119–24769–0014
3. 103
4. The Benatty Corporation
5. Mabel Daily #5
6.
7. Muskingum OH
8. 20.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18543/06076
2. 34–119–24659–0014
3. 103
4. The Benatty Corporation
5. Mabel Daily #4
6.
7. Muskingum OH
8. 20.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18544/06077
2. 34–119–24661–0014
3. 103
4. The Benatty Corporation
5. Daily-Heineman Unit #1
6.
7. Muskingum OH
8. 25.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp

1. 79–18545/06079
2. 34–111–21885–0014
3. 103
4. Drillers Petroleum Corp
5. Homer Burkhart #1
6.
7. Monroe OH
8. 54.0 million cubic feet
9. August 30, 1979
10.

1. 79–18546/06080
2. 34–075–22150–0014
3. 103
4. William F. Hill
5. Hood #1
6.
7. Holmes OH
8. 10.0 million cubic feet
9. August 30, 1979
10.

1. 79–18547/06081
2. 34–169–22127–0014
3. 103
4. Amtex Oil and Gas Inc
5. Johnson Well No 4
6.
7. Wayne OH
8. 200.0 million cubic feet
9. August 30, 1979
10.

1. 79–18548/06082
2. 34–169–22128–0014
3. 103
4. Amtex Oil and Gas Inc
5. Johnson Well No 3
6.
7. Wayne OH
8. 200.0 million cubic feet
9. August 30, 1979
10.

1. 79–18549/06083
2. 34–169–22130–0014
3. 103
4. Amtex Oil and Gas Inc
5. Johnson Well No 2
6.
7. Wayne OH
8. 200.0 million cubic feet
9. August 30, 1979
10.

1. 79–18550/06084
2. 34–169–22129–0014
3. 103
4. Amtex Oil and Gas Inc
5. Johnson Well No 1
6.
7. Wayne OH
8. 200.0 million cubic feet
9. August 30, 1979
10.

1. 79–18551/06085
2. 34–119–24410–0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #1
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18552/06086
2. 34–119–24411–0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #2
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18553/06087
2. 34–119–24408–0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #3
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18554/06088
2. 34–119–24409–0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #4
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18555/06089
2. 34–119–24449–0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #5
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18556/06090
2. 34–119–24503–0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #6
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18557/06091
2. 34–119–24505–0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #7
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18558/06092
2. 34–119–24452–0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #8
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.

1. 79–18559/06093
2. 34–121–22059–0014
3. 103
4. Tiger Oil Inc
5. Grimes Heirs #1
6.
7. Noble OH
8. 20.0 million cubic feet
9. August 30, 1979
10. Columbia Gas

1. 79–18560/06094
2. 34–121–22072–0014
3. 103
4. Tiger Oil Inc
5. Grimes Heirs #3
6.
7. Noble OH
8. 20.0 million cubic feet
9. August 30, 1979
10. Columbia Gas

1. 79–18561/06095
2. 34–167–22052–0014
3. 103
4. Tiger Oil Inc
5. Grimes Heirs #2
6.
7. Noble OH
8. 20.0 million cubic feet
9. August 30, 1979
10. Columbia Gas

1. 79–18562/06096
2. 34–167–23906–0014
3. 103
4. Tiger Oil Inc
5. Stockport Sand & Schott #1
6.
7. Washington OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas

1. 79–18563/06097
2. 34–007–21121–0014
3. 103
4. Clarence K Tussel Jr
5. F Walla #1
6.
7. Ashtabula OH
8. 25.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18564/06098
2. 34–007–21120–0014
3. 103
4. Clarence K Tussel Jr
5. E. Georgia Jr #1
6.
7. Ashtabula OH
8. 30.0 million
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18565/06099
2. 34–007–21114–0014
3. 103
4. Clarence K Tussel Jr
5. Warren Prod Credit #1
6.
7. Ashtabula OH
8. 30.0 million
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18566/06100
2. 34–007–21113–0014
3. 103
4. Clarence K Tussel Jr
5. I Cole #1
6.
7. Ashtabula OH
8. 30.0 million
9. August 30, 1979
10. East Ohio Gas Co

1. 79–18567/06101
2. 34–031–22888–0014
3. 103
4. Cyclops Corporation
5. Harold & Violet Noble #1
6.
7. Coshocton OH
8. 33.0 million cubic feet
9. August 30, 1979
10.

1. 79–18568/06102
2. 34–031–23351–0014
3. 103
4. Independent Oil Investors
5. Ray Underwood #1
6. Ray & Dorothy Underwood
7. Coshocton OH
8. 10.0 million cubic feet
9. August 30, 1979
10. National Gas

1. 79–18569/06103
2. 34–031–23227–0014
3. 103
4. Monroe & Keusink Inc #316
5. Robert Wolf #1–34–031–2–3227**14

6.
7. Coshocton OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Co

1. 79–18570/06108
2. 34–133–21732–0014
3. 103
4. Viking Resources Corporation
5. John Francis #2
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.

1. 79–18672/06043
2. 34–155–21006–0014
3. 103
4. AWE Inc
5. Kachurik No 1
6.
7. Trumbull OH
8. 36.5 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–18317
2. 47–045–00738
3. 108
4. Peake Operating Company
5. Newberry No 77 Log–738
6. Triadelphia District
7. Logan WV
8. 19.0 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–18318
2. 47–045–00699
3. 108
4. Peake Operating Company
5. Newberry No 67 Log–699
6. Triadelphia District
7. Logan WV
8. 12.7 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–18319
2. 47–005–00914
3. 108
4. Peake Operating Company
5. Y & O No 97 Boo–914
6. Sherman District
7. Boone WV
8. 2.2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–18320
2. 47–005–00941
3. 108
4. Peake Operating Company
5. Y & O No 123 Boo–941
6. Crook District
7. Boone WV
8. 4.4 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–18321
2. 47–005–00957
3. 108
4. Peake Operating Company
5. Eunice No 134 Boo–957
6. Crook District
7. Boone WV
8. 9.1 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–18322
2. 47–005–00975
3. 108 denied
4. Peake Operating Company
5. Y & O No 138 Boo–975
6. Crook District
7. Boone WV
8. .2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–18323
2. 47–005–00970
3. 108 denied
4. Peake Operating Company
5. Y & O No 125 Boo–970
6. Crook District
7. Boone WV
8. .2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–18324
2. 47–045–00471
3. 108
4. Peake Operating Company
5. Newberry No 31 Log–471
6. Triadelphia District
7. Logan WV
8. 16.4 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–18329
2. 47–001–00227
3. 108
4. Consolidated Gas Supply Corp
5. C Robinson 10716
6. West Virginia Other A–85772
7. Barbour WV
8. 11.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18330
2. 47–021–00711
3. 108
4. Consolidated Gas Supply Corp
5. W G Bennett 8993
6. West Virginia Other A–85772
7. Gilmer WV
8. 5.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18331
2. 47–021–00671
3. 108
4. Consolidated Gas Supply Corp
5. Louis Bennett 8919
6. West Virginia Other A–85772
7. Gilmer WV
8. 3.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18332
2. 47–001–00115
3. 108
4. Consolidated Gas Supply Corp
5. James E Sayers 10399
6. West Virginia Other A–85772
7. Barbour WV
8. 19.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18333
2. 47–001–00047
3. 108
4. Consolidated Gas Supply Corporation
5. Indian Fork Coal & Coke Co 9070
6. West Virginia Other A–85772
7. Barbour WV
8. 9.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18334
2. 47–021–00891
3. 108
4. Consolidated Gas Supply Corp
5. Bennett Mercer 9688
6. West Virginia Other A–85772
7. Gilmer WV
8. 9.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18335
2. 47–017–00909
3. 108
4. Consolidated Gas Supply Corp
5. J W Smith 10456
6. West Virginia Other A–85772
7. Doddridge WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18336
2. 47–001–00143
3. 108
4. Consolidated Gas Supply Corp
5. Ruth Wood Darton 10503
6. West Virginia Other A–85772
7. Barbour WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18337
2. 47–001–00120
3. 108
4. Consolidated Gas Supply Corp
5. Vera P Nutter 10419
6. West Virginia Other A–85772
7. Barbour WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18338
2. 47–017–02410
3. 108
4. Consolidated Gas Supply Corp
5. Adams Heirs 1494
6. West Virginia Other A–85772
7. Doddridge WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18339
2. 47–017–01573
3. 108
4. Consolidated Gas Supply Corp
5. W B Maxwell 11271
6. West Virginia Other A–85772

7. Doddridge WV
8. 7.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18340
2. 47–013–02188
3. 108
4. Consolidated Gas Supply Corp
5. Louis Bennett 10692
6. West Virginia other A–85772
7. Calhoun WV
8. 2.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18341
2. 47–017–00161
3. 108
4. Consolidated Gas Supply Corp
5. W B Maxwell 9007
6. West Virginia other A–85772
7. Doddridge WV
8. 9.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18342
2. 47–017–00093
3. 108
4. Consolidated Gas Supply Corp
5. W B Maxwell 7047
6. West Virginia other A–85772
7. Doddridge WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18343
2. 47–021–00876
3. 108
4. Consolidated Gas Supply Corp
5. Louis Bennett 9643
6. West Virginia other A–85772
7. Gilmer WV
8. 14.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18344
2. 47–013–00960
3. 108
4. Consolidated Gas Supply Corp
5. J N Vincent 9167
6. West Virginia other A–85772
7. Calhoun WV
8. 5.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18345
2. 47–021–00436
3. 108
4. Consolidated Gas Supply Corp
5. R J Boggs 6480
6. West Virginia other A–85772
7. Gilmer WV
8. 3.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18346
2. 47–013–00840
3. 108
4. Consolidated Gas Supply Corp
5. Hess Reynolds 8966
6. West Virginia other A–85772
7. Calhoun WV
8. 10.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18347
2. 47–013–02219
3. 108
4. Consolidated Gas Supply Corp
5. G Rice 11241
6. West Virginia other A–85772
7. Calhoun WV
8. 11.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18348
2. 47–013–00335
3. 108
4. Consolidated Gas Supply Corp
5. T B Amor 7742
6. West Virginia other A–85772
7. Calhoun WV
8. 3.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18349
2. 47–013–00471
3. 108
4. Consolidated Gas Supply Corp
5. G W Hardman 7819
6. West Virginia other A–85772
7. Calhoun WV
8. 6.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18350
2. 47–013–00513
3. 108
4. Consolidated Gas Supply Corp
5. Allen Hardman 7846
6. West Virginia other A–85772
7. Calhoun WV
8. 5.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18351
2. 47–013–01222
3. 108
4. Consolidated Gas Supply Corp
5. Louis Bennett 9860
6. West Virginia other A–85772
7. Calhoun WV
8. 9.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18352
2. 47–021–00142
3. 108
4. Consolidated Gas Supply Corp
5. F R Beall 7743
6. West Virginia other A–85772
7. Gilmer WV
8. 3.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18353
2. 47–001–00268
3. 108
4. Consolidated Gas Supply Corp
5. George S White 10765
6. West Virginia other A–85772
7. Barbour WV
8. 5.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18354
2. 47–001–00243
3. 108
4. Consolidated Gas Supply Corp
5. W McVickers 10746
6. West Virginia other A–85772
7. Barbour WV
8. 11.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18355
2. 47–013–00838
3. 108
4. Consolidated Gas Supply Corp
5. Hays-Nichols 8961
6. West Virginia other A–85772
7. Calhoun WV
8. 3.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18356
2. 47–001–00408
3. 108
4. Consolidated Gas Supply Corp
5. Harrison-Ritchie Oil & Gas Co
6. West Virginia other A–85772
7. Barbour WV
8. 18.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18357
2. 47–001–00309
3. 108
4. Consolidated Gas Supply Corp
5. Abner Stout 10787
6. West Virginia other A–85772
7. Barbour WV
8. 13.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18358
2. 47–001–00064
3. 108
4. Consolidated Gas Supply Corp
5. French Trimble 9223
6. West Virginia other A–85772
7. Barbour WV
8. 1.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18359
2. 47–013–02011
3. 108
4. Consolidated Gas Supply Corp
5. Eliza C Chancey 10491
6. West Virginia other A–85772
7. Calhoun WV
8. 5.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18360
2. 47–001–00370
3. 108
4. Consolidated Gas Supply Corp
5. Haller & McCoy 10937
6. West Virginia other A–85772
7. Barbour WV
8. 2.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18361
2. 47–013–00816
3. 108
4. Consolidated Gas Supply Corp
5. A L Gainer 8917
6. West Virginia other A–85772
7. Calhoun WV
8. 10.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18362

2. 47–013–00705
3. 108
4. Consolidated Gas Supply Corp
5. A L Gainer 8628
6. West Virginia other A–85772
7. Calhoun WV
8. 3.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18363
2. 47–033–00073
3. 108
4. Consolidated Gas Supply Corp
5. C D Robinson 11063
6. West Virginia other A–85772
7. Harrison WV
8. 14.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18364
2. 47–013–02416
3. 108
4. Consolidated Gas Supply Corp
5. L Bennett 11162
6. West Virginia other A–85772
7. Calhoun WV
8. 11.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

1. 79–18365
2. 47–013–01223
3. 108
4. Consolidated Gas Supply Corp
5. A L Gainer 9858
6. West Virginia other A–85772
7. Calhoun WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

Wyoming 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. 79–18366/NG–248–79
2. 49–041–20111
3. 102
4. Ladd Petroleum Corp
5. URLR–Amoco #1
6. West Sulphur Creek
7. Uinta, WY
8. .0 million cubic feet
9. August 30, 1979
10. Mountain Fuels Supply Co

1. 79–18669/NG241–79
2. 49–023–20252
3. 102
4. C & K Petroleum Inc
5. Chrisman No 1
6. Wildcat
7. Lincoln, WY
8. 135.0 million cubic feet
9. August 30, 1979
10. Northwest Pipeline Company

U.S. Geological Survey, Metairie, La.

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. 79–18367/G 9–594
2. 17–715–40184–00D1–0
3. 102
4. Chevron USA Inc
5. OCS–G–1241 #14
6. South Timbalier
7. 52
8. 61.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Co

1. 79–18368/G 9–595
2. 17–715–40167–00D2–2
3. 102
4. Chevron USA Inc
5. OCS–G–1241 #12–D
6. South Timbalier
7. 52
8. 632.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Co

1. 79–18369/G 9–591
2. 17–715–40167–00D1–1
3. 103
4. Chevron USA Inc
5. OCS–G–1241 #12
6. South Timbalier
7. 52
8. 44.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Co

1. 79–18370/G 9–801
2. 17–715–402809–0000–1
3. 102
4. Chevron USA Inc
5. OCS–G–1241 #18
6. South Timbalier
7. 52
8. 43.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Company

1. 79–18371/G 9–802
2. 17–715–40280–0000–2
3. 102
4. Chevron USA, Inc
5. OCS–G–1241 #18–D
6. South Timbalier
7. 52
8. 143.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Company

1. 79–18372/G 9–589
2. 17–715–40184–40–00D2–2
3. 102
4. Chevron USA, Inc
5. OCS–G–1241 #14–D
6. South Timbalier
7. 52
8. 112.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Co

1. 79–18373/G 9–592
2. 17–715–40183–00S1–0
3. 102
4. Chevron USA, Inc
5. OCS–G–1241 #15
6. South Timbalier
7. 52
8. 14.9 million cubic feet
9. August 27, 1979
10. Trunkline Gas Co

1. 79–18374/G 9–593
2. 17–715–40163–00D1–1
3. 102
4. Chevron USA, Inc
5. OCS–G–1241 #10
6. South Timbalier
7. 52
8. 41.0 million cubic feet
9. August 27, 1979
10. Trunkline Gas Co

1. 79–18375/G 9–583
2. 17–715–40157–0000–0
3. 102
4. Chevron USA, Inc
5. OCS–G–1240 #5
6. South Timbalier
7. 51
8. 592.0 million cubic feet
9. August 27, 1979
10. Trunkline Gas Co

1. 79–18378/G9–773
2. 17–705–40335–0000–0
3. 107
4. McMoran Offshore Exploration Co
5. OCS–G 3390 #7
6. Vermilion
7. 25
8. 5475.0 million cubic feet
9. August 29, 1979
10. Transcontinental Gas Pipeline Co

1. 79–18379/G 9–649
2. 17–702–40512–01S1–0
3. 102
4. Exxon Corporation
5. OCS–G 2560 No A–2
6. West Cameron
7. Parish, LA
8. 5000.0 million cubic feet
9. August 29, 1979
10. Columbia Gas Trans Corp Northern Natural Gas Co Trunkline Gas Co Natural Gas Pipeline Co

1. 79–18380/G 8–177
2. 17–711–40377–00S1–0
3. 102
4. Ocean Production Company
5. OCS–G 1526 No B–16A
6. Ship Shoal 222
7. 223
8. 120.0 million cubic feet
9. August 29, 1979
10. Transcontinental Gas Pl Corp

1. 79–18381/G 8–202
2. 17–711–40366–00D2–0
3. 102
4. Ocean Production Company
5. OCS–G–0818 No 7–B
6. Ship Shoal 167
7. 167
8. 1000.0 million cubic feet
9. August 24, 1979
10. Tennessee Gas Pl Co

1. 79–18377/G 8–154
2. 42–711–40245–00D1–0
3. 102
4. Sun Oil Company
5. OCS–G–2434 No A–9
6. East High Island
7. A–370
8. 2600.0 million cubic feet
9. August 29, 1979

10. Trunkline Gas Company Michigan-Wisconsin P/L Co Natural Gas Pipeline Co
1. 79–18376/G 9–590
2. 17–715–40163–00D2–
3. 102
4. Chevron USA Inc
5. OCS–G–1241 #10–D
6. South Timbalier
7. 52
8. 1005.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Co

U.S. 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. 79–18571/NM 2133–79
2. 30–039–06507–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J No. 15
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation

1. 79–18572/NM 2134–79
2. 30–039–07994–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 32–5 Unit 13 MV
6. Blanco-Mesa Verde Gas
7. Rio Arriba, NM
8. 15.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18573/NM 2140–79
2. 30–039–20701–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 192
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 17.9 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18574/NM 2143–79
2. 30–045–07344–0000–0
3. 108
4. El Paso Natural Gas Company
5. J. C. Davidson D No. 1
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 7.3 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18575/NM 2145–79
2. 30–045–07184–0000–0
3. 108
4. El Paso Natural Gas Company
5. J. C. Davidson F No. 1
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 11.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18576/NM 2146–79
2. 30–039–05465–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 108
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18577/NM 2147–79
2. 30–039–07442–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–5 Unit No. 27
6. Blanco-Mesa Verde Gas
7. Rio Arriba, NM
8. 16.1 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18578/NM 2148–79
2. 30–039–06791–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 77
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.5 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18579/NM 2149–79
2. 30–039–06820–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 76
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18580/NM 2172–79
2. 30–039–06962–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 27–5 Unit 43 PC & MV
6. Tapacito-Pictured Cliffs Gas & Blanco
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation

1. 79–18581/NM 2173–79
2. 30–039–05945–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla 67 6 CH & PC
6. Otero-Chacra Gas & Blanco South-Pl
7. Rio Arriba, NM
8. 23.5 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18582/NM 2174–79
2. 30–039–06786–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 27–5 Unit 35 PC & MV
6. Blanco South-Pictured Cliffs Gas & B
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation

1. 79–18583/NM 2175–79
2. 30–039–07456–0000–0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28–4 Unit No. 6
6. Choza Mesa-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18584/NM 2176–79
2. 30–039–07453–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–4 Unit No. 7
6. Choza Mesa-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18585/NM 2177–79
2. 30–039–06821–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 124
6. Blanco-Mesa Verde Gas
7. Rio Arriba, NM
8. 16.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18586/NM 2178–79
2. 30–039–06046–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 35
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.6 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18587/NM 2179–79–1
2. 30–039–05999–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 36
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.8 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18588/NM 2179–79–3
2. 30–045–11769–0000–0
3. 108
4. El Paso Natural Gas Company
5. Florance No. 6
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 15.7 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18589/NM 2181–79
2. 30–045–20274–0000–0
3. 108
4. El Paso Natural Gas Company
5. Bolack B No. 6
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 14.2 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18590/NM 2182–79
2. 30–045–20281–0000–0
3. 108
4. El Paso Natural Gas Company
5. Roelofs No. 4
6. Blanco South-Pictured Cliffs Gas

7. San Juan, NM
8. 20.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18591/NM 2183–79
2. 30–039–06950–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 110
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.6 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18592/NM 2184–79
2. 30–039–06984–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 111
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18593/NM 2185–79
2. 30–039–06972–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 114
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.1 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18594/NM 2186–79
2. 30–039–06901–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit No. 65
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 18.3 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18595/NM 2187–79
2. 30–039–20737–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 68
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 15.3 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18596/NM 2188–79
2. 30–039–07160–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit 104 MV & PC
6. Blanco-Mesa Verde Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18597/NM 2189–79
2. 30–039–20508–0000–0
3. 108
4. El Paso Natural Gas Company
5. Vaughn 22 PC & CH
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 15.7 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18598/NM 2190–79
2. 30–039–20795–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit 178 CH & PC
6. Largo-Chacra Gas Blanco
7. Rio Arriba, NM
8. 18.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18599/NM 2191–79
2. 30–039–06844–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 27–5 Unit 20 PC & MV
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.8 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation

1. 79–18600/NM 2192–79
2. 30–039–06977–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #59
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18601/NM 2193–79
2. 30–045–07484–0000–0
3. 108
4. El Paso Natural Gas Company
5. Johnston 8 PC & MV
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 18.2 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18602/NM 2194–79
2. 30–045–11465–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 32–9 Unit #77
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 13.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18603/NM 2195–79
2. 30–039–05638–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #104
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18604/NM 2196–79
2. 30–039–07388–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 2804 Unit #28
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 9.1 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18605/NM 2197–79
2. 30–045–11494–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 32–9 Unit #55
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 8.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18606/NM 2198–79
2. 30–039–07124–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit 86 PC & MV
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 18.3 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18607/NM 2199–79
2. 30–039–06151–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #23
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18608/NM 2200–79
2. 30–045–06384–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #53
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18609/NM 2201–79
2. 30–045–06363–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #57
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 17.5 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18610/NM 2203–79
2. 30–045–11364–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 32–9 Unit X #70
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18611/NM 2204–79
2. 30–039–82372–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #162
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.9 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18612/NM 2205–79
2. 30–039–06906–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit #123
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. .0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18613/NM 2206–79
2. 30–039–06931–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #153
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.6 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18614/NM 2207–79
2. 30–039–06018–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #103 GL & DK
6. Angels Peak-Gallup Gas
7. San Juan, NM
8. 9.7 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18615/NM 2208–79
2. 30–039–06018–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla 4 PAC & MBV
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.4 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18616/NM 66–79
2. 30–045–20450–0000–0
3. 108
4. Southland Royalty Co
5. Pierce #4
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 12.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79–18618/NM 1686–79
2. 30–045–06678–0000–0
3. 108
4. El Paso Natural Gas Company
5. Day B #6
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 18.6 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18619/NM 2224–79
2. 30–039–60043–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #44
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 11.3 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18620/NM 2225–79
2. 30–039–05777–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #46
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.8 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18621/NM 2226–79
2. 30–0390–06440–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #11
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79–18622/NM 2227–79
2. 30–039–06499–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #14
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79–18623/NM 2228–79
2. 30–039–06503–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F #15
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79–18624/NM 2229–79
2. 30–039–06487–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F #16
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79–18625/NM 2230–79
2. 30–045–09511–0000–0
3. 108
4. El Paso Natural Gas Company
5. Schumacher #1
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 2.6 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18626/NM 2231–79
2. 30–039–06359–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #2
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.1 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79–18627/NM 2232–79
2. 30–039–07183–0000–0
3. 108
4. El Paso Natural Gas Company
5. S J 27–4 Unit NP #2
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18628/NM 2233–79
2. 30–039–05832–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla C #10
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18629/NM 2234–79
2. 30–039–05704–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla B #16
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 1.5 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–186630/NM 2235–79
2. 30–03905981–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla C #2
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 4.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18631/NM2236–79
2. 30–039–05913–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla C #1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.9 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18632/NM 2271–79
2. 30–045–06184–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito unit #35
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 9.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18633/NM 2272–79
2. 30–039–07465–0000–0
3. 108
4. El Paso Natural Gas Company
5. S J 28–5 unit #7
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 16.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18634/NM 2273–79
2. 30–045–11270–0000–0
3. 108
4. El Paso Natural Gas Company
5. S J 32–9 unite #60
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 8.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18635/NM 2274–79
2. 30–045–11432–0000–0
3. 108
4. El Paso Natural Gas Company
5. S J 32–9 unit #54
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 15.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18636/NM 2275–79
2. 30–039–05543–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo unit #3
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18637/NM 2276–79
2. 30–045–11499–0000–0
3. 108
4. El Paso Natural Gas Company
5. S J 32–9 unit #65
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 11.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18638/NM 2277–79
2. 30–039–07018–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon unit #118
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18639/NM 2278–79
2. 30–039–07046–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon unit #105
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 16.8 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18640-NM 2279–79
2. 30–039–070090–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon unit #116
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 16.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18641/NM 2280–79
2. 30–039–06194–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #11
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.1 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18642-Nm 2281–79
2. 30–039–07081–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #78
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.3 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18643/NM 2283–79
2. 30–039–07196–0000–0
3. 108
4. El Paso Natural Gas Company
5. S J 28–7 Unit #83
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18644/NM 2283–79
2. 30–039–07195–0000–0
3. 108
4. El Paso Natural Gas Company
5. S J 28–7 Unit #84
6. Blanco Mesaverde Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18645/Nm 2553–79
2. 30–045–00000–0000–0
3. 108
4. William C Russell
5. Russell #41 Hammond
6. Largo Chacra
7. San Juan, NM
8. 15.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18646/NM 2238–79
2. 30–039–05517–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarillah #12
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 2.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79–18647/NM 2239–79
2. 30–039–06506–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J #14
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.7 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79–18648/NM 2240–79
2. 30–039–06453–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #9
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 17.9 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79–18649/NM 2261–79
2. 30–045–06229–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #39
6. Balard-Pictured Cliffs Gas
7. San Juan, NM
8. 2.6 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18650/NM2262–79
2. 30–039–07534–0000–0
3. 108
4. El Paso Natural Gas Company
5. S J 29–4 Unit #1
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18651/NM 2263–79
2. 30–045–06352–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #45
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juana, NM
8. 4.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18652/NM 2264–79
2. 30–045–06181–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #32
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 1.8 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18653/NM 2265–79
2. 30–045–06383–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerhanito Unit #44
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 4.4 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18654/NM 2266–79
2. 30–045–06216–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #38
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 1.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18655/NM 2267–79
2. 30–045–06132–0000–0
3. 108
4. El Paso Natural Gas Company
5.
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 7.7 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18656/NM 2268–79
2. 30–045–06228–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #40
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18657/NM 2269–79
2. 30–039–07236–0000–0
3. 108
4. El Paso Natural Gas Company
5. S J 28–6 Unit #17
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79–18658/NM 2270–79

2. 30-045-06057-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #49
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 5.5 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the commission's office of public information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the commission on or before October 25, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30106 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 21. 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.

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. 79-19735/79-49
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-10 #19
6. Ignacio Blanco
7. La Plata CO
8. 4.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79-19736/79-62
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. McCullock #3
6. Ignacio Blanco
7. La Plata CO
8. 13.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79-19737/79-61
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-9 #9
6. Ignacio Blanco
7. La Plata CO
8. 13.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79-19738/79-44
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-10 #8
6. Ignacio Blanco
7. La Plata CO
8. 9.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79-19739/79-60
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Tiffany #1
6. Ignacio Blanco
7. La Plata CO
8. 2.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79-19740/79-45
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-9 #1
6. Ignacio Blanco
7. La Plata CO
8. 5.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79-19741/79-68
2. 05-067-06207
3. 103
4. Mesa Petroleum Co
5. Ute Indian 11A
6. Ignacio Blanco Mesa Verde
7. La Plata CO
8. 137.0 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Co

1. 79-19742/79-67
2. 05-123-09623
3. 103
4. Homestead Oil Incorporated
5. Vawter Gas Unit #1
6. Wattenberg Gas
7. Weld CO
8. 182.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipe Line

1. 79-19743/79-83
2. 05-125-06154
3. 103
4. Alexander & Ambrose Oil Corp
5. #1-A Welp
6. Beecher Island
7. Yuma CO
8. 40.0 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Nat Gas Co Inc

1. 79-19744/79-79
2. 05-067-00000
3. 108
4. Ladd Petroleum Corporation
5. N E Cox Canyon #1-7
6. Ignacio Blanco
7. La Plata CO
8. 7.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79-19745/79-35
2. 05-009-06207
3. 103
4. Samson Oil Company
5. Newman 2-6
6. Greenwood
7. Baca CO
8. 90.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79-19746/79-34
2. 05-009-06177
3. 103
4. Samson Oil Company
5. Alfrey 1-35
6. Vilas
7. Baca CO
8. 36.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79-19747/79-28
2. 05-009-06163
3. 103
4. Samson Oil Company
5. Freighberger 1-7
6. Vilas
7. Baca CO
8. 180.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79-19748/79-27
2. 05-009-06164
3. 103
4. Samson Oil Company
5. D R Thompson 1-25
6. Vilas
7. Baca CO
8. 120.0 million cubic feet
9. September 6, 1979
10. RJB Gas Pipeline Co

1. 79-19749/79-29
2. 05-009-06192
3. 103
4. Samson Oil Company
5. State 1-36
6. Greenwood
7. Baca CO
8. 180.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79-19750/79-37
2. 05-009-06195
3. 103
4. Samson Oil Company
5. Bishop 1-17
6. Walsh
7. Baca CO

8. 90.0 million cubic feet
9. September 6, 1979
10. RJB Gas Pipeline Company
1. 79–19751/79–36
2. 05–009–06196
3. 103
4. Samson Oil Company
5. Brown 2–6
6. Vilas
7. Baca CO
8. 48.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79–19752/79–33
2. 05–009–06197
3. 103
4. Samson Oil Company
5. Sowers 1–31
6. Greenwood
7. Baca CO
8. 90.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79–19753/79–32
2. 05–009–06184
3. 103
4. Samson Oil Company
5. Porter 1–11
6. Vilas
7. Baca CO
8. 54.0 million cubic feet
9. September 6, 1979
10. RJB Gas Pipeline Co
1. 79–19754/79–31
2. 05–009–06188
3. 103
4. Samson Oil Company
5. Rutherford 1–13
6. Vilas
7. Baca CO
8. 72.0 million cubic feet
9. September 6, 1979
10. RJB Gas Pipeline Company
1. 79–19755/79–50
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33–9 #34
6. Ignacio Blanco
7. La Plata CO
8. 12.0 million cubic feet
9. July 6, 1979
10. Northwest Pipeline Corporation
1. 79–19756/79–52
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Ignacio 33–8 #8
6. Ignacio Blanco
7. La Plata CO
8. 12.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79–19757/79–47
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33–9 #3
6. Ignacio Blanco
7. La Plata CO
8. 7.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79–19758/79–55
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33–9 #32
6. Ignacio Blanco
7. La Plata CO
8. 11.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79–19759/79–8
2. 05–103–07964
3. 103
4. Provident Resources Inc
5. Steele 9–35–4–102
6. Foundation Creek
7. Rio Blanco CO
8. 34.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79–19760/79–9
2. 05–103–07972
3. 108
4. Provident Resources Inc
5. Steele 9–26–4–102
6. Foundation Creek
7. Rio Blanco CO
8. 26.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79–19761/78–273
2. 05–123–06311
3. 108
4. Energy Minerals Corporation
5. Carlson #1
6. Wattenberg Field
7. Weld County CO
8. 20.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Company
1. 79–19762/78–269
2. 05–123–09441
3. 108
4. Energy Minerals Corporation
5. State 36–2
6. Roggen Field
7. Weld County CO
8. 16.0 million cubic feet
9. September 6, 1979
10. Crystal Gas Resources Inc
1. 79–19763/79–84
2. 05–067–00000
3. 108
4. Lynco Oil Corporation
5. Jacquez #1
6. Ignacio Blanco Pictured Cliffs
7. La Plata CO
8. 35.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79–19764/79–76
2. 05–067–05426
3. 108
4. El Paso Natural Gas Company
5. Harmon #1
6. Ignacio Blanco (Fruitland)
7. La Plata CO
8. 1.5 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company
1. 79–19765/79–74
2. 05–067–05082
3. 108
4. El Paso Natural Gas Company
5. Sever #1
6. Ignacio Blanco (Mesaverde)
7. La Plata CO
8. 7.0 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company
1. 79–19766/79–71
2. 05–067–05406
3. 108
4. El Paso Natural Gas Company
5. Helton #1
6. Ignacio Blanco (Dakota)
7. La Plata CO
8. 15.0 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company
1. 79–19767/79–77
2. 05–067–06145
3. 103
4. El Paso Natural Gas Company
5. Allison Unit #59 (Dakota)
6. Ignacio Blanco
7. La Plata CO
8. 70.0 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company
1. 79–19768/79–70
2. 05–067–06145
3. 103
4. El Paso Natural Gas Company
5. Allison Unit #59 (Mesaverde)
6. Ignacio Blanco
7. La Plata CO
8. 90.0 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company
1. 79–19769/79–4
2. 05–123–00000
3. 103
4. X O Exploration Inc
5. No 1 Perry
6. Wattenberg-J Sandstone
7. Weld CO
8. 100.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Piple Line Co
1. 79–19770/79–7
2. 05–045–06118
3. 102
4. Provident Resources Inc
5. Young 3–28–5–102
6. Douglas Pass Unit
7. Garfield CO
8. 204.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79–19771/79–6
2. 05–103–07674
3. 108
4. Provident Resources Inc
5. Kirby Robertson 1–36–4–102
6. Foundation Creek
7. Rio Blanco CO
8. 12.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79–19772/79–10
2. 05–045–06169
3. 103
4. Provident Resources Inc
5. Young 11–27–5–102
6. Douglas Pass Unit
7. Garfield Co
8. 165.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79–19773/79–54

2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33–9 #18
6. Ignacio Blanco
7. La Plata CO
8. 10.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79–19774/79–53
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33–10 #6
6. Ignacio Blanco
7. La Plata CO
8. 10.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79–19775/79–59
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33–9 #26
6. Ignacio Blanco
7. La Plata CO
8. 15.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79–19776/79–57
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Ignacio 33–8 #10
6. Ignacio Blanco
7. La Plata CO
8. 17.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79–19777/78–196
2. 05–123–08228
3. 108
4. Crystal Oil Company
5. Tolle Mabel 1
6. Prospect
7. Weld CO
8. 4.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79–19778/78–194
2. 05–123–08193
3. 108
4. Crystal Oil Company
5. Keller 1
6. Roggen
7. Weld Co
8. 5.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79–19779/79–78
2. 05–067–00000
3. 108
4. Ladd Petroleum Corporation
5. Cox-Canyon #1–34
6. Ignacio Blanco
7. La Plata CO
8. 10.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas

1. 79–19780/78–195
2. 05–123–09351
3. 108
4. Crystal Oil Company
5. Klein 11–10
6. Lost Creek
7. Weld CO
8. 12.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79–19781/79–69
2. 05–123–00000
3. 108
4. UV Industries Inc
5. UV Industries Inc State 1851 No 2–12
6. Wildcat
7. Weld CO
8. 2.9 million cubic feet
9. September 6, 1979
10.

1. 79–19782/78–188
2. 05–123–08226
3. 108
4. Crystal Oil Company
5. Baumgartner 1
6. Roggen
7. Weld CO
8. 2.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79–19783/78–189
2. 05–123–08366
3. 108
4. Crystal Oil Company
5. Baumgartner 1–B
6. Sheehan
7. Weld CO
8. 15.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79–19784/79–65
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. NWCH 32 10 #12
6. Ignacio Blanco
7. La Plata CO
8. 11.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79–19785/79–56
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33–10 #3
6. Ignacio Blanco
7. La Plata CO
8. 13.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79–19786/79–64
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33–10 #2
6. Ignacio Blanco
7. La Plata CO
8. 8.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79–19787/79–63
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33–9 #23
6. Ignacio Blanco
7. La Plata CO
8. 15.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79–19788/79–828
2. 05–067–00000
3. 103
4. Lynco Oil Corporation
5. Cox Canyon #1
6. Ignacio Blanco Pictured Cliffs
7. La Plata CO
8. 14.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79–19789/79–85
2. 05–123–05928
3. 103
4. Cottom Petroleum Corporation
5. Wooley B Unit #1
6. Wattenburg
7. Weld CO
8. 9.7 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipe Line Co

1. 79–19790/79–25
2. 05–125–06056
3. 108
4. Mountain Petroleum Ltd
5. Rose #1–19
6. Beecher Island
7. Yuma, CO
8. 19.2 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19791/78–155
2. 05–123–08432
3. 108
4. Nielson Enterprises Inc
5. Becker #1
6. Wattenberg J Field
7. Weld, CO
8. 15.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipe Line Co

1. 79–19792/79–89
2. 05–123–09297
3. 102
4. J R Drilling & Exploration Co Inc
5. Seyfried #1
6. Waite Lake
7. Weld, CO
8. 110.0 million cubic feet
9. September 6, 1979
10. Crystal Gas Resources Inc

1. 79–19793/79–13
2. 05–125–06117
3. 103
4. Mountain Petroleum Corporation
5. Ekberg #2–34
6. Beecher Island
7. Yuma, CO
8. 28.0 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19794/79–14
2. 05–125–06153
3. 103
4. Mountain Petroleum Corporation
5. Brueggeman #1–31
6. Vernon
7. Yuma, CO
8. 75.0 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19795/79–24
2. 05–125–06051
3. 108
4. Mountain Petroleum Ltd
5. New #A–1

6. Beecher Island
7. Yuma, CO
8. 18.0 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19796/79–18
2. 05–125–06070
3. 108
4. Mountain Petroleum Corporation
5. Chapman #1–10
6. Phuma
7. Yuma, CO
8. 13.2 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19797/79–11
2. 05–125–06108
3. 103
4. Mountain Petroleum Ltd
5. Beecher Island Association #2
6. Beecher Island
7. Yuma, CO
8. 36.0 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19798/79–12
2. 05–125–06107
3. 103
4. Mountain Petroleum Ltd
5. Chase #2
6. Beecher Island
7. Yuma, CO
8. 32.4 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19799/79–23
2. 05–125–06052
3. 108
4. Mountain Petroleum Ltd
5. Strangways #A–1
6. Beecher Island
7. Yuma, CO
8. 19.8 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19800/79–88
2. 05–123–08140
3. 102
4. J R Drilling & Exploration Co Inc
5. State #1–12
6. Waite Lake
7. Weld, CO
8. 365.0 million cubic feet
9. September 6, 1979
10. Crystal Gas Resources Inc.

1. 79–19801/79–73
2. 05–067–05325
3. 108
4. El Paso Natural Gas Company
5. Ignacio 33–8 #7
6. Ignacio Blanco (Mesaverde)
7. La Plata CO
8. 17.5 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation

1. 79–19802/79–75
2. 05–067–05532
3. 108
4. El Paso Natural Gas Company
5. Jarvis Pool Unit #1
6. Alkali Gulch (Paradox)
7. La Plata CO
8. 2.0 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company

1. 79–19803/79–5
2. 05–121–08439
3. 108
4. C W Hughes
5. #1 Fassler Nene 34–2N–58W
6. Sundown
7. Washington County CO
8. 12.2 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79–19804/79–15
2. 05–095–06012
3. 108
4. Mountain Petroleum Corporation
5. Ferguson #1–26
6. Phuma
7. Phillips CO
8. 1.2 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19805/79–19
2. 05–125–06106
3. 108
4. Mountain Petroleum Corporation
5. Fitch #1–9
6. Phuma
7. Yuma, CO
8. 9.6 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–19806/78–192
2. 05–123–09275
3. 108
4. Crystal Oil Company
5. Crystal State 32–27
6. Lost Creek
7. Weld, CO
8. 21.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79–19807/78–197
2. 05–123–08950
3. 108
4. Crystal Oil Company
5. Trupp Bittner 2
6. Roggen
7. Weld, CO
8. 3.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79–19808/78–190
2. 05–123–08152
3. 108
4. Crystal Oil Company
5. Carlson 1
6. Roggen
7. Weld, CO
8. 18.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79–19809/78–193
2. 05–123–08246
3. 108
4. Crystal Oil Company
5. Herbert 1
6. Prospect
7. Weld, CO
8. 16.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co

1. 79–19810/79–66
2. 05–045–06104
3. 103
4. Fuel Resources Development Co
5. Kelly-Young-Jensen No 2–14 Well
6. South Canyon
7. Garfield CO
8. 28.0 million cubic feet
9. September 6, 1979
10. Western Slope Gas Company, Northwest Pipeline Corporation, Colorado Interstate Gas Company

1. 79–19811/79–3
2. 05–123–09410
3. 103
4. Patrick Petroleum Corp of Michigan
5. Reid-Cooksey No 1 CO–35244
6.
7. Weld, CO
8. 5.4 million cubic feet
9. September 6, 1979
10. Crystal Gas Resources Inc

1. 79–19812/79–2
2. 05–123–09346
3. 103
4. Patrick Petroleum Corp of Mich
5. J D Uncapher CO 35240
6.
7. Weld, CO
8. 12.8 million cubic feet
9. September 6, 1979
10. Crystal Gas Resources Inc

1. 79–19813/79–1
2. 05–123–09398
3. 103
4. Patrick Petroleum Corp of Mich
5. Lois Wahl No. 1 CO 35242
6.
7. Weld, CO
8. 155.7 million cubic feet
9. September 6, 1979
10. Crystal Gas Resources Inc

1. 79–19814/79–16
2. 05–095–06017
3. 108
4. Mountain Petroleum Corporation
5. Lett #1–23
6. Phuma
7. Phillips CO
8. 7.2 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19815/79–22
2. 05–125–06111
3. 108
4. Mountain Petroleum Corporation
5. Smith/Ekberg #1–10
6. Beecher Island
7. Yuma, CO
8. 11.4 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–19816/79–43
2. 05–123–00000
3. 103
4. Parachute Ranch Inc
5. O'Hara #2–9
6. Lost Creek Sec 9–2N–62W
7. Weld, CO
8. 25.0 million cubic feet
9. September 6, 1979
10. Phillips Petroleum Company

1. 79–19817/79–87
2. 05–067–00000
3. 108
4. Strong, Spann & Claridge, Trustees
5. McCulloch #5
6. Ignacio

7. La Plata CO
8. 21.6 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corp

1. 79–19818/78–205
2. 05–039–06273
3. 103 denied
4. Champlin Petroleum Company
5. #2 Whitehead 24–17 SESW 17–6S–62W
6. Comanche Creek
7. Elbert CO
8. .0 million cubic feet
9. September 6, 1979
10. Sun Oil Company

1. 79–19819/78–90
2. 05–067–00000
3. 108
4. Strong Spann & Claridge
5. McCulloch $2
6. Wildcat
7. La Plata CO
8. 16.2 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corp

1. 79–19820/79–38
2. 05–075–0000
3. 108
4. Chain Oil Inc
5. Casement Well No 1
6. Scarp
7. Logan CO
8. 15.2 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–19821/79–58
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Ignacio 33–8 #6
6. Ignacio Blanco
7. La Plata CO
8. 11.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79–19822/79–51
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33–9 #15
6. Ignacio Blanco
7. La Plata CO
8. 11.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79–19823/79–46
2. 05–067–00000
3. 108
4. Northwest Pipeline Corporation
5. NWCH 32 10 #7
6. Ignacio Blanco
7. La Plata CO
8. 5.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79–19824/79–21
2. 05–125–06163
3. 108
4. Mountain Petroleum Corporation
5. Smith/Ekberg #1–4
6. Beecher Island
7. Yuma CO
8. 11.4 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19825/79–20
2. 05–125–06162
3. 108
4. Mountain Petroleum Corporation
5. Smith/Whomble #1–3
6. Beecher Island
7. Yuma CO
8. 8.4 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19826/79–17
2. 05–125–06104
3. 108
4. Mountain Petroleum Corporation
5. Schmidt #1–2
6. Phuma
7. Yuma CO
8. 4.8 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–19827/79–30
2. 05–009–06176
3. 103
4. Samson Oil Company
5. State of Colorado 1–16
6. Wildcat
7. Baca CO
8. 144.0 million cubic feet
9. September 6, 1979
10. RJB Gas Pipeline Co

Kansas Corporation 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. 79–19563/K–79–0065
2. 15–067–20532
3. 103
4. Anadarko Production Co
5. Real Estate A No 1
6. Panoma Council Grove
7. Grant KS
8. 60.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline

1. 79–19564/K–79–0071
2. 15–129–20357
3. 103
4. Anadarko Production Co
5. Low D No 7
6. Panoma Council Grove
7. Morton KS
8. 60.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co

1. 79–19565/K–79–0072
2. 15–189–20349
3. 103
4. Anadarko Production Co
5. Ratcliff A No 1
6. Panoma Council Grove
7. Stevens KS
8. 60.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co

1. 79–19566/K–79–0073
2. 15–129–20334
3. 103
4. Anadarko Production Co
5. McKellips A No 1
6. Panoma Council Grove
7. Morton KS
8. 72.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co

1. 79–19567/K–79–0074
2. 15–189–20400
3. 103
4. Anadarko Production Co
5. K U Endowment B No 1
6. Panoma Council Grove
7. Stevens KS
8. 48.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co

1. 79–19568/K–79–0076
2. 15–189–20365
3. 103
4. Anadarko Production Co
5. Morris C No 1
6. Panoma Council Grove
7. Stevens KS
8. 60.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co

1. 79–19569/K–79–0077
2. 15–129–20326
3. 103
4. Anadarko Production Co
5. Hayward J No 1
6. Panoma Council Grove
7. Morton KS
8. 60.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co

1. 79–19570/K–79–0078
2. 15–189–20348
3. 103
4. Anadarko Production Co
5. Cox A No 2
6. Panoma Council Grove
7. Stevens KS
8. 36.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co

1. 79–19571/K–79–0079
2. 15–067–20466
3. 103
4. Anadarko Production Co
5. Tucker H No 1
6. Panoma Council Grove
7. Grant KS
8. 60.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co

1. 79–19572/K–79–0275
2. 15–093–20477
3. 103
4. Anadarko Production Co
5. Kurz A No 1
6. Panoma Council Grove
7. Kearny KS
8. 55.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co

1. 79–19573/K–79–0276
2. 15–189–20343
3. 103
4. Anadarko Production Co
5. FNB Wichita A1
6. Panoma Council Grove
7. Stevens KS
8. 72.0 million cubic feet

9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79–19574/K–79–0279
2. 15–189–20410
3. 103
4. Anadarko Production Co
5. Davis G NO 1
6. Gentzler
7. Stevens KS
8. 240.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79–19575/K–79–0280
2. 15–189–20398
3. 103
4. Anadarko Production Co
5. Heger A NO 1
6. Panama Council Grove
7. Stevens KS
8. 62.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79–19576/K–79–0281
2. 15–093–20476
3. 103
4. Anadarko Production Co
5. Lindner A NO 1
6. Panoma Council Grove
7. Kearny KS
8. 72.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79–19577/K–79–0282
2. 15–175–20332
3. 103
4. Anadarko Production Co
5. Gano A NO 7
6. Massoni
7. Seward KS
8. 36.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79–19578/K–79–0283
2. 15–129–00000
3. 108
4. Anadarko Production Co
5. Roll A NO 1
6. Interstate Red Cave
7. Morton KS
8. 18.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79–19579/K–79–0284
2. 15–075–20219
3. 103
4. Anadarko Production Co
5. Butcher A NO 1
6. Panoma Council Grove
7. Hamilton KS
8. 52.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79–19597/K–79–0242
2. 15–081–20112
3. 103
4. Cities Service Company
5. Kells C–3
6. Panoma
7. Haskell KS
8. 84.4 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79–19598/K–79–0243
2. 15–067–20471
3. 103
4. Cities Service Company
5. King B–2
6. Panoma
7. Grant KS
8. 89.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79–19599/K–79–0244
2. 15–067–20518
3. 103
4. Cities Service Company
5. Ladner C–2
6. Panoma
7. Grant, KS
8. 75.4 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79–19600/K–79–0245
2. 15–067–20519
3. 103
4. Cities Service Company
5. Ladner D–2
6. Panoma
7. Grant, KS
8. 71.1 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79–19601/K–79–0246
2. 15–129–20311
3. 103
4. Cities Service Company
5. Lautaret A–2
6. Panoma
7. Morton, KS
8. 18.3 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79–19602/K–79–0247
2. 15–129–20314
3. 103
4. Cities Service Company
5. Renshaw A–3
6. Panoma
7. Morton, KS
8. 112.8 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79–19603/K–79–0248
2. 15–129–20312
3. 103
4. Cities Service Company
5. Renshaw B–2
6. Panoma
7. Morton, KS
8. 77.6 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79–19604/K–79–0249
2. 15–093–20473
3. 103
4. Cities Service Company
5. Robison C–2
6. Panoma
7. Kearny, KS
8. 73.8 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79–19605/K–79–0250
2. 15–093–20475
3. 103
4. Cities Service Company
5. Robison D–2
6. Panoma
7. Kearny, KS
8. 109.3 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79–19606/K–79–0251
2. 15–081–20111
3. 103
4. Cities Service Company
5. Stanley A–2
6. Panoma
7. Haskell, KS
8. 70.8 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79–19607/K–79–0252
2. 15–129–20349
3. 103
4. Cities Service Company
5. Stuart A–2
6. Panoma
7. Morton, KS
8. 72.7 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79–19608/K–79–0253
2. 15–081–20109
3. 103
4. Cities Service Company
5. Tunis A–2
6. Panoma
7. Haskell, KS
8. 74.0 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79–19609/K–79–0254
2. 15–067–20523
3. 103
4. Cities Service Company
5. Wolff C–2
6. Panoma
7. Grant, KS
8. 85.4 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79–19674/K–78–0364
2. 15–125–00000
3. 108
4. Benson Mineral Group Inc
5. Sprague #1
6. Jerrerson-Sycamore
7. Montgomery, KS
8. 8.0 million cubic feet
9. September 7, 1979
10. Union Gas Systems Inc
1. 79–19675/K–78–0393
2. 15–145–20495
3. 103
4. Beren Corporation
5. Andree No 1
6. Fort Larned
7. Pawnee, KS
8. 237.3 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company
1. 79–19676/K–78–0395
2. 15–025–20215
3. 103
4. Byron E Hummon Jr
5. Harper Ranch No 2
6. Harper Ranch North
7. Clark, KS
8. 360.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79–19677/K–78–0396

2. 15–025–20200
3. 103
4. Byron E Hummon Jr
5. Harper Ranch No 1
6. Harper Ranch North
7. Clark, KS
8. 360.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79–19678/K–78–0397
2. 15–097–20413
3. 103
4. Okmar Oil Company
5. Brensing No 1
6. Fralick West
7. Kiowa, KS
8. 60.6 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Company

1. 79–19679/K–78–0399
2. 15–047–20264
3. 102
4. Imperial Oil Company
5. Roenbaugh No 2–34
6. Mull
7. Edwards, KS
8. 25.0 million cubic feet
9. September 7, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–19681/K–79–0068
2. 15–175–20355
3. 103
4. Hasada Industries
5. Ingland #1 1563496
6. Evalyn-Condit
7. Seward, KS
8. 90.0 million cubic feet
9. September 7, 1979
10. Anadarko Production Co

1. 79–19682/K–79–0080
2. 15–081–20082
3. 108
4. Benson Mineral Group Inc
5. Smith Estate #1
6. Hugoton
7. Haskell, KS
8. 11.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company

1. 79–19683/K–79–0082
2. 15–081–20080
3. 108
4. Benson Mineral Group Inc
5. Ocker #1
6. Hugoton
7. Haskell, KS
8. 13.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company

1. 79–19684/K–79–0083
2. 15–081–20061
3. 108
4. Benson Mineral Group Inc
5. Riphahn #1
6. Hugoton
7. Haskell, KS
8. 18.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company

1. 79–19685/K–79–0084
2. 15–081–20067
3. 108
4. Benson Mineral Group Inc
5. Fincham #1
6. Hugoton
7. Haskell, KS
8. 7.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company

1. 79–19686/K–79–0085
2. 15–081–20076
3. 108
4. Benson Mineral Group Inc
5. Ellsaesser #1
6. Hugoton
7. Haskell, KS
8. 20.4 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company

1. 79–19687/K–79–0086
2. 15–081–20060
3. 108
4. Benson Mineral Group Inc
5. Bale #1
6. Hugoton
7. Haskell, KS
8. 8.3 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company

1. 79–19688/K–79–0087
2. 15–081–20072
3. 108
4. Benson Mineral Group Inc
5. Patterson #1
6. Hugoton
7. Haskell, KS
8. 9.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company

1. 79–19689/K–79–0091
2. 15–055–20220
3. 108
4. Benson Mineral Group Inc
5. Greathouse #1
6. Hugoton
7. Finney, KS
8. 3.2 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company

1. 79–19690/K–79–0092
2. 15–081–20058
3. 108
4. Benson Mineral Group Inc
5. Trickey #1
6. Hugoton
7. Haskell, KS
8. 2.5 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company

1. 79–19691/K–79–0096
2. 15–081–20055
3. 108
4. Benson Mineral Group Inc
5. Schmidt #1
6. Hugoton
7. Haskell, KS
8. 16.1 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company

1. 79–19692/K–79–0232
2. 15–081–20120
3. 103
4. Cities Service Company
5. Alexander A–2
6. Panoma
7. Haskell, KS
8. 85.2 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co

1. 79–19693/K–79–0233
2. 15–081–20121
3. 103
4. Cities Service Company
5. Eubank C–4
6. Panoma
7. Haskell, KS
8. 116.8 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co

1. 79–19694K–79–0234
2. 15–093–20531
3. 103
4. Cities Service Company
5. Fletcher B–2
6. Panoma
7. Kearny KS
8. 64.9 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co

1. 79–19695/K–79–0235
2. 15–129–20316
3. 103
4. Cities Service Company
5. French A–3
6. Panoma
7. Morton KS
8. 75.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co

1. 79–19696/K–79–0236
2. 15–189–20356
3. 103
4. Cities Service Company
5. Green D–3
6. Hugoton
7. Stevens KS
8. 42.6 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co

1. 79–19697/K–79–0237
2. 15–175–20312
3. 103
4. Cities Service Company
5. Hitch E–3
6. Holt
7. Seward KS
8. 67.2 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co

1. 79–19698/K–79–0238
2. 15–175–20313
3. 103
4. Cities Service Company
5. Hitch G–2
6. Holt
7. Steward KS
8. 99.3 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co

1. 79–19699/K–79–0239
2. 15–067–20526
3. 103
4. Cities Service Company
5. Ingles A–2
6. Panoma
7. Grant KS
8. 65.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co

1. 79–19700/K–79–0240
2. 15–067–20528
3. 103
4. Cities Service Company
5. Jones F–2
6. Panoma

7. Grant KS
8. 119.0 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79–19701/K–79–0241
2. 15–129–20315
3. 103
4. Cities Service Company
5. Kansas University A–2
6. Panoma
7. Morton KS KS
8. 85.2 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79–19702/K–79–0221
2. 15–067–20527
3. 103
4. Cities Service Company
5. Johnston G–2
6. Panoma
7. Grant KS
8. 90.1 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79–19703/K–79–0222
2. 15–081–20116
3. 103
4. Cities Service Company
5. Howell A–2
6. Panoma
7. Haskell KS
8. 85.6 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79–19704/K–79–0223
2. 15–067–20525
3. 103
4. Cities Service Company
5. English E–3
6. Panoma
7. Grant KS
8. 78.8 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79–19705/K–79–0224
2. 15–081–20110
3. 103
4. Cities Service Company
5. Elliott A–4
6. Panoma
7. Haskell KS
8. 43.0 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79–19706/K–79–0225
2. 15–129–20317
3. 103
4. Cities Service Company
5. Drew A–3
6. Panoma
7. Morton KS
8. 60.5 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79–19707/K–79–0226
2. 15–067–20417
3. 103
4. Cities Service Company
5. Dew A–2
6. Panoma
7. Grant KS
8. 69.2 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79–19708/K–79–0227
2. 15–081–21108
3. 103
4. Cities Service Company
5. Davatz D–2
6. Panoma
7. Haskell KS
8. 48.2 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79–19709/K–79–0228
2. 15–129–20310
3. 103
4. Cities Service Company
5. Crayton A–3
6. Panoma
7. Morton KS
8. 18.3 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79–19710/K–79–0229
2. 15–175–20317
3. 103
4. Cities Service Company
5. Cooper B–2
6. Hugoton
7. Seward KS
8. 25.6 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79–19711/K–79–0230
2. 15–093–20540
3. 103
4. Cities Service Company
5. Beymer A–2
6. Panoma
7. Kearny KS
8. 81.1 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79–19712/K–79–0231
2. 15–093–20497
3. 103
4. Cities Service Company
5. Beaty A–2
6. Panoma
7. Kearny KS
8. 18.2 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co

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. 79–19384/79–2128
2. 17–057–21389
3. 103
4. Gulf Oil Corporation
5. TB D12 Su S L PP 192 No 270
6. Timbalier Bay
7. LaFourche LA
8. 920.0 million cubic feet
9. September 6, 1979
10. Tennessee Gas Pipelin
1. 79–19385/79–2127
2. 17–109–21966
3. 103
4. Pennzoil Producing Company
5. KB CONT VU CL &F SA NO 11
6. Kent Bayou
7. Terrebonne LA
8. 1250.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79–193896/79–2126
2. 17–109–21972
3. 103
4. Pennzoil Producing Company
5. KB CONR VU CL &F A NO 21
6. Kent Bayou
7. Terrebonne LA
8. 30.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79–19387/792125
2. 17–075–22403
3. 103
4. Chevron USA INC
5. WDB 83 101000 CSU USA #11
6. West Dalata Block 83
7. Plaquemines LA
8. 223.0 million cubic feet
9. September 6, 1979
10. Tennessee Gas Pipeline Co
1. 79–19388/79–2097
2. 17–073–00290
3. 103
4. Pennzoil Producing Company
5. Darbonne No A–5
6. Monroe
7. Ouachita LA
8. 1.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79–19389/79–2096
2. 17–111–02599
3. 103
4. Pennzoil Producing Company
5. Downey-Robinson No 1
6. Monroe
7. Union LA
8. 2.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79–19390/79–2095
2. 17–111–01678
3. 103
4. Pennzoil Producing Company
5. FEE 105 No 4
6. Monroe
7. Union LA
8. 14.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79–19391/79–2094
2. 17–073–0000
3. 103
4. Pennzoil Producing Company
5. FEE No 4
6. Monroe
7. Ouachita La
8. 11.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79–19392/79–2236
2. 17–111–01966
3. 103
4. Pennzoil Producing Company
5. Nolan No 1
6. Monoe
7. Union La
8. 5.0 million cubic feet
9. September 6, 1979

10. United Gas Pipe Line Company
1. 79-19393/79-2213
2. 17-017-22710
3. 103
4. Energy Reserve Group Inc
5. Simon Herold Et Al #1
6. Greenwood-Waskom
7. Caddo LA
8. 288.0 million cubic feet
9. September 6, 1979
10. Arkansas Louisiana Gas Co
1. 79-19394/79-2214
2. 17-111-01679
3. 108
4. Pennzoil Producing Company
5. Grayling No 2
6. Monroe
7. Union LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19395/79-2215
2. 17-111-00273
3. 108
4. Pennzoil Producing Company
5. Grayling No 11
6. Monroe
7. Union LA
8. 5.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19396/79-2216
2. 17-111-00263
3. 108
4. Pennzoil Producing Company
5. Grayling No 12
6. Monroe
7. Union LA
8. 4.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19397/79-2217
2. 17-111-00262
3. 108
4. Pennzoil Producing Company
5. Grayling No 14
6. Monroe
7. Union LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19398/79-2218
2. 17-111-00226
3. 108
4. Pennzoil Producing Company
5. Grayling No 15
6. Monroe
7. Union LA
8. 3.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19399/79-2167
2. 17-073-20400
3. 108
4. Roy M Teel
5. George M Trezevant MD #1
6. Monroe Gas Rock Rield
7. Ouachita LA
8. 2.8 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19400/79-2166
2. 17-073-20406
3. 108
4. Roy M Teel
5. A L Smith #6
6. Monroe Gas Rock Field
7. Ouachita LA
8. 7.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19401/79-2238
2. 17-073-00000
3. 108
4. Pennzoil Producing Company
5. Morris No 1
6. Monroe
7. Ouachita LA
8. 7.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19402/79-2237
2. 17-111-00000
3. 108
4. Pennzoil Producing Company
5. Miller No 1
6. Monroe
7. Union LA
8. 19.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19403/79-2254
2. 17-061-20192
3. 102 103
4. Bass Enterprises Production Co
5. CV Davis RB SUG Harris Green #1
6. Middlefork
7. Lincoln LA
8. 320.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19404/79-2247
2. 17-111-01156
3. 108
4. Pennzoil Producing Company
5. Holloway, G H No 1
6. Monroe
7. Union LA
8. 6.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19405/79-2170
2. 17-067-20517
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #3
6. Monroe Gas Rock Field
7. Morehouse LA
8. 5.6 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19406/79-2169
2. 17-067-20516
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #2
6. Monroe Gas Rock Field
7. Morehouse LA
8. 5.6 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19407/79-2168
2. 17-067-20572
3. 108
4. Roy M Teel
5. Mrs S S Patton #2
6. Monroe Gas Rock Field
7. Morehouse LA
8. 3.4 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19408/79-2147
2. 17-057-21544
3. 102
4. McAlester Fuel Company
5. 10900 RK SUA Pierce No 1
6. Cut Off
7. Lafourche LA
8. 1095.0 million cubic feet
9. September 6, 1979
10. Columbia Gas Transmission Corp
1. 79-19409/79-2250
2. 17-113-20740
3. 107
4. CNG Producing Company
5. Indian Point #8
6. Hell Hole Bayou
7. Vermilion LA
8. 292.0 million cubic feet
9. September 6, 1979
10. Texas Gas Transmission Corp
1. 79-19410/79-2249
2. 17-111-00000
3. 108
4. Pennzoil Producing Company
5. Hollis No 1
6. Monroe
7. Union LA
8. 9.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19411/79-2248
2. 17-111-00000
3. 108
4. Pennzoil Producing Company
5. Williams F No 2
6. Monroe
7. Union LA
8. 5.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19412/79-2150
2. 17-057-21496
3. 102
4. McAlester Fuel Company
5. UL-2 RA SUA David No 1
6. Cut Off
7. Lafourche LA
8. 1825.0 million cubic feet
9. September 6, 1979
10. Columbia Gas Transmission Corp
1. 79-19413/79-2149
2. 17-057-21513
3. 102
4. McAlester Fuel Company
5. UL-2 RB SUA Braud No 1
6. Wildcat
7. Lafourche LA
8. 2190.0 million cubic feet
9. September 6, 1979
10. Columbia Gas Transmission Corp
1. 79-19414/79-2148
2. 17-057-21585
3. 102
4. McAlester Fuel Company
5. TEX W-8 RA SUA; Braud No 2
6. Wildcat
7. Lafourche Parish LA
8. 1154.0 million cubic feet
9. September 6, 1979
10. Columbia Gas Transmission Corp
1. 79-19437/79-2135
2. 17-113-20886

3. 103
4. Exxon Corporation
5. Exxon Fee-Pecan Island No 70
6. Pecan Island
7. Vermilion LA
8. 1500.0 million cubic feet
9. September 6, 1979
10. Columbia Gas Trans Corp

1. 79–19438/79–2134
2. 17–057–21411
3. 103
4. Gulf Oil Corporation
5. TB 4900 RBA SU S L PP 192 #272
6. Timbalier Bay
7. LaFourche LA
8. 62.1 million cubic feet
9. September 6, 1979
10. Tennessee Gas Pipeline Company

1. 79–19439/79–2133
2. 17–057–21545
3. 103
4. American Petrofina Company of Texas
5. LaFourche Realty A No 1
6. E Golden Meadow
7. LaFourche LA
8. 545.0 million cubic feet
9. September 6, 1979
10. Southern Natural Gas Company

1. 79–19440/79–2152
2. 17–075–22217
3. 102
4. McMoran Exploration Co
5. A M Kitchen No 1 152865
6. Bastian Bay
7. Plaquemines LA
8. 636.0 million cubic feet
9. September 6, 1979
10. Transcontinental Gas Pipeline

1. 79–19441/79–2219
2. 17–111–00229
3. 108
4. Pennzoil Producing Company
5. Grayling No 16
6. Monroe
7. Union LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19442/79–2226
2. 17–111–00216
3. 108
4. Pennzoil Producing Company
5. Grayling No 24
6. Monroe
7. Union LA
8. 3.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19443/79–2227
2. 17–111–00208
3. 108
4. Pennzoil Producing Company
5. Grayling No 25
6. Monroe
7. Union LA
8. 5.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19444/79–2228
2. 17–111–00196
3. 108
4. Pennzoil Producing Company
5. Grayling No 28
6. Monroe
7. Union LA
8. 6.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19445/79–2229
2. 17–111–00000
3. 108
4. Pennzoil Producing Company
5. Thompson No. 1
6. Monroe
7. Union, LA
8. 3.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19446/79–2223
2. 17–111–00228
3. 108
4. Pennzoil Producing Company
5. Grayling No. 19
6. Monroe
7. Union, LA
8. 4.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19447/79–2224
2. 17–111–00210
3. 108
4. Pennzoil Producing Company
5. Grayling No. 22
6. Monroe
7. Union, LA
8. 9.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19448/79–2225
2. 17–111–00209
3. 108
4. Pennzoil Producing Company
5. Grayling No. 23
6. Monroe
7. Union, LA
8. 3.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19449/79–2222
2. 17–111–00271
3. 108
4. Pennzoil Producing Company
5. Grayling No. 18
6. Monroe
7. Union, LA
8. 4.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19450/79–2221
2. 17–051–20475
3. 103
4. Kenergy Petroleum Corporation
5. Rigolets Corp. No. 1 TR–IA 157215
6. East Little Temple TR–IA
7. Jefferson, LA
8. 100.0 million cubic feet
9. September 6, 1979
10. Tennessee Gas Pipeline Company

1. 79–19451/79–2121
2. 17–075–22498
3. 102, 103
4. Texaco Inc.
5. GIB F–2A RA–6C SU SL 214 No. 853
6. Garden Island Bay
7. Plaquemines, LA
8. 26.0 million cubic feet
9. September 6, 1979
10. Southern Natural Gas Co

1. 79–19452/79–2122
2. 17–075–22329
3. 103
4. Texaco Inc
5. Gib F–1 RGK SU SL 214 No. 848
6. Garden Island Bay
7. Plaquemines, LA
8. 52.0 million cubic feet
9. September 6, 1979
10. Southern Natural Gas Co

1. 79–19453/79–2123
2. 17–075–22331
3. 103
4. Texaco Inc
5. DDC 7800 R 170 SU DDC U–1 No. 106
6. Delta Duck Club
7. Plaquemines, LA
8. 258.0 million cubic feet
9. September 6, 1979
10. Tennessee Gas Pipeline Co

1. 79–19454/79–2124
2. 17–053–20492
3. 103
4. Amoco Production Company
5. SJ EL SU E C Miller No. 2
6. South Jennings
7. Jefferson Davis, LA
8. 1095.0 million cubic feet
9. September 6, 1979
10. Michigan Wisconsin Pipeline Co

1. 79–19455/79–2111
2. 17–053–20592
3. 103
4. Tabco Exploration Inc
5. H. J. Shoesmith No. 1
6. China Field
7. Jefferson Davis, LA
8. 730.0 million cubic feet
9. September 6, 1979
10. Texas Gas Transmission Corp

1. 79–19456/79–2112
2. 17–023–21249
3. 103
4. Amoco Production Company
5. C–6 RA Sub Miami Corp B–6D
6. North Deep Lake
7. Cameron, LA
8. 373.0 million cubic feet
9. September 6, 1979
10. United Gas Pipeline Co

1. 79–19457/79–2113
2. 17–023–21249
3. 103
4. Amoco Production Company
5. R–1 RA Sub Miami Corp B–6
6. North Deep Lake
7. Cameron, LA
8. .0 million cubic feet
9. September 6, 1979
10. United Gas Pipeline Co

1. 79–19458/79–2145
2. 17–015–21095
3. 103
4. O. B. Mobley
5. Hoss RA SUG Wayne T Davis No. 1
6. Plain Dealing
7. Bossier, LA
8. 102.0 million cubic feet
9. September 6, 1979
10. Arkansas Louisiana Gas Co

1. 79–19459/79–2144
2. 17–111–21476
3. 103
4. Jim V Haddox
5. Olinkraft A–1 159770
6. Monroe

7. Union, LA
8. 45.6 million cubic feet
9. September 6, 1979
10. Mid-La Gas Company

1. 79–19460/79–2143
2. 17–097–20524
3. 103
4. Graham Exploration LTD Drilling Par
5. Manuel Farms Inc No. 1 161794
6. Savoy
7. St Landry, LA
8. 199.7 million cubic feet
9. September 6, 1979
10.

1. 79–19461/79–2114
2. 17–053–20504
3. 103
4. Amoco Production Company
5. CAM 1 Sun Farmers Oil Fee No. 10–D
6. Welsh
7. Jefferson Davis, LA
8. 511.0 million cubic feet
9. September 6, 1979
10. Michigan Wisconsin Pipeline Co

1. 79–19462/79–2220
2. 17–007–20244
3. 103
4. Daniel Oil Company
5. Sabine Corp Fee No. 1 No. 157981
6. Ratcliff
7. Assumption, LA
8. 180.0 million cubic feet
9. September 6, 1979
10. Sugar Bowl Gas Corp

1. 79–19463/79–2120
2. 17–113–20705
3. 103
4. Texaco Inc
5. Erath SU EU 3 No. 9
6. Erath
7. Vermilion, LA
8. 425.0 million cubic feet
9. September 6, 1979
10. Columbia Gas Transmission Corp

1. 79–194645/79–2132
2. 17–045–20521
3. 102
4. The Stone Oil Corporation
5. Disc 14 RC Sub Cocke No. 1
6. East Bayou Pigeon
7. Iberia, LA
8. 1275.0 million cubic feet
9. September 6, 1979
10. Texas Gas Transmission Corporation

1. 79–19465/79–2205
2. 17–099–20726
3. 103
4. D C Bintiliff
5. St Martin Ld Co No. 1
6. Plumb Bob
7. St Martin, LA
8. 550.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19466/79–2204
2. 17–111–21744
3. 103
4. Ergon Inc
5. R L Edwards No. 4
6. Monroe (6824)
7. Union (056), LA
8. 20.8 million cubic feet
9. September 6, 1979
10. IMC Exploration Company

1. 79–19467/79–2203
2. 17–111–21585
3. 103
4. Godfrey & Riley
5. Mashaw-Rabun No. 4
6. Monroe
7. Union, LA
8. 36.5 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company

1. 79–19468/79–2202
2. 17–111–21584
3. 103
4. Godfrey & Riley
5. Mashaw-Rabun No. 3
6. Monroe
7. Union, LA
8. 36.5 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company

1. 79–19469/79–2201
2. 17–111–21583
3. 103
4. Godfrey & Riley
5. Mashaw-Rabun No. 2
6. Monroe
7. Union, LA
8. 36.5 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company

1. 79–19470/79–2200
2. 17–111–21582
3. 103
4. Godfrey & Riley
5. Mashaw-Rabun No. 1
6. Monroe
7. Union, LA
8. 36.5 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company

1. 79–19471/79–2199
2. 17–111–21587
3. 103
4. Godfrey & Riley
5. Eubanks No. 6
6. Monroe
7. Union, LA
8. 36.5 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company

1. 79–19472/79–2146
2. 17–015–21100
3. 103
4. O B Mobley
5. CV RA SUC Bolinger No. 6
6. Plain Dealing
7. Bossier, LA
8. 24.0 million cubic feet
9. September 6, 1979
10. Arkansas Louisiana Gas Co

1. 79–19473/79–2251
2. 17–097–20542
3. 103
4. Jimmie G Meador
5. Futral No. 2
6. Port Barre
7. St Landry, LA
8. .0 million cubic feet
9. September 6, 1979
10. Monterey Pipeline Company

1. 79–19474/79–2129
2. 17–075–22559
3. 103
4. Gulf Oil Corporation
5. WB 6B RE SU J G Timolat B No. 136
6. West Bay
7. Plaquemines, LA
8. 76.0 million cubic feet
9. September 6, 1979
10. Texas Eastern Transmission Corp

1. 79–19475/79–2115
2. 17–053–20504
3. 103
4. Amoco Production Company
5. Cam II Sun Farmers Oil Fee #10
6. Welsh
7. Jefferson Davis LA
8. 321.0 million cubic feet
9. September 6, 1979
10. Michigan Wisconsin Pipe Line Co

1. 79–19476/79–2130
2. 17–045–20556
3. 102
4. The Stone Oil Corporation
5. Disc 15 RC Sua Cotton #1
6. East Bayou Pigeon
7. Iberia LA
8. 1194.0 million cubic feet
9. September 6, 1979
10. Texas Gas Transmission Corporation

1. 79–19477/79–2116
2. 17–075–22342
3. 102
4. Louisiana Gas Service Expl Prog
5. Zinsel RA Sua Burch No 1
6. Fort St Philip
7. Plaquemines LA
8. 493.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19478/79–2117
2. 17–075–22235
3. 102
4. Louisiana Gas Service Expl Prog
5. Perez RA Sua Perez No 1
6. Fort St Philip
7. Plaquemines LA
8. 336.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Compamy

1. 79–19479/79–2230
2. 17–073–00000
3. 108
4. Pennzoil Producing Company
5. White A C No 1
6. Monroe
7. Ouachita LA
8. 3.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe LIne Company

1. 79–19480/79–2119
2. 17–045–20455
3. 103
4. Texaco Inc
5. Kling & Walet #28
6. Fausse Point
7. Iberia LA
8. 525.0 million cubic feet
9. September 6, 1979
10. Florida Gas Transmission Co

1. 79–19481/79–2118
2. 17–045–20524
3. 103
4. Texaco Inc
5. FP Lwr 9 RC SU Kling & Walet #30
6. Fausse Point
7. Iberia LA
8. .0 million cubic feet
9. September 6, 1979
10. Florida Gas Transmission CO

1. 79–19482/79–2232

2. 17–111–00000
3. 108
4. Pennzoil Producing Company
5. Steele No 1
6. Monroe
7. Union LA
8. 11.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19483/79–2231
2. 17–073–00000
3. 108
4. Pennzoil Producing Company
5. Pereboom No 1
6. Monroe
7. Ouachita LA
8. 1.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19484/79–2235
2. 17–073–00546
3. 108
4. Pennzoil Producing Company
5. J T Cole No 2
6. Monroe
7. Ouachita LA
8. 7.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19485/79–2234
2. 17–067–00460
3. 108
4. Pennzoil Producing Company
5. State of LA #2
6. Monroe
7. Morehouse LA
8. 12.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19486/79–2223
2. 17–073–00000
3. 108
4. Pennzoil Producing Company
5. McGee No 1
6. Monroe
7. Ouachita LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19487/79–2164
2. 17–073–20405
3. 108
4. Roy M Teel
5. A L Smith #5
6. Monroe Gas Rock Field
7. Ouachita LA
8. 7.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19488/79–2163
2. 17–073–20404
3. 108
4. Roy M Teel
5. A L Smith #4
6. Monroe Gas Rock Field
7. Ouachita LA
8. 7.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19489/79–2151
2. 17–075–22217
3. 102
4. McMoran Exploration Co
5. C RA SUA Kitchen No 1–T
6. Bastian Bay
7. Plaquenmines LA
8. 266.0 million cubic feet
9. September 6, 1979
10. Trancontinental Pipeline Corp

1. 79–19490/79–2154
2. 17–075–22230
3. 102
4. McMoran Exploration Co
5. UB RA SUA Kitchen No 2T ALT
6. Bastian Bay
7. Plaquemines LA
8. 275.0 million cubic feet
9. September 6, 1979
10. Transcontinental Pipeline Corp

1. 79–19491/79–2153
2. 17–075–22230
3. 102
4. McMoran Exploration Co
5. Disc 12 RD SUA Kitchen No 2D
6. Bastian Bay
7. Plaquemines LA
8. 172.0 million cubic feet
9. September 6, 1979
10. Transcontinental Pipeline Corp

1. 79–19492/79–2109
2. 17–119–20219
3. 103
4. Marathon Oil Company
5. CVSU MOC Bodcaw #5
6. Cotton Valley
7. Webster LA
8. 400.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19493/79–2108
2. 17–057–21603
3. 103
4. General American Oil Company of Tex
5. SC–3 SU F Valentine No 48
6. Valentine
7. Lafourche LA
8. 565.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19494/79–2106
2. 17–113–20827
3. 107
4. The Superior Oil Company
5. Burnell D Hardee No 4
6. Southeast Gueydan
7. Vermilion Parish LA
8. 1732.0 million cubic feet
9. September 6, 1979
10. Michigan Wisconsin Pipe Line Co

1. 79–19495/79–2105
2. 17–111–01770
3. 108
4. Pennzoil Producing Co
5. Fee 105 No 1
6. Monroe
7. Union LA
8. 10.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19496/79–2104
2. 17–111–01697
3. 108
4. Pennzoil Producing Company
5. Fee 103 No 1
6. Monroe
7. Union LA
8. 17.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19479/79–2206
2. 17–109–22066
3. 103 107
4. Placid Oil Company
5. VUI S L 1249 No 29
6. Caillou Island
7. Terrebonne LA
8. .0 million cubic feet
9. September 6, 1979
10. Tennessee Gas Pipeline Company

1. 79–19498/79–2252
2. 17–061–20201
3. 102 103
4. Bass Enterprises Production Co
5. CV Davis RB Sum NY Henry #1
6. Middlefork
7. Lincoln LA
8. 370.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Company

1. 79–19499/79–2208
2. 17–111–21448
3. 102
4. Cities Service Company
5. SMK RA SUB Hendrix A–1
6. Lynn Creek Field
7. Union LA
8. 240.0 million cubic feet
9. September 6, 1979
10.

1. 79–19500/79–2207
2. 17–052–24070
3. 103
4. Getty Oil Company
5. Buras Levee District No 187
6. Venice
7. Plaquemines LA
8. 50.0 million cubic feet
9. September 6, 1979
10. United Gas Pipeline Company

1. 79–19501/79–2093
2. 17–073–00000
3. 108
4. Pennzoil Producing Company
5. Fee No 3
6. Monroe
7. Ouachita LA
8. 6.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19502/79–2092
2. 17–111–01695
3. 108
4. Pennzoil Producing Company
5. FEE 105 No 2
6. Monroe
7. Union LA
8. 17.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19503/79–2091
2. 17–111–01769
3. 108
4. Pennzoil Producing Co
5. FEE 68 No 2
6. Monroe
7. Union LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19504/79–2090
2. 17–073–00194
3. 108
4. Pennzoil Producing Company
5. FEE 55 No 2
6. Monroe

7. Ouachita LA
8. 4.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19505/79–1996
2. 17–007–20253
3. 103
4. Petro-Lewis Funds Inc
5. Crist III RB SUA F L Daigle #2
6. Napoleonville
7. Assumption Parish LA
8. 360.0 million cubic feet
9. September 6, 1979
10. United Gas Pipeline Company

1. 79–19506/79–2197
2. 17–111–21568
3. 108
4. IMC Exploration Company
5. La Gas Lands #19
6. Monroe Gas Field
7. Union LA
8. 10.9 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company

1. 79–19507/79–2195
2. 17–726–00185
3. 108
4. Dixie Well Service Inc
5. SL 4289 No 1
6. Breton Sound Block 18
7. Plaquemines LA
8. 17.0 million cubic feet
9. September 6, 1979
10. Southern Natural Gas Company

1. 79–19508/79–2196
2. 17–111–21553
3. 108
4. IMC Exploration Company
5. Rabun #24
6. Monroe Gas Field
7. Union LA
8. 6.3 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company

1. 79–19509/79–2192
2. 17–019–20771
3. 103
4. Union Oil Company of California
5. M Gray G 76–D
6. Vinton
7. Calcasieu LA
8. 27.0 million cubic feet
9. September 6, 1979
10. Transcontinental Gas Pipe Line Corp

1. 79–19510/79–2190
2. 17–067–20170
3. 108
4. Roy M Teel
5. Freeland-Odom #3
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. .7 million cubic feet
9. September 6, 1979
10. Georgia-Pacific

1. 79–19511/79–2189
2. 17–067–20161
3. 108
4. Roy M Teel
5. Snyder Brothers #1
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. .1 million cubic feet
9. September 6, 1979
10. Georgia-Pacific

1. 79–19512/79–2188
2. 17–073–20039
3. 108
4. Roy M Teel
5. Cole Heirs #16
6. Monroe Gas Rock Field
7. Ouachita Parish LA
8. 13.2 million cubic feet
9. September 6, 1979
10. IMC Exploration Co

1. 79–19513/79–2187
2. 17–067–20514
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #10
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. .2 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19514/79–2186
2. 17–067–20520
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #9
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. .2 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19515/79–2185
2. 17–067–20507
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #8
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. .2 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19516/79–2198
2. 17–111–21586
3. 103
4. Godfrey & Riley
5. Eubanks #5
6. Monroe
7. Union LA
8. 36.5 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company

1. 79–19517/79–2210
2. 17–111–21611
3. 102
4. Cities Service Co
5. SMK RA SU A Hendrix B No 1
6. Lynn Creek
7. Union Parish LA
8. 163.0 million cubic feet
9. September 6, 1979
10.

1. 79–19518/79–2209
2. 17–111–21641
3. 102
4. Cities Service Company
5. SMK RA SU C Roach A No 1
6. Lynn Creek
7. Union Parish LA
8. 85.0 million cubic feet
9. September 6, 1979
10.

1. 79–19519/79–2103
2. 17–111–01781
3. 108
4. Pennzoil Producing Company
5. FEE 101 No 1
6. Monroe
7. Union LA
8. 14.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19520/79–2177
2. 17–073–21034
3. 108
4. M T Herbst
5. West Virginia #3
6. Monroe Gas Rock
7. Ouachita Parish LA
8. 1.8 million cubic feet
9. September 6, 1979
10. City of Monroe

1. 79–79–19521/79–2178
2. 17–073–21035
3. 108
4. M T Herbst
5. West Virginia #4
6. Monroe Gas Rock
7. Ouachita Parish LA
8. 5.1 million cubic feet
9. September 6, 1979
10. City of Monroe

1. 79–19522/79–2179
2. 17–111–01655
3. 108
4. Pennzoil Producing Company
5. Grayling No 17
6. Monroe
7. Union LA
8. 16.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19523/79–2180
2. 17–073–21040
3. 108
4. M T Herbst
5. Sho-Van #2
6. Monroe Gas Rock
7. Ouachita Parish LA
8. 5.5 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19524/79–2181
2. 17–073–21047
3. 108
4. M T Herbst
5. Sho-Van #3
6. Monroe Gas Rock
7. Ouachita Parish LA
8. 5.6 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19525/79–2182
2. 17–073–21048
3. 108
4. M T Herbst
5. Sho-Van #4
6. Monroe Gas Rock
7. Ouachita Parish LA
8. 4.7 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19526/2183
2. 17–067–20506
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #6
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. 5.6 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19527/79–2184

2. 17–067–20503
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #7
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. .2 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19528/79–2131
2. 17–045–20556
3. 102
4. The Stone Oil Corporation
5. Disc 14 RC SUA Cotton # 1–D
6. East Bayou Pigeon
7. Theria LA
8. 1290.0 million cubic feet
9. September 6, 1979
10. Texas Gas Transmission Corporation

1. 79–19529/79–2172
2. 17–067–20519
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #5
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. 5.4 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co

1. 79–19530/79–2246
2. 17–111–01950
3. 108
4. Pennzoil Producing Company
5. Hill No 3
6. Monroe
7. Union LA
8. 10.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19531/79–2245
2. 17–111–01951
3. 108
4. Pennzoil Producing Company
5. Hill No 1
6. Monroe
7. Union LA
8. 11.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19532/79–2244
2. 17–111–00582
3. 108
4. Pennzoil Producing Company
5. Pace L J/UPC/No 2
6. Monroe
7. Union LA
8. 6.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19533/79–2243
2. 17–111–00581
3. 108
4. Pennzoil Producing Company
5. Pace N A /UPC/ No 2
6. Monroe
7. Union LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19534/79–2242
2. 17–111–00000
3. 108
4. Pennzoil Producing Company
5. Trimble No 1
6. Monroe
7. Union LA
8. 12.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19535/79–2241
2. 17–073–00283
3. 108
4. Pennzoil Producing Company
5. C G Wall No. 1
6. Monroe
7. Ouachita, La
8. 3.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19536/79–2240
2. 17–111–00000
3. 108
4. Pennzoil Producing Company
5. Tanner No. 2
6. Monroe
7. Union, La
8. 7.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19537/79–2239
2. 17–073–00000
3. 108
4. Pennzoil Producing Company
5. Potts-Thomas No. 1
6. Monroe
7. Ouachita, La
8. 10.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19538/79–2171
2. 17–067–20518
3. 108
4. Roy M Teel
5. J C Sandidge et al No. 4
6. Monroe Gas Rock Field
7. Morehouse, La
8. 5.6 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19539/79–2176
2. 17–113–20669
3. 102
4. Amerada Hess Corporation
5. L Faciane No. 2
6. Bancker
7. Vermilion, La
8. 673.0 million cubic feet
9. September 6, 1979
10. Louisiana Resources Company

1. 79–19540/79–2102
2. 17–073–00195
3. 108
4. Pennzoil Producing Company
5. Fee 92 No. 1
6. Monroe
7. Ouachita, La
8. 6.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19541/79–2101
2. 17–073–00100
3. 108
4. Pennzoil Producing Company
5. Fee 86 No. 1
6. Monroe
7. Ouachita, La
8. 10.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19542/79–2100
2. 17–073–00137
3. 108
4. Pennzoil Producing Company
5. Fee 85 No. 1
6. Monroe
7. Ouachita, La
8. 7.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19543/79–2099
2. 17–073–00231
3. 108
4. Pennzoil Producing Company
5. Fee 59 No. 1
6. Monroe
7. Ouachita, La
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19544/79–2098
2. 17–073–00181
3. 108
4. Pennzoil Producing Company
5. Fee 53 No. 1
6. Monroe
7. Ouachita, La
8. 13.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19545/79–2110
2. 17–089–20386
3. 103
4. Exxon Corporation
5. P RA Suo Sarpy Bros No. 25
6. Good Hope
7. St Charles, La
8. 55.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19546/79–2156
2. 17–073–21051
3. 108
4. S Teel
5. Sho-Van No. 2
6. Monroe Gas Rock
7. Ouachita Parish, La
8. 4.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19547/79–2155
2. 17–073–21031
3. 108
4. S Teel
5. West Virginia No. 1
6. Monroe Gas Rock
7. Ouachita Parish, La
8. 2.9 million cubic feet
9. September 6, 1979
10. City of Monroe

1. 79–19548/79–2253
2. 17–061–20182
3. 102 103
4. Bass Enterprises Production Co
5. CV Davis RB Suj James C Doss No. 1
6. Middlefork
7. Lincoln, La
8. 185.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19549/79–2162
2. 17–073–20403
3. 108
4. Roy M Teel
5. A L Smith No. 3
6. Monroe Gas Rock Field

7. Ouachita Parish, La
8. 7.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19550/79–2161
2. 17–073–20401
3. 108
4. Roy M Teel
5. A L Smith No. 2
6. Monroe Gas Rock Field
7. Ouachita Parish, La
8. 7.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19551/79–2160
2. 17–073–20399
3. 108
4. Roy M Teel
5. A L Smith No. 1
6. Monroe Gas Rock Field
7. Ouachita Parish, La
8. 7.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19552/79–2159
2. 17–073–00248
3. 108
4. Lahoma Gas Company
5. Union Producing No. 2
6. Monroe Gas Rock Field
7. Ouachita Parish, La
8. 3.7 million cubic feet
9. September 6, 1979
10. IMC Exploration Company

1. 79–19553/79–2158
2. 17–073–00247
3. 108
4. Lahoma Gas Company
5. Union Producing No. 1
6. Monroe Gas Rock Field
7. Ouachita Parish, La
8. 5.2 million cubic feet
9. September 6, 1979
10. IMC Exploration Company

1. 79–19554/79–2157
2. 17–073–21043
3. 108
4. S Teel
5. Sho-Van No. 4
6. Monroe Gas Rock Field
7. Ouachita Parish, La
8. 3.7 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company

1. 79–19555/79–2142
2. 17–031–20972
3. 103
4. White and Ellis Drilling Inc
5. PSU–T Bagley No. 1 (163207)
6. Bethany-Longstreet
7. DeSoto Parish, La
8. 175.0 million cubic feet
9. September 6, 1979
10. Arkansas Louisiana Gas Company

1. 79–19556/79–2141
2. 17–031–20541
3. 108
4. Northeast Resources Inc
5. GR RA Sua Risinger No. 1
6. Chemard Lake
7. DeSoto Parish, La
8. 11.5 million cubic feet
9. September 6, 1979
10. Lumar Gas Gathering

1. 79–19557/79–2140
2. 17–031–20523
3. 108
4. Northeast Resources Inc
5. Hoss RA SU B J J Rambin No. 2
6. Chemard Lake
7. DeSoto Parish, La
8. 8.0 million cubic feet
9. September 6, 1979
10. Lumar Gas Gathering

1. 79–19558/79–2139
2. 17–031–20561
3. 108
4. Northeast Resources Inc
5. Hoss RA SU D Irene B Gregory No. 4
6. Chemard Lake
7. DeSoto Parish, La
8. 6.5 million cubic feet
9. September 6, 1979
10. Lumar Gas Gathering

1. 79–19559/79–2138
2. 17–001–20678
3. 103
4. Amarillo Oil Company
5. Nod 1–B RB Sua Houssiere 1–D
6. North Crowley
7. Acadia Parish, La
8. 344.0 million cubic feet
9. September 6, 1979
10. Monterey Pipeline Company

1. 79–19560/79–2137
2. 17–001–20678
3. 103
4. Amarillo Oil Company
5. Nod 1 RJ Sua Houssiere No. 1
6. North Crowley
7. Acadia Parish, La
8. 956.0 million cubic feet
9. September 6, 1979
10. Monterey Pipeline Company

1. 79–19561/79–2136
2. 17–077–20197
3. 103
4. Smith Petroleum Co
5. Vua Roy O Martin No. 1
6. Lottie
7. Pointe Coupee, La
8. 146.0 million cubic feet
9. September 6, 1979
10. Texas Eastern Transmission Corp

1. 79–19562/79–2165
2. 17–061–20193
3. 103
4. Bass Enterprises Production Co
5. CV RA Sub J L Smith A No. 2
6. Hico-Knowles
7. Lincoln, La
8. .0 million cubic feet
9. September 6, 1979
10. United Gas Pipeline Company

1. 79–19680/79–2080
2. 17–093–20158
3. 102
4. Exxon Corporation
5. SL 560 No. 6–d
6. College Point-St James
7. St James, La
8. 700.0 million cubic feet
9. September 7, 1979
10. United Gas Pipeline Company

1. 79–02486/79–598 (Revised)
2. 17–001–20728
3. 102 103
4. Henry Goodrich DBA Goodrich Oil Co.
5. NS RA Sub; A T Jagneaux No. 1
6. Branch
7. Acadia, La
8. 600.0 million cubic feet
9. April 4, 1979
10. United Gas Pipeline 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. 79–19732
2. 21–035–00000
3. 102
4. Dart Oil & Gas Corporation
5. Barhitte #6–30 (32902)
6. Winterfield—29 Field
7. Clare, Mi
8. 20.0 million cubic feet
9. August 31, 1979
10. Consumers Power Company

1. 79–19733
2. 21–035–00000
3. 102
4. Dart Oil & Gas Corporation
5. Fox #3–32 (32971)
6. Winterfield—29 Field
7. Clare, Mi
8. 20.0 million cubic feet
9. August 31, 1979
10. Consumers Power Company

Nebraska 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. 79–19713/NGPA–35
2. 26–033–21883
3. 103
4. Marathon Oil Company
5. G Rippe B #4
6. Huntsman
7. Cheyenne, NE
8. .0 million cubic feet
9. September 5, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79–19714/NGPA–36
2. 26–033–21884
3. 103
4. Marathon Oil Company
5. Cruise A #7
6. Huntsman
7. Cheyenne, NE
8. 11.0 million cubic feet
9. September 5, 1979
10. Kansas-Nebraska Natural Gas Co

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. 79–19715
2. 30–015–21441
3. 108
4. J B Adamson
5. Collier State #3L
6. E-Empire-Yates Seven Rivers
7. Eddy, NM
8. .9 million cubic feet
9. September 10, 1979
10. Phillips Petroleum Co

1. 79–19716
2. 30–015–21712
3. 108
4. J B Adamson
5. Collier State #4L
6. E-Empire-Yates Seven Rivers
7. Eddy, NM
8. 1.1 million cubic feet
9. September 10, 1979
10. Phillips Petroleum Co

1. 79–19717
2. 30–015–21272
3. 108
4. J B Adamson
5. Collier State #2L B–11593
6. E-Empire-Yates Seven Rivers
7. Eddy NM
8. .6 million cubic feet
9. September 10, 1979
10. Phillips Petroleum Co

1. 79–19734
2. 30–025–26187
3. 103
4. Southern Union Exploration Company
5. Shell Groebli et al #1
6. Flying "M"
7. LEA NM
8. .0 million cubic feet
9. September 10, 1979
10. Warren Petroleum Company

Oklahoma Corporation 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. 79–19415/00302
2. 35–051–35191
3. 108
4. Phillips Petroleum Co
5. Dahl #2
6.
7. Grady, OK
8. .0 million cubic feet
9. September 7, 1979
10.

1. 79–19610/00272
2. 35–139–21043
3. 103
4. Cities Service Co
5. Pierce B–2
6. S E Eva
7. Texas OK
8. 76.3 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79–19611/00240
2. 35–151–20832
3. 103
4. S Keith Tuthill & Bill J Barbee
5. London #1–19
6. SE Fairvalley
7. Woods, OK
8. 180.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line

1. 79–19612/00206
2. 35–061–20239
3. 103
4. Samson Resources
5. Kennedy Unit No 2
6. Kinta
7. Haskell OK
8. 320.0 million cubic feet
9. September 7, 1979
10. Arkansas Louisiana Gas Company

1. 79–19613/00242
2. 35–153–20902
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Booth-Hemenway #1–25
6. SW Freedom
7. Woodward, OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line

1. 79–19614/00235
2. 35–151–20789
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Cropp #1–1
6. NE Waynoka
7. Woods, OK
8. 300.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line

1. 79–19615/00285
2. 35–059–30105
3. 108
4. Alan L Lamb
5. #1 Boland 059–37254
6. Laverne
7. Harper, OK
8. 10.0 million cubic feet
9. September 7, 1979
10. Northern Natural

1. 79–19616/00226
2. 35–011–20855
3. 103
4. Michigan Wisconsin Pipe Line Company
5. Nitzel #1
6. Squaw Creek
7. Blaine, OK
8. 2190.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Co
Mustang Fuel Corp

1. 79–19617/00259
2. 35–087–20364
3. 103
4. Phillips Petroleum Co
5. Coyle A #1
6. Blanchard
7. McClain, OK
8. 16.0 million cubic feet
9. September 7, 1979
10.

1. 79–19618/00230
2. 35–039–20162
3. 102
4. Michigan Wisconsin Pipe Line Co
5. Watt #1
6. S E Aledo
7. Custer, OK
8. 250.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Co

1. 79–19619/00308
2. 35–139–00000
3. 108
4. Phillips Petroleum Company
5. Berry E No 1
6. Guymon Hugoton
7. Texas, OK
8. 10.9 million cubic feet
9. September 7, 1979
10. Michigan-Wisconsin Pipeline Co

1. 79–19620/00307
2. 35–139–00000
3. 108
4. Phillips Petroleum Company
5. Bergner-B No 1
6. Guymon Hugoton
7. Texas, OK
8. 6.8 million cubic feet
9. September 7, 1979
10. Michigan-Wisconsin Pipeline Co.

1. 79–19621/00261
2. 35–017–20995
3. 103
4. Phillips Petroleum Company
5. Bomhoff-A No. 1
6. S Okarche
7. Canadian, OK
8. 110.0 million cubic feet
9. September 7, 1979
10.

1. 79–19622/00262
2. 35–043–20805
3. 103
4. Phillips Petroleum Company
5. Drake-B No 1
6. SW VICI
7. Dewey, OK
8. 385.0 million cubic feet
9. September 7, 1979
10. Transwestern Pipeline Co

1. 79–19623/00269
2. 35–139–20996
3. 103
4. Cities Service Co
5. Stonebraker A–90
6. West Stonebraker
7. Texas, OK
8. 80.3 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79–19624/00266
2. 35–139–20995
3. 103
4. Cities Service Co
5. Stonebraker L–2
6. West Stonebraker
7. Texas, OK
8. 15.9 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79–19625/00268
2. 35–139–21089
3. 103
4. Cities Service Co
5. Stonebraker A–97
6. West Stonebraker

7. Texas, OK
8. 44.4 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79-19626/00271
2. 35-139-21065
3. 103
4. Cities Service Co
5. Stonebraker A-94
6. S E Eva
7. Texas, OK
8. 91.8 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79-19627/00340
2. 35-007-00000
3. 108
4. Phillips Petroleum Company
5. Knowles No 1
6. South Como-Upper Morrow
7. Beaver County, OK
8. 6.0 million cubic feet
9. September 7, 1979
10. El Paso Natural Gas Co Panhandle Eastern P/L Co

1. 79-19628/00343
2. 35-007-00000
3. 108
4. Phillips Petroleum Company
5. Loesch-B No 4
6. Como
7. Beaver, OK
8. 7.5 million cubic feet
9. September 7, 1979
10. El Paso Natural Gas Co

1. 79-19629/00346
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Hornet-C No 1
6. Guymon Hugoton
7. Texas, OK
8. 11.7 million cubic feet
9. September 7, 1979
10. Michigan-Wisconsin Pipeline Co

1. 79-19630/00323
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Fez No 1
6. Guymon Hugoton
7. Texas, OK
8. 7.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79-19631/00301
2. 35-049-38801
3. 108
4. Phillips Petroleum Company
5. Wyant-B No 1
6. Golden Trend
7. Garvin, OK
8. 6.5 million cubic feet
9. September 7, 1979
10. Warren Petroleum Corporation

1. 79-19632/00282
2. 35-059-20631
3. 103
4. Cities Service Co
5. McClung D-3
6. Mocane-Laverne
7. Harper, OK
8. 17.7 million cubic feet
9. September 7, 1979
10. Michigan-Wisconsin Pipe Line Co

1. 79-19633/00292
2. 35-019-00000
3. 108
4. E Lyle Johnson Inc
5. Pruitt A-2 Meter #528
6. Caddo
7. Carter, OK
8. 13.4 million cubic feet
9. September 7, 1979
10. Union Oil Co of Calif

1. 79-19634/00283
2. 35-059-20684
3. 103
4. Cities Service Co
5. McClung C-3
6. Mocane-Laverne
7. Harper, OK
8. 11.8 million cubic feet
9. September 7, 1979
10. Michigan-Wisconsin Pipeline Co

1. 79-19635/00238
2. 35-151-20843
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Whipple #1-36
6. NE Waynoka
7. Woods OK
8. 209.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line

1. 79-19636/00221
2. 35-015-20768
3. 103
4. Michigan Wisconsin Pipe Line Company
5. Raymond Jones #1
6. Northeast Binger
7. Caddo, OK
8. 183.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Company

1. 79-19637/00321
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Biskra No 1
6. Guymon Hugoton
7. Texas, OK
8. 4.8 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79-19638/00322
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Line No 2
6. Guymon Hugoton
7. Texas OK
8. 11.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79-19639/00324
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Twirp No 1
6. Guymon Hugoton
7. Texas OK
8. 16.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79-19640/00325
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Jerome No 2
6. Guymon Hugoton
7. Texas OK
8. 8.5 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79-19641/00326
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Lyndon No 1
6. Guymon Hugoton
7. Texas OK
8. 7.5 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79-19642/00327
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Bobarr No 2
6. South Guymon-Morrow
7. Texas OK
8. 1.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79-19643/00328
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Luman No 2
6. South Guymon-Morrow
7. Texas OK
8. 1.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79-19644/00329
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Stew No 1
6. Guymon Hugoton
7. Texas OK
8. 15.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79-19645/00330
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Deakin No 1
6. Guymon Hugoton
7. Texas OK
8. 6.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79-19646/00331
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Strat No 1
6. Guymon Hugoton
7. Texas OK
8. 11.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79-19647/00332
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Hugoton No 2
6. South Guymon-Morrow
7. Texas OK
8. 11.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79–19648/00332
2. 35–139–00000
3. 108
4. Phillips Petroleum Company
5. Place No 2
6. South Guymon-Morrow
7. Texas OK
8. 11.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79–19649/00334
2. 35–139–00000
3. 108
4. Phillips Petroleum Company
5. Place No 1
6. Guymon Hugoton
7. Texas OK
8. 14.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79–19650/00273
2. 35–139–20982
3. 103
4. Cities Service Co
5. Stonebraker A–93
6. S W Unity
7. Texas OK
8. 47.8 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79–19651/00275
2. 35–139–21074
3. 103
4. Cities Service Co
5. Stonebraker AN–3
6. N W Guymon
7. Texas OK
8. 99.4 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79–19652/00248
2. 35–151–20740
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Reutlinger #1–20
6. North Edith
7. Woods OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79–19653/00249
2. 35–151–20847
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Reutlinger #1–29
6. North Edith
7. Woods OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79–19654/00241
2. 35–151–20757
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Eden #1–4
6. SE Fairvalley
7. Woods OK
8. 300.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line

1. 79–19655/00236
2. 35–153–20905
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Walker #1–7
6. South East Fairvalley
7. Woodward OK
8. 300.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line

1. 79–19656/00237
2. 35–151–20838
3. 103
4. S Keith Tuthill & Bill J Barbee
5. McGill #1–23
6. East Brace
7. Woods OK
8. 150.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line

1. 79–19657/00239
2. 35–153–20812
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Simpson Walker #1–30
6. SE Fairvalley
7. Woodward OK
8. 300.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line

1. 79–19658/00244
2. 35–151–20888
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Tatro #1–21
6. North Edith
7. Woods OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79–19659/00245
2. 35–151–20792
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Kurz #1–19
6. North Edith
7. Woods OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79–19660/00284
2. 35–059–20058
3. 108
4. Alan L Lamb
5. Snell 059–35571
6. Mocane-Laverne
7. Harper OK
8. 10.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Co

1. 79–19661/00281
2. 35–007–20265
3. 108
4. Alan L Lamb
5. #1 Smith 007–41426
6. Mocane-Laverne
7. Beaver OK
8. 7.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin

1. 79–19662/00233
2. 35–093–21262
3. 103
4. Michigan Wisconsin Pipe Line Company
5. Dyche #1
6. N E Cedardale
7. Major OK
8. .6 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Company

1. 79–19663/00232
2. 35–039–20182
3. 103
4. Michigan Wisconsin Pipe Line Company
5. Arnold #1
6. Southeast Aledo
7. Custer OK
8. 98.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Company

1. 79–19664/00229
2. 35–039–20142
3. 103
4. Michigan Wisconsin Pipe Line Company
5. Shepherd #1
6. Southeast Aledo
7. Custer OK
8. 128.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Company

1. 79–19665/00172
2. 35–121–20618
3. 103
4. Key Operating Company Inc
5. Reynolds #1
6. South Pine Hollow
7. Pittsburg OK
8. .0 million cubic feet
9. September 7, 1979
10.

1. 79–19666/00274
2. 35–139–21023
3. 103
4. Cities Service Co
5. Stonebraker A–95
6. West Stonebraker
7. Texas OK
8. 31.8 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79–19667/00270
2. 35–139–21039
3. 103
4. Cities Service Co
5. Pierce A–2
6. West Stonebraker
7. Texas OK
8. 52.5 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79–19668/00279
2. 35–139–20965
3. 103
4. Cities Service
5. Bartels A–1 (Upper Morrow)
6. West Optima
7. Texas OK
8. 320.2 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co

1. 79–19669/00278
2. 35–139–20965
3. 103
4. Cities Service Co
5. Bartels A–1 (Lower Morrow)
6. West Optima
7. Texas OK
8. 14.8 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co

1. 79–19670/00277
2. 35–007–21520
3. 103
4. Cities Service Company
5. Shadden E–2

6. Mocane-Laverne
7. Beaver OK
8. 633.8 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co

1. 79-19671/00276
2. 35-007-21360
3. 103
4. Cities Service Company
5. Ferguson F-2
6. Mocane-Laverne
7. Beaver OK
8. 29.8 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co

1. 79-19672/00246
2. 35-151-20778
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Hodgson #1-18
6. North Edith
7. Woods OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

1. 79-19673/00247
2. 35-151-20840
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Kurz #1-17
6. North Edith
7. Woods OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 79-19416
2. 47-021-01110
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10169
6. West Virginia Other A-85772
7. Gilmer WV
8. 12.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19417
2. 47-021-01003
3. 108
4. Consolidated Gas Supply Corporation
5. McConanghy-Bennett 5701
6. West Virginia Other A-85772
7. Gilmer WV
8. 4.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19418
2. 47-021-00952
3. 108
4. Consolidated Gas Supply Corporation
5. W G Bennett 9786
6. West Virginia Other A-85772
7. Gilmer WV
8. 10.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19419
2. 47-021-00922
3. 108
4. Consolidated Gas Supply Corporation
5. A S Moore 6000
6. West Virginia Other A-85772
7. Gilmer WV
8. .7 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19420
2. 47-021-00895
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9684
6. West Virginia Other A-85772
7. Gilmer WV
8. 2.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19421
2. 47-001-00039
3. 108
4. Consolidated Gas Supply Corporation
5. Cora M Peck 9025
6. West Virginia Other A-85772
7. Barbour WV
8. 4.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19522
2. 47-001-00044
3. 108
4. Consolidated Gas Supply Corporation
5. Guy D Burner 9056
6. West Virginia Other A-85772
7. Barbour WV
8. 3.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19423
2. 47-001-00101
3. 108
4. Consolidated Gas Supply Corporation
5. John S Reger—10231
6. West Virginia Other A-85772
7. Barbour WV
8. 10.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19424
2. 47-021-00718
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9010
6. West Virginia Other A-85772
7. Gilmer WV
8. 4.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19425
2. 47-033-00562
3. 108
4. Consolidated Gas Supply Corporation
5. J B Gusman 11349
6. West Virginia Other A-85772
7. Harrison WV
8. 17.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19426
2. 47-021-01899
3. 108
4. Consolidated Gas Supply Corporation
5. Edna Stalnaker 10903
6. West Virginia Other A-85772
7. Gilmer WV
8. 4.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19427
2. 47-033-00035
3. 108
4. Consolidated Gas Supply Corporation
5. C W Murray 2104
6. West Virginia Other A-85772
7. Harrison WV
8. 3.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19428
2. 47-103-00648
3. 108
4. Consolidated Gas Supply Corporation
5. Josephine Brast 6
6. West Virginia Other A-85772
7. Wetzel WV
8. 3.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19429
2. 47-021-00886
3. 108
4. Consolidated Gas Supply Corporation
5. W G Bennett 9683
6. West Virginia Other A-85772
7. Gilmer WV
8. 2.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19430
2. 47-021-00717
3. 108
4. Consolidated Gas Supply Corporation
5. John W Fisher 9009
6. West Virginia Other A-85772
7. Gilmer WV
8. 4.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-10431
2. 47-021-00685
3. 108
4. Consolidated Gas Supply Corporation
5. R M Marshall 6797
6. West Virginia Other A-8577
7. Gilmer WV
8. 3.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19432
2. 47-021-00673
3. 108
4. Consolidated Gas Supply Corporation
5. E H Stump 8925
6. West Virginia Other A-85772
7. Gilmer WV
8. 1.5 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79-19433
2. 47-021-00654
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8883
6. West Virginia Other A-85772

7. Gilmer WV
8. 4.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79–19434
2. 47–021–00592
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8663
6. West Virginia Other A–95772
7. Gilmer WV
8. 2.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79–19435
2. 47–021–00635
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8848
6. West Virginia Other A–85772
7. Gilmer, WV
8. 3.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79–19436
2. 47–097–00667
3. 108
4. Consolidated Gas Supply Corporation
5. Arthur J Hinkle 10355
6. West Virginia Other A–85772
7. Upshur, WV
8. 1.0 million cubic feet
9. September 6, 1979
10. General System Purchasers

1. 79–19580
2. 47–005–00919
3. 108
4. Peake Operating Company
5. Y & O No 103 B00–919
6. Crook District
7. Boone, WV
8. .2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19581
2. 47–045–00324
3. 108
4. Peake Operating Company
5. Newberry No 14 Log-324
6. Triadelphia District
7. Logan, WV
8. 10.2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19582
2. 47–045–00306
3. 108
4. Peake Operating Company
5. Newberry No 7 Log-306
6. Triadelphia District
7. Logan, WV
8. 8.4 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19583
2. 47–045–00284
3. 108
4. Peake Operating Company
5. Newberry No 2 Log-284
6. Triadelphia District
7. Logan, WV
8. 8.0 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19584
2. 47–045–00283
3. 108
4. Peake Operating Company
5. Newberry No 1 Log-283
6. Triadelphia District
7. Logan, WV
8. 5.4 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19585
2. 47–045–00352
3. 108
4. Peake Operating Company
5. Newberry No 15 Log-352
6. Triadelphia District
7. Logan, WV
8. 10.2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19586
2. 47–005–00954
3. 108
4. Peake Operating Company
5. WPC Bunice Lends No 133
6. Crook District
7. Boone, WV
8. 21.1 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19587
2. 47–005–00926
3. 108
4. Peake Operating Company
5. Y & O No 115 B00–926
6. Crook District
7. Boone, WV
8. 21.1 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19588
2. 47–005–00966
3. 108
4. Peake Operating Company
5. Y & O No 124 B00–966
6. Crook District
7. Boone, WV
8. 20.0 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19589
2. 47–045–00813
3. 108
4. Peake Operating Company
5. Newberry No 130 Log-813
6. Triadelphia District
7. Logan, WV
8. 21.0 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19590
2. 47–045–00745
3. 108
4. Peake Operating Company
5. Newberry No 81 Log-745
6. Triadelphia District
7. Logan, WV
8. 9.0 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19591
2. 47–045–00398
3. 108
4. Peake Operating Company
5. Newberry No 20 Log-398
6. Triadelphia District
7. Logan, WV
8. 12.4 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19592
2. 47–045–00386
3. 108
4. Peake Operating Company
5. Newberry No 19 Log-386
6. Triadelphia District
7. Logan, WV
8. 10.6 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19593
2. 47–045–00323
3. 108
4. Peake Operating Company
5. Newberry No 11 Log-323
6. Triadelphia District
7. Logan, WV
8. 20.8 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19594
2. 47–045–00356
3. 108 denied
4. Peake Operating Company
5. Newberry No 16 Log-356
6. Triadelphia District
7. Logan, WV
8. .2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19595
2. 47–045–00723
3. 108 denied
4. Peake Operating Company
5. Newberry No 71 Log-723
6. Triadelphia District
7. Logan, WV
8. .1 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19596
2. 47–045–00338
3. 108
4. Peake Operating Company
5. Newberry No 8 Log-338
6. Triadelphia District
7. Logan, WV
8. 6.6 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation

1. 79–19718
2. 47–109–00447
3. 108
4. Peake Operating Company
5. Welchlands No 32 Wyo-447
6. Slab Fork District
7. Wyoming, WV
8. 10.9 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19719
2. 47–109–00657
3. 108
4. Peake Operating Company
5. Welchlands No 140 Wyo-657
6. Clear Fork District
7. Wyoming, WV
8. 7.3 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19720

2. 47–109–00457
3. 108
4. Peake Operating Company
5. Welchlands No 36 Wyo-457
6. Slab Fork District
7. Wyoming, WV
8. 5.8 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19721
2. 47–109–00466
3. 108
4. Peake Operating Company
5. Newberry No 38 Wyo-466
6. Clear Fork District
7. Wyoming, WV
8. 8.0 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19722
2. 47–109–00503
3. 108
4. Peake Operating Company
5. Welchlands No 61 Wyo-503
6. Slab Fork District
7. Wyoming, WV
8. 5.5 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19723
2. 47–109–00527
3. 108
4. Peake Operating Company
5. Newberry No 73 Wyo-527
6. Clear Fork District
7. Wyoming, WV
8. 20.4 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19724
2. 47–109–00448
3. 108 denied
4. Peake Operating Company
5. Welchlands No 33 Wyo-448
6. Slab Fork District
7. Wyoming, WV
8. .2 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19725
2. 47–081–00238
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 91 Ral-238
6. Marsh Fork
7. Raleigh, WV
8. .2 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19726
2. 47–109–00554
3. 108
4. Peake Operating Company
5. Welchlands No 87 Wyo-554
6. Slab Fork District
7. Wyoming, WV
8. 3.0 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19727
2. 47–109–00529
3. 108
4. Peake Operating Company
5. Welchlands No 76 Wyo-529
6. Slab Fork District
7. Wyoming, WV
8. 6.6 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19728
2. 47–109–00406
3. 108
4. Peake Operating Company
5. Welchlands No 22 Wyo-406
6. Slab Fork District
7. Wyoming, WV
8. 5.8 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19729
2. 47–109–00420
3. 108
4. Peake Operating Company
5. Welchlands No 25 Wyo-420
6. Slab Fork District
7. Wyoming, WV
8. 11.7 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19730
2. 47–109–00431
3. 108
4. Peake Operating Company
5. Welchlands No 27 Wyo-431
6. Slab Fork District
7. Wyoming, WV
8. 10.2 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

1. 79–19731
2. 47–109–00444
3. 108
4. Peake Operating Company
5. Newberry No 28 Wyo-444
6. Clear Fork District
7. Wyoming, WV
8. 20.4 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the **Federal Register.**

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–30123 Filed 9–27–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER79–652]

Arkansas Power & Light Co.; Notice of Filing of Letter Agreement

September 21, 1979.

The filing Company submits the following:

Take notice that on September 14, 1979, Arkansas Power & Light Company (AP&L) tendered for filing a Letter Agreement dated April 17, 1979 between Southwestern Power Administration (SWPA) and AP&L. AP&L states that the Agreement provides for the exchange of energy between AP&L and SWPA for the period between 12:01 A.M., April 18, 1979 and 11:59 P.M., June 30, 1980. AP&L states that energy will be exchanged between AP&L and SWPA on a kilowatt-hour for kilowatt-hour basis. No firm capacity is provided under the Agreement as stated by AP&L. AP&L states that any energy not returned by AP&L to SWPA will be purchased by AP&L from SWPA at a rate equal to the average cost of fuel per kilowatt-hour of generation at AP&L-owned generating units during the months hydroelectric energy was furnished by SWPA to AP&L. AP&L requests an effective date of 12:01 A.M., April 18, 1979. AP&L requests waiver of the Commission's notice requirement. AP&L states that due to difficulty of estimating hydroelectric generation due to water conditions, no billing data was filed.

A copy of the filing has been mailed to SWPA, according to AP&L.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 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. 79–30110 Filed 9–27–79; 8:45 am]

BILLING CODE 6450–01–M

[Project No. 2949]

City of Alexandria; Notice of Application for Preliminary Permit

September 20, 1979.

Take notice that on August 14, 1979, the City of Alexandria, Louisiana, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 2949 to be known as the Red River Lock and Dam No. 1 Project, located on the Red River in Avoyelles Parish, Louisiana. The project would be located on U.S. lands administered by the Corps of Engineers and would affect navigable waters of the United States. Correspondence with the Applicant should be addressed to Carrol E. Lanier, Mayor, P.O. Box 71, Alexandria, Louisiana 71301.

Purpose of Project—Power generated by the project woud be used by the City of Alexandria in meeting its load requirements with any surplus power being sold or exchanged with other utilities in the area.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, study of environmental assessment, and, in coordination with the Corps of Engineers, a study of the plans and operation of the proposed Lock and Dam No. 1. The work woud be coordinated with the Corps investigations already in progress for construction of the proposed Lock and Dam No. 1 as part of the development of the Red River Waterway Project. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost $50,000.

Project description—The project would be operated as run-of-the-river and would consist of a powerplant built integrally with, or adjacent to, the proposed Corps' Lock and Dam No. 1 facilities, including bulb or tube turbine/generators (the number to be determined during the study period) having a total installed capacity of 15 MW and having an average annual generation of 60,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, (Rules), 18 C.F.R. 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 November 19, 1979. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30100 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA79-23]

Dorfman Production Co.; Application for Adjustment

September 20, 1979.

On August 24, 1979, Dorfman Production Company filed with the Federal Energy Regulatory Commission an Application for an Adjustment under Section 502(c) of the Natural Gas Policy Act of 1978 (the "NGPA"), wherein Dorfman Production Company sought relief from the maximum lawful pricing provisions of the NGPA.

The procedures applicable to the conduct of the adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must filed on or before October 15, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30101 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP78-12]

East Tennessee Natural Gas Co.; Report of Refunds

September 20, 1979.

Take notice that on September 10, 1979, East Tennessee Natural Gas Company (East Tennessee) tendered for filing a report of refunds made pursuant to the Stipulation and Agreement dated November 6, 1978 in Docket No. RP78-12.

East Tennessee states that on September 10, 1979, it mailed to each of its jurisdictional customers an invoice for August, 1979, deliveries and made the full refunds required by Article IX of the Stipulation for the calendar year 1978 by a credit on the invoice.

East Tennessee states that copies of the filing have been mailed to all of its affected jurisdictional customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30102 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-65]

El Paso Electric Co.; Notice of Application

September 20, 1979.

Take notice that on September 11, 1979, El Paso Electric Company (Applicant) filed a request with the Commission, pursuant to section 204 of the Federal Power Act, requesting authority to negotiate for the private placement of up to $25 million of unsecured promissory five year notes. The Applicant is a Texas Corporation, with its principal office at El Paso, Texas, and is engaged in the electric utility business in Texas and New Mexico.

The net proceeds from the sale of the unsecured notes will be used to repay outstanding debt.

Any person desiring to be heard or to make any protest with reference to the application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules or Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30103 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP79-16 & RP79-64]

Florida Gas Transmission Co.; Settlement Conference

September 19, 1979.

Take notice that an informal settlement conference in the subject proceedings will be convened on September 25, 1979, at 10:00 A.M. in Hearing Room A of the Civil Aeronautics Board, room 1003 Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. 20428. Among other things, the participants should be prepared to discuss a draft settlement agreement to be provided by Florida Gas Transmission Company.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission or the Presiding Administrative Law Judge, attendance at the conference will not be deemed to authorize intervention as a party to this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30104 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-64]

Indianapolis Power & Light Co.; Notice of Application.

September 20, 1979.

Notice is hereby given that on September 11, 1979, Indianapolis Power & Light Company (Applicant) filed an application with the Commission seeking an order pursuant to Section 204 of the Federal Power Act, authorizing the issuance of up to $100,000,000 principal amount of unsecured short-term promissory notes. Applicant is incorporated in the State of Indiana and with its principal business office at Indianapolis, Indiana, and is engaged primarily in the sale of electric energy in Indiana.

The net proceeds to be received from the initial issuance of the Notes will be applied to the payment of part of the cost of Applicant's 1979–1983 construction program. construction expenditures are estimated to be $81,616,803 for 1979, $77,170,303 for 1980, and an aggregate of $439,547,630 for the years 1981, 1982 and 1983.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D. C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before October 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30105 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP69-36, RP70-35, and RP71-125]

Natural Gas Pipeline Co. of America; Filing of Report of Refund

September 20, 1979.

Take notice that Natural Gas Pipeline Company of America (Natural), on September 11, 1979, tendered for filing its verified report of distribution of refunds for the period October 1, 1970 through September 30, 1972 paid to its jurisdictional customers on June 19, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30107 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP73-48]

Peoples Natural Gas, Division of Northern Natural Gas Co.; Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

September 20, 1979.

Take notice that on September 10, 1979, Peoples Natural Gas Division of Northern Natural Gas Company (Peoples Division) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 4, the following tariff sheet:

Twenty-Fourth Revised Sheet No. 3a

Twenty-fourth Revised Sheet No. 3a is filed pursuant to Peoples Division's Purchased Gas Adjustment provision of its FPC Gas Tariff, Original Volume No. 4. This change in rates reflects the increase in Peoples Division's average estimated cost of purchased gas, pursuant to Paragraph 19.2 of its FPC Gas Tariff Original Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30108 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA79-24]

Southern Union Gathering Co., Notice of Application for Adjustment and Request for Interim Relief

September 20, 1979.

Take notice that on August 31, 1979, Southern Union Gathering Company (Southern Union), 1800 First International Building, Dallas, Texas 75270, filed with the Federal Energy Regulatory Commission (Commission) in Docket No. SA79-24 an application for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) 15 U.S.C. 3301 *et seq.* and §§ 270.202 and 271.1104 of the Commission's Regulations [18 CFR 202; 1104].

Specifically, Southern Union seeks an adjustment which would allow it to recover a gathering allowance of 19.66 cents per Mcf at 15.025 psia (19.2740 cents per Mcf at 14.73 psia) for its sales to El Paso Natural Gas Company (El Paso) and Gas Company of New Mexico (GCNM). Furthermore, Southern Union seeks interim relief by proposing the effective date of the requested allowance, subject to refund, to be December 11, 1978.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR § 1.41 *et seq.* See also Commission Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before October 25, 1979 and should be sent to the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C., 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30109 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EL78-29]

Village of Penn Yan, N.Y.; Order Denying Rehearing

Issued: September 17, 1979.

Introduction

On March 28, 1979, the Commission issued a "Declaratory Order Modifying Jurisdictional Contracts." In that order, the Commission ordered New York State Electric and Gas Corporation (NYSEG) to file certain contracts relating to NYSEG's agreement to transmit Niagara Project power to certain preference customers of the Power Authority of the State of New York (PASNY), including the Village of Penn Yan (Penn Yan).[1] In addition, the Commission determined that provisions in these contracts which limit a municipal's use of power wheeled by NYSEG to retail service within the municipal's borders as of the date of the contract are unjust and unreasonable because they are unreasonably anticompetitive in effect.

On April 25, 1979, NYSEG filed an application for rehearing of the declaratory order and requested the Commission to vacate the order in its entirety.[2]

We find, on careful consideration of NYSEG's application, no factual or legal issues which have not been previously addressed or which would warrant modification of the March 28 order. Accordingly, we shall deny rehearing.

Discussion

1. Jurisdiction. In its application, NYSEG reiterates its claim that the PASNY/NYSEG NS-11 Contract and the NYSEG/Penn Yan 1962 Agreement are not subject to the jurisdiction of the Commission. This claim warrants little response. We need simply state that under Section 201(b) of the Federal Power Act, NYSEG is a jurisdictional utility. Its transmission contracts with PASNY and the preference customers of PASNY are jurisdictional agreements which must be filed under Section 205(c) of the Federal Power Act and Section 35.1 of our Rules of Practice and Procedure.[3]

2. Need for Hearing. In its application, NYSEG argues that the Commission erred in determining that the territorial restrictions contained in Contract NS-11 and the related transmission contracts between NYSEG and the individual PASNY customers were unenforceable, without an evidentiary hearing. In support of this position, NYSEG argues that, because the Commission's order compels wheeling, the statutory requirements of Sections 211 and 212 of the Federal Power Act [4] and general principles of due process require that an evidentiary hearing be held.

NYSEG's arguments regarding the requirements of Sections 211 and 212 are totally inapposite. As stated in the declaratory order:

> Finally, we note that NYSEG's repeated assertions that the Commission's modification of these provisions would result in an "order compelling wheeling" are unfounded. By entering into the two contracts at issue, NYSEG, has already undertaken an obligation to wheel power to Penn Yan. By eliminating the restrictive provisions, we are eliminating the restrictions on the use of wheeled power rather than "compelling wheeling." (Order at 8).

Contrary to NYSEG's assertion that Commission's order results in "unlimited availability of NYSEG's transmission facilities," the order merely removes an anticompetitive restriction on NYSEG's *existing* wheeling obligation. Since the order does not *create* a wheeling obligation, the hearing, findings and

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[1] The PASNY-NYSEG transmission agreement is designated Niagara Contract NS-11 and is referred to herein as NS-11.

The NYSEG-Penn Yan transmission agreement, recognizing the NYSEG's transmission obligation as established in NS-11, is referred to herein as the 1962 Agreement.

[2] On May 3, 1979, the Village of Penn Yan filed a response to NYSEG's application for rehearing. While responses to rehearing applications ordinarily do not lie, we believe that Penn Yan's pleading will aid the Commission in its consideration of the issues raised by NYSEG and shall therefore consider Penn Yan's response.

[3] NYSEG also challenges the Commission's requirement that the 1962 Agreement be filed on the ground that this filing order was based on the Commission's consideration of Penn Yan's Motion to Compel Filing. Such a motion would not lie under Section 1.12(a) of the Commission's Rules of Practice and Procedure, NYSEG argues, because no hearing has been ordered in this docket and the motion requested relief not contemplated in that section. As with many of the arguments made by NYSEG in its application, such an argument improperly elevates form over substance. Regardless of whether Penn Yan properly captioned its request as a "motion", the Commission has ample authority under Section 205(c) of the Act and Section 35.1 of the Rules of Practice and Procedure to require a jurisdictional utility to file jurisdictional transmission agreements. This authority may be exercised pursuant to a complaint under Section 1.6(a) filed at any time by "any person complaining of anything done or omitted to be done by any . . . public utility" or by the Commission acting *sua sponte*.

[4] 16 U.S.C. § 824 j and k, as added by the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95-617, Title II, §§ 203 and 204(a), 92 Stat. 3136 and 3138 enacted November 9, 1978).

determinations under Sections 211 and 212 were not necessary for our determination.

Even if the specific requirements of Sections 211 and 212 need not have been met in this case, NYSEG argues that the Commission's action in rendering the disputed provisions unenforceable without an evidentiary hearing was an abuse of discretion. Again, NYSEG's argument must be rejected.

It is well-established that the Commission need not hold a hearing where it is present with questions of law only and no factual issue is in dispute. In *Citizens for Allegany County* v. *FPC*,[5] the court held:

> . . . the right of opportunity for hearing does not require a procedure that will be empty sound and show, signifying nothing. The precedents establish, for example, that no evidentiary hearing is required where there is no dispute on the facts and the agency proceeding involves only a question of law. [footnote omitted.]

Similarly, in *Municipal Light Boards of Reading and Wakefield* v. *FPC*,[6] the court held:

> There are occasions when an agency may dispose of a controversy on the pleadings without an evidentiary hearing when the opposing presentations reveal that no dispute of fact is involved, but only a question of law or administrative policy of such a nature that there is neither a dispute as to material facts nor a need to ventilate the underlying facts to aid in policy determination.[7]

Here, the Commission was presented with the question of whether the territorial limitations on wheeling service were just and reasonable. The resolution of that issue was dependent on the Commission's determination that 1) the disputed provision is anticompetitive in effect and 2) no countervailing public interest objective justifies upholding such a provision.[8] In this case each of these questions could be resolved on the basis of the undisputed facts contained in the pleadings.

First, no party disputes the anticompetitive effect of the provision—i.e., to restrict Penn Yan's ability to extend its municipal system, thereby impairing and diminishing competition to serve retail customers in the extended territories. On the question of NYSEG's objective in including such a provision in its transmission agreements, the pleadings are clear.[9] As stated in the declaratory order, NYSEG's Protest and Petition to Intervene described its reasons for including the provision as protection of its "corporate interest" and to avoid wheeling power "involuntarily for a direct competitor."

Thus, the pleadings and the contracts themselves provide a sufficient factual basis for the Commission's finding that the disputed provision is anticompetitive in effect and serves no countervailing public interest objective. Since no material facts were in dispute a hearing would simply have been the occasion for "empty sound and show, signifying nothing." *Citizens for Alegan County, supra.* All issues were fully briefed and a hearing was not necessary to protect the rights of the parties and would have been an uneconomical use of the Commission's resources.[10]

3. The Effect of State Approval of Contract NS–11. Because NS–11 has been approved by the State of New York, NYSEG argues that 1) the Commission is without authority to modify its terms, and 2) its provisions, even if anticompetitive, are immune from the Federal antitrust laws by virtue of state action. Both arguments are totally without merit. Before addressing these arguments, however, it is necessary to briefly examine the nature of "state approval" of PASNY contracts such as NS–11.

PASNY is a public benefit corporation of the State of New York. Exercising powers delegated by the state, PASNY finances, builds and operates electric generation and transmission facilities for purposes specified by the Legislature and Governor of New York.[11] Under the Public Authorities Law, contracts for the sale, transmission and distribution of power from PASNY projects are negotiated by representatives of the Authority, publicly noticed, approved by the trustees of PASNY and finally, approved by the Governor of New York.[12] Such approval, however, in no way limits this Commission's authority to regulate jurisdictional utilities who may contract with PASNY or to regulate PASNY, as a licensee, where it is contracting to transmit power from projects licensed by this Commission.

In arguing that state approval renders the Commission powerless to modify the provisions of NS–11, NYSEG argues that the Niagara Redevelopment Act[13] expresses the intent of Congress to give the state sole jurisdiction over the terms and conditions of sale and transmission of Niagara Project power. An examination of the Niagara Redevelopment Act, however, indicates that the approval of the Governor of the State of New York was contemplated in a specific area involving the marketing of project power.[14] Such approval was to be given in accordance with the procedures of New York state law as discussed above.

There is absolutely no language in the Act which supports the proposition that the Act expresses the intent of Congress to prevent the Commission from exercising its authority under Part II to, *inter alia*, determine the justness and reasonableness of the terms and conditions of jurisdictional transmission agreements.[15] In addition, Section 1(b)(4) of the Act, cited by NYSEG as support for its argument, places an affirmative obligation on PASNY to provide transmission service to its preference customers, either by purchasing such service under reasonable conditions or constructing the necessary transmission lines. If anything, this language lends

[5] 414 F.2d 1125, 1128 (D.C. Cir. 1969).

[6] 450 F.2d 1341, 1345 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 989 (1972).

[7] *Accord*, Virginia Electric and Power Company, 351 F.2d 408, 410 (4th Cir. 1965); Pennsylvania Gas and Water Co. v. FPC, 463 F.2d 1242, 1251 (D.C. Cir. 1972); Independent Bankers Association of Georgia v. Board of Governors of the Federal Reserve System, 516 F.2d 1206, 1220 (D.C. Cir. 1975).

[8] Had a legitimate objective been raised in support of the provision, the Commission would have made a third inquiry—viz, whether alternative means of less anticompetitive effect exist which would accomplish the objective. Here, since NYSEG's stated objective was to protect itself from competition, no countervailing public interest objective existed in this case. The question of alternative means did not, therefore, have to be addressed.

[9] While NYSEG claims that it has not had an opportunity to fully brief the question of possible objectives to be served by the disputed provision, it should be noted that even in its application for rehearing the Company failed to offer any other alternative objectives.

[10] NYSEG also claims that its opportunity to be heard in this proceeding has been limited by the Commission's failure to grant NYSEG's petition to intervene. While NYSEG's petition to intervene should have been granted in the declaratory order and was inadvertently omitted, no prejudice will result from granting the company's petition in this order. NYSEG has responded to all pleadings submitted by Penn Yan and such pleadings have been considered in determining appropriate Commission action.

[11] *See* § 1005 of the Pub. Auth. L. of New York.

[12] *See* § 1009 of the Pub. Auth. L. of New York.

[13] 16 U.S.C. § 836 (Pub. L. 85–159; 71 Stat. 401, enacted August 21, 1957).

[14] § 836(b)(3) provides in pertinent part: (3) The licensee shall contract, with the approval of the Governor of the State of New York, pursuant to the procedure established by New York law, to sell the licensee of Federal Power Commission project 16 for period ending not later than the final maturity date of the bonds initially issued to finance the project works herein specifically authorized, four hundred and forty-five thousand kilowatts of the remaining project power, which is equivalent to the amount produced by project 16 prior to June 7, 1956, for resale generally to the industries which purchased power produced by project 16 prior to such date, or their successors, in order as nearly as possible to restore low power costs to such industries and for the same general purposes for which power from project 16 was utilized.

[15] In addition, the Niagara Redevelopment Act clearly recognizes this Commission's authority under Part I of the Federal Power Act to regulate licensees such as PASNY, through the imposition and enforcement of conditions in the Niagara Project license.

support to the Commission's action on the territorial restriction in the contracts at issue. In sum, the Niagara Development Act does not affect, in any way, the Commission's authority to modify the contracts at issue.

A related and similarly flawed argument raised by NYSEG's application is that the provisions of NS–11, even in anticompetitive, were imposed by the State of New York and are therefore, immune from the Federal antitrust laws under *Parker* v. *Brown.* [16] An examination of this decision and its development in subsequent cases indicates that the action of the State of New York in this case does not confer antitrust immunity on NYSEG.

In *Parker,* the Supreme Court held that an anticompetitive California raisin marketing program which "derives its authority and its efficacy from the legislative command of the State" was not a violation of the Sherman Act because it was ordered and enforced by a state commission operating under the mandate of a state statute limiting competition among raisin growers. The *Parker* decision was discussed by the Supreme Court in *Cantor* v. *Detroit Edison Co.* [17] In *Cantor,* the Supreme Court considered whether the state public utility commission's approval of a utility's tariff, which contained a provision tying the sale of light bulbs to electric power service, immunized the utility from Sherman Act liability for that tying arrangement. In rejecting the utility's claim of state action exemption, the Supreme Court held that:

> . . . notwithstanding the state participation in the decision, the private party exercised sufficient freedom of choice to enable the court to conclude that he should be held responsible for the consequences of his decision. [18]

In order for a company to be immune from antitrust liability, the state's participation must be so dominant that it would be unfair to hold the private party liable. [19]

Here, the provisions of NS–11 were negotiated by PASNY and approved by the State of New York. However, as discussed herein, the territorial restriction was included in NS–11 by NYSEG for its own protection and not as the result of a direction by the state. As in *Cantor,* the state, through the action of PASNY and the Governor, may have approved NS–11 but it did not *impose* the territorial restriction contained in the contract. Clearly, NYSEG exercised "sufficient freedom of choice" in including the restrictive provision in its contracts with PASNY and PASNY's preference customers "to be held responsible for the consequences of its decision."

For the foregoing reasons, NYSEG's application for rehearing will be denied.

The Commission orders: (1) The petition to intervene of New York State Electric & Gas Company is hereby granted.

(2) The application for rehearing of New York State Electric & Gas Company is hereby denied.

(3) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–30097 Filed 9–27–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CP78–99, et al.]

Wyoming Interstate Natural Gas System, et al.; Notice of Joint Amendment to Applications In the Nature of a Settlement Proposal

September 13, 1979.

Take notice that on September 10, 1979, Wyoming Interstate Natural Gas System (Wings), Colorado Interstate Gas Company (CIG), Northwest Pipeline Corporation (Northwest), and Michigan-Wisconsin Pipe Line Company (Mich-Wis) filed in Docket Nos. CP78–99 and CP78–122 a joint petition to amend the applications in the subject dockets to effect a proposal of settlement in all outstanding issues of the instant consolidated proceeding.

The proposed settlement contemplates the issuance of certificates of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act, authorizing the transportation and exchange of natural gas, all as more fully set forth in the joint application to amend the applications which is on file with the Commission, but which can be summarized as follows:

Said joint amendment requests Commission approval of two separate arrangements for the transportation and exchange of natural gas: The first arrangement is proposed pursuant to a "Gas Transportation and Exchange Agreement" between CIG and Michigan-Wisconsin, dated July 20, 1979, which is submitted in Exhibit I to the Joint Amendment. Such agreement provides for transportation by CIG and redelivery to Mich Wis of equivalent volumes of natural gas which Mich Wis delivers to CIG's system, and for the transportation by Mich Wis and redelivery to CIG of equivalent volumes of natural gas which CIG delivers to Mich Wis' system. The initial sources of supply and points of delivery are set forth in Exhibit C to the Agreement, and it is provided that additional points for the delivery or redelivery of gas may be added by the parties, and the volumes to be delivered or redelivered at any point may be changed by amendment of such Exhibit. The initial sources of supply include gas from Mich Wis which was proposed to have been transported by the original WINGS project. The agreements provide the other terms and conditions and limitations for the transportation and exchange proposed, including transportation charges, and a summary of some of such terms is set forth in the joint amendment.

The second transaction proposed by the Joint Amendment is provided by a letter agreement between CIG and Northwest, dated July 20, 1979, which is submitted in Exhibit I to the Joint Amendment. Such Agreement and a Master Agreement which the parties plan to enter into, provide for the transportation and redelivery by CIG of equivalent volumes of natural gas which Northwest delivers to CIG's system, and for the transportation and redelivery by Northwest of equivalent volumes of natural gas which CIG delivers to Northwest's system. The proposed initial points of delivery will allow Northwest to deliver to, and have transported and redelivered by CIG, gas which would have been transported by the WINGS project. The agreements provide the other terms, conditions and limitations for the transportation and exchange proposed, including transportation charges, and a summary of some of such terms as set forth in the Joint Amendment.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 9, 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

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[16] 317 U.S. 341 (1942).

[17] 428 U.S. 579 (1976).

[18] *Id.* at 59.

[19] Further recognition of the limited circumstances in which state action will confer antitrust immunity can be found in two recent decisions which held that a price squeeze cannot be immunized from antitrust liability because of state approval of the retail rates. City of Mishawaka v. Indiana & Michigan Electric Co., 560 F.2d 1314 (7th Cir. 1977); City of Shakowee v. Northern States Power Company, Civ. No. 475–491 (D. Minn. October 18, 1976) (unreported decision).

protestants parties to the proceedings. 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 Regulations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30096 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-656]

Central Illinois Light Co.; Filing

September 21, 1979.

The filing Company submits the following:

Take notice that on September 17, 1979, Central Illinois Light Company (CILCO) tendered for filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Federal Energy Regulatory Commission's regulations thereunder a Notice of Cancellation of Appendix B to its Interconnection Agreement with the City of Springfield, Illinois (Springfield) (CILCO Rate Schedule FERC No. 21).

CILCO states that Appendix B, which provides for payment by Springfield of a facilities charge for CILCO's investment in the 138 kv interconnection, is no longer needed. CILCO has requested that cancellation of Appendix B be made effective as of July 1, 1979.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before October 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30121 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-653]

The Cincinnati Gas & Electric Co.; Changes in Rates and Charges

September 21, 1979.

The filing Company submits the following:

Take notice that The Cincinnati Gas & Electric Company (Cincinnati) tendered for filing on September 14, 1979 a Second Supplemental Agreement dated as of June 1, 1979 to the Interconnection Agreement dated September 15, 1969, between Cincinnati and the City of Hamilton, Ohio (Hamilton) designated Cincinnati's Rate Schedule FPC No. 32.

Section 1. of this Second Supplemental Agreement provides for a Second Revised Sheet No. 7, to supersede First Sheet No. 7 appended to the First supplemental Agreement dated Jaunuary 1, 1975, as Exhibit D. This Second Revised Sheet No. 7 provides for an increase in the Demand Charge for Short Term Power Service from 45¢ per kilowatt per week to 70¢ per kilowatt per week.

Section 2. of this Second Supplemental Agreement provides for a First Revised Sheet No. 8 to supersede original Sheet No. 8 identified in the 1969 Agreement as Exhibit E. This First Revised Sheet No. 8 provides for an increase in the Capacity Reservation Contract Demand for Capacity Reservation Power Service from $2.10 per kilowatt per month to $3.75 per kilowatt per month.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30122 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-487]

Columbia Gas Transmission Corp.; Application

September 21, 1979.

Take notice that on September 14, 1979, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, Charleston, West Virginia 25314, filed in Docket No. CP79-487 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 707 interconnecting tap facilities to provide additional points of delivery to certain existing wholesale customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate the following:

1. 45 taps for residential service and 2 taps for commercial service to provide additional points of delivery in various counties in Kentucky to Columbia Gas of Kentucky, Inc.

Estimated annual deliveries through each of the proposed residential taps are 150 Mcf and through the commercial taps 665 Mcf and 1,875 Mcf, for total estimated annual deliveries of 9,290.

2. 448 taps for residential service, 2 taps for commercial service and 1 tap for combined residential and commercial service to provide additional points of delivery in various counties in Ohio to Columbia Gas of Ohio, Inc.

Estimated annual deliveries through each of the proposed residential taps are 150 Mcf, with 300 Mcf and 600 Mcf for multiple residential taps, through the commercial taps 360 Mcf and 480 Mcf, and through the commercial and residential tap 430 Mcf, for total estimated annual deliveries of 77,440 Mcf.

3. 28 taps for residential service to provide points of delivery in various counties in Pennsylvania to Columbia Gas of Pennsylvania, Inc.

Estimated annual deliveries for each residential tap are 150 Mcf, with 300 Mcf and 450 Mcf for multiple residential taps, for total estimated annual deliveries of 4,950 Mcf.

4. 2 taps for residential service to provide additional points of delivery in Rockridge County, Virginia, to Columbia Gas of Virginia, Inc.

Estimated annual deliveries through each of the residential taps are 150 Mcf, for total estimated annual deliveries of 300 Mcf.

5. 176 taps for residential service and 2 taps for commercial service to provide additional points of delivery in various counties in West Virginia to Columbia Gas of West Virginia, Inc.

Estimated annual deliveries through each of the residential taps are 150 Mcf and through the commercial taps 150 Mcf and 198 Mcf, for total estimated annual deliveries of 26,748 Mcf.

6. 1 tap for residential service to provide an additional point of delivery in Paudling County, Ohio, to West Ohio Gas Company.

Estimated annual delivery through the tap is 150 Mcf.

The total estimated cost of construction of the proposed interconnecting tap facilities is $212,450, which cost would be financed by Applicant with internally generated funds.

The points of delivery requested by Applicant are required to provide service beginning November 1, 1979, in time for the winter heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30124 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-654]

Florida Power Corp.; Filing of Notice of Termination

September 21, 1979.

Take notice that Florida Power Corporation, on September 14, 1979, filed a Notice of Termination which terminates certain service to the Cities of Kissimmee and St. Cloud, Florida ("Joint Cities") on November 30, 1979. Florida Power has provided firm service pursuant to a Letter of Commitment under Schedule D of its Contract for Interconnection and Electric Service with the Joint Cities. This Letter Agreement expires by its own terms on November 30, 1979.

Copies of the filing were served upon the Joint Cities and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 October 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available or public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30125 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EL79-28]

Georgia Power Co.; Filing of Application To Sell Facilities

September 21, 1979.

The filing Company submits the following:

Take notice that on September 4, 1979, Georgia Power Company tendered for filing an application for an Order authorizing the sale of revenue metering facilities to the Tennesse Valley Authority ("TVA").

The Company states that the parties have entered into an Interconnection Agreement (the "Interconnection Agreement") providing for the use by TVA of certain transmission facilities of the Company for the delivery of TVA power. The Company further states that the Interconnection Agreement requires TVA to provide revenue metering equipment at certain points of interconnection between TVA and the Company and that TVA desires to purchase certain revenue metering equipment presently owned by the Company which after such sale shall become TVA equipment.

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 the Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30126 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-63]

Missouri Utilities Co.; Application

September 21, 1979.

Take notice that on September 5, 1979, Missouri Utilities Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of up to $7,500,000 of short-term unsecured promissory notes, with final maturities not later than December 31, 1980. The Applicant is a Missouri corporation, with its principal business office at Cape Girardeau, Missouri and is engaged in the electric and natural gas utility business in Missouri.

The proceeds will be used to finance in part Applicant's construction program to December 31, 1980. The construction program of Applicant, as now scheduled, calls for plant expenditures of approximately $13,759,000 for 1979 and 1980.

Any person desiring to be heard or to make any protest with reference to the application should on or before November 1, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will

be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30127 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-655]

The Montana Power Co.; Compliance Filing

September 21, 1979.

The filing company submits the following:

Take notice that on September 14, 1979, The Montana Power Company tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M-1 during July, 1979, along with cost justification for each rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before *October 15, 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30128 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP75-73, et al.]

Texas Eastern Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

September 21, 1979.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 9, 1979. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
8-31-79	Texas Eastern	RP75-73	Report.
9-10-79	East Tennessee	RP78-12	Report.
9-5-79	Texas Gas	RP77-139	Report.
8-28-79	Transwestern	RP69-27, *et al.*	Report.

[FR Doc. 79-30129 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-651]

Virginia Electric & Power Co.; Contract Supplement

September 21, 1979.

The filing Company submits the following:

Take notice that on September 14, 1979, Virginia Electric and Power Company (VEPCO) tendered for filing a Contract Supplement dated August 6, 1979 to the Rate Contract between VEPCO and the Mecklenburg Electric Cooperative.

Said Supplement requests the Commission's authorization for connection of the new delivery point designated as Shockoe Delivery Point, located in Mecklenburg County, Virginia.

VEPCO requests an effective date for the new delivery point as that of the date of connection of the new facilities which is expected to occur sometime in November 1979.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30130 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-657]

Virginia Electric & Power Co.; Contract Supplement

September 21, 1979.

The filing Company submits the following:

Take notice that on September 14, 1979, Virginia Electric and Power Company (VEPCO) tendered for filing a Contract Supplement dated August 6, 1979 to the Rate Contract between VEPCO and the Mecklenburg Electric Cooperative.

Said Supplement requests the Commission's authorization for connection of the new delivery point designated as Shockoe Delivery Point, located in Mecklenburg County, Virginia.

VEPCO requests an effective date for the new delivery point as that of the date of connection of the new facilities which is expected to occur sometime in November, 1979.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10.) All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30131 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

GENERAL SERVICES ADMINISTRATION

[E-79-10]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Rhode Island Public Utilities Commission involving electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Rhode Island Public Utilities Commission involving the application of the Newport Electric Corporation for an increase in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 18, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-30072 Filed 9-27-79; 8:45 am]

BILLING CODE 6820-AM-M

[E-79-11]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas rate proceeding before the Georgia Public Service Commission.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Georgia Public Service Commission involving the application of the Gas Light Company of Columbus, Georgia, for an increase in its gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 14, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-30073 Filed 9-27-79; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committees; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory body scheduled to assemble during the month of October 1979.

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism. October 16, 9:00 a.m.—Open meeting. Conference Room 303-A, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Contact Mr. James Vaughan, Room 16C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301/443-3888.

Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordinations and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: The meeting will consist of a discussion of working group activities, including agency participation in working group meetings and reports on items of current interest to Federal alcoholism programs.

Substantive program information may be obtained from the contact person listed above. The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Committee members is Mr. Harry Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 11-A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, 20857, 301/443-3306.

Dated: September 24, 1979.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 79-30085 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Advisory Committees: Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Psychopharmacological Drugs Advisory Committee	October 15 and 16, 9 a.m., Conference Rm. A, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open public hearings October 15, 9 a.m. to 10 a.m.; open committee discussion October 15 10 a.m. to 4:30 p.m., October 16 9 a.m. to 4:30 p.m.; Robert C. Nelson (HFD-120), 5600 Fishers Lane, Rockville, MD 20857, 301-443-3830.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss safety and effectiveness of Alprazolam (Xanax-Upjohn); safety and effectiveness of Nomifensine (Merital-Hoechst); evaluation of Methylphenidate HCl (Ritalin-Ciba) to support the new indications of mild depression and withdrawn behavior in the elderly; labeling for gero-psychiatric indications of drugs; and preliminary report on long-term studies with pemoline.

Committee name	Date, time, and place	Type of meeting and contact person
2. Anti-Infective Drugs Subcommittee of the Anti-Infective and Topical Drugs Advisory Committee.	October 25 and 26, 9 a.m., Conference Rm. A, 5600 Fishers Lane, Rockville, MD.	Open public hearing October 25, 9 a.m. to 10 a.m.; open committee discussion October 25, 10 a.m. to 4:30 pm., October 26, 9 a.m. to 1 p.m.; Mary K. Bruch (HFD-140), 5600 Fishers Lane, Rockville, MD 20857, 301-443-4310.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in infectious diseases, dermatological disorders, and ocular disease.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss Trimethoprim (NDA 17-943 and NDA 17-952); limitations of chloramphenicol use; erythromycin estolate; corticosteriods in septic shock; and guidelines for prophylactic use of systemic antimicrobials.

Committee name	Date, time, and place	Type of meeting and contact person
3. Peptides Subcommittee of the Drug Abuse Advisory Committee.	October 29 and 30, 9 a.m., Conference Rm. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open public hearing October 29, 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m., October 30, 9 a.m. to 5 p.m.; Frank Vocci (HFD-120), 5600 Fishers Lane, Rockville, MD 20857, 301-443-3504.

General function of the Committee. The Subcommittee will review and evaluate available data and make recommendations concerning the development of clinical guidelines for the evaluation of endogenous peptides and their analogues.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Subcommittee.

Open committee discussion. Introduction by Dr. J. Richard Crout, Director, Bureau of Drugs; delivery of charge to the subcommittee; presentation on FDA preclinical and clinical study guidelines; presentations by invited guest speakers; presentations by industry representatives and liaison members; group discussion of peptides guidelines format.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: September 20, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-29798 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by James C. Simmons, District Director, Cincinnati District Office, Cincinnati, OH.

DATE: The meeting will be held at 1 p.m. on Monday, October 29, 1979.

ADDRESS: The meeting will be held at the Federal Building, Rm. 5525, 550 Main St., Cincinnati, OH 45202.

FOR FURTHER INFORMATION CONTACT:

Ruth E. Weisheit, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 601 Rockwell Ave., Rm. 463, Cleveland, OH 44114, 216-522-4844.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Cincinnati District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: September 21, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-30083 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forthcoming Consumer Exchange Meeting to be chaired by Thomas L. Hooker, District Director, Baltimore District Office, Baltimore, MD.

DATE: The meeting will be held at 10 a.m., on Thursday, October 18, 1979.

ADDRESS: The meeting will be held at the Food and Drug Administration, Conference Room, 900 Madison Ave., Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT:

Anne B. Lane, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 900 Madison Ave., Baltimore, MD 21201, 301-962-3731.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and the FDA Baltimore District Office, and to contribute to the agency's policy-making decisions on vital issues.

Dated: September 21, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-30084 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-03-M

Orthopedic Devices Section of the Surgical and Rehabilitation Devices Panel; Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The meeting of the Orthopedic Devices Section of the Surgical and Rehabilitation Devices Panel, which was scheduled for October 15 and 16, 1979, and announced by notice in the **Federal Register** of September 14, 1979 (44 FR 53572), has been cancelled.

FOR FURTHER INFORMATION CONTACT:

James G. Dillon, Bureau of Medical Devices (HFK-410), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7238.

Dated: September 20, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-29797 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-03-M

National Institutes of Health

Report on Bioassay of 3-Nitro-p-acetophenetide for Possible Carcinogenicity; Availability

3-Nitro-p-acetophenetide (CAS 1777-84-0) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for possible carcinogenicity of 3-nitro-p-acetophenetide was conducted using Fischer 344 rats and B6C3F1 mice. 3-Nitro-p-acetophenetide was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species, with the exception of low dose male mice, of which there were 49.

Under the conditions of this bioassay, dietary administration of 3-nitro-p-acetophenetide was not carcinogenic in Fischer 344 rats of either sex or in female B6C3F1 mice. The compound, however, was considered carcinogenic in male B6C3F1 mice based on a significant increase in the combined incidence of hepatocellular carcinomas and hepatocellular adenomas in these animals.

Single copies of the report, Bioassay of 3-Nitro-p-acetophenetide for Possible Carcinogenicity (T.R. 133), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20205.

Dated: September 20, 1979.

Donald S. Fredrickson, M.D.,

Director, National Institutes of Health.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

[FR Doc. 79-29807 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-08-M

Report on Bioassay of Michler's Ketone for Possible Carcinogenicity; Availability

Michler's ketone (CAS 90-94-8) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for the possible carcinogenicity of technical-grade Michler's ketone was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use as an intermediate in the manufacture of dyes. Michler's ketone was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species.

Under the conditions of this bioassay, dietary administration of Michler's ketone was carcinogenic to male and female Fischer 344 rats and female B6C3F1 mice, causing hepatocellular carcinomas, and to male B6C3F1 mice, causing hemangiosarcomas.

Single copies of the report, Bioassay of Michler's Ketone for Possible Carcinogenicity (T.R. 181), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21,

National Institutes of Health, Bethesda, Maryland 20205.

Dated: September 20, 1979.

Donald S. Fredrickson, M.D.,

Director, National Institutes of Health.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

[FR Doc. 79-29806 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-08-M

Report on Bioassay of Malaoxon for Possible Carcinogenicity; Availability

Malaoxon (CAS 1634-78-2) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of malaoxon, the oxygen analogue of malathion (an organophosphate insecticide), for possible carcinogenicity was conducted by administering the test chemical in feed to F344 rats and B6C3F1 mice.

It was concluded that under the conditions of this bioassay malaoxon was not carcinogenic for F344 rats or B6C3F1 mice.

Single copies of the report, Bioassay of Malaoxon for Possible Carcinogenicity (T.R. 135), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20205.

Dated: September 20, 1979.

Donald S. Fredrickson, M.D.,

Director, National Institutes of Health.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

[FR Doc. 79-29809 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-08-M

Office of the Secretary

White House Conference on Families; National Hearings

The White House Conference on Families was called by President Carter to "examine the strengths of American families, the difficulties they face, and the ways in which family life is affected by public policies."

The Conference is guided by a 41-person National Advisory Committee, which has adopted an innovative conference process to take the White House Conference on Families to the people. This process includes hearings, state activities, national organization activities, and issue work groups which will lead up to three White House Conferences across the country in the summer of 1980.

The purpose of the hearings is to give families an opportunity to discuss their concerns, ideas, successes and problems relating to contemporary family life. The hearings will help to identify key issues and concerns for the White House Conference on Families. Testimony should identify the most pressing concerns facing American families today and into the 1980's, together with any recommended policies, programs, and strategies for meeting these concerns. Information from the hearings will be available to all the states and will be used as background material for delegates to the National Conferences.

The second of the national hearings will be held in Tennessee.

October 12—Nashville, Tennesse, State Capitol.

October 13—Memphis, Tennessee.

Other hearing sites and dates are tentatively scheduled for Denver, Colorado, October 26-27; Hartford, Connecticut, November 16-17; Washington, D.C., November 30-December 1; Detroit, Michigan, December 7-8; and Seattle, Washington, January 11-12.

The hearings are open to the public. Members of the National Advisory Committee on the White House Conference on Families will serve as the hearing panel and are hoping to hear testimony from family members themselves, as well as from representatives of organizations and agencies that are concerned about families, members of the academic community, leaders in the religious community, public officials, employers, and program administrators.

It is anticipated that more requests to testify will be received than time will permit. Advance registration is, therefore, strongly encouraged to accommodate as many people as possible. Persons wishing to testify should submit a written request which includes the following information: name; home address; telephone numbers at both home and office; whether or not testimony is on behalf of an agency or organization and, if so, the name of the group and individuals' position title; topic of proposed testimony; preferences of location and day or evening testimony and whether an English translator or other special arrangements will be needed. This request must be received by the White House Conference on Families, 330 Independence Avenue, S.W., Washington, D.C. 20201, no later than October 9, 1979, for the Tennessee hearings.

Time limits will be strictly enforced on all persons giving testimony. Whenever feasible, participants will be grouped together when dealing with similar topics. Members of the National Advisory Committee will be given an opportunity to question individuals and group members after their presentations.

Each hearing will also have a limited time set aside for individuals who have not signed up in advance. Individuals not wishing to testify at the hearings are welcome to attend.

Written testimony is also strongly encouraged and will be included as part of the record of the hearing. It should be typed and not exceed 1,000 words.

FOR FURTHER INFORMATION CONTACT:

HEW Regional Office: 816-374-2821.
WHCF Tennessee Coordinator: 913-296-4650.

or

White House Conference on Families, 330 Independence Avenue S.W., Washington, D.C. 20201 (202) 472-4395.

John L. Carr,

Executive Director, White House Conference on Families.

[FR Doc. 79-30207 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-16669]

Alaska Native Claims Selection

On November 2, 1977, Cook Inlet Region, Inc. filed an application for title to oil, gas and coal pursuant to Sec. 12(b)(2) of the act of January 2, 1976, 89 Stat. 1145, 1151; 43 U.S.C. 1601, 1611(e) (1976), and Sec. I.B.(1) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet area, as clarified on August 31, 1976, 90 Stat. 1935.

Section 12(b)(2) of the act of January 2, 1976, authorizes conveyance to Cook Inlet Region, Inc. of the subsurface estate of the oil, gas and coal within lands described in Appendix B-1 of the Terms and Conditions. These lands are located within the Kenai National Moose Range.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requireemnts of the Act. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the subsurface estate of the oil, gas and coal in the following described lands, aggregating approximately 15,185 acres,

is considered proper for acquisition by Cook Inlet Region, Inc. and is hereby approved for conveyance pursuant to sec. 12(b)(2) of the act of January 2, 1976, *supra*, and the Terms and Conditions for Land Consolidation and Management in the Cook Inlet area:

Seward Meridian, Alaska (Unsurveyed)

T. 7 N., R. 9 W.,
Sec. 3, E½E½, SW¼SE¼;
Sec. 5, NW¼;
Sec. 6, N½, SW¼;
Sec. 8, SW¼NW¼, W½SW¼;
Sec. 10, E½, SE¼NW¼, E½SW¼;
Sec. 15, all;
Sec. 16, SE¼NE¼, SE¼;
Sec. 21, NE¼;
Sec. 22, all.
Containing approximately 3,010.00 acres.
T. 8 N., R. 9 W.,
Secs. 2 and 3, all;
Sec. 4, NE¼, S½;
Sec. 9, N½NE¼, SW¼NE¼, W½, SW¼SE¼;
Sec. 10, NE¼, NE¼SE¼;
Sec. 11, all;
Sec. 13, W½;
Sec. 14, all;
Sec. 16, W½;
Sec. 21, W½W½, SE¼SW¼, SW¼SE¼;
Sec. 23, all;
Sec. 24, NW¼, S½;
Secs. 25 and 26, all;
Sec. 27, E½SE¼;
Sec. 28, NW¼NE¼, NW¼, W½SW¼;
Secs. 29, 30 and 31, all;
Sec. 32, N½, SW¼, NW¼SE¼;
Sec. 33, NW¼NW¼;
Sec. 34, E½E½;
Secs. 35 and 16, all.
Containing approximately 11,215.00 acres.
T. 6 N., R. 10 W.
Sec. 9, NW¼NW¼, S½N½, S½.
Containing approximately 520.00 acres.
T. 7 N., R. 10 W.
Sec. 27, N½N½;
Sec. 28, N½NE¼, NW¼, NW¼SW¼.
Containing approximately 440.00 acres.

Conveyance of the subsurface estate of the oil, gas and coal of the lands described above shall contain the following reservation to the United States:

1. All other minerals including but not limited to common varieties of minerals.

The grant of the above described estate shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g) (1976)), that the above described lands which were withdrawn by Public Land Order No. 3400, on May 22, 1964, and are now a part of the Kenai National Moose Range, remain subject to the laws and regulations governing use and development of such Refuge;

4. The provisions of Sec. I.B.(1) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet area; namely the covenants that: The right to extract coal shall be conditioned upon the opening by the Secretary for the extraction of coal of that portion of the Range in which these lands are located, and provided further, that coal shall only be extracted in a liquid or gaseous state; all activities related to the extraction of oil, gas and coal which affect the surface of the Kenai National Moose Range shall be conducted in accordance with a surface use plan approved by the Secretary. Such extraction shall be undertaken in accordance with the most advanced technology commercially available at that time and causing the least practicable temporary and permanent harm to the fish and wildlife habitats of the Range; and any surface damage caused by the exercise of the rights herein must be repaired or reclaimed by Cook Inlet Region, Inc., its successors and assigns, as rapidly as practicable without unreasonable interference with the rights of extraction; and

5. The terms of the following described oil and gas leases:

Serial Number and Legal Description

Seward Meridian, Alaska

A–028077
T. 8 N., R. 9 W.
Sec. 4, NE¼, S½;
Sec. 9, all;
Sec. 16, all;
Sec. 21, all.
A–028083
T. 7 N., R. 10 W.
Sec. 27, all;
Sec. 28, all;
Sec. 33, all;
Sec. 34, all.
A–028118
T. 6 N., R. 10 W.
Sec. 3, all;
Sec. 4, all;
Sec. 9, all;
Sec. 10, N½, SW¼.
A–028384
T. 8 N., R. 9 W.
Sec. 13, W½;
Sec. 14, all;
Sec. 15, E½;
Sec. 23, all;
Sec. 24, W½, SE¼;
Sec. 25, NW¼.
A–028396
T. 7 N., R. 9 W.
Sec. 5, NW¼;
Sec. 6, N½, SW¼.
T. 8 N., R. 9 W.
Sec. 30, all;
Sec. 31, all;
Sec. 32, all.
A–028399
T. 8 N., R. 9 W.
Sec. 28, all;
Sec. 29, all;
Sec. 33, N½, SW¼.
A–028405
T. 8 N., R. 9 W.
Sec. 2, all;
Sec. 3, all;
Sec. 10, all;
Sec. 11, all.
A–028406
T. 8 N., R. 9 W.
Sec. 15, W½;
Sec. 22, all;
Sec. 26, N½, SW¼;
Sec. 27, all;
Sec. 34, N½.
A–028990
T. 8 N., R. 9 W.
Sec. 25, NE¼, S½;
Sec. 26, SE¼;
Sec. 33, SE¼;
Sec. 34, S½;
Sec. 35, all;
Sec. 36, all.
A–028993
T. 7 N., R. 9 W.
Sec. 15, all;
Sec. 16, N½, SE¼;
Sec. 21, NE¼;
Sec. 22, all.
A–028996
T. 7 N., R. 9 W.,
Sec. 5, NE¼, S½;
Sec. 8, all.
A–028997
T. 7 N., R. 9 W.,
Sec. 3, all;
Sec. 4, all;
Sec. 9, all;
Sec. 10, all.

Not all of the lands described in the above listed oil and gas leases are herein approved for conveyance; therefore, in accordance with the provisions of Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613 (1976)), administration of these leases will continue to be by the United States.

Pursuant to Sec. 12(c) of the act of January 2, 1976, conveyance of title to 3.58 townships (82,483.20 acres) of the subsurface estate of the oil, gas and coal within the Kenai National Moose Range shall constitute the full surface and subsurface entitlement of Cook Inlet Region, Inc. under Sec. 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)). Together with the lands herein approved, the total acreage conveyed or approved for conveyance is 82,144.00 acres. Action on

the remaining 14(h)(8) entitlement will be taken at a later date.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until October 29, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Sue Wolf,

Chief, Branch of Adjudication.

[FR Doc. 79–30181 Filed 9–27–79; 8:45 am]

BILLING CODE 4310–84–M

[AA–6692–A through AA–6692–K]

Alaska Native Claims Selections

On December 24, 27 and 30, 1968, the State filed general purposes grant selection applications pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)) for certain lands in the Pilot Point area. Applications AA–5166, AA–5167, AA–5272, AA–5290, AA–5291, AA–5343 and AA–5344, all as amended, selected lands in Ts. 29 and 31 S. R. 51 W., Ts. 29 to 32 S., R. 52 W. and Ts. 31 and 32 S., R. 53 W., Seward Meridian respectively.

The Bureau of Indian Affairs filed an application on December 12, 1978, to withdraw all unreserved public lands in Alaska for the determination and protection of the rights of the Alaska Natives. Subsequently, on January 17, 1969, Public Land Order 4582 was issued to affirm the withdrawal of all unreserved lands in Alaska from all forms of appropriation and disposition under the public land laws except locations for metalliferous minerals. Public Land Order 4582 further provided that applications filed by the State of Alaska after December 12, 1968, and prior to January 4, 1969, must be embraced in leases, licenses, permits, or contracts issued pursuant to the Mineral Leasing Act of 1920 or the Coal Leasing Act of 1914 in order to be a valid selection application.

Since the lands selected in State selection applications AA–5166, AA–5167, AA–5272, AA–5290, AA–5291, AA–5343 and AA–5344 filed on December 24, 27 and 30, 1968, were not entirely within lands embraced in leases, etc., these applications must be and are hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA–5167

T. 29 S., R. 51 W.
Sec. 35, all.
Containing appfoximately 640 acres.

State Selection AA–5272

T. 31 S., R. 53 W.
Secs. 13 and 14, all;
Secs. 15 and 16 (fractional), all;
Secs. 20 and 21 (fractional), all;
Secs. 22 and 23, all;
Secs. 26, 27 and 28, all;
Secs. 29, 30 and 31 (fractional), all;
Secs. 32 to 36, inclusive, all.
Containing approximately 10,300 acres.

State Selection AA–5290

T. 31 S., R. 51 W.
Sec. 4, all;
Secs. 5 and 8 (fractional), all;
Secs. 9 and 16, all;
Sec. 17 (fractional), all;
Secs. 19 and 20 (fractional), excluding Ugashik River;
Secs. 21, 22 and 23, excluding Ugashik River;
Secs. 26 and 27, excluding Ugashik River;
Secs. 28, 29 and 30, all.
Containing approximately 6,411 acres.

State Selection AA–5291

T. 31 S., R. 52 W.
Secs. 2 and 3 (fractional), all;
Secs. 4 to 10, inclusive, all;
Secs. 11, 13 and 14 (fractional), all;
Secs. 15 to 18, inclusive, all;
Sec. 22, all;
Secs. 23 and 24 (fractional), excluding King Salmon River;
Sec. 25, all;
Sec. 26, excluding King Salmon River;
Secs. 27, 28 and 29, all;
Secs. 32, 33 and 34, all;
Sec. 35, excluding King Salmon River;
Sec. 36, all.
Containing approximately 16,398 acres.

State Selection AA–5343

T. 32 S., R. 52 W.
Sec. 2, excluding King Salmon River;
Secs. 3, 4 and 5, all;
Secs. 8, 9 and 10, all;
Sec. 17, all.
Containing approximately 4,930 acres.

State Selection AA–5344

T. 32 S., R. 53 W.
Sec. 4, N½ SW¼;
Secs. 5 and 6, all.
Containing approximately 1,752 acres.
Aggregating approximately 40,431 acres.

The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands.

Section 11(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 696; 43 U.S.C. 1601, 1610(a) (1976)) (ANCSA), withdrew the lands surrounding the Native village of Pilot Point, including lands in the subject State selection applications for Native selection. Pilot Point Native Corporation filed selection applications AA–6692–A on January 25, 1974 and AA–6692–B through AA–6692–K on November 1, 1974, as amended, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act for lands within the subject State selections.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a).

Section 11(a)(2) further withdrew for possible selection by the Native corporation those lands within the townships described in Sec. 11(a)(1) that have been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act.

Section 12(a) further provided, however, that no village corporation may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

The lands described below were properly selected by Pilot Point Native Corporation in village selection applications AA–6692–F, AA–6692–G, AA–6692–H, and AA–6692–I; accordingly, State selection applications AA–5166, AA–5167, AA–5291 and AA–5344 are hereby rejected, as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA–5166

T. 29 S., R. 52 W.
Sec. 35, all;
Sec. 36, excluding Dago Creek.
Containing approximately 1,180 acres.

State Selection AA–5167

T. 29 S., R. 51 W.
Secs. 28 to 33, inclusive, all;
Sec. 36, all.

Containing approximately 4,423 acres.

State Selection AA–5291

T. 30 S., R. 52 W.
Sec. 1 (fractional), excluding Dago Creek;
Sec. 2 (fractional), all.

Containing approximately 1,085 acres.

State Selection AA–5344

T. 32 S., R. 53 W.
Sec. 4, SE¼

Containing approximately 160 acres.
Aggregating approximately 6,848 acres.

By virtue of a properly filed selection under Sec. 12(a) of the Alaska Native Claims Settlement Act, by Pilot Point Native Corporation, State selection application AA–5287, as to lands located in T. 30 S., R. 51 W., Seward Meridian, were rejected by decision dated October 24, 1974.

The total amount of State selected lands, including lands previously rejected to permit the conveyance hereafter given totals approximately 13,653 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of the Alaska Native Claims Settlement Act. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the applications submitted by Pilot Point Native Corporation, as amended, are properly filed, and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 87,670 acres, is considered proper for acquisition by Pilot Point Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 32 S., R. 49 W.,
Sec. 4, all;
Secs. 5, 6 and 7, excluding Dog Salmon River;
Secs. 8 and 9, excluding Native allotment AA–6230 and Dog Salmon River;
Secs. 10 to 14, inclusive, all;
Secs. 16, 17 and 18, excluding Dog Salmon River.

Containing approximately 7,680 acres.

T. 32 S., R. 50 W.,
Sec. 1, excluding Dog Salmon River;
Sec. 12, excluding Native allotment AA–7697 and Dog Salmon River;
Secs. 13 to 16, inclusive, all;
Secs. 19 to 36, inclusive, all.

Containing approximately 14,863 acres.

T. 29 S., R. 51 W.,
Secs. 28 to 33, inclusive, all;
Secs. 35 and 36, all.

Containing approximately 5,063 acres.

T. 30 S., R. 51 W.,
Secs. 1 to 5, inclusive, all;
Sec. 6 (fractional), excluding Dago Creek;
Sec. 7 (fractional), excluding Native allotment AA–8276 Parcel A;
Sec. 8, excluding Native allotment AA–8276 Parcel A;
Secs. 9 to 16, inclusive, all;
Sec. 17 (fractional), all;
Sec. 20 (fractional), excluding U.S. Survey 5245 lot 1 and Native allotment AA–7666;
Sec. 21, excluding Native allotment AA–8243 Parcel A and AA–7666;
Secs. 22 to 27, inclusive, all;
Sec. 28, excluding U.S. Survey 5558A, Native allotments AA–7666, AA–7582, AA–6440 and AA–6327;
Sec. 29 (fractional), excluding U.S. Survey 5550, U.S. Survey 5245, U.S. Survey 2649, U.S. Survey 2648, U.S. Survey 1426, U.S. Survey 891, U.S. Survey 504, U.S. Survey 501, U.S. Survey 63, Native allotments AA–6327, AA–7666 and AA–8046;
Sec. 32 (fractional), excluding U.S. Survey 5558B, U.S. Survey 1426, U.S. Survey 503, U.S. Survey 502, U.S. Survey 501, and U.S. Survey 71;
Secs. 33 to 36, inclusive, all.

Containing approximately 17,848 acres.

T. 31 S., R. 51 W.,
Sec. 4, all;
Secs. 5 and 8 (fractional), all;
Secs. 9 and 16, all;
Sec. 17 (fractional), all;
Secs. 19 and 20 (fractional), excluding Ugashik River;
Secs. 21, 22 and 23, excluding Ugashik River;
Secs. 26 and 27, excluding Dog Salmon River;
Secs. 28, 29 and 30, all.

Containing approximately 6,411 acres.

T. 29 S., R. 52 W.,
Sec. 35, all;
Sec. 36, excluding Dago Creek.

Containing approximately 1,180 acres.

T. 30 S., R. 52 W.,
Sec. 1 (fractional), excluding Dago Creek;
Sec. 2 (fractional), all.

Containing approximately 1,085 acres.

T. 31 S., R. 52 W.,
Secs. 2 and 3 (fractional), all;
Secs. 4 to 10, inclusive, all;
Secs. 11, 13 and 14 (fractional), all;
Secs. 15 to 18, inclusive, all;
Sec. 22, all;
Secs. 23 and 24 (fractional), excluding King Salmon River;
Sec. 25, all
Sec. 26, excluding King Salmon River;
Secs. 27, 28 and 29, all;
Secs. 32, 33 and 34, all;
Sec. 35, excluding King Salmon River;
Sec. 36, all.

Containing approximately 16,398 acres.

T. 32 S., R. 52 W.,
Sec. 2, excluding King Salmon River;
Secs. 3, 4 and 5, all;
Secs. 8, 9 and 10, all;
Sec. 17, all.

Containing approximately 4,930 acres.

T. 31 S., R. 53 W.,
Secs. 13 and 14, all;
Secs. 15 and 16 (fractional), all;
Secs. 20 and 21 (fractional), all;
Secs. 22 and 23, all;
Secs. 26, 27 and 28, all;
Secs. 29, 30 and 31 (fractional), all;
Secs. 32 to 36, inclusive, all.

Containing approximately 10,300 acres.

T. 32 S., R. 53 W.
Secs. 4, 5 and 6, all.

Containing approximately 1,912 acres.
Aggregating approximately 87,670 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (1976)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–6692–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

Site Easement (Airstrip)—The uses allowed for a site easement are: aircraft landing, vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

a. (EIN 9c D9) An easement for an existing access trail fifty (50) feet in width from Cape Menshikof easterly through Secs. 31, 32, 33, 34, and 35, T. 31 S., R. 53 W., Seward Meridian, to public

land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

b. (EIN 10 D1) An easement for an existing access trail twenty-five (25) feet in width from the village of Pilot Point in Sec. 29, T. 30 S., R. 51 W., Seward Meridian, northerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

c. (EIN 11 C4, D9) An easement for an existing access trail fifty (50) feet in width beginning northeast of the village of Pilot Point in Sec. 21, T. 30 S., R. 51 W., Seward Meridian; thence northeasterly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

d. (EIN 20 C5) A site easement for an existing bush airstrip one hundred fifty-five (155) feet in width and five thousand five hundred (5,500) feet in length located in Sec. 17, T. 32 S., R. 52 W., Seward Meridian. This is the minimum size necessary for safe public use. The uses allowed are those listed above for a bush airstrip site.

e. (EIN 20a C5) An easement for a/an proposed/existing access trail fifty (50) feet in width beginning at airstrip site easement EIN 20 C5 in Sec. 17, T. 32 S., R. 52 W., Seward Meridian, easterly to public land adjacent in Sec. 16 and westerly to public land adjacent in Sec. 18. The uses allowed are those listed for a fifty (50) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Those rights for a water reservoir and water pipeline purposes as have been granted to the Alaska Packers Association, its successors or assigns, by right-of-way, A-017471, located in Secs. 28 and 29, T. 30 S., R. 51 W., Seward Meridian, under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

4. Airport lease A-058483, containing approximately 117.20 acres, located within N½ Sec. 28 and SE¼NE¼ Sec. 29, T. 30 S., R. 51 W., Seward Meridian, issued to the State of Alaska, Department of Transportation and Public Facilities, under the provisions of the act of May 24, 1928 (45 Stat. 728-729; 49 U.S.C. 211-214 (1976)); and

5. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Pilot Point Native Corporation is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 87,670 acres. The remaining entitlement of approximately 4,490 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Bristol Bay Native Corporation when the surface estate is conveyed to Pilot Point Native Corporation, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water bodies are considered to be navigable:

Ugashik River;
King Salmon River;
Dog Salmon River;
Dago Creek.

In accordance with Departmental regulations 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any parrty claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until October 29, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.
Pilot Point Native Corporation, Pilot Point, Alaska 99649.
Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Sue A. Wolf,

Chief, Branch of Adjudication.

[FR Doc. 79-30182 Filed 9-27-79; 8:45 am]
BILLING CODE 4310-84-M

AA-6708-A through [AA-6708-H]

Alaska Native Claims Selections

On December 27, 1968, the State filed general purposes grant selection applications pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)) for certain lands in the Ugashik area. Applications AA-5315, AA-5331, AA-5332 and AA-5333 selected lands in T. 31 S., R. 49 W.; T. 30 S., R. 50 W.; T. 30 S., R. 49 W.; and T. 30 S., R. 48 W., Seward Meridian, respectively. On June 16, 1972, each application was amended to include all lands in the townships, excluding patented lands.

The Bureau of Indian Affairs filed an application on December 12, 1968, to withdraw all unreserved public lands in Alaska for the determination and protection of the rights of the Alaska Natives. Subsequently, on January 17, 1969, Public Land Order 4582 was issued to affirm the withdrawal of all unreserved lands in Alaska from all forms of appropriation and disposition under the public land laws except locations for metalliferous minerals. Public Land Order 4582 further provided that applications filed by the State of Alaska after December 12, 1968, and prior to January 4, 1969, must be embraced in leases, licenses, permits, or

contracts issued pursuant to the Mineral Leasing Act of 1920 or the Coal Leasing Act of 1914 in order to be a valid selection application.

Since the land selected in State selection applications AA–5315, AA–5331, AA–5332 and AA–5333 filed on December 27, 1968, were not entirely within lands embraced in leases, etc., these applications must be and are hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA–5315

T. 31 S., R. 49 W.,
Sec. 1, all;
Secs. 12 to 36, inclusive, all.
Containing approximately 16,592 acres.

State Selection AA–5331

T. 30 S., R. 50 W.,
Sec. 27, excluding Ugashik River;
Sec. 33, excluding Ugashik River;
Sec. 34, all;
Sec. 35, excluding Ugashik River.
Containing approximately 2,130 acres.

State Selection AA–5332

T. 30 S., R. 49 W.,
Sec. 25, excluding Ugashik River;
Sec. 36, all;
Containing approximately 1,245 acres.

State Selection AA–5333

T. 30 S., R. 48 W.,
Sec. 25, excluding Lower Ugashik Lake and Ugashik River;
Sec. 26, excluding Ugashik River;
Sec. 30, excluding Ugashik River;
Sec. 31, all;
Secs. 35 and 36, excluding Lower Ugashik Lake.
Containing approximately 2,196 acres.
Aggregating approximately 22,163 acres.

Furthermore, on November 14, 1978, the State filed general purposes grant selection AA–21843, as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)). The selection application is for all unpatented lands within T. 31 S., R. 48 W., Seward Meridian.

The following described State selected lands were properly selected by Ugashik Native Corporation in village selection application AA–6708–D; accordingly, State selection AA–21843 is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA–21843

T. 31 S., R. 48 W.,
Sec. 2, excluding Lower Ugashik Lake;
Sec. 3, all;
Secs. 6 and 7, all;
Sec. 10, all;
Sec. 11, excluding Lower Ugashik Lake;
Sec. 14, excluding Lower Ugashik Lake;
Secs. 15 to 22, inclusive, all;
Secs. 23 to 25, inclusive, excluding Lower Ugashik Lake;
Secs. 26 to 36, inclusive, all.
Containing approximately 16,354 acres.

The aggregate total of all State selected lands rejected above is 38,517 acres. These lands were not valid selections and will not be charged against the village corporation as State selected lands.

Section 11(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 696; 43 U.S.C. 1601, 1610(a) (1976)) (ANCSA), withdrew the lands surrounding the Native village of Ugashik, including lands in the subject State selection applications for Native selection. Ugashik Native Corporation filed selected applications AA–6708–A on January 15, 1974, and AA–6708–B through AA–6708–H on November 1, 1974, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act for lands within the subject State selections.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a).

Section 11(a)(2) further withdrew for possible selection by the Native Corporation those lands within the townships described in Sec. 11(a)(1) that have been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act.

Section 12(a) further provided, however, that no village corporation may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

The following described State selected lands were properly selected by Ugashik Native Corporation in village selection application AA–6708–B; accordingly, State selection application AA–5331 is hereby rejected, as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA–5331

T. 30 S., R. 50 W.,
Sec. 32, excluding Native allotment AA – 7901 and Ugashik River.
Containing approximately 170 acres.

The total amount of State selected lands rejected to permit the conveyance hereafter given, including a State selection application previously rejected, totals approximately 1,389 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of the Alaska Native Claims Settlement Act. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the applications submitted by Ugashik Native Corporation, as amended, are properly filed, and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 65,327 acres, is considered proper for acquisition by Ugashik Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 30 S., R. 48 W.,
Sec. 25, excluding ANCSA Sec. 3(e) application AA–25572 Site 1, Lower Ugashik Lake and Ugashik River;
Sec. 26, excluding Ugashik River;
Sec. 30, excluding Ugashik River;
Sec. 31, all;
Secs. 35 and 36, excluding Lower Ugashik Lake
Containing approximately 2,171 acres
T. 31 S., R. 48 W.,
Sec. 2, excluding Lower Ugashik Lake;
Sec. 3, all;
Secs. 6 and 7, all;
Sec. 10, all;
Sec. 11, excluding Lower Ugashik Lake;
Sec. 14, excluding Lower Ugashik Lake;
Secs. 15 to 22, inclusive, all;
Secs. 23 to 25, inclusive, excluding Lower Ugashik Lake;
Secs. 26 to 36, inclusive, all.
Containing approximately 16,354 acres.
T. 32 S., R. 48 W.,
Secs. 5 to 8, inclusive, all;
Secs. 17 to 20, inclusive, all.
Containing approximately 5,096.
T. 30 S., R. 49 W.,
Sec. 25, excluding Ugashik River;
Sec. 36, all.
Containing approximately 1,245 acres.
T. 31 S., R. 49 W.,
Sec. 1, all;
Secs. 12 to 36, inclusive, all.
Containing approximately 16,592 acres.
T. 32 S., R. 49 W.,
Secs. 1 to 3, inclusive, all.
Containing approximately 1,920 acres.
T. 30 S., R. 50 W.,
Sec. 27, excluding Ugashik River;
Sec. 32, excluding Native allotment AA–7901 and Ugashik River;
Sec. 33, excluding Ugashik River;
Sec. 34, all;
Sec. 35, excluding Ugashik River.
Containing approximately 2,300 acres.
T. 31 S., R. 50 W.,
Secs. 1 to 3, inclusive, all;
Sec. 4, excluding Ugashik River;
Sec. 5, excluding Native allotment AA–7901 and Ugashik River;
Sec. 6, excluding Ugashik River;
Sec. 7, all;
Sec. 8, excluding Ugashik River;
Sec. 9, excluding U.S. Survey 556, U.S. Survey 4994, Trade and Manufacturing site AA–542 and Ugashik River;

Sec. 10, excluding Trade and Manufacturing site AA–542;
Secs. 11 to 15, inclusive, all;
Sec. 16, excluding U.S. Survey 1029, U.S. Survey 2324, U.S. Survey 4994, Native allotment AA–7001 and Ugashik River;
Secs. 17 to 21, inclusive, excluding Ugashik River;
Secs. 22 to 25, inclusive, all;
Secs. 26 and 27, excluding Dog Salmon River;
Sec. 28, all;
Sec. 29, excluding Ugashik River;
Sec. 30, all;
Sec. 31, excluding Dog Salmon River;
Secs. 32 and 33, all;
Secs. 34 to 36, inclusive, excluding Dog Salmon River.

Containing approximately 19,649 acres.
Aggregating approximately 65,327 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (1976)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Ugashik Native Corporation is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 65,327 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 3,793 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corporation when conveyance is granted to Ugashik Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Within the described lands, only the following inland water bodies are considered to be navigable:

Ugashik River;
Dog Salmon River;
Lower Ugashik Lake.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99501 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until October 29, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99501.

If an appeal is taken, the adverse parties to be served are:

Ugashik Native Corporation, Ugashik, Alaska 99683.
Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.
State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Sue A. Wolf,
Chief, Branch of Adjudication.

[FR Doc. 79-30183 Filed 9-27-79; 8:45 am]
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[AA-6680-A through AA-6680-I]

Alaska Native Claims Selections

On November 14, 1978, the State filed general purposes grant selection applications AA–21783, AA–21784, AA–21796 and AA–21807, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)), for certain lands in the Naknek area.

Section 11(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 696; 43 U.S.C. 1601, 1610(a) (1976)) (ANCSA), withdrew the lands surrounding the Native village of Naknek, including lands in the subject State selection applications for Native selection. Paug-Vik Incorporated, Limited filed selection applications AA–6680–A on January 25, 1974 and AA–6680–B through AA–6680–I, all as amended, on December 4, 1974, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act for lands within the subject State selections.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a).

Since the lands selected in the aforementioned State selection applications were previously selected by the village corporation, these applications must be and are hereby rejected in their entirety, as to the following described lands:

Seward Meridian, Alaska

State Selection AA–21783

T. 14 S., R. 46 W. (Unsurveyed)
All.

State Selection AA–21784

T. 14 S., R. 47 W. (Unsurveyed)
E½

State Selection AA–21796

T. 15 S., R. 46 W. (Unsurveyed)
All.

State Selection AA–21807

T. 16 S., R. 46 W. (Partially Surveyed)
All.
T. 16 S., R. 47 W. (Unsurveyed)
All.

The State selected lands rejected above were not valid selections and will

not be charged against the village corporation as State selected lands.

Section 11(a)(2) further withdrew for possible selection by the Native corporation those lands within the townships described in Sec. 11(a)(1) that have been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act.

Section 12(a) further provided, however, that no village corporation may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

On September 22, 1960, the State filed general purposes grant selection application A–053268 pursuant to Sec. 6(b) (1976)), and on November 29, 1961 and March 1, 1966, they filed community grant applications A–056256 and A–067409, pursuant to Sec. 6(a) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Secs. 6(a) and (b)), for certain lands in the Naknek area. Application A–053268, as amended, selected lands in T. 17 S., R. 45 W., Seward Meridian, and applications A–056256 and A–067409, as amended lands in Ts. 15 and 16 S., R. 46 W., Seward Meridian.

The following described State selected and tentatively approved lands have been properly selected under village selection applications AA–6680–A, AA–6680–B and AA–6680–E. Accordingly, the following State selection applciations are rejected as to the following described lands:

Seward Meridian, Alaska

State Selection A–053268 (General Purposes Grant)

T. 17 S., R. 45 W. (Partially Surveyed),
Sec. 3, including unnamed lake;
Sec. 4, all;
Sec. 5, N½, N½N½S½, SE¼NE¼SE¼, E½SE¼SE¼;
Sec. 6, Lots 1 and 2, E½NE¼NE¼NW¼, NW¼NE¼NE¼NW¼, NE¼NW¼ NE¼NW¼, W½NW¼NE¼NW¼, W½SW¼NE¼NW¼,SE¼SW¼NE¼ NW¼, S½SE¼NE¼NW¼, E½, SE¼NW¼;
Sec. 7, Lots 4 and 5, N½NE¼, SW¼NE¼, SW¼NE¼, SE¼NW¼;
Sec. 8, E½E½NE¼, SE¼, excluding Native allotment AA–6157 Parcel B;
Sec. 9, Lots 1, 2, 3 and 4, E½NE¼, W½NW¼, N½SW¼, SE¼SW¼, SE¼, including unnamed lake;
Sec. 10, NE¼NE¼, W½NE¼, NW¼, W½SW¼, NE¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 11, NE¼, N½NW¼S½;
Sec. 12, all;
Sec. 13, Lots 1 through 6, inclusive, W½NE¼, N½NW¼, NW¼SE¼, N½S½S½, including unnamed lakes;
Sec. 14, N½NE¼, E½SW¼NE¼, SE¼NE¼, N½N½NW¼, SW¼NW¼NW¼, SW¼NE¼ SW¼SW¼, W½SE¼SW¼SW¼, NE¼NW¼SE¼, N½SE¼NW¼SE¼, N½SE¼SE¼;
Sec. 15, N½NE¼, N½NW¼SW¼NE¼, N½SW¼SW¼NE¼, E½SW¼NE¼, W½SE¼NE¼, NE¼NE¼NW¼, W½E½NW¼, S½SE¼NE¼NW¼, W½NW¼, NE¼SE¼NW¼, S½SE¼ SE¼NW¼, E½NE¼NE¼SW¼, NW¼NW¼NE¼SW¼, N½SW¼ NW¼NE¼SW¼, E½SW¼NE¼SW¼, SE¼NE¼SW¼, N½NE¼NW¼SW¼, N½S½NE¼NW¼SW¼, NW¼NW¼SW¼, NW¼SE¼;
Sec. 16, excluding Native allotments AA–6157 Parcel B and AA–7263;
Sec. 17, Lots 3, 4, 5 and 6, E½NE¼, NE¼SE¼, excluding Native allotment AA–6157 Parcel B;
Sec. 18, Lot 1;
Sec. 20, Lots 1 and 2;
Sec. 21, Lots 1, 4, 5 and 6, W½NE¼, S½SE¼NE¼, E½NW¼, NW¼NW¼.

Containing approximately 6,959 acres.

State Selection A–056256 (Community Grant)

T. 15 S., R. 46 W. (unsurveyed),
Sec. 18 (fractional), S½SE¼;
Sec. 19 (fractional), all, including U.S. Survey 2711 and U.S. Survey 3528.

Containing approximately 241 acres.

State Selection A–067409 (Community Grant)

T. 16 S., R. 46 W. (Partially Surveyed),
Sec. 36, Lot 1, E½SW¼, NW¼SE¼, NW¼NW¼NE¼SE¼

Containing 160.38 acres.
Aggregating approximately 7,360 acres.

The total amount of State selected lands rejected to permit the conveyance hereafter given including State selections previously rejected totals approximately 7,766 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of the Alaska Native Claims Settlement Act. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the applications submitted by Paug-Vik Incorporated, Limited, as amended, are properly filed, and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 103,988 acres, is considered proper for acquisition by Paug-Vik Incorporated, Limited, and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement act:

The following described lands are approved for patent:

U.S. Survey No. 935 of the U.S. School Reserve at kogiung, district of Alaska.
Containing 7.72 acres.

U.S. Survey No. 2349, situated on the south shore of a small lake, approximately six-tenths (6/10) mile north of Naknek River, Alaska.
Containing 1.97 acres.

U.S. Survey No. 2356 situated on the north shore of Naknek River, Alaska.
Containing 11.09 acres.

U.S. Survey No. 2406 situated on a small lake approximately thrity (30) chains east of Kvichak River, Alaska.
Containing 1.00 acre.

U.S. Survey No. 2711 situated adjacent to U.S. Survey No. 1106 on Graveyard Creek, east side of Kvichak Bay, Alaska.
Containing 29.98 acres.

U.S. Survey No. 2712 situated adjoining U.S. Survey No. 915 on east shore of Kvichak Bay, approximately 3.3 nautical miles north of Cape Suworof, Alaska.
Containing 19.21 acres.

U.S. Survey No. 3006 situated on the easterly shore of Kvichak Bay about one and three-quarters (1¾) miles west of Naknek, Alaska.
Containing 5.00 acres.

U.S. Survey No. 3513, Lot 15, situated on both sides of Naknek-King Salmon road about three-quarters (¾) mile easterly from Naknek, Alaska.
Containing 0.15 acre.

U.S. Survey No. 3528 situated on easterly side of Kvichak Bay, Alaska adjacent to U.S. Survey No. 27111.
Containing 19.21 acres.

U.S. Survey No. 3539, Lots 2, 4, 5, 6, 8, 9, 10, 11, 14, 17, 21, 24 and 27, situated adjacent to the town of Naknek, Alaska.
Containing 30.10 acres.

U.S. Survey No. 3560, Lots 3 and 4, situated east of Nornek Lake one-half (½) mile north of Naknek, Alaska.
Containing 0.24 acre.
Aggregating 125.67 acres.

Seward Meridian, Alaska

T. 17 S., R. 44 W. (Surveyed),
Secs. 7 to 13, inclusive, all;
Sec. 14, N½, W½SW¼, SE¼;
Secs. 15, 16, and 17, all;
Sec. 18, Lots 1, 2, 3 and 4, NE¼, SE¼NW¼, NE¼SW¼, N½SE¼SW¼, N½SE¼, N½SW¼SE¼, SE¼SW¼SE¼, SE¼SE¼;
Sec. 19, Lots 5 and 6, NE¼NE¼, E½NW¼NE¼, N½SE¼SE¼, N½S½SE¼SE¼, NE¼SW¼SE¼, N½SE¼SW¼SE¼;
Sec. 20, N½, N½S½, N½S½S½, N½S½ S½S½;
Sec. 21, N½, N½SW¼, N½S½SW¼, N½S½S½SW¼, SE¼SW¼SE¼SW¼, S½SE¼SE¼SW¼, SE¼;
Sec. 22, all;
Sec. 23, NE¼, W½NW¼, SE¼NW¼, S½;
Sec. 24, all;
Sec. 25, Lots 1, 2 and 3, NE¼, N½NW¼, SE¼NW¼, E½SW¼, N½NE¼SE¼, SW¼NE¼SE¼, S½S½SE¼NE¼SE¼, NW¼SE¼, N½S½SE¼;
Sec. 26, Lots 1, 2, 3, 6, 7, 8, 9 and 10, SW¼NE¼, N½N½NW¼;
Sec. 27, N½, N½SW¼, SE¼;
Sec. 28, NE¼, E½E½NW¼, E½W½ E½NW¼, E½NE¼SW¼, E½W½ NE¼SW¼, N½SE¼;
Sec. 32, Lot 3, S½N½SE¼;
Sec. 33, SW¼NE¼, S½N½SW¼, S½SW¼, SE¼;

Sec. 34, SE¼NW¼, S½;
Sec. 35, all;
Sec. 36, Lot 4, SW¼NE¼, N½N½SW¼, W½SW¼NW¼SW¼, W½NW¼SW¼SW¼, S½SW¼SW¼, SW¼SE¼SW¼, N½NW¼SE¼.

Containing 13,802.39 acres.

T. 17 S., R. 45 W. (Partially Surveyed),
Secs. 3 and 4, all;
Sec. 5, N½, N½N½S½, SE¼NE¼SE¼, E½SE¼SE¼;
Sec. 6, Lots 1 and 2, E½NE¼NE¼NW¼, NW¼NE¼NE¼NW¼, NE¼NW¼NE¼NW¼, W½NW¼NE¼NW¼, W½SW¼NE¼NW¼, SE¼SW¼NE¼NW¼, S½SE¼NE¼NW¼, E½, SE¼NW¼;
Sec. 7, Lots 4 and 5, N½NE¼, SW¼NE¼, SE¼NW¼;
Sec. 8, E½E½NE¼;
Sec. 9, Lots 1, 2, 3 and 4, E½NE¼, W½NW¼, SE¼;
Sec. 10, NE¼NE¼, W½NE¼, NW¼, W½SW¼, NE¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 11, NE¼, N½NW¼, S½;
Sec. 12, all;
Sec. 13, Lots 1 through 6, inclusive, W½NE¼, N½NW¼, NW¼SE¼, N½S½S½;
Sec. 14, N½NE¼, E½SW¼NE¼, SE¼NE¼, N½N½NW¼, SW¼NW¼NW¼, SW¼NE¼SW¼SW¼, W½SE¼SW¼SW¼, NE¼NW¼SE¼, N½SE¼NW¼SE¼, N½SE¼SE¼;
Sec. 15, N½NE¼, N½NW¼SW¼NE¼, N½SW¼SW¼NE¼, E½SW¼NE¼, W½SE¼NE¼, NE¼NE¼NW¼, W½E½NW¼, S½SE¼NE¼NW¼, W½NW¼, NE¼SE¼NW¼, S½SE¼SE¼NW¼, E½NE¼NE¼SW¼, NW¼NW¼NE¼SW¼, N½SW¼NW¼NE¼SW¼, E½SW¼NE¼SW¼, SE¼NE¼SW¼, N½NE¼NW¼SW¼, N½S½NE¼NW¼SW¼, NW¼NW¼SW¼, NW¼SE¼;
Sec. 16, NE¼, S½;
Sec. 17, Lots 4, 5 and 6, NE¼SE¼;
Sec. 18, Lot 1;
Sec. 20, Lots 1 and 2;
Sec. 21, Lots 1, 4, 5 and 6, W½,NE¼, S½SE¼NE¼, E½NW¼, NW¼NW¼.

Containing 6,385.35 acres.

T. 16 S., R. 46 W. (Partially Surveyed),
Sec. 31, Lots 1 through 7, inclusive, NE¼SW¼, W½SE¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 32, Lots 1 through 8, inclusive, S½SW¼, SE¼NE¼;
Sec. 33, Lots 1, 2 and 4;
Sec. 34, NW¼NW¼, E½NW¼, N½NE¼NE¼SE¼;
Sec. 35, Lots 1, 2 and 3, NE¼, E½NW¼, SW¼NW¼, S½NW¼NW¼SW¼, SW¼NW¼SW¼, E½NW¼SW¼, NE¼SW¼, N½SE¼;
Sec. 36, Lot 1, N½, SW¼, N½SE¼, SE¼SE¼.

Containing 2,050.40 acres.

T. 17 S., R. 47 W. (Surveyed),
Sec. 2, Lots 10, 20, 25, 31, 32 and 36, N½SW¼SW¼NE¼, SE¼SW¼SW¼NE¼, W½NE¼NW¼, NW¼NW¼NW¼, E½SE¼NW¼NW¼;
Sec. 3, Lots 1, 3, 5, 6, 8, 10, 15, 16 and 18, SW¼NE¼NE¼, NW¼NW¼NE¼, S½NW¼NE¼, N½NW¼, W½SW¼NE¼SW¼;
Sec. 4, Lots 3, 4, 6, 7, 8, 10, 11, 12, 13, 14 and 15, N½NE¼, SW¼NE¼, E½NW¼, E½W½NW¼, E½SW¼, W½SE¼;
Sec. 9, Lots 1 and 3.

Containing 847.14 acres.

Aggregating 23,210.95 acres.

The following described lands are approved for interim conveyance:

Seward Meridian, Alaska

T. 17 S., R. 44 W. (Surveyed),
Sec. 9, unnamed lake;
Sec. 18, Lot 5, excluding Air Navigation Site No. 169; unnamed lake;
Sec. 19, Lots 4 and 7, and unnamed lake, excluding Air Navigation Site No. 169;
Secs. 25 and 26, unnamed lakes;
Sec. 32, Lot 7, excluding Air Navigation Site No. 15;
Secs. 35 and 36, unnamed lakes.

Containing approximately 576 acres.

T. 18 S., R. 44 W. (Unsurveyed),
Sec. 1, excluding Native allotments AA–6203 Parcel A and AA–6738;
Secs. 2 and 3, all;
Sec. 4, excluding Native allotment AA–7960 Parcels A and B and Public Land Order 3700 (Rec. Site 1);
Sec. 5, that portion east of the right bank of the Naknek River excluding U.S. Survey 4887 and Native allotment AA–6739;
Sec. 8, that portion east of the right bank of the Naknek River;
Sec. 9, that portion north and west of the left bank of the Naknek River (including the unnamed island) excluding Native allotment AA–7960 Parcel B and the Naknek River;
Sec. 10, that portion north of the right bank of the Naknek River excluding ANCSA Sec. 3(e) application AA–25572;
Sec. 11, that portion north of the right bank of the Naknek River;
Sec. 12, that portion north of the right bank of the Naknek River excluding Native allotment A–059269 Parcel B;
Sec. 14, that portion north of the right bank of the Naknek River;
Sec. 15, that portion east of the right bank of the Naknek River;
Sec. 16, that portion west of the right bank of the Naknek River;
Sec. 17, that portion east of the right bank of the Naknek River.

Containing approximately 4,470 acres.

T. 17 S., R. 45 W. (Partially Surveyed),
Sec. 3, unnamed lake;
Sec. 8, SE¼, excluding Native allotment AA–6157 Parcel B;
Sec. 9, SW¼, excluding Native allotment AA–7263; unnamed lake;
Sec. 13, unnamed lake;
Sec. 16, NW¼, excluding Native allotments AA–6157 Parcel B and AA–7263;
Sec. 17, Lot 3, E½NE¼, excluding Native allotment AA–6157 Parcel B.

Containing approximately 573 acres.

T. 14 S., R. 46 W. (Unsurveyed),
Sec. 1, excluding the Kvichak River;
Secs. 2, 3 and 4, excluding Suoger Slough and the Kvichak River;
Secs. 5, 6 and 7, all;
Sec. 8, excluding the Kvichak River;
Sec. 9, excluding Suoger Slough and the Kvichak River;
Sec. 11, excluding the Kvichak River;
Sec. 12, excluding U.S. Survey 2308, U.S. Survey 2309, U.S. Survey 2346, U.S. Survey 2406 and the Kvichak River;
Sec. 13, all;
Sec. 14, excluding the Kvichak River;
Sec. 15, excluding U.S. Survey 70, U.S. Survey 112, U.S. Survey 509, U.S. Survey 535, U.S. Survey 536, U.S. Survey 879, U.S. Survey 935, U.S. Survey 2835, U.S. Survey 2836 and the Kvichak River;
Sec. 16, excluding the Kvichak River;
Sec. 18, excluding Duck Creek and the Kvichak River;
Secs. 19, 20 and 21, excluding the Kvichak River;
Secs. 22, 23, 26 and 27, all;
Secs. 28, 29 and 32, excluding the Kvichak River;
Sec. 33, excluding U.S. Survey 128, U.S. Survey 517, U.S. Survey 518, U.S. Survey 520 and U.S. Survey 529;
Secs. 34 and 35, all.

Containing approximately 12,113 acres.

T. 15 S., R. 46 W. (Unsurveyed),
Secs. 2 and 3, all;
Sec. 4, excluding U.S. Survey 489, U.S. Survey 516, U.S. Survey 517, U.S. Survey 519, Coffee Creek and the Kvichak River;
Sec. 5, excluding Coffee Creek and the Kvichak River;
Sec. 8, excluding U.S. Survey 1250, Coffee Creek and the Kvichak River;
Sec. 9, excluding U.S. Survey 1250;
Secs. 10 and 11, all;
Secs. 14, 15 and 16, all;
Sec. 17, excluding U.S. Survey 531, Graveyard Creek and the Kvichak River;
Sec. 18 (fractional), excluding U.S. Survey 00, U.S. Survey 490, U.S. Survey 508, U.S. Survey 530 and U.S. Survey 531;
Sec. 19 (fractional), excluding U.S. Survey 00, U.S. Survey 72, U.S. Survey 390, U.S. Survey 532, U.S. Survey 542, U.S. Survey 1106, U.S. Survey 2711, U.S. Survey 3528 and Graveyard Creek;
Secs. 20 and 21, excluding Graveyard Creek;
Secs. 22 and 23, all;
Secs. 26 to 29, inclusive, all;
Sec. 30 (fractional), all;
Sec. 31 (fractional), excluding Native allotment AA–8161 Parcel B;
Sec. 32 (fractional), excluding Native allotments AA–6153 Parcel A, AA–8138 Parcel A, AA–8158 Parcel A, AA–8161 Parcel B and ANCSA Sec. 3(e) application AA–12832;
Secs. 33, 34 and 35, all.

Containing approximately 14,657 acres.

T. 16 S., R. 46 W. (Partially Surveyed),
Secs. 1, 2, 3 and 4, all;
Sec. 5 (fractional), excluding Native allotment AA–6153 Parcel A;
Sec. 6 (fractional), excluding Native allotments AA–5937 Parcel A and AA–6208;
Sec. 7 (fractional), all;
Secs. 8 to 17, inclusive, all;
Sec. 18 (fractional), all;
Secs. 19 to 30, inclusive, all;
Secs. 31 to 35, inclusive, unnamed lakes.

Containing approximately 18,704 acres.

T. 14 S., R. 47 W. (Unsurveyed),
Secs. 1, 2 and 3, all;
Secs. 10, 11 and 12, all;
Sec. 13, excluding U.S. Survey 2674 and Duck Creek;
Secs. 14, 15, 22 and 23, all;

Sec. 24, excluding U.S. Survey 2674, ANCSA Sec. 3(e) application AA–12833, Squaw Creek and the Kvichak River;
Sec. 25, excluding U.S. Survey 506, U.S. Survey 507, U.S. Survey 533, U.S. Survey 539, U.S. Survey 696, U.S. Survey 2598, U.S. Survey 2599, Squaw Creek and the Kvichak River;
Sec. 26, excluding U.S. Survey 2600;
Secs. 27, 34 and 35, all;
Sec. 36, excluding U.S. Survey 507 and the Kvichak River.

Containing approximately 10,937 acres.

T. 15 S., R. 47 W. (Unsurveyed),
Secs. 1 and 2 (fractional), all;
Secs. 3, 8, 9 and 10, all;
Secs. 11, 14, 15 and 16 (fractional), all;
Secs. 17 and 18, excluding King Salmon Creek;
Sec. 19 (fractional), all;
Sec. 20 (fractional), excluding U.S. Survey 730 and King Salmon Creek;
Secs. 21 and 30 (fractional), all.

Containing approximately 7,170 acres.

T. 16 S., R. 47 W. (Unsurveyed),
Sec. 13 (fractional), all;
Sec. 23 (fractional), excluding U.S. Survey 915, U.S. Survey 2712 and U.S. Survey 4695;
Sec. 24 (fractional), excluding U.S. Survey 915 and U.S. Survey 2712;
Sec. 25, excluding Native allotments AA–4142 Parcel B and AA–5716 Parcel B;
Sec. 26 (fractional), excluding U.S. Survey 1020, U.S. Survey 2399, U.S. Survey 2429, U.S. Survey 5248, Native allotments AA–4142 Parcels A and B, AA–5716 Parcel B and A–055659 Parcel C;
Sec. 35 (fractional), excluding U.S. Survey 1582;
Sec. 36, excluding U.S. Survey 1582.

Containing approximately 2,211 acres.

T. 17 S., R. 47 W. (Surveyed),
Sec. 3, Lot 13, excluding Native allotment AA–6242 Parcel B, Lot 14, excluding Native allotment AA–975 Parcel C, and Monsen and Nornek Lakes;
Sec. 4, Lot 5, excluding Native allotment AA–6622 Parcel C;
Sec. 9, Lot 2, excluding ANCSA sec. 3(e) application AA–12835.

Containing approximately 152 acres.

T. 15 S., R. 48 W. (unsurveyed),
Sec. 13, all;
Secs. 19 to 24, inclusive, all;
Sec. 25 (fractional), excluding U.S. Survey 1030, U.S. Survey 5269 and Copenhagen Creek;
Secs. 26 and 27, all;
Sec. 28, excluding Native allotment AA–6119 Parcel B;
Secs. 29 and 30, all;
Sec. 31, excluding Native allotment A–062335 Parcel B;
Sec. 32 (fractional), excluding Native allotment A–062335 Parcel B;
Sec. 33 (fractional), excluding Native allotment AA–4141 and AA–6119 Parcel B;
Sec. 34 (fractional), excluding Native allotment AA–4141;
Sec. 35 (fractional), all.

Containing approximately 9,214 acres.

Aggregating approximately 80,777 acres.

Total aggregated acreage, approximately 103,988 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (1976)); and

2. Pursuant to Sec. 17(b) of the Alaska Native claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–6680–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 4 C3, D1, D9, L) An easement for an existing access trail fifty (50) feet in width from Sec. 14, T. 17 S., R. 45 W., Seward Meridian, northeasterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

b. (EIN 12 C3, D1, D9, L) An easement sixty (60) feet in width for an existing road from King Salmon easterly to the Katmai National Monument in Sec. 30, T. 17 S., R. 43 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

c. (EIN 12a C3, D1, D9, L) An easement sixty (60) feet in width for an existing road from EIN 12 C3, D1, D9, L, in Sec. 32, T. 17 S., R. 44 W., Seward Meridian, southerly to a military camp and the Naknek River in Sec. 4, T. 18 S., R. 44 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

d. (EIN 14 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Naknek in Sec. 3, T. 17 S., R. 47 W., Seward Meridian, northerly to Levelock. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

e. (EIN 19 C3, C5, D1) An easement sixty (60) feet in width for an existing road from Naknek easterly to King Salmon in Sec. 26, T. 17 S., R. 45 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

f. (EIN 29c C5) An easement for an existing access trail twenty-five (25) feet in width from the community of Nakeen in Sec. 25, T. 14 S., R. 47 W., Seward Meridian, westerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

g. (EIN 29d C5) An easement for a proposed access trail twenty-five (25) feet in width from a cannery on the Kvichak River in Sec. 33, T. 14 S., R. 46 W., Seward Meridian, easterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

h. (EIN 31 C4) An easement sixty (60) feet in width for an existing road from road EIN 19 C3, C5, D1 in Sec. 6, T. 17 S., R. 45 W., Seward Meridian, northerly to a Federal Aviation Administration outer marker site, which is an airways navigational aid associated with an instrument approach landing. The uses allowed are those listed above for a sixty (60) foot wide road easement. Use of the road will be limited to government personnel only.

i. (EIN 32 C4) An easement twenty-five (25) feet in width for an existing aerial power and control line beginning in Sec. 26, T. 17 S., R. 45 W., Seward Meridian, northwesterly, roughly paralleling road EIN 19 C3, C5, D1 to the outer marker site in Sec. 6, T. 17 S., R. 45 W., Seward Meridian. The uses allowed are those activities associated with the operation and maintenance of the powerline facility.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way or

easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, and valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. A right-of-way, A–051081, located in Secs. 7, 8, 15, 16, 17, 22, 23 and 26, T. 17 S., R. 45 W.; Secs. 32, 33, 34, 35 and 36, T. 16 S., R. 46 W.; Secs. 1, 2, 3 and 4, T. 17 S., R. 46 W.; and Secs. 1 and 2, T. 17 S., R. 47 W., Seward Meridian, twenty (20) feet on each side of the centerline for an electrical distribution line and an additional electrical distribution line located in Secs. 31, 32, 33, 34 and 35, T. 16 S., R. 46 W.; Sec. 23, T. 17 S., R. 45 W.; and Sec. 2, T. 17 S., R. 47 W., Seward Meridian, fifteen (15) feet on each side of the centerline for the Naknek Electric Association, Inc., under the provisions of the Act of October 21, 1976 (90 Stat. 2743, 2776; 43 U.S.C. 1701, 1761 (1976));

4. Those rights for water pipeline purposes, and appurtenances thereto, as have been granted to A. W. Brindle, his successors or assigns, by right-of-way A–047779, located in Secs. 29, 31 and 32, T. 16 S., R. 46 W., Seward Meridian, under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

5. Those rights for water pipeline purposes, and appurtenances thereto, as have been granted to Nelbro Packing Company, its successors or assigns, by right-of-way A–031271, located in Sec. 2, T. 17 S., R. 47 W., Seward Meridian, under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

6. Those rights for water pipeline purposes, and appurtenances thereto, as have been granted to P. E. Harris Company, Inc., its successors or assigns, by right-of-way A–010402, located in Sec. 3, T. 17 S., R. 47 W., Seward Meridian, under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

7. Those rights for water pipeline purposes, and appurtenances thereto, as have been granted to New England Fish Company, its successors or assigns, by right-of-way A–013744, located in Sec. 25, T. 16 S., R. 47 W., Seward Meridian, under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

8. Those rights for water pipeline purposes, and appurtenances thereto, as have been granted to New England Fish Company, its successors or assigns, by right-of-way A–010870, located in Secs. 25 and 26, T. 14 S., R. 47 W., Seward Meridian, under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

9. A right-of-way, A–08536, located in Secs 1, 2 and 3, T. 17 S., R. 47 W., Seward Meridian, for a wagon-road between U.S. Surveys 544 and 764 for the Red Salmon Canning Company, under the provisions of the Act of May 14, 1898 (30 Stat. 409; 48 U.S.C. 411–419 (1976));

10. Airport lease, A–056941, containing 172.09 acres, located within Lots 1, 3, 6 and 8, N½NW¼, W½NW¼NE¼, SE¼NW¼NE¼, SW¼NE¼NE¼, Sec. 3, T. 17 S., R. 47 W., Seward Meridian and Lots 4, 5, 6 and 27, U.S. Survey No. 3539 issued to the State of Alaska, Department of Transportation and Public Facilities, under the provisions of the Act of May 24, 1928 (45 Stat. 728–729); 43 U.S.C. 211–214 (1976)); and

11. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Paug-Vik Incorporated, Limited is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 103,988 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 11,212 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corporation when conveyance is granted to Paug-Vik Incorporated, Limited for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Only the following inland water bodies, within the described lands, are considered to be navigable: Naknek River; Kvichak River.

Streams exhibiting tidal influence within the selection area are:

Graveyard Creek T. 15 S., R. 46 W., south boundary Sec. 21;
Coffee Creek T. 15 S., R. 46 W., east boundary Sec. 3;
Squaw Creek T. 14 S., R. 47 W., west boundary Sec. 24;
Copenhagen Creek T. 15 S., R. 48 W., north boundary Sec. 25;
Suoger Slough T. 14 S., R. 46 W., entire slough;
Duck Creek T. 14 S., R. 47 W., north boundary Sec. 13;
King Salmon Creek T. 15 S., R. 47 W., north boundary Sec. 17;
(west side of Kvichak Bay)

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks in the ANCHORAGE TIMES. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until October 29, 1979 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

Paug-Vik Incorporated, Limited, Naknek, Alaska 99633.
Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.
State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Sue A. Wolf,

Chief, Branch of Adjudication.

[FR Doc. 79-30184 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

California Desert Conservation Area Advisory Committee; Field Reviews

Notice is hereby given in accordance with Public Laws 92–463 and 94–579 that the California Desert Conservation Area Advisory Committee to the Bureau of Land Management, U.S. Department of the Interior, will hold a series of field reviews in the California Desert Conservation Area. The field reviews will be held at various locations to provide the members firsthand information on the georgraphy, topography, resources and uses of the public lands with the Desert Conservation Area, as well as conflicts among uses. The purpose of the trips is

for observation and orientation and no formal meetings of the Committee will be held in conjunction with the field reviews; nor will the BLM seek advice from the Advisory Committee on the field reviews; nor will there be opportunity for public presentation or comment. Site examples will include areas with high values for outdoor recreation, wildlife, cultural and historical resorces, and minerals and energy resources. BLM personnel will discuss resource programs and conditions at the various sites. Members of the public who wish to participate in the field reviews must furnish their own transportation, meals, and lodging.

The initial field review will be held October 12 and 13, 1979, and will be concerned with the public lands and resources of the northern portions of the California Desert Conservation Area. Subsequent field reviews, on November 16 and 17, and on December 7 and 8, will be concerned, respectively, with the central and sourthern portions of the CDCA. The field reviews are open to the public but will not include formal meetings or opportunities to present formal statements. Further information regarding the field reviews and itineraries may be obtained from the Chairman, California Desert Conservation Area Advisory Committee, c/o Desert Plan Staff, Bureau of Land Management, 3610 Central Avenue Suite 402, Riverside, California 92506.

Dated: September 20, 1979.

James B. Ruch,

State Director.

[FR Doc. 79-30081 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

[S 4928]

California; Order Providing for Opening of Lands

September 20, 1979.

1. In a gift of lands made under Section 8(a) of the Taylor Grazing Act of June 28, 1934 (43 Stat. 1272; 43 U.S.C. 315g), the following lands have been conveyed to the United States:

Mount Diablo Meridian

T. 13 N., R. 6 W., M.D.M.
Sec. 20, NE¼NE¼, W½NE¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 21, NW¼NW¼;
Sec. 29, W½NW¼;
Sec. 30, SE¼NE¼.

The area aggregates approximately 440 acres in Lake County, California.

2. The subject land is located approximately 6 miles east of Clear Lake, California, in the Cache Creek area. The land will be managed together with adjoining public lands under principles of multiple land use.

3. At 10 a.m. on October 30, 1979, the land shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on October 30, 1979, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands shall be addressed to the Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Acting Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 79-30077 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

[N-300]

Nevada; Amended Notice of Proposed Withdrawal and Opportunity for Public Hearing

September 21, 1979.

The Notice of Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal published in the Federal Register on September 27, 1978 (Vol. 43, No. 188) identified a proposed withdrawal of 2.9 acres of public land to be used as an air navigation site by the Federal Aviation Administration.

The original withdrawal application did not include sufficient acreage to accommodate existing underground facilities or to guarantee freedom from conflicting uses. Therefore, the Federal Aviation Administration has filed an amended application to withdraw the following described land from all forms of appropriation, including the mining laws (30 U.S.C., Ch. 2) but not the mineral leasing laws:

Mount Diablo Meridian

T. 29 N., R. 45 E.
A circular plot with a radius of 350 feet, the center of which is the on-site ARSR tower, located S. 87° 48' W., 1,790 feet from the Mount Lewis triangulation station in the NW quarter of Section 12, containing approximately 8.83 acres.

The applicant desires the land for the continued operation and maintenance of the existing Air Route Surveillance Radar Facility known as Battle Mountain ARSR-2.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below on or before November 7, 1979. Upon determination by the State Director that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Managment within the 40 day period allowed.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All correspondence in connection with this withdrawal should be addressed to the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, 300 Booth Street, Reno, Nevada 89509.

Wm. J. Malencik,

Acting Chief, Division of Technical Services.

[FR Doc. 79-30078 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

[N-25249]

Nevada; Proposed Withdrawal and Reservation of Land

September 21, 1979.

The U.S. Forest Service, Department of Agriculture, on June 21, 1979, filed an application to withdraw the national forest land described below, subject to

valid existing rights, from all forms of appropriation under the mining laws (30 U.S.C. Ch. 2), but not the mineral leasing laws:

Mount Diablo Meridian

T. 14 N., R. 46 E.,
Beginning at a point on Nevada Protraction Diagram No. 223, labeled "NPD, NYB 096 L" (identical with south section corner common to sections 31 and 32, T. 14 N., R. 47 E., MDM); thence North 89°55' West 78.17 chains along the north line of T. 13 N., R. 47 E. to the northwest corner of said township; then West 203.00 chains along the north township line of T. 13 N., R. 46 E. to the true place of beginning; then South 10 chains; thence West 20 chains; thence North 20 chains; thence East 20 chains; thence South 10 chains to the true place of beginning, and consisting of 40 acres situated partly in the north portion of section 3, T. 13 N., R. 46 E., and partly in the south portion of section 34;

T. 13 N., R. 45 E.,
Sec. 4, W½NE¼NW¼, E½NW¼NW¼.

The land comprising approximately 80 acres, is within the Toiyabe National Forest and will be administered in accordance with applicable laws and regulations for national forest lands.

The Forest Service desires that the lands be withdrawn and reserved for the purpose of establishing the Gatecliff and Triple "T" Archaeological Sites. For a period of 40 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address provided below, on or before November 7, 1979. Upon determination by the State Director that a public hearing should be held, the time and place of such hearing will be announced.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs while providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and will reach an agreement on the concurrent management of the land and the attendant resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the **Federal Register.** The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

The above described lands are temporarily segregated from the operation of the mining and mineral leasing laws to the extent that the withdrawal, if and when effected, would prevent disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 30, 1981, unless sooner terminated by action of the Secretary of Interior.

All correspondence in connection with this withdrawal should be directed to the Bureau of Land Management, Department of Interior, 300 Booth Street, Reno, Nevada 89509.

Wm. J. Malencik,
Chief, Division of Technical Services.

[FR Doc. 79-30079 Filed 9-27-79; 8:45 am]
BILLING CODE 4310-84-M

[N-10852]

Nevada; Order Providing for Opening of Public Land

September 18, 1979.

In an exchange of land made under the provisions of Section 8 of the Act of June 28, 1934, as amended, the following described land has been reconveyed to the United States:

Mount Diablo Meridian

T. 32 N., R. 46 E.,
Sec. 25, A11;
T. 32 N., R. 47 E.,
Sec. 9, W½;
Sec. 17, E½;
Sec. 29, A11;
Sec. 31, N½, NW¼SW¼;
Sec. 33, W½;
T. 31 N., R. 46 E.,
Sec. 1, A11;
Sec. 13, E½NE¼, NW¼NE¼;
T. 31 N., R. 47 E.,
Sec. 5, A11;
Sec. 7, A11;
comprising approximately 4,712 acres.

The land lies on the western slope of the Shoshone Range south of Argenta Point and ranges from gently rolling to deep and rugged terrain, predominantly the latter. The elevation ranges from 4,640 feet to 7,200 feet.

Subject to valid existing rights, the land is hereby restored to the operation of the public land laws, but not the mining and mineral leasing laws. The minerals were not reconveyed to the United States.

Wm. J. Malencik,
Acting Chief, Division of Technical Services.

[FR Doc. 79-30080 Filed 9-27-79; 8:45 am]
BILLING CODE 4310-84-M

Amended Final Decision on IPP Inventory

The Bureau of Land Management in Nevada has received a protest to a portion of its second special wilderness inventory for the proposed Intermountain Power Project, as was published in the **Federal Register,** September 14, 1979 (FR Doc. 79-28592 filed 9-13-79; 8:45 a.m.)

The protest concerns BLM's boundary alignment on the Evergreen Wilderness Study Area Unit (NV-050-01R-16A) which is immediately south of Maynard Lake and the Pahranagat National Wildlife Refuge on State Highway 93.

The protest states that the Evergreen unit's northern boundary is improper because the close visual proximity between the canyon and the west side of the highway does not allow the visitor to escape the sights and sounds emanating from the highway and the nearby 69 kilovolt powerline.

BLM agrees that the extenuating circumstances created by the narrow canyon, do detract substantially from the area's value for a wilderness experience. Therefore, a further boundary change from the State Director's decision of September 5, 1979, is necessary to eliminate this portion from the wilderness study area. This amended decision will be implemented 30 days following the date of the State Director's decision.

The following amended decision is made: To drop 140 acres from the Evergreen wilderness study area which now becomes 2,660 acres in size. The new boundary will begin at the midpoint of the east boundary of the Desert Game Range in Section 10, Township 9 South, Range 62 East, Mt. Diablo meridian and thence proceed southeasterly down the ridge until it intersects with the abandoned county road in Section 14, Township 9 South, Range 62 East.

Further information on the protest and the BLM's amendment can be obtained

from the Nevada State Office, BLM, Room 3008 Federal Building, 300 Booth Street, Reno, Nevada 89509.

Dated: September 24, 1979.

Edward F. Spang,

State Director, Nevada.

FR Doc. 79-30159 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf, North Atlantic Oil and Gas Lease Sale No. 42

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343), as amended, and the regulations issued thereunder (43 CFR Part 3300).

2. *Filing of Bids.* Sealed bids will be received by the Manager, New York Outer Continental Shelf (OCS) Office, Bureau of Land Management, at the Biltmore Plaza Hotel, Kennedy Plaza, Providence, Rhode Island 02903. Bids may be delivered in person to the Bureau at that address (State Suites B and C) from 1:00 p.m., to 5:00 p.m., e.s.t., October 29, 1979 or to that address (Grand Ballroom) from 8:30 a.m., e.s.t., to 9:30 a.m., e.s.t., October 30, 1979. Bids may also be delivered to the address in paragraph 14 until 4:45 p.m., e.s.t., Friday, October 26, 1979. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., e.s.t., October 30, 1979. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 44 FR 24348.

3. *Method of Bidding.* A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., e.s.t., October 30, 1979", must be submitted for each tract. A suggested form appears in 43 CFR Part 3300 (44 FR 38289) Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 13 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300 (44 FR 38289) Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. *Bonus Bidding With a Fixed Sliding Scale Royalty.* Bids on 42–18, 42–19, 42–20, 42–26, 42–27, 42–28, 42–78, 42–79, 42–80, 42–81, 42–89, 42–97, 42–98, 42–111, 42–112, 42–113, 42–117, 42–118, 42–119, 42–122, 42–123, 42–124, 42–125, 42–126, 42–127, 42–128, 42–130, 42–131, 42–132, 42–133, 42–134, 42–135, 42–136, 42–137, 42–138, 42–139, 42–140, 42–141, 42–142, 42–143, 42–144, 42–145, 42–146, 42–150, 42–151, 42–152, 42–153, 42–154, 42–155, 42–156, 42–157, 42–158, 42–162, 42–163, and 42–164 must be submitted on a cash bonus bid basis with the percent royalty due in amount or value of production saved, removed or sold fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining percent royalty due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64 and Sec. 6 (b) of the lease form.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than $15.929026 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $15.929026 million, but less than or equal to $3423.822697 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b\,(Ln\,(Vj/S))$$

Where:

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 9.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 2.5

BILLING CODE 4310-84-M

Figure 1
Form of the Sliding Royalty Schedule

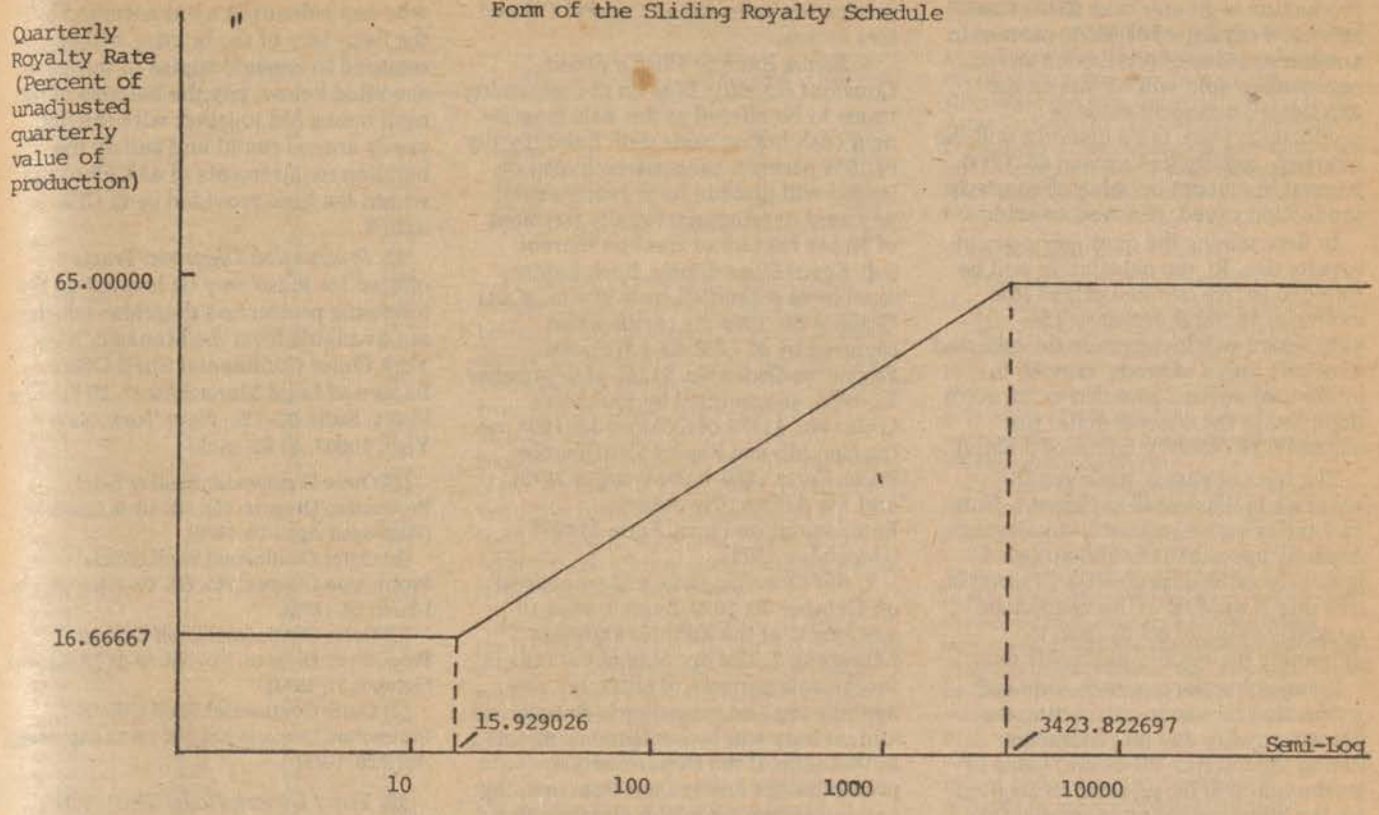


TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	19.77502	5.932506
90.000000	200.0	4/3	67.500000	29.66253	26.696277
270.000000	200.0	4/3	202.500000	39.55004	106.785108
810.000000	200.0	4/3	607.500000	49.43755	400.444155
10.000000	250.0	4/3	6.000000	16.66667	1.666667
30.000000	250.0	4/3	18.000000	17.76673	5.330019
90.000000	250.0	4/3	54.000000	27.65424	24.888816
270.000000	250.0	4/3	162.000000	37.54175	101.362725
810.000000	250.0	4/3	486.000000	47.42926	384.177006

1 Column (B)) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100.

BILLING CODE 4310-84-C

When the adjusted quarterly value of production is greater than $3423.822697 million, a royalty of 65.00000 percent in amount or value of production saved, removed, or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be rounded to five decimal places (for example, 18.59859 percent). This calculation will incorporate the adjusted quarterly value of production, Vj in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 19.743026 millions of dollars).

The form of sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64 and Sec. 6(b) of the lease form. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

Leases awarded on the basis of cash bonus bid with fixed sliding scale royalty will provide for a yearly rental or minimum royalty payment of $8 per hectare or fraction thereof.

Bidders for these tracts should recognize that the Department of Energy is authorized, under Section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal Oil and Gas leases.

5. *Bonus Bidding With a Fixed Constant Royalty.* Bids on the remaining tracts to be offered at this sale must be on a cash bonus basis with fixed royalty of 16⅔ percent. Leases which may be issued will provide for a yearly rental payment or minimum royalty payment of $8 per hectare or fraction thereof.

6. *Equal Opportuntiy.* Each bidder must have submitted by 9:30 a.m., e.s.t., October 30, 1979 the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140–8 (November 1973), and the Affirmative Action Representation Form, Form 1140–7 (December 1971).

7. *Bid Opening.* Bids will be opened on October 30, 1979, beginning at 10 a.m., e.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, October 30, 1979, that bid will be returned unopened to the bidder, as soon thereafter as possible.

8. *Deposit of Payment.* Any cash, cashier's checks, certified checks, or bank draft, submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

9. *Withdrawal of Tracts.* The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

10. *Acceptance or Rejection of Bids.* The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62 or more per hectare or fraction thereof.

11. *Successful Bidders.* Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3318.1 within the time provided in 43 CFR 3316.5.

12. *Protraction Diagram.* Tracts offered for lease may be located on the following protraction diagrams which are available from the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, 26 Federal Plaza, Suite 32–120, New York, New York 10007, at $2 each.

(a) Outer Continental Shelf Official Protraction Diagram No. NK 19–8, Chatham (Approved April 18, 1979).

(b) Outer Continental Shelf Official Protraction Diagram No. NK 19–9, (Approved March 20, 1975).

(c) Outer Continental Shelf Official Protraction Diagram No. NK 19–11 (Approved October 31, 1974).

(d) Outer Continental Shelf Official Protraction Diagram No. NK 19–12 (Approved April 29, 1975).

13. *Tract Descriptions.* The tracts offered for bid are as follows:

Note.—There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice.

OCS Official Protraction Diagram NK 19–8, Chatham

[Approved April 18, 1979]

Tract	Block	Description	Hectares
42–3	643	All	2304
42–6	916	All	2304
42–7	917	All	2304
42–8	961	All	2304
42–9	962	All	2304
42–10	1006	All	2304

OCS Official Protraction Diagram NK 19–9,

[Approved March 20, 1975]

Tract	Block	Description	Hectares
44–11	883	All	2304
42–12	884	All	2304
42–15	926	All	2304
42–16	927	All	2304
42–17	928	All	2304
42–18	930	All	2304
42–19	931	All	2304
42–20	932	All	2304
42–24	970	All	2304
42–25	971	All	2304
42–26	974	All	2304
42–27	975	All	2304
42–28	976	All	2304

OCS Official Protraction Diagram NK 19-11,

[Approved October 31, 1974]

Tract	Block	Description	Hectares
42-38	38	All	2304
42-39	39	All	2304
42-40	80	All	2304
42-41	81	All	2304
42-42	82	All	2304
42-43	83	All	2304
42-44	84	All	2304
42-45	123	All	2304
42-46	124	All	2304
42-47	125	All	2304
42-48	128	All	2304
42-49	167	All	2304
42-50	168	All	2304
42-51	169	All	2304
42-52	171	All	2304
42-53	172	All	2304
42-54	214	All	2304
42-55	215	All	2304
42-56	216	All	2304
42-57	258	All	2304
42-58	259	All	2304
42-59	260	All	2304
42-76	1	All	2304
42-77	2	All	2304
42-78	6	All	2304
42-79	7	All	2304
42-80	8	All	2304
42-81	12	All	2304
42-88	45	All	2304
42-89	56	All	2304
42-90	57	All	2304
42-96	89	All	2304
42-97	99	All	2304
42-98	100	All	2304
42-99	101	All	2304
42-105	133	All	2304
42-106	134	All	2304
42-107	135	All	2304
42-108	136	All	2304
42-109	137	All	2304
42-110	138	All	2304
42-111	142	All	2304
42-112	143	All	2304
42-113	144	All	2304
42-114	145	All	2304
42-115	146	All	2304
42-116	177	All	2304
42-117	186	All	2304
42-118	187	All	2304
42-119	188	All	2304
42-120	189	All	2304
42-121	190	All	2304
42-122	226	All	2304
42-123	227	All	2304
42-124	228	All	2304
42-125	229	All	2304
42-126	230	All	2304
42-127	231	All	2304
42-128	232	All	2304
42-129	233	All	2304
42-130	266	All	2304
42-131	267	All	2304
42-132	269	All	2304
42-133	270	All	2304
42-134	271	All	2304
42-135	272	All	2304
42-136	273	All	2304
42-137	274	All	2304
42-138	310	All	2304
42-139	311	All	2304
42-140	312	All	2304
42-141	313	All	2304
42-142	314	All	2304
42-143	315	All	2304
42-144	316	All	2304
42-145	317	All	2304
42-146	318	All	2304
42-147	322	All	2304
42-148	323	All	2304
42-149	324	All	2304
42-150	353	All	2304
42-151	354	All	2304
42-152	355	All	2304
42-153	356	All	2304
42-154	357	All	2304
42-155	358	All	2304
42-156	359	All	2304
42-157	360	All	2304
42-158	361	All	2304
42-159	365	All	2304
42-160	366	All	2304

OCS Official Protraction Diagram NK 19-11,— Continued

[Approved October 31, 1974]

Tract	Block	Description	Hectares
42-161	367	All	2304
42-162	397	All	2304
42-163	398	All	2304
42-164	399	All	2304
42-169	409	All	2304
42-170	410	All	2304

14. *Lease Terms and Stipulations.* All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300–1 (September 1978), available from the Manager, New York Outer Continental Shelf Office, Federal Building, Suite 32–120, 26 Federal Plaza, New York, New York 10007. Section 6 of the lease form will be amended for tracts offered on a cash bonus basis with a fixed sliding scale royalty, listed in paragraph 4 as follows:

Sec. 6 *Royalty on Production.* (a) To pay the lessor a royalty of that percent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than $15.929026 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $15.929026 million, but less than or equal to $3423.822697 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b\,(\mathrm{Ln}\,(Vj/S))$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 9.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 2.5

When the adjusted quarterly value of production is greater than $3423.822697 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be rounded to five decimal places (for example, 18.59859 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 19.743026 millions of dollars). Gas of all kinds (except Helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

Execpt as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulation the term Supervisor refers to the Atlantic Area Oil and Gas Supervisor for Operations of the Geological Survey and the term Manager refers to the Manager of the New York OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the Supervisor having reason to believe that a site, structure or object of historical or archeological significance hereinafter referred to as "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archeologist shall be submitted by the lessee to the Supervisor and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) Locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archeological investigation conducted by a qualified marine survey archeologist or underwater archeologist using such survey equipment and technique as deemed necessary by the Supervisor, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archeologist shall be submitted to the Supervisor and the Manager for their review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its preservation.

Stipulation No. 2

If biological populations or habitats which may require additional protection are identified by the Supervisor in the leasing area, the Supervisor will require the lessee to conduct environmental surveys or studies, including sampling as, approved by the Supervisor, to characterize existing environmental conditions in an identified zone prior to oil and gas operations, and to determine the extent and composition of biological populations or habitats, and the effects of proposed or existing operations on the populations or habitats which might require additional protective measures. The Supervisor shall provide written notice to the lessee of his decision to require such surveys or studies. The nature and extent of any surveys or studies will be determined by the Supervisor on a case-by-case basis.

Based on any surveys or studies which the Supervisor may require of the lessee, the Supervisor may require the lessee to: (1) Relocate the site of operations so as not to affect adversely the significant biological populations or habitats deserving protection; (2) modify operations in such a way as not to affect adversely the significant biological populations or habitats deserving protection; (3) provide for periodic sampling of environmental conditions during operations; or (4) establish to the satisfaction of the Supervisor that such operations will not adversely affect the significant biological populations or habitats deserving protection.

The lessee shall submit all data obtained in the course of such surveys or studies to the Supervisor, with the locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biological populations or habitats surveyed, until the Supervisor provides written directions to the lessee, with regard to permissible actions.

In the event that important biological populations or habitats are identified subsequent to commencement of operations, the lessee shall make every reasonable effort to preserve and protect all significant biological populations and habitats within the lease area, until the Supervisor provides written instructions to the lessee with regard to the biological populations or habitats identified.

Stipulation No. 3

Pipelines will be required, (1) if pipeline rights-of-way can be determined and obtained, (2) if laying such pipelines is technically feasible and environmentally preferable, and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the intergovernmental planning program for assessment and management of transportation of Outer Continental Shelf oil and gas with the participation of Federal, State, and local government and industry. Where feasible and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries' trawling gear, and other factors as determined on a case-by-case basis. All valves, taps, or other irregular surfaces that might be vulnerable or might damage fishing gear will be buried to a minimum of one foot or to a depth suitable for adequate protection or covered with an approved protective dome which will allow commercial trawl gear to pass over the structure without snagging or damaging the structure or fishing gear.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Supervisor. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels pursuant to the Ports and Waterways Safety Act of 1972 as amended (46 U.S.C. 391a).

Stipulation No. 4

The Supervisor may require the lessee to dispose of drill cuttings and drilling muds by shunting the material to a depth and location below the ocean surface as specified by the Supervisor, or by transporting the material to disposal sites approved by the Environmental Protection Agency. The Supervisor shall determine the method of disposal based upon review of the data obtained from the surveys and studies established pursuant to stipulation No. 2, and from other relevant sources of information.

Based upon the composition of produced formation waters, the site-specific environmental conditions in a leasing area, and the data obtained from the surveys and studies established pursuant to stipulation No. 2, as well as data from other relevant sources, the Supervisor may require the lessee to reinject formation waters. The Supervisor shall provide written notice to the lessee of a decision to require reinjection of such formation waters.

Stipulation No. 5

(The lease for the following tract will include this stipulation, which will apply only to operations within the designated portion of this tract: 42–43, NW ¼, N½SW¼).

Portions of this tract may contain a shallow "bright spot" seismic amplitude anomaly which may be indicative of a shallow gas deposit. Surface occupancy above this anomaly and drilling through the anomaly will not be allowed unless or until the lessee has demonstrated to the Supervisor's satisfaction that a potentially hazardous accumulation of shallow gas does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be placed, or drilling plans designed to assure safe operations in the area above the anomaly. This may necessitate all exploration for and development of oil and gas be performed from locations outside the area of concern, either within or outside this lease block.

Stipulation No. 6

The lessee shall include in his exploration and development plans submitted under 30 CFR 250.34 a proposed fisheries training program for review and approval by the Supervisor pursuant to this stipulation. The training program shall be for the personnel involved in vessel operations (related to offshore exploration and development and production operations); and platform and shorebased supervisors. The purpose of the training program shall be to familiarize persons working on the project of the value of the commerical fishing industry and the methods of offshore fishing operations and the potential hazards, conflicts and impacts resulting from offshore oil and gas activities. The program shall be formulated and implemented by qualified and experience instructors in the kinds of fishing activities, methods of communication and navigational safety.

Stipulation No. 7

(To be included in any leases resulting from this sale for the sliding scale royalty tracts listed in paragraph 4 of this notice).

(a) The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12(e)). The Director, Geological Survey, may grant a reduction for only one year at a time. Reduction of royalty rates will not be approved unless production has been underway for one year or more.

(b) Although the royalty rate specified in Sec. 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16⅔ percent of the production saved, removed or sold from the lease area may be taken as royalty on amount, except as provided in Sec. 15 (d) of this lease; the royalty on any portion of the production saved, removed or sold from the lease in excess of 16⅔ percent may only be taken in value of the production saved, removed or sold from the lease area.

Stipulation No. 8

(To be included only in the lease resulting from this sale for tract 42–3).

(a) The lessee agrees that prior to operating or causing to be operated on its behalf boat or aircraft traffic into individual, designated warning areas, the lessee shall coordinate and comply with instructions from the Commander, Submarine Squadron Two, Naval Submarine Base, New London, Connecticut. Such coordination and instruction will provide for positive control of boats and aircraft operating into the warning areas at all times.

(b) Whether or not compensation for such damage or injury might be due under a theory

of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of Commander, Submarine Squadron Two, Naval Submarine Base, New London, Connecticut or other appropriate military agency.

Notwithstanding any limitations of the lessee's liability in Section 14 of the lease, the lessee assumes the risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations and agencies whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

(c) The lessee agrees to control his own electromagnetic emmissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated defense warning areas in accordance with requirements specified by the Commander, Submarine Squadron Two, Naval Submarine Base, New London, Connecticut, to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense Flight, testing or operational activities conducted within individual designated warning areas. Necessary monitoring control and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be affected by the commander of the appropriate onshore military installation conducting operations in the particular warning area: *Provided however,* That control of such electromagnetic emmissions shall permit at least one continuous channel of communication between a lessee, its agents empolyees, invitees, independent contractors or subcontractors and onshore facilities.

15. *Information to Lessees.* On September 18, 1978, Congress passed amendments to the OCS Lands Act of 1953. Some sections of current regulations applicable to OCS leasing operations are inconsistent with this new legislation, and the legislation requires the issuance of some new regulations. The inconsistencies will be corrected by rulemakings and the new regulations will be issued as soon as possible. Nevertheless, bidders are notificed that provisions of the new OCS Lands Act Amendments shall apply to all leases offered at this lease sale and shall supersede all inconsistent provisions in current regulations applicable to OCS leasing operations.

Some of the tracts offered for lease may fall in areas may be included in fairways, precautionary zones, or traffic separation schemes. Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf Lands in accordance with Section 4(e) of the Outer Continental Shelf Lands Act, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with Sec. 16 of each lease offered at this sale the lessor may require a lessee to operate under a unit, pooling or drilling agreement and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a royalty rate based on a sliding scale.

A Biological Task Force (BTF) has been established to advise the Supervisor on those aspects of oil and gas operations resulting from lease Sale #42 that affect biological resources on Georges Bank and their habitats. The BTF is composed of designated representatives of the Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Geological Survey, NOAA, and the Environmental Protection Agency. Representatives of the affected coastal States may participate in activities of the BTF, but will not be formal members. It in intended that this BTF will remain in existence throughout the operating life of the field. The Supervisor will consult with the BTF in identifying areas or resources of biological importance, on the conduct of the biological surveys or studies, including periodic sampling of environmental conditions by lessees, and on the appropriate course of action after the surveys have been conducted.

In applying safety, environmental, and conservation laws and regulations the Supervisor, in accordance with Sec. 21(b) of the OCS Lands Act, as amended, will require the use of the best available and safest technologies which the Secretary determines to be economically feasible, wherever failue of equipment would have a significant effect on safety, health, or the environment, except where the Secretary determines that the incremental benefits are clearly insufficient to justify the incremental costs of utilizing such technologies. To the extent practical, the Supervisor will consult with the relevant Federal agencies and the affected State(s) in the execution of these responsibilities.

Bidders are advised that the Secretary of the Interior has directed that a development phase Environmental Impact Statement (EIS) be prepared for the North Atlantic lease sale area. The content of this EIS will be in accordance with the rules and regulations promulgated by the Department.

If significant biological populations or habitats are identified by the lessee subsequent to commencement of operations, the Supervisor will provide written instructions to the lessee within 15 working days with regard to the biological populations or habitats identified.

Each lessee shall, soon after the award of the lease, submit to the Supervisor the name(s) of individual(s) who will be responsible for preparing an exploration plan. The Supervisor shall provide these names to the affected States.

It will be required that in the immediate vicinity of drilling operations an open sea skimming unit equivalent to Clean Atlantic Associate Fast Response Unit Model II and 1000 feet of open sea oil containment boom be maintained. In addition, a suitable deployment vessel and personnel trained in deployment and use of this equipment should be immediately available. As part of the approval of development and production plans, suitable pollution prevention equipment will be required in the immediate vicinity of development and production operations.

Bidders are advised that the Intergovernmental Planning Program for OCS Oil and Gas Leasing, Transportation and Related Facilities (IPP) is being implemented nationwide. The post-scale procedures of the IPP will be applicable to lease sale 42. The North

Atlantic Regional Technical Working Group Committee of the OCS Advisory Board has been established as the organizational component of the IPP for the North Atlantic.

16. *OCS Orders.* Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Outer Continental Shelf Atlantic Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Dated: September 24, 1979.

Ed Hastey,

Associate Director, Bureau of Land Management.

Approved:

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 79-29953 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf, North Atlantic; Outer Continental Shelf Leasing Systems, Sale No. 42

Sec 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the **Federal Register:**

(A) Identifying the bidding systems to be used and the reasons for such use; and

(B) Designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. *Bidding systems to be used.* In OCS Lease Sale #42, a system employing a cash bonus bid with a constant royalty fixed at 16⅔% will be used on 61 tracts. This system is authorized by Sec. 8(a)(1)(A) of the OCS Lands Act as amended. A system employing a cash bonus bid with a royalty established according to a semi-logarithmic sliding scale will be used on the remaining 55 tracts. This system is authorized by Sec. 8(a)(1)(C) of the OCS Lands Act, as amended. The use of the sliding scale royalty system was first introduced in OCS Lease Sale #43 and used again in the last six OCS lease sales as part of the commitment by the Department of the Interior and the Department of Energy to develop and test new bidding systems.

The sliding scale is designed to establish higher royalty rates for larger reservoirs with higher production rates. In such cases, the expected bonus would be reduced, which may improve competition for leases. This would also tend to reduce the likelihood of production losses that could result if royalty rates are set by other means, such as royalty bidding, at levels so high that production is made uneconomic. These production losses are dependent upon the different exploration, development and production costs for the specific area. Because the assumed costs were different in the Sale #42 area than other areas, the formula provided for this sale is slightly different from that utilized in the last sale—Sale 58.

The sliding scale used in Sales #43 and #45 was linear in form. Although this form is easy to depict it has three disadvantages which may affect the socially optimal level of production. At certain levels of production, a linear schedule causes erratic fluctuations in the royalty charged on increments in output which may lead producers to make socially non-optimal production decisions in order to minimize these royalty impacts on revenues. Marginal royalty rates also can reach very high levels even though average rates are low. In addition, because production costs are non-linear it can be shown that the royalty rate schedule should more closely conform to the functional form of these costs in order to minimize production losses.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than $15.929026 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $15.929026 million, but less than or equal to $3423.822697 million, the royalty percent due on the unadjusted value is given by the formula

$$Rj = b[Ln\ (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount of value of all production saved, removed or sold in quarter j

b = 9.0

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 2.5

When the adjusted quarterly value of production is greater than $3423.822697 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the *Survey of Current Business* by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64 and Sec. 6(b) of the lease form.

The form of the sliding scale royalty schedule is identical to that used in OCS Sale No. 49. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

The system employing cash bonus bids with a constant fixed royalty has been used extensively since the passage of the OCS Lands Act in 1953. Its use in Sale No. 42 will provide data with which to compare the data from use of the sliding scale royalty system. The use of the two bidding system in Sale No. 42 is consistent with the requirements of Sec. 8(a)(5)(B) of the OCS Lands Act, as amended.

B. *Designation of Tracts.* The following tracts are to be offered for bonus bidding with a fixed sliding scale royalty:

42-18, 42-19, 42-20, 42-26, 42-27, 42-28, 42-78, 42-79, 42-80, 42-81, 42-89, 42-97, 42-98, 42-111, 42-112, 42-113, 42-117, 42-118, 42-119, 42-122, 42-123, 42-124, 42-125, 42-126, 42-127, 42-128, 42-130, 42-131, 42-132, 42-133, 42-134, 42-135, 42-136, 42-137, 42-138, 42-139, 42-140, 42-141, 42-142, 42-143, 42-144, 42-145, 42-146, 42-150, 42-151, 42-152, 42-153, 42-154, 42-155, 42-156, 42-157, 42-158, 42-162, 42-163, and 42-164.

Bids on the remaining tracts to be offered at this sale must be on a cash bonus basis with a fixed royalty of 16⅔ percent.

The selection of tracts to be offered under the sliding scale royalty system was made for the following reasons:

1. A sufficient number of tracts was needed to provide data for valid statistical analysis while limiting the risk of losses caused by unforeseen problems which could arise in the use of any new bidding system. A sample size

of approximately 47% (55 tracts) was determined to be appropriate.

2. The range and distribution of the characteristics of sliding scale royalty tracts were to match, as closely as possible, the range and distribution of the characteristics of the tracts being offered in the sale. Such characteristics include estimated resources, water depth, structure depth, favorable vs. unfavorable location of tracts on structures, and the location of tracts across trends.

Ed Hastey,

Associate Director, Bureau of Land Management.

Approved September 24, 1979.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 79-29954 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

Minnesota; Commencement of Public Comment Period on Initial Wilderness Inventory

This notice announces the beginning of a 90-day public comment period concerning the initial wilderness inventory of public lands and islands administered by the Bureau of Land Management in Minnesota. Beginning on the date of this announcement and running until December 27, 1979, the public is invited to review and provide comments on the wilderness inventory of public lands and islands in Minnesota. The initial inventory was officially announced in the **Federal Register** on March 27, 1979, and was conducted under the authority of section 603 of the Federal Land Policy and Management Act of October 21, 1976.

All public lands and islands administered by the Bureau of Land Management in Minnesota have been reviewed. All roadless islands and those areas of 5,000 acres or more that are roadless have been identified. A situation evaluation has been prepared for each such area and for groupings of islands which are listed according to similarities in characteristics. Each area or island grouping has been tentatively placed into one of two categories using the criteria set forth in section 2(c) of the Wilderness Act of 1964. These are:

1. Areas that clearly and obviously do not meet basic wilderness criteria and will be dropped from further study.

2. Areas that may possibly meet the criteria and will require more intensive inventory.

All of the situation evaluations have been published in an Initial Inventory Report and Map, available from the offices listed below. In addition, more detailed maps of individual areas or islands are available free upon request.

To facilitate public review and comment on this initial inventory effort, the following schedule of public meetings is established.

International Falls—October 15, 1979, Rainy River Community College, Room S-108, International Falls, Minnesota, 7:30 p.m.

Detroit Lakes—October 16, 1979, Becker County Courthouse, Commissioner's Room, Detroit Lakes, Minnesota, 7:30 p.m.

Brainerd—October 17, 1979, Brainerd Community College, Brainerd, Minnesota, 7:30 p.m.

St. Paul—October 18, 1979, University of Minnesota at St. Paul, Earl Brown Center, Room 155, St. Paul, Minnesota, 7:30 p.m.

In addition, all inventory files, maps, photos and other data used in the initial inventory are available for public inspection at any time during regular office hours at the Lake States Office in Duluth.

The public meetings will include discussion of the Bureau's land use planning process now underway in Minnesota. Included will be information about the unit resource analysis phase, during which public input is requested, and an explanation about how the wilderness review process relates to land use planning.

Those persons planning to participate and make oral comments at one or more of the public meetings are urged to also submit written comments. In preparing written comments, it is recommended that separate worksheets be prepared for each inventory unit or island. Worksheets are available to assist in responding specifically about the characteristics of each island or area. Comments should be mailed to the Manager, Lake States Office, Bureau of Land Management, 125 Federal Building, Duluth, Minnesota 55802.

After the comment period closes in December, the Bureau will analyze the public response and prepare a decision setting forth those inventory units that will undergo more intensive inventory. The map will be modified to reflect this decision. A **Federal Register** notice, including the decision and other pertinent information will be published. Those lands not being designated for further inventory will be released from wilderness-related management restrictions as set forth in Section 603(c) of the Federal Land Policy and Management Act.

For additional information and maps, contact:

Director, Eastern States, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, telephone (703) 235-2840.

Manager, Lake States Office, Bureau of Land Management, 125 Federal Building, Duluth, Minnesota 55802, telephone (218) 727-6692, Ext. 378.

David P. Lodzinski,

Acting Director, Eastern States.

[FR Doc. 79-30176 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

Gulf of Mexico Outer Continental Shelf; Availability of Draft Environmental Statement and Location and Date of Public Hearing Regarding Proposed Oil and Gas Lease Sales A62 and 62

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental statement relating to the proposed sale of oil and gas leases for exploration, development and production on 296 tracts (1,517,787 acres) of submerged Federal lands in the Gulf of Mexico (OCS Sales A62 and 62).

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 841, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft statement will also be available for review at the following libraries: Austin Public Library, 401 West Ninth Street, Austin, Texas; Houston Public Library, 500 McKinney Street, Houston, Texas; Rosenburg Library, 2310 Sealy Street, Galveston, Texas; Dallas Public Library, 1954 Commerce Street, Dallas, Texas; Brazoria County Library, 410 Brazoport Boulevard, Freeport, Texas; La Ratama Library, 505 Mesquite Street, Corpus Christi, Texas; Texas Southmost College Library, 80 Fort Brown Street, Brownsville, Texas; New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana; Louisiana State Library, Baton Rouge, Louisiana; Lafayette Public Library, 301 West Congress Street, Lafayette, Louisiana; Calcasieu Parish Library, Downtown Branch,, Lake Charles, Louisiana; Harrison County Library, 21st Avenue and Beach Street, Gulfport, Mississippi; Mobile Public Library, 701 Government Street, Mobile, Alabama; Montgomery Public Library, 445 South Lawrence Street, Montgomery, Alabama; St. Petersburg Public Library, 3745 Ninth Avenue North, St. Petersburg, Florida; West Florida Regional Library, 200 West

Gregory Street, Pensacola, Florida; Northwest Regional Library System, 25 West Government Street, Panama City, Florida; Leon County Public Library, 127 North Monroe Street, Tallahassee, Florida; Lee County Free Library, 3355 Fowler Street; Fort Myers, Florida; Charlotte-Glades Regional Library System, 801 NW Aaron Street, Port Charlotte, Florida; and Tampa-Hillsborough County Public Library System, 800 North Ashley Street, Tampa, Florida.

In accordance with 43 CFR 3314.1, a public hearing on the draft statement is scheduled on November 15, 1979, in the BLM Conference Room, Suite 841, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana. The hearing will convene at 9:00 a.m. and will conclude at 5:00 p.m. or earlier, if all scheduled witnesses have testified.

The hearing will provide the Secretary of the Interior with information from government agencies, public and private groups, and others to help evaluate the potential effects of the proposed lease offering. Comments are solicited concerning the effects of projected sale-related activities on marine, cultural, recreational and other resources of the Gulf of Mexico region.

Interested individuals, representatives of organizations, and public officials wishing to testify at the public hearing are requested to contact the Manager, New Orleans OCS Office, Bureau of Land Management at the above address by 4:00 p.m., November 13, 1979. Written comments from those unable to attend the hearing should also be sent to the Manager, New Orleans OCS Office at the same address. The Bureau will accept written testimony and comments on the draft environmental statement until November 26, 1979. This will allow those unable to testify at the hearing to make their views known, and those presenting oral testimony to submit supplemental materials. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which should be submitted to a hearing official at the time of presentation. To the extent that time is available following presentation of oral statements by those who have given advance notice, others present will be given an opportunity to be heard.

After all testimony and comments have been received and evaluated, a final environmental statement will be prepared.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

Approved: September 25, 1979.

Larry E. Meierotto,

Assistant Secretary of the Interior.

[FR Doc. 79-30230 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With the Redwood Valley County Water District; Intent To Negotiate an Amendatory Contract for Repayment of a Cost Escalation Loan

The Department of the Interior, through the Bureau of Reclamation, intends to negotiate an amendment to contract No. 14-06-200-8423A, with the Redwood Valley County Water District, Mendocino County, California, for repayment of a $2,513,000 cost escalation loan. The proposed amendatory contract will be written pursuant to the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended. The terms and conditions of the proposed amendatory contract are ultimately dependent upon the Secretary of the Interior's approval of the district's application for the cost escalation loan and his approval of the form of the proposed amendatory contract.

The original $4,800,000 loan was for construction of a water conveyance and distribution system to furnish irrigation and municipal and industrial water supply in the Redwood Valley area. The loan application was submitted to the Bureau on December 6, 1972, and was found to be engineeringly and financially feasible, and a reasonable risk under the terms of the Small Reclamation Projects Act. Contract No. 14-06-200-8423A was executed March 22, 1976, and provided for repayment of the Federal funds advanced.

Due to the time lapse between the application and execution of the contract, cost escalations have prevented the district from completing the construction program with the original loan. The purpose of the proposed amendatory contract is to provide the district loan funds to cover the cost escalations and complete the original construction program.

The public is invited to observe the negotiating sessions and to submit written comments on the proposed amendatory contract not later than 30 days after the completed contract draft is declared to be available to the public. All written correspondence concerning the proposed amendatory contract is available to the public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended. Advance notice of negotiating sessions shall be furnished only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to any session.

For further information, please contact Ms. Cindy Cowden, Repayment Specialist, Division of Water and Power Resources Management, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4540.

Dated: September 24, 1979.

Clifford I. Barrett,

Assistant Commissioner of Reclamation.

[FR Doc. 79-30139 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-09-M

Geological Survey

[Int FES 79-46]

Availability of Final Statement for Big Sky Mine, Rosebud County, Mont.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and section 69-6504 R.C.M. of the Montana Environmental Policy Act of 1971, the Department of the Interior, in cooperation with the State of Montana, has prepared a final environmental impact statement on the Big Sky surface coal mining operation proposed by Peabody Coal Company in Rosebud County, Montana. The final statement consists of two volumes: volume I was distributed as the draft statement (DES 78-51) on December 14, 1978; volume II includes the comments and corrections from the public review. The statement assesses the environmental impacts of the lessee's plan for the surface mining of 4.2 million tons annually of federally and privately owned coal, and the concurrent reclamation and revegetation of surface lands. The proposed action is on Federal coal lease M-15965 T. 1 N., R. 41 E., Principal meridian.

The mining and reclamation plan contained in this statement was submitted for review prior to the revision of the 30 CFR 211 regulations (43 F.R. 37181 *et seq.*, August 22, 1978), which incorporated the initial regulatory program under the Suface Mining Control and Reclamation Act of 1977 (SMCRA). This plan was also submitted prior to the April 20, 1979, effective date of the permanent regulatory program on Federal lands under SMCRA, 30 CFR Subchapter D, 44 F.R. 15332, March 13, 1979. Thus, the mine plan has not been reviewed for compliance with the

applicable requirements of SMCRA and implementing regulations. Prior to making any decision on approval of the mining and reclamation plan, the Office of Surface Mining Reclamation and Enforcement (OSM) will perform a technical review for compliance with SMCRA and the applicable regulations. Once the mine plan conforms to the applicable requirements of those authorities, OSM will evaluate whether this final environmental impact statement is adequate for mine plan approval action or whether a supplement or other environmental documents need to be prepared and distributed.

The final statement is available for public review in the U.S. Geological Survey Library, 1526 Cole Blvd., Golden, Colo.; the U.S. Geological Survey Library, Room 4A100, National Center, Reston, Va.; the Montana Department of State Lands, 1625 11th Ave., Helena, Mont.; the Bureau of Land Management, Miles City, Mont.; the Parmley Billings Public Library, 510 North Broadway, Billings, Mont.; the Big Horn County Public Library, 419 North Custer Ave., Hardin, Mont.; the Montana State Library, 930 East Lyndale, Helena, Mont.; and the Rosebud County Library, 201 North 9th Ave., Forsyth, Mont.

A limited number of copies are avilable on request from the U.S. Geological Survey, Land Information and Analysis Office, Federal Center, Stop 701, Box 25046, Denver, Colo. 80225, and the Montana Department of State Lands, 1625 11th Ave., Helena, Mont. 59601.

Dated: September 24, 1979.

Heather L. Ross,

Deputy Assistant Secretary of the Interior.

[FR Doc. 79-30150 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-31-M

Heritage Conservation and Recreation Service

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 September 24, 1979. Pursuant to 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 October 9, 1979.

Charles A. Herrington,

Acting Keeper of the National Register.

ARKANSAS

Pulaski County

Little Rock, *Little Rock City Hall*, 500 W. Markham St.

Little Rock, *Little Rock Central Fire Station*, 520 W. Markham St.

Little Rock, *Pulaski County Courthouse*, 405 W. Markham St.

DISTRICT OF COLUMBIA

Washington

Codman-Davis House, 2145 Decatur Pl., NW.

WEST VIRGINIA

Berkeley County

Martinsburg, *Apollo Theatre*, 128 E. Martin St.

[FR Doc. 79-30093 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

Committee for the Preservation of the White House; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Committee for the Preservation of the White House will be held at 1:30 p.m. on Friday, October 26, 1979 in Room 2010, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C.

The Committee was established for the purpose of advising the Director of the National Park Service so that he may make recommendations to the President concerning the preservation and the interpretation of the museum character of the principal corridor on the ground floor and the principal public rooms on the first floor of the White House. The Committee shall make recommendations as to the articles of furniture, fixtures, and decorative objects which shall be used or displayed in the aforesaid areas of the White House and to the decor and arrangements therein best suited to enhance the historic and artistic values of the White House and of such articles, fixtures, and objects.

Purpose of the meeting: The Committee will discuss and recommend priorities for acquisition to the White House Collection, receive subcommittee reports and reports on previous acquisitions and loans.

The meeting will be open to the public. Public attendance depending on available space will be limited to those who have notified the Executive Secretary of the Committee in writing at least 5 days prior to the meeting of their intention to attend the October 26 meeting.

Any member of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public participation.

All communication regarding the Committee should be addressed to Mr. Elmer S. Atkins, Executive Secretary, Committee for the Preservation of the White House, Room 344, 1100 Ohio Drive, SW., Washington, D.C. 20242.

Dated September 21, 1979.

Manus J. Fish, Jr.

Regional Director, National Capital Region.

[FR Doc. 79-30187 Filed 9-27-79; 8:45]

BILLING CODE 4310-70-M

Office of the Secretary

[INT DEIS 79-54]

Availability of the Draft Environmental Impact Statement Crossman Peak Radar Proposal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Draft Environmental Impact Statement on the Federal Aviation Administration's proposed radar installation on Crossman Peak near Lake Havasu City, Arizona.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement concerning the Federal Aviation Administration's proposed radar installation on Crossman Peak near Lake Havasu City, Arizona. The draft environmental statement analyzes the impacts of the proposal and a two-site alternative, consisting of Cherum Peak near Kingman, Arizona and Harquahala Peak near Wenden, Arizona.

DATE: Comments by November 13, 1979

ADDRESS: Comments should be sent to: State Director (911), Bureau of Land Management, Valley Bank Center, Phoenix, Arizona 85073.

Comments will be available for public review at the above address during regular business hours (7:45 am to 4:15 pm) Monday thorugh Friday.

FOR FURTHER INFORMATION CONTACT:

Pat Clason, Division of Rights-of-way and Project Review (332), Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240. (202) 343-5441 or

Art Tower, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602) 261-5127.

SUPPLEMENTARY INFORMATION: A limited number of copies of the draft environmental impact statement are available upon request at the following offices:

Arizona State Office (911), Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602) 261–5127.

Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602) 761–4231.

Yuma District Office, P.O. Box 5680, Yuma Arizona 85364 (602) 726–2612.

In addition to the above locations, copies of the draft environmental impact statement will be available for public reading and review at the following locations:

Office of Information, Bureau of Land Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240 (202) 343–5717.

Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401 (602) 757–3161.

Heather L. Ross,

Deputy Assistant Secretary of the Interior.

[FR Doc. 79-30076 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal Committee on Apprenticeship; Public Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship will conduct the following open meetings at the United Association Mechanical Trades School, 8509 Ardmore-Ardwick Road, Ardmore-Ardwick Industrial Park, Landover, Maryland, as shown below:

(a) *FCA Subcommittee on Research*
Date: October 17, 1979. *Time:* 9:00–11:30 a.m.

Agenda

(1) Final Review of Proposed Research Projects FY 80
(2) Update—Apprenticeship Research Conference
(3) Review of HEW Funded Research Pertinent to Apprenticeship
(4) Update—FY 79 Research
(b) FCA Subcommittee on Goals
Date: October 17, 1979. *Time:* 9:00–11:30 a.m.

Agenda

Financial Incentives to Expand Apprenticeship
(c) *FCA Subcommittee on Federal-State Relations*
Date: October 17, 1979. *Time:* 1:30–3:00 p.m.

Agenda

Conclusions and Recommendations to Effective State-Federal Coordination in the National Apprenticeship System as proposed by the L.B.J. School of Public Affairs Apprenticeship Project.

The Federal Committee on Apprenticeship will hold a full open meeting on Thursday, October 18 from 9 a.m. to 4:30 p.m.; Friday, October 19, 1979, from 9 a.m. to 12 noon.

The agenda for the meeting on October 18 will cover:
(1) Vocational Industrial Clubs of America (VICA)
(2) Overview of Agenda and Objectives of Meeting—Discussion of Role of Vocational Education with Respect to Apprenticeship
(3) Understanding Vocational Education: An Overview
(4) Briefing on HEW-Sponsored Research Activities Related to Apprenticeship
(5) Overview of The National Center on Research for Vocational Education

Part I.—Vocational Education as an Effective Preapprenticeship Experience

(6) Improving School Guidance and Counseling for Apprenticeable Occupations
(7) Sex Equity Activities in Vocational Education
(8) The Rise of Cooperative Education: Implications for Apprenticeship
(9) School to Apprenticeship Linkage

The agenda for the meeting on October 19 will include:
(1) Report on Activities of the Bureau of Apprenticeship and Training (BAT)
(2) Report on Activities of State Apprenticeship Agencies/Councils
(3) FCA Subcommittee Reports and Other FCA Business

The agendas are subject to change due to time constraints and priority items which may come before the Committee between the time of this publication and the scheduled date of the FCA meeting.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary at any time prior to the meeting. Thirty copies are needed for the members and for the inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate in a written statement, also the nature of the intended presentation and amount of time needed. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows: Mrs. M. M. Winters, Bureau of Apprenticeship and Training, ETA, U.S. Department of Labor, 601 D Street NW., (Room 5434), Washington, D.C. 20213.

Signed at Washington, D.C. this 26th day of September 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training Administration.

[FR Doc. 79-30317 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-30-M

Temporary Alien Labor Certification Program: Adverse Effect Wage Rate for the State of Arizona

AGENCY: U.S. Employment Service, Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Administrator, U.S. Employment Service, announces the adverse effect wage rate for Arizona, the minimum rate which must be offered and paid by employers of temporary alien agricultural workers in that State.

EFFECTIVE DATE: The rate announced in this document applies to agricultural employment in the State of Arizona beginning and/or occurring on or after September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Bodin, Chief, Division of Labor Certification, U.S. Employment Service, Suite 8410, 601 "D" Street, NW., Washington, D.C. 20213. Telephone: 202–376–6295.

SUPPLEMENTARY INFORMATION:

Requirement of Notice

The Department of Labor's regulations for the certification of nonimmigrant aliens for temporary agricultural employment in the United States require the Administrator, U.S. Employment Service, to publish in the Federal Register annually notice(s) of the adverse effect wage rates for agricultural workers in various States. 20 CFR 655.207; see 44 FR 32306 (June 5, 1979), 44 FR 39049 (July 3, 1979), and 44 FR 47174 (August 10, 1979).

Adverse Effect Wage Rate: Arizona

The adverse effect wage rate for agricultural employment in the State of Arizona is $3.67 per hour, as computed pursuant to 20 CFR 655.207.

Signed at Washington, D.C. this 25th day of September, 1979.

David O. Williams,

Administrator, U.S. Employment Service.

[FR Doc. 79-30250 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 79-53]

Exemption From the Prohibitions for Certain Transactions Involving the Employees' Retirement Plan of Consolidatred Electrical Distributors Inc. (Exemption Application No. D-1337)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale for cash of shares of Hughes Supply Inc. common stock by the Employees' Retirement Plan of Consolidated Electrical Distributors Inc. (the Plan) to Consolidated Electrical Distributors Inc. (the Employer).

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On August 10, 1979 notice was published in the **Federal Register** (44 FR 47183) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the sale for cash of 249,000 shares of the common stock of Hughes Supply Inc. by the Plan to the Employer for the higher price of either (1) $14¾ per share or (2) the highest over-the-counter market price between March 29, 1979 and the date of this grant in the **Federal Register**. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. This notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale for cash of 249,000 shares of the common stock of Hughes Supply Inc. by the Plan to the Employer.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st of September 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79-30189 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 79-52]

Exemption From the Prohibitions for Certain Transactions Involving the Profit Sharing Plan for Employees of Stone, Marraccini & Patterson (Exemption Application No. D-211)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits a loan to Silvio P. Marraccini, Norman W. Patterson and Associates (the Partnership) from the Profit Sharing Plan for Employees of Stone, Marraccini & Patterson (the Plan) which was entered into before the effective date of the Act, but after July 1, 1974, the date specified in the transitional rules contained in sections 414 and 2003 of the Act.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald D. Allen of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, (202) 523-7901. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 6, 1979 notice was published in the **Federal Register** (44 FR 39627) of the

pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(E) of the Code, for the transaction described in the application filed by the trustees of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under sections 406(a) and 406(b)(3) of the Act and sections 4975(c)(1)(A) through (D) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

The restrictions of sections 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(E) of the Code, shall not apply, effective January 1, 1975, to the refinancing agreement dated October 1, 1974 between the Plan and the Partnership.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st day of September, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79-30190 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-5678]

Armstrong Rubber Co., Eastern Division, West Haven, Conn.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 29, 1979 in response to a worker petition received on June 26, 1979 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing tires at the West Haven, Connecticut plant of the Eastern Division of Armstrong Rubber Company. The investigation revealed that the plant produces passenger car tires. It is concluded that all of the requirements have been met.

U.S. imports of passenger car tires increased relative to domestic production in 1978 compared to 1977 and increased absolutely and relatively in the first quarter of 1979 compared to the same period of 1978.

The Department conducted a survey of customers accounting for a major proportion of the sales of the West Haven, Connecticut plant of Armstrong Rubber Company. The survey revealed that customers increased their reliance on imported passenger car tires while decreasing purchases of car tires from the subject firm in 1978 compared to 1977 and in the first half of 1979 compared to the same period of 1978.

Conclusion

After careful review, of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with passenger car tires produced at the West Haven, Connecticut plant of Armstrong Rubber Company, Eastern Division contributed importantly to the decline in sales or production to the total or partial separations of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the West Haven plant of Armstrong Rubber Company, Eastern Division who became totally or partially separated from employment on or after June

22, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30236 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5679]

Armstrong Rubber Co., Midwest Division, Des Moines, Iowa; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 29, 1979 in response to a worker petition received on June 26, 1979 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing passenger car, truck and tractor tires at the Des Moines, Iowa plant of the Midwest Division of Armstrong Rubber Company. It is concluded that all of the requirements have been met.

U.S. imports of passenger car tires increased relative to domestic production in 1978 compared to 1977 and increased absolutely and relatively in the first quarter of 1979 compared to the same period of 1978.

The Department conducted a survey of customers accounting for a major proportion of the sales of the Des Moines, Iowa plant of Armstrong Rubber Company. The survey revealed that customers increased their reliance on imported passenger car tires while decreasing purchases of car tires from the subject firm in 1978 compared to 1977 and in the first half of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with passenger car tires produced at the Des Moines, Iowa plant of Armstrong Rubber Company, Midwest Division contributed importantly to the decline in sales or production and to the total or partial separations of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Des Moines, Iowa plant of Armstrong Rubber Company, Midwest Division, who became totally or partially separated from employment on or after June 22, 1978 be eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30237 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5680]

Armstrong Rubber Co., Southern Division, Natchez, Miss.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 29, 1979, in response to a worker petition received on June 26, 1979, which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing passenger car and truck tires at the Natchez, Mississippi plant of the Southern Division of Armstrong Rubber Company. The investigation revealed that the Natchez plant primarily produces passenger car tires. It is concluded that all of the requirements have been met.

U.S. imports of passenger car tires increased relative to domestic production in 1978 compared to 1977 and increased absolutely and relatively in the first quarter of 1979 compared to the same period of 1978.

U.S. imports of truck and bus tires increased in 1978 compared to 1977 and in the first quarter of 1979 compared to the same period of 1978.

The Department conducted a survey of customers accounting for a major proportion of the sales of Natchez, Mississippi plant of Armstrong Rubber Company. The survey revealed that customers increased their reliance on imported passenger car tires, and truck tires, while decreasing purchases from the subject firm in 1978 compared to 1977 and in the first half of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with passenger car tires and truck tires produced at the Natchez, Mississippi plant of Armstrong Rubber Company, Southern Division contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Natchez, Mississippi plant of Armstrong Rubber Company, Southern Division, who became totally or partially separated from employment on or after June 22, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30238 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5529]

Armstrong Rubber Co., Southeastern Division, Madison, Tenn.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 8, 1979 in response to a worker petition received on June 4, 1979 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing tires at the Madison, Tennessee plant of the Southeastern Division of Armstrong Rubber Company. The investigation revealed that the plant produces passenger car-sized tires, which are used for vans and small trucks as well as passenger cars. It is concluded that all of the requirements have been met.

U.S. imports of passenger car tires increased relative to domestic production in 1978 compared to 1977 and increased absolutely and relatively in the first quarter of 1979 compared to the same period of 1978.

The Department conducted a survey of customers accounting for a major proportion of the Madison plant's decline in sales. The survey revealed that customers increased their reliance on imported passenger car tires while decreasing purchases from the Madison plant in 1978 compared to 1977 and in the first behalf of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with passenger car tires produced at the Madison, Tennessee plant of Armstrong Rubber Company, Southeastern Division contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Madison, Tennessee plant of Armstrong Rubber Company, Southeastern Division, who became totally or partially separated from employment on or after May 31, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30235 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5885]

Auto Terminals, Inc., Fenton, Mo.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 23, 1979 in response to a worker petition received on August 21, 1979 which was filed on behalf of workers and former workers of the Fenton, Missouri facility of Auto Terminals, Incorporated, engaged in releasing autos to carriers.

Auto Terminals, Incorporated is engaged in providing the service of releasing automobiles from manufacturing plants and transporting them by truck to dealerships.

Thus, workers of Auto Terminals, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Auto Terminals, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

None of the firms owned in common with Auto Terminals, Incorporated produces an article.

All workers engaged in auto releasing and transporting at Auto Terminals, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Auto Terminals, Incorporated. All employee benefits are provided and maintained by Auto Terminals, Incorporated. Workers are not, at any time, under employment or supervision by customers of Auto Terminals, Incorporated. Thus, Auto Terminals, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of the Fenton, Missouri facility of Auto Terminals, Incorporated are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30239 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5887]

Carousel Slacks, Hammonton, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 23, 1979 in response to a worker petition received on August 21, 1979 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's and women's slacks at Carousel Slacks, Hammonton, New Jersey. The investigation revealed that Carousel Slacks also produces women's skirts. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Carousel Slacks performed stitching contract work on women's and men's slacks for several manufacturers in 1977 and 1978. A Department of Labor survey of some of the manufacturers contracting work with Carousel Slacks revealed that none of them purchased imported men's and women's slacks in 1977 or 1978. Customers who decreased contract purchases from Carousel Slacks in 1978 compared with 1977 increased their purchases from other domestic sources.

As a result of the decreased contract orders of their customers, Carousel Slacks experienced a shutdown in late 1978 and the first month of 1979. Since February 1979, the company has been able to obtain new contract orders from other manufacturers to produce women's slacks and skirts.

Conclusion

After careful review, I determine that all workers of Carousel Slacks, Hammonton, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-30240 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5851]

Herman Kay Co., Inc., New York City, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 13, 1979 in response to a worker petition received on August 6, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' wool coats and ladies' raincoats at Herman Kay Co., Inc., New York City, New York. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that the declines in sales, production and employment at Herman Kay can be attributed to seasonal fluctuations.

Company sales and production of ladies' winter coats and ladies' raincoats increased in 1978 compared to 1977 and increased in the first seven months of 1979 compared to the first seven months of 1978. Company sales and production increased in each quarter from the third quarter of 1978 through the second quarter of 1979 when compared to the like quarter of the preceding year.

Declines in sales and production at Herman Kay in the first two quarters of 1979 and declines in employment in the first quarter of 1979 when compared to the previous quarter reflect the seasonal nature of the ladies' coat industry.

Conclusion

After careful review, I determine that all workers of the Herman Kay Co., New York City, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30242 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5712 and 5712a]

Oomphies, Inc., Lowell and Lawrence, Mass.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 5, 1979, in response to a worker petition received on July 5, 1979, which was filed by the United Shoe Workers of America, a division of the Amalgamated Clothing and Textile Workers Union, on behalf of workers and former workers producing women's shoes and slippers at the Lowell, Massachusetts plant of Oomphies, Incorporated. The investigation was expanded to include the Lawrence, Massachusetts plant of Oomphies. It is concluded that all of the requirements have been met.

U.S. imports of women's nonrubber footwear, except athletic, increased absolutely and relatively in 1978 compared with 1977 and in the first quarter of 1979 compared with the like period of 1978.

Company imports of women's slippers increased in 1978 compared with 1977 and in the first half of 1979 compared with the like period of 1978.

The Department surveyed customers of Oomphies, Incorporated for imports of women's shoes. The survey indicated that customers accounting for a significant proportion of Oomphies' decline in sales in 1978 compared with 1977 and in the first half of 1979 compared with the first half of 1978 increased their imports of women's dress and casual shoes during these periods.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the women's shoes and slippers produced at the Lowell and Lawrence, Massachusetts plants of Oomphies, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Lowell, Massachusetts and Lawrence, Massachusetts plants of Oomphies, Incorporated who became totally or partially separated from employment on or after September 23, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30243 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5908]

Reynolds Shipyard Corp., Staten Island, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance.

In Accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 27, 1979, in response to a worker petition received on August 21, 1979, which was filed by the Industrial Union of Marine and Shipbuilding Workers of America on behalf of workers and former workers of Reynolds Shipyard Corporation, Staten Island, New York, engaged in conversion, repair, overhaul, and maintenance of marine vessels.

Reynolds Shipyard Corporation is engaged in providing the service of repairing and warehousing ships. The subject firm is affiliated with Reynolds Launch Service, Incorporated.

Thus, workers of Reynolds Shipyard Corporation do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Reynolds Shipyard Corporation by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose

workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Reynolds Shipyard Corporation and its customers have no controlling interest in one another. Neither the subject firm nor any affiliated company produces any articles.

All workers engaged in repairing and warehousing ships at Reynolds Shipyard Corporation are employed by that firm. All personnel actions and payroll transactions are controlled by Reynolds Shipyard Corporation. All employee benefits are provided and maintained by Reynolds Shipyard Corporation. Workers are not, at any time, under employment or supervision by customers of Reynolds Shipyard Corporation. Thus, Reynolds Shipyard Corporation, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Reynolds Shipyard Corporation, Staten Island, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30244 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5326]

Royalty Smokeless Coal Co., Premier, W. Va.; Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Sections 221 and 223(a) of the Trade Act of 1974 (19 USC 2271, 2273), on June 29, 1979 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Royalty Smokeless Coal Company, Premier Tipple, Premier, West Virginia.

Subsequent to the publication of the originial determination, the Office of Trade Adjustment Assistance received inquiries regarding workers and former workers engaged in the cleaning of metallurgical coal at the Rebuild Shop and Engineering Department of Royalty Smokeless Coal Company, Premier, West Virginia. The Rebuild Shop and the Engineering Department provided maintenance and technical services for both the Premier Tipple of Royalty Smokeless Coal Company and its producing affiliate, Trace Fork Coal Compnay (TA-W-5330-5333). In addition, employees of the Royalty offices, located in Premier, West Virginia, performed essential clerical services for Royalty Smokeless Coal Company. There were layoffs among workers of all four departments of Royalty Smokeless Coal Company during 1978.

Conclusion

Based on the additional evidence, a review of the entire record and in accordance with the provisions of the Act, I make the following revised certification:

All workers of Royalty Smokeless Coal Company (including workers of the Premier Tipple, Rebuild Shop, Engineering Department, and Royalty offices), Premier, West Virginia who became totally or partially separated from employment on or after April 19, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of September 1979.

James F. Taylor,

Director, Office Administration and Planning.

[FR Doc. 79-30245 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5330, 5331, 5332, 5333]

Trace Fork Coal Co., Trace Fork Mines #4, #5, and #8, Banacek Mine, Trace Fork Mine #12, Premier Office, Premier, W. Va.; Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Sections 221 and 223(a) of the Trade Act of 1974 (19 USC 2271, 2273), on June 29, 1979 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Trace Fork Mine #4, Trace Fork Mine #5, Trace Fork Mine #8, and the Banacek Mine of Trace Fork Coal Company, Premier, West Virginia.

Subsequent to the publication of the original determination, the Office of Trade Adjustment Assistance received inquiries regarding workers producing metallurgical coal at Trace Fork Mine #12 and workers in the Premier Office of Trace Fork Coal Company, Premier, West Virginia. Further investigation revealed that the Premier Office of Trace Fork Coal Company provided administrative and clerical services for Trace Fork Mines #4, #5, #8, #12 and the Banacek Mine. Layoffs among Trace Fork office workers occurred in 1978. Trace Fork Mine #12 was shut down in January, 1979. Customer survey results regarding coal produced at Trace Fork Coal Company (TA-W-5330-5333) also pertain to Mine #12. Employment at Mine #12 was terminated when the mine closed.

Conclusion

Based on the additional evidence, a review of the entire record and in accordance with the provisions of the Act, I make the following certification:

All workers of Trace Fork Mine #4, Trace Fork Mine #5, Trace Fork Mine #8, the Banacek Mine, Trace Fork Mine #12, and the Premier Office of Trace Fork Coal Company, Premier, West Virginia who became totally or partially separated from employment on or after April 19, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of September 1979.

James F. Taylor,

Director, Office of Management, Administrative and Planning.

[FR Doc. 79-30246 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-4780]

U.S. Steel Corp., New Orleans District Sales Office, New Orleans, La.; Negative Determination on Reconsideration

On May 29, 1979, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the New Orleans District Sales Office of U.S Steel Corporation who were denied eligibility to apply for worker adjustment assistance. This determination was published in the **Federal Register** on June 5, 1979, (44 FR 32321).

After the initial investigation by the Department, eligibility to apply for worker adjustment assistance was denied to the workers engaged in customer service operations and to the workers engaged in sales operations at U.S. Steel Corporation's New Orleans District Sales Office.

The petitioners do not refute the denial with respect to the workers engaged in sales operations in their application for reconsideration. However, the petitioners present evidence that contradicts information cited by the Department in support of the denial with respect to the workers engaged in customers service operations. Specifically, the petitioners dispute the premise that all workers were offered transfers, adducing the cases of several workers who claim they were not offered transfers and of several more workers whose separations

occurred prior to the first announcement of the consolidation, and further claim that increased imports of steel products contributed importantly to those separation which have occurred.

Whether an offer of transfer was made to each individual worker is problematic. Indeed, any answer to this question would have to address the issue of what constitutes an "offer of transfer." The resolution of this question, however, is not critical to the Department's determination. The important facts are that the customer service functions of the New Orleans office were transferred to the Houston Office as part of the effort of U.S. Steel Corporation to provide more efficient customer service and that this transfer was accomplished without a reduction in the total number of workers employed (i.e., the effect of the transfer was to increase employment in the Houston Office by the same number it was to reduce employment in the New Orleans Office).

With respect to the workers separated prior to the announcement of the consolidation, it should be noted that certification of eligibility to apply for worker adjustment assistance under Section 222 of the Trade Act of 1974 requires a finding that sales or production, or both, of the workers' firm or subdivision have decreased absolutely. Sales made through the New Orleans Office have increased in each year, 1977 and 1978, in terms of both quantity and value of steel.

Conclusion

In view of these facts, after review of the entire record and an assessment of the petitioner's arguments, it is concluded that increased imports of steel products did not contribute importantly to the separation of workers at the New Orleans District Sales Office of U.S. Steel Corporation. The original denial is, therefore, affirmed.

Signed at Washington, D.C., this 21st day of September 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-30247 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-4634]

United Pocahontas Coal Co., Algoma Preparation Plant, Algoma, W. Va.; Negative Determination Regarding Application for Reconsideration

By an application dated April 11, 1979, the United Mine Workers of America requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing metallurgical coal at the Algoma Preparation Plant of United Pocahontas Coal Company. The determination was published in the **Federal Register**, on March 20, 1979, (44 FR 16977).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Workers at the Algoma Preparation Plant were denied eligibility to apply for worker adjustment assistance after the Department's investigation demonstrated they did not meet the first group eligibility requirement as stated in Section 222 of the Trade Act of 1974, i.e., that a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated or are threatened to become totally or partially separated.

In its application for reconsideration, the petitioning union claims that the number of hours worked by the miners of the Algoma Preparation Plant have been reduced substantially since January 27, 1979. The union believes this first-half 1979 employment decline is relevant to the Department's evaluation of significant total or partial worker separations. Further, the union has submitted employment data which, in its view, indicates that significant partial separations occurred during the April–November period of 1978.

The Department does not agree with the union that a 1979 employment decline is relevant for rebutting the basis of the Department's denial. The investigation of the Algoma Preparation Plant was initiated on January 8, 1979, in response to a worker petition received on December 18, 1978. Therefore, the losses in the number of hours worked in 1979 are beyond the appropriate period of investigation upon which the initial denial was based.

The data submitted by the union in support of its contention that employment declined in the April–November period in 1978 compared to the same period in 1977 are not valid for purposes of comparison. During the three-month period, July-September, 1978, employment and production at the Preparation Plant were reduced sharply as a consequence of a railroad strike which closed down operations of United Pocahontas Coal Company's only means of transporting coal. Therefore, a comparison of employment for the period April–November, 1978 with the same period in 1977 must be adjusted for the July-September, 1978 decline which cannot be attributed to increasing import competition in the domestic coke and metallurgical coal market. Employment data, adjusted for the July-September, 1978 aberration, show that the number of employees working at the Preparation Plant increased in the April–November, 1978 period compared to the same period in 1977 and that average weekly hours worked per employee did not decrease significantly during this period.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 21st day of September 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-30248 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of

a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 9, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 9, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Advance Inland Shoe Company (workers)	Advance, Mo	9/14/79	9/7/79	TA-W-6,047	Men's, women's, and children's vinyl shoes, also, women's casual canvas shoes.
Bethlehem Steel Corp. (USWA)	Seattle, Wash	9/14/79	9/11/79	TA-W-6,048	Roll steel into shapes and nuts and bolts.
C&P Sportswear (ILGWU)	Bricktown, N.J	9/14/79	9/10/79	TA-W-6,049	Women's and children's coats, and women's suits.
Cherokee Mining Company (workers)	Logan, W. Va	9/14/79	9/18/79	TA-W-6,050	Mining of steam coal.
Clinchfield Coal Co., Camp Branch #1 (workers).	Lebanon, Va	9/17/79	9/11/79	TA-W-6,051	Metallurgical coal.
Clinchfield Coal Co., Lambert Fork #24 (workers).	Lebanon, Va	9/17/79	9/11/79	TA-W-6,052	Metallurgical coal.
Clinchfield Coal Co., Splashdam #47 (workers).	Lebanon, Va	9/17/79	9/11/79	TA-W-6,053	Metallurgical coal.
Copewell Paper Products (workers)	Brooklyn, N.Y	9/10/79	9/5/79	TA-W-6,054	Wholesaler of paper products for factories.
Genesco, Inc., Footwear Sector (company)	Tullahoma, Tenn	9/13/79	9/7/79	TA-W-6,055	Cut and fit uppers for men's casual shoes.
Holiday Fashions (company)	Hoboken, N.J	9/14/79	8/28/79	TA-W-6,056	Women's outerwear: coats, raincoats
Lighthouse Footwear, Inc. (workers)	Skowhegan, Maine	9/17/79	9/12/79	TA-W-6,057	Men's and women's casual shoes and boots.
K. J. Quinn & Co., Inc. (company)	Malden, Mass	9/17/79	9/12/79	TA-W-6,058	Polymer coatings used in the finishing of shoes and leather.
Sharon Jay Togs, Inc. (workers)	New Beford, Mass	9/17/79	8/31/79	TA-W-6,059	Children's sportswear.
Waterville Auto Mart, Inc. (workers)	Waterville, Maine	9/17/79	9/11/79	TA-W-6,060	Sales and service of passenger cars.

[FR Doc. 79-30233 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 9, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 9, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of September 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Annette, Inc. (ILGWU)	New Bedford, Mass.	9/17/79	9/4/79	TA-W-6,061	Ladies' sportswear.
COMPO Industries, Inc. (workers)	Waltham, Mass.	9/17/79	9/14/79	TA-W-6,062	Aluminum shoe molds.
General Electric, Wiring Device Department (I.U.E.).	Providence, R.I	9/17/79	9/12/79	TA-W-6,063	Electrical extension cords.
Hawley Coal Mining Corp. (workers)	Keystone, W. Va.	9/17/79	9/10/79	TA-W-6,064	Metallurgical coal.
Keystone Metal Moulding, Pontotoc, Miss. Plant (workers).	Pontotoc, Miss.	9/18/79	9/8/79	TA-W-6,065	Metal moulding for automobiles.
Lee Tire & Rubber Company (URW)	Conshohocken, Pa.	9/17/79	9/4/79	TA-W-6,066	Passenger car tires and truck tires.
New Jersey Steel Corporation (workers)	Sayreville, N.J	9/18/79	9/13/79	TA-W-6,067	Rebars, also smooth rounds, equipment for flats and angles.
Reltoc Manufacturing Company (ACTWU)	Winnfield, Ala.	9/18/79	9/14/79	TA-W-6,068	Men's slacks and men's jeans.
Reltoc Manufacturing Co. (ACTWU)	Carbon Hill, Ala.	9/18/79	9/14/79	TA-W-6,069	Men's slacks and men's jeans and men's jackets.
Reltoc Manufacturing Co. (ACTWU)	Florence, Ala.	9/18/79	9/14/79	TA-W-6,070	Men's slacks and men's jeans.
Reltoc Manufacturing Co. (ACTWU)	Beaverton, Ala.	9/18/79	9/14/79	TA-W-6,071	Men's slacks and men's jeans.
Stauffer Chemical Company, Passaic, N.J. Plant (workers).	Passaic, N.J	9/17/79	9/11/79	TA-W-6,072	Plastic and vinyl wall coverings.
Swainboro Print Works, Inc. (Machine Printers and Engravers Association).	Swainboro, Ga.	9/13/79	9/10/79	TA-W-6,073	Printing textiles.
U.S. Steel Corp., Duluth Works (USWA)	Duluth, Minn.	9/18/79	9/15/79	TA-W-6,074	Metallurgical Coke.

[FR Doc. 79-30234 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 9, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 9, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of September 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Dibner Brothers, Inc. (ILGWU)	Waterbury, Conn.	9/17/79	9/7/79	TA-W-6,075	Women's dresses and suits.
Elektra/Asylum Records (workers)	Los Angeles, Calif	9/12/79	8/24/79	TA-W-6,076	Record manufacturers.
Esther Dress Company, Inc. (ILGWU)	Waterbury, Conn.	9/17/79	9/7/79	TA-W-6,077	Women's dresses.
Hilda Dress Co. (ILGWU)	Waterbury, Conn.	9/17/79	9/7/79	TA-W-6,078	Women's dresses.
I & J Dress Company, Inc. (ILGWU)	Bridgeport, Conn	9/17/79	9/7/79	TA-W-6,079	Women's dresses.
K-Way Manufacturing (ILGWU)	Moundville, Ala	9/17/79	9/10/79	TA-W-6,080	Women's and children's outerwear.
Liela Dress of Bridgeport (d.b.a. Rose Dress) (ILGWU).	Bridgeport, Conn	9/17/79	9/7/79	TA-W-6,081	Women's dresses.
Liela Dress of Derby, Inc. (d.b.a. Valley Dress) (ILGWU).	Derby, Conn.	9/17/79	9/7/79	TA-W-6,082	Women's dresses.
Liela Dress Co., Inc. (ILGWU)	Waterbury, Conn.	9/17/79	9/7/79	TA-W-6,083	Women's dresses.
National Mines Corp., Pocahontas Division (UMWA).	Wyoming County, W. Va.	9/3/79	8/28/79	TA-W-6,084	Metallurgical coal.
NL Industries, Inc., DeLore Plant (International Brotherhood of Painters & Allied Trades).	St. Louis, Mo.	9/17/79	9/10/79	TA-W-6,085	Barium sulphate.
Neal Coal, Inc. (workers)	Summersville, W. Va.	9/17/79	9/10/79	TA-W-6,086	Metallurgical coal.
Siege's Fashions (ILGWU)	Waterbury, Conn.	9/17/79	9/7/79	TA-W-6,087	Contractor of women's dresses.
Toledo Shingle Company, Inc. (workers)	Toledo, Oreg.	9/18/79	9/11/79	TA-W-6,088	Cedar shingles.

[FR Doc. 79-30241 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

MINIMUM WAGE STUDY COMMISSION

Meeting

September 13, 1979.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following Commission meeting:

Name: Minimum Wage Study Commission.
Date: Oct. 9, 1979.
Time: 1 p.m.
Place: 1430 K St. NW., Suite 1102, Washington, DC 20005.

Original notification of this meeting appeared in the **Federal Register,** Sept. 7.

Proposed Agenda:

1. MWSC staff proposals for study of exemptions to the Fair Labor Standards Act.
2. MWSC staff proposals for the study of FLSA provisions affecting employment of handicapped workers.
3. Approval of outside research proposals.

Next meeting of the Commission will be held Tuesday, Nov. 13, 1979.

All communications regarding this Commission should be addressed to: Mr. Louis McConnell, Executive Director, 1430 K St. NW, Washington, DC 20005, (202) 376–2450.

Louis E. McConnell,

Executive Director.

[FR Doc. 79-30227 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Advisory Council Meeting

September 25, 1979.

Pursuant to Section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold a two-day meeting on Tuesday and Wednesday, October 23 and 24, 1979 at its offices at 1725 K Street NW. (Room 405), Washington, D.C. The meeting will begin at 9:30 EDST on October 23rd and will continue on October 24th and is open to the public.

The purpose of the meeting will be to swear-in new Council members and to discuss progress reports on Council activities and to outline its future projects.

The National Advisory Council on Economic Opportunity is authorized by Section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity.

Walter B. Quetsch,

Executive Director.

[FR Doc. 79-30146 Filed 9-27-79; 8:45 am]

BILLING CODE 6820-41-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[79-80]

NASA Advisory Council (NAC); Aeronautics Advisory Committee (AAC); Meeting

The Informal Ad Hoc Advisory Subcommittee on Advanced Materials, Structures, and Structural Dynamics Technology of the NAC AAC will meet October 24–25, 1979, in Room 230, Building 1229, NASA Langley Research Center, Hampton, Virginia. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and participants).

The Subcommittee was established to assess program balance between the materials, structures, and structural dynamics program elements and the adequacy of current and planned R&T activities in terms of future forecast aircraft requirements. The Subcommittee is to recommend program modifications, deletions, or changes in scope or emphasis to support overall NASA future aeronautical vehicle technology objectives. The Chairperson is Dr. Martin Goland. There are currently nine members on the Subcommittee. Following is the approved agenda for the meeting:

Agenda

October 24, 1979

8:30 a.m.—Introductory Remarks
9:00 a.m.—Active Controls Technology
1:15 p.m.—Crash Dynamics Facility, 8-Foot High Temperature Structures Tunnel
2:15 p.m.—Composites
4:45 p.m.—Transonic Dynamics Tunnel

October 25, 1979

8:30 a.m.—Composites (Continued)
11:00 a.m.—Discussion of Strategic Materials
1:00 p.m.—Subcommittee Discussion

For further information please contact Dr. Leonard A. Harris, Executive Secretary of the Subcommittee, Code RTM–6, NASA Headquarters, Washington, DC 20546. Telephone 202–755–2364.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

September 24, 1979.

[FR Doc. 79-30087 Filed 9-27-79; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Advisory Committee; Meeting

September 24, 1979.

Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at the National Endowment for the Humanities, 806 15th Street, N.W., Washington, D.C. 20506, in Room 807, from 1 p.m. to 4 p.m. on October 15, 1979.

The purpose of the meeting is to review an application for the development of humanities data collection and policy studies submitted to the National Endowment for the Humanities for a project to begin after December 1, 1979.

Because the proposed meeting will consider financial information and disclose information of a personal nature and disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management

Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call area code (202) 734–0369.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 79-30186 Filed 9-27-79; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for PCM; Subcommittee on Genetic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Genetic Biology of the Advisory Committee for Physiology, Cellular & Molecular Biology.

Date and Time: October 18–20, 1979, 9:00 a.m.

Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Philip D. Harriman, Program Director, Genetic Biology Program, Room 326, National Science Foundation, Washington, D.C. 20550, telephone (202) 9632–5985.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in genetic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determinatlion was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on July 6, 1979.

September 25, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

[FR Doc. 79-30210 Filed 9-27-79; 8:45 am]

BILLING CODE 7555-01-M

Committee Management; DOE/NSF Nuclear Science Advisory Committee; Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, it is hereby determined that the renewal of the DOE/NSF Nuclear Science Advisory Committee is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Committee Management Secretariat Staff, General Services Administration (GSA), pursuant to section 14(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A–63, Revised.

Authority for this advisory committee shall expire on September 23, 1981, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

Richard C. Atkinson,

Director.

September 25, 1979.

[FR Doc. 79-30209 Filed 9-27-79; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Geography and Regional Science of the Advisory Committee for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Geography and Regional Science of the Advisory Committee for Social and Economic Science.

Date/Time: October 15–16, 1979—9:00 a.m. to 5:00 p.m.

Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of Meeting: Part Open: October 15 from 9:00 a.m. to 12:00—open, October 15 from 12:00 to 5:00 p.m.—closed, October 16 from 9:00 a.m. to 5:00 p.m.—closed.

Contact Person: Dr. Barry M. Moriarty, Program Director, Geography & Regional Science, Room 312, National Science Foundation, Washington, D.C. 20550; telephone (202) 634–6683.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Geography and Regional Science.

Agenda: Open portion: To discuss 1) program emphases for long range planning and 2) program and subcommittee policies and procedures. Closed portion: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

September 25, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

[FR Doc. 79-30214 Filed 9-27-79; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Political Science of the Advisory Committee for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Political Science of the Advisory Committee for Social and Economic Science.

Date and Time: October 19–20, 1979, 9:00 a.m. to 5:00 p.m. each day.

Place: Room 642, National Science Foundation, 1800 G St., NW., Washington, D.C. 20050.

Type of Meeting: Closed—9:00 a.m. to 5:00 p.m. October 19–20, 1979.

Contact Person: Dr. Gerald C. Wright, Jr., Program Director, Political Science Program, Room 312, National Science Foundation, Washington, D.C. 20550, Telephone (202) 632–4348.

Purpose of Subcommittee: To provide advice and recommendations concerning research in Political Science.

Agenda: Closed: to review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

September 25, 1979.

[FR Doc. 79-30211 Filed 9-27-79; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Population Biology and Physiological Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science

Foundation announces the following meeting:

Name: Subcommittee on Population Biology and Physiological Ecology of the Advisory Committee for Environmental Biology.
Date and Time: October 18 and 19, 1979; 8:30 a.m. to 5:00 p.m. each day.
Place: Room 643, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.
Type of Meeting: Closed.
Contact Person: Dr. Donald W. Kaufman, Associate Program Director, Population Biology and Physiological Ecology Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7317.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in population biology and physiological ecology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determinatioan was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

September 25, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

[FR Doc. 79-30212 Filed 9-27-79; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Sensory Physiology and Perception; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences Subcommittee for Sensory Physiology and Perception.
Date and time: October 17, 1979, 7:00 p.m. to 10:00 p.m.; October 18 and 19, 1979, 9:00 a.m. to 5: 00 p.m. both days.
Place: Room 628, National Science Foundation, 1800 "G" Street, N.W., Washington, D.C. 20550.
Type of meeting: Part Open—Open 10-17—7:00 p.m. to 10:00 p.m. Closed 10-18—9:00 a.m. to 5:00 p.m. Closed 10-19—9:00 a.m. to 5:00 p.m.
Contact person: Dr. Terrence R. Dolan, Program Director, Sensory Physiology and Perception, Room 310, National Science Foundation, Washington, D.C. 20550 Telephone (202) 634-1624.
Summary minutes: May be obtained from the Contact person, Dr. Terrence R. Dolan, at the above stated address.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in sensory physiology and perception.
Agenda: Open—October 17, 7:00 p.m. to 10:00 p.m. (1) Discussion of problems and perspectives in basic research in the sensory physiology and perception sciences. (2) Methods for improvement of the Sensory Physiology and Perception Program at the National Science Foundation. Closed—October 18 and 19, 9:00 a.m. to 5:00 p.m. To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(C), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

September 25, 1979.

[FR Doc. 79-30213 Filed 9-27-79; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Ocean Sciences Research of the Advisory Committee for Ocean Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Ocean Sciences Research of the Advisory Committee for Ocean Sciences.
Date and Time: October 18 and 19, 1979, 9:00 am to 6:00 pm, each day.
Place: Room 611, National Science Foundation, 1800 G St., NW., Washington, D.C.
Type of Meeting: Closed.
Contact Person: Dr. Robert E. Wall, Head, Oceanography Section, Room 611 National Science Foundation, Washington, D.C. 20550, Telephone (202) 632-4227.
Purpose of Meeting: To provide advice and recommendations concerning support for research in Oceanography.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L., 92-463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

September 25, 1979.

[FR Doc. 79-30215 Filed 9-27-79; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8725]

Gulf Mineral Resources Co., et al.; Availability of Environmental Report and Intent To Prepare a Draft Environmental Impact Statement Concerning Issuance of a Byproduct Material License for the Mount Taylor Project To Be Located in McKinley County, N. Mex.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. Description of the Proposed Action—Gulf Mineral Resources Co., a division of Gulf Oil Corporation, proposes to construct and operate a tailings disposal system for the Mt. Taylor Uranium Mill Project. This project is located in northwestern New Mexico approximately 60 miles west northwest of Albuquerque, and 30 miles northeast of Grants. The 4,200 ton-per-day capacity mill facility will be located in Lower San Lucas Canyon, Section 1, T13N, R8W, McKinley County, New Mexico, approximately 3.5 miles north of the town of San Mateo. The proposed tailings impoundment would be located in La Polvadera Canyon, Sections 10, 11, 14, and 15, T14N, R8W, McKinley County, New Mexico, approximately 6 miles north of the mill.

The Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978

amended the definition of byproduct material in the Atomic Energy Act to include uranium mill tailings. Therefore, uranium mill tailings, as byproduct material, must be licensed by the NRC (and/or an Agreement State after 3 years from enactment of the UMTRCA of 1978). Title 10 of the Code of Federal Regulations, Part 51, provides for the preparation of a detailed environmental statement pursuant to the National Environmental Policy Act of 1969 (NEPA) prior to the issuance of a byproduct material license if the issuance of that license may result in actions which significantly affect the quality of the human environment.

2. The principal alternatives currently planned to be considered include alternative siting alternatives, alternative waste management methods, alternative energy sources and the alternative of no licensing action.

3. The scoping process will include a meeting to be held in the Community Room of the Grants State Bank, 824 West Santa Fe, Grants, New Mexico, on October 23, 1979, at 10:00 a.m. This meeting will provide for a briefing of interested parties concerning the proposed action and alternatives and opportunity for comment on the scope of the proposed statement. The participation of the public and all interested government agencies is invited. Copies of this notice will be mailed to all affected Federal, State, and local agencies, and other interested persons. Written comments concerning the scope of the proposed statement will be accepted until October 16, 1979.

4. The DEIS is expected to be available to the public for review and comment in January 1980.

5. The applicant's Environmental Report and Appendix and any subsequent documents will be available for inspection and copying at the Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Copies of the Environmental Report and Appendix are also being provided to the State Planning Office, Division of Natural Resources, Room 403, Executive Legislative Building, Santa Fe, New Mexico 87501.

Questions about the proposed action, DEIS, or scoping meeting and any written comments should be directed to E. A. Trager, U.S. Nuclear Regulatory Commission, Division of Waste Management, 483–SS, Washington, D.C. 20555, Phone (301)427–4103.

Dated at Silver Spring, Maryland, this 21st day of September 1979.

For the Nuclear Regulatory Commission.

Hubert J. Miller,

Section Leader, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 79-30164 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-1341—Source Material License No. SUA-816]

Tennessee Valley Authority, et al.; Availability of Environmental Report and Intent To Prepare a Draft Environmental Impact Statement Concerning Approval of a Plan To Decommission the Edgemont Uranium Mill Located in Fall River County, S. Dak.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. Description of the Proposed Action—Tennessee Valley Authority proposes to decommission the Edgemont Uranium Mill located in Edgemont, South Dakota. The proposed plan will involve removal of the mill tailings from the existing location and transfer to a more remote location. A source material license, No. SUA–816, is currently in effect for the Edgemont Uranium Mill. Title 10 of the Code of Federal Regulations, Part 51, provides for the preparation of a detailed environmental statement pursuant to the National Environmental Policy Act of 1969 (NEPA) prior to amending a source material license if the amending of that license may result in actions which significantly affect the quality of the human environment. Amending source material license No. SUA–816 to authorize the decommissioning of the Edgemont Uranium Mill may result in such actions.

2. The principal alternatives currently planned to be considered include alternative tailings impoundment siting alternatives, alternative waste management methods, and the alternative of no licensing action.

3. The scoping process will include a meeting to be held at the St. James Hall, 310 Third Avenue, Edgemont, South Dakota, on October 25, 1979, at 9:00 a.m. This meeting will provide for a briefing of interested parties concerning the proposed action and alternatives and opportunity for comment on the scope of the proposed statement. The participation of the public and all interested government agencies is invited. Copies of this notice will be mailed to all affected federal, state, and local agencies, and other interested persons. Written comments concerning the scope of the proposed statement will be accepted until October 18, 1979.

4. The DEIS is expected to be available to the public for review and comment in March 1980.

5. The licensee's Environmental Report and Appendix and any subsequent documents will be available for inspection and copying at the Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. Copies of the Environmental Report and Appendix are also being provided to the South Dakota State Clearinghouse, State Planning Bureau, State Capitol, Pierre, South Dakota 57501.

Questions about the proposed action, DEIS, or scoping meeting and any written comments should be directed to E. A. Trager, U.S. Nuclear Regulatory Commission, Division of Waste Management, 483–SS, Washington, D.C. 20555, Phone (301)427–4103.

Dated at Silver Spring, Maryland, this 21st day of September, 1979.

For the Nuclear Regulatory Commission.

Hubert J. Miller,

Section Leader, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 79-30166 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-325]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR–71 issued to Carolina Power & Light Company (the licensee) for operation of the Brunswick Steam Electric Plant, Unit No. 1 (the facility), located in Brunswick, North Carolina. The amendment is effective as of the date of issuance.

This amendment revises the minimum critical power ratio (MCPR) for fuel bundle LJ0197, which is misoriented by 180°. This revision will ensure conservative operation for Cycle 2 in accordance with the reload analysis.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 11, 1979, as supplemented September 18, 1979, (2) Amendment No. 25 to License No. DPR–71, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of September 1979.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-30161 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409 (SFP License Amendment)]

Dairyland Power Cooperative (La Crosse Boiling Water Reactor); Order

The evidentiary hearing in this spent fuel pool expansion proceeding, previously scheduled to commence on Tuesday, October 2, 1979 (see 44 FR 50105, August 27, 1979) is hereby rescheduled to commence at 9:30 a.m. on Wednesday, October 3, 1979. The hearing will be held in the Hall of the Presidents, Cartwright Center of the University of Wisconsin at La Crosse, La Crosse, Wisconsin 54601.

It is so ordered.

Dated at Bethesda, Maryland, this 21st day of September, 1979.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman.

[FR Doc. 79-30162 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-366]

Georgia Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. NPF–5, issued to Georgia Power Company, Oglethorpe Electric Membership Corporation, Municipal Electric Association of Georgia and City of Dalton, Georgia, which revised the license for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 2 (the facility) located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment extends certain surveillance intervals for the initial cycle of Hatch 2 operation to allow the testing to be performed during a scheduled reactor shutdown. The tests involved are those valve rate measurements and integrated safeguards testing that would normally be performed during a refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 19, 1979, (2) Amendment No. 12 to License No. NPF–5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 3153. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 21st day of September 1979.

For the Nuclear Regulatory Comission.

Vernon L. Rooney,

Acting Chief Operating Reactors Branch #3, Division of Operating Reactors.

[FR Doc. 79-30163 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Provisional Operating License No. DPR–16, issued to Jersey Central Power & Light Company (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility), located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment adds a license condition to include the Commission-approved physical security plan as part of the license.

The licensee's filing complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated December 7, 1977, as revised June 16, 1978, February 14, 1979, June 26, 1979, and August 21, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR § 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 41 to License No. DPR–16 and (2) the Commission's related letter to the licensee dated September 14, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Ocean

County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of September, 1979.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-30165 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; New System of Records: Special Inquiry file—NRC-33

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

ACTION: Notice of new system of records.

SUMMARY: The NRC has established a new system of records identified as Special Inquiry File, NRC-33. The purpose of the system is to provide access by individual name or other identifier to records of the special inquiry. This includes Commission correspondence, memoranda, audit reports and data, interviews, questionnaires, legal papers, exhibits, investigative reports and data, and other materials relating to or developed as a result of the inquiry, study, or investigation of an accident or incident.

EFFECTIVE DATE: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: J.M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: The NRC published a notice of a proposed new system of records in the **Federal Register** on July 27, 1979 (44 FR 44309). The notice invited comments on the proposed new system, identified as Special Inquiry File, NRC-33, by August 30, 1979. No comments were received on the proposed new system of records.

The new system porivdes access by individual name or other identifier to records of the special inquiry. this includes Commission correspondence, memoranda, audit reports and data, interviews, questionnaires legal papers, exhibits, investigate reports and date, and other materials relating to or developed as a result of the inquiry, study or investigation of an accident or incident. The text of NRC-33 is identical with the text of the proposed NRC-33 published on July 27, 1979.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, 553 of Title 5 of the United States Code, the following notice of NRC System of Records, Special Inquiry File, NRC-33, is published as a document subject to publication in the annual compilation of Privacy Act Documents.

EFFECTIVE DATE: October 29, 1979.

Dated at Bethesda, Maryland this 21st day of September 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

NRC-33

SYSTEM NAME:

Special Inquiry File—NRC.

SYSTEM LOCATION:

a. Primary system: Special Inquiry Group, U.S. Nuclear Regulatory Commission, 6935 Arlington Road, Bethesda, Maryland.

b. Duplicate system—a duplicate system exists, in whole or in part, at the TERA Advanced Services Corporation, 7101 Wisconsin Avenue, Suite 1400, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals possessing information regarding or having knowledge of matters of potential or actual concern to the Commission in connection with the investigation of an accident or incident at a nuclear power plant or other nuclear facility, or an incident involving nuclear materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of an alphabetical index file bearing individual names. The index provides access to associated records which are arranged by subject matter, title, or identifying number(s) and/or letter(s). The system incorporates the records of all Commission correspondence, memoranda, audit reports and data, interviews, questionnaires, legal papers, exhibits, investigative reports and data, and other material relating to or developed as a result of the inquiry, study, or investigation of an accident or incident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. Sections 161(c), (i), and (o) of the Atomic Energy Act of 1954, as amended, 42 U.S.C 2201(c), (i) and (o). b. Section 201 (f), Energy Reorganization Act of 1974, 42 U.S.C. 5841(f).

ROUTINE USES OF RECORDS IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

a. A record in this system of records relating to an item which has been referred to the Commission or Special Inquiry Group for investigation by an agency, group, organization, or individual may be disclosed as a routine use to notify the referring agency, group, organization, or individual of the status of the matter or of any decision or determination that has been made.

b. A record in this system of records may be disclosed as a routine use to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States.

c. A record in this system of records relating to the integrity and efficiency of the Commission's operations and management may be disseminated outside the Commission as part of the Commission's responsibility to inform the Congress and the public about Commission operations.

d. A record in this system of records may be disclosed for any of the routine uses specified in paragraph numbers 1, 2, 4, 5, and 6 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on microfiche, disks, tapes, and paper in file folders. Classified documents are maintained in locked safes; proprietary and sensitive safeguards documents are maintained in secured facilities.

RETRIEVABILITY:

Accessed by name (author or recipient), corporate source, title of document, subject matter, or other identifying document or control number.

SAFEGUARDS:

These records are located in lockable metal filing cabinets or safes in a secured facility and are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Retained and destroyed in accordance with approved records disposal schedules for the various types of records involved.

SYSTEM MANAGER(S) AND ADDRESS:

Records Manager, Special Inquiry Group, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure". Information classified pursuant to Executive Order 12065 will not be disclosed. Information received in confidence will not be disclosed to the extent that disclosure would reveal a confidential source.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedures".

RECORD SOURCE CATEGORIES:

The information in this system of records is obtained from sources including, but not limited to, U.S. Nuclear Regulatory Commission officers and employees, Federal, State, local, and foreign agencies, NRC licensees, nuclear reactor vendors and architectural engineering firms, other organizations or persons knowledgeable about the incident or activity under investigation, and relevant NRC records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f). The exemption rule is contained in section 9.95 of the NRC regulations (10 CFR 9.95).

[FR Doc. 79-30172 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; Notices of Systems of Records; Amendments of Routine Uses

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

ACTION: Notification of new routine use.

SUMMARY: The NRC has established a new routine use which provides that a record from the NRC systems of records may be disclosed as a routine use to an NRC contractor on a "need to know" basis for a purpose within the scope of the pertinent NRC contract.

EFFECTIVE DATE: October 29, 1979

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: The NRC published a notice of a proposed new routine use in the **Federal Register** on July 27, 1979 (44 FR 44308). The notice invited comments on the new routine use by August 30, 1979. No comments were received.

The new routine use provides that a record from the NRC systems of records may be disclosed as a routine use to an NRC Contractor on a "need to know" basis for a purpose within the scope of the pertinent NRC contract. Under this routine use, an NRC Contractor, for example, the NRC Contractor making special inquiry into the Three Mile Island accident, could obtain access to records within an NRC system of records if such access were necessary to carry out the terms of the contract. Access to the records will be granted to an NRC Contractor by a system manager only after satisfactory justification has been provided to the system manager.

The NRC is also amending the Routine Use section of certain systems of records to make reference to the new routine use set out in the Prefatory Statement of General Routine Uses.

The text of this new routine use is identical with the text of the proposed new routine use published on July 27. Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, and 553 of Title 5 of the United States Code, the following routine use is adopted.

1. The NRC Systems of Records are amended by adding the following General Routine Use to the Prefatory Statement of General Routine Uses:

Prefatory Statement of General Routine Uses

The following routine uses apply to each system of records notice set forth below which specifically reference the Prefatory Statement.

* * * * *

6. A record from this system of records may be disclosed, as a routine use, to an NRC contractor on a "need to know" basis for a purpose within the scope of the pertinent NRC contract. Such access will be granted to an NRC contractor by a system manager only after satisfactory justification has been provided to the system manager.

2. The Routine Use sections of NRC-2, NRC-18, NRC-19, and NRC-30 are amended by deleting "number 5 of the Prefatory Statement" and substituting therefor "numbers 5 and 6 of the Prefatory Statement."

3. The Routine Use section of NRC-36 and NRC-38 are revised to read as follows:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the routine use specified in paragraph number 6 of the Prefatory Statement.

Dated at Bethesda, Maryland this 21st day of September 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-30173 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaulating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.42, Revision 1, "Emergency Planning for Fuel Cycle Facilities and Plants Licensed Under 10 CFR Parts 50 and 70," provides guidance acceptable to the NRC staff for complying with the Commission's regulations for developing emergency plans for fuel processing, reprocessing, and enrichment facilities. This guide was revised as a result of public comment and additional staff review prior to the accident at Three Mile Island (TMI) Nuclear Station Unit 2. Any additional guidance for developing emergency plans resulting from the NRC's ongoing evaluation of the TMI accident will be included in a subsequent revision to this guide.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office (GPO) price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on subscription service and current GPO prices may be obtained by writing to the U.S. Nuclear Regulatory

Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 19th day of September 1979.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 79-30167 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC79-4; Order No. 294]

Domestic Mail Classification Schedule—Merchandise Return Service, 1979; Order Granting Petitions for Intervention, Allowing Participation, Fixing Date for a Prehearing Conference, and Establishing Procedures; Correction

Issued September 21, 1979.

In FR Doc. 79-29292, appearing at pages 54798-54799 in the Federal Register of Friday, September 21, 1979, the following changes should be made:

1. Page 54798, Column 3, Footnote 2, change "300.23" to "3001.32"

2. Page 54799, Column 1, under heading "Prehearing Conference Statements", line 5, change "September 20, 1979" to "September 25, 1979"

By the Commission.

David F. Harris,

Secretary.

[FR Doc. 79-30088 Filed 9-27-79; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 16214; File No. 4-208]

American Stock Exchange, Inc., et al.; Application Pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934, Temporary Order

September 21, 1979.

Notice is hereby given that the Securities and Exchange Commission has issued an order, pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 ("Act"), extending authority granted to certain self-regulatory organizations to act jointly, in accordance with a "Plan for the Purpose of Creating and Operating an Intermarket Communications Linkage" and amendments thereto ("ITS Plan" or "Plan"),[1] to plan, develop, operate and regulate a national market system facility consisting of an Intermarket Trading System ("ITS"). The order extends authority previously granted to those self-regulatory organizations (and any other self-regulatory organization joining the Plan) until January 31, 1983.

[1] The Plan and amendments thereto, dated April 25, July 1, and November 30, 1978, are contained in File No. 4-208.

I. Background

On March 9, 1978, the American ("Amex"), Boston ("BSE"), New York ("NYSE"), Pacific ("PSE") and Philadelphia ("Phlx") Stock Exchanges, Inc. (collectively, "filing exchanges") jointly filed the ITS Plan with the Commission contemplating the implementing of the ITS, linking participating market centers and providing facilities and procedures for (i) routing of commitments to trade and administrative messages between and among the participants, and (ii) participation, under certain conditions, by members of all participant markets in opening transactions in those markets.[2]

In connection with implementation of the ITS Plan, the filing exchanges requested that the Commission approve the Plan and issue an order, pursuant to Section 11A(a)(3)(B), evidencing such approval. On April 14, 1978, the Commission issued a temporary order, pursuant to Section 11A(a)(3)(B), authorizing the filing exchanges and any other self-regulatory organization which agreed to become a participant in the ITS Plan (collectively, "Participants") to act jointly in planning, developing, operating and regulating the ITS in accordance with the terms of the Plan for 120 days from the date of the order.[3]

On August 11, 1978 the Commission issued an order ("ITS Extension Order"), pursuant to Section 11A(a)(3)(B), extending its approval of the ITS Plan for an additional year.[4] The Commission noted in the ITS Extension Order that only a short period of time had elapsed in which all current Participants had been actively involved in the ITS and that, as a result, there was "no data which would indicate the full impact of the system, and the extent of its use, once it had been fully implemented."[5] Accordingly, the Commission determined to issue the ITS Extension Order to "afford an opportunity to collect statistical data relative to the use and operation or impact of the system."[6]

Following temporary approval of the ITS Plan, the Participants began phased implementation of the ITS in accordance with the Plan. On April 17, 1978, the NYSE and Phlx were linked, and intermarket trading commenced in eleven multiply-traded issues. The PSE became a Participant on June 26, 1978,[7] the BSE on July 10, 1978, the Midwest Stock Exchange, Inc. ("MSE") on July 24, 1978,[8] and the Amex on August 7, 1978. The number of stocks eligible to trade in the ITS has been periodically increased throughout the 17 months of its existence, bringing the total, as of this date, approximately 600 securities.[9] The participants anticipate that about 40 stocks per month will be added to the system during the remainder of this year.

II. Implementation of the ITS

The primary function of the ITS is to link the various market centers by routing messages between them. The ITS enables a broker or specialist who is physically present in one market center to transmit his own or his customer's order in an ITS-traded stock, electronically, to another market center. This is accomplished by the entry of "commitments to trade" into a computer terminal located on the floor of a participating exchange.

An order, *i.e.*, "commitment to trade," initiated by an originating market center by entry into a computer terminal is delivered or queued for delivery to the destination market center output terminal in a matter of seconds.[10] The information entered by the originating market center is used by the central computer to route orders to the proper

[2] The ITS Plan also contemplates the display of composite quotation information on the floors of each of the participating exchanges (at the designated trading post) so that members of each participating exchange will be able to determine readily the best bid and offer for a particular multiply-traded security available from any participating exchange. *See* ITS Plan, *supra* note 1 at § 5(a), ¶ 1, at 6.

[3] Securities Exchange Act Release No. 14661 (April 14, 1978), 43 FR 17419 ("ITS Order").

[4] Securities Exchange Act Release No. 15058 (August 11, 1978), 43 FR 36732.

[5] *Id.* at 7, 43 FR at 36734.

[6] *Id.*

[7] On June 26, 1978, the PSE's Los Angeles trading floor was linked to the ITS and, on November 16, 1978, the San Francisco floor of the PSE was linked to the ITS.

[8] The Plan was amended as of April 25, 1978, to include the MSE, *see* ITS Plan, *supra* note 1.

[9] Although various ITS participants have expressed an interest in including Amex listed securities in the ITS, to date only 37 of these securities are traded through the system. Although the Commission does not believe it is necessary to include every multiply traded security in the ITS, the Commission expects that when an ITS participant has expressed an interest in trading a security through the system, that security should promptly be included unless technical considerations dictate otherwise.

[10] At the time of the transmission, each commitment is validated, assigned a unique commitment identification number (a "CID"), time stamped, and logged by the ITS. When received at the destination market center, the commitment is displayed on a cathode ray tube and printed out on an ITS printer. *See* ITS Plan, *supra* note 1 at § 5(a), ¶9, at 12.

market center. A "commitment to trade" entered into the system is a firm obligation for a fixed period of time on the part of its originator to buy or sell the specified security.[11] If a "commitment to trade" is accepted by a broker or specialist at the receiving market center, a simplified message is entered into the system and the system immediately reports an execution back to the originating market center. If a commitment is not accepted during the designated time-period (*i.e.*, one or two minutes, whichever period the sender chooses), the commitment is automatically cancelled. A "commitment to trade" may also be rejected with the designated time-period if, at the time it is received, it is at a price away from the then current market in the receiving market center.[12]

The Participants have generally expressed satisfaction with the operation of the ITS thus for. With the expansion in the number of issues traded in the system, there has been a substantial increase in ITS volume during the past year. For example, in May 1979 there were 24,786 trades executed through the ITS representing 13.9 million shares compared with 8,018 trades totaling 5.7 million shares in August 1978, the first month in which all six participating market centers were linked. In addition, average response times with respect to ITS commitments to trade received by participating market centers have been reduced. The average response time for all ITS commitments entered into the system was reduced from 50.4 seconds in December 1978 to 46.5 seconds in May 1979. The greatest improvement in this area was in ITS cancellations, where the average response time was reduced by 14.1 seconds, while the average response time with respect to ITS executions was reduced by 3.1 seconds. Cancellation rates have also improved, dropping from 27.5 percent of all commitments in December 1978 to 22.6 percent in May 1979.

Some problems with the ITS, however, continue to be experienced. Specifically, the Commission's monitoring of the ITS has confirmed its understanding that on occasion (particularly during periods of active trading) transactions are being effected on the floor of one ITS Participant at prices inferior to the quotations disseminated by other linked exchanges ("trade-throughs"). The Commission believes that this behavior may result from a number of factors including (i) the failure of a number of Participants to provide on their trading floors a display of consolidated quotation information, (ii) the reluctance of some floor brokers and exchange market makers to interrupt their trading activities to use ITS terminals, (iii) the length of time necessary to complete a transaction through the ITS and (iv) the perception on the part of many users of the system that the quotations displayed for certain exchanges and by certain specialists often do not accurately indicate the market for that security on that exchange.

The Commission understands that a number of planned or recently implemented technical enhancements to the ITS may either eliminate or at least alleviate the effect of the first three factors. The Commission is concerned, however, with the apparent failure of the Participants to actively address failures by members of those Participants to honor their displayed quotations.

The perception of many users of the system that certain quotation information is unreliable apparently has resulted, to some extent, from the use by regional exchange specialists of "Autoquote" equipment to generate quotation information. Individual regional exchange specialists generally make markets in a far greater number of securities than do specialists on the Amex or NYSE. Because of the difficulty of updating firm quotations in a large number of securities, many regional specialists employ Autoquote to automatically update their quotations in securities they are not actively trading each time the Amex or NYSE bid or offer quotation for those securities is revised. However, the Commission understands that on certain occasions specialists on regional exchanges, when disseminating quotations for a security in an automated mode, have rejected commitments to trade at their displayed quotation. The effect of this practice has been general unwillingness of some users to send commitments to trade through the ITS to any regional specialist whom they believe is employing Autoquote.

The apparent unreliability of quotation information is not limited to automatically generated quotations. In monitoring the operation of the ITS, the Commission found that significant number of commitments to trade sent to "hit" bids and offers on the "primary" exchange were cancelled (*i.e.*, rejected) or permitted to expire unexecuted. While some portion of these cancellations may be accounted for by the exceptions to firmness provided in the Commission's quotation rule, Rule 11Ac1–1 under the Act (17 CFR § 240.11Ac1–1),[13] it may also be that some portion of cancellations and expirations result from violations of that rule.[14]

Rule 11Ac1–1 under the Act requires brokers and dealers, subject to certain exceptions, to execute an order presented to them at their displayed quotation price up to the amount of their displayed size, no matter how that quotation was generated. To a significant extent, the effectiveness of any intermarket linkage system is dependent on the quality and reliability of the market information disseminated. Unless market participants are confident that the displayed quotation information is accurate and timely, they may be unwilling to send commitments through the ITS for fear of missing the market on their own exchange.

Accordingly, the Division of Market Regulation has sent to each Participant in the ITS and the NASD a letter expressing concern over the failure of those self-regulatory organizations to enforce compliance with Rule 11Ac1–1. The letter requests that each Participant send a response to the Division by October 15, 1979, explaining the existing and planned surveillance procedures which will be used by that self-regulatory organization to detect violations of Rule 11Ac1–1. The Commission believes that, if compliance with Rule 11Ac1–1 is vigorously enforced, a substantial disincentive to use of the ITS will have been eliminated.

III. Extension of Approval of the Plan

The Commission believes that the increased use of data processing and communications technology is essential in meeting the objectives of a national market system and that it is appropriate, as that system evolves, to encourage and foster pilot and experimental programs designed to explore the efficacy of different types of computer

[11] The commitment is irrevocable for that time period following acceptance by the system as chosen by the sender of the commitment to trade. The ITS provides two time-period options known as "T–1" (one minute option) and "T–2" (two minute option). Thus, if the two-minute option is chosen, a commitment is automatically cancelled after the two minutes if not accepted by the destination market center. ITS Plan, *supra* note 1 at § 5(a), ¶6, at 10–11.

[12] ITS Plan, *supra* note 1 at § 5(a), ¶9, at 13.

[13] Rule 11Ac1–1 provides an exception to the firmness requirements of the rule when a resonsible broker or dealer has communicated a revised quotation to his exchange or association or if, at the time an order is presented for execution, is in the process of executing a transaction and that broker or dealer immediately thereafter revises his quotation. Rule 11Ac1–1(c)(3)(1) (17 CFR § 240.11Ac1–1(c)(3)(1)).

[14] In addition, the Commission is concerned that this problem may be exacerbated by the inclusion of over-the-counter market makers in the ITS. The Commission understands that some "third market" dealers, on occasion, do not update their quotations on a timely basis.

and communications systems. Two such systems are currently in operation on a pilot or experimental basis. One of these, the ITS, is designed primarily to link market centers and permit orders for the purchase and sale or multiply-traded securities to be routed between those centers for execution: The other system, the CSE Multiple Dealer Trading System ("CSE System"), represents primarily an experiment in the use of a fully automated, electronic trading system.[15] As the Commission stated in its recent status report [16] on the development of a national market system:

The Commission believes that these systems evidence considerable progress in the application of automation and computer and communication technology to overcome some of the problems associated with market fragmentation. In the Commission's view, the ITS and the CSE System both offer valuable opportunities for increased competition and for the Commission and the industry to assess the ability of differing types of market linkage systems to integrate trading in physically separate locations and to observe the effects of these market linkage systems on the operation of the markets. Both types of market linkage systems, separately or in some combination, may become permanent features of a national market system, either because it becomes clear that both systems, notwithstanding their differing operational characteristics, are compatible, or because the different trading characteristics of some securities make use of one type of market linkage system more economical and efficient for those securities than the other.[17]

The Commission continues to believe that the ITS offers valuable opportunities for increased competition. The ITS appears to be generally functioning effectively and usage of the system has continued to increase as new issues have been added and market professionals in the various participating market centers have become more familiar with the system. In addition, although the Commission's monitoring of the ITS has identified operational characteristics of the system which have decreased the efficiency of the ITS and to some degree discouraged usage of the system, the Participants appear to be making efforts to eliminate or at least reduce those operational difficulties. Accordingly, the Commission has determined to extend its approval of the ITS Plan until January 31, 1983.

Although the Commission has determined that an extension of the ITS until January 31, 1983, is consistent with the Commission's program to facilitate the development of a national market system in that it furthers the development of comprehensive market linkages, the Commission wishes to make clear that its findings with respect to the ITS are limited to the usefulness of the ITS pilot at this point in time and at this stage in the development of a national market system, and that its approval of the ITS should not be interpreted as an indication that that system will be adequate in its present configuration for the full extension period authorized by this order. The development of a national market system continues to be an evolutionary process, and if the types of systems represented by the ITS and the CSE Systems are to become permanent features of that system as it evolves, they must continue to make improvements, changes and adaptations to meet the needs of persons trading in the various market centers and to accommodate Commission regulatory requirements designed to improve order interaction and price protection between and among markets.[18]

In this regard, several aspects of the ITS, at a minimum, require attention by the ITS Participants during the extension period. First, the Commission believes that, in addition to achieving full compliance with the Commission's quotation rule in all participating market center, the ITS Participants should continue their efforts to enhance the system to further reduce response times in order to increase the efficiency and usefulness of the system. The commission understands that several technical enhancements to the system designed to improve response times are under way, including (i) the creation of a "Universal Template" for sending or responding to commitments to trade, which will eliminate the need to call up different templates depending upon the type of message to be sent through the system and permitting storage of up to seven "live" commitments to trade on the screen at one time (thus reducing the number of key strokes required to accept a commitment to trade), and 9(ii) the use of "mark sense" cards on the NYSE to send and respond to commitments to trade. The Participants have indicated that these proposed enhancements may result in a reduction in average response times to between 20 and 30 seconde. Rapid and efficient intermarket executions are, of course, essential to meeting the statutory objectives of a national market system. The Participants, therefore, should implement these enhancements promptly.[19]

Second, the Commission believes that the ITS Participants should promptly take whatever steps are necessary to (i) conclude discussions with the NASD with respect to implementing a linkage between the ITS and over-the-counter market makers regulated by the NASD, and (ii) arrive at a satisfactory basis for a linkage between the ITS and the CSE System. Experience with the ITS to date indicates that the system may well be at least one kind of appropriate market linkage system for connecting the floors of traditional exchange type markets. However, in order to achieve the full integration of markets contemplated in a fully operational national market system, it will be necessary to link those exchange floors with both over-the-counter markets and exchanges (such as the CSE) which elect to utilize automated trading systems.[20]

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[15] The CSE System, through an electronic communications network maintained by the CSE, enables CSE members, without the necessity of maintaining a presence on the floor of the CSE or any other exchange,to participate in a market conducted in accordance with certain auction-type trading principles by entering bids and offers for securities for their own account and as agents for their customers' accounts. In addition, the CSE System rules permit a specialist on any national securities exchange, without becoming a member of the CSE, to enter bids and offers in the System as principal or as agent in any security in which that specialist is registered on another exchange. On April 18, 1978, the Commission, pursuant to Sections 11A and 19(b)(2) of the Act, issued an order approving a proposed rule change of the CSE to establish the CSE System as a nine-month pilot program. Securities Exchange Act Release No. 14674 (April 18, 1978), 43 FR 17894. On December 15, 1978, the Commission approved the extension of the CSE pilot program for an additional period of one year, Securities Exchange Act Release No. 15413 (December 15, 1978), 44 FR 129, and on September 21, 1979, the Commission approved a further extension of the CSE experiment unitil January 31, 1983. Securities Exchange Act Release No. 16215 (September 21, 1979).

[16] Securities Exchange Act Release No. 15671 (March 22, 1979), 44 FR 20360 ("Status Report").

[17] *Id.* at 10–12, 44 FR at 20361.

[18] The Commission, of course, intends to continue consideration of the significant market structure questions, both legal and policy, which result from (i) the ability of firms, in a variety of contexts, to transact business on a principal basis with their own retail customers, or to otherwise combine principal and agency functions for a particular security, and (ii) the need to ensure that order flow in every particular market center is exposed to buying and selling interest represented in other market centers. The Commission believes, however, that these questions should be addressed ina broad and generic context rather than in connection with the temporary approval of a single national market system facility. But these deliberations may well lead to regulatory initiatives which have a significant impact on such systems as the ITS.

[19] Whether these enhancements will be adequate to meet the needs of an evolving national market system, however, can be determined only by experience.

[20] The Commission is aware that the NYSE is contemplating developing a mechanism whereby its members may make markets in NYSE-listed stocks without having a physical presence on the floor of that exchange and have those markets displayed or represented on the NYSE. The Commission does not believe, however, that implementation of such a mechanism would eliminate the need for both an ITS-over-the-counter and an ITS–CSE System interface.

Moreover, linkages with over-the-counter market makers regulated by the NASD and with the CSE System are essential to achieving nationwide protection for public limit orders. As the Commission indicated in its recent national market system Status Report:

> The Commission believes that nationwide price protection—whereby any appropriately displayed public limit order for a qualified security is assured of receiving an execution prior to any execution by a broker or dealer at an inferior price—should be a basic characteristic of a national market system.[21]

In furtherance of this objective, on April 26, 1979, the Commission published for comment a proposed rule requiring mandatory price protection on an intermarket basis.[22] The proposed price protection rule, Rule 11Ac1–3 under the Act (17 CFR § 240.11Ac1–3), would require that all public limit orders in securities covered by the rule [23] which are collected in a particular market center [24] and disseminated by that market center for display in other market centers ("displayed public limit orders"), receive intermarket price protection against executions at inferior prices. The proposed rule would prohibit any broker or dealer, on and after the effective date of the rule, from executing a transaction in any market center, in any security subject to its provisions, at a transaction price inferior to the price of any displayed public limit order unless that broker or dealer, either simultaneously with or immediately after execution of the transaction, satisfies all such displayed public limit orders which are at superior prices. If proposed Rule 11Ac1–3 is adopted, all displayed public limit orders in securities covered by the rule held on exchanges, in the over-the-counter market and in the CSE System will be required to be protected against any execution at an inferior price, regardless of the market of execution.

All of the ITS Participants have recently indicated their intention to enhance the ITS so that it may serve as a means by which price protection for public limit orders can be afforded on an intermarket basis.[25] However, if the ITS is to play a major role for members of its Participants in achieving intermarket price protection (and thereby be a permanent feature of a national market system once intermarket price protection for public limit orders is mandatory), it will be necessary to (i) significantly improve the order handling capability and response time of the ITS, and (ii) establish computerized interfaces between the ITS and over-the-counter market makers regulated by the NASD and between the ITS and the CSE System (and such other systems as may emerge in the future) permitting two-way communication.

The Commission has determined to extend authority to the Participants to continue implementation and operation of the ITS until January 31, 1983, to afford them an opportunity to proceed with enhancements to the ITS and with the development and implementation of linkages with over-the-counter market makers regulated by the NASD and with the CSE System. The Commission expects that, at a minimum, participation by the NASD in the ITS be concluded during the next year. In addition, if the contemplated ITS–NASD interface is not concluded promptly or if an interface between the ITS and the CSE System is not achieved within a reasonable time, the Commission is prepared to review whether the temporary approval granted in this order should be continued or to take appropriate steps to require the inclusion of those market centers pursuant to the Commission's authority under Sections 11A(a)(3)(B) and 17(d) of the Act.

In addition, in keeping with the experimental nature of the ITS, the Commission intends to continue to monitor closely the operation of the ITS and persons using the system to ensure that the ITS continues to be consistent with the objectives of an evolving national market system. Accordingly, the Commission is also requesting that the ITS Operating Committee continue to provide the Commission with data and reports essential to the Commission's monitoring effort.[26] Further, the Commission is requesting the ITS Participants to file with the Commission, not later than November 30, of each calendar year the ITS is in operation (beginning with 1979), an annual status report describing their experience with the ITS during the preceding 12 months. On the basis of those reports and its ongoing monitoring program, the Commission will make periodic assessments of the ITS and, notwithstanding its approval granted herein, (i) may take regulatory action to modify the ITS or ITS Plan, or (ii) require that changes or modifications be made in the ITS as requested or required by the Commission.

* * * * *

It is hereby ordered, pursuant to Section 11A(a)(3)(B) of the Act, that the self-regulatory organizations named above (and any other self-regulatory organization which agrees to be a Participant in the Plan) are authorized, for the period beginning August 12, 1979, and ending January 31, 1983, to act jointly in planning, developing, operating or regulating the ITS in accordance with the terms of the ITS Plan, as amended. This order is subject to modification or revocation at any time if the Commission determines that such action is necessary or appropriate in light of progress made toward a national market system or otherwise in furtherance of the purposes of the Act.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30179 Filed 9-27-79; 8:45 am]

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[21] Status Report, *supra* note 15, at 18–19, 44 FR at 20362–63.

[22] Securities Exchange Act Release No. 15770 (April 26, 1979), 44 FR 26692.

[23] Proposed Rule 11Ac1–3 would cover all reported securities included in a market linkage system implemented or operated in accordance with a plan approved by the Commission under Section 11A(a)(3)(B) of the Act. The proposed rule would therefore cover all securities traded in the ITS.

[24] The term "market center" would be defined to mean, with respect to any security covered by the rule, (i) any exchange on which or through whose facilities transactions in that security are executed, and (ii) any third market maker who executes, in that capacity, transactions in that security.

[25] *See* Letter from Robert J. Birnbaum, President, Amex, to George A. Fitzsimmons, Secretary, SEC, dated April 30, 1979; letter from James E. Dowd, President, BSE, to George A. Fitzsimmons, Secretary, SEC, dated April 30, 1979; letter from Richard B. Walbert, President, MSE, to George A. Fitzsimmons, Secretary, SEC, dated April 30, 1979; letter from Gordon S. Macklin, President, NASD, to George A. Fitzsimmons, Secretary, SEC, dated May 14, 1979; letter from James E. Buck, Secretary, NYSE, to George A. Fitzsimmons, Secretary, SEC, dated May 4, 1979; letter from Charles J. Henry, President, PSE, to Harold S. [sic] Williams, Chairman, SEC, dated May 1, 1979; letter from Elkins Wetherill, President, Phlx, to Harold M. Williams, Chairman, SEC, dated May 1, 1979. These letters are contained in File No. S7–735–A. *See also* Status Report, *supra* note 15, at 23–24, 44 FR at 20363; Securities Exchange Act Release No. 15770 (April 26, 1979), 44 FR 26692.

[26] *See* letters to Nicholas A. Giordano, Chairman of the ITS Operating Committee from Andrew M. Klein, Director of the Division of Market Regulation, dated October 4, 1978 and April 24, 1979.

[Rel. No. 10876; (812-4506)]

Asset Investors Fund, Inc.; Notice of Filing of Application for Order Pursuant to Section 6(c) of the Act Exempting Applicant From the Provisions of Section 10(a) of the Act

September 24, 1979.

NOTICE IS HEREBY GIVEN that Asset Investors Fund, Inc. ("Applicant") 67 Wall Street New York, New York 10005, registered under the Investment Company Act of 1940 ("Act") as a diversified, closed-end, management investment company, filed an application on July 16, 1979, and an amendment thereto on August 17, 1979,

requesting an order pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 10(a) of the Act to enable Applicant, during its liquidation and dissolution, to have a board of directors more than 60 percent of the members of which are "interested persons" of Applicant. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized in January 1969, as a Delaware corporation; that Tweedy, Browne Inc. ("TBI"), is Applicant's investment adviser; and that TBI Partners, Ltd. ("TBK"), a limited partnership organized under the laws of the State of New Jersey, owns all of the outstanding voting securities of TBI. According to the application, TBK also owns 50.3% of Applicant's outstanding voting securities. The application states that Applicant's Board of Directors is currently composed of five members, three of whom are "interested persons" of Applicant within the meaning of Section 2(a)(19) of the Act. Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include, *inter alia*, (1) any affiliated person of such company (unless the person is an affiliated person of such company by reason of his being a member of its board of directors), (2) any affiliated person of any investment adviser of such company, and (3) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines the term "affiliated person" of another person to include any officer, director, partner or employee of such other person.

Applicant states that, in the opinion of its counsel, it became a "personal holding company" in 1977, and thus lost its status as a "regulated investment company" for purposes of federal income taxation. Applicant further states that its loss of status as a regulated investment company did not have a material effect on it or its shareholders until available capital loss carryforwards were exhausted in 1978. The application states that, in view of the adverse tax effects of continuing as a personal holding company, Applicant's management determined that substantial changes in applicant's operations would be necessary and considered several possible courses of action, including the sale of additional shares of stock, the merger of Applicant into another company and the liquidation of Applicant. The application further states that merger negotiations between Applicant and Investors Insurance Holding Corp., the parent of Investors Insurance Company of America, were commenced, but that such negotiations were terminated whereupon Applicant's Board of Directors determined that liquidation and dissolution of applicant would be in the best interest of stockholders.

Applicant states that on June 28, 1979, its Board of Directors approved a Plan for Liquidation and Dissolution ("Plan"), which Plan will be submitted to Applicant's stockholders for approval. In the event the Plan is approved, the stockholders of Applicant will elect directors to oversee the liquidation and dissolution of Applicant and will consider the termination of Applicant's status as a registered investment company. Applicant further states that: (1) TBK has informed Applicant that it intends to vote its shares of Applicant in favor of the Plan and in favor of management's nominees for election as directors, and (2) therefore, stockholder approval of the Plan and election of management's nominees are virtually assured.

The application states that the Plan provides, *inter alia*, for the sale of Applicant's securities holdings and the pro rata distribution of the proceeds therefrom to applicant's stockholders, provided that distributions in kind may be made of securities that are not readily marketable if the Board of Directors so determines and if legally permissible. The application further states that: (1) applicant has net assets of approximately $6.3 million; (2) pursuant to the Plan, approximately 95 percent of such assets will be distributed on or about January 1, 1980; and (3) it is contemplated that the final distribution of Applicant's assets will be completed within five years after the initial liquidating distribution.

Section 10(a) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of the members of which are persons who are interested persons of such registered investment company. According to the application, one of Applicant's directors (who is not an interested person of Applicant) has informed the Board of Directors that he is gravely ill and will not be a candidate for reelection after the stockholder vote on the Plan. Applicant states that, in view of: (1) the decision of such director not to be a candidate for reelection; (2) the desire of its Board of Directors to maintain continuity of membership during the liquidation; (3) the virtual certainty that a competent disinterested person would not accept an ongoing role on a "caretaker Board"; and (4) the desire of its Board of Directors to nominate the present members for reelection, the Board must take steps to assure continued compliance with the provisions of Section 10(a) of the act (i.e. if the remaining four directors were elected, 75 percent of the Board of Directors would be composed of persons who are interested persons of Applicant). Accordingly, applicant proposes to take the following steps, consistent with its by-law provision requiring a Board of at least three directors: (1) reduce the number of directors from five to three; (2) request that one of the interested directors not stand for election; and (3) nominate three of the present directors for reelection, two of whom would be interested persons of Applicant within the meaning of Section 2(a)(19) of the Act. Applicant states that such actions would result in its having a Board of Directors 67 percent of the members of which would be interested persons of Applicant. Thus, applicant has requested in order pursuant to Section 6(c) of the Act permitting it to have a Board of Directors consisting of three members, two of whom would be interested persons of Applicant. In regard to the two directors who would be interested persons of Applicant, the application states that: (1) one such director is an interested person because he is president of Applicant, a general partner of TBK, and a director and officer of TBI, and (2) the other such director is an interested person because he is employed by a registered broker-dealer.

Section 6(c) of the Act provides, in part, that the Commission may upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any of the provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that granting the requested exemption would be appropriate because: (1) the stockholders, as well as the current Board of Directors, would have approved the Plan, and (2) the director who would be an interested person of Applicant by reason of his employment with a registered broker-dealer has never had any affiliation, association, or

business relationship with Applicant, TBI, TBK or any affiliated persons thereof. According to the application, such broker-dealer is not and has never been affiliated or associated with Applicant, TBI or TBK, does not engage and has never engaged in brokerage or underwriting activities on behalf of Applicant, and does not provide and has never provided research or investment services for Applicant. Applicant further submits that: (1) under the Plan, the function of the Board of Directors would be primarily ministerial, and (2) in the opinion of Applicant, it does not appear practicable or economical to find another director, not an interested person of Applicant, who would be willing to serve as a director. In this regard, Applicant states that: (1) the most significant responsibility of such a director would be to assure that the Plan is properly carried out; (2) no compensation will be paid to Board members during the liquidation and dissolution period; (3) it would be necessary to familiarize such a director with Applicant's operations; (4) the liquidation is likely to be substantially completed by January 1, 1980; and (5) Applicant is of relatively small size. In further support of the requested exemption applicant represents that no advisory fee will be paid to TBI during the liquidation, no salaries or fees will be paid to Applicant's officers or directors, and the remedies under the Act and other securities laws would continue to be available to the Commission, Applicant and its stockholders.

NOTICE IS FURTHER GIVEN that any interested personmay, not later than October 15, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request.

As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order pursuant to Section 6(c) of the Act disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–30196 Filed 9–27–79; 8:45 am]

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[Rel. No. 16215 (SR–CSE–79–3)]

Cincinnati Stock Exchange, Inc.; Order Approving Rule Change

September 21, 1979.

I. Background

On April 8, 1978, the Commission, pursuant to Sections 11A and 19(b)(2) of the Securities Exchange Act (the "Act"), issued an order [1] approving a proposed rule change of the Cincinnati Stock Exchange, Inc. ("CSE"), 205 Dixie Terminal Building, Cincinnati, Ohio 45202 to establish the CSE Multiple Dealer Trading System ("CSE System") as a nine-month pilot program.[2] On December 15, 1978, the Commission approved the extension of the CSE System pilot program for an additional period of one year.[3] The current authorization for the CSE System will expire on January 31, 1980, unless an extension is approved by the Commission.

The CSE System, through an electronic communications network maintained by the CSE, enables CSE members, without the necessity of maintaining a presence on the floor of the CSE or any other exchange, to participate in a market conducted in accordance with certain auction-type trading principles by entering bids and offers for securities for their own account and as agents for their customers' accounts. In addition, the CSE System rules permit a specialist on any national securities exchange, without becoming a member of the CSE, to enter bids and offers in the System as principal or as agent in any security in which that specialist is registered on another exchange. Orders entered into the CSE System are stored and queued in the CSE's computer facilities and executions occur in the CSE System, pursuant to CSE Rule 11.9, according to certain priorities. Priority is governed first by price (*i.e.*, the highest bid and lowest offer) and, as to orders at the same price, by time of entry. However, "public agency orders," regardless of time of entry, are granted priority over other orders at the same price.[4]

In initially approving, and later extending, the CSE System pilot program, the Commission noted its responsibilities under the Act to ensure the development and maintenance of a "fair field of competition" among brokers and dealers and among securities markets and concluded that the CSE System pilot was the type of "competition enhancing" development that should be permitted in light of the national market system mandate of the Act.[5]

While the CSE System proposal was initially approved by the Commission in April 1978, trading in the System did not commence until June 6, 1978. On that date, the CSE designated for use in the CSE System the computer facilities formerly employed in the Regional Market System ("RMS"), a predecessor system in which the Boston, Midwest and Pacific Stock Exchanges, in addition to the CSE, had participated.[6] Since the start-up of the CSE System, the number of broker-dealers participating in the System has been limited. On June 13, 1978, Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill Lynch") became a CSE member and an approved dealer in the CSE System and commenced market making in two securities designated for

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[1] Securities Exchange Act Release No. 14674 (April 18, 1978), 43 FR 17894 ("April Order").

[2] CSE Rule 11.9. This rule was originally designated as CSE Rule 9D3 (Temporary), but was renumbered as part of a recent comprehensive revision of the rules of the CSE. *See* Securities Exchange Act Release No. 15998 (July 5, 1978), 17 SEC Docket 1176 (July 17, 1979).

[3] Securities Exchange Act Release No. 15413 (December 15, 1978), 44 FR 129 ("December Order").

[4] A "public agency order" is defined under CSE Rule 11.9(a)(6) as "any order for the account of a person other than an approved dealer [in the CSE System], a member, or a person who could become an approved dealer by complying with . . . Rule [11.9] with respect to his use of the System, which order is represented, as agent, by a user."

"Approved dealers" in the CSE System, in turn, include CSE members who undertake certain market making responsibilities and meet certain minimum capital requirements and specialists on national securities exchanges who enter bids and offers in the CSE System in securities in which they are registered as specialists. *See* CSE Rule 11.9(a)(1).

For a more detailed discussion of the trading priorities in the CSE System and other characteristics of the System, *see* April Order, *supra* note 1 at 9–10, 44 FR at 17896.

[5] April Order, *supra* note 1 at 12, 44 FR at 17897; December Order, *supra* note 3 at 5, 44 FR at 130.

[6] One reason for the delayed start-up of the CSE System is attributable to the time which was required to make certain programming changes in the computer system formerly used in the RMS experiment.

trading in the CSE System.[7] Weeden & Co. (which in February 1979 merged with Moseley, Hallgarten & Estabrook, Inc. to form Moseley, Hallgarten, Estabrook & Weeden, Inc.) and American Securities Corp. (both CSE members) and certain specialists on the floors of the Boston, Pacific and Midwest Stock Exchanges have also participated as approved dealers in the CSE System. On September 25, 1978, Prescott, Ball & Turben became an approved dealer in the CSE System.

During 1979, several additional broker-dealers have joined the CSE System. On February 14, 1979, Moseley, Hallgarten, Estabrook & Weeden, Inc. commenced trading in the System (succeeding Weeden & Co., which became an operating division of that firm). On February 26, 1979, Paine, Webber, Jackson & Curtis Incorporated joined the System as an approved dealer. On March 23, 1979, the Ohio Company joined the System, and that firm now enters agency orders in the CSE System in several stocks designated for trading in the System. On July 11, 1979, A. G. Becker Incorporated joined the CSE System in an agency capacity, and on July 16, 1979, Wedbush, Noble, Cook, Inc. joined the System both as dealer and as agent. The Commission is also aware that a number of additional firms continue to consider participation in the System.

On February 13, 1979, Control Data Corporation ("CDC") acquired the hardware and software owned by Weeden & Co. and used by the CSE for operation of the CSE System. The Service Bureau Company, a data services division of CDC that markets various other data processing services to the financial community, now operates the CSE System pursuant to an agreement with the CSE. CDC has also agreed to assist the CSE in seeking increased participation and share volume in the CSE System and has begun work on expanding the System in order to permit the participation of additional firms and to increase the number of securities which may be traded through the System.

II. The CSE Proposed Rule Change

On July 2, 1979, the CSE filed with the Commission a proposed rule change, pursuant to Section 19(b) of the Act and Rule 19b–4 thereunder, to extend the CSE System for three years.[8] Accordingly, if the proposed rule change were approved, the CSE System pilot program would be continued until January 31, 1983.

The CSE states that its proposed rule change is consistent with the purposes of the Act, in that, among other things, extension of the CSE System would facilitate removal of impediments to and perfection of the mechanism of a free and open market, in accordance with Section 6(b)(5) of the Act. The CSE also states that, in its view, a long-term extension of the CSE System is needed to attract order flow and implement enhancements to the System:

> In order for the CSE System to be successful, it must attract order flow and in order to attract order flow, additional organizations must be induced to become users of the System. However, if the CSE System is to be attractive to prospective users, the System must have an appearance of permanence. An appearance of permanence is needed because there is a certain amount of start-up effort (such as choosing and training employees to work with the System, along with the installation of certain equipment) which needs to be made by new users of the System and the [CSE] believes that many prospective users are not willing to make such an "investment" without having some expectation that the CSE System will have a life of more than five or six months.[9]

Finally, the CSE notes that the CSE System has been operating for approximately one year and states that the CSE has not received any significant complaints from users of the System or their customers concerning the System or the quality of the executions obtained through use of the System.

Although the Commission received a number of comments from self-regulatory organizations and from interested brokers and dealers concerning the CSE System, both in response to the Commission's solicitation of views following its approval of CSE's initial rule filing[10] and in response to the publication of CSE's first request to extent its pilot program,[11] no comments were received with respect to the instant rule change contemplating extension of the CSE System experiment until 1983. In those earlier comments, however, all commentators, with the exception of the NYSE, the Amex and the BSE, generally favored Commission approval of the extension of the CSE System experiment. These commentators shared the belief that the CSE System had not yet been given an adequate trial period and that the additional experience with the CSE System would assist in understanding the national market system implication of trading in the System.[12]

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[7] Those securities were the common stock of American Home Products Corp. and Westinghouse Electric Corp. Since June 1978, Merrill Lynch has become a market maker in the CSE System in eight additional securities. Under CSE Rule 11.9(c), up to 200 securities which are listed on or admitted to unlisted trading privileges on the CSE may be designated for trading in the CSE System. To date, 40 securities have been so designated.

[8] The proposed rule change (SR–CSE–79–3) was noticed in Securities Exchange Act Release No. 15999 (July 9, 1979) and published in the Federal Register, 44 FR 40745. Interested persons were invited to submit data, views and arguments concerning the proposed rule change on or before August 6, 1979.

[9] File No. SR–CSE–79–3, Form 19b–4A submitted by the CSE, at 2–3, 44 FR at 40745 ("CSE Filing").

[10] The Commission received the following written comments from self-regulatory organizations: Letter from Robert J. Birnbaum, President, American Stock Exchange, Inc. ("Amex"), to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, August 9, 1978; Letter from James E. Buck, Secretary, New York Stock Exchange, Inc. ("NYSE") to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, June 26, 1978; Letter from James E. Dowd, President, Boston Stock Exchange ("BSE") to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, September 27, 1978; Letter from Charles J. Henry, President, Pacific Stock Exchange, Inc. ("PSE") to Andrew M. Klein, Director, Division of Market Regulation, October 23, 1978; Letter from Gordon S. Macklin, President, National Association of Securities Dealers ("NASD"), to Andrew M. Klein, Director, Division of Market Regulation, November 3, 1978.

The Commission received the following written comments from interested broker-dealers and others: Letter from William M. Bannard, President, American Securities Corp., to Andrew M. Klein, Director, Division of Market Regulation, September 22, 1978; Letter from Bache Halsey Stuart Shields Incorporated *et al.* to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, August 1, 1978; Letter from Robert H. B. Baldwin, Chairman, Edward I. O'Brien, President, and Ralph D. DeNunzio, Chairman, National Market System Committee, Securities Industry Association, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, August 4, 1978; Letter from John F. Curley, Jr., President, Paine Webber Jackson & Curtis, Inc. to Andrew M. Klein, Director, Division of Market Regulation, October 3, 1978; Letter from William A. Schreyer, President, Merrill Lynch, to Andrew M. Klein, Director, Division of Market Regulation, November 8, 1978; and Letter from Donald E. Weeden, President, Weeden & Co., to Andrew M. Klein, Director, Division of Market Regulation, October 20, 1978.

All of these comments are available for public inspection in the Commission's public reference room, 1100 "L" Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR–CSE–78–2.

[11] Letter from William M. Batten, Chairman, NYSE, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, October 30, 1978; Letter from Robert J. Birnbaum, President, Amex, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, October 27, 1978; Letter from William A. Schreyer, President, Merrill Lynch, to Andrew M. Klein, Director, Division of Market Regulation, October 27, 1978. *See* File No. SR–CSE–78–2.

[12] The NYSE and the Amex, in their comments on the earlier CSE rule proposals, raised questions concerning the opportunity afforded CSE approved dealers to trade against their own retail order flow without exposing those orders to other buying or selling interest. The two exchanges contended that this "internalization" of order flow would create opportunities for overreaching by CSE System participants, might lead to market fragmentation, and would be otherwise inconsistent with national market system objectives. The BSE also expressed concern with respect to the potential for "internalization" posed by the CSE System. In addition, the NYSE and the Amex, in their

Footnotes continued on next page

III. Discussion

In its orders initially approving the CSE System experiment and extending the experiment until January 31, 1980, the Commission emphasized its responsibility to ensure the maintenance of a fair field of competition among brokers and dealers and among markets and to encourage initiatives of the securities industry to conduct experiments designed to further the national market system objectives of the Act. For those reasons, the Commission gave its initial authorization to the CSE System experiment and, for the same reasons, the Commission now approves the CSE's proposal for a three-year extension of its experiment.[13]

The Commission continues to believe that the increased use of data processing and communications technology is essential in meeting the objectives of a national market system and that it is appropriate, as that system evolves, to encourage and foster pilot and experimental programs designed to explore the efficacy of different types of computer and communications systems. Two such systems are currently in operation on a pilot or experimental basis. One of these, the Intermarket Trading System ("ITS"), was developed jointly by several exchanges, and is designed primarily to link market centers and permit orders for the purchase and sale of multiply-traded securities to be routed between those centers for execution.[14] The other system, the CSE System, represents primarily an experiment in the use of a fully automated, electronic trading system linking exchange and "upstairs" market makers in physically dispersed locations. As the Commission stated in its recent status report[15] on the development of a national market system:

> The Commission believes that these systems evidence considerable progress in the application of automation and computer and communications technology to overcome some of the problems associated with market fragmentation. In the Commission's view, the ITS and the CSE System both offer valuable opportunities for increased competition and for the Commission and the industry to assess the ability of differing types of market linkage systems to integrate trading in physically separate locations and to observe the effects of these market linkage systems on the operation of the markets. Both types of market linkage systems, separately or in some combination, may become permanent features of a national market system, either because it becomes clear that both systems, notwithstanding their differing operational characteristics, are compatible, or because the different trading characteristics of some securities make use of one type of market linkage system more economical and efficient for those securities than the other.[16]

However, as the Commission also pointed out in its recent Status Report,

> limited use of the [CSE] System thus far has made it difficult for the Commission to evaluate the effects of trading in an electronic facility of this type. Although CSE terminals are installed on the floors of the BSE, MSE and PSE, specialists have made little or no use of the System and virtually no agency orders have been entered through terminals on those exchanges except through a temporary arrangement between a single retail firm and one regional exchange specialist. In addition, although CSE rules permit retail firms to participate in the CSE System from their upstairs offices by becoming CSE approved dealers, only a few firms have thus far joined the System.[17]

In support of its proposed Rule change, the CSE has indicated that an extension of the CSE System for three years should provide a more meaningful opportunity for participation in the experiment and for an appropriate assessment of trading in a computerized system and its relation to other markets. Moreover, the CSE argues that extending the experiment for a significant period of time should allay any concerns on the part of the CSE and its facilities manager, as well as on the part of potential users, regarding a possibly short life span for the pilot. As a result, the CSE argues, determinations with respect to enhancements to, or participation by brokers and dealers in, the System can be made without regard to any concern that the pilot will be terminated before the costs of enhancements to, or participation in, the System can be recouped.

The Commission recognizes that, at least in part, the ability of the CSE System to develop sufficiently to demonstrate its usefulness as part of the evolving national market system may have been impaired by the limited authorized terms of its existence thus far. As a result, the Commission believes it is consistent with the purposes of the Act, notwithstanding the continuing limited experience of the CSE pilot (which prevents any Commission determination at this time as to whether implementation of the CSE System on other than an experimental basis would be consistent with the Act), to authorize continuation of the CSE pilot for a sufficiently long period of time so that (i) those firms and market makers who might wish to participate in the System, but who may have been discouraged from doing so by the uncertainty of its continued existence, will have the opportunity to consider the CSE System more on its own merits, and (ii) the new operator of the CSE System, CDC, will have the incentives which it has represented it would have if a long-term authorization of the CSE System is approved to make the kinds of investments which would enhance, and permit expansion of, the experiment.

The Commission intends to continue to monitor closely the operations of the CSE System and to analyze trading in the system and the market structure implications, if any, of use of the System by firms which transact business on a principal basis with their own retail customers. In this regard, CDC, the owner of the hardware and software used to operate the CSE System, has already begun creating new software which will enable the system to create reports which will simplify the Commission's task of analyzing data relating to the incidence and impact of such trading through the CSE System. The Commission stands ready to take remedial action should such trading have adverse effects upon the markets or upon investors.

Concerns have been raised in the past concerning the adequacy of surveillance of trading in the CSE System and the ability of that System to permit a reconstruction of the market (*i.e.*, an "audit trail") at any given point in time.[18] Based upon its own monitoring efforts during the approximately 12 months the CSE System has been in operation, the Commission believes that daily computer print-outs by the CSE System (which in the near future will be augmented by new reports simplifying

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comments, questioned the adequacy of surveillance of trading in the CSE System and the ability of that System to permit a reconstruction of the market (*i.e.*, an "audit trail") at any given point in time.

[13] As the Commission noted in its April Order . . . the opportunity to experiment and to add to the body of knowledge and understanding of novel trading mechanisms and market linkages and of the interest of the industry in utilizing such a facility, and to assess the possible contribution of the CSE linkage . . . to the national market system, is worthy of further exploration.

April Order, *supra* note 1, at 3, 43 FR at 17894.

[14] On April 14, 1978, the Commission issued a temporary order pursuant to Section 11A(a)(3)(B) of the Act approving the implementation of the ITS for a period of 120 days and, on August 11, 1978, the Commission extended that approval for an additional year. Securities Exchange Act Release Nos. 14661 (April 14, 1978) and 15058 (August 11, 1978), 43 FR 17419 and 36732. On August 21, 1979, the Commission further extended its approval of the ITS until January 31, 1983. Securities Exchange Act Release No. 16214 (September 21, 1979). As of this date, all interested self-regulatory organizations other than the CSE and NASD are participating in the ITS and more than 500 securities are currently traded through the system.

[15] Securities Exchange Act Release No. 15671 (March 22, 1979), 44 FR 20360 ("Status Report").

[16] *Id.* at 10–12, 44 FR at 20361.

[17] *Id.* at 32, 44 FR at 20364–65.

[18] *See* notes 11 and 12 *supra*.

the task of analyzing CSE System trading) provide sufficient information to enable the construction of an "audit trail" necessary for regulation and surveillance of trading in the CSE System. In addition, although the CSE itself has a very small staff, the CSE, prior to the Commission's initial extension of the CSE experiment, entered into an agreement with the NASD pursuant to which the NASD conducted an examination of CSE members acting as "upstairs" approved dealers in the System to determine compliance with applicable CSE rules. The Commission reviewed that report prior to its approval of the initial extension of the CSE experiment and noted in its approval order that the report "present[ed] no reason to find any significant risks to investor protection posed by an extension of the CSE System." [19] The CSE has undertaken, in connection with the implementation of the proposed three-year extension of the CSE experiment, to enter into an agreement with the NASD pursuant to which the NASD will conduct, on an annual cycle during the extension period, similar examinations of "upstairs" participants having CSE System terminals in their offices. The Commission expects both parties to move expeditiously to formalize this arrangement for on-going surveillance of the CSE System.

Although the Commission has determined that a three-year extension of the CSE experiment is consistent with the requirements of the Act and believes that continuation of the CSE System will better enable the Commission to evaluate alternative data processing and communications systems, the Commission wishes to make clear that its findings with respect to the CSE System are limited to the usefulness of the CSE experiment at this point in time and at this stage in the development of a national market system, and that its approval of the CSE rule change should not be interpreted as an indication that the CSE System will be adequate in its present configuration for the full three-year period authorized by that rule change. The development of a national market system continues to be an evolutionary process, and if the types of systems represented by the CSE System and the ITS are to become permanent features of that system as it evolves, they must continue to make improvements, changes and adaptations to meet the needs of persons trading in the various market centers and to accomodate Commission regulatory requirements designed to improve order interaction and price protection between and among markets. [20]

In this regard, several aspects of the CSE System, at a minimum, require attention by the CSE and the System operator during the extension period.

First, the Commission believes that the CSE should promptly take whatever steps are required to join the joint industry plan for collecting and disseminating quotations required to be made available pursuant to Rule 11Ac1-1 (17 CFR § 240.11Ac1-1) so that CSE quotations will be included in the consolidated quotation data stream contemplated by that plan. [21] Although CSE System transactions are included in the consolidated transaction reporting system and CSE System quotations, in addition to their display on CSE terminals located in the offices of CSE approved dealers and on the floors of the BSE, MSE and PSE, are available directly to vendors in accordance with the requirements of Rule 11Ac1-1, some vendors have been reluctant to include CSE System quotations in displays provided to subscribers because of the higher costs to such vendors of processing quotations which are not transmitted to them in a single data stream. As a result, CSE System quotations have not received the type of widespread distribution which is consistent with the Congressional goal of "assur[ing] * * * the availability to brokers, dealers and investors of information with respect to quotations and transactions in securities." [22] Inclusion of CSE System quotations in the consolidated data stream contemplated by the CQ Plan would ensure that widespread distribution and contribute to meeting the statutory objective.

In addition, the Commission believes that the CSE and the System operator should move expeditiously to resolve whatever technical problems the CSE has in achieving a linkage between the CSE System and the ITS, and that the CSE should take whatever steps are necessary to arrive at a satisfactory basis for such a linkage. Automated trading systems such as the CSE System have many desirable features—increased speed and efficiency, as well as the ability to generate a complete "audit trail" for surveillance purposes—which may make such systems appropriate as national market system facilities for linking and integrating brokers and dealers trading over-the-counter. However, in order for such systems to be consonant with the objectives of a fully operational national market system, they must be linked to the markets existing on traditional exchange floors so that there is the maximum degree of order interaction between the two different types of markets.

Moreover, a linkage between the CSE System and the ITS is essential to achieving nationwide protection for public limit orders. As the Commission indicated in its recent national market system Status Report:

> The Commission believes that nationwide price protection—whereby any appropriately displayed public limit order for a qualified security is assured of receiving an execution prior to any execution by a broker or dealer at an inferior price—should be a basic characteristic of a national market system. [23]

In furtherance of this objective, on April 26, 1979, the Commission published for comment a proposed rule requiring mandatory price protection on an intermarket basis. [24] The proposed price protection rule, Rule 11Acl-3 under the Act (17 CFR § 240.11Acl-3), would require that all public limit orders in securities covered by the rule [25] which

[19] December Order, *supra* note 3, at 7, 44 FR at 131.

[20] The Commission, of course, intends to continue consideration of the significant market structure questions, both legal and policy, which result from (i) the ability of firms, in a variety of contexts, to transact business on a principal basis with their own retail customers, or to otherwise combine principal and agency functions for a particular security, and (ii) the need to ensure that order flow in every particular market center is exposed to buying and selling interest represented in other market centers. The Commission believes, however, that these questions should be addressed in a broad and generic context rather than in connection with a proposed rule change filed by a single self-regulatory organization. But these deliberations may well lead to regulatory initiatives which have a significant impact on such systems as the CSE.

[21] Quotations from all market centers (including third market makers) subject to Rule 11Ac1-1, other than the CSE, are being made available in a single consolidated data stream processed by the Securities Industry Automation Corporation pursuant to a "Plan for the Purpose of Implementing Rule 11Ac1-1 under the Securities Exchange Act of 1934" filed by a number of self regulatory organizations ("CQ Plan"). The CQ Plan was declared effective by the Commission on a temporary basis on July 28, 1978, pursuant to Section 11A(a)(3)(B) of the Act (Securities Exchange Act Release No. 15009 (July 28, 1978), 43 FR 34851), and, on August 1, 1978, pursuant to the CQ Plan, the Amex BSE, MSE, NYSE, PSE and Phlx commenced disseminating quotations to vendors in a single data stream. On January 24, 1979, the Commission extended its temporary approval of the CQ Plan for an additional 12 months (Securities Exchange Act Release No. 15511 (January 24, 1979), 44 FR 6230), and, on February 20, 1979, quotations of third market markers (collected by the NASD) were added to the consolidated quotation data stream.

[22] Section 11A(a)(1)(C)(iii) of the Act.

[23] Status Report, *supra* note 15, at 18-19, 44 FR at 20362-63.

[24] Securities Exchange Act Release No. 15770 (April 26, 1979), 44 FR 26692.

[25] Proposed Rule 11Acl-3 would cover all reported securities included in a market linkage system implemented or operated in accordance with a plan approved by the Commission under Section 11A(a)(3)(B) of the Act. The proposed rule would

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are collected in a particular market center [26] and disseminated by that market center for display in other market centers ("displayed public limit orders"), receive intermarket price protection against executions at inferior prices. The proposed rule would prohibit any broker or dealer, on and after the effective date of the rule, from executing a transaction in any market center, in any security subject to its provisions, at a transaction price inferior to the price of any displayed public limit order unless that broker or dealer, either simultaneously with or immediately after execution of the transaction, satisfies all such displayed public limit orders which are at superior prices. If proposed Rule 11Acl–3 is adopted, all displayed public limit orders in securities covered by the rule held on exchanges, in the over-the-counter market and in the CSE System will be required to be protected against any execution at an inferior price, regardless of the market of execution. As a result, if the CSE System is to become a permanent feature of a national market system, it will be necessary to provide a link between the CSE System and the other market centers (whether exchanges or over-the-counter markets) by achieving a computerized interface with the ITS (and such other market linkage or automated trading systems as may emerge in the future) permitting two-way communication.[27]

The CSE has indicated that it "is initiating steps to make its markets available on the Consolidated Quotation System and will also explore methods of interfacing with the Intermarket Trading System." [28] The Commission intends to monitor closely developments in this area, and to take further action with respect to the CSE experiment if the Commission determines that such action is necessary or appropriate in light of the progress made towards a national market system or otherwise in furtherance of the purposes of the Act.

IV. Conclusion

The Commission finds that the CSE proposal to extend authorization of the CSE System for an additional three-year period, until January 31, 1983, is consistent with the requirements of the Act, particularly the requirements of Sections 6(b) and 11A. In so approving the extension, the Commission is mindful that a fundamental objective of the Act, as amended by the Securities Acts Amendments of 1975, is "to enhance competition and to allow economic forces, interacting within a fair regulatory field, to arrive at appropriate variations in practices and services." [29] The Commission believes that the CSE System experiment represents one positive response to the Act's mandate for the development of a national market system and to the Commission's January 1978 statement [30] calling upon the securities industry to pursue particular facilities initiatives in furtherance of the national market system objectives of the Act and that the CSE System offers a unique opportunity to study whether an automated trading facility can link various types of exchange based and upstairs brokerdealers in differing geographic locations.[31]

In addition, by permitting direct access to the CSE System by specialists on other exchanges (both for agency and principal orders) without requiring CSE membership, the "open access" nature of the CSE experiment appears to afford an opportunity for enhanced competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets. Extension of the CSE experiment therefore appears to be the kind of "competition-enhancing" development which the Commission should foster under the Act in carrying out the Act's national market system mandate.

The Commission notes, however, that, in keeping with the experimental nature of the CSE System, the Commission intends to continue to monitor closely the activities of the CSE, the System operator and persons trading in the CSE System to ensure that the CSE pilot continues to develop in a manner consistent with the requirements of the Act and the objectives of an evolving national market system. Accordingly, the Commission is also requesting that the CSE continue to provide the Commission with data and reports essential to monitoring the CSE System.[32] Further, the Commission is requesting the CSE to file with the Commission an annual status report on the pilot, not later than November 30 of each calendar year the CSE System is in operation (beginning with 1979), describing its experience with the system during the preceeding 12 months. On the basis of those reports and its ongoing monitoring program, the Commission will make periodic assessments of the CSE System and, notwithstanding its approval granted herein (i) may take regulatory action to modify the pilot, or (ii) require that changes or modifications be made in the CSE System during the extension period as requested or required by the Commission.

* * * * *

It is hereby ordered, pursuant to the Commission's authority under the Act, and particularly Sections 11A and 19(b)(2) thereof, that the above-referenced rule change be, and it hereby is, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30197 Filed 9-27-79; 8:45 am]

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therefore cover all securities included in the ITS, although the definition of market linkage system is broad enough to cover the CSE System if it joins with another self-regulatory organization to file a Section 11A(a)(3)(B) plan covering the implementation or operation of the CSE System. As a practical matter, however, all securities which are currently actively traded in the CSE System would be covered by the proposed rule because they are also included in the ITS.

[26] The term "market center" would be defined to mean, with respect to any security covered by the rule, (i) any exchange on which or through whose facilities transactions in that security are executed, and (ii) any third market maker who executes, in that capacity, transactions in that security.

[27] Although, in connection with the recent publication of the Commission's limit order protection proposal, the Commission indicated that intermarket price protection between market centers linked by the ITS and the CSE System might be achieved by having CSE System terminals available in each such market center, such an alternative would require participants in those market centers to use two different systems to communicate with all of the various markets and simply may not be feasible for handling active market situations.

[28] Letter from K. Richard B. Niehoff, President, CSE, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, July 24, 1979, contained in File No. S7–735–A.

[29] Senate Comm. on Banking, Housing and Urban Affairs, *Report to Accompany S. 249*, Sen. Rep. No. 94–75, 94th Cong., 1st Sess. 8 (1975), *reprinted in*, [1975] U.S. Code Cong. & Ad. News 179, 186.

[30] Securities Exchange Act Release No. 14416 (January 26, 1976), 43 FR 4354.

[31] Status Report, *supra* note 15, at 33, 44 FR at 20365.

[32] *See* letter to Gerald C. Oaks, Chairman of the Board of the CSE, from Andrew M. Klein, Director of the Division of Market Regulation, dated June 30, 1978.

[Rel. No. 21226; (70–6288)]

Metropolitan Edison Co.; Notice of Proposal To Sell and Lease Electric Transmission Lines and Substations to a Non-Affiliated Utility Company

September 24, 1979.

Notice is hereby given that Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605, an electric utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed a

declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

Med-Ed is the owner of three 69 KV electric transmission lines and two substations, located in Dauphin County, Pennsylvania, which were constructed and are currently used solely to provide electric service to Hershey Electric Company, ("Hershey").

Pennsylvania Power and Light Company ("PP&L") has recently acquired ownership of Hershey and pursuant to an order of the Federal Power Commission Hershey has notified Met-Ed that effective March 1, 1980, or such other date as may be mutually acceptable ("termination date"), Hershey will terminate the obtaining of its electric service requirements from Met-Ed and will instead obtain service from PP&L.

The facilities referred to above will no longer be useful to Met-Ed after the termination date, and subject to the receipt of all required regulatory approvals, Met-Ed has agreed to sell and PP&L has agreed to buy such facilities.

In order to enable PP&L to perform certain required engineering and construction work on the facilities prior to the termination date, Met-Ed has agreed to sell these facilities to PP&L and to lease back the facilities (for the consideration of $1) until the termination date.

It is expected that Met-Ed's net book cost of these facilities as of September 1, 1979 was approximately $523,055. The sale price of these facilities determined on the basis of arms-length negotiations between Met-Ed and PP&L is $737,094.

Met-Ed also proposes to lease to PP&L, for an initial term of eight years, a second circuit (to be constructed by Met-Ed) on the 69KV transmission line which connects Met-Ed's North Hershey and Crawford Substations. The monthly payments by PP&L to Met-Ed are presently estimated at approximately $1,400.

The fees, commissions and expenses to be incurred by Met-Ed in connection with the proposed transactions are estimated at $7,500, including legal fees of $5,000. The proposed transactions have been authorized by the Pennsylvania Public Utilities Commission and the Federal Energy Regulatory Commission. It is stated that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 18, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30198 Filed 9-27-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16212]

List of Foreign Issuers Which Have Submitted Information Required by the Exemption Relating to Certain Foreign Securities

Foreign issuers with total assets in excess of $1,000,000 and a class of equity securities held of record by 500 or more persons, of which 300 or more shareholders reside in the United States, are subject to the registration, reporting, proxy and insider trading provisions of the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] (the "Act").[1]

[1] Foreign issuers may also be subject to such requirements of the Act by reason of having securities registered and listed on a national securities exchange in the United States or subject to the reporting requirements by reason of having registered securities under the Securities Act of 1933 [15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)].

Rule 12g3-2(b) (17 CFR 240.12g3-2(b)) provides an exemption from registration under Section 12(g) of the Act for a foreign issuer which submits on a current basis material specified in the Rule to the Commission. Such required material includes that information about which investors ought reasonably to be informed with respect to the issuer and its subsidiaries and which the issuer (1) has made public pursuant to the law of the country of its domicile or in which it is incorporated or organized, (2) has filed with a stock exchange on which its securities are traded and which was made public by such exchange and/or (3) has distributed to its security holders.

When it adopted Rule 12g3-2 and other rules relating to foreign securities (see Securities Exchange Act Release No. 8066, April 28, 1967), the Commission indicated that from time to time it would issue lists containing those foreign issuers which have obtained exemptions from the registration provisions of Section 12(g) of the Act by providing the information specified in Rule 12g3-2(b). The purpose of the present release is to call to the attention of brokers, dealers and investors that some form of relatively current information concerning the foreign issuers included on the attached list is available in the public files of the Commission. The attached list includes those foreign issuers which, as of August 31, 1979, appear to be current in furnishing information under Rule 12g3-2(b). There is a total of 161 foreign issuers on the list.

The Commission also wishes to bring to the attention of brokers, dealers, and investors the fact that current information concerning certain foreign issuers may not be available in the United States. The Commission continues to expect that brokers and dealers will consider this fact in connection with their obligations under the federal securities laws to have a reasonable basis for recommending these securities to their customers. The Commission will continue to review activity in the markets for foreign securities to determine whether the present rules are achieving their purposes and whether further rules or rule revisions are necessary in the public interest or for the protection of investors.

Any questions regarding Rule 12g3-2 or the list included herein should be directed to Carl T. Bodolus or Ronald Adee, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange

Commission, Washington, D.C. 20549 (202/272-3246 or 272-3250)).

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

September 21, 1979.

List of Foreign Private Issuers Which Appear To Qualify for the Exemption Provided in Rule 12g3-2(b) as of August 31, 1979.

Registrant File No. and Domicile

Abitibi Paper Company Limited
82-80 Toronto, Ontario, Canada
The Afrikander Lease Limited
82-245 Johannesburg, South Africa
Agnico-Eagle Mines Limited
82-179 Toronto, Ontario, Canada
Aktiebolaget Svenska Kullagerfabriekn
82-139 Gothenberg, Sweden
Algoma Steel Corp. Ltd.
82-99 Sault Ste. Marie, Ontario, Canada
Anglo American Corp. of South Africa Ltd.
82-97 Johannesburg, South Africa
Anglo American Gold Investment Co. Ltd. (formerly West Rand Investment Trust Ltd.)
82-146 Johannesburg, South Africa
Anglo United Development Corp. Ltd.
82-190 Toronto, Ontario, Canada
B.A.T. Industries Limited
82-33 London, England
Bank of Montreal
82-126 Montreal, Quebec, Canada
Basic Resources International S.A.
82-203 Luxembourg, Luxembourg
Beecham Group Limited
82-22 Middlesex, England
Belmoral Mines Ltd. (N.P.L.)
82-279 Calgary, Alberta, Canada
Bethlehem Copper Corporation
82-248 Vancouver, British Columbia, Canada
Blyvooruitzicht Gold Mining Company, Ltd.
82-69 Johannesburg, South Africa
The Border & Southern Stockholders Trust, Ltd.
82-287 London, England
The Bowater Corporation
82-3 Toronto, Ontario, Canada
Bralorne Resources Ltd.
82-143 Calgary, Alberta, Canada
Bramalea Consolidated Developments Ltd.
82-154 Toronto, Ontario, Canada
Brascan, Ltd.
82-4 Toronto, Ontario, Canada
Brent Explorationi Ltd.
82-321 Vancouver, British Columbia, Canada
Brican Resources Ltd.
82-294 Vancouver, British Columbia, Canada
Broken Hill Proprietary Co., Ltd.
82-81 Melbourne, Australia
Burmah Oil Company Limited
82-5 Glasgow, Scotland
Camflo Mines Limited
82-193 Toronto, Ontario, Canada
Canada Tungsten Mining Corporation, Ltd.
82-290 Vancouver, British Columbia, Canada
Canadian Barranca Corp., Ltd.
82-292 Edmonton, Alberta, Canada
Canadian Imperial Bank of Commerce
82-103 Toronto, Ontario, Canada
Charter Consolidated Ltd.
82-233 London, England
Cochenour Willans gold Mining Ltd.
82-63 Toronto, Ontario, Canada
Cominco Ltd.
82-107 Montreal, Quebec, Canada
Conex Australia N.L.
82-319 Perth, Australia
Coniagas Mines Ltd.
82-168 Toronto, Ontario, Canada
Consolidated-Bathurst Limited
82-172 Montreal, Quebec, Canada
Consolidated Cinola Mines, Ltd.
82-310 Vancouver, British Columbia, Canada
Consolidated Durham Mines & Resources Ltd.
82-176 Toronto, Ontario, Canada
Consolidated Gold Fields Limited
82-251 London, England
Consumers Distributing Co., Ltd.
82-297 Toronto, Ontario, Canada
Coseka Resources Ltd.
82-295 Vancouver, British Columbia, Canada
The Dai'ei
82-230 Osaka, Japan
DeBeers Consolidated Mines, Ltd.
82-91 Johannesburg, South Africa
Deelkraal Gold Mining Company Ltd.
82-246 Johannesburg, South Africa
Denison Mines Limited
82-155 Toronto, Ontario, Canada
Dickenson Mines Limited
82-8 Toronto, Ontario, Canada
Dominion Textile Company Limited
82-113 Montreal, Quebec, Canada
Domtar Limited
82-18 Montreal, Quebec, Canada
Doornfontein Gold Mining Co. Ltd.
82-213 Johannesburg, South Africa
Dresdner Bank AG
82-229 Frankfurt a.M., Federal Republic of Germany
Dupont of Canada Limited
82-19 Montreal, Canada
Durban Roodepoort Deep Ltd.
82-156 Johannesburg, South Africa
East Daggafontein Mines Limited
82-42 Johannesburg, South Africa
East Driefontein Gold Mining Co., Inc.
82-124 Johannesburg, South Africa
East Rand Gold and Uranium Company, Ltd.
82-289 Johannesburg, South Africa
East Rand Proprietary Mines, Limited
82-239 Johannesburg, South Africa
Elandsrand Gold Mining Company Ltd.
82-266 Johannesburg, South Africa
Elsburg Gold Mining Company Limited
82-269 Johannesburg, South Africa
Energie & Resources O'Brien Limited
82-262 Toronto, Ontario, Canada
L.M. Ericsson Telephone Co.
82-115 Stockholm, Sweden
Fiat S.P.A.
82-116 Turin, Italy
Fisons Limited
82-202 Suffolk, England
Ford Motor Company of Canada Ltd.
82-20 Oakville, Ontario, Canada
Free State Development & Investment Corp., Ltd.
82-296 Johannesburg, South Africa
Free State Geduld Mines Ltd.
82-40 Johannesburg, South Africa
Free State Saaiplass Gold Mining Co., Ltd.
82-41 Johannesburg, South Africa
Fuji Photo Film Company, Limited
82-78 Tokyo, Japan
General Mining and Finance Corp., Ltd.
82-311 Marshalltown, South Africa
Glaxo Holdings Limited
82-10 London, England
Gold Fields of South Africa, Ltd.
82-204 Johannesburg, South Africa
Gold Fields Property Co. Ltd.
82-214 Johannesburg, South Africa
Granisle Copper Ltd.
82-26 Vancouver, British Columbia, Canada
Great Canadian Oil Sands Limited
82-228 Toronto, Ontario, Canada
Hal Roach Studios Corp.
82-250 Toronto, Ontario, Canada
Harlequin Enterprises Ltd.
82-318 Don Mills, Ontario, Canada
Harmony Gold Mining Ltd.
82-238 Johannesburg, South Africa
IAC Limited
82-120 Toronto, Ontario, Canada
Imasco Limited
82-118 Montreal, Quebec, Canada
Imperial Group Ltd.
82-316 London, England
Indusmin Limited
82-201 Toronto, Ontario, Canada
International Brenmac Development Corporation (N.P.L.)
82-277 Vancouver, British Columbia, Canada
International Distillers & Vintners Ltd.
82-12 London, England
The Investors Group
82-13 Winnipeg, Manitoba, Canada
Karstadt Aktiengesellschaft
82-37 Postfach, West Germany
Kerr Addison Mines Limited
82-14 Toronto, Ontario, Canada
Kirin Brewery Co., Ltd.
82-188 Tokyo, Japan
Kloof Gold Mining Company Ltd.
82-205 Johannesburg, South Africa
Lacana Mining Corporation
82-265 Toronto, Ontario, Canada
Lemans Resources
82-259 British Columbia, Canada
Lennard Oil Co.
82-298 Perth, Australia
Libanon Gold Mining Co. Limited
82-215 Johannesburg, South Africa
Lydenburg Platinum Ltd.
82-312 Marshalltown, South Africa
Magnet Metals, Ltd.
82-299 Perth, Australia
Marievale Consolidated Mines Ltd.
82-224 Johannesburg, South Africa
M.I.M. Holdings Ltd.
82-173 Brisbane, Australia
Minerals and Resources Corporation
82-206 Pembroke, Bermuda
Moore Corporation Ltd.
82-128 Toronto, Ontario, Canada
New Cinch Uranium Ltd. (N.P.L.)
82-283 British Columbia, Canada
New Dimension Resources Ltd.
82-272 Toronto, Ontario, Canada
Noranda Mines Ltd.
82-158 Toronto, Ontario, Canada
Northair Mines Ltd.
82-305 Vancouver, British Columbia, Canada

North West Mining N.L.
82-309 Perth, Australia
Nowsco Well Service Limited
82-261 Calgary, Alberta, Canada
Nu-Energy Development Company
82-286 Vancouver, British Columbia, Canada
Oceanic Iron Ore of Canada, Ltd.
82-159 Toronto, Ontario, Canada
Onaping Mines Limited
82-273 Toronto, Ontario, Canada
Otter Exploration N.L.
82-320 St. Leonards, Australia
Overseas Inns SA
82-166 Luxembourg City, Luxembourg
Pan Artic Explorations Ltd.
82-317 Vancouver, British Columbia, Canada
Pan Canadian Petroleum Limited
82-285 Calgary, Alberta, Canada
Patino N.V.
82-135 The Hague, The Netherlands
Philex Mining Corp.
82-136 Manila, Philippines
Pop Shoppes International Inc. (PSI)
82-256 Ontario, Canada
Power Corporation of Canada Limited
82-137 Montreal, Quebec, Canada
President Brand Gold Mining Co., Ltd.
82-39 Johannesburg, South Africa
President Steyn Gold Mining Co., Ltd.
82-44 Johannesburg, South Africa
Quebec Sturgeon River Mines Ltd.
82-186 Toronto, Ontario, Canada
The Randfontein Estates Gold Mining Co. Witwatersrand, Limited
82-267 Johannesburg, South Africa
Rank Organisation Limited
82-17 London, England
Reed Steinhouse Companies Limited
82-254 Toronto, Ontario, Canada
Rothmans International Limited
82-84 Basildon, Essex, England
Rustenburg Platinum Holdings Ltd.
82-241 Johannesburg, South Africa
Sabina Industries Ltd.
82-244 Pembroke, Ontario, Canada
San Miguel Corp.
82-306 Manila, Philippines
Sanyo Electric Co., Ltd.
82-264 Tokyo, Japan
Sentrust Ltd.
82-313 Marshalltown, South Africa
Shell Canada Limited
82-94 Toronto, Ontario, Canada
Sherritt Gordon Mines, Limited
82-29 Toronto, Ontario, Canada
Siemens Aktiengesellschaft
82-73 Munich, Federal Republic of Germany
Simpsons Limited
82-53 Toronto, Ontario, Canada
Source Perrier
82-291 Paris, France
South African Breweries, Ltd.
82-303 Johannesburg, South Africa
South African Land & Exploration Co., Ltd.
82-59 Johannesburg, South Africa
Southvaal Holdings Limited
82-197 Johannesburg, South Africa
Spartan Capital Corp. Ltd.
82-160 Ottawa, Ontario, Canada
Spooner Mines and Oils Limited
82-112 Toronto, Ontario, Canada
Steel Co. of Canada Limited
82-141 Toronto, Ontario, Canada
Taro-Vit Chemical Industries Ltd.
82-210 Haifa, Israel
TDK Electronics Co., Ltd.
82-255 Tokyo, Japan
Toronto Dominion Bank
82-142 Toronto, Ontario, Canada
Toyota Motor Co., Ltd.
82-208 Tokyo, Japan
Trade Development Bank Holding SA
82-276 Luxembourg
Transvaal Consolidated Land & Exploration Co.
82-304 Johannesburg, South Africa
Troy Gold Industries
82-307 Calgary, Alberta, Canada
U.C. Investments Limited
82-235 Johannesburg, South Africa
Union Corporation Limited
82-231 Johannesburg, South Africa
United Hearne Resources Ltd.
82-315 Vancouver, British Columbia, Canada
United Keno Hill Mines Ltd.
82-61 Toronto, Ontario, Canada
Vaal Reefs Exploration and Mining Company Limited
82-56 Johannesburg, South Africa
Velcro Industries N.V.
82-145 Curacao, Netherlands Antilles
Venterspost Gold Mining Company Ltd.
82-216 Johannesburg, South Africa
Vlakfontein Gold Mining Company Ltd.
82-217 Johannesburg, South Africa
Voyager Petroleums Ltd.
82-189 Calgary, Alberta, Canada
Vulcan Industrial Packaging Ltd.
82-300 Toronto, Ontario, Canada
Welkom Gold Mining Company Limited
82-57 Johnannesburg, South Africa
West Driefontein Gold Mining Co. Ltd.
82-90 Johannesburg, South Africa
Westfort Petroleums Ltd.
82-306 Calgary, Alberta, Canada
West Rand Consolidated Mines, Ltd.
82-314 Marshalltown, South Africa
Western Areas Gold Mining Company Ltd.
82-268 Johannesburg, South Africa
Western Deep Levels Limited
82-58 Johannesburg, South Africa
Western Holdings Limited
82-54 Johannesburg, South Africa
F.W. Woolworth and Co., Limited
82-200 London, England
Wright Hargreaves Mines Ltd.
82-60 Toronoto, Ontario, Canada

[FR Doc. 79-30200 Filed 9-27-79; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 16216; File No. 4-208]

Request for Exemption From Market Identification Requirements of Rule 17a-15 Under the Securities Exchange Act of 1934; Order Granting Temporary Exemptions

September 21, 1979.

Notice is hereby given that the Securities and Exchange Commission has extended temporary exemptions, subject to certain conditions, from Rule 17a-15 under the Securities Exchange Act of 1934 ("Act") [1] and any plan declared effective by the Commission pursuant to that Rule) granted to the Consolidated Tape Association ("CTA") and Securities Industry Automation Corporation ("SIAC"), insofar as that Rule or plan requires that last sale reports disseminated by means of moving ticker displays be accompanied by a market identifier indicating the market of execution.

Rule 17a-15 requires that last sale reports of transactions reported pursuant to that Rule be accompanied by an identifier indicating the market of execution. Paragraph (b) of Rule 17a-15 provides that "[e]ach . . . composite tape or interrogation system, in displaying last sale reports, shall identify the marketplace where each transaction was executed." [2]

In addition, the joint industry plan governing the consolidated transaction reporting system ("consolidated system") filed with and declared effective by the Commission pursuant to Rule 17a-15 ("CTA Plan") contains a similar requirement. [3]

On March 9, 1978, the New York ("NYSE"), American ("Amex"), Boston ("BSE"), Pacific ("PSE") and Philadelphia ("Phlx") Stock Exchanges (collectively, "filing exhanges"), filed jointly with the Commission a "Plan for the Purpose of Creating and Operating and Intermarket Communications Linkage" ("ITS Plan"). [4] The ITS Plan contemplates the Implementation of an Intermarket Trading System ("ITS") linking the participating exchanges (collectively, "Participants") and providing facilities and procedures for (1) rapid and efficient routing of commitments to trade and administrative messages, between and among Participants, and (2) participation, under certain conditions, by members of all participating markets in opening transactions in those markets. [5]

In connection with implementation of the ITS Plan, the filing exchanges requested certain regulatory actions by the Commission. First, the filing exchanges requested that the Commission approve the ITS Plan and

[1] 17 C.F.R. § 240.17a-15 (1978).

[2] The Rule defines the term "composite tape" to mean a "moving, real-time last sale reporting system." Rule 17a-15(b).

[3] *See* CTA Plan, "Plan Submitted Pursuant to Rule 17a-15 of Securities Exchange Act of 1934," § V(e), ¶ 1, at 18, contained in File No. S7-433.

[4] A copy of the ITS Plan, as amended April 25 and July 1, 1978, is contained in File No. 4-208.

[5] The ITS also contemplates the display of composite quotation information on the floor of each of the participating exchanges (at the designated trading post) so that members of each participating exchange will be able to determine readily the best bid and offer for a particular security available from any participant. *See* ITS Plan, *supra* note 4 at § 5(a), ¶ 1, at 6.

issue "an order pursuant to Section 11A(a)(3)(B) of the . . . Act evidencing such approval." [6] Second, the filing exchanges requested that the Commission either amend Rule 17a–15 or issue an exemptive order pursuant to paragraph (h) of that Rule, to permit the deletion of market identifiers from moving ticker displays for all transactions effected in any market center which was scheduled to participate, or was participating, in the ITS (including transactions not effected through, and securities not then traded in, that system).[7]

In response to this request, on April 14, 1978, simultaneously with its temporary approval of the ITS [8] the Commission issued temporary, conditional exemptions to the CTA and SIAC from the market identifier requirements of Rule 17a–15 insofar as such requirements apply to moving ticker displays.[9] The temporary exemptions were granted for a period of 120 days or until the Commission took final action with respect to the ITS Plan, whichever occurred first. The Commission at that time also requested interested persons to submit written views, data and arguments with respect to these exemptions.

In granting the temporary exemptions, the Commission noted that, among other matters, removal of market identifiers for less than all market centers reporting transactions in the consolidated system would be discriminatory and anti-competitive as to those market centers whose transactions would continue to be reported with an identifier. Accordingly, although the Commission granted the requested relief, that relief was conditioned on the prompt removal, as soon as technically feasible, of such identifiers on moving ticker displays for all transactions as to which last sale information is reported in the consolidated system, regardless of the market of execution.

On April 17, 1978, the ITS began operations, linking the NYSE and Phlx in eleven multiply-traded issues and permitting display of quotations, without size, in those securities. Simultaneously, CTA and SIAC deleted market identifiers from all moving ticker displays with respect to transactions effected on all market centers having agreed to participate in the ITS (the BSE, MSE,[10] PSE and Phlx). One week later, on April 24, 1978, the CTA and SIAC removed market identifiers from moving ticker displays with respect to all remaining market centers reporting transactions through the consolidated system (the Cincinnati Stock Exchange, Inc., the National Association of Securities Dealers, Inc. and Institutional Network Corporation).

On August 11, 1978, the Commission reviewed the activities pursuant to the conditional exemptions in the First Exemptive Order and determined to extend the exemptions for one year.[11] In extending the conditional exemption, the Commission noted that although the "limited commentary" in response to the First Exemptive Order had "generally opposed the deletion of market identifiers from moving ticker displays," [12] the Commission concluded that an extension of the conditional exemptions was appropriate "in order to provide other interested persons time to submit their views." [13] Moreover, the Commission further noted that because it intended to propose a rule under the Act "which would require deletion of market identifiers from moving ticker displays," it was "appropriate to continue the exemptions granted to the CTA and SIAC pending the outcome of [that] rulemaking proceeding." [14]

On October 20, 1978, the Commission issued for comment proposed Rule 11Ac1–2 under the Act,[15] which Rule would require that "[n]o moving ticker or consolidated last sale display shall identify the market center in which a particular transaction in a reported security has been executed." [16] The Commission has received substantial commentary discussing proposed Rule 11Ac1–2(b)(2).[17] Because the Commission is actively reviewing this commentary it would appear appropriate to continue the conditional exemptions granted to CTA and SIAC pending the outcome of the Rule 11Ac1–2 proceeding. Moreover, the concerns identified by the Commission in the First and Second Exemptive Orders still appear applicable to these exemptions.

IT IS HEREBY ORDERED, pursuant to paragraph (h) of Rule 17a–15, that the conditional exemptions from the market identification requirements of the Rule and the CTA Plan granted to CTA and SIAC on April 14, 1978, and extended on August 11, 1978, be extended for the period beginning August 12, 1979 and ending January 31, 1983 or the date the Commission concludes its proceeding regarding proposed Rule 11Ac1–2, whichever is earlier. This exemption is subject to modification or revocation at any time if the Commission determines that such action is necessary or appropriate in light of progress made toward a national market system or otherwise in furtherance of the purposes of the Act.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–30199 Filed 9–27–79; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–16213; File No. SR–NSCC–79–11]

National Securities Clearing Corp.; Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on August 30, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

Section II. TRADE COMPARISON AND RECORDING SERVICE FEES and SECTION III. CLEARANCE FEES of National Securities Clearing Corporation's (NSCC) SCC Division Fee Schedule are proposed to be amended by the addition to Section II of a new subsection D. and the addition to Section III of a new subsection G. as follows (italicizing indicates material to be added, brackets indicate material to be deleted):

D. An interim surcharge shall be imposed on each side, representing a transaction in a listed security, submitted for comparison or recorded by NSCC, for a participant using a branch facility for listed trade processing. The interim surcharge by branch facility is as follows:
Atlanta $.28 per side
Boston .74 per side

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[6] Letter from Robert C. Hall to Andrew M. Klein, Director, Division of Market Regulation, SEC, dated March 8, 1978. *See* Securities Exchange Act Release No. 14661 (April 14, 1978), 43 FR 17419.

[7] On April 5, 1978, the CTA filed with the Commission, and on April 25, 1978, the CTA refiled with the Commission an amendment to the CTA Plan which, in part, would have provided for the deletion of market identifiers for ticker display purposes of all ITS participants with respect to transactions occurring in their market centers. *See* Securities Exchange Act Release No. 15253 (October 20, 1978), 43 FR 50520.

[8] *See* ITS Order, *supra* note 6.

[9] Securities Exchange Act Release No. 14662 (April 14, 1978) ("First Exemptive Order"), 43 FR 17422.

[10] The MSE announced its intention to participate in ITS on April 14, 1978, and the ITS Plan was accordingly amended on April 25, 1978. *See* ITS Plan *supra* note 1.

[11] Securities Exchange Act Release No. 15059 (August 11, 1978) ("Second Exemptive Order"), 43 FR 36736.

[12] *Id.* at 5, 43 FR at 36737. *See* File No. 4–208.

[13] *Id.*

[14] *Id.* at 6, 43 FR at 36737.

[15] *See* Securities Exchange Act Release No. 15251 (October 20, 1978), 43 FR 50615.

[16] Proposed Rule 11Ac1–2(b)(2)(iii), *id.* at 72, 43 FR at 50626. *See id.* at 17–31, 43 FR at 50617–20.

[17] *See* File No. S7–759.

Chicago .17 per side
Cleveland .19 per side
Dallas .14 per side
Milwaukee .15 per side
Minneapolis .22 per side
St. Louis .15 per side

G. An interim surcharge shall be imposed on receipts and deliveries of listed securities from or to the CNS system and for each designated valued delivery of listed securities for a participant using a branch facility for listed clearance processing. The interim surcharge by branch facility is as follows:
Atlanta $.28 per receipt or delivery
Boston .74 per receipt or delivery
Chicago .17 per receipt or delivery
Cleveland .19 per receipt or delivery
Dallas .14 per receipt or delivery
Milwaukee .15 per receipt or delivery
Minneapolis .22 per receipt or delivery
St. Louis .15 per receipt or delivery

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change establishes interim surcharges to be charged in connection with NSCC's processing of listed transactions for participants utilizing the NSCC branch facilities. The interim surcharges will be applied to listed trade comparison and recording for a participant using a branch facility for listed trade processing, and receipts and deliveries of listed securities from or to the continuous net settlement system and for each designated valued delivery of listed securities for a participant using a branch facility, for listed clearance processing. The interim surcharges are in direct response to the Commission's directive, appearing in their letters to NSCC of March 15, 1979 and August 1, 1979 and have been characterized by the Commission as a "temporary measure that will remain in effect only until the Commission determines its response to the *Bradford* remand."

The proposed rule change relates to the equitable allocation of reasonable dues, fees and other charges among its participants. The Commission has indicated that filing of the proposed rule change, pursuant to Rule 19b–4, is appropriate and that filing of the proposed rule change under Section 19(b)(3)(A) will satisfy the requirements of the Securities Exchange Act.

No comments on proposed rule change have been solicited or received.

While NSCC does perceive that the proposed rule change would constitute a burden on competition at the broker-dealer level (i.e. competition between regional broker-dealers and New York broker-dealers), NSCC is complying with the Commisson's directive appearing in its letter to NSCC dated March 15, 1979, as supplemented by its further letter to NSCC dated August 1, 1979.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 for transactions included in the September 1979 billing period and thereafter. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested parties are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 19, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

September 21, 1979.

[FR Doc. 79–30140 Filed 9–27–79; 8:45 am]
BILLING CODE 8010–01–M

[Rel. No. 10871; (812–4527)]

Delaware Cash Reserve, Inc.; Notice of Filing of Application Pursuant to Section 6(c) of the Act for an Order of Exemption From Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 Thereunder

September 20, 1979.

Notice is hereby given that Delaware Cash Reserve, Inc. ("Applicant") Seven Penn Center Plaza, Philadelphia, PA 19103, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on August 20, 1979, for an order pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to calculate its net asset value per share using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant represents that it is a "money market fund" and that its investment objective is to seek as high a level of current income with preservation of capital and maintenance of liquidity as is consistent with prudent investment management. Applicant further represents that its portfolio may consist of a variety of high quality money market instruments, at least eighty percent of which must mature in one year or less. Applicant states that it is permitted to invest not more than twenty percent of its assets in debt securities having maturities longer than a year.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. In Investment Company Act Release No. 9786, issued May 31, 1977, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis. Section 2(a)(41) of the Act provides, in part, that securities for which market quotations are readily available must be valued at market value.

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except

at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Section 6(c) of the Act provides, in part, that the Commission, upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an exemption from Section 2(a)(41) and Rules 2a–4 and 22c–1 under the Act to permit its use of the amortized cost method of valuation with respect to portfolio securities maturing within one year of the date of any daily calculation of net asset value. Applicant asserts that such an exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant states that its management believes that it is advantageous to maintain a fixed net asset value per share, and that from its inception it has maintained the public offering price of its stock at $10.00 per share by investing in securities having average maturities of less than thirty days. Applicant states that its management believes that if Applicant were permitted to use the amortized cost method of valuing all securities maturing within one year of the date of any daily calculation of net asset value, its net asset value per share would remain fixed at $10.00, provided Applicant maintains a dollar-weighted average portfolio which does not exceed 120 days. Applicant further asserts that the capability of maintaining a constant net asset value while being able to manage its portfolio to deal with fluctuating interest rates will enhance its attractiveness to institutional investors, including corporate investors and bank trust departments, because such investors, as well as individuals for whom a money market fund is an attractive investment, desire stability of principal, a fixed offering and redemption price per share, and a steady flow of investment income. Applicant states that in the case of bank trust departments in particular, the maintenance of a constant net asset value is especially important because such investors often segregate principal from interest, so that difficult internal accounting problems are created by any fluctuation of principal. Applicant contends that an average portfolio maturity of approximately 120 days combined with a per share price of $10.00 greatly reduces the possibility of a change in the price per share, while also providing a yield on portfolio instruments commensurate with yields available in the general money market, which may not be available with a portfolio having an average maturity of a shorter duration. Applicant further states that securities in bank short-term common trust funds are valued according to the amortized cost method pursuant to regulations promulgated by the Comptroller of the Currency, among other governmental agencies concerned with banking supervision. Lastly, Applicant states that it would be at a competitive disadvantage if it were not permitted to use the amortized cost method of valuation.

Applicant states that for the aforementioned reasons, the directors of Applicant have determined that the maintenance of a net asset value per share fixed at $10.00 by utilizing the amortized cost method of valuation would be appropriate and represents fair value, subject to the following conditions to which Applicant would submit if an order granting the relief it requests is issued:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $10.00 per share.

2. Included among the procedures to be adopted by the board of directors shall be the following duties and responsibilities, which would be executed by a duly constituted committee of the board acting in accordance with the procedures adopted by the full board pursuant to paragraph 1. above:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $10.00 amortized cost price per share and the maintenance of records of such review.

(b) In the event such deviation from Applicant's $10.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from Applicant's $10.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average portfolio maturity of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio which exceeds 120 days.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1. above; and, Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth in subparagraphs (a), (b) and (c) of condition 2. above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31 (b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not so rated, of comparable quality as determined by

the board of directors. Any obligations of foreign issuers acquired by Applicant shall be dollar-denominated obligations.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than October 15, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30141 Filed 9-27-79; 8:45 am]

BILLING CODE 8010-01-M

[Re. No. 10872; (812-4517)]

Federated Money Market, Inc.; Notice of Filing of Application for Order Pursuant to Section 6(c) of the Act Exempting Applicant From the Provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 Thereunder

September 21, 1979

Notice is hereby given that Federated Money Market, Inc. ("Applicant") 421 Seventh Avenue Pittsburgh, Pennsylvania 15219, Registered under the Investment Company Act of 1940 ("Act") as an openend, diversified, management investment company, filed an application on August 13, 1979, and an amendment thereto on September 4, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant's assets to be valued at amortized cost. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund organized as a Maryland Corporation and that Federated Research Corp., a wholly-owned subsidiary of Federated Investors, Inc., serves as its investment adviser. Applicant further states that it is designed as an investment vehicle for investors with cash reserves seeking current income consistent with stability of principal and that its portfolio may be invested in a variety of money market instruments.

According to the application, the net asset value of Applicant's shares, at the present time, fluctuates based upon changes in short-term interest rates because net asset value per share is determined primarily by estimating the market value of portfolio securities. The application further states that shares of Applicant were originally offered at $1 per share and that as of August 2, 1979, Applicant's net asset value per share was $.996. Applicant states that it is recommending to its shareholders that they approve: (1) an amendment to Applicant's charter, pursuant to which each of Applicant's outstanding shares would be split so that the net asset value per share would be equal to $1.00, and (2) changes in Applicant's investment policies to reduce the maximum maturity of portfolio instruments permitted to be purchased by applicant from two years to one year, and to provide that Applicant generally will hold portfolio instruments to maturity.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security exept at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that experience indicates that two features are necessary in a "money market" fund: (1) certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant asserts that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost it can provide these features to investors. Applicant represents that its Board of Directors has properly determined in good faith under the provisions of the Act to value the portfolio of Applicant by use of the amortized cost method and that this method is in the best interest of the shareholders of Applicant. Applicant further represents that: (1) its Board of Directors has determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuation of portfolio instruments is appropriate and perferable to the use of a market based valuation method, and (2) its Board of Directors has further determined to continuously monitor valuations indicated by methods other than amortized cost so that any necessary changes in the valuation method may be made to assure that the valuation

method being used is a fair approximation of fair value in view of all pertinent factors. Accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit its assets to be valued as set forth in the application, and as described above, whether or not market quotations are available.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the pubic interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the exemptions it requests satisfy there standards in view of its management policies and the conditions hereinafter set forth.

Applicant consents to the imposition of the following conditions in an order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated by the Board of Directors.

(c) Where the Board of Directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1. above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the Board of Directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not so rated, of comparable quality as determined by the Board of Directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than October 11, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30143 Filed 9-27-79; 8:45 am]

BILLING CODE 8010-01-M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the Board of Directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Rel. No. 21219; (70–6349)]

Vermont Yankee Nuclear Power Corp.; Notice of Proposed Short-Term Borrowing Authorization

September 20, 1979

Notice is hereby given that Vermont Yankee Nuclear Power Corporation ("Vermont Yankee"), 77 Grove Street, Rutland, Vermont 05701, an electric

utility subsidiary of both New England Electric System and Northeast Utilities, registered holding companies, has filed with this Commission a declaration and an amendment thereto pursuant to The Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement concerning the proposed transaction.

Vermont Yankee operates a 540 MW nuclear-powered generating plant in Vernon, Vermont. During the remainder of 1979 and 1980, Vermont Yankee will be receiving shipments of uranium for fabrication into nuclear fuel for its reactor. These shipments will require payments in excess of declarant's present lines of credit, which are in the principal amount of $4,000,000 each with the First National Bank of Boston and Chase Manhattan Bank (the "Banks").

Vermont Yankee requests a short-term borrowing authorization through June 30, 1981, of up to $12,000,000 aggregate principal amount outstanding at any one time. The borrowings would be from the Banks pursuant to proposed increased lines of credit ($6,000,000 with each Bank) and would be evidenced by promissory notes having a maturity of up to three months from date of issuance and bearing interest at the Banks' prime rate. The Banks will require compensating balances equal to 7.5% of the lines and 7.5% of any borrowings thereunder. Assuming full borrowings under the lines and a prime rate of 13% per annum, the effective cost of borrowings would be 15.59%.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may not later than October 19, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30142 Filed 9-27-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0184]

Grocers Capital Corp.; Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company (Grocers) 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to Section 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1979)) for approval of a conflict of interest transaction.

Grocers proposes to lend $87,500 to Forrest and Lilianne Perry DBA Perry's Farm Market #2 (Perry's), 140 N. San Antonio Avenue, Ontario, California. The proceeds of the loan will be used to purchase a grocery inventory from Certified Grocers of California, Ltd. (Certified), a retailer-owned grocery cooperative. All of Grocer's stock is owned by subsidiaries of Certified. Therefore, Certified is defined as an Associate of Grocer's by Section 107.3 of SBA Rules and Regulations. Since 50 or more percent of the funds are to be used to purchase a grocery inventory from an Associate of Grocers the transaction falls outside the exemption offered by § 107.1001(g) of the SBA Regulations. Grocers loan to Perry's requires prior written approval of SBA.

Notice is hereby given that any person may not later than (15 days from the date of publication of this Notice) submit written comments to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street N.W., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Los Angeles and Ontario, California areas.

(Catalog of Federal Assistance Programs No. 95.011, Small Business Investment Companies)

Dated: September 24, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-30224 Filed 9-27-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-5217]

MESBIC of San Antonio, Inc.; Issuance of a License To Operate as a Small Business Investment Company

On July 31, 1979, a notice was published in the **Federal Register** (44 FR 45001), stating that MESBIC of San Antonio, Inc., located at 2300 West Commerce, San Antonio, Texas 78207, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1979), 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.

Interested parties were given until the close of business August 15, 1979, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 06/06-5217 to MESBIC of San Antonio, Inc., on September 19, 1979.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 24, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-30226 Filed 9-27-79; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 01/01-5301]

MESBIC Venture Capital of Connecticut, Inc., Application for Licence To Operate as a Small Business 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 198, as amended (15 U.S.C. 661 *et Seq.*), has been filed by MESBIC Venture Capital of Connecticut, Inc. (applicant), with the Small Business Administration

(SBA), pursuant to 13 C.F.R. 107.102 (1979).

The officers, directors, and principal stockholders are as follows:

Thomas S. Heede, 7 Rock Point Lane, Guilford, Connecticut 06437, President, Treasurer and Director; 75% Stockholder.
Lucinda Shearer, 7 Rock Point Lane, Guilford, Connecticut 06437, Vice President, Assistant Secretary, and Director; 25% Stockholder.
Mildred M. Heede, 7 Rock Point Lane, Guilford, Connecticut 06437, Secretary, Director.

The applicant will maintain its principal place of business at Hitchcock Corner, Essex, Connecticut 06426. It will begin operations with private capital of $500,000 derived from the sale of 1,000 shares of common stock to Mr. Heede and Ms. Shearer.

The applicant will concentrate its efforts in the State of Connecticut where the need for business enterprises with an interest in the community is clear.

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 15 days from the date of publication of this notice, 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, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Essex, Connecticut.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: September 24, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-30225 Filed 9-27-79; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Portland, Oregon, will hold a public meeting at 11:00 a.m., Thusday, October 18, 1979, at the First National Bank of Oregon Board Room, 1300 Southwest Fifth, Portland, Oregon, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Peter A. Plumridge, District Counsel, U.S. Small Business Administration, 1220 Southwest Third Avenue, Room 676, Portland, Oregon 97204—(503) 221-3451.

Dated: September 21, 1979.

K. Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-30070 Filed 9-27-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Shipping Coordinating Committee; National Committee for the Prevention of Marine Pollution; Meeting

The National Committee for the Prevention of Marine Pollution will conduct an open meeting at 9:30 a.m. on Tuesday, November 20, 1979 in Room 3201 of the U.S. Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C.

The purpose of this meeting is to finalize preparations for the 12th Session of the Marine Environment Protection Committee (MEPC) of the Intergovernmental Maritime Consultative Organization (IMCO) which is scheduled for November 26-30, 1979 in London. In particular, the National Committee will discuss development of U.S. positions dealing with, inter alia, the following topics:

Uniform interpretation of and possible amendments to the 1973 MARPOL Convention as modified by the 1978 Protocol.
Control procedures under the 1978 MARPOL Protocol.
Technical assistance.
Report of the Subcommittee on Bulk Chemicals.

Requests for further information should be directed to Captain R. A. Biller, Chief, International Affairs Division, U.S. Coast Guard (G-AIA/TP21), 2100 Second Street, SW., Washington, D.C. 20593, telephone (202) 426-2280.

The Chairman will entertain comments from the public as time permits.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

September 21, 1979.

[FR Doc. 79-30075 Filed 9-27-79; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/230]

Shipping Coordinating Committee; Metting

The Shipping Coordinating Committee will conduct an open meeting at 9:30 a.m. on Tuesday, October 30, 1979 in Room 3201 of the U.S. Coast Guard Headquarters Building, 2100 Second Street, S.W., Washington, D.C. 20593.

The purpose of this meeting is to finalize preparations for the 11th Session of the Assembly and 10th Extraordinary Session of the Council of the Intergovernmental Maritime Consultative Organization (IMCO) which are scheduled for November 2-16, 1979, in London. In particular, the Shipping Coordinating Committee will discuss development of U.S. positions dealing with, inter alia, the following topics:

—Consideration of the Reports of the various Committees and Subsidiary organs;

Election of Members to the Council;

—Relations with non-Governmental organizations;

Status of Conventions and other multilaterial instruments in respect of which IMCO performs depository or other functions.

Requests for further information should be directed to Captain R. A. Biller, Chief, International Affairs Division, U.S. Coast Guard (G-AIA/TP21), 2100 Second Street, S.W., Washington, D.C. 20593, telephone: (202) 426-2280.

The Chairman will entertain comments from the public as time permits.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

September 20, 1979.

[FR Doc. 79-30074 Filed 9-27-79; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Customs Service

[521417]

American Manufacturer's Petition; Receipt of American Manufacturer's Petition Requesting the Reclassification of Certain Machine-Processed Cigarette Leaf Tobacco

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

ACTION: Notice of receipt of American manufacturer's petition.

SUMMARY: Customs has received a petition from an American manufacturer of flue-cured tobacco requesting the reclassification of certain imported, machine-processed cigarette leaf tobacco as stemmed cigarette leaf filler tobacco. The leaf tobacco in question, which has been machine-thrashed to form stemmed leaf fragments under four inches in length for use in the manufacture of cigarettes, is currently classified by Customs as scrap tobacco.

DATES: Interested parties may comment on this petition. Comments (preferably in triplicate) must be received by November 27, 1979.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, Room 2335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: John G. Hurley, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202–566–5865.

SUPPLEMENTARY INFORMATION:

Background

A petition has been filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), by an American manufacturer of flue-cured tobacco requesting that leaf tobacco, which has been machine-thrashed to form stemmed leaf fragments under four inches in length for use in the manufacture of cigarettes, be reclassified as stemmed cigarette leaf filler tobacco under item 170.35, Tariff Schedules of the United States (TSUS). The merchandise in question is currently classified by Customs as scrap tobacco under item 170.60, TSUS.

The processing of cigarette leaf tobacco, resulting in leaf fragments measuring approximately one half inch to two inches in length, but in no case over four inches in length, occurs either prior to importation or by manipulation in warehouse. It is the practice of Customs to classify such machine-processed merchandise as scrap tobacco upon withdrawal.

The petitioner contends that scrap tobacco should be limited to the unintended by-product of handling, curing, and manufacturing, i.e., floor sweepings.

Comments

Pursuant to § 175.21(a) of the Customs Regulations (19 CFR 175.21(a)), the Customs Service invites written comments on this petition from all interested parties.

The American manufacturer's petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with §§ 103.8(b) and 175.21(b), Customs Regulations (19 CFR 103.8(b), 175.21(b)), during regular business hours at the Regulations and Research Division, Headquarters, U.S. Customs Service, Room 2335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Authority

This notice is published in accordance with § 175.21(a) of the Customs Regulations (19 CFR 175.21(a)).

Dated: August 23, 1979.

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 79-30229 Filed 9-27-79; 8:45 am]

BILLING CODE 4810-22-M

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 135]

Assignment of Hearings

September 24, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignment only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 76993 (Sub-28F), Express Freight Lines, Inc., now assigned for hearing on October 9, 1979 at the Milwaukee, WI and will be held in the Court Room 254, Federal Building & Courthouse, 517 East Wisconsin Avenue.

MC 108119 (Sub-121F), E. L. Murphy Trucking Company, now assigned for hearing on October 9, 1979 at Birmingham, AL and will be held in the Conference Room 430–4th Floor, 1800 5th Avenue North, Federal Building.

MC 114334 (Sub-41F), Builders Transportation Company, now assigned for hearing on October 10, 1979 at Birmingham, AL and will be held in the Conference Room 430–4th Floor, 1800 5th Avenue North, Federal Building.

MC 103926 (Sub-86F), W. Y. Mayfield Sons Trucking, Co., now assigned for hearing on October 15, 1979 at Atlanta, GA and will be held at the Conference Room 556, 275 Peachtree Street.

AB–7 (Sub-69), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Winifred Junction, MT and Winifred, MT, AB–7 (Sub-78F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Fairfield, MT, and Agawam, MT, now assigned for hearing on October 9, 1979 (4 days), at St Maries, ID, and will be held at the Benewah County Court House.

MC 146468, Nankin Auto Parts Transport, Inc., transferred to Modified Procedure.

AB–6 (Sub-60F), Burlington Northern, Inc. Abandonment near St. Joseph, MO, and Humeston, IA, in Buchanan, Andrew, DeKalb, Gentry and Harrison Countries, MO and Decatur and Wayne Counties, IA, now assigned for hearing on October 15, 1979 (1 week), at Bethany, MO will be held at Meeting Room, First National Bank.

MC 26825 (Sub-25F), Andrews Van Lines, Inc., transferred to Modified Procedure.

MC 119657 (Sub-23F), George Transit Line, Inc., transferred to Modified Procedure.

MC 142941 (Sub-29F), Scarborough Truck Lines, Inc., transferred to Modified Procedures.

MC 144897 (Sub-1F), Sun Freightways, Inc., now assigned for hearing on December 3, 1979 (3 weeks), at Santa Fe, Mexico, in a hearing room to be later designated.

MC–F13368, Carolina Western Express, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee In Brankruptcy, MC–F–13369, Old Dominion Freight Line—Purchase (Portion)—Glosso Motor Lines, Inc., Charles E. Herbert, Trustee In Bankruptcy, MC–107478 (Sub-30), Old Dominion Freight Line, No. MC–F–13375, Russell Transfer, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee In Bankruptcy, Through Assignment From B & P Motor Lines, Inc., MC–68860 (Sub-27), Russell Transfer, Inc., MC–F–13392, B & P Motor Lines, Inc., Charles E. Herbert, Trustee In Bankruptcy, MC–106074 (Sub-47), B & P Motor Lines, Inc., MC–F–13399, Roy Stone Transfer Corp.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee, MC–F01341 Sherman And Boddie, Inc.—Purchase (Portion)—GLosson Motor Lines, Inc. MC–F–13418, Security Storage Co., Inc., Purchase (Portion)—

Glosson Motor Lines, Inc. (Through Assignment of B & P Motor Lines, Inc., MC–F–13420, Colonial Refrigerated Transportation, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert; Trustee In Bankruptcy, MC–115841 (Sub-579), Colonial Refrigerated Transportion, Inc., MC–F–11146 (Sub–1), B & P Motor Lines, Inc. Petition For Declaratory Order, now assigned for Prehearing Conference on October 15, 1979 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 105120 (Sub-17F), Freightways, Express, Inc., now being assigned for hearing on November 27, 1979 (9 days) at St. Louis, MO, location of hearing room will be designated later.

MC–C10162, Dodds Truck Line, Inc., and Dodds Truck Line, Operator and Lessee of Bennett Truck Line, Inc., now being assigned for hearing on November 27, 1979 (9 days) at St. Louis, MO, location of hearing room will be designated later.

MC 116254 (Sub-230F), Chem-Haulers, Inc., now assigned for hearing on October 16, 1979 at Atlanta, GA and will be held in the Conference Room 556, 275 Peachtree Street.

MC 146293F, Regal Trucking Co., Inc, now assigned for hearing on October 17, 1979 at Atlanta, GA and will be held in the Conference Room 556, 275 Peachtree Street.

MC 145297F, Vern Breazeale Freight Service, Inc, DBA Denver-Lander Riverton Freight Service, now assigned for hearing on October 29, 1979 at Lander, WY and will be held in the Federal Court Room, 2nd Floor, U.S. Post Office Building, 171 North 3rd.

MC 115841 (Sub-653F), Colonial Refrigerated Transportation, Inc, now assigned for continued hearing on October 3, 1979 at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 145426 F, Odell Ritter, Inc., now assigned for hearing on October 31, 1979, at Portland, OR, is canceled and Application dismissed.

MC 138313 (Sub-45F), Builders Transport, Inc., now being assigned for hearing on October 31, 1979 (3 Days), at Portland, OR., in Room No. 103, Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, OR.

MC 20824 (Sub-40F), Commercial Motor Freight, Inc., now being assigned for hearing on December 3, 1979 (1 Week) at Indianapolis, IN. in a hearing room to be designated later.

MC 143701 (Sub-7F), William Oberste, Inc., now being assigned for hearing on November 27, 1979 (1 Day) at New Orleans, LA. in a hearing room to be designated later.

MC 145526 F, CTC Transportation, Inc., now being assigned for hearing on November 28, 1979 (3 Days) at New Orleans, LA. in a hearing room to be designated later.

MC 135895 (Sub-26F), B & R Drayage, Inc., now being assigned for hearing on December 3, 1979 (5 Days) at New Orleans, LA. in a hearing room to be designated later.

MC 119767 (Sub-350F), Beaver Transport Co., A Corporation, now being assigned for hearing on January 8, 1980 (9 Days), at Chicago, IL. in a hearing room to be designated later.

MC 103993 (Sub-950), Morgan Drive-Away, Inc., now being assigned for Prehearing Conference on November 5, 1979 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 119767 (Sub-349F), Beaver Transport Co., now being assigned for hearing October 9, 1979 at Chicago, IL will be held in room No. 349, 230 South Dearborn Street.

MC 51146 (Sub-669F), Schneider Transport, Inc., now being assigned for hearing October 10, 1979 at Chicago, IL will be held in room 349, 230 South Dearborn Street.

MC 133655 (Sub-141F), Trans-National Truck, Inc., now being assigned for hearing October 11, 1979 at Chicago, IL will be held in room No. 349, 230 South Dearborn Street.

MC 69116 (Sub-214F), Spector Industries, Inc. DBA Spector Freight System, now being assigned for hearing October 12, 1979 at Chicago, IL will be held in Room 204A Dirksen Bldg., 219 South Dearborn Street.

MC 107445 (Sub-20F), Underwood Machinery Transport, Inc., now being assigned for hearing October 15, 1979 at Indianapolis, IN will be held in McKinley Room, Hyatt Regency, 155 West Washington St.

MC 59583 (Sub-168F), The Mason and Dixon Lines, Incorp., now being assigned for hearing October 29, 1979 at Birmingham, AL will be held at Birmingham Hyatt House, 901 21st Street, North.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–30137 Filed 9–27–79; 8:45 am]

BILLING CODE 70350–01–M

[MC 78276 (Sub-9); MC 78276 (Sub-11)]

Mazzeo & Sons Express, Extension—Baltimore, Md., and Atlanta, Ga.; Wearing Apparel (Hackensack, N.J.); Decision

Correction

In FR Doc. 79–26137, published at page 49553, on Thursday, August 23, 1979, on page 49554, in the first column, in the fourth paragraph of the "Appendix" reading "In No. MC–78276 (Sub-No. 11)", in the ninth line "AK" should be corrected to read "AR", and in the tenth line "MI" should be corrected to read "MS".

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1300–6]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of September 17 to September 21, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from September 28, and will end on November 12, 1979. The 30-day wait period for final EIS's as calculated from September 28, 1979 will end on October 29, 1979.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Kathi Weaver Wilson, Office of Environmental Review (A–104), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 245–3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to § 1506.10(a), the 30 day wait period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of September 17 to September 21, 1979, the 30 day wait period will be calculated from September 28, 1979. The wait period will end on October 29, 1979.

Appendix I sets forth a list of EIS's filed with EPA during the week of September 17 to September 21, 1979, the Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number if available. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or a waiver from the

prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the Federal Register and the extended date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agencies.

Appendix V sets forth a list of reports or additional supplemental information on previously filed EIS's which have been made available to EPA by federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: September 26, 1979.

William N. Hedeman, Jr.,

Director, Office of Environmental Review.

Appendix I—EIS's Filed With EPA During the Week of September 17 to 21, 1979

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250, (202) 447–3965.

Forest Service

Final

National Forest System Planning, Regulations, Sept. 18: Proposed is the issuance of regulations to guide land and resource management planning in the National Forest System. These rules require an integration of planning for national forests and grasslands, including timber, range, fish and wildlife, water, wilderness, and recreation resources, together with resource protection activities and coordinated with fire management and the use of other resources, such as minerals. The proposed rules will implement provisions of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. Comments made by: USDA, CEQ, DOC, EPA, DOI, DOT, State and local agencies, groups, individuals and businesses. (EIS order number 90985).

East River Land Mgmt., Gunnison NF, Gunnison County, Colo., Sept. 18: Proposed is a revised land management plan for the East River Unit of the Gunnison National Forest, Gunnison County, Colorado. The plan will affect approximately 234,086 acres of which 179,027 are National Forest lands. The plan provides for: 6,310 AUMs of big game forage, 444,998 vistor days of recreation, 14,395 AUMs of domestic grazing, 1,333 thousand board feet of wood fiber, and 314,200 acre feet of water. The plan also recommends that two additional roadless areas totaling 20,300 acres be included for wilderness study. The original draft EIS, filed in December of 1975, was replaced by a revised draft, #81400, filed 2–27–78. Comments made by: AHP DOI, State and local agencies, groups, individuals and businesses. (EIS order number 90986.)

Soil Conservation Service

Draft

Swan Creek Watershed Plan, Saline and Jefferson County, Nebraska, Sept. 18: Proposed is the Swan Creek Watershed Plan located in Saline and Jefferson Counties, Nebraska. The plan will consist of the installation of 16 floodwater retarding, two grade stabilization, and one multipurpose floodwater-recreation structures. Land treatment measures will be installed consisting of conservation croppping systems, contour farming, critical area plantings, grade stabilization structures, conservation tillage, forestation, improved forestry practices, increased fire protection, wildlife habitat planting, and other features. (EIS order No. 90987.)

Upper North Laramie River Watershed, Albany County, Wyoming, Sept. 17: Proposed is a watershed protection plan for the Upper North Laramie River Watershed located in Albany County, Wyoming. The structural measures planned for this project consist of: 1) constructing a multipurpose dam and reservoir for recreation irrigation and flood protection; and 2) basic recreation facilities. Land treatment measures include practices for watershed protection, land improvement, and irrigation water management. (USDA–SCS–EIS–WS–(ADM)–79–1–D–WY.) (EIS order No. 90977.)

U.S. Army Corps of Engineers

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, 202–272–0121.

Draft

Fountain Creek Flood Control, Pueblo County, Colorado, Sept. 17: Proposed is Fountain Creek Flood Control Project located in the City and County of Pueblo, Colorado. The preferred alternative is a combination of a 140-year channel-levee, flood proofing, flood plain regulation and zoning. Ten structural and six nonstructural alternatives were considered. (Albuquerque District.) (EIS order No. 90978.)

Marco Island/Vicinity Wetlands Development, Permit, Collier County, Florida, Sept. 17: Proposed is the issuance of a permit for the filling of approximately 3,984 acres of wetland for the use of residential development on and near Marco Island located in Collier County, Florida. The project involves eight separate permit subacres totaling approximately 5,511 acres of uplands and wetlands for the development of: 1) single and multi-family units, 2) a lake system with navigation access, 3) a golf course, 4) an airport, 5) school facilities, 6) two marinas, and 7) dry and/or wet storage spaces in two subareas. The alternatives consider confining the development to upland locations and reducing the size of the wetlands developments. (Jacksonville District.) (EIS order No. 90980.)

Draft

Rota Harbor Navigation Improvements, U.S. Territory, Sept 17: Proposed are navigation improvements for the West Harbor on the Island of Rota of the Northern Mariana Islands. Three alternative plans were developed. Plan 1 consists of an entrance channel 800 feet long, 300 feet wide and 20 feet deep. Plan 2 includes, in addition to the channel in Plan 1, an extension of the harbor basin to provide a protected berthing area. Plan 3 contains all the elements of 1 and 2 with the addition of a causeway to Anjota Island 500 feet in length and an existing revetted fill area seaward of the harbor basin. (EIS order No. 90979.)

Final

Manatee Harbor, Channel Maintenance, Manatee County, Florida, Sept 17: Proposed is the maintenance of Manatee Harbor and channel, the construction of a widened turning area at the intersection of the channel with the main Tampa Harbor channel, and construction of a turning basin adjacent to the Port Manatee berthing area. Part of an existing 80 acre island will be modified to form about 7 acres at about 2 feet mean low water to mitigate the loss of an equal area of sea-grassed bay bottom consequent to turning basin construction. The project will involve 164 acres for material fill area and is entirely located in Manatee County, Florida (Jacksonville District). Comments made by: USDA, DOI, EPA, DOC, State agencies. (EIS order No. 90982.)

Final Supplement

Seattle Harbor Navigation, Operation & Maintenance, King County, Washington, Sept 19: This proposal supplements a final EIS filed with CEQ in August, 1975. The action is the continued maintenance dredging of the Seattle Harbor Navigation Project located in King County, Washington. Project plans call for the clamshell dredging of the upstream reaches from station 235+00 to the "head of navigation" on an annual basis. The amount of material dredged upstream will average approximately 135,000 CY per year. Dredging downstream of station 235+00 is anticipated every 4 to 7 years, requiring the removal of 60,000 to 300,000 CY of sediments (Seattle District). Comments made by: DOT, DOI, EPA, AHP, State, and Local agencies. (EIS order No. 90990.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–377–4335.

Nat'l Oceanic and Atmospheric Admin.

Draft

Louisiana Coastal Resources Program, CZM, Louisiana, Sept. 21: Proposed is the Louisiana State Coastal Resources Program. The program provides for: 1) application of a new set of comprehensive state coastal policies, 2) implementation of a new

coordinated permit system, 3) procedures to insure deep water port and governmental activities are consistent with the guidelines, 4) management of unique coastal areas, 5) procedures to assure that Federal government activities are consistent with program policies, 6) consideration of national interests, and 7) other features. (EIS order No. 90995.)

ENVIRONMENTAL PROTECTION AGENCY

Region III

Contact: Mr. Steve Torok, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106 (215) 597–8334.

Draft

Patuxent wastewater treatment facilities, Anne Arundel County, Md., September 20: Proposed is the awarding of a grant for the upgrading of the Patuxent Wastewater Treatment facilities in Anne Arundel County, Maryland. The alternatives considered include: (1) upgrade existing facilities and continue to treat 4.0 MGD (2) close the existing facility and construct a conventional plant or a land treatment facility at another location, (3) upgrade existing plant to handle 4.0 to 6.5 MGD without phasing, and (4) upgrade existing facilities to handle 6.5 MGD by phasing. (EIS Order No. 90992.)

Horsham-Warminster-Warrington WWT Grants, Montgomery and Bucks Counties, Pa., September 21: Proposed is the awarding of grants for the construction of a regional sewage collection and treatment system for the Counties of Montgomery and Buck, Pennsylvania. The plan involves: (1) the placement of interceptors along Little Neshaminy Creek in Warrington and Park Creek in Horsham, (2) upgrading and expanding of the existing Warminster STP, and (3) termination of two smaller STPs in Warrington. (EIS Order No. 90998.)

Region IV

Contact: Mr. John Hagan, Region IV, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta Georgia 30308 (404) 881–7458.

Final

Lake Apopka restoration project, grant, Lake and Orange Counties, Fla., September 20: Proposed is restoration of Lake Apopka located in Lake and Orange Counties, Florida. The preferred alternative is a drawdown process which simulates a drought, and will involve the installation of coffer dams, access roads, pumping stations, a settling basin, canals, and other necessary facilities. Monitoring of water quality and bottom conditions will be conducted for an undetermined period following refill. A drawdown of Lake Beauclair will follow the drawdown of Lake Apopka to complete the project. (EPA–904/9–79–043) COMMENTS MADE BY: DOI, COE, HEW, USDA, DOT, FERC, State and local agencies, individuals and businesses. (EIS Order No. 90993).

Region V

Contact: Mr. Eugene Wojick, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2157.

Draft Supplement

O'Hare Water Reclamation Plant, Des Plaines, Cook County, Ill., September 21: This statement Supplements a final EIS, No. 50747, filed 5–23–75 concerning the O'Hare Water Reclamation Plant located in Cook County, Illinois. The Action involved is whether the grant condition should be retained, rescinded, or modified based on recent research and scientific evidence regarding the relationship of wastewater aerosols and human health. The alternatives consider: (1) removing the condition requiring construction of aerosol suppression facilities; (2) allowing operation without suppression facilities and continue ongoing analysis of health risks; and (3) no action, which requires the construction of suppression facilities. (EIS Order No. 90996.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755–6306.

Draft

Settlers Bay Village, Wasiela, Alaska, September 20: Proposed is the issuance of HUD home mortgage insurance for the Settlers Bay Village near Wasiela, Alaska. The project will consist of approximately 1,700 single-family lots, roads, utilities, and recreation facilities. (HUD–R10–EIS–79–6D) (EIS Order No. 90991.)

Clark County areawide approach EIS, Clark County, Wash., September 21: This statement examines the Clark County area of Washington through the areawide approach to help developers identify areas for development with limited environmental constraints. The choice of such areas will avoid costly delays, decrease the likelihood of litigation, and increase the probablility that HUD would approve assistance. Once an area with limited environmental constraints has been identified for development, site specific environmental analysis would be carried out on the local level. (HUD–R10–EIS–79–1D) (EIS Order No. 90994.)

Draft Supplement

Flower Mound New Town, termination, Denton County, Tex., September 21: This statement supplements a final EIS, No. 20664, filed 8–30–71 concerning issuance of HUD home mortgage insurance for the Flower Mound New Town located in Flower Mound, Denton County, Texas. This statement concerns the termination of Title VII Status and asistance and implementation of a plan to dispose of project land to various parties. (EIS Order No. 90997.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

Bureau of Land Management

Final

Three Corners area grazing management, Sweetwater County, Colo., and Unitah and Daggett Counties, Utah, September 19: Proposed is a grazing management program for 190,536 acres of public lands in the Three Corners Planning Unit located in Sweetwater County, Colorado and Unitah and Daggett Counties, Utah. The plan includes the following AUM allocations: 15,788 for cattle, 3,655 for sheep, 9,684 for deer, 4,838 for elk, and 378 for antelope. The plan also proposes to: reserve one allotment for big game use, continue present allotment-wide grazing on 17 allotments, continue improved management on four allotments with existing AMPs, and implement improved management on 17 allotments. Other developments include: 30 miles of fencing, 52 water developments, and 1,620 acres of sage brush control. (FES–79–32.) Comments made by: HEW, AHP, DOI, COE, EPA, USDA, State and local agencies, groups and businesses. (EIS Order No. 90988.)

Grand Junction resource area, grazing management, Mesa, Garfield, and Montrose Counties, Colo., September 21: Proposed is a grazing management program for the Grand Junction Resource Area located in Mesa, Garfield and Montrose Counties, Colorado. Components of the program are: (1) intensive grazing management on 1,105,760 acres; (2) less intensive management on 79,210 acres; (3) elimination of grazing on 15,887 acres; and (4) completion of vegetation manipulation projects and range facilities required to implement intensive management. Six alternatives are considered. (FES–79–19.) Comments made by: DOI, USDA, groups, individuals and businesses. (EIS Order No. 91000.)

Final

Caliente Area Domestic Livestock Grazing Mgmt.; Lincoln County, Nev., September 21: Proposed is a domestic livestock grazing management program for the Caliente Area in Lincoln County, Nevada. The plan recommends: (1) intensive grazing management systems on 27 proposed AMP areas consisting of 65 allotments encompassing 3,051,078 acres; (2) 12 non-AMP allotments encompassing 339,725 acres; and (3) no grazing on nine allotments encompassing 105,002 acres. The following would be established by allotment: (1) period-of-use for each class of livestock, (2) grazing capacity, (3) allocation of sufficient forage, (4) grazing treatment, and (5) necessary range improvements. (FES–79–44.) Comments made by: AHP, USDA, COE, DOI, EPA, State and local agencies, groups and businesses. (EIS Order No. 91001.)

Drewsey Grazing Management Program; Harney County, Oreg., September 19: Proposed is the continuance of a livestock grazing program for 678,469 acres of public land in the Drewsey study area, Harney County, Oregon. The program features implementing 68 AMPs on 81 allotments covering 636,444 acres of public land. Less intensive management is proposed for 43 allotments covering 18,553 acres: 1,680 acres would continue as a driveway; and 21,792

acres would continue with no livestock grazing. The plan will include: allocation of livestock forage to livestock, wild horses, wildlife, and watershed; establishment of grazing systems; and construction of range improvements. (FES–79–42.) Comments made by: DOI, USDA, EPA, DOE, AHP, State and local agencies, groups, individuals and businesses. (EIS Order No. 90989.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

Federal Highway Administration

Draft Supplement

CA–118, Simi Valley—San Fernando Valley Freeway; Los Angeles County, Calif., September 17: This statement supplements a final EIS, #60479, filed 4–2–76. Proposed is the construction of CA–118, also known as the Simi Valley-San Fernando Valley Freeway located in the City and County of Los Angeles, Californiz. The facility would be a 6-lane freeway, constructed for an ultimate 8 lanes, between DeSoto Avenue and Balboa Boulevard. This supplement concerns changes in the project regarding the Rinaldi Street Elementary School and the selection of optional disposal sites. In addition, it discusses the proposed metering of on-ramps between Topanga Canyon Boulevard and Woodley Avenue. (FHWA–CA–EIS–74–08–F–DS.) (EIS Order No. 90981.)

Draft

Franklin By-Pass, TN–6 to TN–106, Franklin; Williamson County, Tenn., September 21: Proposed is the construction of the Frankin By-Pass located in Williamson County, Tennessee. The project will begin at TN–6 south of Franklin City to TN–106 north of Franklin. The facility will consist of a four-lane rural-type design on a 250 minimum right-of-way. Access to the By-Pass will be limited to major roads. Six alternatives will be considered. (FHWA–TN–EIS–79–03–D.) (EIS Order No. 90999.)

Final

I–575 Construction, Canton to Nelson; Cherokee and Pickens Counties, Ga., September 17: Proposed is the construction of I–575 located in Cherokee and Pickens Counties, Georgia. The proposed project is a limited access interstate facility, approximately 10 miles in length, of four lane highway with 400 feet minimum right-of-way. The project will begin on GA–5 just northeast of Canton, within a previously approved portion of I–575 known as the Canton Bypass, and will extend north-easterly to its intersection with the Appalachian Highway located west of Nelson. Several alternatives were considered. (FHWA–GA–EIS–78–06–F.) Comments made by: DOI, EPA, FERC, USDA, HUD, HEW, COE, DOT, State and local agencies. (EIS Order No. 90983.)

I–675 Construction, I–75 to I–285; Henry, Clayton, and DeKalb Counties, Ga., September 17: Proposed is the construction of I–675 a limited access interstate facility which would extend from I–75 near Stockbridge, Henry County, Georgia, northerly through Clayton County to I–285 in DeKalb County, a distance of 9.71 miles. The highway would be a four-lane facility from I–75 to Ellenwood Drive and a six-lane facility from Ellenwood Drive to I–285. The four-lane segment would have an eighty-eight foot median, and the six-lane segment would have a sixty-four foot median. (FHWA–GA–EIS–77–02–F.) Comments made by: DOI, HUD, DOT, State and local agencies, groups. (EIS Order No. 90984.)

Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Waiver/ extension	Date review terminates
U.S. DEPARTMENT OF AGRICULTURE					
Mr. Barry Flamm, Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250, (202) 447–3965.	Swan Creek Watershed Saline and Jefferson Counties, Nebraska.	Draft 90987	Sept. 28, 1979 (see appendix I).	Extension	Nov. 26, 1979.
	Wheeling Creek Watershed Project, Pennsylvania and West Virginia.	Draft 90848	Aug. 17, 1979	Extension	Nov. 21, 1979.
U.S. DEPARTMENT OF TRANSPORTATION					
Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.	Logan International Airport, Departure Procedures, Runway 22 Right, Massachusetts.	Draft 90911	Sept. 7, 1979	Extension	Jan. 22, 1980.

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/number	Date notice published in "Federal Register"	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Correction
None.				

[FR Doc. 79-30338 Filed 9-27-79; 8:45 am]
BILLING CODE 6560-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 190
Friday, September 28, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Tuesday, September 25, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

CHANGES IN THE MEETING: The following items have been deleted:

Agenda, Item No., and Subject

Renewal—1—Office of Science and Technology Report entitled "Investigation of New Television Service for New Jersey;" petitions for rule making (RM-3392 and RM-3398) to assign additional UHF channels in New Jersey; and petitions to deny and informal objections filed by the New Jersey Coalition for Fair Broadcasting, Brendan Byrne, Governor of New Jersey, New Jersey Legislature, and Department of the Public Advocate for the State of New Jersey against the renewal applications of the commercial VHF stations licensed to New York and Philadelphia.

Renewal—2—Educational Broadcasting Corporation's application for renewal of license for Station WNET (TV), Newark, New Jersey.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202)632-7260.

Issued: September 24, 1979.

[S-1898-79 Filed 9-26-79; 3:44 pm]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, September 27, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Commission Open Meeting.

CHANGES IN THE MEETING: The following items have been deleted:

Agenda, Item No., and Subject

General—3—Amendment of the search fee provision of the Freedom of Information Rules. (At the request of Commissioner Lee.)

General—10—Extension of the Charter for the Radio Technical Commission for Marine Services (RTCM). (At the request of Commissioner Brown.)

Private Radio—2—Title: Deregulation of Part 97 of the Rules regarding emissions authorized in the Amateur Radio Service. (Docket No. 20777) SUMMARY: The Commission is asked to decide whether or not radio amateurs should be permitted the use of the American Standard Code for Information Interchange (ASCII) and other types of radioteleprinter codes; and to determine what, if any, limitations should apply to such operation. Three basic options are under consideration: 1. Continued mandatory use of the Baudot Code only (the status quo), 2. Permitting the use of the American Standard Code for Information Interchange, and 3. Permitting the use of any desired radioteleprinter code. The Commission's decision here will not result in an immediate change in the rules, but will provide the basis for the development of a Third Report and Order which will amend the rules in accordance with the Commission's decision. (At the request of Commissioner Brown.)

Cable Television—2—Termination of proceeding in Docket 20553 involving cable television carriage of specialty stations. (At the request of the Cable Television Bureau.)

Cable Television—5—United Community Antenna Systems d/b/a Master Cable TV systems (CAC-03722); Community Telecable of Inc. (CAC-03723); Tele-Vue Systems, Inc. (CPCLD-164.) In response to a previous Commission request, the captioned cable television systems have supplemented an earlier request not to be required to provide station KIRO-TV, Seattle, Washington, with nonduplication protection against programming prereleased by Canadian television stations carried by the systems. The systems offer to show that KIRO-TV will suffer an audience loss of less than 2 percent during prime time and a concomitant revenue loss of .5 percent. KIRO-TV has submitted a showing on the amount of program duplication that occurs, but also argues that the opinion of the court in *KIRO, Inc.* v. *FCC*, 545 F.2d 204 (D.C. Cir. 1976), requires the Commission to find that nonduplication protection must be provided without the necessity for this showing and regardless of the projected impact on the station if it were not provided. (At the request of the Cable Television Bureau.)

Additional information concerning these items may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 26, 1979.

[S-1899-79 Filed 9-26-79; 3:44 pm]

BILLING CODE 6712-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 55269, Sept. 25, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: September 26, 1979, 10:00 a.m.

CHANGE IN MEETING: Addition to the agenda meeting of Sept. 26, 1979.

Item No., Docket No., and Company

CP-6(B). TC79-139, Texas Eastern Transmission Corp.

CP-7. RP71-29, *et al.*, United Gas Pipe Line Co.

Kenneth F. Plumb,

Secretary.

[S-1900-79 Filed 9-26-79; 3:44 pm]

BILLING CODE 6450-01-M

4

September 26, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: October 3, 1979, 10 a.m.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Office of Public Information.

Power Agenda—341st Meeting, October 3, 1979, Regular Meeting (10 a.m.)

CAP–1. Docket No. E–9530, *Pyramid Lake Paiute Tribe of Indians* v. *Sierra Pacific Power Company.*
CAP–2. Docket No. ER79–591, Massachusetts Electric Co.
CAP–3. Docket No. E–8494, Minnesota Power & Light Co.
CAP–4. Docket No. ER79–183, Iowa Electric Light & Power Co.
CAP–5. Docket No. ER78–410, Philadelphia Electric Co.

Miscellaneous Agenda—341st Meeting, October 3, 1979, Regular Meeting

CAM–1. Docket No. RO79–11, Howell Drilling, Inc.

Gas Agenda—341st Meeting, October 3, 1979, Regular Meeting

CAG–1. Docket No. RP76–64 (PGA 79–2), Mountain Fuel Supply Co.
CAG–2. Docket No. RP72–115 (PGA 79–2), Oklahoma Natural Gas Gathering Corp.
CAG–3. Docket No. RP73–48 (PGA 79–2), Northern Natural Gas Co.
CAG–4. Docket No. RP79–11, Texas Gas Pipe Line Corp.
CAG–5. Docket No. RP78–78, Natural Gas Pipeline Co. of America.
CAG–6. Docket No. CI–78–187, Southland Royalty Co.
CAG–7. Docket No. CI–79–116, Amoco Production Co.
CAG–8. Docket No. CP79–347, Lone Star Gas Co., a Division of Enserch Corp.
CAG–9. Docket No. CP79–365, Columbia Gulf Transmission Co.
CAG–10. Docket No. CP79–346, Cities Service Gas Co.
CAG–11. Docket No. CP79–279, Panhandle Eastern Pipe Line Co.
CAG–12. Docket No. CP79–384, Eastern Shore Natural Gas Co.
CAG–13. Docket No. CP79–154, Texas Eastern Transmission Corp.
CAG–14. Docket No. CP76–107, Transwestern Pipeline Co.

Power Agenda—341st Meeting, October 3, 1979, Regular Meeting

I. Electric rate matters

ER–1. Docket No. ER79–575, Georgia Power Co.
ER–2. Docket Nos. ER78–19 (Phase I) and ER79–81, Florida Power & Light Co.
ER–3. Docket Nos. ER76–90 and ER77–558, Boston Edison Co.
ER–4. Docket No. E–9502, Minnesota Power & Light Co.
ER–5. Docket No. ER78–509, Northern Indiana Public Service Co.
ER–6. Docket No. EL79–13, Iowa Power & Light Co.

Miscellaneous Agenda—341st Meeting, October 3, 1979, Regular Meeting

M–1. Reserved.
M–2. Reserved.
M–3. Docket No. RN79– , price discrimination and anti-competitive effect—substantive rule.
M–4. Price discrimination and anti-competitive effect—procedural rule.
M–5. Docket No. RM79– , interim rule bona fide offers; right of first refusal.
M–6. Docket No. RM79– , final rule promulgating subpart I of part 271 concerning §109 of the Natural Gas Policy Act of 1978.
M–7. Docket No. RM79– , final rule governing the maximum lawful price for pipeline, distributor or affiliate production.
M–8. Docket No. RM79–4, proposal by the Federal Energy Regulatory Commission relating to the incorporation of compensation provisions in curtailment plans.
M–9. Docket No. RM79–15, final regulations for the implementation of section 401 of the Natural Gas Policy Act.
M–10. Docket No. RM79–22, amendment and clarification of the commission's interim regulations implementing the Natural Gas Policy Act of 1978 and regulations under the Natural Gas Act.
M–11. Well category determinations.
M–12. Docket No. GP79–32, State of New Mexico #108 NGPA determinations Phillips Petroleum Company Santa Fe No. 124 well API Well No. 30–025–24126.

Gas Agenda—341st Meeting, October 3, 1979, Regular Meeting

I. Pipeline rate matters

RP–1. Docket Nos. RP77–56 and RP76–89, Northern Natural Gas Co.

II. Producer matters

CI–1. Docket No. CI78–704, Mitchell Energy Corp.

Lois D. Cashell,

Acting Secretary.

[S–1901–79 Filed 9–26–79; 3:44 pm]

BILLING CODE 6450–01–M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: October 3, 1979, 10 a.m.

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. Report of the Secretary on Notation Items disposed of during August, 1979.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during August, 1979.
3. Report of the Secretary on Applications for Admission to Practice approved during August, 1979, pursuant to delegated authority.
4. Assignment of Informal Dockets by the Secretary during August, 1979.
5. Matson Navigation Company, Inc.—6.66 percent bunker surcharge increase in Tariffs FMC–F Nos. 164, 165, 166 and 167.
6. Agreement No. 6400–19: Modification of the Pacific Coast River Plate Brazil Conference Agreement to conform to General Order 7, Revised.
7. Agreement No. 2846–41; Modification of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (WINAC); Agreement No. 5660–27, Modification of the Marseilles North Atlantic U.S.A. Freight Conference; Agreement No. 8090–17, Modification of the Mediterranean North Pacific Coast Freight Conference (Med-Pac); Agreement No. 9522–38, Modification of the Italy, South France, South Spain, Portugal/U.S. Gulf and the Island of Puerto Rico Conference to conform to General Order 7, Revised.
8. Agreement No. 161–35, Modification of the Gulf/United Kingdom Conference; Agreement No. 8770–8, Modification of the U.K./U.S.A. Gulf Westbound Rate Agreement; Agreement No. 9988–9; Modification of the Continental/U.S. Gulf Freight Association; Agreement No. 10140–10, Modification of the Agreement between the Gulf/United Kingdom Conference and Seatrain International, S.A. and United States Lines, Inc.; Agreement No. 10182–4, Modification of the Eurogulf Self-Policing Agreement; and Agreement No. 10270–1, Modification of the Gulf-European Freight Association to conform to General Order 7, Revised.
9. Agreement No. 10012–4, Modification of the Australia-Pacific Coast Rate Agreement to conform to General Order 7, Revised.
10. Agreements Nos. 9648–A–13 Inter-American Freight Conference, 9968–2, Inter-American Freight Conference Puerto Rico and U.S. Virgin Islands Area, and 10122–3, Inter-American Freight Conference River Plate/Puerto Rico and U.S. Virgin Island/River Plate—Modifications to conform to General Order 7, Revised.
11. Agreement No. 10304; U.S.A. Algeria Discussion Agreement between Lykes Bros. Steamship Co. Inc., American Export Lines, Prudential Lines, Inc. and CNAN.
12. Special Docket No. 660—Application of Sea-Land Service, Inc. for the Benefit of BDP International, Inc. as Agent for Champion International Export Corp.—Discussion of the Record.
13. Docket No. 78–46—Proposed rules establishing substantive guidelines applicable to NVOCC's operating in the domestic offshore trades.

Portions Closed to the Public

1. Proposed rulemaking to increase the maximum amount of evidence of financial responsibility required to qualify for a Certificate (Performance) as prescribed in Federal Maritime Commission General Order 40.
2. Docket No. 79–73—Conference Authority to Publish Drayage Charges at Port of New York—Discussion of the Record.
3. Docket No. 79–48—Trailer Marine Transport Corp. Proposed General Increase in Rates—Discussion of the Record.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Assistant Secretary, (202) 523–5725.

[S–1895–79 Filed 9–26–79; 9:32 am]

BILLING CODE 6730–01–M

6

FEDERAL RESERVE SYSTEM: Board of Governors.

TIME AND DATE: 10 a.m., Wednesday, October 3, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Requests for a determination under Regulations D (Reserves of Member Banks) and Q (Interest on Deposits) that the issuance of securities backed by pools of conventional mortgages does not involve a deposit.
2. Proposed statement to be presented to the Task Force on Budget Process of the House Budget Committee regarding proposals for controlling federal credit programs.
3. Proposed regulation to implement portions of the Electronic Fund Transfer Act dealing with disclosure of terms and conditions of EFT services, documentation of transfers, error resolution procedures, and procedures for stopping payment of preauthorized transfers. (Proposed earlier for public comment; docket no. R–0221)
4. Proposed change in the name for the Division of Consumer Affairs.
5. 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) 452–3204.

Date: September 26, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S–1896–79 Filed 9–26–79; 12:32 pm]

BILLING CODE 6210–01–M

7

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Tuesday, September 25, 1979.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Tuesday, September 25, 1979; 5:30 p.m.

Briefing on Incident at North Anna (approximately 30 minutes, public meeting).

CONTACT PERSON FOR MORE INFORMATION: Roger Tweed, (202) 634–1410.

Roger M. Tweed,

Office of the Secretary.

[S–1897–79 Filed 9–26–79; 1:57 pm]

BILLING CODE 7590–01–M

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Federal Register

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/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.**

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

CIVIL AERONAUTICS BOARD

50591, 50596, 50597 — 8–29–79 / Amended regulations to allow split cargo charters (3 documents)

50823 — 8–30–79 / Direct marketing of charters by air carriers (5 documents)

ENVIRONMENTAL PROTECTION AGENCY

50732 — 8–29–79 / Best conventional pollutant control technology; Reasonableness of existing effluent limitation guidelines

50766 — 8–29–79 / Designated hazardous substances under Clean Water Act

List of Public Laws

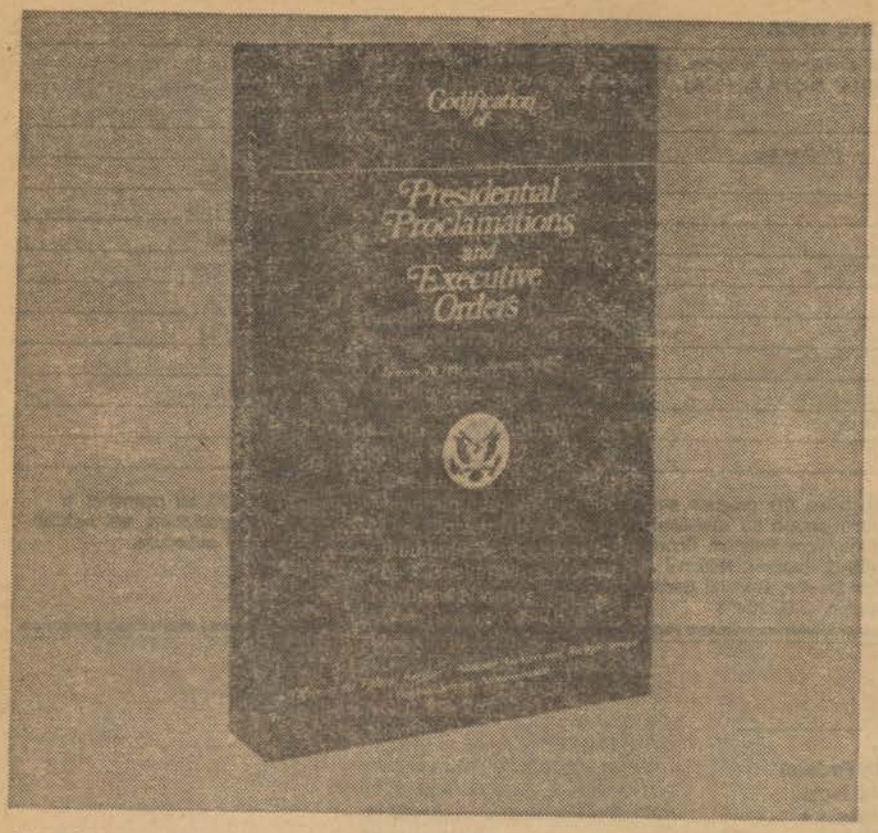
Last Listing **September 27, 1979**

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 4392 / **Pub. L. 96–68** "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1980". (Sept. 24, 1979; 93 Stat. 416) Price $.75.

H.R. 4388 / **Pub. L. 96–69** "Energy and Water Development Appropriation Act, 1980". (Sept. 25, 1979; 93 Stat. 437) Price $1.00.

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Part II

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 224–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

Oklahoma.—OK79–4087.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama	
AL79–1043	March 9, 1979.
Arizona	
AZ79–5100	February 9, 1979.
West Virginia	
WV78–3018	June 9, 1979.

Supersedeas Decisions to General Wage Determination Decisions

The number of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Guam	
GU79–5111 (GU79–5134)	March 16, 1979.
South Carolina	
SC76–1067 (SC79–1130)	May 28, 1976.
SC76–1100 (SC79–1132)	September 10, 1976.
SC76–1115 (SC79–1132)	October 8, 1976.
Texas	
TX78–4091 (TX79–4035); (TX79–4092 TX79–4043)	September 15, 1978
TX79–4008 (TX79–4041)	January 5, 1979
TX79–4053 (TX79–4078)	March 16, 1979

Signed at Washington, D.C., This 21st day of September 1979.

Dorothy P. Come,

Wage and Hour Division.

BILLING CODE 4510-27-M

NEW DECISION

STATE: Oklahoma

COUNTY: Alfalfa, Beaver, Beckham Blaine, Caddo, Cimarron, Custer, Dewey, Ellis, Garfield, Grant, Harper, Kay, Kingfisher, Logan, Major, Noble, Roger Mills, Texas, Washita, Woods and Woodward

DECISION NO. OK79-4087

DATE: Date of Publication

DESCRIPTION OF WORK: Residential construction projects consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning & heating	$8.00				
Bricklayers	8.00				
Carpenters	6.69				
Cement masons	8.00				
Drywall hangers	8.00				
Electricians	7.00				
Laborers:					
Laborers	4.00				
Mason tenders	4.50				
Mortar mixers	4.50				
Painters, brush	6.99				
Plumbers	6.50				
Roofers	7.11				
WELDERS -- receive rate prescribed for craft performing operation to which welding is incidental.					
"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(ii)."					

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # AL79-1043-Mod. 2 (44 FR-13213 -March 9, 1979) Jefferson, Shelby, St. Clair and Walker Counties, Alabama					
Change:					
Ironworkers	10.75	.60	.815		.06
Lathers	9.73		.10		.01
Painters:					
Brush (Commercial)	10.80		.70		
Spray, Structural Steel	11.30		.70		
Paper hangers	10.95		.70		
Sprinkler fitters	11.69	.75	1.05		.08
DECISION #AZ79-5100-Mod. #6 (44 FR 8482 - February 9, 1979) Statewide, Arizona					
Change:					
Electricians:					
Cochise, Graham, Greenlee, Pima, Pinal County (south part), Santa Cruz, Yuma Counties:					
Zone D:					
Electricians	$17.06	.60	11%		1/2%
Cable Splicers	17.31	.60	11%		1/2%

MODIFICATIONS P. 2

DECISION NO. WV78-3018 - MOD. #8 (43 FR 25278 - June 9, 1978)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
State of West Virginia excluding the Counties of Berkeley, Jefferson and Morgan					
Change:					
CARPENTERS & PILEDRIVERMEN:					
Area 1:					
Carpenters:					
Contracts under $100,000	11.93	.80	.31		.05
Contracts $100,000 or more	12.18	.80	.31		.05
Piledrivermen:					
Contracts under $100,000	12.43	.80	.31		.05
Contracts $100,000 or more	12.68	.80	.31		.05
Area 4:					
Carpenters	12.46	.80	.75		.01
Piledrivermen	12.73	.80	.75		.01
Area 7					
Carpenters	12.46	.80	.75		.01
Piledrivermen	12.73	.80	.75		.01
Area 8					
Carpenters	12.46	.80	.75		.01
Piledrivermen	12.73	.80	.75		.01
Area 9					
Carpenters	12.46	.80	.75		.01
Piledrivermen	12.73	.80	.75		.01
ELECTRICIANS:					
Boone, Braxton, Calhoun, Clay, Fayette (Falls and Kanawha Twps.), Gilmer, Kanawha, Putnam, Raleigh (Clear Fork and Marsh Fork Twps.), Roane & Webster Counties:					
Wiremen	13.50	.50	3%+.75		.04
Cable Splicers	14.85	.50	3%+.75		.04

MODIFICATIONS P. 3

DECISION NO. WV78-3018 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (Cont'd):					
Marion, Monongalia, Taylor, Preston, & Tucker Counties:					
Contracts under $12,000:					
Wiremen	6.15	.50	3%+.50	2.00	.02
Contracts over $12,000:					
Wiremen	11.35	.50	3%+.50	2.00	.02
Cable Splicers	11.50	.50	3%+.50	2.00	.02
Raleigh (except Clear Fork & Marsh Fork Twps.) County:					
Contracts $15,000 or less:					
Wiremen	9.17	.50	3%+.67	.77	.06
Cable Splicers	9.47	.50	3%+.67	.77	.06
Contracts over $15,000:					
Wiremen	12.07	.50	3%+.67	.77	06
Cable Splicers	12.37	.50	3%+.67	.77	.06
Fayette (except Falls and Kanawha Twps.) County:					
Contracts $15,000 or less:					
Wiremen	9.47	.50	3%+.67	.77	.06
Cable Splicers	9.77	.50	3%+.67	.77	.06
Contracts over $15,000:					
Wiremen	12.37	.50	3%+.67	.77	.06
Cable Splicers	12.67	.50	3%+.67	.77	.06
Summers & Wyoming Counties:					
Contracts $15,000 or less:					
Wiremen	9.67	.50	3%+.67	.77	.06
Cable Splicers	9.97	.50	3%+.67	.77	.06
Contracts over $15,000:					
Wiremen	12.57	.50	3%+.67	.77	.06
Cable Splicers	12.87	.50	3%+.67	.77	.06
GLAZIERS:					
Area 1	10.53		.15		

DECISION NO. WV78-3018 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Barbour, Harrison, Lewis, Randolph, Doddridge, & Upshur Counties:					
Linemen and Equipment Operators	10.95	.50	3%+.50	2.00	½%
Cable Splicers	12.045	.50	3%+.50	2.00	½%
Groundmen and Truck Drivers	8.76	.50	3%+.50	2.00	½%
Raleigh County (excluding Clear Fork and Marsh Fork Twps.):					
Linemen & Equipment Operators	11.97	.70	3%+.67	.77	½%
Cable Splicers	12.27	.70	3%+.67	.77	½%
Groundmen and Truck Drivers	9.57	.70	3%+.67	.77	½%
Fayette County (except Falls and Kanawha Twps.):					
Linemen & Equipment Operators	12.27	.70	3%+.67	.77	½%
Cable Splicers	12.57	.70	3%+.67	.77	½%
Groundmen & Truck Drivers	9.81	.70	3%+.67	.77	½%
Summers & Wyoming Counties					
Linemen & Equipment Operators	12.47	.70	3%+.67	.77	½%
Cable Splicers	12.77	.70	3%+.67	.77	½%
Groundmen & Truck Drivers	9.97	.70	3%+.67	.77	½%
Boone, Braxton, Cabell, Calhoun, Clay, Fayette (Falls and Kanawha Twps. only), Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Raleigh (Clear Fork and Marsh Fork Twps. only), Roane, Wayne & Webster Counties:					
Linemen	13.68	.60	3%+.50	.90	½%
Cable Splicers	15.05	.60	3%+.50	.90	½%
Groundmen	8.89	.60	3%+.50	.90	½%
Mechanized Equipment Operators	10.94	.60	3%+.50	.90	½%
MILLWRIGHTS:					
Area 6	11.20	.60	.55		.10
PLUMBERS & PIPEFITTERS:					
Area 9					
Contracts $75,000 or less	8.55	.55	.60		.09
Contracts over $75,000	12.33	.55	.60		.09
SPRINKLER FITTERS	13.15	.75	1.05		.08

SUPERSEDES DECISION

STATE: Guam
DECISION NUMBER: GU79-5134 DATE: Date of Publication
Supersedes Decison No. GU79-5111 dated March 16, 1979, in 44 FR 16311
DESCRIPTION OF WORK: Building, Residential, Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air hammer operator including airbreaker, air gun, and air tool operators	$ 7.00				
Asbestos and insulation workers	7.65				
Asphalt heater tenders	6.40				
Asphalt mixing machine tenders	6.40				
Asphalt rakers, blacktop rakers	6.40				
Asphalt plant dryer operator	7.00				
Asphalt plant operator	7.00				
Aspahlt paving machine operator	7.90				
Blade grader operator	7.90				
Bricklayers	7.65				
Bulldozer operator	7.90				
Carpenters including hard-wood floor layers, framing carpenters	7.65				
Cement masons	7.65				
Concrete paving machine operator	7.90				
Crane operator	7.90				
Concrete mixer operator including batch and mix plant operator, and mixing machine operator	7.00				
Derrick, dragline, hoist operator	7.90				
Dredge pipe installer	7.00				
Dredge dipper tenders including bucket operators	7.00				
Dredge Operators including dredge pumpers	7.65				
Drywall applicator including nailer, sheet-rocker	7.00				
Earth boring machine operators	7.90				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Elevating grader operator	$ 7.90				
Finegraders including slopers	6.40				
Floor sanding machine operator including floor scraper, and floor finishers	6.40				
Fence erector including ironworker, wirefence erector, wirefence builder	7.00				
Forklift operator	7.00				
Form tamper operator, tamping machine operator including road form tamping machine	7.00				
Form grader operators	7.90				
Foundation drill operators	7.90				
Glazier	7.00				
Heater planer operators	7.90				
Horizontal earth boring machine operator	7.90				
Laborers, hod carriers	5.80				
Lathers including metal and rockboard lathers	7.00				
Line maintainers including high tension line maintainers	7.65				
Mason tender	6.40				
Metal road form setter, metal road form fitter	7.00				
Millwrights, machine erectors	7.00				
Motor grader operator	7.90				
Mucking machine operator	7.90				
Oilers	6.40				
Painters including structural steel and finish painters	7.00				
Pile driver operator	7.90				
Pile driving jetters	7.00				
Pipelayers	7.65				
Pipelaying fitters, spacers	7.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers	$ 7.00				
Portable pump operator	7.00				
Plumbers, pipefitters, steamfitters and sprinkler installer	7.65				
Power shovel operators	7.90				
Reinforcing ironworker including reinforcing bar setters	7.00				
Reinforcing steel erectors, reinforcing rod tiers	7.00				
Roofers, aluminum, shingle and composition roofers	7.65				
Road mixer Operators	7.90				
Road roller operator	7.90				
Rock drill operator	7.90				
Sheet metal workers	7.65				
Scraper operator	7.90				
Sheet pile hammper operator	7.90				
Shield runner	7.90				
Subgrader operator	7.90				
Sweeper operator	7.90				
Tapers, drywall finisher, wall board and plaster board finisher, tapers and bedders, floaters	7.00				
Truck mechanic	7.00				
Truck drivers including concrete mixing trucks, dump trucks	7.00				
Terrazzo workers	7.65				
Tile setters	7.65				
Tower excavator operator	7.90				
Trenching machine operator	7.90				
Utility tractor operator	7.90				
Water well drillers	7.90				
Well drill operators, cabletool, rotary drill	7.90				

STATE: South Carolina COUNTY: See below*
DECISION NUMBER: SC79-1130 DATE: Date of Publication
Supersedes Decision No.: SC76-1067 dated May 28, 1976 in 41 FR-22024
DESCRIPTION OF WORK: Residential construction projects consisting of single family homes and apartments up to and including 4 stories.

*Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, Horry & Jasper

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanics	5.25				
Bricklayers	6.48				
Carpenters	5.00				
Carpet layers	5.50				
Cement masons	5.50				
Drywall finishers	6.00				
Drywall hangers	5.77				
Electricians	5.14				
Insulation Installers	3.60				
Laborers:					
Laborers, unskilled	3.32				
Asphalt raker	3.58				
Mason tenders	3.50				
Pipelayers	3.50				
Painters	4.50				
Paperhanger	5.00				
Plumbers	6.00				
Roofers	5.61				
Sheet metal workers	5.25				
Soft floor layers	5.50				
Tile setters	5.25				
Truck drivers	3.37				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.35				
Bulldozers	4.50				
Cranes	5.63				
Front end loader	3.75				
Mechanic	5.25				
Motor grader	4.75				
Roller	3.50				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)

SUPERSEDEAS DECISION

STATE: South Carolina COUNTY: See below*
DECISION NUMBER: SC79-1132 DATE: Date of Publication
Supersedes Decision No. SC76-1100 dated September 10, 1976 in 41 FR-38739 and Decision No. SC76-1115 dated October 8, 1976 in FR 41 44657.
DESCRIPTION OF WORK: Residential construction projects consisting of sinlge family homes and apartments up to and inlcuding 4 stories.

*Anderson, Cherokee, Greenville, Oconee, Pickens, Spartanburg and Union

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	4.68				
Bricklayers	7.00				
Carpenters	5.12				
Cement masons	5.00				
Drywall finishers	5.50				
Drywall hangers	4.75				
Electricians	5.06				
Insulation Installer	3.90				
Ironworkers, structural & ornamental	3.75				
Laborers:					
Laborers	3.25				
Asphalt raker	3.93				
Mason tenders	4.00				
Mortar mixers	3.80				
Pipelayers	4.16				
Painters, brush	5.00				
Plumbers & pipefitters	5.25				
Roofers	5.00				
Sheet metal workers	4.00				
Soft floor layers	5.25				
Tile setters	5.50				
Truck drivers	4.50				
Welders - rate for craft					
POWER EQUIPMENT OPERATORS:					
Asphalt pavers	3.88				
Asphalt sweepers	4.00				
Backhoe	4.68				
Bulldozers	4.50				
Front end loaders	4.53				
Mechanics	4.93				
Motor grader	4.70				
Pans - scrapers	4.00				
Rollers	3.75				
Screeds	3.83				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Gregg
DECISION NO.: TX79-4035 DATE: Date of Publication
Supersedes Decision No. TX78-4091, dated September 15, 1978, in 43 FR 41365.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.13	.50	.76		.03
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS	11.30		.45		.05
CARPENTERS:					
Carpenters	9.55				.015
Millwrights	11.85				.015
Piledrivermen	10.05				.015
CEMENT MASONS	6.50				
ELECTRICIANS:					
Electricians	10.60	.60	3%		1/4%
Cable splicers	10.95	.60	3%		1/4%
GLAZIERS	5.80				
IRONWORKERS	8.95	.35	.35		.04
LABORERS:					
Laborers	3.40				
Mason tenders	3.80				
Plasterers' tenders	4.40				
LATHERS	6.875	.20	.10		.01
PAINTERS, BRUSH	6.75				
PLASTERERS	7.68				
PLUMBERS & PIPEFITTERS	7.79	.43	.90		.10
ROOFERS	6.40				
SHEET METAL WORKERS	8.455	3%+.35	.50		.055
TILE SETTERS	6.90				
TILE SETTERS' FINISHERS	3.65				
TRUCK DRIVERS	3.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.50				
Blade graders	4.50				
Bulldozers	4.75				
Cherry pickers	4.50				
Drilling machine operators	3.75				
Loaders	4.50				
Motor graders	5.00				
Rollers	4.87				
Scrapers	4.28				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Taylor
DECISION NO.: TX79-4041 DATE: Date of Publication
Supersedes Decision No. TX79-4008, dated January 5, 1979, in 44 FR 1680.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$4.00				
ASBESTOS WORKERS	11.13	.50	.76		.03
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS	7.20				
CARPENTERS	6.00	.25	.30		
CEMENT MASONS	5.41				
ELECTRICIANS:					
Electricians	10.65	.60	3%		1/4%
Cable splicers	10.90	.60	3%		1/4%
GLAZIERS	4.50				
IRONWORKERS	6.65	.55	.50		.10
LABORERS:					
Laborers	3.20				
Mason tenders	3.80				
LINE CONSTRUCTION:					
Lineman	10.65	.60	3%		1/4%
Cable splicers	10.90	.60	3%		1/4%
Groundman	7.99	.60	3%		1/4%
Equipment operator	8.73	.60	3%		1/4%
Flat bed truck driver	6.60	.60	3%		1/4%
PAINTERS:					
Brush, tape & bedding, paperhanger	8.35		.35		
Spray	9.225		.35		
PLASTERERS	6.60				
PLUMBERS & PIPEFITTERS	10.03	.45	.70		.05
POWER EQUIPMENT OPERATORS:					
Backhoes	4.75				
Cranes, derricks, draglines	5.575				
Drilling	5.575				
Oilers	4.65				
ROOFERS	3.94				
SHEET METAL WORKERS	6.26				
SOFT FLOOR LAYERS	3.75				
TILE SETTERS	4.00				
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: Smith
DECISION No.: TX79-4043
DATE: Date of Publication
Supersedes Decision No. TX78-4092, dated September 15, 1978, in 43 FR 41365.
DESCRIPTION OF WORK: Building Projects (does not include single Family homes & apartments up to & including 4 stories). (Use current heavy & Highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$4.63				
BRICKLAYERS	7.75				
CARPENTERS	9.00				
CEMENT MASONS	5.92				
ELECTRICIANS:					
Electricians	10.30	.60	3%		1/4%
Cable splicers	10.70	.60	3%		1/4%
GLAZIERS	5.25				
IRONWORKERS	8.50	.30	.35		.04
LABORERS:					
Laborers	3.00				
Mason tenders	4.00				
Mortar mixers	4.10				
Plasterers' tenders	4.40				
LATHERS	7.15	.30	.10		.01
PAINTERS	4.50				
PLASTERERS	10.075			.50	.05
PLUMBERS:					
On projects $200,000 or more	7.59				.03
On projects less than $200,000	6.76				.03
ROOFERS	4.50				
SHEET METAL WORKERS	7.78	.62	.50		.03
SOUND INSTALLERS	6.00	.40	1%		
SPRINKLER FITTERS	12.54	.75	1.05		.08
TRUCK DRIVERS	2.90				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Statewide
DECISION NO.: TX79-4078
DATE: Date of Publication
Supersedes Decision No. TX79-4053, dated March 16, 1979, in 44 FR 16337
DESCRIPTION OF WORK: See "Area Covered by Various Zones"

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	3.50	3.45	-	3.25
Asphalt Heaterman	4.40	4.55	3.75	3.85	3.70
Asphalt Raker	4.65	4.25	4.00	3.85	3.75
Asphalt Shoveler	-	3.50	3.50	3.25	3.00
Batching Plant Scaleman	4.90	4.65	4.50	4.10	4.25
Batterboard Setter	-	3.50	3.65	3.25	4.00
Carpenter	5.50	5.00	4.75	5.50	4.75
Carpenter Helper	4.75	4.75	3.80	4.00	3.80
Concrete Finisher (Paving)	6.00	5.40	4.80	5.35	4.50
Concrete Finisher Helper (Paving)	5.00	3.50	3.45	3.50	4.00
Concrete Finisher (Structures)	6.00	5.05	4.85	4.50	4.45
Concrete Finisher Helper (Structures)	5.50	4.30	4.20	3.80	3.50
Concrete Rubber	-	-	-	3.35	3.65
Electrician	6.85	8.10	7.50	6.00	8.10
Electrician Helper	-	3.80	-	4.35	4.40
Fireman	-	-	-	-	-
Form Builder (Structures)	5.50	5.40	5.05	4.30	4.90
Form Builder Helper (Structures)	4.20	-	4.00	4.00	4.25
Form Liner (Paving & Curb)	6.00	-	4.00	4.75	4.10
Form Setter (Paving & Curb)	5.00	4.70	4.70	3.95	5.00
Form Setter Helper (Paving & Curb)	3.75	4.00	4.00	3.25	3.75
Form Setter (Structures)	6.00	5.50	4.75	4.60	4.70
Form Setter Helper (Structures)	5.00	3.50	3.75	3.90	3.60
Laborer, Common	3.75	3.50	3.45	3.25	3.00
Laborer, Utility Man	4.45	4.15	4.10	3.70	3.50
Manhole Builder, Brick	4.00	4.00	3.45	3.25	4.00
Mechanic	6.00	5.15	4.85	5.40	5.00
Mechanic Helper	5.00	4.70	3.75	4.50	4.50
Oiler	4.70	4.70	4.00	3.75	4.05
Serviceman	4.95	4.65	4.10	4.25	3.75
Painter (Structures)	4.60	-	6.00	5.00	4.90
Painter Helper (Structures)	-	-	3.50	4.00	3.00
Piledrivermen	-	-	-	3.40	4.35
Pipelayer	5.30	3.95	4.00	4.05	4.10
Pipelayer Helper	4.35	3.70	3.50	3.60	3.50
Pneumatic Mortarman	-	-	-	-	3.00
Powderman	5.55	5.50	4.50	4.50	4.40

	ZONE 1 Basic Hourly Rates	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	ZONE 4 Basic Hourly Rates	ZONE 5 Basic Hourly Rates
Powderman Helper	-	-	3.55	3.45	3.50
Reinforcing Steel Setter (Paving)	4.50	-	-	-	4.25
Reinforcing Steel Setter (Structures)	5.20	5.50	4.90	4.40	5.15
Reinforcing Steel Setter Helper	4.25	-	3.85	3.65	3.95
Steel Worker (Structural)	-	-	-	-	4.40
Steel Worker Helper (Structural)	-	-	-	-	3.65
Sign Erector	4.00	-	4.00	3.70	4.10
Sign Erector Helper	3.75	-	3.50	3.25	3.25
Spreader Box Man	5.40	4.35	4.20	3.90	4.25
Swamper	4.20	4.50	4.25	3.70	4.25
Power Equipment Operators:					
Asphalt Distributor	5.60	4.80	4.35	3.90	4.50
Asphalt Paving Machine	5.50	4.75	4.50	4.50	4.65
Broom or Sweeper Operator	4.50	3.50	4.00	3.30	3.50
Bulldozer, 150 HP and Less	5.00	4.40	4.50	4.00	4.50
Bulldozer, over 150 HP	5.55	5.50	4.90	5.15	5.00
Concrete Paving Curing Machine	5.75	-	-	4.70	4.00
Concrete Paving Finishing Machine	6.00	4.35	3.50	4.65	-
Concrete Paving Form Grader	5.50	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	4.60
Concrete Paving Grinder	-	-	-	-	5.50
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	5.00	-	-	-	4.10
Concrete Paving Saw	4.75	4.00	4.50	4.50	3.85
Concrete Paving Spreader	-	-	-	-	4.35
Paving Sub Grader	-	-	4.25	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	5.50	5.00	4.75	4.80	4.55
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	6.00	5.50	5.45	5.50	5.00

	ZONE 1 Basic Hourly Rates	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	ZONE 4 Basic Hourly Rates	ZONE 5 Basic Hourly Rates
Power Equipment Op. (Cont'd)					
Crusher or Screening Plant Operator	5.25	4.25	4.50	3.80	4.10
Elevating Grader	5.50	4.00	4.10	-	4.20
Form Loader	-	-	-	4.75	3.25
Foundation Drill Operator (Crawler Mounted)	5.60	5.85	8.00	4.00	7.70
Foundation Drill Operator (Truck Mounted)	5.85	7.00	7.00	4.40	7.50
Foundation Drill Operator Helper	4.00	4.50	4.85	-	3.75
Front End Loader (2½ CY and Less)	5.00	4.40	4.30	4.00	4.00
Front End Loader (Over 2½ CY)	5.60	5.00	5.10	4.85	4.50
Hoist (Double Drum and Less)	-	-	4.00	3.25	-
Mixer (Over 16 CF)	4.65	-	-	-	4.50
Mixer (16 CF and Less)	-	-	-	3.25	-
Motor Grader Operator, Fine Grade	6.00	6.00	5.85	5.75	5.75
Motor Grader Operator	5.50	5.20	4.95	4.45	4.70
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	5.00	4.15	3.95	3.75	3.40
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.35	4.05	3.50	3.50	3.60
Roller, Pneumatic (Self-Propelled)	4.40	3.95	3.50	3.60	3.25
Scrapers (17 CY and less)	4.65	4.00	4.25	4.15	4.00
Scrapers (Over 17 CY)	5.30	5.00	4.50	5.10	4.50
Self-Propelled Hammer	-	-	3.50	-	3.00
Side Boom	4.00	3.50	3.50	-	3.25
Tractor (Crawler Type) 150 HP & Less	4.10	4.05	3.70	3.85	3.75
Tractor (Crawler Type) over 150 HP	4.90	4.50	4.00	5.25	4.75
Tractor (Pneumatic) 80 HP & Less	4.25	4.00	3.75	3.60	3.75
Tractor (Pneumatic) over 80 HP	4.30	4.25	4.10	4.00	4.25
Traveling Mixer	4.75	4.25	4.00	4.15	3.50
Trenching Machine, Light	4.00	4.25	4.35	4.25	3.75
Trenching Machine, Heavy	4.25	-	5.75	4.75	5.00

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Op. (Cont'd):					
Wagon Drill, Boring Machine or Post Hole Driller Op.	4.75	4.50	4.20	4.00	4.00
Truck Drivers:					
Single Axle, Light	4.35	4.00	3.50	3.55	3.50
Single Axle, Heavy	4.45	4.00	3.65	3.65	3.70
Tandem Axle or Semitrailer	-	4.05	3.90	3.85	3.50
Lowboy-Float	5.50	4.00	4.45	4.40	4.35
Transit-Mix	-	-	4.10	-	-
Winch	-	-	4.25	-	3.75
Vibrator Man (Hand Type)	3.75	-	-	3.45	3.00
Welder	6.00	6.00	5.00	5.25	5.15
Welder Helper	-	3.50	-	3.50	4.25

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ 3.45	3.50	3.00	3.30	3.50
Asphalt Heaterman	4.25	3.85	3.85	4.00	3.50
Asphalt Raker	3.90	4.50	4.10	4.40	5.50
Asphalt Shoveler	4.10	3.40	-	4.25	4.00
Batching Plant Scaleman	4.50	5.50	4.00	5.00	5.00
Batterboard Setter	-	3.80	-	-	-
Carpenter	4.35	5.00	5.50	5.30	5.35
Carpenter Helper	3.45	4.00	4.00	3.75	4.50
Concrete Finisher (Paving)	4.15	4.50	5.20	5.25	5.50
Concrete Finisher Helper (Paving)	3.45	3.50	4.00	4.00	4.00
Concrete Finisher (Structures)	4.00	4.65	5.00	5.00	5.40
Concrete Finisher Helper (Structures)	3.50	3.75	3.75	4.25	4.50
Concrete Rubber	3.50	4.00	3.00	3.30	3.50
Electrician	7.50	6.55	7.75	7.00	7.00
Electrician Helper	-	3.15	3.00	4.00	5.50
Fireman	-	-	-	-	-
Form Builder (Structures)	4.90	5.05	4.75	4.50	5.30
Form Builder Helper (Structures)	3.75	4.15	4.50	3.30	4.25
Form Liner (Paving and Curb)	3.70	3.50	4.00	-	5.50
Form Setter (Paving and Curb)	3.85	4.50	4.25	4.65	5.55
Form Setter Helper (Paving and Curb)	3.45	4.05	4.05	3.75	4.35
Form Setter (Structures)	4.25	4.85	5.20	4.50	5.70
Form Setter Helper (Structures)	3.50	3.80	4.00	4.00	4.00
Laborer, Common	3.45	3.00	3.00	3.30	3.50
Laborer, Utility Man	3.85	4.10	3.75	3.65	4.20
Manhole Builder, Brick	3.85	3.75	-	-	-
Mechanic	4.35	6.00	5.75	5.00	5.35
Mechanic Helper	3.75	3.85	4.00	4.10	4.50
Oiler	3.80	4.25	4.25	4.00	4.80
Serviceman	4.00	4.50	4.25	3.50	4.50
Painter (Structures)	4.50	5.00	4.90	3.50	-
Painter Helper (Structures)	-	3.50	3.00	-	-
Piledrivermen	4.75	6.40	5.25	4.00	4.50
Pipelayer	4.00	4.00	4.75	4.00	4.70
Pipelayer Helper	3.45	3.50	3.50	3.30	4.15
Pneumatic Mortarman	-	-	-	-	4.00
Powderman	5.00	-	5.00	5.50	5.20

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Powderman Helper	-	-	3.00	-	-
Reinforcing Steel Setter (Paving)	3.80	-	-	-	5.00
Reinforcing Steel Setter (Structures)	4.25	4.15	4.30	4.90	5.50
Reinforcing Steel Setter Helper	3.75	3.50	3.95	3.30	3.75
Steel Worker (Structural)	-	-	4.50	-	4.75
Steel Worker Helper (Structural)	-	-	3.70	-	3.75
Sign Erector	3.65	-	4.75	4.65	4.60
Sign Erector Helper	3.45	-	4.00	3.30	3.90
Spreader Box Man	4.35	3.95	4.50	4.35	4.85
Swamper	-	-	4.25	4.25	4.60
Power Equipment Operators:					
Asphalt Distributor	4.25	4.50	4.60	4.40	5.00
Asphalt Paving Machine	4.50	5.05	4.65	4.70	5.50
Broom or Sweeper Operator	3.65	3.60	3.10	4.05	3.60
Bulldozer, 150 HP and Less	4.25	4.35	4.35	4.50	4.60
Bulldozer, over 150 HP	4.60	4.50	5.10	4.75	5.40
Concrete Paving Curing Machine	-	-	4.00	5.00	4.75
Concrete Paving Finishing Machine	4.25	-	-	-	5.50
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	-
Concrete Paving Grinder	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	4.50
Concrete Paving Mixer	-	-	-	-	6.00
Concrete Paving Saw	3.50	-	-	4.75	5.00
Concrete Paving Spreader	-	-	-	-	4.75
Paving Sub Grader	-	-	-	-	4.00
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.55	4.60	4.85	5.00	5.55

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd)					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.00	5.50	6.10	5.50	5.75
Crusher or Screening Plant Operator	3.50	3.75	4.75	4.60	5.05
Elevating Grader	-	4.00	-	-	-
Form Loader	4.00	-	3.25	-	5.00
Foundation Drill Operator (Crawler Mounted)	-	-	5.75	-	-
Foundation Drill Operator (Truck Mounted)	5.50	-	5.50	4.50	7.00
Foundation Drill Operator Helper	3.75	-	4.50	4.25	4.50
Front End Loader (2½ CY and Less)	3.85	4.75	4.00	4.50	4.80
Front End Loader (Over 2½ CY)	4.00	5.15	5.00	5.00	5.80
Hoist (Double Drum and Less)	-	-	-	-	-
Mixer (Over 16 CF)	-	4.75	-	-	-
Mixer (16 CF and Less)	3.50	-	-	-	4.40
Motor Grader Operator, Fine Grade	5.15	5.90	6.20	6.00	6.00
Motor Grader Operator	4.55	4.95	4.50	4.50	5.60
Pump Crete	-	-	-	-	-
Roller, Steel Wheel Plant-Mix Pavements)	3.65	4.15	3.80	4.25	5.25
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.60	3.50	3.85	3.95	4.20
Roller, Pneumatic (Self-Propelled)	3.75	3.90	3.50	3.50	4.50
Scrapers (17 CY and Less)	3.50	4.10	4.10	4.00	4.50
Scrapers (Over 17 CY)	4.00	4.50	4.75	4.60	5.00
Self-Propelled Hammer	3.45	-	-	-	4.25
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP & Less	3.45	4.25	3.25	3.30	4.00
Tractor (Crawler Type) over 150 HP	4.95	4.50	4.00	4.10	5.20
Tractor (Pneumatic) 80 HP & Less	3.75	3.75	3.75	2.50	3.50
Tractor (Pneumatic) over 80 HP	3.85	4.00	4.25	4.00	4.25

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. Contd:					
Traveling Mixer	3.75	4.15	-	4.10	4.75
Trenching Machine, Light	3.75	3.25	4.30	4.00	-
Trenching Machine, Heavy	-	-	4.85	4.45	5.00
Wagon Drill, Boring Machine or Post Hole Driller Op.	3.85	4.00	4.45	4.00	4.50
Truck Drivers:					
Single Axle, Light	3.50	3.50	3.50	3.55	3.50
Single Axle, Heavy	-	4.00	4.10	-	4.25
Tandem Axle or Semitrailer	-	4.00	-	4.25	4.60
Lowboy-Float	4.15	4.00	-	3.95	5.00
Transit-Mix	-	-	-	-	4.20
Winch	3.50	4.00	-	-	-
Vibrator Man (Hand type)	3.45	3.00	3.00	-	-
Welder	4.35	4.25	5.50	5.00	5.00
Welder Helper	3.75	3.75	-	3.60	-

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	3.60	-	3.80	3.45	5.00
Asphalt Heaterman	4.00	4.00	4.00	-	4.00
Asphalt Raker	5.20	4.60	4.50	4.00	5.15
Asphalt Shoveler	3.60	3.50	4.00	-	4.00
Batching Plant Scaleman	4.60	5.00	3.50	3.45	4.75
Batterboard Setter	3.60	-	-	-	5.00
Carpenter	5.60	5.50	5.40	5.45	6.15
Carpenter Helper	4.20	4.65	4.00	4.00	4.50
Concrete Finisher (Paving)	5.00	5.50	5.90	5.50	6.50
Concrete Finisher Helper (Paving)	4.50	4.00	4.00	4.00	5.00
Concrete Finisher (Structures)	5.20	5.40	5.40	6.00	5.90
Concrete Finisher Helper (Structures)	4.05	4.50	4.25	4.85	4.00
Concrete Rubber	3.60	4.60	-	-	4.75
Electrician	7.75	5.75	5.00	7.00	8.50
Electrician Helper	5.70	-	-	5.50	5.00
Fireman	4.50	3.50	3.70	3.45	-
Form Builder (Structures)	5.40	5.40	6.00	5.35	5.25
Form Builder Helper (Structures)	4.50	3.50	4.75	4.10	4.50
Form Liner (Paving & Curb)	5.15	5.50	5.75	-	5.75
Form Setter (Paving & Curb)	5.50	5.00	5.00	4.85	5.60
Form Setter Helper (Paving & Curb)	4.50	4.00	4.00	3.50	4.50
Form Setter (Structures)	5.10	5.10	5.65	6.00	5.75
Form Setter Helper (Structures)	4.10	4.10	4.50	4.25	4.00
Laborer, Common	3.60	3.50	3.50	3.45	4.00
Laborer, Utility Man	3.95	4.10	3.75	4.20	4.00
Manhole Builder, Brick	5.50	-	6.50	-	5.50
Mechanic	5.50	5.30	5.75	5.60	6.60
Mechanic Helper	4.05	4.50	4.00	4.30	5.05
Oiler	5.20	3.75	4.95	4.50	5.15
Serviceman	4.60	4.00	4.80	4.00	5.20
Painter (Structures)	5.50	5.25	-	-	8.00
Painter Helper (Structures	3.75	-	-	-	4.40
Piledrivermen	-	5.25	-	5.00	6.90
Pipelayer	4.60	4.00	4.00	3.65	5.25
Pipelayer Helper	4.00	3.50	-	3.45	4.00
Pneumatic Mortarman	-	-	-	-	-
Powderman	5.00	4.25	-	3.75	-

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Powderman Helper	-	3.50	-	-	-
Reinforcing Steel Setter (Paving)	4.00	4.75	-	4.00	5.05
Reinforcing Steel Setter (Structures)	4.95	4.50	4.65	4.00	5.50
Reinforcing Steel Setter Helper	-	3.85	4.00	-	4.00
Steel Worker (Structural)	4.25	5.00	-	-	5.80
Steel Worker Helper (Structural)	3.60	3.50	-	-	4.60
Sign Erector	4.75	-	-	-	4.00
Sign Erector Helper	4.00	-	-	-	-
Spreader Box Man	4.50	4.45	5.00	4.40	4.95
Swamper	3.60	3.50	-	-	-
Power Equipment Operators:					
Asphalt Distributor	4.85	5.10	5.00	4.00	5.30
Asphalt Paving Machine	5.50	4.90	5.00	4.30	6.00
Broom or Sweeper Operator	3.75	4.00	3.80	3.75	4.05
Bulldozer, 150 HP and Less	4.75	4.50	5.00	4.25	5.00
Bulldozer, over 150 HP	5.75	5.00	5.75	5.75	6.30
Concrete Paving Curing Machine	4.75	5.00	-	-	4.90
Concrete Paving Finishing Machine	5.50	5.50	-	-	5.80
Concrete Paving Form Grader	4.00	5.50	-	-	5.35
Concrete Paving Gang Vibrator	-	5.25	-	-	-
Concrete Paving Grinder	-	-	-	-	-
Concrete Paving Joint Machine	-	4.50	-	-	5.50
Concrete Paving Joint Sealer	4.00	4.75	-	-	5.50
Concrete Paving Longitudinal Float	4.50	-	-	-	5.50
Concrete Paving Mixer	5.75	4.50	-	-	5.10
Concrete Paving Saw	5.00	4.50	-	-	5.50
Concrete Paving Spreader	5.10	4.00	-	-	5.85
Paving Sub Grader	5.75	4.00	-	-	5.75
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	5.15	5.25	5.35	4.30	6.00

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. Cont'd.					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.75	6.00	5.50	6.00	6.65
Crusher or Screening Plant Operator	4.50	4.50	-	4.50	5.00
Elevating Grader	-	4.25	-	-	-
Form Loader	3.60	3.75	-	-	4.00
Foundation Drill Operator (Crawler Mounted)	5.50	-	-	-	8.00
Foundation Drill Operator (Truck Mounted)	6.40	7.75	5.75	5.00	6.50
Foundation Drill Operator Helper	4.40	6.45	-	4.25	4.00
Front End Loader (2½ CY and Less)	4.55	4.75	4.70	4.30	5.20
Front End Loader (Over 2½ CY)	5.55	5.50	5.70	4.85	6.00
Hoist (Double Drum and Less)	-	-	-	-	4.00
Mixer (Over 16 CF)	5.85	4.90	-	-	5.00
Mixer (16 CF and Less)	-	-	-	-	4.50
Motor Grader Operator, Fine Grade	6.00	6.00	6.00	6.00	6.95
Motor Grader Operator	5.25	5.00	5.45	4.90	6.00
Pump Crete	3.75	-	-	-	5.00
Roller, Steel Wheel (Plant-Mix Pavements)	4.75	4.50	4.25	4.00	5.25
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	5.00	4.20	4.60	4.00	4.90
Roller, Pneumatic (Self-Propelled)	4.40	4.00	4.65	3.90	4.75
Scrapers (17 CY and Less)	5.00	4.50	4.60	4.75	5.10
Scrapers (Over 17 CY)	5.25	5.00	5.00	5.50	5.50
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	5.00	5.00	-	4.25
Tractor (Crawler Type) 150 HP and Less	3.60	4.40	4.50	-	4.85
Tractor (Crawler Type) over 150 HP	5.10	5.00	5.25	4.75	5.85
Tractor (Pneumatic) 80 HP & Less	4.00	4.00	3.55	3.50	4.00
Tractor (Pneumatic) over 80 HP	4.75	4.50	3.75	4.70	4.50

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. Cont'd:					
Traveling Mixer	4.30	4.25	3.50	4.50	5.00
Trenching Machine, Light	4.60	-	-	-	5.60
Trenching Machine, Heavy	5.25	5.00	-	-	6.25
Wagon Drill, Boring Machine or Post Hole Driller Op.	4.50	4.35	-	3.75	5.25
Truck Drivers:					
Single Axle, Light	4.25	4.00	4.00	4.00	4.50
Single Axle, Heavy	-	4.00	4.05	4.00	5.00
Tandem Axle or Semitrailer	4.60	4.00	4.00	4.00	4.50
Lowboy-Float	5.00	-	5.25	-	5.95
Transit-Mix	-	4.25	-	-	5.00
Winch	4.50	-	-	-	4.50
Vibrator Man (Hand Type)	4.00	4.75	-	-	-
Welder	6.00	4.40	4.50	4.85	6.00
Welder Helper	4.40	3.50	-	-	5.00

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	-				
Asphalt Heaterman	4.10				
Asphalt Raker	5.00				
Asphalt Shoveler	-				
Batching Plant Scaleman	4.65				
Batterboard Setter	-				
Carpenter	6.05				
Carpenter Helper	5.10				
Concrete Finisher (Paving)	6.50				
Concrete Finisher Helper (Paving)	5.00				
Concrete Finisher (Structures)	6.50				
Concrete Finisher Helper (Structures)	5.40				
Concrete Rubber	-				
Electrician	8.50				
Electrician Helper	5.25				
Fireman	-				
Form Builder (Structures)	5.45				
Form Builder Helper (Structures)	4.50				
Form Liner (Paving & Curb)	4.50				
Form Setter (Paving & Curb)	6.00				
Form Setter Helper (Paving & Curb)	-				
Form Setter (Structures)	5.25				
Form Setter Helper (Structures)	4.50				
Laborer, Common	4.00				
Laborer, Utility Man	5.00				
Manhole Builder, Brick	-				
Mechanic	6.90				
Mechanic Helper	4.00				
Oiler	4.75				
Serviceman	4.55				
Painter (Structures)	8.00				
Painter Helper (Structures)	5.00				
Piledrivermen	6.25				
Pipelayer	5.50				
Pipelayer Helper	4.50				
Pneumatic Mortarman	-				
Powderman	-				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Powderman Helper	-				
Reinforcing Steel Setter (Paving)	4.75				
Reinforcing Steel Setter (Structures)	6.00				
Reinforcing Steel Setter Helper	4.10				
Steel Worker (Structural)	5.50				
Steel Worker Helper (Structural)	-				
Sign Erector	4.50				
Sign Erector Helper	-				
Spreader Box Man	6.00				
Swamper	4.50				
Power Equipment Operators:					
Asphalt Distributor	6.00				
Asphalt Paving Machine	6.25				
Broom or Sweeper Operator	4.10				
Bulldozer, 150 HP and Less	6.00				
Bulldozer, over 150 HP	7.05				
Concrete Paving Curing Machine	4.50				
Concrete Paving Finishing Machine	6.50				
Concrete Paving Form Grader	4.50				
Concrete Paving Gang Vibrator	-				
Concrete Paving Grinder	-				
Concrete Paving Joint Machine	4.50				
Concrete Paving Joint Sealer	-				
Concrete Paving Longitudinal Float	4.50				
Concrete Paving Mixer	-				
Concrete Paving Saw	4.50				
Concrete Paving Spreader	4.75				
Paving Sub Grader	-				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	6.15				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. Cont'd:					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	7.50				
Crusher or Screening Plant Operator	-				
Elevating Grader	-				
Form Loader	-				
Foundation Drill Operator (Crawler Mounted)	-				
Foundation Drill Operator (Truck Mounted)	-				
Foundation Drill Operator Helper	-				
Front End Loader (2½ CY and Less)	4.25				
Front End Loader (Over 2½ CY)	6.50				
Hoist (Double Drum and Less)	-				
Mixer (Over 16 CF)	-				
Mixer (16 CF and Less)	-				
Motor Grader Operator, Fine Grade	7.00				
Motor Grader Operator	6.10				
Pump Crete	-				
Roller, Steel Wheel (Plant-Mix Pavements)	6.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	5.25				
Roller, Pneumatic (Self-Propelled)	6.50				
Scrapers (17 CY and Less)	5.00				
Scrapers (Over 17 CY)	6.00				
Self-Propelled Hammer	-				
Side Boom	-				
Tractor (Crawler Type) 150 HP and Less	4.10				
Tractor (Crawler Type) over 150 HP	6.00				
Tractor (Pneumatic) 80 HP and Less	4.10				
Tractor (Pneumatic) over 80 HP	4.50				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. Cont'd:					
Traveling Mixer	6.00				
Trenching Machine, Light	-				
Trenching Machine, Heavy	-				
Wagon Drill, Boring Machine or Post Hole Driller Op.	4.10				
Truck Drivers:					
Single Axle, Light	4.50				
Single Axle, Heavy	-				
Tandem Axle or Semitrailer	5.00				
Lowboy-Float	7.75				
Transit-Mix	7.10				
Winch	-				
Vibrator Man (Hand Type)	-				
Welder	6.50				
Welder Helper	-				

AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in El Paso County

ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work.

ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 9 - Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Sommervell, Tarrant* & Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Projects (does not include building structures in rest area projects)

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Cos.

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Cos.

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 15 - Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Highway Projects (does not include building structures in rest area projects)

ZONE 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy Projects (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

*Not to be used for Heavy Projects & Incidental Shore Work in Jefferson & Orange Cos.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (19 CFR, 5.5 (a)(1)(ii)).

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federal register

Friday
September 28, 1979

Part III

Environmental Protection Agency

General Provisions for Product Noise Labeling and Noise Labeling Requirements for Hearing Protectors; Approval and Promulgation

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 211

[FRL 1270-2]

Approval and Promulgation of the General Provisions for Product Noise Labeling

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this notice the Environmental Protection Agency establishes the general provisions of a regulatory program for product noise labeling under the authority of Section 8 of the Noise Control Act of 1972, 42 U.S.C. 4907. These general provisions concern the aspects of the program which the Agency intends to apply in every instance of product noise labeling. The practicality of applying the general provisions will be determined for each product to be noise labeled. The Agency will address the labeling requirements for individual products or product classes, which differ with these provisions, in product-specific rulemaking actions. The major purpose of this regulatory program is to provide accurate and understandable information on the noise generating or noise reducing properties of new products, so that the public can make meaningful comparisons concerning those properties when making decisions to use or buy the products.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Timothy McBride, Standards and Regulation Division (ANR-490), U.S. Environmental Protection Agency, Washington, D.C. 20460, (703) 557-2710.

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 22, 1977, the Environmental Protection Agency (EPA) published a proposed rule (42 FR 31722) to establish a product noise labeling program under the authority of, and as required by, Section 8 of the Noise Control Act of 1972, 42 U.S.C. 4907. The June 22 proposal set forth the general provisions of the noise labeling regulatory program, and established Part 211 of Title 40 of the Code of Federal Regulations. Part 211 will be composed of the general labeling provisions as subpart A, and individual product-specific labeling requirements that would be added as further subparts by separate rulemaking actions. Because of a computerization program undertaken since the promulgation of the proposed rule, it was necessary in the final rule to either replace the second decimal point in each section heading with a zero or delete it entirely. At the time of publication, the EPA solicited written public comment on the proposed General Provisions as well as all other aspects of the proposed product noise labeling program. Public hearings were not initially scheduled. The public comment period for the proposed rule was originally set at 90 days with closing scheduled for September 20, 1977. As the result of receiving a large number of letters shortly after publication in the **Federal Register**, the EPA decided to schedule public hearings on the proposed rule and extended the comment period to October 28, 1977 (42 FR 41139). Hearings were held in Washington, D.C. on September 16, 1977; in Cedar Rapids, Iowa on September 20, 1977; and in San Francisco, California on September 22, 1977.

In all, the Agency received 735 written comments by the close of the comment period, and took oral testimony from 51 individuals, organizations and businesses at the three public hearings. Over 600 of the written comments were from private citizens. A large majority of the comments were in favor of the proposed noise labeling program. Most of the favorable comments came from private citizens, while the majority of industry commenters disagreed with various aspects of the program. The comments dealt with virtually every aspect of the program. While the Agency has modified or clarified some aspects of the proposed noise labeling General Provisions, the final rule incorporates no major changes. A discussion of the major comments follows.

II. Discussion of Major Comments

A. Statutory Authority

1. *Questions Concerned With Issuing the General Provisions Before Product-Specific Regulations.* Four commenters questioned the appropriateness of promulgating general labeling provisions before product-specific regulations. They argued that this sequence of actions was illogical; that both the general provisions and product-specific regulations must be considered in tandem; and that, therefore, issuing the general provisions before the product-specific regulations serves no useful purpose. Commenters wanted to be certain that they could comment on the General Provisions and also be able to comment on product-specific regulations, if the Agency proposed product regulations affecting their industry. One commenter indicated that comments on the General Provisions should be considered in future product-specific rulemaking. That same commenter also stated that there were enormous problems in selecting a label format and what sort of relevant information should be included on the label before actually deciding upon the product(s) to be regulated. Another commenter argued that the proposed standards would create confusion and procedural dilemmas when they were applied to a particular product, since they apply neither to a specific product nor to all products in general.

The EPA proposed the noise labeling General Provisions at the same time it proposed a product-specific noise labeling regulation for Hearing Protectors (42 FR 31730). Thus, the General Provisions do not exist alone. The Agency believes that the one-time issuance of the Product Noise Labeling General Provisions is logical and advantageous to the general public, to industry, and to the Federal government, because it eliminates the need to re-propose many of the same regulatory requirements in each product-specific labeling action. The general labeling requirements apply to all noise-producing and noise-reducing products. Where appropriate, product-specific regulations will clearly delineate any exceptions to the General Provisions. Thus, there should be no confusion in using the General Provisions and future product-specific regulations in tandem.

The size of the public docket attests to EPA's success in eliciting comments from concerned parties. These comments have helped the Agency to shape an overall regulatory program that is both effective and reasonable and also to anticipate many of the technical problems that may occur because of product-specific labeling actions.

By issuing the General Provisions, the Agency intends to provide guidance to the general public and to all potentially

affected parties, on the general nature and intent of the product noise labeling program. Also, product manufacturers and suppliers potentially affected would have substantial lead-time to formulate voluntary labeling programs that would satisfy EPA's labeling requirements or to prepare for possible Federal noise labeling regulatory action.

Another reason for issuing General Provisions concerns the need for label uniformity. If product noise labels are relatively similar in format and require approximately the same cognitive skills across different product classes, the consumers will be more likely to notice, recognize, and learn how to use the information effectively. Regulatory requirements that cannot be generalized for all products, such as testing methodologies, have not been specified in the General Provisions and will be addressed in future product-specific subparts.

Other commenters argued that EPA had no authority to issue the General Provisions. They maintained that Section 8 gave the Administrator authority to promulgate labeling regulations only with respect to products which emit "* * * noise capable of adversely affecting the public health or welfare," or which are "* * * sold wholly or in part on the basis of [their] effectiveness in reducing noise," and that until such product-specific regulations were promulgated, no authority exists to require labeling.

The General Provisions, as stated above, were proposed concurrently with product-specific labeling provisions for Hearing Protectors. Both of the proposed regulations appeared in the same issue of the **Federal Register**. The General Provisions were proposed as Subpart A to 40 CFR 211, and the product-specific Hearing Protector requirements as Subpart B. The General Provisions were proposed and will exist, therefore, as part of the regulatory requirements for the labeling of hearing protectors. The Agency's authority for proposing and promulgating them clearly exists within the authority granted the EPA in Section 8 (a) and (b) for the labeling of products "* * * sold wholly or in part on the basis of [their] effectiveness in reducing noise."

At the time that other product-specific proposals are published, the Agency will establish a public comment period and will solicit comment on all aspects of the proposed rulemaking, including the appropriateness and reasonableness of the General Provisions as they apply to the particular product.

2. *Questions Concerned with Determining if a Product is Capable of Adversely Affecting Public Health or Welfare.* Several commenters expressed concern about the Agency's authority to label noise producing products, as that authority is defined by the language of Section 8 of the Act. That language states that the Administrator of the EPA shall designate and label any product "* * * which emits noise capable of adversely affecting the public health or welfare." The questions that were raised concerned the process and criteria by which the EPA will make such determinations in general, or with respect to particular products. Commenters offered various interpretations of the statutory language in question. In particular, they questioned the provisions that relate to the adverse health or welfare impact within the focus of Section 8. Some commenters suggested that only actual hearing damage may be considered, and that aspects such as cumulative exposure, or factors such as annoyance, should not be considered.

There are many products which merit potential consideration under Section 8, relative to their possible adverse health effects. Therefore, the EPA has decided that it will not attempt to specify a detailed methodology or formula by which it will determine whether the noise emissions from a particular product are capable of adversely affecting the public health or welfare. Instead, the Agency will approach the question on a product-by-product basis, presenting in detail the rationale underlying its determination for each product. In making these determinations the EPA will use the World Health Organization's definition of health and welfare—"* * * complete physical, mental and social well being and not merely the absence of disease and infirmity." EPA will also use the health and welfare criteria and findings specified in the EPA's "Criteria"[1] and "Levels"[2] documents, and any other criteria that may be developed as a result of further research and analysis into the adverse physiological or psychological effects of noise. Those criteria may encompass both the auditory and non-auditory effects of noise, including stress effects and annoyance, and will take into account the effects of cumulative exposure on individuals. Auditory, non-auditory and stress effects, as well as annoyance are highlighted because they are well established aspects of most studies concerning the possible adverse effects of noise on humans.

B. Product Selection Criteria

The EPA received many comments about the criteria or factors that it should consider in deciding which particular products should be labeled first. Fifteen factors were listed in the Supplementary Information section of the Preamble to the Notice of Proposed Rulemaking 42 FR 31723. Of the nearly sixty comments received that concerned product selection criteria, well over half could be included within those fifteen examples. Some commenters suggested specific products or product classes for labeling action rather than objective criteria. These comments are aggregated and presented in Part III of the Regulatory Analysis [3] accompanying this rulemaking.

In implementing the noise labeling program, the EPA must consider many different products for possible regulatory action, and have a means of selecting products for initial study. For this reason the fifteen factors referenced above were developed and presented in the preamble to the June 22, 1977 proposal. It is important to distinguish EPA's use of these factors in selecting various products as initial candidates for labeling action, from the question of EPA's authority to promulgate noise labeling standards for a particular product. The issue of the Agency's authority with respect to products which produce noise (i.e., whether such a product emits noise capable of adversely affecting the public health or welfare) will be addressed in detail for each product that is selected for noise labeling regulatory action.

The EPA has reviewed the comments received concerning the initial product selection criteria, and has revised and expanded its selection factors.

The criteria for selecting a product as an initial candidate for labeling are based on the intent of Congress in

[1] Public Health and Welfare Criteria for Noise, July, 1973; EPA 550/9-73-002.

[2] Information on Levels of Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, March, 1974; EPA 550-9-74-004.

[3] Regulatory Analysis Supporting The General Provisions For Product Noise Labeling, August 1979; EPA 550/9-79-255.

writing Section 8 of the Act. That intent was to provide product noise information to a prospective user and/or purchaser so that a more informed decision could be made when using or purchasing products that either emit "* * * noise capable of adversely affecting * * * health or welfare; or * * * [are] sold wholly or in part on the basis of [their] effectiveness in reducing noise." With respect to the noise-producing products, key factors that relate to their capacity to adversely affect public health or welfare include the noise levels that may be experienced by users and their family members, the manner, frequency and duration of use of the product, and the number of people throughout the country exposed to the noise of the product (which in turn is related to the numbers of the product in use). Other important factors relate to the possible usefulness of labeling (for example, the label may show that quieter units as well as noisier units are available), and the number of opportunities a user has to make a purchasing decision (for example, a noise label on a product that a consumer buys every year is more likely to influence a purchase decision than one on a product that the consumer buys once in 10 or 15 years). Certain technical factors, such as suitable noise-measurement techniques, also are pertinent. Similar considerations apply to products that are sold for the purpose of reducing noise.

It is important to note that product noise labeling (Section 8) plays a complementary role to new product noise emission standards (Section 6). Section 6 regulations generally apply to products whose noise affects many more non-users (third parties) than purchasers or users (e.g., trucks and construction equipment). In such cases, the purchaser has little incentive to spend more to buy a quieter product, as he may perceive little or no direct benefit from the noise reduction. Section 8 labeling, on the other hand, generally applies to products whose noise affects mainly the purchaser and/or user and members of an immediate household. In this case, the purchaser and/or user benefits from reduced noise.

The following list represents those factors which the EPA will use in deciding on the products it will consider for possible noise labeling regulatory action.

Criteria for Selecting Products as Initial Candidates for Noise Labeling

(The order in which these factors are listed does not necessarily represent their relative importance in the selection process.)

1. (For noise producing products) Is the product noise level sufficiently high to be potentially capable of producing an adverse health or welfare impact?
(For noise reducing products) Does the product have a noise reducing capability and is the product sold wholly or in part on the basis of this capability?
2. Is the product used in a location or in a manner that makes an adverse health or welfare impact possible?
3. Is there a potential for the product to be misused? (e.g., aerosol operated horns in a crowd, decorative ceiling tile used as sound absorbing ceiling tile)
4. Does the product noise affect a large number of people?
5. Is the noise from the product likely to impact more non-users (i.e., third parties) than purchasers and/or users?
6. Is the product used by the purchaser or household members, and does the adverse noise impact of the products fall primarily on the purchaser or household members?
7. Are there large numbers of product types in use?
8. Are there large numbers of the product types being manufactured/sold?
9. Is there a significant range in the acoustic performance from model to model?
10. Is there a high frequency of purchase so that purchasers have the opportunity to use the labeled noise information often in making a purchase decision?
11. Do the future trends in the product's population, design, or use suggest noise labeling benefits?
12. Do purchasers desire a quieter noise producing or more effective noise reducing product?
13. Can the acoustic performance of some or all models of the product be improved?
14. Is there currently a lack of acoustic information?
15. Would Federal labeling be a significant improvement on any existing product noise labeling?
16. Would labeled noise information be useful to purchasers and/or users, and Federal, State and local noise ordinance enforcement organizations?
17. Is it desirable for EPA to augment existing or planned noise emission/noise attenuation standards by labeling a product with noise information?
18. Are the acoustic data necessary to the development of product noise emission/attenuation standards currently available?
19. Would the prospect of Federal labeling promote voluntary labeling by manufacturers?
20. Is there a readily available measurement methodology for the product types?

The EPA will conduct pre-regulatory studies to develop data and information concerning these factors for the products or product classes that EPA selects as potential candidates for labeling.

C. Label Content Requirements

A number of commenters expressed concern about the content requirements for the proposed noise label. Requirements concerning the comparative acoustic information and the noise descriptor elicited the majority of the comments. Other comments concerned identification of both the manufacturer and the product on the label, the warning about removing the label before purchase, and the use of the EPA logo. Commenters also provided suggestions for additional information.

The comments concerning the inclusion of comparative acoustic information are discussed below. Comments dealing with the choice of a noise descriptor, the EPA logo, and identification of the manufacturer on the label are addressed in this preamble in Sections II D, E, and F respectively. Except for a brief statement on the prohibition statement in the label, all remaining comments dealing with label content are discussed in detail in the Regulatory Analysis.[4]

The placement of comparative acoustic information on the label elicited both negative and positive reactions. Many private individuals and government officials expressed support for including data that shows the range of noise produced or reduced by like products; or if not that, then some other kind of information which would permit consumers to know more about the product(s) being considered for purchase and/or use. A number of persons felt that comparative information with some sort of a scale was essential to give meaning to the rating. Specific suggestions as to the exact nature of this component of the label varied widely.

In contrast, most of the industries that submitted comments expressed serious reservations about the use of a range of any other type of comparative information. These concerns centered primarily on questions of EPA's authority to require such information, and various technical problems associated with implementing such a requirement, one of which was: would determining the comparative information that is to be included on a label require research on the part of the manufacturers?

After reviewing all of the comments concerning this issue, the EPA decided to retain the requirement in the General Provisions that some form of comparative acoustic information appear in a designated section of the Federal noise label. This decision is based on the Agency's view that its authority to require that notice be given of a product's noise level, or its effectiveness in reducing noise, is not limited to some technical parameter that expresses a product's acoustic

[4] *Ibid.*, p. 119 et seq.

performance and nothing more. EPA will address the issue of what comparative information, if any, is appropriate for a particular product at the time that EPA proposes and promulgates a labeling regulation for that product. Should the inclusion of comparative information be required on a label for a specific product, EPA will provide the comparative information to the manufacturers.

The proposed prohibition concerning the removal of the noise label prior to sale applied to products purchased and used by the consumer. The Agency now anticipates that situations may arise where a product may pose an adverse impact upon a user who does not make purchasing or use decisions, as in the case of an employee. Such products may be labeled to provide health and welfare (e.g., hearing loss) information. In such cases the Agency may require that the label be permanent. However, the requirement will be determined on a product-specific basis.

D. The Choice of Acoustic Descriptors

There was very little criticism of the use of a noise emission or reduction descriptor on the label or of its proposed location. Commenters felt that descriptors should be simple, understandable and uniform across product classes. Despite this agreement on characteristics, there were different opinions as to what kind of descriptor would best fulfill these requirements.

Commenters recommended a range of acoustic descriptors, the details of which are presented in the Regulatory Analysis.[5] the vast majority of commenters supported some type of numerical scale. There was little support for using symbols or word descriptions, nor was there much support for a linear 1–10 rating scale.

The most popular descriptor (to both manufacturers and private citizens) for noise emitting products was the decibel (dB), the basic unit of noise measurement with many persons suggesting the "A"-weighted scale (dB(A)). The commenters' major concern about using decibels as a descriptor was that the public would not understand the logarithmic nature of the unit. In contrast to the few criticisms of decibels, many commenters pointed out the unit's positive characteristics. First, they noted that much of the public already knows about decibels, and therefore any public education compaign would be building on a foundation of knowledge, although a somewhat limited one.

Second, a single value noise emission descriptor, given in decibels, would provide the uniformity needed to permit consumers to learn from individual purchasing experiences across different product classes. A third advantage was noted by individuals responsible for enforcement at the local or state level. They asserted that the noise emission of a product, printed in decibels on the label, would help enforcement officials who need to know the actual noise level and not the range within which the product's noise is located (as would be provided by a 1–10 scale or by symbols). A similar advantage is that consumers would know the actual noise level of a particular product, albeit under certain fixed conditions. The use of decibels by consumers in their purchasing decisions would also help them in becoming more knowledgeable about noise, and more noise-conscious in general.

The Agency decided that as a matter of policy in implementing the noise labeling program, it will use the "A"-weighted decibel (dB(A)) as the acoustic descriptor for noise emitting products. We believe that its current widely accepted use as a descriptor for sound, coupled with other positive aspects such as uniformity and the ease and accuracy of comparison, outweigh whatever unfamiliarity the public may currently have with this term.

An issue closely related to the acoustic descriptor is the acoustical parameter that the decibel represents; that is, sound pressure or sound power level. Current Federal noise emission standards are in terms of an energy averaged sound pressure level at a designated distance from the noise source. While the A-weighted sound pressure level is an accurate representation of the intensity of noise as it is experienced by the human ear, it is generally unique to the location at which it is measured. The sound power level of a product is the rate at which it releases acoustic energy to the environment and is therefore independent of location. Sound power is calculated from sound pressure measurements at multiple locations around the product.

In keeping with the Agency's intent to provide uniform acoustic descriptors across all product lines, we have adopted sound pressure level at one meter (approximately 3 feet) from the source as the acoustic parameter for noise emitting products. However, we recognize that there will be product-specific situations where a single value noise rating is best obtained under test conditions which favor the determination of sound power and the subsequent calculation of sound pressure. The Agency will determine, on a product-specific basis, the most appropriate technique for obtaining a single value product Noise Rating in terms of "A"-weighted sound pressure.

The acoustic parameter and descriptor that best characterizes the noise reducing qualities of a product is very much design and application dependent.

Noise reducing products will, in general, be characterized by different acoustic parameters and descriptors than those applicable to noise emitting products. Sound transmission loss and sound absorption are two of the more widely used acoustic parameters. Their respective acoustic descriptors are the decibel and the sabin. However, there are other possible acoustic parameters and descriptors that may be more suitable on a product-specific basis.

The choice of a noise emission or noise reduction descriptor is not specified as a regulatory requirement in the General Provisions for noise labeling. However, there will be a Noise Rating (NR) or Noise Reduction Rating (NRR) for every product designated for noise labeling. The choice of the acoustic parameter and descriptor will be included as a regulatory requirement on a product-specific basis in future subparts to this rule.

One important aspect of the EPA noise label is that the Noise Rating or Noise Reduction Rating is to be determined by a Federally specified and uniform test method. In many cases, the test methods will not be able to simulate the wide variety of actual environments in which the products will be operated, and therefore, the noise levels shown will not necessarily be those which users will actually experience.

The levels will, however, provide an accurate indication of the relative noisiness of similar products when they are tested in a uniform environment that best reflects those important aspects of their acoustic performance.

As noted in the preamble to the proposed rule, EPA will require test methodologies on a product-by-product basis. The emphasis in methodology selection will be to simplify the testing requirements and minimize the need for resources (facilities, people, and equipment), while maintaining a sufficient degree of reliability, repeatability of test results, and accuracy. The EPA wants to work closely with product manufacturers, industry associations, and voluntary consensus standard setting organizations in developing test methods for any of the wide variety of

[5] Ibid., p.119 et seq.

products that may be candidates for possible Federal noise labeling action.

The program that the Agency intends to use in educating the public to the label, how it is used and what it means, will be, in general, a product-specific public awareness campaign.

E. Logo

Several commenters expressed opposition to the EPA logo appearing on the label because they felt it would prejudice sales of products, was wasteful of label space, or was unauthorized. Other commenters supported its inclusion in the label, but felt some persons might construe this as EPA endorsement or guarantee of the acoustic performance of the product, even though EPA did not itself develop the data to support the label values.

Since the product noise labeling program implements a nondiscretionary statutory requirement that is imposed upon the Administrator of the EPA by the Noise Control Act, the presence of the EPA logo on the label indicates that the program is Federally mandated and administered. Although the Agency does not itself test products and develop the data for labeling products, the Agency does have clear responsibility for enforcing the overall labeling program; consequently the logo *must* appear on the label so that the potential purchaser/user will know that EPA is ultimately responsible for the label. The logo lends authenticity to the data on the label since consumers generally recognize that EPA has the authority and procedures to compel manufacturers to ensure that their labels are accurate.

In addition, the logo on product noise labels is intended to inform consumers that the information provided on a label for a specific product class is in fact uniformly applied to all products of the same class.

The logo does not imply that EPA prefers certain products, for all labels will state that it is the Agency that requires that a certain product or class of products be labeled.

In response to the concerns about EPA endorsement of the actual levels indicated on the label, the label has been changed to read "Label required by U.S. EPA regulation 40 CFR Part 211, Subpart ———." The Subpart will be specified in the product-specific regulation.

F. Identification of Manufacturer

The Noise Control Act of 1972 defines "Manufacturer" as meaning "any person engaged in the manufacturing or assembling of new products, or the importing of new products for resale, or who acts for and is controlled by, any such person in connection with the distribution of such products."

For many products, there are diversities that occur in the packaging, or perhaps even final assembly of the product from its point of origin to the point of sale to the ultimate purchaser. For all products that are required to be labeled under the authority of Section 8 of the Act, the party labeling the product or its packaging will be accountable for the accuracy and completeness of information that is required on the label. To the extent that normal commercial practices apply, such as, another party tests the product and provides the test information to packagers of the product, the packagers may protect themselves through legally binding contracts or warranties.

G. Economic Effects

A number of oral and written comments focused on the economic impact of the noise labeling program. Many commenters were concerned about costs to the government in implementing the program. Several commenters questioned the Agency's decision to *not* consider economic effects which might result from market shifts arising from consumers purchasing products whose labels actually show that they are quieter than others, or that they are more effective at reducing noise. Other commenters were concerned about resulting higher prices for labeled products or the economic impact on product manufacturers.

EPA developed and will implement the noise labeling program in ways that will minimize the economic impact of the Federal requirements. Measurement methodologies will be as simple as possible and will require minimum resources; labeling requirements will be structured to allow as much flexibility as is possible to product manufacturers in their package design and product marketing.

The Agency maintains that costs to the government will be insignificant in light of the extremely small personnel and fiscal requirements necessary to produce the regulation, and the very limited resources that we anticipate will be necessary for enforcement.

There appears to have been confusion about the statement made in the preamble to the proposed rule that the Agency would not include in its economic impact analysis the consideration of potential market shifts due to consumer use of the labeled information.

The EPA maintains the position that the type of market shift which could develop as a result of consumers' preferences for quieter products should not be included in the economic impact analysis. The reason is that the Federal noise labeling program does not require that there be any product or market changes, but simply requires that manufacturers state their products' noise-producing or noise-reducing characteristics to facilitate more informed choices by product purchasers and users.

The EPA intends to address the economic impact on product manufacturers of any product-specific Section 8 noise labeling requirement with regard to costs resulting from required testing, labeling, and recordkeeping, as well as the economic impact on the public in the form of higher prices that result from these costs.

With regard to market shifts, EPA will study potential shifts resulting from the costs of the programs to product manufacturers and the consuming public. We will include this within the economic analyses performed during the development of labeling requirements for particular products.

H. Voluntary Noise Labeling

In the preamble to the proposed rule, the EPA stated that one of the objectives of the Federal noise labeling program was to promote adequate voluntary noise labeling efforts by product manufacturers. EPA received numerous comments from manufacturers and trade associations about the beneficial aspects of voluntary labeling as opposed to mandatory labeling. Product manufacturers also encouraged the EPA to promote and assist in the developing of such programs.

In response to these comments, the Agency has more fully developed its program for encouraging voluntary noise labeling. However, in view of the Congressional mandate to the EPA in Section 8 of the Act, the Agency must be concerned about the ability of voluntary programs to provide accurate and clearly understandable information to consumers at the time of purchase or use. It is important that voluntary programs be comparable to what the Agency would develop if they are to be used in place of mandatory labeling.

Listed below are the minimal elements that the Agency considers essential to any voluntary noise labeling program. The list is not intended to be a comprehensive outline for the structure of a voluntary program that EPA would definitely accept as a substitute for Federal labeling. Rather, it presents the basic requirements that the Agency believes should be in an effective voluntary noise labeling program if it is

to be considered as an alternative to Federal labeling.

The Agency will consider a voluntary labeling program in lieu of mandatory noise labeling requirements for a particular product on a case by case basis.

Major Elements of Adequate Voluntary Noise Labeling Programs

1. Participation—Uniform participation by all manufacturers or by a high percentage of the total market of a particular product.
2. Measurement Methodology—A uniform methodology which gives accurate and meaningful data.
3. Acoustic Descriptor:
A. Noise Emitting Products—Sound pressure in dBA at 1 meter in 1 dB increments (may be obtained by converting sound power levels or sound level data taken at other distances using a recognized standard method).
B. Noise Reducing Products—Meaningful numerical rating of product's noise attenuating or absorbing capability.
4. Minimum Label Content:
A. The term "Noise Rating" or "Noise Reduction Rating."
B. Acoustic Descriptor.
C. Comparative Information—supplied by the industry, compiled from manufacturers' periodic data reports (depending on the product).
5. Label Format and Graphics:
A. Prominence of acoustic descriptor and the term "Noise Rating" or "Noise Reduction Rating."
B. A label shape dissimilar to the EPA noise label.
C. An industry-wide uniform label shape for a particular product or class of products.
6. Label Placement and Size—Readily visible to consumers at time of sale, taking into consideration various ways in which the product may be marketed.
7. Compliance Program—Incorporating product testing and the review of test reports, labels and associated marketing literature, and provisions for rectifying improper labeling.
8. Reports—Periodic reports (depending on the product) to the EPA which include the status and effectiveness of the program and a compilation of the labeled values for all labeled models.
9. Availability of Data—Availability to the EPA of all data, test reports, and other documentation related to the program.

The EPA encourages product manufacturers or trade associations to communicate with us to discuss any aspects of voluntary noise labeling, and will assist industry in developing such programs.

Inquiries should be addressed to: U.S. Environmental Protection Agency, Office of Noise Abatement and Control (ANR-490), Washington, D.C. 20460, (703) 557-2710.

I. Major Enforcement Comments to the General Labeling Provisions

Several of the commenters stated that EPA lacked the statutory authority for the proposed inspection and monitoring scheme.

The proposed regulations included inspection and monitoring provisions in the General Provisions of the Noise Labeling Standards on June 22, 1977 (40 CFR Part 211). Both the inspection and monitoring provisions were based in part on EPA's legal interpretation that the agency was not required to obtain judicial warrants in instances where regulated manufacturers did not willingly consent to EPA enforcement officers entering the facilities.

On May 23, 1978, the Supreme Court delivered a decision in *Marshall* v. *Barlow, Inc.*, 436 U.S. 307, (1978). In that decision, the Court held that administrative agencies must ordinarily obtain search warrants to enter private property for regulatory purposes, if the property owner has not consented.

Accordingly, EPA revised the proposed inspection and monitoring procedures. An EPA enforcement officer may enter a facility only with the consent of the manufacturer unless the enforcement officer first obtains a warrant authorizing such entry. Additionally, it is not a violation of the Act or of the regulation if a manufacturer refuses entry to an enforcement officer who does not have a proper warrant. Section 211.1.9 (§ 211.109) of the regulation has been revised.

The regulations retain the provisions which define the scope of the inspector's proper investigation. This will assure the manufacturers that both consensual and judicially warranted searches are reasonably limited.

Another amendment to paragraph (e) of § 211.1.9 (§ 211.109) clarifies the Administrator's right, as contemplated by *Barlow's* to proceed *ex parte* (without the other party's knowledge) to obtain a warrant, whether or not a manufacturer has refused to permit entry.

The provisions in paragraph (c)(3) of § 211.1.9 that applied to foreign manufacturing facilities have been eliminated, since EPA no longer requires domestic manufacturers to consent to entry. It is still necessary for foreign manufacturers to work with EPA to assure that their testing is performed according to the regulatory requirements.

The EPA cannot determine the validity of manufacturers' tests if it cannot monitor them in some manner.

The Agency has deleted paragraph (f) of §211.1.9, which specified that the Administrator may issue "cease to distribute" orders when EPA Enforcement Officers are refused entry or denied reasonable assistance because it is unnecessary. If a manufacturer denies entry where the EPA enforcement officer has obtained a warrant, the Act and this regulation will be violated, and the Administrator will consider using the option of the enforcement authorities granted him in Section 11 of the Act.

One commenter suggested that EPA limit its access to only those areas of a manufacturer's facilities that are relevant to the investigation, and specifying those areas in writing before the inspection period.

The Director of the Noise Enforcement Division may request that a manufacturer who is subject to this Part admit an EPA Enforcement Officer: to examine records of tests conducted by the manufacturer on label verification products and on products tested under compliance audit testing (CAT); to inspect the locations where testing is conducted, and where regulated products are stored before testing; and to inspect those portions of the assembly line where the regulated products are being assembled. EPA has no interest in entering the manufacturer's development laboratory or areas that are not concerned with a manufacturer's activities under the Noise Control Act of 1972.

One commenter objected to EPA photographing unfinished products, while another commenter objected to the photographing of any product because of the possibility that a competitor might obtain the information through a freedom of information request:

The manufacturer who may be affected by EPA photographing either finished or unfinished products would be able to file a request under § 2.203 of the EPA procedures for Confidentiality of Business Information (40 CFR Part 2 Subparts A and B). The Agency may determine at the time of the request whether the information requires confidential treatment. At that time EPA will give the manufacturer the opportunity to comment on why the material should be treated as business confidential (i.e., proprietary), and the manufacturer has the opportunity to pursue the matter in the courts before any of that material is released.

One commenter suggested that the provision of proposed § 211.1.9(f)(1) which states that the Administrator has the authority to issue "cease to distribute" orders, conflicts with Section

11(d)(1) of the Noise Control Act, since it does not limit the Administrator's authority to issue orders that are necessary to protect public health and welfare.

As previously explained, paragraph (f) of § 211.1.9 has been dropped as unnecessary.

J. Granting Exemptions

Some commenters objected to the exemption that the Agency could grant for promotional, demonstrator or prototype products that are not intended for commerce, because those products could be used improperly in advertising or display settings.

The only products that would require exemptions under this Section are those that are introduced in commerce. These regulations do not require the manufacturer to apply for exemptions for products that are not introduced in commerce (i.e., do not leave the manufacturer's premises), and does not have to fullfill any of the requirements of Subparts A or other Subparts that are promulgated under 40 CFR Part 211.

To qualify for an exemption from this regulation the manufacturer must demonstrate that the requested exemption is consistent with the reasons specified in Section 10(b)(1) of the Act.

Manufacturers who request an exemption under these regulations for promotional, demonstrator, or prototype products which will be introduced in commerce will be required to demonstrate: sufficient necessity for, appropriateness of, and reasonableness of the request; and the existence of adequate control over the product to satisfy EPA's monitoring requirements. EPA may withdraw an exemption at any time if the products included in the exemption request are used improperly.

One commenter objected to the requirement that the industry apply for an exemption for prototype products, due to possible delays in the exemption process.

Industry only has to apply for exemptions for prototype products that will be introduced into commerce. If, in the ordinary course of business, a manufacturer introduces prototype products into commerce for a valid exemption such as product development, assessing a production method, or as a market promotion, the manufacturer should expect no delays in receiving the exemptions. Where the program does not involve leases or sales of the product, the manufacturer only has to state the nature of the product's use, the number of products involved, and demonstrate the use of adequate recordkeeping procedures for product control purposes.

One commenter suggested an automatic exemption for all qualified products that are not intended for general commercial use.

At this time, EPA will not grant automatic exemptions for products introduced in commerce. Products and their containers that are intended solely for export must be labeled to show they are for export and are excluded from the restrictions of Section 10 of the Act unless they are distributed in commerce within the United States. The Noise Control Act requires the Administrator to take into account the public health and welfare in setting the terms and conditions of the exemption. Therefore, it will be necessary for the Administrator to take into account the public health and welfare, based on information that the manufacturer supplies to him for the particular product under consideration. However, if during the enforcement of this program the Agency finds that it is advisable to grant an industry-wide exemption for one or more purposes, EPA will set out this exemption and its terms and conditions and supply them to all manufacturers. Only after gaining some experience in administering this program will the Agency consider whether to grant "automatic" exemptions.

K. Testing by the Administrator

Several of the commenters were concerned about the costs of the required testing, and about the Administrator's authority to require products to be shipped to a test facility specified by EPA.

The cost of the required testing under Subpart B (such as label verification or compliance audit testing), or any of the following Subparts, will be borne by the manufacturer. EPA will bear the cost of testing that it conducts under § 211.1.11 (§ 211.111), Testing by the Administrator. However, EPA will not bear costs in the following circumstances: (1) when the EPA requires the manufacturer to ship products to a particular test site for label verification testing, because the manufacturer has not label verified within a reasonable amount of time (the product-specific regulation will define the amount of time considered reasonable); (2) when EPA has reason to believe that products would not pass the Federal test at an EPA designated site even though they pass at a manufacturer's site; (3) when an EPA issued "notice of nonconformance" of the manufacturer's test site is effective up to the time the site has been re-qualified; and (4) whenever EPA requires that products be shipped to a designated test site because the manufacturer refused to allow EPA Enforcement Officers with a warrant to monitor a test.

EPA will generally not specify a test facility for any required compliance audit testing unless it has reason to believe that products which pass the test at the facility used by the manufacturer would not pass at an EPA designated facility. Under these circumstances, the Administrator will provide the manufacturer a statement of the reasons.

One commenter suggested that the regulations spell out what direct and indirect testing costs EPA would reimburse.

As previously explained, only under § 211.111, Testing by the Administrator, EPA will bear the cost of testing. The cost of testing when it is conducted by EPA under § 211.111, Testing by the Administrator, will be borne by the Agency except:

1. When the EPA requires the manufacturer to ship products to a particular test site for label verification testing, because the manufacturer had not label verified within a reasonable amount of time. The amount of time considered reasonable will be defined in the product specific regulation;
2. When EPA has reason to believe that products would not pass at an EPA designated site even though they pass at a manufacturer's site;
3. When a notice of nonconformance of the manufacturer's test site is effective until the site has been re-qualified; and
4. Whenever EPA requires shipment of products to a designated test site because the manufacturer refused to allow EPA Enforcement Officers with a warrant to monitor a test.

When EPA designates that testing under § 211.111 be conducted at the manufacturer's facility, EPA personnel will conduct that testing, using Agency equipment. The Agency does not expect that the manufacturers will incur any direct testing costs under these circumstances.

One commenter questioned the legal authority of EPA personnel to operate a manufacturer's private test facility under § 211.1.11(a)(2).

This Section has been changed to state that the Administrator, when testing at a manufacturer's test facility, will use Agency equipment.

One commenter suggested a revision to limit the Administrator's discretion to require products to be tested by EPA at the manufacturer's facility.

EPA will be amenable to limiting the Administrator's discretion regarding the number of products tested under this

Section of the regulation. However, the limits placed on the Administrator's discretion will be based on particular industry characteristics, such as the number of manufacturers, the total number of products the manufacturers distribute in commerce, and other characteristics which the Administrator may consider appropriate. Because of their nature, these limits will have to be specified under the individual product Subparts of Part 211. Consequently, we will not change § 211.111 (§ 211.111) of Subpart A at this time, but we may amend this Section in the Subparts specific to other products.

III. Supporting Documentation

A document has been prepared which contains the results of study efforts instituted by the EPA in the development of the noise labeling General Provisions, and the detailed comprehensive discussion of all comments received during the public comment period. Copies of the document, entitled "Regulatory Analysis Supporting The General Provisions For Product Noise Labeling, August 1979", are available at: U.S. Environmental Protection Agency, Public Information Center (PM-215), 401 M Street, S.W., Washington, D.C. 20460, Phone: (202) 755-0717.

IV. Evaluation Plan

EPA intends to review the effectiveness and need for continuation of the provisions contained in this action no more than five years after initial implementation of the final regulation. In particular, EPA will solicit comments from affected parties with regard to cost and other burdens associated with compliance, and will also review data on any labeled products built after promulgation of the regulation to determine how effective this measure has been.

V. Reporting and Recordkeeping Requirements

Under the EPA's new "sunset" policy for reporting requirements in regulations, the reporting requirements in this regulation will automatically expire five years from the date of promulgation, unless the Administrator extends them. To accomplish this, a provision automatically terminating the reporting requirements at that time is included in the text of each product-specific regulation issued as a Subpart to Part 211.

I have reviewed this regulation and determined that it is not a significant regulation that requires the preparation of regulatory analyses as called for in Executive Order 12044. The Agency has, nonetheless, developed the documentation mentioned above to support this regulation.

This regulation is promulgated under the authority of 42 U.S.C. 4907.

Dated: August 30, 1979.

Douglas M. Costle,

Administrator, Environmental Protection Agency.

PART 211—PRODUCT NOISE LABELING

Part 211 Subpart A is added to 40 CFR and is to read as follows:

Subpart A—General Provisions

Sec.

211.101 Applicability.
211.102 Definitions.
211.103 Number and gender.
211.104 Label content.
211.105 Label format.
211.106 Graphical requirements.
211.107 Label type and location.
211.108 Sample label.
211.109 Inspection and monitoring.
211.110 Exemptions.
211.110-1 Testing exemption.
211.110-2 National security exemptions.
211.110-3 Export exemptions.
211.110-4 Granting of exemptions.
211.110-5 Submission of exemption request.
211.111 Testing by the Administrator.

Authority: Sec. 8 of the Noise Control Act of 1972, (42 U.S.C. 4907), and other authority as specified.

Subpart A—General Provisions

§ 211.101 Applicability.

The provisions of Subpart A apply to all products for which regulations are published under Part 211 and manufactured after the effective date of this regulation, unless they are made inapplicable by product-specific regulations.

§ 211.102 Definitions.

(a) All terms that are not defined in this subpart will have the meaning given them in the Act.

(b) "Act" means the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234).

(c) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(d) "Agency" means the United States Environmental Protection Agency.

(e) "Acoustic descriptor" means the numeric, symbolic, or narrative information describing a product's acoustic properties as they are determined according to the test methodology that the Agency prescribes.

(f) "Export exemption" means an exemption from the prohibitions of Section 10(a)(3) and (4) of the Act; this type of exemption is granted by statute under Section 10(b)(2) of the Act for the purpose of exporting regulated products.

(g) "National security exemption" means an exemption from the prohibitions of Section 10(a)(3) and (5) of the Act, which may be granted under Section 10(b)(1) of the Act in cases involving national security.

(h) "Product" means any noise-producing or noise-reducing product for which regulations have been promulgated under Part 211; the term includes "test product".

(i) "Regulations published under this Part" means all Subparts to Part 211.

(j) "Testing exemption" means an exemption from the prohibitions of Section 10(a) (1), (2), (3), and (5) of the Act, which may be granted under Section 10(b)(1) of the Act for research, investigations, studies, demonstrations, or training, but not for national security.

(k) "Test product" means any product that must be tested according to regulations published under Part 211.

§ 211.103 Number and gender.

In this Part, words in the singular will be understood to include the plural, and words in the masculine gender will be understood to include the feminine, and vice versa, as the case may require.

§ 211.104 Label content.

The following data and information must be on the label of all products for which regulations have been published under this Part:

(a) The term "Noise Rating" if the product produces noise, or the term "Noise Reduction Rating" if the product reduces noise;

(b) The acoustic rating descriptor that is determined according to procedures specified in the regulations that will be published under this Part;

(c) Comparative acoustic rating information, which EPA will specify in the regulations published under this Part;

(d) A product manufacturer identification consisting of: (1) The Company name, and (2) The City and State of the principal office;

(e) A product model number or type identification;

(f) The phrase "Federal law prohibits removal of this label prior to purchase";

(g) The U.S. Environmental Protection Agency logo, as shown in Figure 1;

(h) The phrase "Label Required by U.S. EPA regulation 40 CFR Part 211, Subpart ———."

EPA

Figure - 1

§ 211.105 Label format.

(a) Unless specified otherwise in other regulations published under this Part, the format of the label must be as shown in Figure 2. The label must include all data and information required under § 211.104.

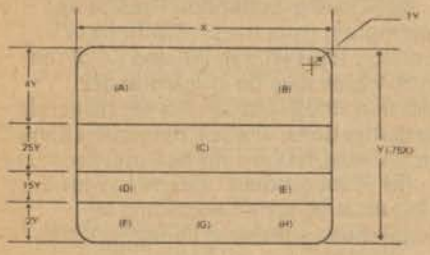


Figure - 2

(b) Unless EPA specifies otherwise in regulations published under this Part, the required data and information specified in § 211.104(a)–(h) must be located in the following areas of the prescribed label (see Figure 2 above):

(1) Section 211.104 (a)—Area A.
(2) Section 211.104 (b)—Area B.
(3) Section 211.104 (c)—Area C.
(4) Section 211.104 (d)—Area D.
(5) Section 211.104 (e)—Area E.
(6) Section 211.104 (f)—Area F.
(7) Section 211.104 (g)—Area G.
(8) Section 211.104 (h)—Area H.

§ 211.106 Graphical requirements.

(a) *Color.* Unless EPA requires otherwise, the product manufacturer or supplier must determine the colors used for the label background, borders, and all included letters, numerals, and figures. However, the colors on the label must contrast sufficiently with each other and with any information or material surrounding the label so that the label and the information within it are clearly visible and legible.

(b) *Label Size.* The prescribed label must be sized as specified in regulations published under this Part.

(c) *Character Style.* Except when specified otherwise in this Part, all letters and numerals that appear on the prescribed label must be Helvetica Medium.

(d) *Character Size.* All letters and numerals that appear on the prescribed label must be sized as specified in regulations published under this Part.

§ 211.107 Label type and location.

The prescribed label must be of the type and in the location specified in regulations published under this Part.

§ 211.108 Sample label.

Examples of labels conforming to the requirements of §§ 211.104, 211.105, and 211.106 are presented in Figure 3.

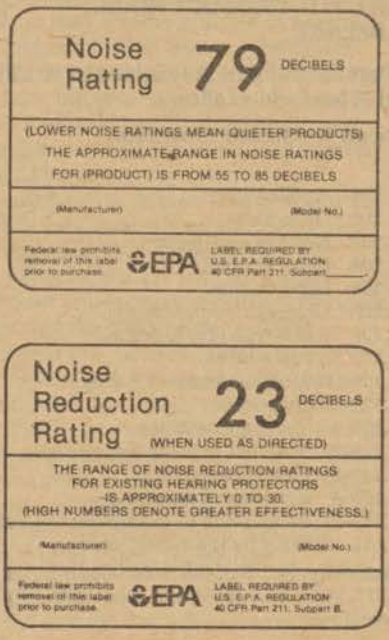


Figure - 3

§ 211.109 Inspection and monitoring.

(a) Any inspecting or monitoring activities that EPA conducts under this Part with respect to the requirements set out in regulations published under this Part, will be for the purpose of determining:

(1) Whether records required by the regulations are being properly maintained;

(2) Whether test products are being selected and prepared for testing in accordance with the provisions of the regulations;

(3) Whether test product testing is being conducted according to the provisions of those regulations; and

(4) Whether products that are being produced and distributed into commerce comply with the provisions of those regulations.

(b) The Director of the Noise Enforcement Division may request that a manufacturer who is subject to this Part admit an EPA Enforcement Officer during operating hours to any of the following:

(1) Any facility or site where any product to be distributed into commerce is manufactured, assembled, or stored;

(2) Any facility or site where the manufacturer performed or performs any tests conducted under this Part or any procedures or activities connected with those tests;

(3) Any facility or site where any test product is located; and

(4) Any facility or site where there are records, reports, other documents or information that the manufacturer must maintain or provide to the Administrator.

(c) (1) Once an EPA Enforcement Officer has been admitted to a facility or site, that officer will not be authorized to do more than the following:

(i) Inspect and monitor the manufacture and assembly, selection, storage, preconditioning, noise testing, and maintenance of test products, and to verify the correlation or calibration of test equipment;

(ii) Inspect products before they are distributed in commerce;

(iii) Inspect and make copies of any records, reports, documents, or information that the manufacturer must maintain or provide to the Administrator under the Act or under any provision of this Part;

(iv) Inspect and photograph any part or aspect of any product and any components used in manufacturing the product that is reasonably related to the purpose of this entry; and

(v) Obtain from those in charge of the facility or site any reasonable assistance that he may request to enable him to carry out any function listed in this Section.

(2) The provisions of this Section apply whether the facility or site is owned or controlled by the manufacturer, or by someone who acts for the manufacturer.

(d) For the purposes of this Section:

(1) An "EPA Enforcement Officer" is an employee of the EPA Office of Enforcement. When he arrives at a facility or site, he must display the credentials that identify him as an employee of the EPA and a letter signed by the Director of the Noise Enforcement Division designating him to make the inspection.

(2) Where test product storage areas or facilities are concerned, "operating hours" means all times during which personnel, other than custodial personnel, are at work in the vicinity of the area or facility and have access to it.

(3) Where other facilities or areas are concerned, "operating hours" means all times during which products are being manufactured or assembled; or all times during which products are being tested or maintained; or records are being compiled; or when any other procedure or activity related to labeling

verification testing, enforcement testing, or product manufacture or assembly is being carried out.

(4) "Reasonable assistance" means providing timely and unobstructed access to test products or to products and records that are required by this Part, and the means for copying those records or the opportunity to test the test products.

(e) The manufacturer must admit an EPA Enforcement Officer who presents a warrant authorizing entry to a facility or site. If the EPA officer does not have the warrant, he may enter a facility or site only if the manufacturer consents.

(1) It is not a violation of this regulation or the Act if anyone refuses to allow an officer without a warrant to enter the site.

(2) The Administrator or his designee may proceed *ex parte* (without the other party's knowledge) to obtain a warrant whether or not the manufacturer has refused entry to an EPA Enforcement Officer.

(Secs. 11 and 13, Pub. L. 92–574, 86 Stat. 1242, 1244 (42 U.S.C. 4910, 4912))

§ 211.110 Exemptions.

§ 211.110–1 Testing exemption.

(a) Except as provided in paragraph (f) of this section, any person who requests a testing exemption must demonstrate that the proposed test program:

(1) Has a purpose which is an appropriate basis for an exemption in accordance with paragraph (b) of this section;

(2) Shows a need for the granting of an exemption, as set forth in paragraph (c) of this section;

(3) Exhibits a reasonable scope as described in paragraph (d) of this section; and

(4) Exhibits a degree of control of the products that fulfills the purpose of the program and the EPA's monitoring requirements.

(b) An appropriate purpose for an exemption, as stated in Section 10(b)(1) of the Act, is one or more of the following: product research, investigations, studies, demonstrations, or training, but not national security (see § 211.110–2).

(c) Necessity for an exemption arises from an inability to achieve the stated purpose of a product noise labeling regulation in a practical manner without performing a prohibited act under Section 10(a) (3) or (5) of the Act. In appropriate circumstances, time constraints may be a sufficient basis for necessity.

(d) A test program must have a reasonable duration and affect a reasonable number of products. In this regard, the required items of information include:

(1) An estimate of the program's duration;

(2) The absolute number of products involved;

(3) The duration of the test;

(4) The ownership arrangement with regard to the products involved in the test;

(5) The intended final disposition of the products; and

(6) The means or procedure for recording test results.

(e) Paragraph (a) of this section applies no matter where the product is manufactured.

(f) Any manufacturer who requests an exemption for products that are used in the ordinary course of business for product development, production method assessment or market promotion, and that are not used in any way that involves lease or sale, must state only the general nature of the test or other program and the number of products involved. He must also demonstrate that he will employ adequate recordkeeping procedures for product control purposes. If the manufacturer does not receive a response from the Administrator within 15 working days from the day the Administrator receives the request, the exemption is granted for one year.

(Sec. 10(b)(1), Pub. L. 92–574, 86 Stat. 1242 (42 U.S.C. 4909(b)(1)))

§ 211.110–2 National security exemptions.

A manufacturer may request a national security exemption by submitting an application to the Administrator which states the purpose for which the exemption is required. The request must be endorsed by an agency of the Federal Government that is charged with responsibility for national defense.

(Sec. 10(b) (1), Pub. L. 92–574, 86 Stat. 1242 (42 U.S.C. 4909(b)(1)))

§ 211.110–3 Export exemptions.

(a) A new product intended solely for export, and which has satisfied the requirements of other applicable regulations of this Part, will be exempt from the prohibitions of Section 10(a) (3) and (4) of the Act.

(b) Requests for an export exemption are not required.

(c) For purposes of Section 11(d) of the Noise Control Act, the Administrator may consider any export exemption under Section 10(b)(2) void from the beginning if a new product, intended only for export, is distributed in commerce in the United States.

(d) In deciding whether to institute proceedings against a manufacturer, pursuant to Section 11(d)(1) of the Act, with respect to any product that was originally intended solely for export, but that was distributed in commerce in the United States, the Administrator will consider:

(1) Whether the manufacturer knew that the product would be distributed in commerce in the United States; and

(2) Whether the manufacturer made reasonable efforts to ensure that the product would not be distributed in commerce. Reasonable efforts would include: considering prior dealings between the manufacturer and anyone, which resulted in a product being introduced into commerce that was manufactured for export only; investigating prior instances that the manufacturer knew about, where a product that was manufactured for export only was introduced into commerce; and considering the provisions within a contract which minimize the probability that a product that was manufactured for export only will be introduced into commerce.

(Sec. 10(b)(2), Pub. L. 92–574, 86 Stat. 1242 (42 U.S.C. 4909(b)(2)))

§ 211.110–4 Granting of exemptions.

(a) After EPA completes the reviews of an exemption request, if EPA believes that it is appropriate to grant an exemption, it will prepare a memorandum of exemption and will submit it to the manufacturer who has requested the exemption. The memorandum will set forth the basis for the exemption, its scope, and the terms and conditions that are necessary to protect the public health and welfare. These terms and conditions will generally include the following agreements on the part of the applicant: to conduct the exempt activity in the manner described to EPA; to create and maintain adequate records that are accessible to EPA at reasonable times; to employ labels for the exempt products, setting forth the nature of the exemption; to take appropriate measures to assure that the applicant meets the terms of the exemption; and to inform EPA of the termination of the activity and the ultimate disposition of the products. EPA may limit the scope of any exemption by placing restrictions on time, location and duration.

(b) Any exemption that EPA grants under paragraph (a) of this section covers any product only to the extent that the manufacturer or his agents comply with the specified terms and conditions. A breach of any term or condition causes the exemption to be void from the beginning for purposes of

Section 11(d) of the Act, and may give rise to an order by the Administrator with respect to any product that is subject to the exemption, whether the product was distributed before or after the breach. The Administrator may also, upon notice to the manufacturer and with the opportunity for a hearing, withdraw the exemption at any time, if he determines that the public health or welfare is being endangered.

(Sec. 10(b)(1), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(b)(1)))

§ 211.110-5 Submission of exemption request.

Address any requests for exemptions, or any requests for further information concerning exemption or the exemption request review procedure, to: Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460, (703) 557-7470.

(Sec. 10(b)(1), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(b)(1)))

§ 211.111 Testing by the Administrator.

(a)(1) To determine whether products conform to applicable regulations under this Part, the Administrator may require that any product that is to be tested under applicable regulations in this Part, or any other products that are regulated under this Part, be submitted to him, at a place and time that he designates, to conduct tests on them in accordance with the test procedures described in the regulations.

(2) The Administrator may specify that he will conduct the testing at the facility where the manufacturer conducted required testing. The Administrator will conduct the tests with his own equipment.

(b)(1) If, from the tests conducted by the Administrator, or other relevant information, the Administrator determines that the test facility used by the manufacturer(s) does not meet the requirements of this Part for conducting the test required by this Part, he will notify the manufacturer(s) in writing of his determination and the reasons for it.

(2) After the Administrator has notified the manufacturer, EPA will not accept any data from the subject test facility for the purposes of this Part, and the Administrator may issue an order to the manufacturer(s) to cease to distribute in commerce products that come from the product categories in question. However, any such order shall be issued only after an opportunity for a hearing. Notification of this opportunity may be included in a notification under paragraph (b)(1) of this section. A manufacturer may request that the Administrator grant a hearing. He must make this request no later than fifteen (15) days (or any other period the Administrator allows) after the Administrator has notified the manufacturer that he intends to issue an order to cease to distribute.

(3) A manufacturer may request in writing that the Administrator reconsider his determination in paragraph (b)(1) of this section, if he can provide data or information which indicates that changes have been made to the test facility, and that those changes have remedied the reason for disqualification.

(4) The Administrator will notify a manufacturer of his decision concerning requalifying the test facility within 10 days of the time the manufacturer requested reconsideration under paragraph (b)(3) of this section.

(c)(1) The Administrator will assume all reasonable costs associated with shipment of products to the place designated pursuant to paragraph (a) of this section, except with respect to:

(i) Any label verification testing performed at a place other than the manufacturer's facility as provided for in the Section titled Label Verification of the product-specific Subpart or as a result of the manufacturer's not owning or having access to a test facility;

(ii) Testing of a reasonable number of products for purposes of compliance audit testing under the Section titled Compliance Audit Testing of the product-specific Subpart, or if the manufacturer has failed to establish that there is a correlation between his test facility and the EPA test facility or the Administrator has reason to believe, and provides the manufacturer with a statement or reasons, that the products to be tested would fail to meet their verification level if tested at the EPA test facility, but would meet the level if tested at the manufacturer's test facility;

(iii) Any testing performed during a period when a notice issued under paragraph (b) of this section, is in effect; and

(iv) Any testing performed at place other than the manufacturer's facility as a result of the manufacturer's failure to permit the Administrator to conduct or monitor testing as required by this Part.

(Secs. 11 and 13, Pub. L. 92-574, 86 Stat. 1243 (42 U.S.C. 4910, 4912))

[FR Doc. 79-30067 Filed 9-27-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 211

[FRL 1270-3]

Approval and Promulgation of Noise Labeling Requirements for Hearing Protectors

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice establishes noise labeling requirements for hearing protectors under the authority of the Noise Control Act of 1972 (42 USC 4901 et seq.). These requirements were proposed in the **Federal Register** on June 22, 1977 (42 FR 31730) and have been modified to reflect the public comment.

These labeling standards require hearing protector manufacturers to state, on a clearly visible label and in a uniform manner, the noise reducing effectiveness of all hearing protectors which are sold in the United States.

The final rule provides a uniform test methodology for determining the noise reducing effectiveness of, and specifies a uniform rating scheme (Noise Reduction Rating in decibels) for stating the effectiveness of, all types of hearing protectors. It requires that information supporting the notice of effectiveness be supplied with the protector. It also provides the procedures for enforcing the labeling requirements.

The intent of this labeling requirement is to ensure that information on the noise reducing effectiveness of hearing protectors is available to prospective users of these devices, so that they will be capable (using this information) of selecting a device which can adequately protect their hearing in a given noise environment.

EFFECTIVE DATE: September 28, 1979.

ADDRESS: Written data, comments or views may be submitted to the: Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Timothy McBride, Standards and Regulations Division (ANR-490), or phone (703) 557-2710.

SUPPLEMENTARY INFORMATION:

I. Introduction

Effective September 27, 1980, this regulation, Subpart B of 40 CFR Part 211, requires manufacturers of hearing protectors sold in the United States to give notice to prospective users of their products, of the effectiveness of their products in reducing noise. This notice shall be given according to the labeling requirements of Subpart A of 40 CFR Part 211 (General Provisions—Product

Noise Labeling) and those additional requirements of Subpart B.

In order to provide this notice, this regulation requires manufacturers to test all categories of protectors in their product line according to the American National Standards Institute Standard (ANSI STD) S3.19–1974. This procedure measures the level of noise reduction developed by a protector or a category of protectors at specific frequencies.

The regulation specifies the method by which a manufacturer will uniformly convert, into a Noise Reduction Rating (NRR) in decibels, the measured levels of noise reduction for each category of protectors in his product line.

Manufacturers must state the NRR specific to a category of protectors on a label affixed or appended to every protector (or its packaging) that comes from that category. The manner in which the label is affixed to the protector or its packaging depends on how the protector is displayed for sale to the ultimate purchaser or for distribution to the prospective user.

The regulation requires that the manufacturer who packages the protector for ultimate distribution in commerce be identified on the label. That manufacturer is held responsible for the accuracy of the information on, and the visibility of, the label at the point of sale to the ultimate purchaser or distribution to the prospective user.

The label must also present information on the range of NRRs for existing protectors against which the ultimate purchaser or user can assess a specific protector's relative effectiveness in reducing noise. The "comparative range" data was determined by using data from the National Institute for Occupational Safety and Health publication (NIOSH 76–120) in the Noise Reduction Rating computation procedure in § 211.207 of the regulation. It is provided by EPA in this rule, and will be updated by EPA, as necessary, through a technical amendment to the regulation published in the **Federal Register.**

In order to assure that the NRR for a protector or a category of protectors is correct, the manufacturer is required to test each category of protectors in his product line to initially establish their NRRs. He is further required to maintain records to adequately substantiate these NRRs, and to submit reports of these test results to the Agency. The Agency may require that compliance audit testing be performed on specified protectors to assure that these products comply with their initially established label value. The Administrator may also require a manufacturer to relabel his hearing protectors entered into the distribution chain after the effective date of the regulation, or to take other reasonable steps necessary to remedy a violation of these requirements.

Supplementary to this rule, the Agency published a Regulatory Analysis [1] which includes a detailed study of hearing protectors, the industry, test procedures, analysis of public comments to the docket, and a list of all commenters.

II. Background

In the Noise Control Act of 1972 (The Act) (42 USC 4901 et seq.), "Congress declares that it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare." To further this policy, Section 8(a)(2) of the Act requires the Administrator of the Environmental Protection Agency (EPA) to designate by regulation any product "* * * sold wholly or in part on the basis of its effectiveness in reducing noise." It also requires that "for each such product (or class thereof) the Administrator shall by regulation require that notice be given to the prospective user * * * of [the product's] effectiveness in reducing noise, * * *" The regulation must specify "whether such notice shall be affixed to the product or to the outside of its container, or to both, at the time of its sale to the ultimate purchaser or whether such notice shall be given to the prospective user in some other manner." The regulation must also specify "* * * the form of the notice, and * * * the methods and units of measurement to be used."

Hearing protectors are principally sold on the basis of their ability to attenuate the level of sound entering a person's ear. The amount of sound attentuation provided by the broad range of insert and muff type protectors currently on the market varies widely. There are devices designed primarily to prevent water from entering a swimmer's ears that are frequently misused as hearing protectors. There are devices that can be purchased merely to reduce annoying sounds in a person's environment to levels that may permit sleep, study or relaxation. While these devices may afford a measure of sound reduction, their effectiveness in high noise environments may be marginal. Users of devices which give insufficient hearing protection for a particular noise environment can sustain permanent hearing loss because of exposure to levels of noise from which they believe they are protected.

In some cases, it is impractical to control noise at the source or along the propagation path sufficiently to protect the hearing of a person exposed to the noise. In these circumstances, the use of hearing protectors may be the only practical means of noise control on a short-term basis.

For a prospective user of hearing protective devices to make an informed choice of a protector for use in a particular noise environment, that person should be able to determine the level of hearing protection offered by a given hearing protector, and its effectiveness relative to other hearing protectors. This information is not now readily available to the prospective user.

The Agency announced its intention to consider the labeling of hearing protectors, under the authority of Section 8(a)(2) of the Act, through the publication of an Advanced Notice of Proposed Rulemaking (ANPRM) on December 5, 1974 (39 FR 42380).

The ANPRM established a public comment period for 60 days which closed on February 1, 1975, and solicited comments from all interested parties prior to the Agency undertaking the development of a regulation.

We received a total of 9 written comments to the ANPRM docket from the hearing protector industry and trade associations; laboratories involved in acoustic testing; and government agencies that use protectors or specify protector effectiveness, construction, composition or packaging requirements. These commenters recommended measurement standards and label placement and content, questioned the validity of single number rating schemes, and submitted examples of various protector characteristics and packaging. The Agency also sent letters to selected manufacturers and distributors of hearing protectors requesting information on manufacturing costs, manufacturing processes, marketing processes, extent of the market, numbers and types of protectors manufactured, and each manufacturer's share of the market. This was done because of the limited amount of this type of information obtained from comments to the ANRPM, and the Agency's desire to get this data so it could adequately assess the effect of various methods of hearing protector labeling.

EPA has worked closely with the National Institute for Occupational Safety and Health (NIOSH), the United States Air Force Aerospace Medical Research Laboratory (AMRL), the Federal Aviation Administration Civil Aeromedical Institute, and the Mine Safety and Health Administration to

[1] Regulatory Analysis Supporting the Labeling of Hearing Protectors; EPA 550/9–79–256, August, 1979.

develop test procedures and coordinate labeling requirements.

The EPA published a Notice of Proposed Rulemaking (NPRM) for Noise Labeling Requirements for Hearing Protectors on June 22, 1977 (42 FR 31730), and established a public comment period for 90 days which closed on September 20, 1977; public hearings were deferred pending public response. During this period we received 52 written comments. We also received 3 oral and 7 written comments pertaining to hearing protectors which had been directed to the concurrently established public comment period for the proposed General Provisions (Subpart A) for Product Noise Labeling (40 CFR Part 211). Because of a computerization program undertaken since the promulgation of the proposed rule, it was necessary in the final rule of both Subparts A and B to either replace the second decimal point in each section heading with a zero or delete it entirely.

As a result of written comments to the docket the Agency decided that, to fully understand the problems the hearing protector industry expressed in their comments, and to better clarify certain elements of the proposed rule, a public meeting was in the best public interest.

The Agency published a notice of the public meeting in the **Federal Register** on December 2, 1977 (42 FR 61289). The meeting was held on December 13, 1977 at the Agency's Office of Noise Abatement and Control in Arlington, Virginia. Attendees included manufacturers, the industry trade association, several members of the user industry, and Federal representatives. Oral comments were received from 10 speakers. The transcript of this meeting has been available for public review at the EPA Public Information Center, Washington, D.C.

Comments from industry during the NPRM comment period and from the public meeting were critical of various elements of the proposed regulation, but were not generally opposed to the concept of labeling hearing protectors with respect to their effectiveness. Comments from private citizens and user-industries were for the most part supportive of the proposed labeling rule. The range of issues covered in the comments is extensive, encompassing all aspects of the Federal noise labeling program.

The following discussion addresses only the major issues associated with the labeling of hearing protectors. Issues related to general labeling have been addressed in the General Provisions of this rule.

The Agency carefully reviewed and considered all information received from industry and the public on the potential impact a Federal labeling requirement might engender: on the cost of hearing protectors; on manufacturers' production processes; and on their packaging procedures. We reassessed the designated test methodology, availability of test facilities, enforcement procedures, and labeling responsibilities.

By making minor changes to the proposed requirements, the Agency has concluded that this regulation will result in the dissemination of adequate information to the prospective user of hearing protectors with minimum adverse impact on the industry.

The detailed comments and information presented to the Agency and the Agency's responses to the comments are contained in the Docket Analysis section of the Regulatory analysis.[2] A complete list of commenters is presented as an appendix within the document.

III. Discussion of Major Issues

General Issues

Several commenters questioned the Agency's statutory authority. They believed that EPA had exceeded its authority in proposing the labeling of hearing protectors, and that the Agency abused its discretionary authority and was "arbitrary and capricious".

The Act specifically states in Section 8(a)(2) that "the Administrator shall by regulation designate any product (or class thereof) which is sold wholly or in part on the basis of its effectiveness in reducing noise." This is a non-discretionary requirement for the Agency. As directed, the Administrator has designated all hearing protective devices as products which are sold wholly or in part on the basis of their effectiveness in reducing noise.

EPA is clearly authorized to require labeling of such designated products. Section 8(b) of the Act states that "for each product (or class thereof) designated under Subsection (a), the Administrator shall by regulation require that notice be given to the prospective user of the level of [the product's] effectiveness in reducing noise".

To effectively carry out the non-discretionary mandate in Section 8 which requires the Administrator to label noise-reducing products, the Agency conducted an investigation into hearing protective devices to identify both the effectiveness rating technique and the information most useful to the consumer. The Agency requested detailed data from the protector industry, consulted with other government organizations, analyzed and considered information received in response to the ANPRM on hearing protectors, and assessed the possible economic effects of Federal labeling and compliance requirements on the industry. The Agency has established the basis and background to support this regulatory action.

Several commenters stated that EPA has the authority to require only the effectiveness rating on the label, not such items as the comparative range, the EPA logo and a statement prohibiting removal of the label.

Section 8 of the Act requires that notice be given to a prospective user of the effectiveness of a product in reducing noise. As part of the notice given by the label, the Agency has developed, and will supply to the industry with periodic updating, the comparative range for hearing protectors as a complement to the effectiveness rating on the label. The effectiveness rating, by itself, would not indicate to the prospective user the available range of effectiveness ratings offered by hearing protectors, nor would it show the effectiveness of a specific protector relative to the noise reducing effectiveness available from other protectors. The comparative range information is intended to give support to the use of the NRR as a means of choosing an adequate hearing protector for a given noise environment. We believe that comparative range information on the label is a key element to the total notice of a protector's noise reducing effectiveness that is supplied by the label.

The Agency addressed in detail, within the General Provisions for Product Noise labeling, the requirement for the EPA logo on the label. In brief, the appearance of the logo on the label is intended to notify an ultimate purchaser or the prospective user that the label is Federally mandated across the industry, its contents are uniform and that the ratings are credible.

The inclusion of a statement prohibiting removal of the label before sale to the ultimate purchaser is based on the prohibition of Section 10(a)(4) of the Act. Removal of the label from a protector before it is sold to the ultimate purchaser is a violation of the Act. The person who removes the label is subject to District Court actions to restrain violations as provided by Section 11(C), as well as to a remedial order that the Administrator may issue under Section 11(d) of the Act. This restriction is important for the public to know.

[2] *Ibid.*, p. 62 et seq.

Another general issue raised by several commenters was the possibility of conflict between this labeling requirement and the labeling programs or product packaging requirements of other Federal agencies.

Particular concern was expressed over possible conflict between the Agency's labeling program and the certification program being developed by the National Institute for Occupational Safety and Health (NIOSH).

The Agency worked closely with NIOSH in the development of its requirements for the labeling of hearing protectors to ensure that the two programs would be complementary.

We will continue to coordinate activities with NIOSH to assure that the two programs work together, and produce no conflict or redundancy.

The Agency explored the possibility of conflict with Department of Defense Military Specifications (DOD MIL. SPEC.) on product and product package labeling. DOD MIL. SPEC. experts assured us that there were no apparent conflicts, and that if conflict should develop, the specifications would be changed to incorporate the Agency's regulatory requirements.

Label Content and Information

Several commenters questioned the limits EPA proposed for the comparative range of effectiveness ratings for hearing protectors. They felt that the values picked (i.e., "0" and "31") implied precision in the range that was not supportable by fact. According to information supplied by the industry and various testing laboratories, the upper end of the range of hearing protectors using the designated measurement standard could potentially be as high as 35 or as low as 25. Several commenters suggested that the range be stated as "approximate." They felt that an approximate range would allow for changes in the limits of the range resulting from deletion of protector models from, or addition of protector models to, the market, or from a break-through in hearing protector technology; yet the information that EPA wishes the prospective user to have would still be available. Manufacturers also wished to know how the comparative information would be developed. Would they have to perform their own research?

The Agency agrees that the range of Noise Reduction Ratings for hearing protectors may possibly change with time. Consequently, the rule has been changed so that the range information to be stated on the label will read "the range of Noise Reduction Ratings for existing hearing protectors is approximately 0 to 30." We determined this range by using data from the National Institute for Occupational Safety and Health publication (NIOSH #76-120) in the Agency's method for computing the NRR.

The Agency will examine the NRR values that manufacturers, as part of their compliance requirements, must report in the Labeling Verification Report as Labeled Values.

If analysis of the reported NRR values indicates that the initially specified comparative range information is not representative of available hearing protectors, the Agency will, within eighteen (18) months from the date of promulgation of this rule, publish in the **Federal Register** a technical amendment to this rule stating the revised range information. Manufacturers will have one year from the date the revised range information is published to change their labels.

The Agency will continue to monitor the reported NRR values annually, will publish further revisions to the comparative range as required, and will consider publishing, for public dissemination, a composite list of the NRRs for all hearing protective devices.

Commenters suggested that the Noise Reduction Rating (NRR)—as the acoustic descriptor for the label—could potentially cause purchasers or users of protectors to emphasize the NRR and neglect information concerning the effective use of a protector when making their selections.

The Agency acknowledges that certain information (for example, importance of protector fit, purchase price, durability of the protector's materials and the protector's noise reducing effectiveness at specific frequencies) would not be contained in a single number rating. It is for this reason that supporting information (for example, the presentation of the protector's noise attenuation values at specific test frequencies, and instructions on how to properly fit the protector to realize its maximum noise attenuation potential) is required to be supplied with the protector at the point of sale to the ultimate purchaser or distribution to the prospective user.

Commenters familiar with acoustics expressed concern over possible misinterpretation of NRR, the abbreviation of Noise Reduction Rating, with the abbreviated name of a popular noise related publication; or the possibility of making the value of the NRR proportional to the upper end of the comparative range in order to obtain the percent of cases in which a protector would be effective (e.g. range = 0 to 30, NRR = 20, the protector is effective in 20/30 or 66% of all cases).

That it is possible to misinterpret a descriptor abbreviation, or to misuse the numbers associated with a descriptor, is a problem that is common to every type of descriptor. However, the Agency believes that the NRR, the descriptor chosen to depict the noise reducing effectiveness of hearing protectors, has uniformity, objectivity, precision, understandability, and the relative familiarity of the user population with the decibel (dB) base of the descriptor.

There is a very close relationship between the NRR and the amount of "A"-weighted noise reduction to be expected from a protector if used in a noise environment that is not dominated by frequencies below about 500 Hz. For example, if a measured "A"-weighted [3] noise level is 92 dB (A), and if a protector with a NRR of 20 decibels is being worn properly in that environment, the level of noise entering the ear would be approximately 72 dB (A). This simple procedure offers a first order estimate of potential exposure when wearing a given protector.

In a noise environment dominated by frequencies below approximately 500 Hz, the NRR should be subtracted from the "C"-weighted [4] environmental noise level.

Considerable comment centered on the identification of the manufacturer of the protector on the label. In many cases, manufacturers stated, they simply produce the protector and do not package it for distribution into commerce.

Other commenters expressed opposition to the possibility that by being identified on the label, they could be held responsible for label verification of protectors that they make, but which are later incorporated into combination units or changed in other ways.

Considering both of these points, the Agency believes that the statutory definition of "manufacturer" adequately identifies the party responsible for: label verification of the protector; labeling the protector or its packaging; assuring the accuracy of the information on the label; and assuring the visibility of the label at the point of sale to the ultimate purchaser or distribution to the prospective user. We have, therefore, simply required that the "manufacturer", as defined in the Act, be identified on the label. The manufacturer packaging

[3] "A"-weighting is intended to match the response of the ear to sound of low-intensity, and discriminates against low frequency sound (used by Occupational Safety and Health Administration when regulating noise in the workplace).

[4] "C"-weighting is intended to match the response of the ear to sound of high intensity.

the protector for ultimate purchase or use is to be named on the label, is to assure that the information which must accompany the protector as supporting information (and from which the NRR is determined) is provided in the packaging and is to assure the accuracy of the information on the label. The "manufacturer" who packages and/or distributes the product may elect to either use the information provided by the product "manufacturer" who label-verified the protector, or to retest the protector.

Label Size, Placement and Packaging

Major concerns of several commenters were directed to EPA's proposed label size and placement, and to the associated possible need for significant changes to the manufacturing of and/or packaging of their product. Several commenters stated that there should be no minimum limits on the size of the label, for many protectors presently have different packaging requirements. They also commented that there should be a dual system of labeling because of the two very different markets served—industry and individual purchasers. Some of the protectors supplied to industrial customers are packaged in bulk with primary panels (defined in § 211.203 of the regulation) much smaller than the proposed minimum label size.

The Agency's original intent was to label every protector, regardless of market and packaging method, as to its effectiveness in reducing noise, and to have the label visible at the point of sale to purchasers or distribution to users.

We have changed the requirements for the labeling of protectors to allow the continuation of present industry marketing practices and packaging methods. Small protectors are often packaged in bulk quantities for reasons of economy when supplying industrial users. To require that bulk-packaged protectors be individually labeled with a visible minimum-sized label would cause an inappropriately large increase in costs to the industrial user. For sales of protectors to individuals, however, economy-of-scale packaging does not appear to be a factor based on statements from manufacturers and distributors.

While there might be extensive packaging changes resulting from the requirement that protectors be labeled with a minimum sized label, labels of a size smaller than 3.8 × 5.0 centimeters (cm) (approximately 1 ½ × 2 inches) with correspondingly smaller print are practically non-informative because of their illegibilty. Therefore, the Agency maintains that the label must be no smaller than 3.8 × 5.0 cm.

However, in requiring that the minimum label size be 3.8 × 5.0 cm, the Agency has developed the following labeling criteria based on the means used to display them at the point of ultimate purchase or distribution to the prospective user. In the case of bulk packaging and dispensing, the supporting information must be affixed to the container in the same manner as the label and in a readily visible location.

(1) If the protector is individually packaged and so displayed at the point of ultimate purchase or distribution to users, the package must be labeled as follows:

(a) If the "primary panel," as defined in § 211.203 of the regulation, of the package has dimensions greater than 3.8 x 5.0 cm, the label must be presented on the primary panel.

(b) If the primary panel of the package is equal to or smaller than 3.8 x 5.0 cm, a label at least 3.8 x 5.0 cm must be affixed to the package in the form of a tag.

(2) If the protector is displayed at the point of ultimate sale or distribution to users in a permanent or disposable bulk container or dispenser, even if the protector is individually packaged within the dispenser and labeled as above, the container or dispenser itself must be appropriately labeled. The label must be readily visible to the ultimate purchaser or prospective user.

Labeling of the "Dispenser", as defined in § 211.203 of the regulation, requires that the accompanying protectors *not* be separated from the dispenser before ultimate purchase. Separation is tantamount to removal of the label which is prohibited by Section 10(a)(4) of the Act.

There were several comments concerning the placement of labels and clarification of "affixing" labels. Commenters also suggested that there should be some latitude in how labeling can be accomplished. Section 211.2.4–3 of the NPRM, which dealt with "Label Location and Type", was not meant to exclude "hang tags" as a labeling device, as was apparently feared by one manufacturer. The purpose of the label, as stated in the NPRM and in Section 8 of the Act, is to give notice to the prospective users of hearing protectors concerning the noise reducing effectiveness of the product. This is to be accomplished by making the information available before actual sale or use. It is the element of visibility of the label at the point of purchase or use that is of paramount importance. If the label is not visible to the ultimate purchaser or prospective user prior to purchase or use, then the information on the label will be of limited practical value.

Manufacturers may use any labeling means available as long as the labeling requirements are met.

Test Methodology

The test methodology, as proposed, was an issue that elicited considerable comment. One area of concern was the cost associated with the proposed use of the American National Standards Institute Standard (ANSI Std) S3.19–1974 as the Agency's test methodology. This standard is a subjective test using ten (10) human subjects tested three (3) separate times with different pairs of the same model hearing protector. The test was seen by several commenters as too costly, not repeatable, and not properly accounting for the effects of the fit of a protector on its noise reducing ability. Manufacturers would also have preferred an "objective test" [5] over the proposed test in the interest of test repeatability and reduced cost.

The Agency tries to use measurement standards from voluntary standard setting organizations that have been developed, validated and in use. We determined, however, after consultation with experts, that there are at present no accepted standards for objective tests suitable for testing all types of hearing protectors. Data from various existing objective tests have not, to date, correlated well with results from other proven and accepted test standards. The Agency determined, however, that objective testing could be used by manufacturers as a production process screening method, but not as a method for labeling verification. If a breakthrough should occur, such that a national or international standard is developed for an objective method that permits reliable testing of all hearing protectors to the accuracy of the present subjective test method, the Agency will consider it as a candidate to replace the present method.

The Agency encourages the development of subjective and objective test methodologies. Procedures that have been demonstrated to correlate with the prescribed procedure should be submitted to the Agency for consideration as alternate methodologies or replacements to the procedure in this regulation.

[5] A procedure, using microphones inside and outside of an enclosure (e.g. dummy head) to simulate an ear, that measures the differences in a known level of sound (inside and outside of the enclosure) resulting from an obstruction (e.g. hearing protector) in the normal path of the sound to the interior microphone.

The Department of Defense and several major industries that are affected by the Occupational Safety and Health Administration's (OSHA) rules, are already requesting effectiveness data on hearing protectors from manufacturers. Thus, with respect to the costliness of the method, the majority of manufacturers already include in their prices the costs of testing protectors to develop effectiveness ratings. This is addressed in greater detail under the section titled "ECONOMIC EFFECT".

The Agency gave careful consideration to a comment that the test method requires a report of the force that the headband produces, and its effect on the noise reducing effectiveness of protectors that use headbands as their principal means of attachment. The test method does not state how the data is to be derived for hardhat hearing protectors. EPA concluded, after conferring with technical experts, that the "band force", as derived in the standard, was designed to measure only "muff" type protectors that actually employ a band as the means of clamping the protectors to the user's head. Hearing protectors combined with hardhats do not normally depend on a headband for clamping force. However, until another measurement method is devised that adequately measures the clamping procedure used by hardhat hearing protectors and relates this to their Noise Reduction Rating, the mean attenuation levels at the test frequencies and the NRRs for this type of protective device must be derived according to the designated measurement method. When a validated procedure is available, an exception may be requested, and the Agency will review the request.

As labeling was proposed in the NPRM, the NRR reported for "muff" type protectors would have been that of the use position providing the lowest protection. This number alone would neither inform the ultimate purchaser or prospective user which position was labeled, nor would it indicate the NRR values of the other use positions. As a result of comments requesting notice of the NRRs of other use positions, and after conferring with technical experts, the Agency concluded that testing of all possible use positions of "muff" protectors is necessary. The NRR for the worst position will be labeled, and that position noted on the label. The NRRs for other positions will be included in the supporting data.

Commenters stated that there is neither a sufficient availability of laboratories capable of testing hearing protectors in the proposed manner, nor are the laboratories capable of handling the numbers of tests to be required. We consulted with experts on this subject and were assured that adequate facilities would exist given adequate lead time before the effective date. As a result of this consideration, the effective date has been extended from six months to one (1) year from the date of promulgation, which should assure sufficient availability of laboratory test facilities to accomplish the required testing.

Those laboratories now capable of testing protectors according to the required test method are: the Pennsylvania State University (Environmental Acoustics Laboratory, State College, PA), the Worcester Polytechnic Institute (Worcester, MA), the U.S. Naval Air Station (Pensacola, FL), the U.S. Aviation Center (Ft. Rucker, AL) and the National Institute for Occupational Safety and Health (Morgantown, WV).

Commenters suggested that protector performance variability from test-to-test and between testing laboratories is probable, considering the requirement in the NPRM for "subject fit" of the protector for the test.

The Agency concluded, after conferring with both private and government testing laboratory technical experts, that "experimenter fit", (i.e. the hearing protector is fitted to the test subject by the experimenter) rather than "subject fit" (where the test subjects fit themselves with the protectors), should be required.

While "subject fit" results in a more subjective rating of a protector, it also produces values of noise attenuation that spread much more widely about the "mean" (average) attenuation value for a test frequency. Consequently, enforcement procedures based on a test using "subject fit" would have to allow greater variability in the values derived from the test. This dispersion of values about the "mean" reduces the possibility of reproducing the attenuation values from test-to-test, and thus the test is less strictly enforceable.

"Experimenter fit", however, ensures greater consistency in the "fit" of the protector to all subjects, which tends to reduce the test-to-test variability.

We have examined the potential for variability in the test between facilities, and agree that there may be variations in measured attenuation from facility to facility as a result of slight differences in the physical facilities or in the way the facility implements the test. However, because of the modification of the test procedure to require "experimenter fit", we believe these variations to be small. Furthermore, the procedure of itself will reduce variations between test facilities because of the 30 tests required during labeling verification to obtain a single NRR for a category of protectors. The consensus of technical experts was that manufacturers will take possible variations between test facilities into account in designating NRRs for their protectors.

Commenters suggested that test result variability between laboratories might possibly cause protectors to be out of compliance merely as a result of Compliance Audit Testing at a laboratory different from that used for testing for labeling verification.

Compliance Audit Testing (CAT) may occur at any laboratory capable of testing according to the Agency's method, but in most cases it will take place at the laboratory used for Labeling Verification (LV). Any variabilities that would exist between two valid laboratories should be readily identifiable and included in the NRR value on the label. Also, the Agency has included a 3 dB(A) variability factor to be used in Compliance Audit Testing. The mean attenuation value at any one of the test frequencies (as measured during Compliance Audit Testing) plus the 3 dB(A) variability factor must be equal to or greater than the mean attenuation value, for the same test frequency, that is reported in the supplementary information which must accompany each protector. We believe that this resolves the potential test variability problem.

Noise Reduction Rating (NRR)

Commenters stated that the computation for the NRR should be understandable to those parties who are required to comply with this regulation; that logarithmic mathematics were not necessary to develop a NRR; and that the computations should be simpler. EPA conferred with technical experts and concluded that, for the sake of simplicity and greater understandability in the calculation of the NRR, we would implement a simplified method. The procedure for NRR calculation is demonstrated in Figure 2 of the regulation.

Special Claims and Exemptions

Several commenters stated that the proposed hearing protector labeling test methodology is not appropriate for non-linear hearing protectors, i.e. hearing protectors that do not begin to attenuate noise until a specific sound pressure level is reached. The low sound pressure levels of the test method are not sufficient to activate the non-linear protector and thus the Noise Reduction Rating determined from this test would

be essentially zero. The commenters claim that this low NRR would be injurious to sales since it would not reflect the claimed unique operating characteristics for these devices. One commenter requested an exception from the regulation for non-linear protectors.

EPA maintains that all hearing protectors must come under the same regulatory requirement, unless an exception is requested and technically supported as required in § 211.205. A request for exception to the prescribed test methodology and NRR must be accompanied by an alternate test procedure and a rating scheme suitable to the purpose of these regulatory requirements. The suggested test methodology, rating scheme, and scientific data conclusively supporting the requested exception must be submitted for consideration and approval to: Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460. If approved, the alternate method and rating scheme would apply to all hearing protectors of like design. Until a requested exception is approved, labeling of the product must adhere to the prescribed requirements.

The Agency will notify the manufacturer within 30 days if the request is approved, or if additional information or time is required for the Agency to properly consider the request.

The recordkeeping and reporting requirements proposed for special claims of acoustic effectiveness have been reduced. The Agency is not requiring manufacturers to obtain Agency approval of their suggested special claims before presenting them to the public; however, manufacturers wishing to make special claims about the noise reducing effectiveness of their devices, other than the Noise Reduction Rating (NRR), must be prepared to demonstrate the validity of those claims. Claims made in advertising are subject to Federal Trade Commission (FTC) regulations.

Several commenters stated that new products (prototypes, unmarketed new designs) should not be required to comply with the regulation for a period of twelve (12) months; otherwise product innovation would be hampered.

The rule applies to new products (the equitable or legal title of which has never been transferred to an ultimate purchaser) manufactured on or after the stated effective date. Exemptions from the requirements can be requested for prototype devices according to § 211.110 of Subpart A. Products that enter commerce before the effective date of this rule are not required to comply with the labeling requirements of this regulation. The manufacturer may label protectors produced up to 6 months before the effective date of the regulation, as stated in § 211.210–3(f) of the regulation, if the Agency is allowed to monitor the early label verification testing, and the testing is done with production-line protectors.

Label Verification

Several commenters questioned the necessity of yearly testing of every category of protector where no changes have been made which would affect the protector's attenuation characteristics. Based on these comments, the label verification requirement has been revised. It requires that a manufacturer test each category of protector once, and retest only if changes are made to the category which would affect its attenuation. New categories of protectors introduced into commerce must, of course, be tested and labeled according to the regulation.

The Agency decided to drop the annual labeling verification test requirement based, in part, on its plan to conduct tests on protectors selected off-the-shelf to determine whether they are labeled correctly. When the tests show they are not, we would follow up with an enforcement action to remedy the situation.

Some commenters suggested that because of variability inherent in the test procedure, the Agency should not consider a protector mislabeled, and in violation of the labeling requirements, where the results of the compliance audit test show a mean attenuation value at a one-third octave band to be slightly less than its labeled value. We agree with the commenters that small differences may occur.

Responding to these comments, the Agency has included a 3 dB(A) variability factor that it will use to compare the mean attenuation values stated in the supporting information supplied with each protector, with those determined for Compliance Audit Testing (CAT). We will take enforcement action only in those cases where the CAT mean attenuation values are lower than the labeled mean attenuation values by more than 3 dB(A). For example, if at one of the test frequencies the mean attenuation value specified for that frequency in the supporting information is 20 dB(A), we will take action only when the Compliance Audit Testing shows that the attenuation value at that test freqency is less than 17 dB(A), or 20 dB(A) minus the 3 dB(A) variability factor.

Several commenters asked whether the labeled Noise Reduction Rating and one-third octave band attenuation values should be actual test values, average attenuation levels for all protectors of a category, or minimum attenuation levels for that category of protectors.

It is important that the NRR of a category of protectors, derived from data taken under test conditions, equal or exceed the NRR on the label so that prospective users can in fact select a protector which meets their minimum requirements. We are therefore requiring that the one-third octave band mean attenuation levels, made available to the prospective user in the supporting information that accompanies a protector, be no greater than the levels obtained under Compliance Audit Testing plus the 3 dB(A) variability factor. The manufacturer who labels the device must take into account any test and product variability to assure that the NRR of each device determined under Compliance Audit Testing equals or exceeds its labeled NRR value. There is no variability factor for the NRR. The NRR determined from Compliance Audit Testing must equal or exceed the NRR on the label.

Some commenters assumed that any remedial order such as recall, relabel or repurchase, would require traceability to the purchaser or user, and thereby cause major recordkeeping costs. Some manufacturers commented that relabeling of products which have been packaged, or are a part of existing inventory, is unreasonable.

Traceability to the ultimate purchaser or user is not required in this rule. However, the Agency maintains the position that it may be reasonable to require relabeling of protectors in a manufacturer's possession or in the distribution chain, or to take other steps to remedy non-compliance. The reasonableness of a remedy, of course, will depend on the facts of the particular case. The manufacturer subject to a remedial action has the right to a hearing under Section 11(d)(2) of the Act. At the hearing, held according to 5 U.S.C. Section 554, the manufacturer can challenge both the existence of the violation and the appropriateness of the remedy.

Compliance Audit Testing

Several comments were received on the Compliance Audit Testing (CAT) requirements. One was that EPA should not specify the laboratory at which a manufacturer must conduct an audit test, but that EPA should permit a manufacturer to conduct the testing at the same laboratory at which he

conducted the Labeling Verification (LV) test. This suggestion is rooted in a concern for test variability and differences in test results expected between laboratories.

Responding to this comment, we have reduced test variability with the change in the test procedure requiring "experimenter fit" rather than "subject fit" as was proposed. We have also included the 3 dB(A) variability factor to be used when determining the compliance of a protector to its labeled values. These were discussed earlier in the preamble. The Agency is not relinquishing its authority to require testing at any laboratory that meets regulatory requirements.

Several manufacturers stated that EPA should certify laboratories for LV and CAT. The Agency does not intend to become involved in the certification of laboratories across the country and possibly overseas for purposes of testing hearing protectors or other products for noise. It is the responsibility of each manufacturer to conduct testing according to the regulatory requirements.

Several manufacturers felt that EPA should limit orders for a compliance audit to only those cases where the Agency can show probable cause that products are in violation.

The Act does not require that the Agency have probable cause before issuing a test order. This authority will not be limited by regulation. In most cases, the Agency would issue compliance audit test requests where there is reason to believe there is non-compliance, but it reserves the right to issue test requests on a random basis.

Manufacturers took exception to providing EPA with future production schedules for EPA use in selecting categories for testing. There was concern that this information would become public knowledge and put a manufacturer at a competitive disadvantage.

Whenever the EPA requests product information which a manufacturer considers proprietary, the manufacturer may protect that information from a Freedom of Information Act request by following the procedures contained in 40 CFR 2.201 et seq. Those provisions govern the Agency's treatment of confidential business information. In particular, § 2.303 contains special provisions for certain information obtained under the Noise Control Act.

We proposed that the manufacturer date each product to facilitate the identification of mislabeled products in the distribution chain. Several manufacturers objected to placing the date of manufacture on the label. One manufacturer suggested that a code established by the manufacturer, which identified a lot or batch of protectors, should be sufficient to identify a group of mislabeled products.

We agree with the suggestion that manufacturers be allowed to place their own code in the supporting information which would identify a group of protectors and the time period during which they were produced. We have revised the regulation accordingly.

Manufacturers identified two proposed requirements which in some cases may be conflicting. In selecting protectors for Compliance Audit Testing, manufacturers are required to select the test protectors from the next 30 produced. This could in some cases mean that all those selected would be of the same size. This could conflict with another requirement that the manufacturer test all sizes of protectors in a test audit.

This potential conflict will be taken into account when individual CAT orders are prepared. If it is infeasible for a manufacturer to satisfy both requirements, the EPA will modify the order so that proper selection of test protectors is possible. The test request provision is flexible enough to handle this problem if it ever arises.

One manufacturer asked who warrants or guarantees the hearing protector's performance. The Act does not provide that any manufacturer warrant to a consumer the noise attenuation performance of a protector.

One commenter felt that there was a conflict between the General Provisions for Product Noise Labeling and the Hearing Protector regulation with respect to who will bear the costs of Compliance Audit Testing. The commenter felt that CAT costs should be borne by the Agency.

There is no conflict between the General Provisions and the Hearing Protector regulation with respect to costs for CAT; however, confusion is possible between § 211.111 of the General Provisions (Testing by the Administrator) and § 211.212 of this regulation (Compliance Audit Testing).

Section 211.111, Testing by the Administrator, in Subpart A reserves to the Agency the right to test products as a part of its enforcement strategy, and to order manufacturers to conduct tests and report the results to EPA. When EPA conducts the tests, the manufacturer can be required to submit the test products to EPA. The Administrator may test at any facility or order the manufacturer to test at any facility. When the Agency conducts the test, it will use its own equipment. This will assure the Agency that testing is being conducted properly. The cost of testing under this section is borne by the Agency. Subject to the exceptions discussed in the preamble to the General Provisions, and in § 211.111(c), EPA will absorb the cost of shipments when EPA conducts tests under § 211.111, Testing by the Administrator. The manufacturer only pays for LV, CAT or other tests that the manufacturer may be ordered to conduct.

Section 211.212, Compliance Audit Testing, details a specific procedure which the Agency will use to assure itself that manufacturers are continuing to produce products complying with their label value that was determined from the label verification test. The manufacturer bears the cost of compliance audit testing. The audit is designed to minimize the number of tests that a manufacturer will have to perform while still providing assurance to EPA that only complying products are being distributed in commerce. The EPA may elect to monitor, with the manufacturer's consent or with a warrant, the actual conducting of the audit tests.

Several manufacturers were concerned about advance approval of labels. There is no requirement for advance approval of compliance labels under this regulation.

Economic Effect

There was considerable comment concerning the costs that the hearing protector industry would incur if the regulation was promulgated as it was proposed. Several commenters stated that the burdens would be impossible for smaller companies to carry, or would make insert devices less competitive with "muff"-type devices because of the disproportionate increase in costs. The bases for these concerns were the anticipated changes in the packaging of some devices to accommodate a label, the costs of labeling individual protectors, and the costs of testing.

The final rule incorporates changes through which the required labeling is compatible with current packaging processes. Therefore, any costs that would have been attributable directly to changes in packaging to accommodate a label have been essentially eliminated.

The hearing protector industry has been less than cooperative in providing the Agency with cost, market size, and market share information. Therefore, the Agency developed the best estimate of the costs of this regulation based, in part, on data received from three manufacturers. These costs are the "worst case" estimates that we believe the industry will experience.

The Agency's estimate for total first year costs to the industry is $920,000 compared to $500,000 as stated in the proposed rule. This increase is due primarily to developing cost estimates based on a revised industry size of 70 manufacturers and distributors rather than the previously determined figure of 40, and secondarily because of including label preparation, label verification reporting, and personnel overhead costs in this estimate.

The first year cost estimate includes: testing all models of protectors in each of their use positions (as many as three positions for muff-type protectors)—these costs are not expected to exceed $350,000 based on 175 tests at $2,000 per test; and the Agency's best estimate of costs for label development, preparation and label verification reporting for each class of protector—these costs are not expected to exceed a total of $570,000.

The Agency's "worst case" estimate of annual costs of this regulation to the industry is $362,000, compared to the estimate of $300,000 stated in the proposed rule.

The annual cost estimate of this regulation is based on including: costs for Compliance Audit Testing by not more than 15% of the industry in one year; label-verifying new classes of protectors or classes of protectors that in one year have undergone changes which result in decreased noise reducing effectiveness (this is not expected to exceed 10% of the models of protectors in one year); and administrative costs for reporting and recordkeeping.

To develop these estimates the Agency assumed that every manufacturer and wholesale or retail distributor (considered "manufacturers" under the Noise Control Act) identified in the National Institute for Occupational Safety and Health publication #76–120, and through a search of the Thomas Register, would be impacted by the requirements of this regulation equally. However, distributors in this industry are not likely to incur the costs of complying with these requirements to the same extent that manufacturers will. Distributors generally repackage protectors supplied by manufacturers, and put their brand names on the packaging. Therefore, a single device may be marketed under several different private labels.

This regulation states however, that distributors may use a manufacturer's previously developed Noise Reduction Rating and Mean Attenuation data when packaging and labeling protectors. Therefore, in these situations, the only costs incurred for complying with these requirements would be the labeling costs as a result of repackaging, not the testing, recordkeeping and reporting costs.

It is the practice of this industry to pass 100% of production costs through to the ultimate purchaser. We believe this practice will continue.

While the potential percent price increase per pair of protectors is impossible to determine in the absence of market size information, the Agency estimates, based on limited data, that prices may increase between $0.03 and $0.05 per pair of insert devices (if previously bulk-packaged protectors are required to be individually packaged and labeled), and $0.10 for "muff" devices.

The current prices for typical ear insert devices (plugs) range from approximately ten cents per pair of disposable inserts in bulk industrial quantities to as much as seven dollars per pair for individually packaged plugs typically offered to the consumer. Customized plugs can cost as much as thirty dollars per pair but they are the exception in terms of insert devices. Ear-muff-type protectors range in price from several dollars when purchased in commercial bulk quantities to approximately fifteen dollars per pair when individually packaged for consumers.

The Department of Defense and several major industries that are affected by the Occupational Safety and Health Administration's (OSHA) rules are already requesting effectiveness data on hearing protectors. Therefore, a majority of the manufacturers already include in their prices the costs of testing protectors to develop effectiveness ratings.

While manufacturers have measured the effectiveness of their products, they in general do not convey this information to prospective users. Those few that do, do not relay effectiveness information in a uniform manner for similar categories of protectors; nor is comparative range information available upon which protector selections adequate for a user's needs can be made.

These final hearing protector labeling requirements reflect the Agency's overall sensitivity to the costs that accompany regulation, and our policy, with respect to product labeling, of minimizing the economic impact of a regulation. To this end, the Agency extended the effective date of the regulation by six months, so that it becomes effective one year from date of promulgation. This change is intended to allow manufacturers to minimize the obsolescence of packaging and literature supplies that they may have on-hand due to the lead-time procurements necessary in this industry. The extension will provide a longer phase-in period for the testing requirements, and also allow extra time for greater availability of testing laboratories thereby reducing a potential supply/demand imbalance that might cause an increase in test cost. We are establishing a method of labeling compatible with current marketing practices, which reduces the probability of packaging changes and associated cost increases.

The Agency has had no indication that this rulemaking would impose appreciable burdens on any manufacturer within the hearing protector industry, nor that the regulation in itself will result in business closure. Also, our economic analysis did not attempt to predict potential market shifts or potential adverse economic effects that might occur as a result of labeling requirements which would identify some protective devices as being low in effectiveness. The Agency believes that any market shifts or other economic effects beyond the direct costs of labeling are solely related to the competitive nature of this industry. We believe that the industry will adjust itself to reflect purchasers' and users' selections made as the result of newly available information from these noise labeling requirements; not as a result of the restrictions of command and control regulations.

This rule will make effectiveness rating and comparative range information available to prospective users in an easily readable, understandable, and uniformly applicable manner.

IV. Revisions to the Proposed Regulation

This final rulemaking incorporates several changes to the regulation as proposed in the Notice of Proposed Rulemaking of June 22, 1977. The significant changes are:

(A) The requirement that a hearing protector manufacturer affix the label to the package has been modified to require that the label be affixed by the manufacturer who packages the protector for ultimate sale or use.

(B) Responsibility for accurate and visible labeling of the protector is also assigned to that manufacturer. To support this change, § 211.2.4–3 (§ 211.204–3) "Label location and type" has been revised to require that labeling be based on the means used to display the protector at the point of sale to the ultimate purchaser or at the point of distribution to the prospective user. This Section also includes a prohibition on separation of the protector from the dispenser (if one is used) prior to sale to

the ultimate purchaser. Separation would be tantamount to removal of the label which is prohibited by Section 10(a)(4) of the Act.

(C) Section 211.2.3 (§ 211.203) "Definitions" now includes entries for "Label", "Manufacturer", "Dispenser," and "Spectral uncertainty."

(D) Section 211.2.4–1(c) (§ 211.204–1(c))—the comparative information on the label now reads "The range of Noise Reduction Ratings for existing hearing protectors is approximately 0 to 30." This eliminates the implied precision of the range as proposed, and also gives the comparative range the flexibility required to accommodate changing protector capabilities and changing protector availability.

(E) Section 211.2.4–1(b) (§ 211.204–1(b))—now states that "* * * in different positions, the worst case NRR must be specified. The top of Area B must state the position(s) associated with that NRR. The other positions and respective NRRs must be included with the supporting information specified in § 211.204–4." This revision takes into account the possible large differences in protection due to the wearing position, and avoids the possible loss of useful information at the point of ultimate sale or use.

(F) Section 211.2.4–4(a) (§ 211.204–4(a))—was changed to include the statement "For "muff" type protectors with various use positions, the positions providing higher values shall be identified, and their associated NRR values listed in bold type.

(G) Section 211.2.6–1(b)(2) (§ 211.206–1(b)(2))—is replaced with "Section 3.2.1, 3.2.2, 3.3.2 and 3.3.3 shall be accomplished in this order during the same testing session to insure that distortions introduced by a Temporary Threshold Shift (TTS) do not occur. Also, any breaks in testing should not allow the subject to engage in any activities that may cause a TTS."

(H) Section 211.2.6–1(b)(3) (§ 211.206–1(b)(3))—is changed from "subject fit" to "experimenter fit" of the protector to the subject in order to achieve test consistency and repeatability.

(I) Section 211.2.7 (§ 211.207)—computation procedure for the NRR is changed to reflect the new procedure.

(J) Section 211.2.10–7 (§ 211.210–7)—modified to include changes to an existing product.

(K) Section 211.2.10–8—deleted.

(L) The effective date of this regulation is set at one (1) year from promulgation rather than the proposed six months, in order to lessen the cost impact on the industry and to allow for greater availability of testing facilities.

(M) Section 211.2.12 (§ 211.212)—provides a 3 dB(A) variability factor to be used when determining compliance of a protector by comparing the mean attentuation values at one-third octave bands determined from CAT testing with those contained in the supporting information supplied with the protector.

V. Supporting Documentation

Background Document

The Agency has prepared a background document containing a detailed study of hearing protectors, the protector industry, test methodologies, written and oral comments from the Notice of Proposed Rulemaking comment period and the public meeting, the Agency's answers and policy statements on these comments, and a listing of commenters.

The document is sufficiently lengthy that publishing it in the **Federal Register** is not practical. If a copy of the document, titled "Regulatory Analysis Supporting The Labeling of Hearing Protectors"; EPA 550/9–79–256, is desired, it may be obtained by writing to the following address: Public Information Center, PM–215, U.S. Environmental Protection Agency, Washington, D.C. 20460.

VI. Future Public Comment

It is the intent of EPA to monitor and carefully assess, on a continuing basis, improvements in hearing protectors, the economic and other impacts of the regulation, the effects of testing, and any further public response associated with this rulemaking. If regulatory revision is warranted or required we will act accordingly.

Written data, comments or views may be submitted to the: Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

VII. Evaluation Plan

EPA intends to review the effectiveness and the need for continuing the provisions contained in this action no more than five years after initial implementation of the regulation. In particular, EPA will solicit comments from affected parties with regard to cost and other burdens associated with compliance, and will also review data on hearing protectors built after promulgation of the regulation to determine how effective this measure has been.

VIII. Reporting and Recordkeeping Requirements

Under the EPA's new "sunset" policy for reporting requirements in regulations, the reporting requirements in this regulation will automatically expire five years from the date of promulgation, unless the Administrator takes appropriate steps to extend them. To accomplish this, a provision automatically terminating the reporting requirements is included in the text of the regulation.

IX. Impact Statements

An Environmental Impact Statement and an Economic Impact Statement are not required for this rulemaking according to Agency criteria.

Note.—I have reviewed this regulation and determined that it is not a significant regulation that requires the preparation of regulatory analyses called for in Executive Order 12044. The Agency has, nonetheless, developed documentation, mentioned above, to support this regulation.

This regulation is promulgated under the authority of 42 U.S.C. 4907.

Dated: August 30, 1979.

Douglas M. Costle,

Administrator, Environmental Protection Agency.

PART 211—PRODUCT NOISE LABELING

40 CFR Part 211 is amended by adding a new Subpart B to read as follows:

Subpart B—Hearing Protective Devices

Sec.

211.201 Applicability.
211.202 Effective date.
211.203 Definitions.
211.204 Hearing protector labeling requirements.
211.204–1 Information content of primary label.
211.204–2 Primary label size, print and color.
211.204–3 Label location and type.
211.204–4 Supporting information.
211.205 Special claims and exceptions.
211.206 Methods for measurement of sound attenuation.
211.206–1 Real ear method.
211.206–2—211.206–10 Alternative test methods [Reserved].
211.207 Computation of the noise reduction rating (NRR).
211.208 Export provisions.
211.209 Maintenance of records: submittal of information.
211.210 Labeling verification.
211.210–1 General requirements.
211.210–2 Labeling verification requirements.
211.210–3 Labeling verification report: required data.
211.210–4 Test hearing protector selection.
211.210–5 Test hearing protector preparation.
211.210–6 Testing.
211.210–7 Addition of new categories: modifications.
211.211 Compliance with labeling requirement.

211.212 Compliance audit testing.
211.212–1 Test request.
211.212–2 Test hearing protector selection.
211.212–3 Test hearing protector preparation.
211.212–4 Testing procedures.
211.212–5 Reporting of test results.
211.212–6 Determination of compliance.
211.212–7 Continued compliance testing.
211.212–8 Relabeling requirements.
211.213 Remedial orders for violations of these regulations.
211.214 Removal of label.
Appendix A—Labeling Verification Report
Appendix B—Compliance Audit Testing Report Data Sheet

Authority: Sec. 8, Pub. L. 92–574, 86 Stat. 1241 (42 U.S.C. 4907), and additional authority as specified.

Subpart B—Hearing Protective Devices

§ 211.201 Applicability.

Unless this regulation states otherwise, the provisions of this subpart apply to all hearing protective devices manufactured after the effective date of this regulation. (See § 211.203(m) for definition of "hearing protective device.")

§ 211.202 Effective date.

Manufacturers of hearing protectors must comply with the requirements set forth in this part for all hearing protective devices manufactured on or after September 27, 1980.

§ 211.203 Definitions.

(a) As used in subpart B, all terms not defined here have the meaning given them in the Act or in Subpart A of Part 211.

(b) *ANSI Z24.22–1957*—A measurement procedure published by the American National Standards Institute (ANSI) for obtaining hearing protector attenuation values at nine of the one-third octave band center frequencies by using pure tone stimuli presented to ten different test subjects under anechoic conditions.

(c) *ANSI S3.19–1974*—A revision of the ANSI Z24.22–1957 measurement procedure using one-third octave band stimuli presented under diffuse (reverberant) acoustic field conditions.

(d) *Carrying Case*—The container used to store reusable hearing protectors.

(e) *Category*—A group of hearing protectors which are identical in all aspects to the parameters listed in § 211.210–2(c).

(f) *Claim*—An assertion made by a manufacturer regarding the effectiveness of his product.

(g) *Custom-molded device*—A hearing protective device that is made to conform to a specific ear canal. This is usually accomplished by using a moldable compound to obtain an impression of the ear and ear canal. The compound is subsequently permanently hardened to retain this shape.

(h) *Dispenser*—The permanent (intended to be refilled) or disposable (discarded when empty) container designed to hold more than one complete set of hearing protector(s) for the express purpose of display to promote sale or display to promote use or both.

(i) *Disposable Device*—A hearing protective device that is intended to be discarded after one period of use.

(j) *Ear Insert Device*—A hearing protective device that is designed to be inserted into the ear canal, and to be held in place principally by virtue of its fit inside the ear canal.

(k) *Ear Muff Device*—A hearing protective device that consists of two acoustic enclosures which fit over the ears and which are held in place by a spring-like headband to which the enclosures are attached.

(l) *Headband*—The component of hearing protective device which applies force to, and holds in place on the head, the component which is intended to acoustically seal the ear canal.

(m) *Hearing Protective Device*—Any device or material, capable of being worn on the head or in the ear canal, that is sold wholly or in part on the basis of its ability to reduce the level of sound entering the ear. This includes devices of which hearing protection may not be the primary function, but which are nonetheless sold partially as providing hearing protection to the user. This term is used interchangeably with the terms, "hearing protector" and "device."

(n) *Impulsive Noise*—An acoustic event characterized by very short rise time and duration.

(o) *Label*—That item, as described in this regulation, which is inscribed on, affixed to or appended to a product, its packaging, or both for the purpose of giving noise reduction effectiveness information appropriate to the product.

(p) *Manufacturer*—As stated in the Act "means any person engaged in the manufacturing or assembling of new products, or the importing of new products for resale, or who acts for, and is controlled by, any such person in connection with the distribution of such products."

(q) *Noise Reduction Rating (NRR)*—A single number noise reduction factor in decibels, determined by an empirically derived technique which takes into account performance variation of protectors in noise reducing effectiveness due to differing noise spectra, fit variability and the mean attenuation of test stimuli at the one-third octave band test frequencies.

(r) *Octave Band Attenuation*—The amount of sound reduction determined according to the measurement procedure of § 211.206 for one-third octave bands of noise.

(s) *Over-the-Head Position*—The mode of use of a device with a headband, in which the headband is worn such that it passes over the user's head. This is contrast to the behind-the-head and under-the-chin positions.

(t) *Package*—The container in which a hearing protective device is presented for purchase or use. The package in some cases may be the same as the carrying case.

(u) *Primary Panel*—The surface that is considered to be the front surface or that surface which is intended for initial viewing at the point of ultimate sale or the point of distribution for use.

(v) *Spectral uncertainty*—Possible variation in exposure to the noise spectra in the workplace. (To avoid the underprotection that would result from these variations relative to the assumed "Pink Noise" used to determine the NRR, an extra three decibel reduction is included when computing the NRR.)

(w) *Tag*—Stiff paper, metal or other hard material that is tied or otherwise affixed to the packaging of a protector.

(x) *Test Facility*—For this subpart, a laboratory that has been set up and calibrated to conduct ANSI Std S3.19–1974 tests on hearing protective devices. It must meet the applicable requirements of these regulations.

(y) *Test Hearing Protector*—A hearing protector that has been selected for testing to verify the value to be put on the label, or which has been designated for testing to determine compliance of the protector with the labeled value.

(z) *Test Request*—A request submitted to the manufacturer by the Administrator that will specify the hearing protector category, and test sample size to be tested according to § 211.212–1, and other information regarding the audit.

(aa) *Random Incident Field*—A sound field in which the angle of arrival of sound at a given point in space is random in time.

(bb) *Real-Ear Protection at Threshold*—The mean value in decibels of the occluded threshold of audibility (hearing protector in place) minus the open threshold of audibility (ears open and uncovered) for all listeners on all trials under otherwise identical test conditions.

(cc) *Reverberation Time*—The time that would be required for the mean-square sound pressure level, originally

in a steady state, to fall 60 dB after the source is stopped.

§ 211.204 Hearing protector labeling requirements.

All provisions of Subpart A apply to this subpart except as otherwise noted.

§ 211.204–1 Information content of primary label.

The information to appear on the primary label must be according to § 211.104 of Subpart A except as stated here and shown in Figure 1 of § 211.204–2:

(a) Area A must state "Noise Reduction Rating."

(b) (1) Area B must state the value of the Noise Reduction Rating (NRR) in decibels for that model hearing protector. The value stated on the label must be no greater than the NRR value determined by using the computation method of § 211.207 of this Subpart.

(2) For devices with headbands that are intended for use with the headband in different positions, the worst case NRR must be specified. The top of Area B must state the position(s) associated with that NRR. The other positions and the respective NRRs must be included with the supporting information specified in § 211.204–4.

(c) Area C must contain the statement "The range of Noise Reduction Ratings for existing hearing protectors is approximately 0 to 30 (higher numbers denote greater effectiveness)."

(d) At the bottom of Area A–B, there must be the phrase "(When worn as directed)."

§§ 211.204–2 Primary label size, print and color.

The primary label characteristics are the same as those specified in § 211.105 and 211.106 of Subpart A except as stated here.

(a) The label must be no smaller than 3.8 centimeters by 5.0 centimeters (cm) (approximately 1.5 inches by 2.0 inches).

(b) The minimum type face size for each area shall be as follows, based upon a scale of 72 points=1 inch:

(1) Area A—2.8 millimeters (mm) or 8 point.

(2) Area B—7.6 mm or 22 point for the Rating; —1.7 mm or 5 point for "Decibels".

(3) Area A–B—1.5 mm or 4 point.

(4) Area C—1.5 mm or 4 point.

(5) Area D—0.7 mm or 2 point.

(6) Area E—0.7 mm or 2 point.

(7) Area F—0.7 mm or 2 point.

(8) Area H—0.7 mm or 2 point.

These type face sizes apply to the 3.8 cm x 5.0 cm label; type face sizes for larger labels must be in the same approximate proportion to the label as those specified for the 3.8 cm x 5.0 cm label.

(c) The use of upper and lower case letters and the general appearance of the label must be similar to the example in Figure (1).

(d) The color of the label must be as specified in Subpart A.

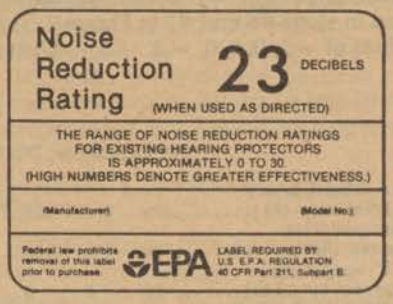


Figure - 1

§ 211.204–3 Label location and type.

(a) The manufacturer labeling the product for ultimate sale or use selects the type of label and must locate it as follows:

(1) Affixed to the device or its carrying case; and

(2) Affixed to primary panel of the product packaging if the label complying with § 211.204–3(a)(1) is not visible at the point of ultimate purchase or the point of distribution to users.

(b) Labeling with a minimum sized label will occur as follows:

(1) If the protector is individually packaged and so displayed at the point of ultimate purchase or distribution to the prospective user, the package must be labeled as follows:

(i) If the primary panel of the package has dimensions greater than 3.8 x 5.0 cm (approximately 1½ x 2 in) the label must be presented on the primary panel.

(ii) If the primary panel of the package is equal to or smaller than 3.8 x 5.0 centimeters, a label at least 3.8 x 5.0 centimeters must be affixed to the package by means of a tag.

(2) If the protector is displayed at the point of ultimate purchase or distribution to prospective users in a permanent or disposable bulk container or dispenser, even if the protector is individually packaged within the dispenser and labeled as above, the container or dispenser itself must be labeled. The label must be readily visible to the ultimate purchaser or prospective user.

§ 211.204–4 Supporting information.

The following minimum supporting information must accompany the device in a manner that insures its availability to the prospective user. In the case of bulk packaging and dispensing, such supporting information must be affixed to the container in the same manner as the label, and in a readily visible location.

(a) The mean attenuation and standard deviation values obtained for each test frequency according to § 211.206, and the NRR calculated from those values. For "muff" type protectors with various use positions, the positions providing higher NRR values shall be identified, and their associated NRR values listed in bold type.

(b) The following statement, example and cautionary note: "The level of noise entering a person's ear, when hearing protector is worn as directed, is closely approximated by the difference between the A-weighted environmental noise level and the NRR.

Example

1. The environmental noise level as measured at the ear is 92 dBA.
2. The NRR is 17 decibels (dB).
3. The level of noise entering the ear is approximately equal to 75 dBA.

Caution: For noise environments dominated by frequencies below 500 Hz the C-weighted environmental noise level should be used."

(c) The month and year of production, which may be in the form of a serial number or a code in those instances where the records specified in § 211.209(a)(1)(iv) are maintained;

(d) The following statement: "Improper fit of this device will reduce its effectiveness in attenuating noise. Consult the enclosed instructions for proper fit";

(e) Instructions as to the proper insertion or placement of the device; and

(f) The following statement: "Although hearing protectors can be recommended for protection against the harmful effects of impulsive noise, the Noise Reduction Rating (NRR) is based on the attenuation of *continuous* noise and may not be an accurate indicator of the protection attainable against *impulsive* noise such as gunfire."

§ 211.205 Special claims and exceptions.

(a) Any manufacturer wishing to make claims regarding the acoustic effectiveness of a device, other than the Noise Reduction Rating, must be prepared to demonstrate the validity of such claims.

(b) If a manufacturer believes that the Noise Reduction Rating is inapplicable to a given device, the manufacturer may submit a request that the Agency consider granting an exception to certain provisions of this subpart for that device. The request must support the manufacturer's contention that an

exception is necessary and offer a suitable alternative effectiveness rating for the device.

(c) Any request concerning an exception must be supported by scientific test data that establishes the exception without doubt, and must be submitted for consideration and approval to: Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460. The Agency will notify the manufacturer within thirty (30) days of receipt of the request if: the special claim or exception is approved, additional information is needed, or the Agency needs additional time to consider the request.

§ 211.206 Methods for measurement of sound attenuation.

§ 211.206–1 Real ear method.

(a) The value of sound attenuation to be used in the calculation of the Noise Reduction Rating must be determined according to the "Method for the Measurement of Real-Ear Protection of Hearing Protectors and Physical Attenuation of Earmuffs." This standard is approved as the American National Standards Institute Standard (ANSI STD) S3.19–1974. The provisions of this standard, with the modifications indicated below, are included by reference in this section. Copies of this standard may be obtained from: American National Standards Institute, Sales Department, 1430 Broadway, New York, New York 10018.

(b) For the purpose of this subpart only, Sections 1, 2, 3 and Appendix A of the standard, as modified below, shall be applicable. These Sections describe the "Real Ear Method." Other portions of the standard are not applicable in this section.

(1) The sound field characteristics described in paragraph 3.1.1.3 are "required."

(2) Sections 3.2.1, 3.2.2, 3.3.2 and 3.3.3 shall be accomplished in this order during the same testing session to insure that distortions introduced by a Temporary Threshold Shift (TTS) do not occur. Any breaks in testing should not allow the subject to engage in any activity that may cause a TTS.

(3) Section 3.3.3.1(1) shall not apply. Only "Experimenter fit" described in Section 3.3.3.1(2) is permitted.

(4) Section 3.3.3.3 applies to all devices except custom-molded devices. When testing custom-molded devices, each test subject must receive his own device molded to fit his ear canal.

§ 211.206–2 through § 211.206–10 Alternative test methods [Reserved].

§ 211.207 Computation of the noise reduction rating (NRR).

Calculate the NRR for hearing protective devices by substituting the average attenuation values and standard deviations for the pertinent protector category for the sample data used in steps #6 and #7 in Figure 2. The values of −.2, 0, 0, 0, −.2, −.8, −3.0 in Step 2 and −16.1, −8.6, −3.2, 0, +1.2, +1.0, −1.1 in Step 4 of Figure 2 represent the standard "C"- and "A"-weighting relative response corrections applied to any sound levels at the indicated octave band center frequencies. (NOTE: The manufacturer may label the protector at values lower than indicated by the test results and this computation procedure, e.g. lower NRR from lower attenuation values. (Ref. Section 211.211(b).)

FIGURE 2

COMPUTATION OF THE NOISE REDUCTION RATING

Octave Band Center Frequency (Hz)	125	250	500	1000	2000	3000	4000	6000	8000
1 assumed Pink noise (dB)	100	100	100	100	100		100		100
2 "C" weighting corrections (dB)	-.2	0	0	0	-.2		-.8		-3.0
3 unprotected ear "C"-weighted level (dB)	99.8	100	100	100	99.8		99.2		97.0
(The seven logarithmically added "C"-weighted sound pressure levels of Step #3 =107.9 dB)									
4 "A"-weighting corrections (dB)	-16.1	-8.6	-3.2	0	+1.2		+1.0		-1.1
5 unprotected ear "A"-weighted level (step #1-step #4) (dB)	83.9	91.4	96.8	100	101.2		101		98.9
6 average attenuation in dB at frequency	21	22	23	29	41		(43 + 47)/2 =45		(41 + 36)/2 =38.5
7 standard deviation in dB at frequency	3.7	3.3	3.8	4.7	2.3		(3.3 + 3.4)		(6.1 + 6.5)
	x2	x2	x2	x2	x2				
	7.4	6.6	7.6	9.4	8.6		=6.7		=12.6
8 step #5-(step #6-step #7) develops the protected ear "A" weighted levels (dB)	70.3	76.0	81.4	80.4	66.8		62.7		73.0
(The seven logarithmically added "A"-weighted sound pressure levels of Step #8 using this sample data = 85.1 dB)									

9 NRR Step #3 - Step #8 - 3 dB*
= 107.9 dB - 85.1 dB - 3 dB*
= 19.8 dB (or 20) (Round values ending in .5 to next lower whole number)
*Spectral uncertainty (as defined in [redacted] 211.203)

The value for #3 is constant. Use Logarithmic mathematics to determine the combined value of protected ear levels (Step #8) which is used in Step #9 to exactly derive the NRR; or use the following table as a substitute for logarithmic mathematics to determine the value of Step #8 and thus very closely approximate the NRR.

Difference between any two sound pressure levels being combined (dB)	Add this level to the higher of the two levels (dB)
0 to less than 1.5	3
1.5 to less than 4.5	2
4.5 to 9	1
Greater than 9	0

§211.208 Export provisions.

(a) The outside of each package or container containing a hearing protective device intended solely for export must be so labeled or marked. This will include all packages or containers that are used for shipping, transporting, or dispersing the hearing protective device along with any individual packaging.

(b) In addition, the manufacturer of a hearing protective device intended solely for export is subject to the export exemption requirements of § 211.110–3 of Subpart A.

(Sec. 10(b)(2), Pub. L. 92–574, 86 Stat. 1242 (42 U.S.C. 4909(b)(2)))

§ 211.209 Maintenance of records: Submittal of information.

(a) The manufacturer of any new hearing protective device subject to this regulation must establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i) Identification and description by category parameters of all protectors comprising the manufacturer's product line;

(ii) A description of any procedures, other than those contained in this regulation, used to perform noise tests on any test protector, and the results of those tests;

(iii) A record, signed by an authorized representative of the laboratory, of any calibration that was performed during testing by the test laboratory; and

(iv) A record of the date of manufacture of each protector subject to this regulation, keyed to the serial number or other coded identification contained in the supporting information required by § 211.204–4(c).

(2) *Individual records for test protectors.* A complete record, or exact copies of the complete record, of all noise attenuation tests performed (except tests performed by EPA directly), which includes all individual worksheets, and other documentation relating to each test required by the Federal test procedure.

(3) The manufacturer may fulfill this record retention requirement by keeping a copy of the labeling verification report that he has submitted to EPA in the format recommended by the Administrator, and by establishing a record of the information required by § 211.209(a)(1)(iv).

(4) The manufacturer must retain all required records for a period of three (3) years from the labeling verification date. Records may be retained as hard copy or reduced to microfilm, punch cards, or other forms of data storage, depending on the record retention procedures of the manufacturer.

(b) On request by the Administrator, the manufacturer must submit to the Administrator information regarding the number of protectors, by category, produced or scheduled for production during the time period designated in the request.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.210 Labeling verification.

§ 211.210–1 General requirements.

(a) Every new hearing protector manufactured for distribution in commerce in the United States, and which is subject to this regulation:

(1) Must have its noise reducing effectiveness verified according to the Labeling Verification requirements described in § 211.210–2 of this subpart;

(2) Must be represented in a Labeling Verification Report as required by § 211.210–3 of this subpart;

(3) Must be labeled at the point of ultimate purchase or distribution to the prospective user according to the requirements of § 211.204 of this Subpart; and

(4) Must meet or exceed the mean attenuation values determined by the procedure in § 211.206 and explained in § 211.211(b).

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912))

(b) Manufacturers who distribute protectors in commerce to another manufacturer for packaging for ultimate purchase or use must provide to that manufacturer the mean attenuation values and standard deviations at each of the one-third octave band center frequencies as determined by the test procedure in § 211.206. He must also provide the Noise Reduction Rating calculated according to § 211.207.

§ 211.210–2 Labeling verification requirements.

(a) (1) A manufacturer responsible for label verification must satisfy the label verification requirements of this subpart for a category of hearing protectors before distributing that category of hearing protectors in commerce, *except* as provided in paragraph (a)(2) of this section.

(2) A manufacturer may apply to the Administrator for an extension of time to comply with the labeling verification requirements for a category of protectors before he distributes any protectors in commerce. The Administrator may grant the manufacturer an extension of up to 20 days from the date of distribution. The manufacturer must provide reasonable assurance that the protectors equal or exceed their mean attenuation values, and that labeling verification requirements will be satisfied before the extension expires. Requests for extension should go to the: Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460. The Administrator must respond to a request within 2 business days. Responses may be either written or oral.

(3) A manufacturer, receiving hearing protectors through the chain of distribution that were label verified by a previous manufacturer, may use that previous manufacturer's data when labeling the protectors for ultimate sale or use, but is responsible for the accuracy of the information on the label. The manufacturer may elect to retest the protectors.

(b) Labeling verification requirements regarding each hearing protector category in a manufacturer's product line consist of:

(1) Testing hearing protectors according to § 211.206 that were selected according to § 211.210–4.

(2) Submitting a labeling verification report to the Administrator according to § 211.210–3.

(c) Each category of hearing protectors is determined by the combination of at least the following parameters. Manufacturers may use additional parameters as needed to create and identify additional categories of protectors.

(1) *Ear muffs. (i) Head band tension (spring constant);*

(ii) Ear cup volume or shape;

(iii) Mounting of ear cup on head band;

(iv) Ear cushion;

(v) Material composition.

(2) *Ear inserts.* (i) Shape;

(ii) Material composition.

(3) *Ear caps.* (i) Head band tension (spring constant);

(ii) Mounting of plug on head band;

(iii) Shape of plug;

(iv) Material composition.

If an ear insert or ear cap is manufactured in more than one size (small, medium, large, etc.) each size does not constitute a separate category and is not required to be separately label verified. However, each size must be used when conducting the required test to determine the labeled values for the specified category.

(d) When the Director of the Noise Enforcement Division requests, either orally or in writing, what labeling verification testing is scheduled by a manufacturer under this section, the manufacturer must notify the Director so that EPA Enforcement Officers may be present to observe the testing, or to conduct the testing in lieu of the manufacturer.

§ 211.210–3 Labeling verification report: Required data.

(a) All manufacturers must submit the labeling verification report to: Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washingtion, D.C. 20460. A manufacturer may choose to submit separate labeling verification reports for different categories of protectors. A suggested label verification report form is included as Appendix A.

(b) The report must be signed by an authorized representative of the manufacturer and include the following:

(1) The name and location of the test facility that was used to conduct testing under this Subpart;

(2) A description of all hearing protector categories, determined according to § 211.210–2(c), that the manufacturer intends to distribute in commerce. The manufacturer may satisfy the hearing protector category description by submitting, as part of the labeling verification report, a copy of the sales data literature that describes the product line;

(3) For each test conducted:

(i) A data sheet, as specified, showing the mean attenuation values with standard deviation at each of the one-third octave band center frequencies, along with the Noise Reduction Rating, for all official tests conducted under this Subpart, including each invalid test and the reason it was invalid;

(ii) A copy of the label including the NRR that will be used for the labeling of that specified category; and

(iii) The test results (if any) for any hearing protector replaced, and the reason why it was replaced.

(4) The following statement and endorsement:

This report is submitted under Section 8 and Section 13 of the Noise Control Act of 1972. All testing, for which data are reported here, was conducted in strict conformance with applicable regulations under 40 CFR Part 211 et seq. All the data reported here are true and accurate representations of this testing. All other information reported here is, to the best of (*compnay name*) and (*test laboratory name*) knowledge, true and accurate. I am aware of the penalties associated with violation of the Noise Control Act of 1972 and the regulations published under it.

(authorized representative).

If the testing is conducted by an outside laboratory the manufacturer must require an authorized representative of the laboratory to cosign the statement and endorsement.

(c) Where a manufacturer elects to submit separate labeling verification reports for portions of his product line, as provided for in paragraph (a) of this Section, information provided in previous reports need not be resubmitted unless it is information that is necessary to update previously submitted information.

(d) Any change concerning any information reported under this section must be reported as soon as it becomes available.

(e) The reporting requirements of this regulation will no longer be effective after five (5) years from the date of publication; however, the requirements will remain in effect if the Administrator is taking appropriate steps to repromulgate or modify the reporting requirements at that time.

(f) A manufacturer may conduct label verification testing on protectors which were produced up to 6 months before the effective date of this regulation. The manufacturers must test models of protectors scheduled for production during the first year after the effective date of this regulation. For these early label verification reports to be acceptable to the Agency, the manufacturer must:

(1) Use production protectors as the test protectors; and

(2) Permit the Agency to inspect and monitor the early label verification tests.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.210–4 Test hearing protector selection.

A test hearing protector must be a hearing protector selected from the category for which labeling verification testing is required; it must have been assembled by the manufacturer's normal production process; and it must have been intended for distribution in commerce.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.210–5 Test hearing protector preparation.

(a) A test hearing protector selected according to § 211.210–4 must not be tested, modified, or adjusted in any manner before the official test unless the adjustments, modifications and/or tests are part of the manufacturer's prescribed manufacturing and inspection procedures.

(b) Quality control, testing, assembly or selection procedures must not be used on the completed protector or any portion of the protector, including parts, that will not normally be used during the production and assembly of all other protectors of that category to be distributed in commerce.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.210–6 Testing.

(a) The manufacturer must conduct one valid test on the hearing protectors selected from each category for verification testing according to the test procedures as specified.

(b) The test hearing protectors must not be repaired or adjusted once testing has begun. In the event a unit is unable to complete the test, the manufacturer or test laboratory may replace the protector; testing may be continued or reinitiated. Any replacement hearing protector will be a protector of the same category and will be subject to all the provisions of these regulations. Any replacement must be reported in the labeling verification report, including the reason for the replacement.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.210–7 Addition of new categories: Modifications.

(a) Any modifications to a hearing protector, so that one or more of the category parameters listed in § 211.210–2(c) are modified, constitutes the addition of a new and separate category to the manufacturer's product line.

(b) A new category of products is also introduced whenever a manufacturer makes a design change which decreases the noise attenuation characteristics of the product.

(c) When a manufacturer introduces a new category to his model line he must proceed according to the label verification requirements of § 211.210–2.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.211 Compliance with labeling requirement.

(a) All hearing protective devices manufactured after the effective date of this regulation, and meeting the applicability requirements of § 211.201, must be labeled according to this subpart, and must comply with the Labeled Values of mean attenuation as reported in the Labeling Verification Report.

(b) A manufacturer must take into account both product variability and test-to-test variability when labeling his devices in order to meet the requirements of paragraph (a) of this section. A specific category is considered in compliance with the requirements of § 211.210–1, when the attenuation value at the tested one-third octave band is not greater than the mean attenuation value, reported as Labeled Values in the Labeling Verification Report. The attenuation value must be determined according to the test procedures of § 211.206. The Noise Reduction Rating for the label must be calculated using the Labeled Values of mean attenuation in the Labeling Verification Report that will be included in the supporting information required by § 211.204–4. Actual mean attenuation values at the one-third octave bands may exceed the Labeled Values.

§ 211.212 Compliance audit testing.

§ 211.212-1 Test request.

(a) The Administrator will request all testing under this section by means of a test request addressed to the manufacturer.

(b) The test request will be signed by the Assistant Administrator for Enforcement or his designee. The test request will be delivered by an EPA Enforcement Officer or sent by certified mail to the plant manager or other responsible official as designated by the manufacturer.

(c) In the test request, the Administrator must specify the following:

(1) The hearing protector category selected for testing;

(2) The manufacturer's plant or storage facility from which the protectors must be selected;

(3) The selection procedure the manufacturer will use to select test protectors;

(4) The test facility where the manufacturer is required to have the protectors tested (which could be the facility where they went through labeling verification testing);

(5) The number of test hearing protectors to be tested;

(6) The time period allowed for the manufacturer to initiate testing; and

(7) Any other information that will be necessary to conduct testing under this section.

(d) The test request may provide for situations in which the selected category is unavailable for testing. It may include an alternative category to be selected for testing in the event that protectors of the first specified category are not available because the protectors are not being manufactured at the specified plant, at the specified time, and are not being stored at the specified plant or storage facility.

(e) (1) Any testing conducted by the manufacturer under a test request must commence within the period specified within the test request. The Administrator may extend the time period on request by the manufacturer, if a test facility is not available to conduct the testing.

(2) The manufacturer must complete the required testing within one week following commencement of the testing.

(3) The manufacturer will be allowed 24 hours to send test hearing protectors from the assembly plant to the testing facility. The Administrator may approve more time based upon a request by the manufacturer. The request must be accompanied by a satisfactory justification.

(f) Failure to comply with any of the requirements of this section will not be considered a violation of these regulations if conditions and circumstances outside the control of the manufacturer render it impossible for him to comply. These conditions and circumstances include, but are not limited to, the temporary unavailability of equipment and personnel needed to conduct the required tests. The manufacturer bears the burden of establishing the presence of the conditions and circumstances.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-2 Test hearing protector selection.

(a) The test request will specify that thirty (30) protectors be selected, from which up to twenty (20) test protectors will be drawn for testing. The remainder may be used as replacement protectors if replacement is needed. The request will also specify that the 30 protectors be the next 30 produced after receipt of the request, or that the 30 be randomly drawn from the group of up to 100 that are next scheduled for production.

(b) If random selection is specified, it must be achieved by sequentially numbering all the protectors in the group and then using a table of random numbers to select the test hearing protectors. The manufacturer may use an alternative random selection plan when it is approved by the Administrator.

(c) Each test protector of the category selected for testing must have been assembled, by the manufacturer, for distribution in commerce using the manufacturer's normal production process.

(d) At their discretion, EPA Enforcement Officers, rather than the manufacturer, may select the protectors designated in the test request.

(e) The manufacturer must keep on hand the thirty (30) protectors designated for testing under this test request until such time as the category is determined to be in compliance. Hearing protectors actually tested and found to be in conformance with these regulations may be distributed in commerce.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-3 Test hearing protector preparation.

The manufacturer must select the test hearing protector according to § 211.212-2 before the offical test, and must comply with the test protector preparation requirements of § 211.210-5.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-4 Testing procedures.

(a) The manufacturer must conduct one valid test according to the test procedures specified in § 211.206 for each hearing protector selected for testing under § 211.212-2.

(b) The manufacturer must not repair or adjust the test hearing protectors once compliance testing has been initiated. In the event a hearing protector is unable to complete the test, the manufacturer may replace the protector. Any replacement protector will be of the same category as the protector being replaced. It will be selected from the remaining designated test protectors and will be subject to all the provisions of these regulations. Any replacement and the reason for replacement must be reported in the compliance audit test report.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-5 Reporting of test results.

(a)(1) The manufacturer must submit to the Administrator a copy of the Compliance Audit Test report for all testing conducted under § 211.212. It must be submitted within 5 days after completion of testing. A suggested compliance audit test report form is included as Appendix B.

(2) The manufacturer must provide the following test information:

(i) Category identification;

(ii) Production date, and model of hearing protector;

(iii) The name and location of the test facility used;

(iv) The completed data sheet in the form specified for all tests including, for each invalid test, the reason for invalidation; and

(v) The reason for the replacement where a replacement protector was necessary.

(3) The manufacturer must provide the following statement and endorsement:

> This report is submitted under Section 8 and Section 13 of the Noise Control Act of 1972. All testing, for which data are reported here, was conducted in strict conformance with applicable regulations under 40 CFR 211 et seq. All the data reported are true and accurate representations of this testing. All other information reported here is, to the best of (company name) and (test laboratory name) knowledge, true and accurate. I am aware of the penalties associated with violation of the Noise Control Act of 1972 and the regulations published under it. (authorized representative)

If the testing is conducted by an outside laboratory the manufacturer must require an authorized representative of

the laboratory to cosign both the statement and the endorsement.

(b) In the case where an EPA Enforcement Officer is present during testing required by this Subpart, the written reports required in paragraph (a) of this section may be given directly to the Enforcement Officer.

(c) The reporting requirements of this regulation will no longer be effective after five (5) years from the date of publication; however, the requirements will remain in effect if the Administrator is taking appropriate steps to repromulgate or modify the reporting requirements at that time.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-6 Determination of compliance.

(a) A category will be in compliance with these requirements if the results of the test conducted under the test request, show that:

(1) The mean attenuation value, at each one-third octave band center frequency as determined from the Compliance Audit Test values plus 3 dB(A), is equal to or greater than the mean attenuation value at the same one-third octave band reported in the "Labeled Values" section of the labeling Verification Report; and

(2) The Noise Reduction Rating, when calculated from the mean attenuation values determined by Compliance Audit Testing, equals or exceeds the Noise Reduction Rating as reported in the "Labeled Values" section of the Labeling Verification Report.

(b) If a category is not in compliance, as determined in paragraph (a) of this section, the manufacturer must satisfy the continued testing requirements of § 211.212-7, and the relabeling requirements of § 211.212-8 before further distributing hearing protectors of that category in commerce.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-7 Continued compliance testing.

If a category is not in compliance as determined under § 211.212-6, the manufacturer must satisfy the requirements of paragraph (a) or (b) of this section.

(a) The manufacturer must continue to test additional sets of (20) protectors until the mean attenuation values from the last test at each octave band equal or exceed the lowest attenuation values obtained from all previous compliance tests.

(b) Upon approval by the Administrator, the manufacturer may relabel at a lower level in compliance with § 211.212-8 in lieu of testing under paragraph (a) of this section. The manufacturer must obtain approval by showing that the relabeled values adequately take into account results achieved from the Compliance Audit Testing and product variability. The Administrator is to exercise his discretion in light of factors including the prior compliance record of the manufacturer, the adequacy of the proposed new labeling value, the amount of deviation of test results from the labeled values, and any other relevant information.

(c) When the manufacturer can show that the non-compliance under § 211.212-6 was caused by a quality control failure and that the failure has been remedied, he may, with the Administrator's approval, conduct only two additional tests and relabel at least as low as the mean attenuation values received from the two tests.

(d) The manufacturer may request a hearing on the issue of whether the compliance audit testing was conducted properly and whether the criteria for non-compliance in § 211.212-6 have been met; and the appropriateness or scope of a continued testing order. In the event that a hearing is requested, the hearing shall begin no later than 15 days after the date on which the Administrator received the hearing request. Neither the request for a hearing, nor the fact that a hearing is in progress, shall affect the responsibility of the manufacturer to commence and continue testing required by the Administrator pursuant to paragraph (a) of this section.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-8 Relabeling requirements.

(a) Any manufacturer who is found to not conform with § 211.212-6, and who has met the requirement of § 211.212-7, must relabel all protectors of the specified category already in his possession according to § 211.211 before distributing them in commerce. The manufacturer shall relabel at values no greater than any mean attenuation values received from Compliance Audit Testing. Any manufacturer who proceeds with § 211.212-7(a) or (b) must relabel his product line with the lowest mean attenuation value at each octave band received from testing; or he may take into account product variability under § 211.211(b) and label with a lower mean attenuation value than the worst case values obtained from Compliance Audit Testing.

(Sec. 10(a)(3), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(a)(3)))

§ 211.213 Remedial orders for violations of these regulations.

(a) The Administrator may issue an order under section 11(d)(1) of the Act when any person is in violation of these regulations.

(b) A remedial order will be issued only after the violator has been notified of the violation and given an opportunity for a hearing according to § 554 of Title 5 of the United States Code.

(c) All costs associated with a remedial order shall be borne by the violator.

(Sec. 11(d) Pub. L. 92-574, 86 Stat. 1243 (42 U.S.C. 4910(d)))

§ 211.214 Removal of label.

Section 10(a)(4) of the Act prohibits any person from removing, prior to sale, any label required by this Subpart, by either physical removal or defacing or any other physical act making the label and its contents not accessible to the ultimate purchaser prior to sale.

(Sec. 10(a)(4), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(a)(4))

Appendix A.—Labeling Verification Report

Data Sheet

Company name: _____
Address: _____
Test laboratory: _____
Address: _____
Model number of hearing protector: _____
Category designation: _____

Test Results—Frequency, Mean Attenuation, and Standard Deviation

125 _____
250 _____
500 _____
1000 _____
2000 _____
3150 _____
4000 _____
6300 _____
8000 _____
Noise Reduction Rating: _____

Labeled Values—Frequency, Mean Attenuation, and Standard Deviation

125 _____
250 _____
500 _____
1000 _____
2000 _____
3150 _____
4000 _____
6300 _____
8000 _____
Noise Reduction Rating: _____

If replacement hearing protector was necessary to conduct test, reason for replacement:

This report is submitted under Section 8 and Section 13 of the Noise Control Act of 1972. All testing, for which data are reported here, was conducted in strict conformance with applicable regulations under 40 CFR 211, et seq. All data reported here are true and accurate representations of this testing. All other information reported here is, to the best of (company name) and (test laboratory

name) knowledge, true and accurate. I am aware of the penalties associated with violation of the Noise Control Act of 1972 and the regulations published under it.

(Authorized representative of company)

(Authorized representative of test laboratory)

Appendix B.—Compliance Audit Testing Report

Data Sheet

Company name: _____
Address: _____
Test laboratory: _____
Address: _____
Model number of hearing protector: _____
Category designation: _____
Production date: _____

Test Results—Frequency, Mean Attenuation, and Standard Deviation

125 _____
250 _____
500 _____
1000 _____
2000 _____
3150 _____
4000 _____
6300 _____
8000 _____
Noise Reduction Rating: _____

If replacement hearing protector was necessary to conduct test, reason for replacement:

This report is submitted under Section 8 and Section 13 of the Noise Control Act of 1972. All testing, for which data are reported here, was conducted in strict conformance with applicable regulations under 40 CFR 211, et seq. All the data reported here are true and accurate representations of this testing. All other information reported here is, to the best of (company name) and (test laboratory name) knowledge, true and accurate. I am aware of the penalties associated with violation of the Noise Control Act of 1972 and the regulations published under it.

(Authorized representative of company)

(Authorized representative of test laboratory)

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federal register

Friday
September 28, 1979

Part IV

Department of the Interior

Fish and Wildlife Service

Migratory Bird Hunting; Late Seasons, and Bag and Possession Limits For Certain Game Birds

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the open seasons, shooting and hawking hours, hunting areas, and daily bag and possession limits for general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; most sandhill crane seasons in the Central Flyway; coots, gallinules, and snipe in the Pacific Flyway; and additional falconry seasons. The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The rules will permit taking of the designated species within specified periods of time beginning as early as September 29 and benefit the public by opening the seasons which are presently closed.

EFFECTIVE DATE: September, 28, 1979.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C., telephone 202–254–3207.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

The annual process for developing migratory game bird hunting regulations is divided into those for "early" seasons and those for "late" seasons. Early seasons include those which open before September 29, while late seasons open on or after September 29. Regulations are developed independently for early and late seasons. The early season regulations cover mourning doves, white-winged doves, band-tailed pigeons, rails, gallinules, woodcock, common snipe, sea ducks in the Atlantic Flyway, teal in September in the Central and Mississippi Flyways, ducks in late September in Iowa, sandhill cranes in North Dakota and South Dakota, doves in the Virgin Islands and Hawaii, all migratory game birds in Puerto Rico and Alaska, and some special falconry seasons. Late seasons include the general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; most sandhill crane seasons in the Central Flyway; coots, gallinules, and snipe in the Pacific Flyway; and additional special falconry seasons.

Certain general procedures are followed in developing regulations for both the early and the late seasons. Initial regulatory proposals are first announced in a **Federal Register** document in mid-February, and opened to public comment. As additional information becomes available, and comments on the initial proposals are received and considered, supplemental proposed rulemakings are published in the **Federal Register.** At the termination of the comment periods and following a public hearing, the Service develops and publishes the proposed frameworks for times of seasons, season lengths, shooting and hawking hours, daily bag and possession limits, and other regulatory restraints or options. Following another public comment period and after consideration of additional comments, the Service publishes in the **Federal Register** the final frameworks. Using these frameworks, State conservation agencies select hunting season dates and offered options. States may select more restrictive seasons and options than those offered in the Service's frameworks. The final regulations, reflected in amendments to Subpart K of 50 CFR 20 then appear in the **Federal Register,** and become effective upon publication.

This year the process was implemented as follows. On February 15, 1979, the Service published for public comment in the **Federal Register** (44 FR 9928) proposals to amend 50 CFR 20, with a comment period ending May 16, 1979. That document dealt with the establishment of seasons, limits and shooting hours for migratory birds under §§ 20.101 through 20.107 of Subpart K. On June 13, 1979, the Service published for public comment in the **Federal Register** (44 FR 34082) the second document in the series consisting of supplemental proposed rulemaking dealing specifically with a number of supplemental proposals arising from comments received on the initial proposals, or from new information. On June 28, 1979, the Service also published for public comment in the **Federal Register** (44 FR 37857) the third document in the series consisting of supplemental proposed rulemaking dealing specifically with proposed frameworks for early season migratory bird hunting regulations from which, when finalized, States could select season dates and daily bag and possession limits for the 1979–80 season. On June 28, 1979, the Service also published in the **Federal Register** (44 FR 37854) the fourth document in the series consisting of final rulemaking dealing specifically with final frameworks from which wildlife conservation agency officials in Alaska, Puerto Rico, and the Virgin Islands could select season dates for hunting certain migratory birds in their respective jurisdictions during the 1979–80 season. On July 24, 1979, the Service published in the **Federal Register** (44 FR 43420) the fifth document in the series consisting of final rulemaking dealing specifically with final frameworks for early season migratory bird hunting regulations in all States during the 1979–80 seasons from which State wildlife conservation officials selected early season dates and daily bag and possession limits for the 1979–80 season. On August 8, 1979, the Service published in the **Federal Register** (44 FR 46462) the sixth document in the series consisting of final rulemaking dealing specifically with a correction to the Final Regulations Frameworks for 1979–80 Early Hunting Seasons on Certain Migratory Game Birds in the United States, adding text inadvertently omitted from the July 24 publication (44 FR 43420) affecting *Gallinules, Sandhill*

Cranes, and *Scoter, Eider and Oldsquaw Ducks* (Atlantic Flyway). On August 10, 1979, the Service published for comment in the **Federal Register** (44 FR 47246) the seventh document in the series of proposed and final rulemakings dealing specifically with proposed regulations frameworks for 1979–80 late hunting seasons on certain migratory game birds. On August 20, 1979, the Service published in the **Federal Register** (44 FR 48846) the eighth document in the series of proposed and final rulemakings dealing specifically with amending subpart K of 50 CFR 20 to set open hunting seasons, certain closed areas, shooting and hawking hours, and bag and possession limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in late September in Iowa; sandhill cranes in designated portions of North Dakota and South Dakota; and migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands. On August 28, 1979, the Service published in the **Federal Register** (44 FR 50544) the ninth document in the series of proposed and final rulemakings dealing specifically with final regulations frameworks for 1979–80 late hunting seasons on certain migratory game birds from which States selected season dates and daily bag and possession limits for the 1979–80 season. This final rulemaking document is the tenth in the series of proposed, supplemental, and final rulemakings for migratory game bird hunting regulations and consists of final rulemaking amending subpart K of 50 CFR 20 to set open hunting seasons, hunting areas, shooting and hawking hours, and bag and possession limits for waterfowl, coots, and gallinules; sandhill cranes in parts of New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; common snipe in the Pacific Flyway; and additional extended falconry seasons.

On June 21, 1979, a public hearing was held in Washington, D.C., to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, and sandhill cranes. The meeting was announced in the **Federal Register** on February 15, 1979 (44 FR 9928) and June 13, 1979 (44 FR 34082). Proposed hunting regulations for these species were discussed plus those for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons in the Mississippi and Central Flyways; an early duck season in Iowa; special sea duck seasons in the Atlantic Flyway; and falconry seasons. Statements or comments were invited.

On August 2, 1979, a public hearing was held in Washington, D.C., as announced in the **Federal Register** on February 15, 1979 (44 FR 9928) and June 13, 1979 (44 FR 34082) to review information on population status and proposed hunting regulations for waterfowl, coots, and gallinules; sandhill cranes in Colorado, New Mexico, Oklahoma, Texas, Montana and Wyoming; common snipe in the Pacific Flyway; and special falconry regulations. Statements or comments were invited from the public.

Steel Shot Regulations

Non-toxic shot requirements in some areas apply to waterfowl regulations being finalized here. On July 17, 1979, the Service published in the **Federal Register** (44 FR 41461) final regulations regarding zones in all flyways in which shotshells loaded with steel shot will be required for waterfowl hunting in seasons commencing in 1979. Minor corrections to the final regulations appeared in the **Federal Register** dated August 10, 1979 (44 FR 47093). The intended effect of establishing these steel shot regulations is to reduce the number of waterfowl deaths caused by ingesting spent lead pellets.

The regulations appear under 50 CFR, §§ 20.21 and 20.108, and will also be summarized in the Service's regulations leaflets to be published late this summer.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 24241). A number of environmental assessments have been issued by the Service to supplement the above FES. Shooting hours, dove hunting in September, black ducks, canvasbacks and redheads, Atlantic flyway brant, and greater snow geese are among the subjects of these assessments. The 1975 FES is now out of print but copies of the environmental assessments are available from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Endangered Species Act Consideration

Compliance with the Endangered Species Act, insofar as late season regulations frameworks are concerned, was described in the **Federal Register** dated August 28, 1979 (44 FR 50544). As a result of intra-Service Section 7 consultation, Acting Director Robert S. Cook concluded in a biological opinion dated August 21, 1979, "that the migratory bird late hunting seasons are not likely to jeopardize the continued existence of the above listed species or result in destruction or adverse modification of any designated Critical Habitat."

The Service wishes to reiterate that delays or closures of migratory bird hunting seasons will be considered, and invoked when justified, for the protection of endangered species.

The Service's biological opinions and threshold examination reports resulting from its consultation under section 7 are considered to be public documents and are available for public inspection in the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Copies may be also be obtained by mail upon request.

Authorship

The primary author of this final rule is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Exception From Executive Order 12044 and 43 CFR Part 14

As discussed in the **Federal Register** dated February 15, 1979 (44 FR 9929), the Assistant Secretary for Fish and Wildlife and Parks has concluded that the ever decreasing time frames in the regulatory process are mandated by the Migratory Bird Treaty Act and the Administrative Procedure Act. The regulatory process simply has no remaining slack in its timetable between the accumulation of critical summer survey data and the publication of the revised sets of proposed and final rulemakings. Compliance with the determination of significance and regulatory analysis criteria established under Executive Order 12044 would simply not be possible if the fall hunting season deadlines are to be achieved.

Consequently, the Assistant Secretary for Fish and Wildlife and Parks has approved the exemption of these regulations from the procedures of Executive Order 12044 and 43 CFR 14 which is provided for in section 6(b)6 and § 14.3(f), respectively.

Regulations Promulgation

After analysis of the migratory game bird survey data obtained through investigations conducted by the Service, State conservation agencies, and other sources, and consideration of all comments received on the late season proposals (44 FR 9928, February 15, 1979; 44 FR 34082, June 13, 1979; and 44 FR 47246, August 10, 1979) the Service published in the **Federal Register** on August 28, 1979 (44 FR 50544), final late season frameworks. Copies of the final frameworks were also sent to the officials of the State conservation agencies who were invited to submit selections for hunting seasons and related options which complied with the shooting hours, daily bag and possession limits, season times and lengths, and areas specified in the frameworks.

The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The amendments will permit taking of the designated species within specified time periods beginning as early as September 29 and benefit the public by opening the seasons which are presently closed.

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemakings were published on February 15, June 13, and August 10, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the periods' close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the printing and distribution of Federal and State regulatory announcements and leaflets would be delayed to the extent that hunters would not have regulatory information available prior to the beginning of the hunting seasons. The Service has determined that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3), and these regulations will, therefore, take effect immediately upon publication.

Accordingly, each State conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State (all dates inclusive) on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, certain sections of Title 50, Chapter 1, Subchapter B, Part 20, Subpart K, are amended to read as follows:

PART 20—MIGRATORY BIRD HUNTING

1. Section 20.104 is revised to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

	Rails (sora and Virginia)	Rails (clapper and king)	Woodcock	Common snipe
Daily bag limits	[1] 25	[2]	5	8
Possession limits	[1] 25	[2]	10	16

Shooting Hours: One-half hour before sunrise until sunset daily on all species, except as noted otherwise.
Check State regulations for additional restrictions, including area descriptions.

SEASONS IN THE ATLANTIC FLYWAY				
Connecticut	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 20 to Dec. 1	Oct. 20 to Dec. 1.
Delaware	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 18 to Nov. 3 and Nov. 19 to Jan. 5.	Oct. 1 to Nov. 3 and Nov. 19 to Jan. 30.
Florida	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Dec. 8 to Feb. 10	Nov. 10 to Feb. 24.
Georgia	Sept. 8 to Nov. 16	Sept. 8 to Nov. 16	Nov. 20 to Jan. 23	Nov. 20 to Feb. 28.
Maine	Sept. 1 to Nov. 9	Closed	Sept. 24 to Nov. 15	Sept. 1 to Dec. 15.
Maryland	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 5 to Nov. 23 and Dec. 22 to Jan. 5.	Sept. 14 to Dec. 29.
Massachusetts	Sept. 1 to Nov. 9	Closed	Oct. 10 to Nov. 30	Sept. 1 to Dec. 15.
New Hampshire	Closed	Closed	Sept. 22 to Nov. 25	Sept. 22 to Nov. 25.
New Jersey: [3]				
North Zone	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 3 to Nov. 26	Oct. 13 to Nov. 13 and Nov. 22 to Jan. 2.
South Zone	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 27 to Dec. 1 and Dec. 15 to Jan. 2.	Oct. 13 to Nov. 13 and Nov. 22 to Jan. 2.
New York: [3]				
Northern Zone including Lake Champlain	Sept. 1 to Nov. 9	Closed	Sept. 20 [4] to Nov. 23	Sept. 1 to Nov. 23.
Southern Zone	Sept. 1 to Nov. 9	Closed	Oct. 1 [4] to Nov. 23	Sept. 1 to Nov. 23.
Long Island	Closed	Closed	Oct. 1 [4] to Nov. 23	Closed.
North Carolina	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Nov. 17 to Jan. 19	Nov. 14 to Feb. 28.
Pennsylvania	Sept. 1 to Nov. 9	Closed	Oct. 13 to Dec. 15	Oct. 13 to Dec. 15.
Rhode Island	Sept. 17 to Nov. 25	Sept. 17 to Nov. 25	Oct. 20 to Dec. 7 and Dec. 17 to Jan. 1.	Sept. 17 to Dec. 7 and Dec. 17 to Jan. 10.
South Carolina	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Nov. 22 to Jan. 25	Nov. 14 to Feb. 28.
Vermont	Sept. 29 to Dec. 2	Closed	Sept. 29 to Dec. 2	Sept. 29 to Dec. 2.
Virginia	Sept. 8 to Nov. 16	Sept. 8 to Nov. 16	Oct. 22 to Dec. 25	Oct. 17 to Jan. 31.
West Virginia	Sept. 10 to Nov. 17	Closed	Oct. 13 to Dec. 15	Sept. 10 to Dec. 25.

SEASONS IN THE MISSISSIPPI FLYWAY

Alabama	Nov. 10 to Jan. 18	Nov. 10 to Jan. 18	Nov. 28 to Jan. 31	Nov. 14 to Feb. 28.
Arkansas	Sept. 1 to Nov. 9	Closed	Nov. 15 to Jan. 18	Nov. 15 to Feb. 28.
Illinois	Sept. 1 to Nov. 9	Closed	Oct. 15 to Dec. 18	Oct. 15 to Jan. 29.
Indiana	Sept. 1 to Nov. 9	Closed	Sept. 22 to Nov. 25	Sept. 1 to Dec. 16.
Iowa	Sept. 1 to Nov. 9	Closed	Sept. 22 to Nov. 25	Sept. 1 to Dec. 16.
Kentucky	Nov. 12 to Jan. 20	Closed	Oct. 6 to Nov. 30 and Dec. 8 to Dec. 16.	Oct. 6 to Nov. 30 and Dec. 8 to Dec. 16.
Louisiana	Sept. 22 to Nov. 30	Sept. 22 to Nov. 30	Dec. 8 to Feb. 10	Nov. 3 to Feb. 17.
Michigan: [3] [5]				
Zone 1	Sept. 15 to Nov. 14	Closed	Sept. 15 to Nov. 13	Sept. 15 to Nov. 14.
Zone 2	Sept. 15 to Nov. 14	Closed	Sept. 15 to Nov. 14	Sept. 15 to Nov. 14.
Zone 3	Sept. 15 to Nov. 14	Closed	Oct. 20 to Nov. 14	Sept. 15 to Nov. 14.
Minnesota	Sept. 1 to Nov. 4	Closed	Sept. 1 to Nov. 4	Sept. 1 to Nov. 4.
Mississippi	Oct. 27 to Jan. 4	Oct. 27 to Jan. 4	Dec. 15 to Feb. 17	Nov. 17 to Feb. 28.
Missouri	Sept. 1 to Nov. 9	Closed	Oct. 1 to Dec. 4	Oct. 1 to Dec. 4.
Ohio	Sept. 1 to Nov. 9	Closed	Sept. 28 to Dec. 1	Sept. 1 to Dec. 15.
Tennessee	Dec. 1 to Jan. 19 [6]	Closed	Oct. 20 to Nov. 25 and Feb. 1 to Feb. 28.	Nov. 19 to Feb. 28.
Wisconsin	Oct. 1 [7] to Oct. 7 and Oct. 13 to Nov. 24.	Closed	Sept. 15 to Nov. 18	Oct. 1 [7] to Oct. 7 and Oct. 13 to Nov. 24.

SEASONS IN THE CENTRAL FLYWAY

Colorado [8]	Sept. 1 to Nov. 9	Closed	Closed	Sept. 1 to Dec. 2.
Kansas	Sept. 15 to Nov. 23	Closed	Oct. 6 to Dec. 9	Sept. 15 to Dec. 30.
Montana [8]	Closed	Closed	Closed	Sept. 29 to Nov. 27.
Nebraska	Sept. 1 to Nov. 9	Closed	Sept. 15 to Nov. 18	Sept. 15 to Nov. 18.
New Mexico [8]	Sept. 15 to Nov. 23	Closed	Closed	Sept. 15 to Dec. 16.
North Dakota	Closed	Closed	Closed	Sept. 15 to Nov. 11.
Oklahoma	Sept. 1 to Nov. 9	Closed	Nov. 20 to Jan. 23	Oct. 20 to Feb. 3.
South Dakota	Closed	Closed	Closed	Sept. 1 to Oct. 31.
Texas	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Nov. 17 to Jan. 20	Nov. 3 to Feb. 17.
Wyoming [8]	Sept. 29 to Dec. 7	Closed	Closed	Sept. 29 to Jan. 7.

SEASONS IN THE PACIFIC FLYWAY

Arizona	Closed	Closed	Closed	Oct. 20 to Jan. 20.
California: [3]				
Northeastern Zone	Closed	Closed	Closed	Oct. 13 to Jan. 13.
Southern Zone	Closed	Closed	Closed	Oct. 20 to Jan. 20.
Colorado River Zone	Closed	Closed	Closed	Oct. 20 to Jan. 20.
Remainder of State	Closed	Closed	Closed	Oct. 20 to Jan. 20.
Colorado	Sept. 1 to Nov. 9	Closed	Closed	Sept. 1 to Dec. 2.
Idaho: [3]				
Columbia Basin	Closed	Closed	Closed	Oct. 6 to Jan. 13.
Remainder of State	Closed	Closed	Closed	Oct. 6 to Jan. 6.
Montana	Closed	Closed	Closed	Sept. 29 to Dec. 30.
Nevada:				
Clark County	Closed	Closed	Closed	Oct. 20 to Jan. 20.
Remainder of State	Closed	Closed	Closed	Oct. 13 to Jan. 13.
New Mexico	Sept. 15 to Nov. 23	Closed	Closed	Sept. 15 to Dec. 16.
Oregon:				
Columbia Basin	Closed	Closed	Closed	Oct. 13 to Jan. 20.
Remainder of State	Closed	Closed	Closed	Oct. 13 to Jan. 13.
Utah [7]	Closed	Closed	Closed	Oct. 6 to Jan. 6.
Washington [7]	Closed	Closed	Closed	Oct. 13 to Jan. 13.
Wyoming	Closed	Closed	Closed	Sept. 29 to Dec. 30.

[1] The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.

[2] In addition to the limits on sora and Virginia rails, in Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 clapper and king rails, singly or in the aggregate of these two species, except that the season is closed on king rails in New Jersey by State regulation. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 clapper and king rails, singly or in the aggregate of these two species.

[3] For description of zones or management units within a State, see State regulations.

[4] In New York, on the first day the season opens at sunrise for woodcock.

[5] In Michigan, in the counties of Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola and Wayne, and adjacent Great Lakes and connecting waters, the snipe and rail seasons shall open concurrently with the duck season and shall run continuously in all areas through November 14.

[6] In Tennessee, the season dates for the Reelfoot Zone are November 17, 1979, through January 5, 1980. See waterfowl regulations for the description of the Reelfoot Zone.

[7] In Wisconsin, Utah, and Washington, on the first day the season opens at 12 noon.

[8] The Central Flyway portion consists of: *Colorado* and *Wyoming*—the area lying east of the Continental Divide; *Montana*—the area lying east of Hill, Chouteau, Cascade, Meagher, and Park Counties; *New Mexico*—the area lying east of the Continental Divide but outside the Jicarilla Apache Indian Reservation. The remainder portions of these States are in the Pacific Flyway.

2. Section 20.105 is amended to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea Ducks.* (1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 15, 1979, and January 20, 1980, in all coastal waters and all waters or rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southhampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia, provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the

respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set in addition to the limits prescribed for such seasons a daily bag limit of 7 and possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

Check State regulations for additional restrictions, including area descriptions.

Seasons in:	
Connecticut	Oct. 15 to Jan. 12.
Delaware	Sept. 28 to Jan. 12.
Georgia	Nov. 21 to Jan. 20.
Maine	Oct. 1 to Jan. 15.
Maryland	Oct. 5 to Jan. 19.
Massachusetts	Oct. 5 to Jan. 19.
New Hampshire	Sept. 15 to Dec. 30.
New Jersey	Oct. 5 to Jan. 19.
New York (Long Island only)	Sept. 21 to Jan. 5.
North Carolina	Oct. 5 to Jan. 19.
Rhode Island	Oct. 6 to Jan. 20.
South Carolina	Oct. 5 to Jan. 19.
Virginia	Oct. 5 to Jan. 19.

(4) Notwithstanding the provisions of this Part 20, the shooting of *crippled* waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(b) *Teal.* September season:

* * * * *

(c) *Gallinules.*

Limits in the Atlantic, Mississippi, and Central Flyways:

Daily bag limit	15
Possession limit	30

Limits in the Pacific Flyway: The daily bag and possession limits are 25 gallinules and coots singly or in the aggregate of these two species.

Shooting hours: One-half hour before sunrise to sunset.

Check State regulations for additional restrictions, including area descriptions.

Seasons in the Atlantic Flyway:	
Connecticut	Sept. 1 to Nov. 9.
Delaware	Sept. 1 to Nov. 9.
Florida [1]	Sept. 1 to Nov. 9.
Georgia	Nov. 21 to Jan. 20.
Maine	Sept. 1 to Nov. 9.
Maryland	Sept. 1 to Nov. 9.
Massachusetts	Sept. 1 to Nov. 9.
New Hampshire	Closed
New Jersey	Sept. 1 to Nov. 9.
New York:	
Long Island	Closed
Remainder of State	Sept. 1 to Nov. 9.
North Carolina	Sept. 1 to Nov. 9.
Pennsylvania	Sept. 1 to Nov. 9.
Rhode Island	Sept. 17 to Nov. 25.
South Carolina	Sept. 1 to Nov. 9.
Vermont	Sept. 29 to Dec. 2.
Virginia	Oct. 3 to Oct. 6. Nov. 20 to Dec. 1. Dec. 17 to Jan. 19.
West Virginia	Oct. 3 to Oct. 20. Dec. 12 to Jan. 12.
Seasons in the Mississippi Flyway:	
Alabama	Nov. 10 to Jan. 18.
Arkansas	Nov. 7 to Jan. 15.
Illinois	Closed.
Indiana	Sept. 1 to Nov. 9.
Iowa	Closed.
Kentucky	Nov. 12 to Jan. 20.
Louisiana	Sept. 22 to Nov. 30
Michigan:	
Zone 1	Sept. 29 to Nov. 17.
Zones 2 and 3	Oct. 4 to Nov. 22.
Minnesota	Sept. 29 to Nov. 17.
Mississippi	Sept. 22 to Sept. 30. Oct. 27 to Dec. 26.
Missouri	Sept. 1 to Nov. 9.
Ohio	Sept. 1 to Nov. 9.
Tennessee [2]	Dec. 1 to Jan. 19.
Wisconsin	Oct. 1 [3] to Oct. 7. Oct. 13 to Nov. 24.
Seasons in the Central Flyway:	
Colorado [4]	Closed.
Kansas	Closed.
Montana [4]	Closed.
Nebraska	Closed.
New Mexico [4]	Oct. 30 to Jan. 6.
North Dakota	Closed.
Oklahoma	Sept. 1 to Nov. 9.
South Dakota	Closed.
Texas	Sept. 1 to Nov. 9.
Wyoming [4]	Closed.
Seasons in the Pacific Flyway:	
Arizona	Oct. 20 to Jan. 20.
California:	
Northeastern Zone	Oct. 13 to Jan. 13.
Southern Zone	Oct. 20 to Jan. 20.
Colorado River Zone	Oct. 20 to Jan. 20.
Remainder of State	Oct. 20 to Jan. 20.
Nevada	
Clark County	Oct. 20 to Jan. 20.
Remainder of State	Oct. 13 to Jan. 13.
New Mexico [5]	Oct. 6 to Dec. 14.

[1] The gallinule season in Florida applies to the common or Florida gallinule only. No open season on purple gallinules in Florida.

[2] In Tennessee, the season dates for the Reelfoot Zone are November 17, 1979, through January 5, 1980. See footnote under waterfowl regulations for description of the Reelfoot Zone.

[3] On the first day the season opens at 12 noon.

[4] Seasons apply to Central Flyway portion of State only.

[5] Seasons apply to Pacific Flyway portion of State only.

(d) *Waterfowl and coots in Atlantic, Mississippi, Central and Pacific Flyways.*

Flywaywide Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

In all States in the Atlantic Flyway:

Wood ducks—No more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be possessed. Exceptions: during duck seasons prior to October 15, 1979, in North Carolina, under conventional regulations, no special restrictions within the regular daily bag and possession limits shall apply to wood ducks. In Virginia, under the point system, the point value of wood ducks shall be 25; and in Pennsylvania, the possession limit is 2 wood ducks.

Hooded mergansers—In States selecting conventional regulations, no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be possessed.

Canvasbacks and redheads—Except in close areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession under conventional regulations. Under the point system canvasbacks count 100 points each, except in closed areas, and redheads count 70 points each, except in closed areas. The areas closed to canvasback and redhead hunting are:

New York—Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey—Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

North Carolina—Those portions of the State lying east of U.S. Highway 1.

Maryland and Virginia—The entire State.

Brant—The season is closed on brant.

Check State regulations for additional restrictions and delineations of geographical areas. Special restrictions may apply on Federal and State public hunting areas.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits	
		Bag	Possession
Connecticut:			
Ducks		4	8
North zone [1]	Oct. 20 to Nov. 3 and Nov. 22 to Dec. 26		
South zone [1]	Oct. 20 to Oct. 27 and Dec. 1 to Jan. 11		
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 20 to Nov. 3 and Nov. 19 to Jan. 12	3	6
Snow (including blue)	Oct. 20 to Nov. 3 and Nov. 19 to Jan. 12	4	8

	Season dates	Limits	
		Bag	Possession
Delaware:			
Ducks	Oct. 1 to Oct. 6, Nov. 7 to Nov. 24, and Dec. 18 to Jan. 12.	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 7 to Jan. 31	4	8
Snow (including blue)	Nov. 7 to Dec. 1 and Dec. 18 to Jan. 31	4	8
Florida:			
Ducks	Nov. 21 to Dec. 2 and Dec. 14 to Jan. 20	Point system.	
Coots		15	30
Geese	Closed		
Georgia:			
Ducks	Nov. 21 to Nov. 25 and Dec. 7 to Jan. 20	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese	Closed		
Maine:			
Ducks		4	8
North zone (wildlife management units 1–3).	Oct. 1 to Nov. 19		
South zone (wildlife management units 4–8).	Oct. 1 [2] to Oct. 20 and Nov. 16 to Dec. 15		
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
North zone (wildlife management units 1–3).	Oct. 1 to Dec. 8		
South zone (wildlife management units 4–8).	Oct. 1 [2] to Dec. 8		
Including no more than:			
Canada		3	6
Snow (including blue)		4	8
Maryland:			
Ducks (except canvasbacks and redheads)	Oct. 26 to Oct. 27, Nov. 9 to Nov. 23, and Dec. 11 to Jan. 12.	Point system.	
Canvasbacks and redheads		Season closed.	
Coots		15	30
Geese:			
Canada:			
In Delmarva Peninsula [3]	Oct. 26 to Nov. 23 and Dec. 3 to Jan. 31	3	6
In remainder of State	Nov. 2 to Nov. 23 and Dec. 3 to Jan. 19	3	6
Snow (including blue)	Nov. 14 to Nov. 23 and Dec. 3 to Jan. 31	4	8
Massachusetts:			
Ducks [4]	Oct. 10 to Oct. 20, Nov. 2 to Nov. 24, and Dec. 28 to Jan. 12.	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 10 to Oct. 27, Nov. 2 to Nov. 30, and Dec. 28 to Jan. 19.		
Canada		3	6
Snow (including blue)		4	8
New Hampshire:			
Ducks	Oct. 3 to Oct. 28 and Nov. 23 to Dec. 16	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 3 to Oct. 28 and Nov. 17 to Dec. 30		
Canada		3	6
Snow (including blue)		4	8
New Jersey:			
Ducks	Oct. 13 to Oct. 20 and Nov. 22 to Jan. 2	Point system. [5]	
Coots		15	30
Geese:			
Canada	Oct. 1 to Oct. 31 and Nov. 22 to Jan. 19	4	8
Snow (including blue)	Oct. 13 to Nov. 13 and Nov. 22 to Dec. 29	4	8
New York:			
Long Island area:			
Ducks	Nov. 14 to Jan. 2	4	8
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Nov. 14 to Jan. 20		
Canada		3	6
Snow (including blue)		4	8
Lake Champlain area:			
Ducks	Oct. 3 [6] to Oct. 14 and Oct. 27 to Dec. 3	4	8
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 3 [6] to Dec. 11		
Canada		3	6
Snow (including blue)		4	8

	Season dates	Limits	
		Bag	Possession
North zone: [7]			
Ducks	Oct. 3 to Oct. 28 and Nov. 9 to Dec. 2	5	10
Including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese	Oct. 3 to Dec. 11		
Canada		3	6
Snow (including blue)		4	8
South zone: [7]			
Ducks	Oct. 10 to Oct. 21 and Nov. 2 to Dec. 9	5	10
Including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese	Oct. 3 to Dec. 11		
Canada		3	6
Snow (including blue)		4	8
West zone: [7]			
Ducks	Oct. 10 to Nov. 15 and Dec. 21 to Jan. 2	5	10
Including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese	Oct. 3 to Dec. 11		
Canada		3	6
Snow (including blue)		4	8
North Carolina:			
Ducks		5	10
East zone [8]	Nov. 21 to Nov. 24 and Dec. 5 to Jan. 19		
West zone [8, 9]	Oct. 3 to Oct. 6 and Dec. 5 to Jan. 19		
Including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 21 to Nov. 24 and Dec. 5 to Jan. 19	2	4
Snow (including blue)	Nov. 23 to Jan. 31	4	8
Pennsylvania:			
Ducks		4	8
Including no more than:			
Black ducks		2	4
Wood ducks		2	2
North zone [10]	Oct. 27 to Dec. 15		
South zone [10]	Oct. 10 [11] to Oct. 20 and Oct. 31 to Dec. 8		
Mergansers		5	10
Coots		15	30
Geese:			
Canada:			
In Southeastern zone [12]	Oct. 10 [11] to Dec. 18 and Dec. 26 to Jan. 14	4	8
In remainder of the State [13]	Oct. 10 [11] to Dec. 18	3	6
Snow (including blue)	Oct. 10 [11] to Dec. 18	4	8
Rhode Island:			
Ducks	Oct. 11 to Oct. 14 and Nov. 21 to Jan. 5	Point system.	
Coots		15	30
Geese	Nov. 12 to Jan. 20		
Canada		3	6
Snow (including blue)		4	8
South Carolina:			
Ducks	Nov. 21 to Nov. 24 and Dec. 5 to Jan. 19	5	10
Including no more than: Black duck and mottled duck, singly or in the aggregate.		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Anderson, Beaufort, Colleton, Fairfield, McCormick, Newberry, and Oconee Counties.	Season closed		
Remainder of State	Nov. 21 to Nov. 24 and Dec. 5 to Jan. 19		
Canada		1	2
Snow (including blue)		4	8
Vermont:			
Ducks	Oct. 3 [6] to Oct. 14 and Oct. 27 to Dec. 3	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese [14]	Oct. 3 [6] to Dec. 11		
Canada		3	6
Snow (including blue)		4	8

	Season dates	Limits	
		Bag	Possession
Virginia:			
Ducks [15] (except canvasbacks and redheads)	Oct. 3 to Oct. 6, Nov. 20 to Dec. 1, and Dec. 17 to Jan. 19.	Point system.	
Canvasbacks and redheads	Season closed		
Coots		15	30
Geese:			
Canada:			
In Back Bay area [16]	Oct. 3 to Oct. 6, Nov. 20 to Dec. 1, and Dec. 17 to Jan. 19.	2	4
In Delmarva Peninsula area	Nov. 3 to Jan. 31	4	8
In remainder of State	Nov. 12 to Jan. 19	3	6
Snow (including blue):			
In Back Bay area [17]	Nov. 23 to Dec. 1 and Dec. 17 to Jan. 19	4	8
In remainder of State	Nov. 23 to Jan. 31	4	8
West Virginia:			
Ducks	Oct. 3 to Oct. 20 and Dec. 12 to Jan. 12	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 3 to Oct. 20 and Dec. 12 to Jan. 12		
Canada		3	6
Snow (including blue)		4	8

[1] In Connecticut, the *North Zone* is that portion of the State north of Interstate 95. The *South Zone* is that portion of the State south of Interstate 95.

[2] In Maine, in the South Zone, on the first day the season opens at 12 noon.

[3] In Maryland, the Delmarva Peninsula includes the counties of Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester.

[4] Season closed on wood ducks in Nantucket County.

[5] In New Jersey, the green-winged teal is assigned 25 points.

[6] In the Lake Champlain area of New York and Vermont, on the first day the season opens at 8 a.m.

[7] In New York, the *West Zone* is that portion of Upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border. The *North* and *South* Zones are bordered on the west by the boundary of the West Zone and are separated from each other as follows: starting at the intersection of Interstate Highway 81 and New York Route 49 and extending easterly along Route 49 to its junction with Route 8 in Utica, then southerly along Route 8 to its intersection with U.S. Highway 20 in Bridgewater, then easterly along U.S. Highway 20 to the Massachusetts border.

[8] In North Carolina, the *East Zone* is that portion of the State east of U.S. Highway 1. The *West Zone* is that portion of the State west of U.S. Highway 1.

[9] No special daily bag and possession limit restrictions apply to wood ducks during the October 3–6 season.

[10] In Pennsylvania, the *North Zone* is comprised of the Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle peninsula. the *South Zone* is the remainder of Pennsylvania.

[11] In Pennsylvania, on the first day the season opens at 12 noon.

[12] In Pennsylvania, the *Southeastern Zone* is that portion of the State lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border.

[13] In Pennsylvania, in Butler, Crawford, Erie, and Mercer Counties, and in the controlled shooting section of the Middle Creek Wildlife Management Area, the Canada goose daily bag limit is 1 and the possession limit is 2.

[14] See State regulations for further limit restrictions for Dead Creek Area, Addison County, Vermont.

[15] In Virginia, the wood duck is assigned 25 points during the October 3–October 6 season.

[16] In Virginia, the *Back Bay Area* is defined for Canada geese as those portions of the cities of Virginia Beach and Chesapeake lying east of U.S. Highway 17 and Interstate 64.

[17] In Virginia, the *Back Bay Area* is defined for snow (including blue) geese as the waters of Back Bay and its tributaries and the marshes adjacent thereto, and on the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and on and along the shore of North Landing River and the marshes adjacent thereto, and on and along the shores of Lake Tecumseh and Red Wing Lake and the marshes adjacent thereto.

Mississippi Flyway

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

Check State regulations for additional restrictions and delineations of geographical areas. Special restrictions may apply on Federal and State public hunting areas.

The season dates for mergansers and coots are the same as those for ducks in the following tables.

	Season Dates	Limits	
		Bag	Possession
Alabama:			
Ducks [1]		Point system.	
North Zone [2]	Dec. 1 to Jan. 19		
South Zone [2]	Nov. 16 to Jan. 4		
Coots		15	30
Geese		5	5
In Barbour, Henry, and Russell Counties	Closed season		
On Pickwick, Wilson, and Wheeler Reservoirs west of U.S. Highway 31.	Dec. 1 to Jan. 19		
In remainder of State	Nov. 12 to Jan. 20		
Including no more than:			
Canada		2	4
White-fronted		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
Arkansas: [3]			
Ducks	Nov. 17 to Jan. 5	Point system.	
Coots		15	30
Geese:			
Canada	Closed season		
Other geese	Nov. 12 to Jan. 20	5	5
Including no more than:			
White-fronted		2	2
Snow (including blue)	Nov. 12 to Jan. 20	5	5
Illinois:			
Ducks [1]		Point system.	
North Zone [4]	Oct. 17 to Dec. 5		
South Zone [4]	Oct. 31 to Dec. 19		
Coots		15	30
Geese:			
In Alexander, Jackson, Union, and Williamson Counties: [5]			
Canada	Nov. 9 to Jan. 17		
White-fronted and snow	Oct. 31 to Dec. 31		
In remainder of the State:			
North Zone [4]	Oct. 17 to Dec. 25		
South Zone, [4] except Alexander, Jackson, Union, and Williamson Counties	Oct. 31 to Dec. 31		
For the entire State, including no more than:			
Canada [6]		2	4
White-fronted		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
Indiana:			
Ducks		Point system.	
North Zone [7]	Oct. 20 to Dec. 8		
South Zone [7]	Nov. 10 to Dec. 29		
Coots		15	30
Geese	Oct. 20 to Nov. 21 and Dec. 15 to Jan. 20	5	5
Including no more than:			
Canada		2	2
White-fronted		2	2
Canada and White-fronted geese combined		2	4
Snow (including blue)		5	5
Iowa:			
Ducks [1]	Sept. 22 to Sept. 26 and Oct. 20 to Dec. 3	Point system.	
Coots		15	30
Geese	Sept. 29 to Dec. 7	5	5
Including no more than:			
Canada		2	4
White-fronted		2	2
Canada and white-fronted geese combined		4	4
Snow (including blue)		5	5
Kentucky:			
Ducks	Nov. 21 to Nov. 25 and Dec. 7 to Jan. 20	Point system.	
Coots		15	30
Geese	Nov. 12 to Jan. 20		
Including no more than:			
Canada [6, 8]		2	4
White-fronted		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
Louisiana:			
Ducks [1]		Point system.	
East Zone [9]	Nov. 17 to Dec. 6 and Dec. 22 to Jan. 20		
West Zone [9]	Nov. 3 to Nov. 27 and Dec. 15 to Jan. 13		
Coots		15	30
Geese:			
Canada	Closed season		
Other geese		5	5
East Zone [9]	Nov. 17 to Jan. 25		
West Zone	Nov. 3 to Nov. 27 and Dec. 15 to Jan. 28		
Including no more than:			
White-fronted		2	2
Snow (including blue)		5	5

	Season Dates	Limits	
		Bag	Possession
Michigan:			
Ducks [1]		Point system.	
North Zone (Zone 1) [10]	Sept. 29 to Nov. 17		
South Zone (Zones 2 and 3) [10]	Oct. 4 to Nov. 22		
Coots		15	30
Geese		5	5
North Zone (Zone 1) [10]	Sept. 29 to Nov. 17		
South Zone:			
(Zone 2) [10]	Oct. 1 to Nov. 30		
(Zone 3) [10] [11]	Oct. 4 to Nov. 30		
Including no more than:			
Canada [11, 12]		1	1
White-fronted		2	2
Canada and White-fronted geese combined		2	3
Snow (including blue)		5	5
Minnesota:			
Ducks [1]	Sept. 29 to Nov. 17 [13]	5	10
Including no more than: Mallards (no more than 2 female mallards daily or 4 in possession)		3	6
Black ducks		1	2
Wood ducks		2	4
Canvasbacks or redheads (except in closed areas)		1	1
Mergansers		5	10
Including no more than: Hooded mergansers		1	2
Coots		15	30
Geese		5	5
In Lac Qui Parle Quota			
Zone [6, 14]	Sept. 29 to Nov. 17		
Including no more than: Canada or white fronted (including no more than 2 white-fronted geese in possession)		1	4
Snow (including blue)		5	5
In Southeastern Zone [15]	Sept. 29 to Dec. 7		
Including no more than: Canada		2	4
White-fronted		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
In remainder of State	Sept. 29 to Nov. 17		
Including no more than: Canada		2	4
White-fronted		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
Mississippi:			
Ducks	Dec. 8 to Dec. 9 and Dec. 15 to Jan. 31	Point system.	
Coots		15	30
Geese:			
Canada geese	Closed		
Other geese	Oct. 13 to Nov. 3 and Dec. 15 to Jan. 31	5	5
Including no more than:			
White-fronted		2	2
Snow (including blue)		5	5
Missouri: [9]			
Ducks [1]		Point system.	
North Zone [16]	Oct. 24 to Dec. 12		
South Zone [16]	Nov. 14 to Jan. 2		
Coots		15	30
Geese		5	5
Including no more than: Canada:			
Southern Area east of U.S. Highway 67 and south of Crystal City.	Dec. 7 to Jan. 20	2	4
In Swan Lake Zone [6, 8]	Oct. 24 to Jan. 1	([17])	([17])
In remainder of State	Oct. 24 to Dec. 7	2	4
White-fronted	Oct. 24 to Jan. 1	2	2
Canada and white-fronted geese combined.		2	4
Snow (including blue)	Oct. 24 to Jan. 1	5	5
Ohio:			
In Pymatuning Area: [8]			
Ducks	Oct. 10 [18] to Oct. 20 and Oct. 31 to Dec. 8	4	8
Including no more than: Black ducks		2	4
Wood ducks		2	2
Canvasback or redhead		1	1
Coots		15	30
Mergansers (except hooded)		5	10
Hooded mergansers		1	2
Geese	Oct. 10 [18] to Dec. 18		
Including no more than: Canada		3	6
Snow (including blue)		4	8

	Season Dates	Limits	
		Bag	Possession
Ohio:			
In the remainder of State:			
Ducks [1]		Point system.	
North Zone [19]	Oct. 12 to Nov. 24 and Dec. 24 to Dec. 29		
South Zone [19]	Oct. 19 to Oct. 27 and Nov. 19 to Dec. 29		
Coots		15	30
Geese	Oct. 12 to Dec. 14 and Dec. 24 to Dec. 29	5	5
Including no more than:			
Canada:			
In Ashtabula, Auglaize, Erie, Lucas, Marion, Mercer, Ottawa, Sandusky, Trumbull, and Wyandot Counties.		1	2
In remainder of State		2	2
White-fronted		2	2
Canada and white-fronted greese combined		2	4
Snow (including blue)		5	5
Tennessee:			
Ducks [1]		Point system.	
Reel foot Zone [20]	Nov. 17 to Jan. 5		
Remainder of State	Dec. to Jan. 19		
Coots		15	30
Geese	Nov. 12 to Jan. 20		
Including no more than:			
Canada: [21]			
West of State Highway 13		2	2
In remainder of State		1	2
White-fronted		2	2
Canada and white fronted geese combined:			
West of State Highway 13		4	4
In remainder of State		3	4
Snow (including blue)		5	5
Wisconsin:			
Ducks [1]	Oct. 1 [18] to Oct. 7 and Oct. 13 to Nov. 24	Point system [22]	
Coots		15	30
Geese [6]		5	5
In Horicon Zone [23]	Oct. 1 [18] to Dec. 9		
Including no more than:			
Canada	Oct. 1 [18] to Oct. 31	1	1
	Nov. 1 to Dec. 9	2	2
White-fronted		2	2
Canada and white-fronted geese combined		2	2
Snow (including blue)		5	5
In Central Zone [23]	Oct. 1 [18] to Oct. 7 and Oct. 13 to Dec. 9		
Including no more than:			
Canada		2	2
White-fronted		2	2
Canada and white-fronted geese combined		2	2
Snow (including blue)		5	5
In Rock Prairie Zone [23]			
Including no more than:			
Canada	Oct. 1 [18] to Oct. 7 and Oct. 13 to Nov. 25	1	2
White-fronted	Oct. 1 [18] to Oct. 7 and Oct. 13 to Dec. 9	2	2
Canada and white-fronted combined		2	2
Snow (including blue)		5	5
In remainder of the State	Oct. 1 [18] to Oct. 7 and Oct. 13 to Dec. 9		
Including no more than:			
Canada		1	2
White-fronted		2	2
Canada and white-fronted geese combined		2	2
Snow (including blue)		5	5

[1] The areas closed to canvasback and redhead hunting are:

Mississippi River—Entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama—Baldwin and Mobile Counties.

Louisiana—Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan—Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under the jurisdiction of the State of Michigan.

Minnesota—Douglas, Mahnomen, Polk, Pope and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed. In addition, all land in Sec. 13, T130N, R31W (i.e., land between Lake Christina and Pelican Lake) is closed.

Ohio—Land and water areas comprising Erie, Ottawa and Sandusky Counties.

Tennessee—Kentucky Lake lying north of Interstate Highway 40.

Wisconsin—In the Mississippi River Zone, all that portion of Wisconsin west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin and Pierce Counties. Also, the following lakes and waters, including a strip of land 100 yards wide adjacent to the shorelines thereof: Lake Poygan in Winnebago and Waushara Counties and Lakes Winneconne and Butte des Morts, including the connecting waters thereof, in Winnebago County.

[2] In Alabama, the *South Zone* consists of Mobile and Baldwin Counties. The *North Zone* consists of the remainder of Alabama.

[3] In the lower St. Francis River area of Arkansas and Missouri, the Missouri regulations apply. The *lower St. Francis River* area is defined as that part of the St. Francis River south of U.S. Highway 62 that is the boundary between Arkansas and Missouri and all sloughs and chutes (but not tributaries) connected to it.

[4] In Illinois, the *North Zone* is that portion of the State north of U.S. Highway 50. The *South Zone* is the remainder of Illinois.

[5] Shooting hours for geese are sunrise until 3 p.m local time.

[6] In Illinois and Wisconsin, the kill of Canada geese will be limited to 35,000 in each State. In the Ballard County Zone of Kentucky, the kill will be limited to 15,000 birds. In the Swan Lake Zone of Missouri the kill of Canada geese will be limited to 25,000 birds. In the Lac Qui Parle Zone of Minnesota, the kill of Canada geese will be limited to 7,000 birds. When it is determined by the Director, U.S. Fish and Wildlife Service, that the quota of Canada geese allotted to the Southern Illinois Zone, the Swan Lake Zone of Missouri, or the Ballard County Zone of Kentucky will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

[7] In Indiana, the *North Zone* consists of that portion of the State north of State Highway 18. The *South Zone* consists of the remainder of Indiana.

[8] See State regulations for area descriptions.

[9] In Louisiana the *West Zone* is described as follows: that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Shreveport; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass. The *East Zone* consists of the remainder of Louisiana.

[10] The *North Zone* is the Upper Peninsula. The *South Zone* comprises the lower Peninsula. See State regulations for descriptions of Zones 2 and 3.

[11] In Michigan, in Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee and Ontonagon Counties, the daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each and the possession limit is 2 Canada and 2 white-fronted geese.

[12] In Michigan, in the *Southeastern Canada Goose Management Area*—(as described in State regulations)—from October 4 through November 14, the daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each, and the possession limit is 1 Canada and 2 white-fronted geese; from November 15 through December 9, the daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each, and the possession limit is 2 Canada and 2 white-fronted geese. See State regulations for additional restrictions in Genesee, Lapeer, and Saginaw Counties.

[13] In Minnesota, the shooting hours for ducks vary as follows: Sept. 29—12 noon to 4 p.m.; Sept. 30 through Oct. 19—½ hour before sunrise to 4 p.m.; and Oct. 20 through Nov. 17—½ hour before sunrise through sunset.

[14] In Minnesota, the *Lac Qui Parle Zone* is described in State regulations.

[15] In Minnesota, the *Southeastern Zone* is described in State regulations.

[16] In Missouri the *North Zone* consists of that portion of the State north of a line running easterly from the Kansas-Missouri border along U.S. Highway 160 to the junction of U.S. Highway 60 in Springfield, along U.S. Highway 60 to the junction of State Highway 21, along State Highway 21 to the junction of State Highway 34, and along State Highway 34 to the Illinois-Missouri border along the Mississippi River at Cape Girardeau. The *South Zone* consists of the remainder of Missouri.

[17] In the Swan Lake zone of Missouri, through November 25, the daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese. After November 25, the daily bag limit is 2 Canada geese, or 2 white-fronted geese, or 1 of each; the possession limit is 4 Canada and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese.

[18] On the first day the season opens at 12 noon.

[19] In Ohio the *North Zone* consists of the counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, Harrison and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. The *South Zone* consists of the remainder of the Ohio.

[20] In Tennessee, the *Reelfoot Zone* is defined as all of the Reelfoot Wildlife Management Area plus that area lying between the eastern boundaries of the Reelfoot Wildlife Management Area and Reelfoot National Wildlife Refuge and State Highways 157 and 22, from the Kentucky State line southward to the spillway outlet of Reelfoot Lake.

[21] In Tennessee the season on Canada geese is closed in the Canada Goose Restoration Areas (see State regulations). The season on Canada geese is also closed in that portion of southwestern Tennessee bounded on the north by State Highways 20 and 104, and on the east by U.S. Highways 45W and 45.

[22] In Wisconsin the point-system season is split, with different point values assigned during each split season by State regulation. See Wisconsin regulations for point values assigned by the State for various species during each season.

[23] In Wisconsin, the *Horicon Zone* is defined as those portions of the counties of Fond duc Lac, Green Lake, Washington and Dodge enclosed by a line beginning at the intersection of State Highway 175 and State Highway 23 in Fond du Lac County, then southerly on State Highway 175 to its intersection with State Highway 33, then westerly on State Highway 33 to the city of Beaver Dam, then northerly on State Highway 33 to its intersection with County Highway A, then northerly on County Highway A to its intersection with County Highway S, then easterly on County Highway S and continuing easterly on County Highway AS to its intersection with County Highway E, then northerly on County Highway E to its intersection with State Highway 23, then easterly on State Highway 23 to the point of beginning. The *Central Zone* is defined as those portions of Fond du Lac, Winnebago, Green Lake, Marquette, Columbia and Dodge Counties enclosed by a line beginning in Winnebago County at the intersection of State Highway 21 and U.S. Highway 45, then southerly on U.S. Highway 45 to its intersection with State Highway 175, then southerly on State Highway 175 to its intersection with State Highway 23, then westerly on State Highway 23 to its intersection with County Highway E, then southerly on County Highway E to its intersection with County Highway AS, then westerly on County Highway AS and continuing westerly on County Highway S to its intersection with County Highway A, then southerly on County Highway A to its intersection with State Highway 33, then southeasterly on State Highway 33 to its intersection with U.S. Highway 151, then southwesterly on U.S. Highway 151 to its intersection with State Highway 73, then northerly on State Highway 73 to its intersection with State Highway 33, then westerly on State Highway 33 to its intersection with State Highway 22, then northerly on State Highway 22 to its intersection with State Highway 23, then northeasterly on State Highway 23 to its intersection with State Highway 49, then northerly on State Highway 49 to its intersection with State Highway 116, then easterly on State Highway 116 to State Highway 21, then easterly on State Highway 21 to the point of beginning. The *Rock Prairie Zone* is defined as that portion of the State encompassed by the boundaries described as follows: starting at the Illinois State line with its intersection with Interstate Highway 90 in Rock County, proceeding north to County Trunk Highway A, east on County Trunk Highway A to its intersection with U.S. Highway 12 in Walworth County, southeast on U.S. Highway 12 to State Highway 50, west on State Highway 50 to State Highway 120, south on State Highway 120 to its intersection with the Illinois State line.

Central Flyway

The Central Flyway consists of Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nebraska, New Mexico (east of the Continental Divide and outside the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Dark geese include Canada geese and white-fronted geese.

Light geese include snow (and blue) geese and Ross' geese.

Flywaywide Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise noted.

Mergansers—All mergansers are to be included within the daily bag and possession limits under conventional and point system regulations.

Check State regulations for additional restrictions and delineations of geographical areas within States. Special restrictions may apply on Federal and State public hunting areas.

The season dates for mergansers and coots are the same at those for ducks in the following tables:

	Season dates	Limits	
		Bag	Possession
Colorado:			
Ducks	Sept. 29 to Oct. 12 and Nov. 10 to Jan. 17	Point system.	
Coots		15	30
Geese	Nov. 10 to Jan. 20	2	4
Kansas [1]:			
Ducks		Point system.	
In High Plains area	Oct. 6 to Oct 21 and Oct. 27 to Jan. 1		
In remainder of State	Oct. 13 to Oct. 14 and Oct. 27 to Dec. 23		
Coots		15	30
Geese		5	5
Dark geese		2	2
Including no more than:			
Canada	Oct. 13 to Dec. 23	1	2
White-fronted		1	2
Light geese	Oct. 20 to Jan. 13		
Snow (including blue)		5	5
Montana:			
Ducks	Sept. 29 to Nov. 27 and Dec. 10 to Jan. 1	Point system.	
Coots		15	30
Geese	Sept. 29 to Dec. 30	2	4
Nebraska:			
Ducks:			
In High Plains area	Oct. 13 to Jan. 3	Point system.	
In remainder of State	Oct. 6 to Oct. 7 and Oct. 13 to Dec. 9		
Coots		15	30
Geese		5	5
East of U.S. Highway 183:			
Dark geese	Oct. 6 to Dec. 16	2	2
Including no more than:			
Canada		1	2
White-fronted		1	2
Light geese	Sept. 29 to Dec. 23		
Snow (including blue and Ross').		5	5
West of U.S. Highway 183:			
Dark geese	Oct. 6 to Dec. 16		
Including no more than:			
Canada	Oct. 6 to Nov. 18	2	4
	Nov. 19 to Dec. 16	1	2
White-fronted		1	2
Canada and white-fronted geese combined.	Oct. 6 to Nov. 18	2	4
	Nov. 19 to Dec. 16	2	2
Light geese	Sept. 29 to Dec. 23		
Snow (including blue and Ross')		5	5
New Mexico:			
Ducks	Oct. 30 to Jan. 20	Point system.	
Coots		15	30
Geese		5	5
In Bernalillo, Sandoval, Sierra, Valencia and Socorro Counties [2].	Dec. 15 to Dec. 30		
Including no more than:			
Canada		1	1
White-fronted		1	1
Canada and white-fronted geese combined		1	1
Snow (including blue)	Oct. 20 to Jan. 20	5	5
In remainder of State	Oct. 20 to Jan. 20		
Including no more than:			
Canada		2	4
White-fronted		2	4
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
North Dakota:			
Ducks [3]	Sept. 29 to Nov. 25 and Dec. 1 to Dec. 2	5	10
Including no more than:			
Female mallards		1	2
Canvasback (except in closed area) *or* redhead		1	1
Wood ducks		2	4
Hooded mergansers		1	2

	Season dates	Limits	
		Bag	Possession
North Dakota:			
Coots		15	30
Geese		5	5
Dark geese	Sept. 29 to Nov. 18	2	2
Including no more than:			
Canada		1	2
White-fronted		2	2
Light geese (including snow, blue, and Ross').	Sept. 29 to Dec. 9	5	5
Oklahoma:			
Ducks		Point system.	
In High Plains area	Oct. 13 to Jan. 3		
In remainder of State	Oct. 27 to Nov. 25 and Dec. 15 to Jan. 13		
Coots		15	30
Geese		5	5
In Alfalfa, Bryan, Johnston, and Marshall Counties:.			
Dark geese	Nov. 1 to Nov. 25 and Dec. 17 to Jan. 13	2	2
Including no more than:			
Canada		2	2
White-fronted		1	2
Light geese (including snow, blue, and Ross')	Oct. 6 to Nov. 25 and Dec. 17 to Jan. 20	5	5
In the remainder of State		5	5
Dark geese	Oct. 13 to Nov. 25 and Dec. 17 to Jan. 13	2	2
Including no more than:			
Canada		2	2
White-fronted		1	2
Light geese (including snow, blue, and Ross')	Oct. 6 to Nov. 25 and Dec. 17 to Jan. 20	5	5
South Dakota:			
Ducks [3]		Point system.	
In High Plains area	Oct. 6 to Dec. 4 and Dec. 15 to Jan. 6		
In remainder of State	Oct. 6 to Nov. 25 and Dec. 1 to Dec. 9		
Coots		15	30
Geese		5	5
In Buffalo, Brule, Hughes, Hyde, Lyman, Potter, Stanley, and Sully Counties.			
Dark geese	Sept. 29 to Nov. 25	2	2
Including no more than:			
Canada		1	2
White-fronted		1	2
Light geese (including snow, blue, and Ross')	Sept. 29 to Dec. 23	5	5
In remainder of State:			
Dark geese	Sept. 29 to Dec. 9	2	2
Including no more than:			
Canada [4]		1	2
White-fronted geese		1	2
Light geese (including snow, blue, and Ross')	Sept. 29 to Dec. 23	5	5
Texas:			
Ducks (except black-bellied tree duck and masked duck).		Point system.	
In High Plains area	Oct. 30 to Jan. 20		
In remainder of State	Nov. 10 to Nov. 25 and Dec. 8 to Jan. 20		
Black-bellied tree duck and masked duck	Closed season		
Coots		15	30
Geese		5	5
East of U.S. Highway 81:			
Dark geese	Oct. 29 to Nov. 25 and Dec. 8 to Jan. 20	1	2
Including no more than:			
Canada		1	2
White-fronted		1	2
Light geese	Oct. 29 to Jan. 20		
Snow (including blue)		5	5
West of U.S. Highway 81:			
Geese	Oct. 30 to Jan. 20	5	5
Including no more than:			
Dark geese		2	4
Canada		2	4
White-fronted		2	4
Snow (including blue)		5	5
Wyoming:			
Ducks and coots	Sept. 29 to Oct. 28 and Nov. 16 to Jan. 7	Point system [5]	
Geese	Oct. 7 to Jan. 7	2	4

[1] In Kansas, shooting hours are one-half hour before sunrise to sunset except in the northeast Kansas counties of Atchison, Brown, Doniphan, Douglas, Jefferson, and Leavenworth where the goose shooting hours are one-half hour before sunrise till 1 p.m.

[2] See State and other Federal regulations for special restrictions on Bosque del Apache National Wildlife Refuge.

[3] The areas closed to canvasback hunting are: North Dakota—That portion lying east of State Highway 3, including all or portions of 27 counties. South Dakota—All of Marshall County; that portion of Day County east of State Highway 25; that portion of Codington County south of State Highway 20 and west of U.S. Highway 81; that portion of Hamlin County west of U.S. Highway 81; and that portion of Kingsbury County east of State Highway 25 and north of U.S. Highway 14.

[4] See State regulations for special seasons and limits on Canada geese in local areas.

[5] In Wyoming, coots are assigned 10 points.

Pacific Flyway

The Pacific Flyway consists of Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

Flywaywide Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily.

In all States in the Pacific Flyway:

Aleutian Canada geese—the season is closed on Aleutian Canada geese throughout the Flyway.

Canvasbacks/Redheads—No more than 2 canvasbacks or 2 redheads or 1 of each may be taken daily nor more than 4 singly or in the aggregate may be possessed.

Mergansers—5 daily and 10 in possession of which not more than 1 daily and 2 in possession may be hooded mergansers. These limits are in addition to the regular waterfowl limits.

Coots and gallinules (singly or in the aggregate)—25 daily and in possession. These limits are in addition to the regular waterfowl limits.

Dark geese—No more than 3 dark (Canada and white-fronted) geese may be taken daily nor more than 6 may be possessed.

White geese—No more than 3 white (snow, including blue, and Ross') geese may be taken daily nor more than 6 may be possessed. Unless otherwise noted, limits for dark geese are for Canada and white-fronted geese, either singly or in the aggregate; and limits for white geese are for snow, including blue, and Ross' geese, either singly or in the aggregate.

Check State regulations for additional restrictions and delineations of geographical areas within States. Special restrictions may apply on Federal and State public hunting areas.

The season dates for mergansers and coots are the same as those for ducks in the following tables.

	Season Dates	Limits	
		Bag	Possession
Arizona: [1]			
Ducks	Oct. 20 to Jan. 20	7	14
Geese		6	6
Mohave and Yuma Counties	Nov. 10 to Jan. 6		
Including no more than:			
Dark (no more than 2 Canada geese or 3 white-fronted geese).		3	3
White (including no more than 1 Ross' goose).		3	3
Remainder of State	Nov. 10 to Jan. 20		
Including no more than:			
Dark (no more than 2 Canada geese or 3 white-fronted geese).		3	3
White (including no more than 1 Ross' goose).		3	3
California:			
Northeastern Zone:			
Ducks	Oct. 13 to Jan. 13	7	14
Geese (including no more than 2 dark and 2 white geese in the daily bag).	Oct. 27 to Jan. 13	4	4
Brant	Jan. 12 to Feb. 20	4	8
Southern Zone:			
Ducks	Oct. 20 to Jan. 20	7	14
Geese	Oct. 20 to Jan. 20	6	6
Including no more than:			
Dark (except the open season on Canada geese shall be from Nov. 10, 1979, through Jan. 20, 1980, and Canada geese may not exceed 2 in the daily bag and possession limits; but in that portion of District 22 in the Southern Zone, the season for Canada geese shall be Oct. 27, 1979, through January 6, 1980, and Canada geese may not exceed 1 in the daily bag or 2 in possession).		3	3
White		3	3
Brant	Jan. 12 to Feb. 20	4	8
Colorado River Zone:			
Ducks	Oct. 20 to Jan. 20	7	14
Geese	Nov. 10 to Jan. 6	6	6
Including no more than:			
Dark (no more than 2 Canada geese)		3	3
White		3	3
Brant	Jan. 12 to Feb. 20	4	8
Balance-of-the-State Zone:			
Ducks	Oct. 20 to Jan. 20	7	14
Geese		2	2
Including no more than:			
Dark			
Counties of Del Norte and Humboldt	Closed season		
Sacramento Valley Area [2]	Dec. 15 to Jan. 20	1	2
San Joaquin Valley Area [3]	Oct. 20 to Nov. 23	1	2
Remaining areas	Oct. 20 to Jan. 20	1	2
White	Oct. 20 to Jan. 20	1	2
Brant	Jan. 12 to Feb. 20	4	8
Colorado:			
Ducks	Sept. 29 to Oct. 12 and Nov. 3 to Jan. 20	7	14
Geese:			
Delores, Gunnison, and Montezuma Counties.	Closed		
Browns Park Area [4]	Nov. 3 to Dec. 9	1	1
West Central Permit Area:			
Delta and Montrose Counties	Nov. 3 to Dec. 23	1 per season	
Mesa County	Nov. 17 to Dec. 23	2 per season	
Garfield County	Sept. 29 to Oct. 12 and Nov. 17 to Dec. 23	4 per season	
In remainder of State	Oct. 27 to Dec. 23	2	2

	Season Dates	Limits	
		Bag	Possession
Idaho:			
Ducks: [5]			
Counties of Adams, Bear Lake, Boise, Bonneville, Butte, Caribou, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Lemhi, Madison, Oneida, Teton, Valley, and that portion of Blackfoot Reservoir drainage lying within Bingham County.	Oct. 6 to Jan. 6	7	14
In remainder of State	Oct. 6 to Jan. 13	7	14
Geese:			
Northern 10 counties (Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone).	Oct. 6 to Jan. 6	3	6
Including no more than:			
Ross'		1	1
Fremont County within the North Fork of the Snake River drainage above the new Wendell Bridge near Ashton.	Oct. 13 to Nov. 25	3	6
Including no more than:			
Canada		2	2
White	Closed		
Remainder of Fremont County, Clark, Madison, and Teton Counties.	Oct. 13 to Dec. 23	3	6
Including no more than:			
Canada		2	2
White	Closed		
Blaine County lying south and west of U.S. Highway 93, and the counties of Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls.	Oct. 27 to Dec. 23	3	6
Including no more than:			
Canada		2	2
Ross'		1	1
In remainder of State	Oct. 13 to Dec. 23	3	6
Including no more than:			
Canada		2	2
Ross'		1	1
Montana:			
Ducks	Sept. 29 to Dec. 30	7	14
Geese	Sept. 29 to Dec. 30	5	5
Including no more than:			
Dark		2	2
White		3	3
Nevada:			
Ducks:			
Clark County	Oct. 20 to Jan. 20	7	14
In remainder of State	Oct. 13 to Jan. 13	7	14
Geese:			
Clark County	Dec. 1 to Jan. 20	5	5
Including no more than:			
Dark		2	2
White		3	3
Elko County and Ruby Lake National Wildlife Refuge in White Pine County [6].	Oct. 13 to Jan. 13	5	5
Including no more than:			
Dark		2	2
White		3	3
White River Valley in Nye County	Dec. 12 to Dec. 23		
Dark		1	1
White		3	3
In remainder of State [6]		5	5
Including no more than:			
Dark	Nov. 17 to Jan. 20	2	2
White	Oct. 20 to Jan. 20	3	3
New Mexico:			
Ducks	Oct. 6 to Jan. 6	7	14
Geese:			
North of I-40/U.S. 66	Season closed		
South of I-40/U.S. 66	Oct. 6 to Dec. 16	6	6
Including no more than:			
Dark (no more than 2 Canada geese)		3	3
White		3	3
Oregon:			
Ducks:			
Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa and Wasco Counties.	Oct. 13 to Jan. 20	7	14
In remainder of State	Oct. 13 to Jan. 13	7	14

	Season Dates	Limits	
		Bag	Possession
Geese:			
Western Oregon [7]	Oct. 13 to Jan. 13	2	2
Crook, Deschutes, Grant, Harney, Hood River, Jefferson, Union, Wallowa and Wheeler Counties.	Oct. 13 to Jan. 13	6	6
Including no more than:			
Dark		3	6
White		3	6
Baker and Malheur Counties	Oct. 13 to Dec. 23	2	2
Gilliam, Morrow, Sherman, Umatilla, and Wasco Counties.	Oct. 13 to Jan. 20	6	6
Including no more than:			
Dark		3	6
White		3	6
Klamath and Lake Counties			
Geese (no more than 1 dark and 1 white geese in the daily bag).	Oct. 13 to Oct. 26	2	2
Geese (no more than 3 dark and 3 white geese in the daily bag).	Oct. 27 to Jan. 13	6	6
Brant—Statewide	Nov. 17 to Feb. 17	4	8
Utah:			
Ducks [8]	Oct. 6 to Jan. 6	7	14
Geese		5	5
Daggett County	Nov. 3 to Dec. 9		
Including no more than:			
Canada goose		1	1
White geese		3	3
Washington County	Nov. 10 to Jan. 20		
Including no more than:			
Dark		2	2
White		3	3
In remainder of State	Oct. 13 to Dec. 23		
Including no more than:			
Dark		2	2
White		3	3
Washington: [9]			
Ducks:			
Eastern Washington	Oct. 13 to Jan. 20	7	14
Western Washington	Oct. 13 to Jan. 13	7	14
Geese: [9]			
Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima Counties.	Oct. 13 to Jan. 20	3	6
Island, Skagit, Snohomish, and Whatcom Counties.	Oct. 13 to Dec. 31	2	4
In remainder of State	Oct. 13 to Jan. 13	3	6
Brant [10]—Statewide	Nov. 17 to Feb. 17	3	6
Wyoming:			
Ducks (including mergansers and coots), singly or in the aggregate.	Sept. 29 to Dec. 30	7	14
Geese:			
In all of the drainage of the Green River in Carbon, Lincoln, Sublette, Sweetwater, Teton, and Uinta, Counties.	Sept. 29 to Dec. 10	2	2
Those portions of the above named counties not in the drainage of the Green River.	Sept. 29 to Dec. 30	2	2

[1] The Imperial, Cibola and Havasu National Wildlife Refuges, Arizona, are open to waterfowl hunting except for posted portions. Ashurst Lake in State Game Management Unit 5B is closed to all waterfowl hunting during the 1979–80 waterfowl season. Unit 1, Unit 27, and that portion of Unit 25B lying east of Highway 273 are closed to the taking of Canada geese and its subspecies for the entire season. All of Units 3A and 3B lying east of Highways 77 and 260 are closed to the taking of Canada geese and its subspecies through December 1, 1979.

[2] In California the Sacramento Valley Area is encompassed as follows: beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes on the Sacramento River, then south on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45–162 to Glen; then westerly on State Highway 162 to the point of beginning in Willows.

[3] In California the San Joaquin Valley is the area described as follows: beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate 5; then southerly on Interstate 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly and westerly to the point of beginning in Modesto.

[4] In Colorado, that portion of Moffat County west of County Road from Greystone to Rock Springs, Wyoming, and north of Cottonwood Creek, Green River, and Pot Creek.

[5] In Idaho, in Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties, no more than 1 wood duck may be taken daily nor more than 1 may be possessed.

[6] In Nevada, the season is closed on all geese in the Pahranagat Valley of Lincoln County; the season is closed on snow and Ross' geese in the Ruby Valley of Elko County and White Pine County.

[7] Western Oregon consists of all counties west of the summit of the Cascades excluding Klamath and Hood River Counties.

[8] Shooting hours are from noon through sunset on the first day of the season.

[9] Geese may be hunted only on Saturdays, Sundays, and Wednesdays, and on November 22 and 23, and December 25, 1979, in Adams, Benton, Douglas, Franklin, Grant, Lincoln, Okanogan, Spokane, and Walla Walla Counties; and east of Satus Pass (U.S. Highway 97) in Klickitat County during regular season in these counties.

[10] Brant may be hunted only on Saturdays, Sundays, and Wednesdays, and on November 22 and 23, and December 25, 1979, and January 1 and February 11 through 15, 1980.

(e) *Point system—Ducks, mergansers, and coots.* The States selecting the point system bag limits on designated species are listed in the table under § 20.105(d).

(1) The point values assigned to the species and sexes are as follows:

Atlantic Flyway

100 points	70 points	10 points	25 points
Canvasback (except in closed areas) Florida only: Fulvous tree duck	Female mallard Black duck Mottled duck Wood duck [1] Redhead (except in closed areas) Hooded merganser	Pintail Blue-winged teal Green-winged teal [2] Shoveler Gadwall Wigeon Scaup Sea ducks [3] Mergansers (except hooded)	Male mallard and all other species of ducks

[1] In Virginia during October 3 through October 6, the wood duck counts 25 points.
[2] In New Jersey the point value for green-winged teal is 25 by State regulation.
[3] Sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck season falling outside the point-system season, sea duck daily bag and possession limits of 7 and 14, respectively, apply.

Mississippi Flyway

100 points	70 points	10 points	25 points
Canvasback (except where closed)	Female mallard Black duck Wood duck Redhead (except where closed) [2] Hooded merganser	Pintail Blue-winged teal Green-winged teal Cinnamon teal Wigeon Shoveler Gadwall Scaup Mergansers (except hooded)	Male mallard and all other species of ducks

[1] In Wisconsin the pointed-system season is split, with different, more restrictive point values assigned during each split season by State regulation. See Wisconsin regulations for point values assigned by the State for various species during each season.
[2] In Illinois the redhead is assigned 100 points by State regulation.

Central Flyway

100points	70 points	10 points [1]	20 points
Canvasback (except where closed)	Female mallard Mexican-like duck Wood duck Redhead Hooded merganser Texas only: Mottled duck	Pintail Blue-winged teal Green-winged teal Cinnamon teal Shoveler Gadwall Wigeon Scaup Mergansers (except hooded)	Male mallard and all other species of ducks Texas only: Fulvous tree duck

[1] In Wyoming the coot is assigned 10 points.

Pacific Flyway: There is no point system in the Pacific Flyway.

Coots have no point value (except in Wyoming) but conventional bag limits of 15 daily and 30 in possession apply.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. The shooting (including hawking) hours are one-half hour before sunrise until sunset daily unless otherwise indicated.

(f) *Scaup only season.* A special hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit	5
Possession limit	10

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway:	
Connecticut	Jan. 16 to Jan. 31.
Florida	Jan. 21 to Jan. 31.
Maryland	Nov. 24 to Dec. 8.
Massachusetts	Nov. 30 to Dec. 15.
New Jersey	Jan. 4 to Jan. 19.
New York: Long Island zone only	Jan. 5 to Jan. 20.
Rhode Island	Jan. 12 to Jan. 27.
Virginia	Jan. 21 to Jan. 31
Seasons in the Mississippi Flyway:	
Indiana	Dec. 9 to Dec. 24.
Louisiana	Jan. 21 to Jan. 31.
Michigan	Nov. 23 to Dec. 8.
Ohio (North Zone Only)	Dec. 3 to Dec. 18.
Wisconsin	Nov. 25 to Dec. 10.

(g) *Extra teal during regular season.* Hunting seasons for blue-winged and green-winged teal ducks in the Atlantic Flyway, and blue-winged teal only in the Central Flyway, are prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit	2
Possession limit	4

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway:	
Connecticut	Oct. 20 to Oct. 27.
Delaware	Oct. 1 to Oct. 6.
	Nov. 7 to Nov. 9.
Georgia	Nov. 21 to Nov. 25.
Maine:	
North zone	Oct. 1 to Oct. 9
South zone	Oct. 1 [1] to Oct. 9
Massachusetts	Oct. 10 to Oct. 18.
New Hampshire	Oct. 3 to Oct. 11.
New York:	
North zone	Oct. 3 to Oct. 11.
South zone	Oct. 10 to Oct. 18.
West zone	Oct. 10 to Oct. 18.
Lake Champlain	Oct. 3 [2] to Oct. 11.
Long Island	Nov. 14 to Nov. 22.
North Carolina:	
East zone	Nov. 21 to Nov. 24.
	Dec. 5 to Dec. 9.
West zone	Oct. 3 to Oct. 6.
	Dec. 5 to Dec. 9.
Pennsylvania	Oct. 10 [1] to Oct. 18.
South Carolina	Jan. 11 to Jan. 19.
Vermont	Oct. 3 [2] to Oct. 11.
West Virginia	Oct. 5 to Oct. 13.
Seasons in the Mississippi Flyway:	
None.	
Seasons in the Central Flyway:	
North Dakota	Sept. 29 to Oct. 7.
Seasons in the Pacific Flyway:	
None.	

[1] Shooting hours on first day begin at 12 noon.
[2] Shooting hours on first day begin at 8 a.m.

(h) *Extra scaup during regular season.* The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway:	
Delaware	Oct. 1 to Oct. 6.
	Nov. 7 to Nov. 24.
	Dec. 18 to Jan. 12.
Georgia	Nov. 21 to Nov. 25.
	Dec. 7 to Jan. 20.
Maine (South zone only)	Oct. 1 [1] to Oct. 20.
	Nov. 16 to Dec. 15.
New Hampshire	Oct. 3 to Oct. 28.
	Nov. 23 to Dec. 16.
New York:	
North zone	Oct. 3 to Oct. 28.
	Nov. 9 to Dec. 2.
South zone	Oct. 10 to Oct. 21.
	Nov. 2 to Dec. 9.
West zone	Oct. 10 to Nov. 15.
	Dec. 21 to Jan. 2.
North Carolina (Eastern zone)	Nov. 21 to Nov. 24.
	Dec. 5 to Jan. 19.
Pennsylvania (on waters of Lake Erie and Presque Isle Bay only).	Oct. 27 to Dec. 15.
South Carolina	Nov. 21 to Nov. 24.
	Dec. 5 to Jan. 19.
West Virginia	Oct. 3 to Oct. 20.
	Dec. 12 to Jan. 12.

[1] Shooting hours on first day begin at 12 noon.

(i) *Special scaup and goldeneye season.* A special hunting season for scaup and goldeneye is prescribed according to the following table in the Lake Champlain areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit is 3 scaups or 3 goldeneyes or 3 in the aggregate.

The possession limit is 6 scaup or 6 goldeneyes or 6 in the aggregate.

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Lake Champlain area only:	
New York	Dec. 4 to Dec. 19.
Vermont	Dec. 4 to Dec. 19.

3. Section 20.106 is amended as follows:

§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking sandhill cranes with a daily bag limit of three and a possession limit of six, and with shooting (including hawking) hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In the Central Flyway portion of Colorado except the San Luis Valley area, seasons dates are October 13 through November 18, 1979.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. HIghway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 (and including all of Howard and Lynn Counties) to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio, season dates in the New Mexico portion are October 27, 1979, through January 27, 1980, and in the Texas portion, October 30, 1979, through January 30, 1980.

(c) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas east of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border, season dates in the Oklahoma portion are November 24, 1979, through January 20, 1980, and in the Texas portion, December 4, 1979, through January 30, 1980.

(d) In the North Dakota counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh, and in the South Dakota counties of Campbell, Walworth, Potter, Dewey, and Corson, the season dates are September 7 through September 11, 1979.

(e) In all of the Central Flyway portion of Montana except Sheridan County and that area south and west of Interstate Highway 90 and the Big Horn River, the season dates are September 29 through November 4, 1979.

(f) In Crook, Goshen, Laramie, Niobrara, Platte and Weston Counties, Wyoming, the season dates are October 13 through November 18, 1979.

(g) Every hunter participating in the sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

4. Section 20.107 is amended as follows.

§ 20.107 Seasons, limits, and shooting hours for whistling swans.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in Montana, Nevada, and Utah, subject to the following conditions:

(a) The season must run concurrently with the season for ducks.

(b) In Montana, no more than 500 permits may be issued authorizing each permitee to take one whistling swan in Teton County. The season dates are September 29, 1979, through December 30, 1979.

(c) In Nevada, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in Churchill County. The season dates are November 3, 1979, through January 13, 1980.

(d) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take one whistling swan. The season dates are October 6, 1979, through January 6, 1980.

(e) Permits and correspondingly numbered metal locking seals must be issued by the appropriate State conservation agency on an equitable basis without charge.

* * * * *

5. Section 20.109 is amended as follows.

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of this part, the areas open to hunting, the respective open seasons (dates inclusive), the hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Hawking hours: One-half hour before sunrise until sunset daily.

Daily bag limit	3 singly or in the aggregate.
Possession limit	6 singly or in the aggregate.

Falconry, as a method of hunting, is permitted during the regular season. In States selecting extended seasons, special bag and possession limits for falconers apply to both the extended and regular seasons. In States not selecting extended seasons, regular bag and possession limits apply.

Check State regulations for additional restrictions, including exceptions to hawking hours and daily bag and possession limits; area descriptions; and area closures.

Atlantic Flyway	
Florida:	
Mourning doves	Oct. 1 to Jan. 15.
Rails	Sept. 1 to Dec. 16.
Woodcock	Nov. 1 to Feb. 15.
Snipe	Nov. 10 to Feb. 24.
All ducks, (except scaup), mergansers, and coots.	Oct. 6 to Jan. 20.
Scaup	Oct. 17 to Jan. 31.[1]
Maryland:	
Mourning doves	Sept. 1 to Oct. 13. Nov. 12 to Jan. 14.
Rails and gallinules	Sept. 1 to Dec. 15.
Woodcock	Oct. 5 to Nov. 23. Dec. 4 to Jan. 29.
Common snipe	Sept. 14 to Dec. 29.
Ducks, mergansers and coots	Oct. 5 to Jan. 19.
Canada geese:	
East Zone	Oct. 17 to Jan. 31.
West Zone	Oct. 5 to Jan. 19.
Snow geese	Oct. 17 to Jan. 31.
Massachusetts:	
Ducks, geese, and coot	Oct. 11 to Jan. 19.
Pennsylvania:	
Mourning doves	Sept. 1 to Dec. 15.
Ducks and geese	Oct. 10 to Jan. 12.
Virginia:	
Mourning doves, rails, and woodcock.	Sept. 18 to Dec. 10. Dec. 22 to Jan. 2.
All ducks, (except scaup), coots, mergansers, and gallinules.	Oct. 9 to Jan. 19.
Mississippi Flyway	
Illinois:	
Mourning doves and sora and Virginia rails.	Dec. 10 to Dec. 31.
Waterfowl	Nov. 10 to Jan. 31.
Indiana: Woodcock only	Sept. 1 to Sept. 21.
Michigan:	
Rails, woodcock, snipe, and gallinules.	Sept. 1 to Dec. 16.
Ducks, geese, mergansers, and coots.	Sept. 29 to Dec. 16.
Minnesota:	
Rails, woodcock, and snipe	Sept. 1 to Dec. 16.
Ducks, geese, mergansers, coots, and gallinules.	Sept. 29 to Jan. 13.[2]
Missouri:	
Mourning doves only	Sept. 1 to Dec. 16.
Ducks, geese, mergansers, and coots.	Oct. 24 to Jan. 20.
Central Flyway	
Colorado: Ducks, geese, coots, cranes, and band-tailed pigeons.	Oct. 13 to Oct. 26.
Montana: Ducks, geese, coots, snipe, and cranes.	Sept. 29 to Jan. 13.
New Mexico:	
Daily bag and possession limits in New Mexico are 2 and 4, respectively, singly or in the aggregate of migratory species named below and resident game species.	
Mourning doves, white-winged doves, and bandtailed pigeons.	Sept. 1 to Nov. 16. Nov. 24 to Dec. 22.
Sandhill cranes only in Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.	Oct. 15 to Jan. 20.
Ducks, geese, mergansers, coots, and gallinules.	Oct. 15 to Jan. 20.
Oklahoma:	
Ducks, coots, geese, and cranes	Oct. 13 to Jan. 18.
Wyoming:	
Doves	Sept. 1 to Dec. 16.
Ducks, geese, and snipe	Sept. 29 to Jan. 6.
Pacific Flyway	
Colorado: Ducks, geese, coots, and band-tailed pigeons.	Oct. 13 to Oct. 26.
Idaho:	
Mourning doves only	Sept. 1 to Oct. 20.
Ducks, coots, mergansers and snipe.	Oct. 6 to Jan. 20.
Montana: Ducks, geese, coots, snipe, and swans.	Sept. 29 to Jan. 13.
New Mexico:	
Daily bag and possession limits in New Mexico are 2 and 4, respectively, singly or in the aggregate of migratory species named below and resident game species.	
Mourning doves, white-winged doves, and band-tailed pigeons.	Sept. 1 to Nov. 16. Nov. 24 to Dec. 22.
Ducks, geese, mergansers, coots, and gallinules.	Oct. 15 to Jan. 20.
Oregon:	
Daily bag and possession limits of 3 and 3, respectively, singly or in the aggregate of migratory species named below.	
Ducks, coots, and snipe	Oct. 6 to Jan. 20.
Utah:	
Mourning doves and band-tailed pigeons.	Sept. 1 to Sept. 30.
Ducks, geese, mergansers, coots, and snipe only.	Oct. 6 to Jan. 20.
Washington:	
Ducks, geese, mergansers, and coots:.	
Eastern Washington	Oct. 6 to Oct. 12.
Western Washington	Oct. 6 to Oct. 12. Jan. 14 to Jan. 20.
Wyoming:	
Doves	Sept. 1 to Dec. 16.
Ducks, geese, and snipe only	Sept. 29 to Jan. 6.

[1] In Florida, Statewide October 17, 1979, through January 20, 1980: designated area(s) January 21 through January 31, 1980. See State regulations.

[2] In Minnesota, the hawking hours are the same as for hunting in general. See State regulations.

Dated: September 7, 1979.

Lynn A. Greenwalt,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 79-30071 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-55-M

federal register

Friday
September 28, 1979

Part V

Federal Emergency Management Agency

Transfer, Redesignation, and Deletion of Regulations

FEDERAL EMERGENCY MANAGEMENT AGENCY

45 CFR Chapter XX

44 CFR Chapter I

[Docket No. FEMA-1A]

Transfer and Redesignation of U.S. Fire Administration Regulations and Deletion of Regulation

AGENCY: United States Fire Administration, Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Reorganization Plan No. 3 of 1978 established the Federal Emergency Management Agency (FEMA). The plan was activated effective April 1, 1979, by Executive Order 12127 of March 31, 1979, "Federal Emergency Management Agency." The plan transfers to FEMA the functions of the United States Fire Administration which was a part of the U.S. Department of Commerce. This rule transfers and redesignates existing regulations of the United States Fire Administration to Title 44, Chapter I, Subchapter C of the Code of Federal Regulations; vacates Chapter XX of Title 45, and deletes a USFA regulation duplicated by a FEMA regulation.

EFFECTIVE DATE: September 28, 1979.

ADDRESS: Federal Emergency Management Agency, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of the General Counsel, Federal Emergency Management Agency. (202) 254–6435.

SUPPLEMENTARY INFORMATION: Establishment of Title 44, Chapter I, Subchapter C for the redesignated FEMA regulations, was published on Wednesday, May 2, 1979 (44 FR 25797).

The United States Fire Administration regulations were previously published under Title 45, Chapter XX of the Code of Federal Regulations.

One of the regulations issued by USFA is Part 2012 entitled "Issuing and Review of USFA Regulations."

This regulation deals with implementation of Executive Order 12044, and the subject matter will be covered by a FEMA regulation, 44 CFR Part 1, "Rulemaking; policy and procedures," on the subject. Therefore the regulation should be deleted.

Because this rule simply redesignates existing regulations, vacates a chapter not used, and deletes a duplicative regulation, it has been determined that a period of notice and public comment is unnecessary.

Redesignation of Regulations and Vacation of Chapter

Accordingly, existing regulations of the United States Fire Administration are transferred to Title 44, Chapter I, Subchapter C as follows:

Old Part 45 CFR	Title of regulation	New Part 44 CFR
	Subchapter C—Fire Prevention and Control	
2000	Public safety awards to public safety officers	150
2010	Reimbursement for costs of fire fighting on Federal property	151

Chapter XX of Title 45 is vacated.

Nomenclature Changes: Wherever appearing in the headings and regulations listed above, the nomenclature listed below is changed as follows:

Old nomenclature	New nomenclature
Secretary of Commerce.	U.S. Fire Administrator.
Secretary	Administrator.
Department of Commerce.	U.S. Fire Administration

The agency name "United States Fire Administration" and the title "United States Fire Administrator" or "Administrator" remain the same.

The address of the United States Fire Administration is Washington, DC 20472.

Deletion of Regulation: 45 CFR Part 2012 "Issuing and Review of USFA Regulation" is deleted from the Code of Federal Regulations.

(Reorganization Plan No. 3 of 1978 (43 FR 41943) and Executive Order 12127, dated March 31, 1979 (44 FR 19367) and delegation of authority to United States Fire Administrator)

Issued at Washington, DC on September 24, 1979.

John W. Macy, Jr.,

Director.

[FR Doc. 79-30089 Filed 9-27-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Chapter XIII

44 CFR Chapter I

[Docket No. FEMA-1B]

Transfer and Redesignation of Federal Disaster Assistance Administration Regulations

AGENCY: Office of Disaster Response and Recovery, Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Reorganization Plan No. 3 of 1978 established the Federal Emergency Management Agency (FEMA). The plan was activated effective April 1, 1979, by Executive Order 12127 of March 31, 1979, "Federal Emergency Management Agency." Executive Order 12148, "Federal Emergency Management", effective July 15, 1979, transferred to FEMA the functions of the Federal Disaster Assistance Administration, which was a part of the U.S. Department of Housing and Urban Development. Therefore, this rule transfers and redesignates the existing regulations of the Federal Disaster Assistance Administration from Title 24, Chapter XIII of the Code of Federal Regulations to Title 44, Chapter I, Subchapter D of the Code of Federal Regulations.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of the General Counsel. Telephone: (202) 254–6485.

SUPPLEMENTARY INFORMATION: Establishment of Title 44, Chapter I, Subchapter D, for the redesignated regulations was published on May 2, 1979, (44 FR 25797). The Federal Disaster Assistance Administration regulations were previously published under Title 24, Chapter XIII of the Code of Federal Regulations.

Because this rule is simply a redesignation of existing regulations, it has been determined that a period for notice and comment is not necessary.

Redesignation of Regulations: Accordingly, existing regulations of the Federal Disaster Assistance Administration set forth at 24 CFR, Chapter XIII, are redesignated and transferred to Title 44, Chapter I, Subchapter D of the Code of Federal Regulations as follows:

Old Part 24 CFR	Title of regulation	New Part 44 CFR
2200	Federal Disaster Assistance (Public Law 91-606)	200
2201	Reimbursement of other Federal agencies under Public Law 91-606	201
2205	Federal Disaster Assistance (Public Law 93-288)	205

Nomenclature Changes: Wherever appearing in the headings and regulations listed above, the nomenclature listed below is changed as follows:

Secretary of Housing and Urban Development.	Director of Federal Emergency Management Agency.
Secretary	Director.
Department of Housing and Urban Development.	Federal Emergency Management Agency.
Federal Disaster Assistance Administration.	Office of Disaster Response and Recovery.

(Reorganization Plan No. 3 of 1978 (43 FR 41943); Executive Order 12127, dated March 31, 1979 (44 FR 19367); Executive Order 12148, dated July 20, 1979)

Issued at Washington, D.C. on September 24, 1979.

John W. Macy, Jr.,

Director.

[FR Doc. 79-30090 Filed 9-27-79; 8:45 am]

BILLING CODE 4210-23-M

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32 CFR Chap. XVIII

44 CFR Chap. I

[Docket No. FEMA 1C]

Transfer and Redesignation of Defense Civil Preparedness Agency (DCPA) Regulations and Deletion of Regulations

AGENCY: Office of Plans and Preparedness, Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Reorganization Plan No. 3 of 1978 established the Federal Emergency Management Agency (FEMA). The plan was activated effective April 1, 1979, by Executive Order 12127 of March 31, 1979, "Federal Emergency Management Agency." Executive Order 12148, effective July 15, 1979, "Federal Emergency Management" transferred to the Director, FEMA, all the functions of the Defense Civil Preparedness Agency which was part of the Department of Defense. This rule transfers and redesignates existing regulations of the Defense Civil Preparedness Agency to Title 44, Chapter I, Subchapter E of the Code of Federal Regulations, vacates Chapter XVIII of Title 32, and deletes regulations of DCPA duplicated by FEMA regulations.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of the General Counsel. Telephone: (202) 254-6485.

SUPPLEMENTARY INFORMATION: Establishment of Title 44, Chapter I, Subchapter E, for the redesignated regulations, was published on Wednesday, May 2, 1979 (44 FR 25794).

The Defense Civil Preparedness Agency regulations were previously published under Title 32, Chapter XVIII of the Code of Federal Regulations.

Regulations issued by the Defense Civil Preparedness Agency concerning the Freedom of Information Act and Privacy Act are duplicated by regulations issued by FEMA. These should be deleted as duplication. Also, most of 32 CFR Part 1800 dealing with organization and functions is inapplicable because of the transfer of functions and this should be deleted.

Because this rule is simply a redesignation of existing regulations, vacation of a chapter, and a deletion of duplicative regulations, it has been determined that a period for notice and comment is not necessary.

Redesignation of Regulations: Accordingly, existing regulations of the Defense Civil Preparedness Agency are transferred to Title 44 CFR Chapter I Subchapter E of the Code of Federal Regulations, as follows:

Old Part 32 CFR	Title of regulation	New Part 44 CFR
	Reserved	300
1801	Contributions for Civil Defense Equipment	301
1807	Contributions for Civil Defense personnel and administrative expenses	302
1803	Procedure for withholding payments for financial contributions under the Federal Civil Defense Act	303
1804	Consolidated grants to insular areas	304
1809	Reimbursement toward expenses of students attending OCD schools	305
1806	Official Civil Defense insigne	306
1811	Nondiscrimination of federally assisted programs of the Defense Civil Preparedness Agency	307
1808	Labor standards for federally assisted contracts	308
1812	Federally assisted construction	309
1800	Organization, activities, and general statements of policy	310

Chapter XVIII of Title 32 is vacated.

Nomenclature Changes: Wherever appearing in the regulations and in the headings thereof listed above, the nomenclature listed below is changed as follows:

Old nomenclature	New nomenclature
OCD	FEMA.
DCPA	FEMA.
Defense Civil Preparedness Agency.	Federal Emergency Management Agency.
Director	Director, FEMA.
Secretary of Defense	Director, Federal Emergency.
Department of Defense	Management Agency.
DOD	Federal Emergency Management Agency.

Deletion of Regulations: 32 CFR Part 1800 "Organization Activities, and General Statement of Policy" is revoked except for §§ 1800.6(c), 6(d), and § 1800.20 which remain in effect and are renumbered in accordance with the renumbering herein.

32 CFR Part 1813 "Availability to the public of Defense Civil Preparedness Agency information and Part 1814 "Personal privacy and Rights of Individuals Regarding Their Personal Records" are revoked.

(Reorganization Plan No. 3 of 1978 (43 FR 41943) and Executive Order 12148 (44 FR 43239))

Issued at Washington, D.C. on September 24, 1979.

John W. Macy, Jr.,

Director.

[FR Doc. 79-30091 Filed 9-27-79; 8:45 am]

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federal register

Friday
September 28, 1979

Part VI

Department of the Interior

Bureau of Land Management

Oil and Gas Leasing

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3100]

Oil and Gas Leasing

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking sets forth changes in the simultaneous oil and gas leasing system. These changes are intended to resolve problems with the present system by reducing speculation, limiting the influence of filing services, and promoting development and exploration.

DATE: Comment by November 27, 1979.

ADDRESS: Send comments to: Director (650), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240. Comments will be available for examination in Room 5555 of the above address during regular business hours (7:45 a.m.—4:15 p.m.).

FOR FURTHER INFORMATION CONTACT: Charles Weller, Division of Onshore Energy Minerals, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, 202–343–7753.

SUPPLEMENTARY INFORMATION: On June 4, 1979, the Secretary of the Interior announced that he would pursue regulatory changes to prevent abuses of the simultaneous oil and gas leasing system and to promote efficient exploration and development. This proposed rulemaking encompasses proposals announced by the Secretary, as well as others developed within the Bureau of Land Management.

The Wyoming State Office of the Bureau of Land Management currently uses a computer to conduct simultaneous oil and gas drawings. The expansion of this system and the automation of other State Offices is under consideration. This proposed rulemaking would permit an expansion of the existing automated system without regulatory change.

Filing Service Abuses

Within the framework of present regulations, most applicants employ agents, commonly known as filing services, which promise to provide assistance in participating in the simultaneous oil and gas leasing system.

Most filing services file their client's drawing entry cards directly with the Bureau of Land Management and use the service's address on the cards instead of the applicant's personal address. Typically, filing services rubberstamp the client's signature on the card or have the client send the cards to the filing service pre-signed.

The drawing entry card is the applicant's offer to lease. Leases are issued in the name of the drawing winner upon submittal of the first year's rental within 15 days after notification. The applicant is not required to sign the lease form.

The existing system has been abused by some filing services. Lease offers have been filed in the names of deceased persons. Drawing winners have been victimized by filing services which fail to pass on drawing results. Some services have advanced the first year's rental and obtained leases which have then been assigned without their client's knowledge. In these cases, it is believed, the assignment is often in accordance with a pre-existing contract between the filing service and an oil company or middleman.

The following proposed regulatory changes address these abuses:

(1) Only handwritten signatures would be proper on drawing entry cards. If a card is signed by anyone other than the applicant, the signature must reveal the name of both applicant and the signer, and the relationship between them.

Rubber stamped and mechanically affixed signatures have been accepted on drawing entry cards by the Bureau of Land Management since the Interior Board of Land Appeals' decision in *Mary I Arata* (4 IBLA 201 (1971)), and on statements of the qualifications of agents since the decision in *W. H. Gilmore* (41 IBLA 25 (1979)). Under the interpretation of present regulations found in these opinions it is possible for an offer to be filed, the qualifications of the offeror and his agent to be examined and a lease to be issued without an original signature on any document submitted to the Bureau of Land Management. The Interior Board of Land Appeals recognized that its holding in *Gilmore* "exposes the Department to another method by which the reasonable efforts of the Department to ensure fair play and compliance with the law can be made more difficult." However, the Board felt obliged to so hold under existing regulations while deploring "the proclivity of some leasing services to exploit every conceivable loophole in the letter of the regulations without any discernible regard for their spirit and intent."

This proposed regulation would specifically prohibit the use of rubber stamped and mechanically affixed signature. While the proposed requirement may work a hardship on filing services involved with mass filings, it is unlikely that a serious developer will apply for so many parcels as to make it inconvenient to sign a corresponding number of drawing entry cards.

(2) Only two types of filing would be proper, those signed and fully completed by the applicant and those signed and fully completed by an agent on the applicant's behalf. All cards must be signed within the filing period. These requirements would prevent agents from receiving pre-signed cards from their clients. Pre-signing reduces the value of the statements of qualifications contained on the card and fosters illegality. In one recent case, a pre-signed card was filed after the purported offeror had died, *Estate of Charles D. Ashley*, 37 IBLA 367 (1978).

(3) The return address used on the drawing entry card would be required to be the applicant's personal or business address. A filing service's address could not be used.

(4) Agents would be required to submit copies of all agreements which they maintain with their clients related to Federal leasing or leases.

(5) The lease form would replace the drawing entry card as the lease offer. The applicant would be required to personally sign the lease form.

(6) Payment of the first year's rental by anyone other than the applicant would be unacceptable.

(7) An agent would be held to have an undisclosed interest in any filing if it maintains an agreement with any party by which the agent will seek to induce an assignment of a lease which might result from the filing to such party. This proposed change in the regulation would outlaw "kick back" arrangements whereby an agent may have a prior agreement with a middleman to sell the lease (if won) to the middleman who in turn resells for a bigger profit to an oil company and the agent is "kicked back" a percentage of the profits.

(8) No lease could be assigned before it is issued. Nor could any agreement to assign a lease be made before the lease is issued, or before 60 days from the time the applicant is notified that his filing has priority, whichever is sooner. This proposed amendment to the regulation recognizes that some filing services exercise undue influence over their clients and may induce a transfer which is not in the client's best interests. It is a companion to the proposed provisions which would prohibit agents from having assignment agreements with oil companies or middlemen. The proposed rulemaking would allow all parties interested in obtaining the lease an equal opportunity to approach the

lessee within a specific timeframe. It would also recognize that no property right in a lease exists before it is issued and would remove from the Bureau of Land Management the administrative burden of accepting assignments where a lease does not issue to the proposed assignor.

(9) A bona fide purchaser would be on notice as to the contents of existing regulations and the contents of the case file of any lease which he acquires.

Promote Exploration and Development

In order to promote oil and gas exploration and development, the proposed rulemaking would allow for increased size and eliminate unnecessary consolidation steps.

The average lease size on Federal land is 850 acres. Tracts of this size do not generally justify efficient exploration since it is unlikely that the lease will overlie a complete reservoir. Nor do such tracts encourage efficient development. The migratory nature of oil and gas permits developers to drain the resources underlying other existing leases on the same reservoir. Such competing ownership interests promote inefficient drilling programs with excess wells, cramped spacing, and the resulting premature lowering of reservoir pressure and reduction of total production.

Larger tract size is desirable for efficient exploration and development. Currently 45 percent of Federal acreage is consolidated into exploration units (average 20,000 acres) and production units (average 10,000 acres). While the assembly of such units is necessary to the oil industry, it is often difficult, time-consuming and expensive due to the multitude of lessees which a developer may encounter. Suitable tracts are also assembled through assignment of leases but this method involves similar difficulties.

The proposed rulemaking would increase the maximum size of non-competitive leases from 2,560 acres to 10,240 acres. The Secretary would retain the discretion to issue leases for less than the maximum acreage. All of the acreage would be required to be within a 4 mile square as opposed to the present 6 mile square. Thus, future leases could be larger and at the same time, more compact. The rule of approximation, whereby odd size sections may be included in a lease in excess of the 2,560 acre limitation would be eliminated because it is cumbersome and unnecessary if there is a substantial increase in acreage.

Currently, simultaneous oil and gas drawings are held monthly. Under the proposed procedure, they would be held quarterly. Our research indicates that in some States as many as 70 percent of existing parcels could be combined with other parcels which become available within a three-month time period as opposed to about 20 percent on a monthly basis.

Together, these measures should attract people more interested in development than in speculation. It is expected, however, that the average lease size shall not change dramatically. Leases as small as 40 acres shall continue to be offered.

Miscellaneous

(1) Filing fees must be paid in U.S. currency, Post Office or bank money order, bank cashier's check, or bank certified check. A "Review of Simultaneous Oil and Gas Leasing Procedures" released by the Department of the Interior's Office of Audit and Investigation in June 1977, recommended that filing fees be paid by guaranteed remittances. The Bureau of Land Management disagreed at that time because the volume of dishonored checks was rather small. The situation has changed since the Bureau made its comments to that report. Now, at any given time, the Bureau has over $100,000.00 in dishonored checks from filing fees.

(2) The time periods allowed for the filing of entry cards and the submittal of the first year's rental would be expanded from 5 to 15 days and from 15 to 30 days respectively. These changes are designed to overcome the difficulties which applicants experience in meeting existing time periods. The extension of the filing period would be made possible by the shift to quarterly drawings.

(3) Only one person could be listed as the applicant on a drawing entry card. This revision is designed to aid the Bureau of Land Management administratively in alphabetizing drawing entry cards and in locating specific cards on microfilmed records. All persons who would have entered their names as joint applicants under present procedures will be treated as other-parties-in-interest.

(4) Revocable trusts would be prohibited from participation in simultaneous oil and gas leasing. By law, the Bureau of Land Management must approve all transfers of lease interests and assure that the transferee is qualified to hold a lease. A power of revocation allows a lease to be transferred by operation of law without consideration by the Bureau. Existing revocable trusts would be granted two years in which to dispose of currently held leases.

(5) Corporate filers would be required to submit a list of corporate officers so that the Bureau of Land Management can verify that no officer is illegally filing in his own name or on behalf of the corporation.

Decisions of the Interior Board of Land Appeals have identified illegal multiple filings in situations where a corporation has filed for a parcel in its own name and a corporate officer has filed for that same parcel. This proposed rulemaking would make clear that an illegal interest exists when two or more corporate officers file as part of any relationship by which the corporation will benefit from any lease, if issued, regardless of whether the corporation files in its own name.

(6) The Mineral Leasing Act of 1920 provides that associations of citizens of the United States may hold interests in Federal leases. The proposed rulemaking would require that associations and partnerships provide complete lists of their members or partners to assure compliance with other provisions of this Act.

(7) The practice of allowing statements of qualifications to be placed on file with the Bureau of Land Management in lieu of submitting such statements with each drawing entry card would be expanded to include the qualifications of corporations, associations, partnerships, trusts, guardianships, and agents.

(8) Any parcel for which ten or fewer drawing entry cards are received or which is posted three times, and for which no lease issues, would be dropped from the lists of lands available for simultaneous leasing and would become available for lease by regular offer under 43 CFR 3111. By this means, the Bureau of Land Management would remove parcels for which little or no serious interest is shown rather than carry them on the simultaneous lists indefinitely.

It is determined that publication of the proposed rulemaking does not require a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and that the proposal does not constitute a significant rule requiring preparation of a regulatory analysis under 43 CFR Part 14 and Executive Order 12044.

The principal author of this document is Charles Weller, Division of Onshore Energy Resources, Bureau of Land Management.

PART 3100—OIL AND GAS LEASING

Under the authority of the Mineral Leasing Act of 1920, as amended, (30 U.S.C. 181 et seq.), and related laws, it is

proposed to amend Part 3100, Group 3100, Subchapter C, Chapter II, Title 43 of the Code of Federal Regulations, as follows:

§ 3100.0-5 [Amended]

1. Section 3100.0-5(d) is deleted.

2. Section 3100.5-3 is amended to read as follows:

§ 3100.5-3 Period of option.

Except as provided in § 3112.4-4 of this title, and option taken on a lease application or offer may be for a period of time until issuance of the lease and 3 years thereafter. Where options are sought for longer periods, an application shall be filed with the authorized officer of the Bureau of Land Management, accompanied by a complete showing as to the special or unusual circumstances which are believed to justify approval of the application.

3. Section 3101.1-1 is amended to read as follows:

§ 3101.1-1 Availability of lands.

All lands subject to disposition under the Act which are known or belived to contain oil or gas may be leased by the Secretary of the Interior. When lands are located within the known geologic structure of a producing oil or gas field prior to the actual issuance of a lease, they shall be leased only by competitive bidding and in units of not more than 640 acres to the highest responsible qualified bidder at a royalty of not less than 12½ percent. Leases for not to exceed 10,240 acres entirely within an area of four miles square or within an area not exceeding four surveyed sections in length or width measured in cardinal directions, may be issued for all other land subject to the Act to the first qualified applicant at a royalty of 12½ percent. Lands not subject to leasing under these regulations:

(a) National parks and monuments.

(b) Indian reservations.

(c) Incorporated cities, towns, and villages.

(d) Naval petroleum and oil shale reserves.

(e) Lands acquired under the Act of March 1, 1911 (36 Stat. 961; 16 U.S.C. 513-519) known as the Appalachian Forest Reserve Act, or other acquired lands.

(f) Lands within 1 mile of naval petroleum or helium reserves shall not be leased unless the land is being drained of its oil or gas deposits or helium content by wells on privately owned land or unless it is determined by the authorized officer, after consultation with agency exercising jurisdiction over the reserve, that operations under such a lease will not adversely affect the reserve through drainage from known productive horizons.

4. Section 3102.1 is revised to read as follows:

§ 3102.1 Who may hold interests.

(a)(1) Mineral leases may be acquired and held only by citizens of the United States; associations (including partnerships) of such citizens, corporations organized under the laws of the United States or of any State or territory thereof, or municipalities.

(2) Aliens may acquire and hold interests in leases only through stock ownership, stock holding and stock control; and only if the laws, customs or regulations of their country do not deny similar or like privileges to citizens or corporations of the United States.

(3) A mineral lease shall not be acquired or held by one considered a minor under the laws of the State in which the lands are located, but oil and gas leases may be issued to legal guardians or trustees of minors in their behalf.

(b)(1) A lease or interest therein shall not be cancelled it such action adversely affects the title or interest of a bona fide purchaser even though such lease or interest, when held by a predecessor in title, may have been subject to cancellation. In any action by the Government, the purchaser has the burden of proving his bona fides. All purchasers are on notice as to all pertinent regulations and all information contained in a lease's case file.

(2) Prompt action shall be taken to dismiss as a party to any proceedings with respect to a violation of any provision of the Act of September 21, 1959 (73 Stat. 571), as amended by the Act of September 2, 1960 (74 Stat. 781), a person who shows the holding of an interest as a bona fide purchaser without having violated any provisions of the Act. No hearing shall be necessary upon such showing unless prima facie evidence is presented to indicate a possible violation on the part of the alleged bona fide purchaser.

(3) *Suspension.* If during any such proceeding a party thereto files a waiver of his rights under his lease to drill or to assign his interest thereto, or if such rights are suspended by order of the Secretary pending a decision, payment of rentals and the running of time against the term of the lease of leases involved shall be suspended as of the first day of the month following the filing of the waiver or the Secretary's suspension until the first day of the month following the final decision in the proceeding or the revocation of the waiver for suspension.

5. Section 3102.2 and §3102.2-1—3102.2-7 are revised to read as follows:

§ 3102.2 Statements of qualifications.

§ 3102.2-1 Individuals.

A statement as to citizenship and compliance with the acreage limitations set forth in § 3101.1-5 of this title shall be manually signed in ink by the offeror or applicant or its agent and shall be submitted to the proper Bureau of Land Management office with each offer, or with each drawing entry card if leasing is in accordance with subpart 3112 of this title.

§ 3102.2-2 Trustees and guardians.

(a) Revocable trusts may not participate in Federal oil and gas leasing. Revocable trusts which hold Federal oil and gas leases shall dispose of such holdings within 2 years of the effective date of this regulation.

(b) If the offeror or applicant is a guardian or trustee filing on behalf of a ward or beneficiary, the offer or drawing entry card shall be accompanied by a certified copy of the court order, or other document, establishing the relationship and authorizing the guardian or trustee to fulfill all obligations of the lease or arising thereunder. A statement as to the citizenship or beneficiary of the offeror or applicant and each ward and as to compliance with the acreage limitations set forth in § 3101.1-5 of this title shall be manually signed in ink by the offeror or applicant and shall accompany each offer, or each drawing entry card if leasing is pursuant to subpart 3112 of this title.

§ 3102.2-3 Associations including partnerships.

An association which seeks to lease shall submit with its offer or drawing entry card, if leasing is in accordance with subpart 3112 of this title, a certified copy of its articles of association or partnership, together with a statement showing: (a) that it is authorized to hold oil and gas leases; (b) that the member or partner executing the lease is authorized to act on behalf of the association in such matters; and (c) a complete list of all its partners or members together with a statement as to their citizenship. A separate statement from each person owning or controlling more than 10 percent of the association, setting forth citizenship and compliance with the acreage limitations of § 3101.1-5 of this title, shall also be furnished.

§ 3102.2-4 Corporations.

A corporation which seeks to lease shall submit with its offer, or drawing entry card, if leasing is in accordance

with subpart 3112 of this title, a statement showing: (a) The State in which it is incorporated; (b) that it is authorized to hold oil and gas leases and that the officer executing the offer or drawing entry card is authorized to act on behalf of the corporation in such matters; (c) a complete lists of corporate officers; (d) the percentage of voting stock and of all the stock owned by aliens; and (e) the names and addresses of the stockholders holding more than 10 percent of the stock of the corporation. A separate statement from each stockholder owning or controlling more than 10 percent of the stock of the corporation setting forth the stockholder's citizenship and compliance with the acreage limitations of § 3101.1–5 of this title shall also be furnished.

§ 3102.2–5 Agents.

(a) General. Any person, association or corporation which is in the business of providing assistance to participants in a Federal oil and gas leasing program shall, not later than 15 days from the filing by a participant receiving such assistance of an offer, or drawing entry card if leasing is pursuant to subpart 3112 of this title, furnish the proper Bureau of Land Management office with a certified statement as to any understanding, and a certified copy of any written agreement or contract under which any services related to Federal leasing or leases are authorized to be performed on behalf of such participant. Such agreement or understanding might include, but is not limited to: a power of attorney; a service agreement setting forth duties and obligations; a brokerage agreement; or authority to sign offers or drawing entry cards. Where a uniform agreement is entered into with several offerors or applicants, a single copy of the agreement or the statement of understanding may be filed with the proper office together with a list setting forth the name and address of each such offeror or applicant.

(b) *Attorney-in-fact.* If the power of attorney specifically limits the authority of the attorney-in-fact to file offers to lease or drawing entry cards for the sole and exclusive benefit of the principal and not on behalf of any other person in whole or in part, and grants specific authority to the attorney-in-fact to execute all statements of interest and of holdings in behalf of the principal and to execute all other statements required, or which may be required by the Act and the regulations, and the principal agrees therein to be bound by such representations of the attorney-in-fact and waives any and all defenses which may be available to the principal to contest, negate or disaffirm the actions of the attorney-in-fact under the power of attorney, then the requirement that statements shall be executed by the offeror or applicant shall be dispensed with and such statements executed by the attorney-in-fact shall be acceptable as compliance with the provisions of the regulations.

§ 3102.2–6 Sole party in interest.

(a) A statement, manually signed in ink by the offeror or applicant and stating whether the offeror or applicant is the sole party in interest in the offer or drawing entry card, shall accompany each such offer or drawing entry card. The names of all other parties in interest shall be set forth in such statement.

(b) A statement, manually signed in ink by both the offeror or applicant and the other parties in interest, setting forth the nature of any oral understanding between them, and a copy of any written agreement shall be filed with the proper Bureau of Land Management office not later than 15 days after the filing of the offer or drawing entry card. Such statement or agreement shall be accompanied by statements, manually signed in ink by the other parties in interest, setting forth their citizenship and their compliance with the acreage limitations of § 3101.1–5 of this title.

§ 3102.2–7 General.

Where statements of the qualifications of corporations, associations, trusts, guardianships or agents have been placed on file with the Bureau of Land Management, a reference to the serial number assigned to such statements may be made on subsequent offers and drawing entry cards in lieu of resubmittal. This section is applicable to grants of authority only if the duration of the grant is specifically set forth. Amendments to statements of qualifications shall be filed promptly, and in no event shall an offer or drawing entry card be filed if such statements are not current.

6. Section 3102.3 is amended to read as follows:

§ 3102.3 Other showings of qualifications.

The applicant or agent may be required to submit additional information to the Bureau of Land Management to show compliance with the regulations of this part and the Mineral Leasing Acts.

§§ 3102.4–3102.7 [Removed]

7. Sections 3102.4 through 3102.7, inclusive, are deleted in their entirety.

§ 3102.8 [Amended]

8. Section 3102.8 is amended by changing the section number to § 3102.2–8 and inserting the words "or applicant" after the word "offeror" wherever it occurs, and by inserting the words "or drawing entry card" after the word "offer" wherever it occurs.

§ 3102.9 [Amended]

9. Section 3102.9 is amended by changing the section number to § 3102.2–9.

10. Section 3103.1–1 is amended to read as follows:

§ 3103.1–1 Form of remittance.

Cash, money order, check, certified check, bank draft or bank cashier's check, except as provided in § 3112.2–2 of this title.

11. Section 3110.1–3 is amended to read as follows:

§ 3110.1–3 Acreage limitation.

An offer may not include more than 10,240 acres. The lands in the offer shall be entirely within an area of 4 miles square or within an area not exceeding four surveyed sections in length or width. No offer may be made for less than 640 acres of public domain land except where the offer is accompanied by a showing that the lands are in an approved unit or cooperative plan of operation or such a plan has been approved as to form by the Director of the Geological Survey or where the land is surrounded by lands not available for leasing under the Act.

§ 3111.1–1 [Amended]

12. Section 3111.1–1(e)(2) is deleted. Paragraphs (e)(3)–(5) are renumbered (e)(2)–(e)(4).

13. Subpart 3112 is revised as follows:

Subpart 3112—Simultaneous Filings

Sec.

3112.1 Parcels.
3112.1–1 Availability of lands.
3112.1–2 Posting of notice.
3112.2 How to file.
3112.2–1 Simultaneous oil and gas drawing entry card.
3112.2–2 Filing fees.
3112.2–3 Qualifications.
3112.3 Drawing procedures.
3112.3–1 Drawing results.
3112.4 Lease issuance.
3112.4–1 Lease form.
3112.4–2 Execution of leases and payment of first year's rental.
3112.4–3 Acceptance of lease offer.
3112.4–4 Restriction on transfer.
3112.5 Unacceptable filings.
3112.6 Adjudication.
3112.6–1 Rejection.
3112.6–2 Cancellation of leases.
3112.7 Availability of lands not leased through drawing.

§ 3112.1 Parcels.

§ 3112.1-1 Availability of lands.

All lands which are not within a known geological structure of a producing oil or gas field and are covered by canceled or relinquished leases, leases which automatically terminate for non-payment of rental pursuant to 30 U.S.C. 188, or leases which expire by operation of law at the end of their primary or extended terms are subject to leasing only in accordance with this subpart.

§ 3112.1-2 Posting of notice.

At 10 a.m. on the third Monday of January, April, July, and October, or the first working day thereafter if the office is not officially open on the third Monday, a list of the lands for which drawing entry cards shall be accepted shall be posted in the proper Bureau of Land Management State Office. The list shall include a notice stating that such lands are subject to the filing of drawing entry cards from the time of such posting, until 10 a.m. on the fifteenth working day thereafter. The available lands shall be described in leasing units identified by parcel numbers. The lands shall also be described in accordance with § 3101.1-4 of this title, by subdivision, section, township and range if the lands are surveyed or officially protracted; or if unsurveyed, by metes and bounds. The list shall include a statement as to, and a copy of, any standard or special stipulation applicable to each parcel. Copies of the posted notice may be purchased by mail or over the counter from the proper office.

§ 3112.2 How to file.

§ 3112.2-1 Simultaneous oil and gas drawing entry card.

(a) In order to participate in a drawing each applicant shall file a Simultaneous Oil and Gas Drawing Entry Card approved by the Director in the Bureau of Land Management office specified in the posted notice.

(b) The drawing entry card shall be manually signed in ink and fully completed by the applicant or manually signed in ink and fully completed by an agent on behalf of the applicant. Cards signed by an agent shall be rendered in a manner to reveal the name of the principal, the name of the agent and their relationship. (Example: Smith, agent for Jones; or Jones, principal, by Smith, agent.) Machine or rubber stamped signatures shall not be used.

(c) Only one person's name may appear as applicant on any drawing entry card. The card shall be dated at the time of signing. The date shall reflect that the card was signed within the filing period.

(d) The drawing entry card shall include the applicant's personal or business address. All communications relating to leasing shall be sent to that address and it shall constitute the applicant's address of record for the purpose provided in § 3112.4-2 of this title. The applicant shall not use the address of any other person, association, corporation or other entity which is in the business of providing assistance to those participating in the simultaneous oil and gas leasing system.

(e) The parcel applied for shall be identified by the proper parcel number, including the State prefix as shown on the posted notice.

(f) An applicant shall file only once for each parcel in the posted list.

§ 3112.2-2 Filing fees.

Each filing shall be accompanied by a $10 filing fee. The filing fee shall be paid in U.S. currency, Post Office or bank money order, bank cashier's check or bank certified check, made payable to the Bureau of Land Management. Checks drawn on foreign banks shall not be accepted. A single remittance is acceptable for a group of filings. Failure to submit sufficient fees to cover all filings shall render unacceptable the entire group of filings submitted with that remittance. Such filings shall be returned to the applicant in accordance with § 3112.5-1 of this title. An uncollectible remittance covering the filing fee(s) shall result in disqualification of all filings covered by it. In such a case, the amount of the remittance shall be a debt due to the United States which shall be paid before the applicant is permitted to participate in any future drawing.

§ 3112.2-3 Qualifications.

Drawing entry cards shall be accompanied by the evidence of qualifications to hold Federal oil and gas leases set forth in Subpart 3102 of this title.

§ 3112.3 Drawing procedures.

§ 3112.3-1 Drawing results.

(a) Three drawing entry cards shall be drawn or otherwise selected for each numbered parcel. The order in which they are drawn shall fix the order in which the successful applicant shall be determined. Where only 2 cards are filed for a particular parcel, both shall be drawn to determine their priority. A single filing shall automatically be considered the successful card.

(b) The result of the drawing shall be posted in the Bureau of Land Management office where the drawing was held.

(c) All unsuccessful applicants shall be notified by the return of their filings or in writing.

(d) Drawing winners shall be notified in accordance with § 3112.4-2 of this title.

§ 3112.4 Lease issuance

§ 3112.4-1 Lease form.

A lease for any parcel on the posted list shall be issued on a form approved by the Director subject to the stipulations specified in such list.

§ 3112.4-2 Execution of leases and payment of first year's rental.

A lease may be issued to the first applicant qualified to receive a lease. The lease agreement shall be forwarded to the prospective lessee for signing, together with a request for payment of the first year's rental. Only the personal hand-written signature of the prospective lessees in ink shall be accepted. The first year's rental shall be paid by the applicant. Payment by anyone other than the applicant is unacceptable. The executed lease form and the applicant's rental payment shall be received in the proper Bureau of Land Management office within 30 days from the date of receipt of notice or the applicant's filing shall be rejected. Timely receipt of the executed lease and rental constitutes the applicant's offer to lease.

§ 3112.4-3 Acceptance of lease offer.

The signature of the authorized officer on the lease shall constitute the acceptance of the lease offer and the issuance of the lease by the United States. A lease cannot issue if, prior to the time the lease is signed by the authorized officer, any of the lands are determined to be within a known geological structure of a producing oil or gas field (30 U.S.C. 226(b)).

§ 3112.4-4 Restriction on transfer.

No lease or interest therein may be transferred or assigned prior to issuance of the lease as evidenced by the signing of the lease by the authorized officer on behalf of the United States as provided in § 3112.4-3 of this title. No agreement or option to transfer or assign such lease or interest therein shall be made or given prior to lease issuance or 60 days from the applicant's receipt of priority, whichever comes first. The existence of such an agreement or option shall result in rejection of a filing or cancellation of the lease.

§ 3112.5 Unacceptable filings.

(a) Drawing entry cards shall be examined prior to the drawing and the card or written notice shall be returned to the filer together with the filing fee if the card is:

(1) Received prior to the beginning of the simultaneous filing period;

(2) Received after the closing of the filing period;

(3) Accompanied by an unacceptable remittance or insufficient filing fees;

(4) Filed in the wrong office; or

(5) If the parcel number is omitted from the card, not included on the current list, or deleted by the Bureau of Land Management.

(b) Failure to identify a filing as unacceptable prior to the drawing does not bar rejection after the drawing for the reasons listed in this section or for any reason set forth in § 3112.6 of this title.

§ 3112.6 Adjudication.

§ 3112.6-1 Rejection.

Rejection is an adjudicatory process which follows the drawing. Filing fees for rejected filings are the property of the United States and shall not be returned.

(a) *Improper filing.* Any entry card which is not filed in accordance with § 3112.2 of this title shall be rejected.

(b) *Unqualified applicants.* The drawing entry card of any applicant who is unqualified or has not filed or caused to be filed all evidence of qualification required by Subpart 3102 of this title shall be rejected.

(c) the authorized officer shall reject any drawing entry card filed in accordance with:

(1) Any agreement, scheme or plan which gives any party or parties more than a single opportunity of successfully obtaining a lease or interest therein;

(2) Any agreement entered into prior to the drawing between any individual, association or corporation and the applicant obligating the applicant to transfer any interest in any lease which may issue as a result of such filings to such party. Such agreements include but are not limited to, committing the applicant to use the services of such party when assigning or transferring the lease or any interest therein, with or without a fee, or entitling such party to any interest or benefit from the assignment or transfer of the lease or any interest therein whether or not such party is instrumental in securing the assignment or transfer;

(3) Any agreement, plan or scheme between any individual, association or corporation which provides to another any assistance in participating in the simultaneous oil and gas leasing system and any potential assignee whereby such individual, association or corporation will seek to induce an assignment of any lease to such potential assignee;

(4) Filings by members of an association (including a partnership) or officers of a corporation, under any arrangement, agreement, scheme, or plan whereby the association or corporation has an interest in more than a single filing; or

(5) Separate filings by a trustee or guardian in its own behalf and on behalf of one or more beneficiaries on the same parcel or, separate filings by a trustee or guardian on behalf of two or more beneficiaries on the same parcel.

(d) *Illegal interests.* The authorized officer shall reject all filings which are made in accordance with any illegal agreement, plan, scheme or arrangement and shall take other appropriate actions including investigations for prosecution under 18 U.S.C. 1001.

§ 3112.6-2 Cancellation of leases.

In the event a lease has been issued on the basis of a filing which properly should have been rejected, action shall be taken to cancel the interests in that lease unless the rights of a bona fide purchaser, as provided for in § 3102.1(b) of this title, intervene. The Government may take action to cancel regardless of whether information showing the filing was rejectable is obtained or was available before or after the lease was issued.

§ 3112.7 Availability of lands not leased through drawing.

(a) Where, during the filing period, 10 or fewer cards are received for any parcel and no lease issues as a result of such filings, the lands in such parcels shall become available for lease in accordance with subpart 3111 of this title.

(b) Where more than 10 drawing entry cards are received for a particular parcel and all successful applicants for that parcel are rejected for any reason, the lands in such parcel shall be reposted for lease under the simultaneous drawing procedure.

(c) If a parcel is made available 3 times on the posted list and no lease issues as a result of such posting, the lands in such parcels shall become available for lease in accordance with subpart 3111 of this title.

September 19, 1979.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 79-30185 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

federal register

Friday
September 28, 1979

Part VII

Department of Labor

Employment and Training Administration

Comprehensive Employment and Training Act (CETA); Wage Adjustment Index

DEPARTMENT OF LABOR

Employment and Training Administration

Comprehensive Employment and Training Act (CETA); Wage Adjustment Index

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice promulgates the final CETA wage adjustment index for Fiscal Year 1980 as required under Section 122(i)(3) of the Comprehensive Employment and Training Act.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Anderson, Administrator, Office of Comprehensive Employment Development, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, Telephone (202) 376–6254.

U.S. Department of Labor,
Employment and Training Administration, Washington, D.C. 20213.

DIRECTIVE: Field Memorandum No. 460–79.
TO: All Regional Administrators.
FROM: Don A. Balcer, Acting Administrator, Field Operations.
SUBJECT: Maximum CETA PSE Wages and Average Wages for Fiscal Year (FY) 1980.

1. *Purpose.* To Transmit the annual CETA wage adjustment index for FY 1980.

2. *References.* FM 75–79, Change 1; FM 272–79.

3. *Background.* Section 122(i)(3) of the Act states that "the Secretary shall issue and publish annually an area wage adjustment index based upon the ratio which annual average wages in regular public and private employment in various areas served by recipients bear to the average of all such wages nationally, on the basis of the most satisfactory data the Secretary determines to be available." This wage adjustment index serves two purposes: a) to determine the maximum wage payable to any public service employee from funds under the Act; and b) to determine the average annual federally supported wage rate which must be maintained in each prime sponsor area.

FM 75–79, Change 1, transmitted the CETA wage adjustment index for FY 1979. FM 272–79 transmitted the index which was to be used for planning purposes for FY 1980.

4. *Computation and Format of the Index.* The CETA wage adjustment index is based on unemployment insurance data as reported on the ES 202 reports for the period January 1978 through December 1978. The index was computed as the ratio of the average annual wage in each area to the national average annual wage. An index value has been computed for each prime sponsor, each Standard Metropolitan Statistical Area (SMSA), and for each county eligible to be a program agent (at least 50,000 population) in a Balance of State (BOS), consortium, or rural concentrated employment program (CEP).

The maximum and average wages presented in the attached table are based on the highest of the prime sponsor index, the SMSA index, or the individual county index. In BOS, consortia, and rural CEP prime sponsors, the county index and maximum and average wages are shown only for counties eligible to be program agents (at least 50,000 population).

All untitled entries in the table, for example, the entry directly below "Balance of Alabama," refers to the areas within a prime sponsor jurisdiction with populations of less than 50,000 for which separate indexes have not been computed. All areas within a prime sponsor's jurisdiction that do not appear on the attached table must adhere to the average wage for the prime sponsor as a whole.

4. *Application of the Index.*

(a) Prime sponsors may use the SMSA index, if higher than the prime sponsor index, for the portion of their jurisdiction that is in an SMSA. In addition, prime sponsors may elect to use the county index(es) where higher than the prime sponsor index for the particular county or counties within their jurisdiction that have at least 50,000 population for which that index applies.

5. *Action Required.* RA's are requested to immediately transmit the attached CETA wage adjustment index for FY 1980 to all prime sponsors. This index is effective October 1, 1979.

6. *Inquiries.* Questions should be directed to Hugh Davies on 8–376–7006.

7. *Attachment.* (RA's only)

CETA Wage Adjustment Index for FY 1980.

Signed this 25th day of September 1979 at Washington, D.C.

Ernest G. Green,

Assistant Secretary for Employment and Training.

BILLING CODE 4510-30-M

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ALABAMA					
BIRMINGHAM CONSORTIUM (JEFFERSON COUNTY)					
JEFFERSON	101.8	101.8	100.6	10,180	7,791
HUNTSVILLE CONSORTIUM (MADISON COUNTY)					
MADISON	101.5	101.5	96.0	10,150	7,768
MOBILE CONSORTIUM					
	88.3			10,000	7,093
BALDWIN	88.3	68.8	89.3	10,000	7,093
MOBILE	88.3	92.1	89.3	10,000	7,093
MONTGOMERY CONSORTIUM					
AUTAUGA	85.8		85.8	10,000	7,093
ELMORE	85.8		85.8	10,000	7,093
MONTGOMERY	85.8	87.5	85.8	10,000	7,093
TUSCALOOSA COUNTY					
TUSCALOOSA	88.7	88.7	88.7	10,000	7,093
BALANCE OF ALABAMA					
	82.6			10,000	7,093
CALHOUN	82.6	85.4	85.4	10,000	7,093
COLBERT	82.6	120.6	99.5	12,000	9,230
CULLMAN	82.6	74.7		10,000	7,093
DALLAS	82.6	70.8		10,000	7,093
ETOWAH	82.6	99.8	99.8	10,000	7,638
HOUSTON	82.6	82.8		10,000	7,093
LAUDERDALE	82.6	72.7	99.5	10,000	7,615
LEE	82.6	82.7		10,000	7,093
LIMESTONE	82.6		96.0	10,000	7,347
MARSHALL	82.6	74.7	96.0	10,000	7,347
MORGAN	82.6	93.5		10,000	7,156
RUSSELL	82.6		79.4	10,000	7,093
ST. CLAIR	82.6		100.6	10,060	7,699
SHELBY	82.6	90.9	100.6	10,060	7,699
TALLADEGA	82.6	83.2		10,000	7,093
WALKER	82.6		100.6	10,060	7,699
ALASKA					
ANCHORAGE MUNICIPALITY DIVISION					
ANCHORAGE DIVISION	167.7	167.7	167.7	16,770	12,834
BALANCE OF ALASKA					
	169.6			16,960	12,979
FAIRBANKS DIVISION	169.6	178.7		17,870	13,676

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ARIZONA					
BALANCE OF ARIZONA	90.9			10,000	7,093
COCHISE	90.9	94.6		10,000	7,240
COCONINO	90.9	80.6		10,000	7,093
NAVAJO	90.9	99.3		10,000	7,599
PINAL	90.9	99.1		10,000	7,584
YAVAPAI	90.9	83.8		10,000	7,093
YUMA	90.9	80.9		10,000	7,093
BAL OF MARICOPA CO LESS PHOENIX					
MARICOPA	96.2	96.2	96.2	10,000	7,362
PHOENIX CITY					
MARICOPA	96.2	96.2	96.2	10,000	7,362
TUCSON CITY					
PIMA	89.8	89.8	89.8	10,000	7,093
BAL OF PIMA COUNTY, CO LESS CITY OF TUCSON					
PIMA	89.8	89.8	89.8	10,000	7,093
ARKANSAS					
CENTRAL ARKANSAS CONSORTIUM	90.1			10,000	7,093
PULASKI	90.1	91.3	91.7	10,000	7,093
SALINE	90.1		91.7	10,000	7,093
BALANCE OF ARKANSAS	76.3			10,000	7,093
BENTON	76.3	77.4	76.4	10,000	7,093
CRAIGHEAD	76.3	77.1		10,000	7,093
CRAWFORD	76.3		82.7	10,000	7,093
CRITTENDEN	76.3	74.3	93.3	10,000	7,140
GARLAND	76.3	75.5		10,000	7,093
JEFFERSON	76.3	88.3	88.3	10,000	7,093
MISSISSIPPI	76.3	70.6		10,000	7,093
SEBASTIAN	76.3	86.0	82.7	10,000	7,093
WASHINGTON	76.3	75.7	76.4	10,000	7,093
CALIFORNIA					
BAL OF ALAMEDA CO LESS OAKLAND AND BERKELEY					
ALAMEDA	115.3	115.3	116.4	11,640	8,908
BERKELEY CITY					
ALAMEDA	115.3	115.3	116.4	11,640	8,908

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
CALIFORNIA					
BUTTE COUNTY					
BUTTE	82.6	82.6		10,000	7,093
BAL OF CONTRA COSTA COUNTY, CO. LESS CITY OF RICHMOND					
CONTRA COSTA	106.6	106.6	116.4	11,640	8,908
FRESNO CSRT. (FRESNO CN.)					
FRESNO	83.6	83.6	83.6	10,000	7,093
GLENDALE CITY					
LOS ANGELES	112.0	112.0	112.0	11,200	8,571
HUMBOLDT COUNTY					
HUMBOLDT	97.1	97.1		10,000	7,431
IMPERIAL COUNTY					
IMPERIAL	80.3	80.3		10,000	7,093
INLAND MANP. ASSOC.					
RIVERSIDE	92.6	87.3	92.6	10,000	7,093
SAN BERNARDINO	92.6	96.9	92.6	10,000	7,416
KERN COUNTY					
KERN	97.1	97.1	97.1	10,000	7,431
LONG BEACH CITY					
LOS ANGELES	112.0	112.0	112.0	11,200	8,571
LOS ANGELES CITY					
LOS ANGELES	112.0	112.0	112.0	11,200	8,571
MARIN COUNTY					
MARIN	96.0	96.0	116.4	11,640	8,908
BAL LOS ANGELES CO LESS GLENDALE,L BCH,PASADENA,LA,&TORRANCE					
LOS ANGELES	112.0	112.0	112.0	11,200	8,571
MERCED COUNTY					
MERCED	77.9	77.9		10,000	7,093
MONTEREY COUNTY					
MONTEREY	90.5	90.5	90.5	10,000	7,093
OAKLAND CITY					
ALAMEDA	115.3	115.3	116.4	11,640	8,908
ORANGE COUNTY MANP. CSRT. (ORANGE CN.)					
ORANGE	102.9	102.9	102.9	10,290	7,875
PASADENA CITY					
LOS ANGELES	112.0	112.0	112.0	11,200	8,571
RICHMOND CITY					
CONTRA COSTA	106.6	106.6	116.4	11,640	8,908

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
CALIFORNIA					
SAN DIEGO RETC (SAN DIEGO CN.)					
SAN DIEGO	98.0	98.0	98.0	10,000	7,500
SAN FRANCISCO CITY/COUNTY					
SAN FRANCISCO	121.7	121.7	116.4	12,000	9,314
SAN LUIS OBISPO COUNTY					
SAN LUIS OBISPO	89.4	89.4		10,000	7,093
SAN MATEO COUNTY					
SAN MATEO	120.2	120.2	116.4	12,000	9,199
SANTA BARBARA COUNTY					
SANTA BARBARA	90.0	90.0	90.0	10,000	7,093
SANTA CLARA VALLEY					
SANTA CLARA	115.8	115.8	115.8	11,580	8,862
SANTA CRUZ COUNTY					
SANTA CRUZ	81.1	81.1	81.1	10,000	7,093
SOLANO COUNTY					
SOLANO	112.9	112.9	106.7	11,290	8,640
SONOMA COUNTY					
SONOMA	92.7	92.7	92.7	10,000	7,094
STANISLAUS COUNTY					
STANISLAUS	88.0	88.0	88.0	10,000	7,093
STOCKTON/SAN JOAQUIN MANP. CSRT. (SAN JOAQUIN CN.)					
SAN JOAQUIN	96.3	96.3	96.3	10,000	7,370
SUNNYVALE CITY					
SANTA CLARA	115.8	115.8	115.8	11,580	8,862
TORRANCE CITY					
LOS ANGELES	112.0	112.0	112.0	11,200	8,571
TULARE COUNTY					
TULARE	75.2	75.2		10,000	7,093
VENTURA COUNTY					
VENTURA	97.0	97.0	97.0	10,000	7,423
BALANCE OF CALIFORNIA	85.8			10,000	7,093
EL DORADO	85.8	83.7		10,000	7,093
KINGS	85.8	82.4		10,000	7,093
MADERA	85.8	73.5		10,000	7,093
MENDOCINO	85.8	86.8		10,000	7,093
NAPA	85.8	93.3	106.7	10,670	8,166
SACRAMENTO CONSORTIUM					
SACRAMENTO	111.8	111.8	106.9	11,180	8,556

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
CALIFORNIA					
YOLO COUNTY					
YOLO	88.0	88.0	106.9	10,690	8,181
SHASTA COUNTY					
SHASTA	98.8	98.8		10,000	7,561
PLACER COUNTY					
PLACER	87.1	87.1	106.9	10,690	8,181
COLORADO					
ADAMS COUNTY					
ADAMS	98.4	98.4	104.3	10,430	7,982
ARAPAHOE COUNTY					
ARAPAHOE	97.6	97.6	104.3	10,430	7,982
BOULDER COUNTY					
BOULDER	92.0	92.0	104.3	10,430	7,982
COLORADO SPRINGS CONSORTIUM (EL PASO COUNTY)					
EL PASO	85.1	85.1	84.8	10,000	7,093
DENVER CITY/COUNTY					
DENVER	110.1	110.1	104.3	11,010	8,426
JEFFERSON COUNTY CONSORTIUM					
JEFFERSON	102.9	102.9	104.3	10,430	7,982
LARIMER COUNTY					
LARIMER	87.3	87.3	87.3	10,000	7,093
PUEBLO COUNTY					
PUEBLO	100.1	100.1	100.1	10,010	7,661
WELD COUNTY					
WELD	87.9	87.9	87.9	10,000	7,093
BALANCE OF COLORADO					
	81.3			10,000	7,093
DOUGLAS	81.3		104.3	10,430	7,982
GILPIN	81.3		104.3	10,430	7,982
MESA	81.3	90.4		10,000	7,093
CONNECTICUT					
BRIDGEPORT CONSORTIUM					
FAIRFIELD	113.9	113.9	113.9	11,390	8,717
NEW HAVEN	113.9	96.4	96.4	11,390	8,717
HARTFORD CONSORTIUM					
HARTFORD	103.8	105.0	102.7	10,500	8,036
TOLLAND	103.8	80.5	102.7	10,380	7,944
NEW HAVEN CONSORTIUM					
NEW HAVEN	96.4	96.4	96.4	10,000	7,377

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
CONNECTICUT					
STAMFORD CONSORTIUM					
FAIRFIELD	113.9	113.9	113.9	11,390	8,717
WATERBURY CITY					
NEW HAVEN	96.4	96.4	96.4	10,000	7,377
BALANCE OF CONNECTICUT	102.9			10,290	7,875
FAIRFIELD	102.9	113.9	113.9	11,390	8,717
HARTFORD	102.9	105.0	102.7	10,500	8,036
LITCHFIELD	102.9	89.9		10,290	7,875
MIDDLESEX	102.9	92.5	102.7	10,290	7,875
NEW HAVEN	102.9	96.4	96.4	10,290	7,875
NEW LONDON	102.9	98.6	98.6	10,290	7,875
TOLLAND	102.9	80.5	102.7	10,290	7,875
WINDHAM	102.9	84.3		10,290	7,875
DELAWARE					
WILMINGTON CITY					
NEW CASTLE	114.7	114.7	115.0	11,500	8,801
DELAWARE MANP. CONSORTIUM					
KENT	106.6	87.0		10,660	8,158
NEW CASTLE	106.6	114.7	115.0	11,500	8,801
SUSSEX	106.6	80.9		10,660	8,158
DISTRICT OF COLUMBIA					
DISTRICT OF COLUMBIA					
DISTRICT OF COLUMBIA	132.9	132.9	117.4	12,000	10,171
FLORIDA					
ALACHUA COUNTY					
ALACHUA	79.8	79.8	79.8	10,000	7,093
BREVARD COUNTY					
BREVARD	97.0	97.0	97.0	10,000	7,423
BROWARD CONSORTIUM (BROWARD COUNTY)					
BROWARD	87.8	87.8	87.8	10,000	7,093
ESCAMBIA COUNTY					
ESCAMBIA	89.1	89.1	88.4	10,000	7,093
HEARTLAND MANPOWER CONSORTIUM	82.6			10,000	7,093
POLK	82.6	86.2	86.2	10,000	7,093
LEE COUNTY					
LEE	79.6	79.6	79.6	10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
FLORIDA					
LEON/GADSEN CONSORTIUM	82.2			10,000	7,093
LEON	82.2	83.8	83.5	10,000	7,093
MANATEE COUNTY					
MANATEE	77.2	77.2	77.2	10,000	7,093
MIAMI/DADE CONSORTIUM	95.5			10,000	7,309
DADE	95.5	96.2	96.2	10,000	7,362
N.E. FLORIDA MANPOWER CONSORTIUM					
BAKER	93.4		91.3	10,000	7,148
DUVAL	93.4	93.3	91.3	10,000	7,148
NASSAU	93.4		91.3	10,000	7,148
OKALOOSA COUNTY					
OKALOOSA	78.5	78.5		10,000	7,093
ORANGE COUNTY/ORLANDO CONSORTIUM (ORANGE COUNTY)					
ORANGE	87.0	87.0	84.9	10,000	7,093
PALM BEACH COUNTY					
PALM BEACH	89.1	89.1	89.1	10,000	7,093
PASCO COUNTY					
PASCO	71.0	71.0	84.4	10,000	7,093
SARASOTA COUNTY					
SARASOTA	79.3	79.3	79.3	10,000	7,093
SEMINOLE COUNTY					
SEMINOLE	77.3	77.3	84.9	10,000	7,093
TAMPA CITY					
HILLSBOROUGH	88.0	88.0	84.4	10,000	7,093
BAL OF HILLSBOROUGH, CO. LESS TAMPA CITY					
HILLSBOROUGH	88.0	88.0	84.4	10,000	7,093
PINELLAS COUNTY CONSORTIUM (PINELLAS COUNTY)					
PINELLAS	81.7	81.7	84.4	10,000	7,093
MARION COUNTY					
MARION	74.3	74.3		10,000	7,093
VOLUSIA COUNTY					
VOLUSIA	73.1	73.1	73.1	10,000	7,093
BALANCE OF FLORIDA	74.3			10,000	7,093
BAY	74.3	77.2	77.2	10,000	7,093
CLAY	74.3	73.0	91.3	10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
FLORIDA					
BALANCE OF FLORIDA					
COLLIER	74.3	72.7		10,000	7,093
LAKE	74.3	69.1		10,000	7,093
OSCEOLA	74.3		84.9	10,000	7,093
ST. JOHNS	74.3		91.3	10,000	7,093
ST. LUCIE	74.3	74.0		10,000	7,093
SANTA ROSA	74.3		88.4	10,000	7,093
WAKULLA	74.3		83.5	10,000	7,093
GEORGIA					
ATLANTA CITY					
DEKALB	108.6	97.7	101.5	10,860	8,311
FULTON	108.6	108.6	101.5	10,860	8,311
CLAYTON COUNTY					
CLAYTON	97.7	97.7	101.5	10,150	7,768
COBB COUNTY					
COBB	91.3	91.3	101.5	10,150	7,768
COLUMBUS AREA CONSORTIUM (GEORGIA PART, COLUMBUS SMSA)					
CHATTAHOOCHEE	80.1		79.4	10,000	7,093
COLUMBUS	80.1	77.6	79.4	10,000	7,093
CSRA CONSORTIUM					
	81.0			10,000	7,093
COLUMBIA	81.0		89.9	10,000	7,093
RICHMOND	81.0	88.2	89.9	10,000	7,093
BAL OF DEKALB COUNTY, CO. LESS CITY OF ATLANTA (PART)					
DEKALB	97.7	97.7	101.5	10,150	7,768
BAL OF FULTON COUNTY LESS CITY OF ATLANTA (PART)					
FULTON	108.6	108.6	101.5	10,860	8,311
GWINNETT CO					
GWINETT	93.7	93.7	101.5	10,150	7,768
MID GEORGIA CONSORTIUM					
	87.4			10,000	7,093
BIBB	87.4	82.0	90.6	10,000	7,093
HOUSTON	87.4	107.3	90.6	10,730	8,212
JONES	87.4	70.1	90.6	10,000	7,093
TWIGGS	87.4		90.6	10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
GEORGIA					
SAVANNAH/CHATHAM CONSORTIUM (CHATHAM COUNTY)					
CHATHAM	89.7	89.7	88.9	10,000	7,093
BALANCE OF GEORGIA					
	75.5			10,000	7,093
BRYAN	75.5		88.9	10,000	7,093
BUTTS	75.5		101.5	10,150	7,768
CARROLL	75.5	77.7		10,000	7,093
CATOOSA	75.5		93.9	10,000	7,186
CHEROKEE	75.5		101.5	10,150	7,768
CLARKE	75.5	83.4		10,000	7,093
DADE	75.5		93.9	10,000	7,186
DOUGHERTY	75.5	89.5	88.8	10,000	7,093
DOUGLAS	75.5		101.5	10,150	7,768
EFFINGHAM	75.5		88.9	10,000	7,093
FAYETTE	75.5		101.5	10,150	7,768
FLOYD	75.5	86.5		10,000	7,093
FORSYTH	75.5		101.5	10,150	7,768
HALL	75.5	76.5		10,000	7,093
HENRY	75.5		101.5	10,150	7,768
LEE	75.5		88.8	10,000	7,093
LOWNDES	75.5	76.0		10,000	7,093
NEWTON	75.5		101.5	10,150	7,768
PAULDING	75.5		101.5	10,150	7,768
ROCKDALE	75.5		101.5	10,150	7,768
WALKER	75.5	75.2	93.9	10,000	7,186
WALTON	75.5		101.5	10,150	7,768
WHITFIELD	75.5	82.9		10,000	7,093
HAWAII					
HONOLULU CITY/COUNTY					
HONOLULU	92.5	92.5	92.5	10,000	7,093
HAWAII BAL OF STATE					
	87.1			10,000	7,093
HAWAII	87.1	88.0		10,000	7,093
MAUI + KALAWAO	87.1	87.9		10,000	7,093
IDAHO					
IDAHO STATEWIDE CONSORTIUM					
	88.0			10,000	7,093
ADA	88.0	95.8	95.8	10,000	7,332
BANNOCK	88.0	84.2		10,000	7,093
BONNEVILLE	88.0	89.9		10,000	7,093
CANYON	88.0	77.2		10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ILLINOIS					
CHAMPAIGN CONSORTIUM					
.....	84.5			10,000	7,093
CHAMPAIGN.....	84.5	86.4	86.4	10,000	7,093
CHICAGO CITY					
COOK.....	119.4	119.4	117.1	11,940	9,138
BAL OF COOK COUNTY, CO. LESS CHICAGO CITY					
COOK.....	119.4	119.4	117.1	11,940	9,138
DUPAGE COUNTY					
DU PAGE.....	110.1	110.1	117.1	11,710	8,962
KANE COUNTY					
KANE.....	99.7	99.7	117.1	11,710	8,962
LAKE COUNTY					
LAKE.....	108.7	108.7	117.1	11,710	8,962
LA SALLE COUNTY					
LA SALLE.....	98.2	98.2		10,000	7,515
MACON COUNTY					
MACON.....	115.0	115.0	115.0	11,500	8,801
MADISON COUNTY CONSORTIUM					
MADISON.....	113.9	115.6	106.4	11,560	8,847
MCHENRY COUNTY					
MCHENRY.....	95.8	95.8	117.1	11,710	8,962
MCLEAN COUNTY					
MCLEAN.....	93.5	93.5	93.5	10,000	7,156
PEORIA COUNTY CONSORTIUM					
PEORIA.....	115.4	115.4	124.7	12,000	9,543
ROCKFORD CONSORTIUM					
BOONE.....	112.3		112.3	11,230	8,594
WINNEBAGO.....	112.3	110.2	112.3	11,230	8,594
ROCK ISLAND COUNTY					
ROCK ISLAND.....	122.0	122.0	112.4	12,000	9,337
SANGAMON COUNTY CONSORTIUM					
SANGAMON.....	97.4	97.0	96.9	10,000	7,454
SHAWNEE CONSORTIUM					
.....	81.2			10,000	7,093
ST. CLAIR CONSORTIUM					
.....	97.7			10,000	7,477
ST. CLAIR.....	97.7	97.0	106.4	10,640	8,143
TAZEWELL COUNTY					
TAZEWELL.....	146.7	146.7	124.7	12,000	11,227

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ILLINOIS					
WILL COUNTY CONSORTIUM					
WILL	113.3	113.4	117.1	11,710	8,962
BALANCE OF ILLINOIS					
	92.8			10,000	7,102
ADAMS	92.8	91.8		10,000	7,102
CLINTON	92.8		106.4	10,640	8,143
DE KALB	92.8	88.6		10,000	7,102
HENRY	92.8	86.6	112.4	11,240	8,602
JACKSON	92.8	75.1		10,000	7,102
KANKAKEE	92.8	95.1	95.1	10,000	7,278
KNOX	92.8	97.5		10,000	7,462
MENARD	92.8		96.9	10,000	7,416
MONROE	92.8		106.4	10,640	8,143
VERMILION	92.8	105.5		10,550	8,074
WHITESIDE	92.8	116.2		11,620	8,893
WILLIAMSON	92.8	96.9		10,000	7,416
INDIANA					
DELAWARE CONSORTIUM					
	100.0			10,000	7,653
DELAWARE	100.0	101.4	101.4	10,140	7,760
ELKHART COUNTY					
ELKHART	97.1	97.1	97.1	10,000	7,431
FT. WAYNE CONSORTIUM					
	100.0			10,000	7,653
ADAMS	100.0		102.2	10,220	7,821
ALLEN	100.0	104.8	102.2	10,480	8,020
DEKALB	100.0		102.2	10,220	7,821
GARY CITY					
LAKE	127.0	127.0	125.6	12,000	9,719
HAMMOND CITY					
LAKE	127.0	127.0	125.6	12,000	9,719
INDIANAPOLIS CITY / MARION CO					
MARION	108.9	108.9	104.4	10,890	8,334
BAL OF LAKE COUNTY, CO. LESS CITIES OF GARY AND HAMMOND					
LAKE	127.0	127.0	125.6	12,000	9,719
LA PORTE COUNTY					
LAPORTE	93.5	93.5		10,000	7,156

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
INDIANA					
MADISON COUNTY					
MADISON	117.6	117.6	117.6	11,760	9,000
SOUTH BEND CITY					
ST. JOSEPH	96.9	96.9	95.1	10,000	7,416
SOUTHWESTERN CONSORTIUM	97.8			10,000	7,485
GIBSON	97.8		98.7	10,000	7,554
POSEY	97.8		98.7	10,000	7,554
VANDERBURGH	97.8	94.9	98.7	10,000	7,554
WARRICK	97.8		98.7	10,000	7,554
BAL OF ST. JOSEPH COUNTY, CO. LESS SOUTH BEND CITY					
ST. JOSEPH	96.9	96.9	95.1	10,000	7,416
TIPPECANOE COUNTY					
TIPPECANOE	96.1	96.1	96.1	10,000	7,355
VIGO COUNTY					
VIGO	92.7	92.7	92.6	10,000	7,094
BALANCE OF INDIANA	91.9			10,000	7,093
BARTHOLOMEW	91.9	119.8		11,980	9,168
BOONE	91.9		104.4	10,440	7,990
CLARK	91.9	84.2	100.7	10,070	7,707
CLAY	91.9		92.6	10,000	7,093
DEARBORN	91.9		106.5	10,650	8,150
FLOYD	91.9	79.6	100.7	10,070	7,707
GRANT	91.9	104.6		10,460	8,005
HAMILTON	91.9	87.4	104.4	10,440	7,990
HANCOCK	91.9		104.4	10,440	7,990
HENDRICKS	91.9	84.9	104.4	10,440	7,990
HENRY	91.9	98.9		10,000	7,569
HOWARD	91.9	125.9	121.5	12,000	9,635
JOHNSON	91.9	77.4	104.4	10,440	7,990
KOSCIUSKO	91.9	90.5		10,000	7,093
MARSHALL	91.9		95.1	10,000	7,278
MONROE	91.9	87.0	87.0	10,000	7,093
MORGAN	91.9		104.4	10,440	7,990
PORTER	91.9	117.2	125.6	12,000	9,612
SHELBY	91.9		104.4	10,440	7,990
SULLIVAN	91.9		92.6	10,000	7,093
TIPTON	91.9		121.5	12,000	9,298
VERMILLION	91.9		92.6	10,000	7,093
WAYNE	91.9	90.9		10,000	7,093
WELLS	91.9		102.2	10,220	7,821

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
IOWA					
BLACKHAWK COUNTY					
BLACK HAWK	108.4	108.4	108.4	10,840	8,296
CENTRAL IOWA REGIONAL ASSN. OF LOCAL GOVERNMENTS					
	94.9			10,000	7,263
POLK	94.9	99.1	98.3	10,000	7,584
STORY	94.9	87.3		10,000	7,263
WARREN	94.9		98.3	10,000	7,523
SCOTT COUNTY					
SCOTT	107.0	107.0	112.4	11,240	8,602
LINN COUNTY MANPOWER CONSORTIUM					
LINN	104.4	104.4	104.4	10,440	7,990
WOODBURY COUNTY					
WOODBURY	90.9	90.9	91.2	10,000	7,093
BALANCE OF IOWA					
	83.4			10,000	7,093
CLINTON	83.4	91.8		10,000	7,093
DUBUQUE	83.4	108.4	108.4	10,840	8,296
POTTAWATTAMIE	83.4	84.0	94.5	10,000	7,232
KANSAS					
JOHNSON/LEAVENWORTH CONSORTIUM					
JOHNSON	95.7	96.9	103.5	10,350	7,921
LEAVENWORTH	95.7	86.9		10,000	7,324
KANSAS CITY CONSORTIUM (WYANDOTTE COUNTY)					
WYANDOTTE	107.9	107.9	103.5	10,790	8,258
TOPEKA CONSORTIUM (SHAWNEE COUNTY)					
SHAWNEE	93.2	93.2	91.7	10,000	7,133
WICHITA CITY					
SEDGWICK	98.5	98.5	97.6	10,000	7,538
BALANCE OF KANSAS					
	84.6			10,000	7,093
DOUGLAS	84.6	87.0	87.0	10,000	7,093
JEFFERSON	84.6		91.7	10,000	7,093
OSAGE	84.6		91.7	10,000	7,093
RENO	84.6	87.2		10,000	7,093
RILEY	84.6	77.0		10,000	7,093
SEDGWICK	84.6	98.5	97.6	10,000	7,538

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
KENTUCKY					
BLUE GRASS MANPOWER CONSORTIUM					
.....	89.9			10,000	7,093
BOURBON.....	89.9		91.1	10,000	7,093
CLARK.....	89.9		91.1	10,000	7,093
FAYETTE.....	89.9	93.3	91.1	10,000	7,140
SCOTT.....	89.9		91.1	10,000	7,093
WOODFORD.....	89.9		91.1	10,000	7,093
EASTERN KENTUCKY RURAL CEP					
.....	107.0			10,700	8,189
PIKE.....	107.0	111.7		11,170	8,548
KENTON COUNTY					
KENTON.....	84.2	84.2	106.5	10,650	8,150
LOUISVILLE/JEFFERSON CONSORTIUM (JEFFERSON COUNTY)					
JEFFERSON.....	103.9	103.9	100.7	10,390	7,951
BALANCE OF KENTUCKY					
.....	86.3			10,000	7,093
BOONE.....	86.3		106.5	10,650	8,150
BOYD.....	86.3	110.5	103.8	11,050	8,457
BULLITT.....	86.3		100.7	10,070	7,707
CAMPBELL.....	86.3	89.6	106.5	10,650	8,150
CHRISTIAN.....	86.3	79.6	78.6	10,000	7,093
DAVIESS.....	86.3	90.9	90.9	10,000	7,093
GREENUP.....	86.3		103.8	10,380	7,944
HARDIN.....	86.3	85.1		10,000	7,093
HENDERSON.....	86.3		98.7	10,000	7,554
JESSAMINE.....	86.3		91.1	10,000	7,093
MCCRACKEN.....	86.3	93.1		10,000	7,125
OLDHAM.....	86.3		100.7	10,070	7,707
WARREN.....	86.3	80.8		10,000	7,093
LOUISIANA					
BATON ROUGE CITY/EAST BATON ROUGE PARISH					
EAST BATON ROUGE.....	101.0	101.0	101.0	10,100	7,730
CALCASIEU/JEFF CONSORTIUM					
.....	101.4			10,140	7,760
CALCASIEU.....	101.4	104.2	104.2	10,420	7,974
JEFFERSON PARISH					
JEFFERSON.....	94.7	94.7	97.7	10,000	7,477

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
LOUISIANA					
LAFAYETTE PARISH					
LAFAYETTE	101.8	101.8	101.8	10,180	7,791
NEW ORLEANS CITY/ORLEANS PARISH					
ORLEANS	99.9	99.9	97.7	10,000	7,645
OUACHITA PARISH					
OUACHITA	92.8	92.8	92.8	10,000	7,102
RAPIDES PARISH					
RAPIDES	79.3	79.3	78.7	10,000	7,093
SHREVEPORT CITY					
CADDO	92.4	92.4	90.4	10,000	7,093
BALANCE OF LOUISIANA					
	92.2			10,000	7,093
ACADIA	92.2	71.3		10,000	7,093
ASCENSION	92.2		101.0	10,100	7,730
BOSSIER	92.2	79.7	90.4	10,000	7,093
CADDO	92.2	92.4	90.4	10,000	7,093
GRANT	92.2		78.7	10,000	7,093
IBERIA	92.2	93.7		10,000	7,171
LAFOURCHE	92.2	91.0		10,000	7,093
LIVINGSTON	92.2		101.0	10,100	7,730
ST. BERNARD	92.2	105.9	97.7	10,590	8,105
ST. LANDRY	92.2	75.8		10,000	7,093
ST.MARY	92.2	109.5		10,950	8,380
ST. TAMMANY	92.2	77.1	97.7	10,000	7,477
TANGIPAHOA	92.2	67.4		10,000	7,093
TERREBONNE	92.2	111.3		11,130	8,518
WEBSTER	92.2		90.4	10,000	7,093
WEST BATON ROUGE	92.2		101.0	10,100	7,730
MAINE					
CUMBERLAND COUNTY					
CUMBERLAND	84.3	84.3	85.0	10,000	7,093
KENNEBEC COUNTY					
KENNEBEC	84.8	84.8		10,000	7,093
PENOBSCOT CONSORTIUM					
	80.5			10,000	7,093
PENOBSCOT	80.5	82.6		10,000	7,093
YORK COUNTY					
YORK	70.8	70.8		10,000	7,093
CETA BALANCE OF MAINE					
	76.3			10,000	7,093
ANDROSCOGGIN	76.3	73.5	73.5	10,000	7,093
AROOSTOOK	76.3	77.1		10,000	7,093
SAGADAHOC	76.3		85.0	10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MARYLAND					
BALTIMORE CONSORTIUM					
ANNE ARUNDEL	101.3	94.9	102.1	10,210	7,814
CARROLL	101.3	85.5	102.1	10,210	7,814
HARFORD	101.3	88.9	102.1	10,210	7,814
HOWARD	101.3	105.7	102.1	10,570	8,089
BALTIMORE - INDEPENDENT CITY	101.3	104.3	102.1	10,430	7,982
MONTGOMERY COUNTY					
MONTGOMERY	106.8	106.8	117.4	11,740	8,985
PRINCE GEORGES COUNTY					
PRINCE GEORGES	97.4	97.4	117.4	11,740	8,985
WESTERN MARYLAND CONSORTIUM	93.9			10,000	7,186
ALLEGANY	93.9	92.2		10,000	7,186
WASHINGTON	93.9	99.0		10,000	7,576
BALANCE OF MARYLAND	80.6			10,000	7,093
CECIL	80.6	84.6	115.0	11,500	8,801
CHARLES	80.6	91.6	117.4	11,740	8,985
ST. MARYS	80.6	108.6		10,860	8,311
WICOMICO	80.6	79.3		10,000	7,093
BALTIMORE COUNTY					
BALTIMORE	104.0	104.0	102.1	10,400	7,959
FREDERICK COUNTY					
FREDERICK	85.3	85.3		10,000	7,093
MASSACHUSETTS					
BOSTON CITY					
SUFFOLK	109.1	109.1	100.4	10,910	8,349
BROCKTON CONSORTIUM					
BRISTOL	82.6	80.7	80.7	10,000	7,093
NORFOLK	82.6	96.0	100.4	10,040	7,684
PLYMOUTH	82.6	82.6	100.4	10,040	7,684
CAMBRIDGE CONSORTIUM					
MIDDLESEX	102.7	102.7	100.4	10,270	7,860
HAMPDEN COUNTY (SPRINGFIELD) CONSORTIUM					
HAMPDEN	90.6	90.6	89.0	10,000	7,093
BERKSHIRE COUNTY (PITTSFIELD) CONSORTIUM					
BERKSHIRE	92.2	92.2	92.2	10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MASSACHUSETTS					
LOWELL CONSORTIUM					
MIDDLESEX	102.7	102.7	100.4	10,270	7,860
NEW BEDFORD CONSORTIUM					
BRISTOL	80.7	80.7	80.7	10,000	7,093
PLYMOUTH	80.7	82.6	100.4	10,040	7,684
WORCESTER CONSORTIUM					
WORCESTER	90.2	90.2	90.2	10,000	7,093
FALL RIVER CONSORTIUM					
BRISTOL	80.7	80.7	80.7	10,000	7,093
CETA BALANCE OF MASSACHUSETTS					
	93.1			10,000	7,125
BARNSTABLE	93.1	74.6		10,000	7,125
BRISTOL	93.1	80.7	80.7	10,000	7,125
ESSEX	93.1	90.4	100.4	10,040	7,684
FRANKLIN	93.1	83.0		10,000	7,125
HAMPSHIRE	93.1	82.8	89.0	10,000	7,125
MIDDLESEX	93.1	102.7	100.4	10,270	7,860
NORFOLK	93.1	96.0	100.4	10,040	7,684
PLYMOUTH	93.1	82.6	100.4	10,040	7,684
SUFFOLK	93.1	109.1	100.4	10,910	8,349
WORCESTER	93.1	90.2	90.2	10,000	7,125
MICHIGAN					
ANN ARBOR CITY					
WASHTENAW	122.0	122.0	122.0	12,000	9,337
BAL OF WASHTENAW CO,LESS ANN ARBOR CITY					
WASHTENAW	122.0	122.0	122.0	12,000	9,337
BAY COUNTY					
BAY	110.4	110.4	110.4	11,040	8,449
BERRIEN COUNTY					
BERRIEN	100.5	100.5		10,050	7,691
DEARBORN CITY					
WAYNE	137.2	137.2	131.5	12,000	10,500
DETROIT CITY					
WAYNE	137.2	137.2	131.5	12,000	10,500
FLINT/GENESSEE CONSORTIUM					
GENESEE	135.9	143.3	139.3	12,000	10,967
LAPEER	135.9	89.5	131.5	12,000	10,400
SHIAWASSEE	135.9	92.0	139.3	12,000	10,661

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MICHIGAN					
JACKSON CONSORTIUM	106.9			10,690	8,181
JACKSON	106.9	112.5	112.5	11,250	8,610
LENAWEE	106.9	101.7		10,690	8,181
KALAMAZOO COUNTY					
KALAMAZOO	107.9	107.9	105.0	10,790	8,258
GRAND RAPIDS CONSORTIUM	100.4			10,040	7,684
ALLEGAN	100.4	89.2		10,040	7,684
IONIA	100.4		113.2	11,320	8,663
KENT	100.4	103.1	101.3	10,310	7,890
LANSING CONSORTIUM					
CLINTON	114.8	90.9	113.2	11,480	8,786
EATON	114.8	90.0	113.2	11,480	8,786
INGHAM	114.8	118.0	113.2	11,800	9,031
LIVONIA CITY					
WAYNE	137.2	137.2	131.5	12,000	10,500
BAL OF MACOMB COUNTY, CO. LESS CITY OF WARREN					
MACOMB	132.8	132.8	131.5	12,000	10,163
MID COUNTIES CONSORTIUM					
BARRY	112.3		112.3	11,230	8,594
CALHOUN	112.3	114.1	112.3	11,410	8,732
MONROE COUNTY					
MONROE	114.3	114.3	111.0	11,430	8,747
MUSKEGON CONSORTIUM					
MUSKEGON	104.4	106.6	104.4	10,660	8,158
OCEANA	104.4		104.4	10,440	7,990
NORTHEAST MICHIGAN CONSORTIUM	89.1			10,000	7,093
OAKLAND COUNTY					
OAKLAND	121.6	121.6	131.5	12,000	10,064
OTTAWA COUNTY					
OTTAWA	94.7	94.7	101.3	10,130	7,752
SAGINAW COUNTY					
SAGINAW	129.4	129.4	129.4	12,000	9,903
ST. CLAIR COUNTY					
ST. CLAIR	103.6	103.6	131.5	12,000	10,064
WARREN CITY					
MACOMB	132.8	132.8	131.5	12,000	10,163

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MICHIGAN					
BAL OF WAYNE CO LESS DETROIT,DEARBORN AND LIVONIA					
WAYNE	137.2	137.2	131.5	12,000	10,500
BALANCE OF MICHIGAN					
	92.5			10,000	7,093
ISABELLA	92.5	89.0		10,000	7,093
LIVINGSTON	92.5	89.0	131.5	12,000	10,064
MARQUETTE	92.5	101.0		10,100	7,730
MIDLAND	92.5	139.4		12,000	10,668
ST. JOSEPH	92.5	93.7		10,000	7,171
TUSCOLA	92.5	91.2		10,000	7,093
VAN BUREN	92.5	86.3	105.0	10,500	8,036
MINNESOTA					
DAKOTA COUNTY					
DAKOTA	91.6	91.6	104.8	10,480	8,020
DULUTH CITY					
ST. LOUIS	99.9	99.9	98.0	10,000	7,645
BAL OF HENNEPIN CO LESS CITY OF MINNEAPOLIS					
HENNEPIN	107.1	107.1	104.8	10,710	8,196
MINNEAPOLIS CITY					
HENNEPIN	107.1	107.1	104.8	10,710	8,196
BAL OF RAMSEY COUNTY, CO. LESS ST. PAUL CITY					
RAMSEY	108.9	108.9	104.8	10,890	8,334
REGION III CONSORTIUM					
	98.7			10,000	7,554
ST. LOUIS	98.7	99.9	98.0	10,000	7,645
RURAL MINNESOTA CEP					
	75.1			10,000	7,093
CLAY	75.1		90.4	10,000	7,093
ST. PAUL CITY					
RAMSEY	108.9	108.9	104.8	10,890	8,334
QUAD COUNTIES CONSORTIUM					
ANOKA	96.4	98.0	104.8	10,480	8,020
CARVER	96.4		104.8	10,480	8,020
SCOTT	96.4		104.8	10,480	8,020
WASHINGTON	96.4	97.2	104.8	10,480	8,020
BALANCE OF MINNESOTA					
	80.8			10,000	7,093
BLUE EARTH	80.8	84.9		10,000	7,093
CHISAGO	80.8		104.8	10,480	8,020

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MINNESOTA					
BALANCE OF MINNESOTA					
OLMSTED	80.8	100.7	100.7	10,070	7,707
POLK	80.8		82.0	10,000	7,093
SHERBURNE	80.8		83.6	10,000	7,093
STEARNS	80.8	83.4	83.6	10,000	7,093
WRIGHT	80.8	73.0	104.8	10,480	8,020
MISSISSIPPI					
JACKSON CONSORTIUM					
HINDS	87.2	88.0	87.2	10,000	7,093
RANKIN	87.2	81.0	87.2	10,000	7,093
HARRISON COUNTY CONSORTIUM					
HANCOCK	79.6		79.6	10,000	7,093
HARRISON	79.6	75.5	79.6	10,000	7,093
STONE	79.6		79.6	10,000	7,093
BALANCE OF MISSISSIPPI	75.8			10,000	7,093
DE SOTO	75.8	76.8	93.3	10,000	7,140
FORREST	75.8	77.7		10,000	7,093
JACKSON	75.8	100.5	100.5	10,050	7,691
JONES	75.8	82.3		10,000	7,093
LAUDERDALE	75.8	80.5		10,000	7,093
LEE	75.8	76.6		10,000	7,093
LOWNDES	75.8	76.5		10,000	7,093
WASHINGTON	75.8	77.3		10,000	7,093
MISSOURI					
INDEPENDENCE CITY					
JACKSON	104.3	104.3	103.5	10,430	7,982
BAL OF JACKSON CO LESS CITIES OF INDEPENDENCE & KANSAS(PART)					
JACKSON	104.3	104.3	103.5	10,430	7,982
JEFFERSON/FRANKLIN CONSORTIUM					
FRANKLIN	81.3	80.8	106.4	10,640	8,143
JEFFERSON	81.3	81.8	106.4	10,640	8,143
KANSAS CITY CONSORTIUM					
CASS	104.2		103.5	10,420	7,974
CLAY	104.2	103.4	103.5	10,420	7,974
JACKSON	104.2	104.3	103.5	10,430	7,982
PLATTE	104.2		103.5	10,420	7,974
RAY	104.2		103.5	10,420	7,974

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MISSOURI					
SPRINGFIELD CITY					
GREENE	86.8	86.8	86.1	10,000	7,093
ST. CHARLES COUNTY					
ST. CHARLES	89.8	89.8	106.4	10,640	8,143
ST. LOUIS CITY					
ST. LOUIS IND. CITY	111.8	111.8	106.4	11,180	8,556
ST. LOUIS COUNTY					
ST. LOUIS	105.3	105.3	106.4	10,640	8,143
BALANCE OF MISSOURI					
	76.0			10,000	7,093
ANDREW	76.0		86.6	10,000	7,093
BOONE	76.0	86.3	86.3	10,000	7,093
BUCHANAN	76.0	87.7	86.6	10,000	7,093
CAPE GIRARDEAU	76.0	85.6		10,000	7,093
CHRISTIAN	76.0		86.1	10,000	7,093
COLE	76.0	81.4		10,000	7,093
GREENE	76.0	86.8	86.1	10,000	7,093
JASPER	76.0	82.7		10,000	7,093
MONTANA					
BUTTE RURAL CEP					
	94.0			10,000	7,194
BALANCE OF MONTANA					
	84.2			10,000	7,093
CASCADE	84.2	89.1	89.1	10,000	7,093
MISSOULA	84.2	89.9		10,000	7,093
YELLOWSTONE	84.2	90.8	90.8	10,000	7,093
NEBRASKA					
LINCOLN CITY					
LANCASTER	84.5	84.5	84.5	10,000	7,093
OMAHA CONSORTIUM (NEBRASKA PART, OMAHA SMSA)					
DOUGLAS	95.7	96.8	94.5	10,000	7,408
SARPY	95.7	77.8	94.5	10,000	7,324
BALANCE OF NEBRASKA					
	76.6			10,000	7,093
DAKOTA	76.6		91.2	10,000	7,093
LANCASTER	76.6	84.5	84.5	10,000	7,093
NEVADA					
LAS VEGAS CSRT. (CLARK CN.)					
CLARK	100.9	100.9	100.9	10,090	7,722

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEVADA					
WASHOE COUNTY					
WASHOE	97.7	97.7	97.7	10,000	7,477
BALANCE OF NEVADA	94.3			10,000	7,217
NEW HAMPSHIRE					
HILLSBOROUGH COUNTY					
HILLSBOROUGH	89.1	89.1	89.1	10,000	7,093
BALANCE OF NEW HAMPSHIRE	83.3			10,000	7,093
CHESHIRE	83.3	83.1		10,000	7,093
GRAFTON	83.3	80.1		10,000	7,093
MERRIMACK	83.3	81.9		10,000	7,093
ROCKINGHAM	83.3	91.2	100.4	10,040	7,684
STRAFFORD	83.3	78.5		10,000	7,093
NEW JERSEY					
ATLANTIC COUNTY					
ATLANTIC	85.5	85.5	85.5	10,000	7,093
BERGEN COUNTY					
BERGEN	109.5	109.5	119.5	11,950	9,145
BURLINGTON COUNTY					
BURLINGTON	97.2	97.2	104.9	10,490	8,028
CAMDEN CITY					
CAMDEN	99.0	99.0	104.9	10,490	8,028
BAL OF CAMDEN COUNTY, CO. LESS CAMDEN CITY					
CAMDEN	99.0	99.0	104.9	10,490	8,028
CUMBERLAND COUNTY					
CUMBERLAND	92.8	92.8	92.8	10,000	7,102
ELIZABETH CITY					
UNION	119.3	119.3	114.4	11,930	9,130
BAL OF ESSEX COUNTY, CO. LESS CITY OF NEWARK					
ESSEX	111.6	111.6	114.4	11,440	8,755
GLOUCESTER COUNTY					
GLOUCESTER	96.8	96.8	104.9	10,490	8,028
BAL OF HUDSON COUNTY, CO. LESS JERSEY CITY					
HUDSON	106.4	106.4	106.4	10,640	8,143
JERSEY CITY					
HUDSON	106.4	106.4	106.4	10,640	8,143

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEW JERSEY					
BAL OF MERCER COUNTY, CO. LESS TRENTON CITY					
MERCER	105.5	105.5	105.5	10,550	8,074
MIDDLESEX COUNTY					
MIDDLESEX	114.2	114.2	114.2	11,420	8,740
MONMOUTH COUNTY					
MONMOUTH	94.1	94.1	94.1	10,000	7,201
MORRIS COUNTY					
MORRIS	112.3	112.3	114.4	11,440	8,755
NEWARK CITY					
ESSEX	111.6	111.6	114.4	11,440	8,755
OCEAN COUNTY					
OCEAN	87.0	87.0		10,000	7,093
BAL. OF PASSAIC CO., CO. LESS PATERSON CITY					
PASSAIC	101.7	101.7	101.7	10,170	7,783
PATERSON CITY					
PASSAIC	101.7	101.7	101.7	10,170	7,783
SOMERSET COUNTY					
SOMERSET	116.1	116.1	114.4	11,610	8,885
TRENTON CITY					
MERCER	105.5	105.5	105.5	10,550	8,074
BAL OF UNION COUNTY, CO. LESS ELIZABETH CITY					
UNION	119.3	119.3	114.4	11,930	9,130
BALANCE OF NEW JERSEY					
	96.9			10,000	7,416
CAPE MAY	96.9	74.7		10,000	7,416
HUNTERDON	96.9	94.9		10,000	7,416
SALEM	96.9	132.1	115.0	12,000	10,110
SUSSEX	96.9	80.7		10,000	7,416
WARREN	96.9	100.2	99.5	10,020	7,668
NEW MEXICO					
ALBUQUERQUE CONSORTIUM (BERNALILLO COUNTY)					
BERNALILLO	91.5	91.5	91.1	10,000	7,093
BALANCE OF NEW MEXICO					
	87.7			10,000	7,093
DONA ANA	87.7	85.1		10,000	7,093
LEA	87.7	100.7		10,070	7,707
MCKINLEY	87.7	103.7		10,370	7,936
SANDOVAL	87.7		91.1	10,000	7,093
SAN JUAN	87.7	106.9		10,690	8,181

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEW MEXICO					
BALANCE OF NEW MEXICO					
SANTA FE	87.7	81.1		10,000	7,093
VALENCIA	87.7	90.5		10,000	7,093
NEW YORK					
ALBANY CITY					
ALBANY	99.6	99.6	98.6	10,000	7,622
BALANCE OF ALBANY COUNTY, COUNTY LESS ALBANY CITY					
ALBANY	99.6	99.6	98.6	10,000	7,622
BROOME COUNTY					
BROOME	96.0	96.0	97.2	10,000	7,439
BUFFALO CITY					
ERIE	102.2	102.2	102.7	10,270	7,860
CHAUTAUQUA CONSORTIUM					
ALLEGANY	85.6	87.2		10,000	7,093
CATTARAUGUS	85.6	82.5		10,000	7,093
CHAUTAUQUA	85.6	86.9		10,000	7,093
CHEMUNG COUNTY					
CHEMUNG	91.3	91.3	91.3	10,000	7,093
DUTCHESS COUNTY					
DUTCHESS	107.7	107.7	107.7	10,770	8,242
ERIE CONSORTIUM					
ERIE	102.2	102.2	102.7	10,270	7,860
ROCHESTER CITY					
MONROE	115.7	115.7	109.8	11,570	8,855
BAL OF MONROE CO., CO. LESS ROCHESTER CITY					
MONROE	115.7	115.7	109.8	11,570	8,855
NASSAU CONSORTIUM					
NASSAU	101.5	101.5	99.9	10,150	7,768
HEMPSTEAD TOWN - LONG BEACH CITY CONSORTIUM					
NASSAU	101.5	101.5	99.9	10,150	7,768
NEW YORK CITY	122.4			12,000	9,367
NIAGARA COUNTY					
NIAGARA	105.2	105.2	102.7	10,520	8,051
ONEIDA COUNTY					
ONEIDA	89.7	89.7	88.7	10,000	7,093
BAL OF ONONDAGA COUNTY, CO. LESS SYRACUSE CITY					
ONONDAGA	100.7	100.7	99.5	10,070	7,707

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEW YORK					
ORANGE COUNTY					
ORANGE	87.2	87.2		10,000	7,093
OSWEGO COUNTY					
OSWEGO	101.7	101.7	99.5	10,170	7,783
RENSSELAER COUNTY					
RENSSELAER	86.3	86.3	98.6	10,000	7,546
ROCKLAND COUNTY					
ROCKLAND	93.1	93.1	119.5	11,950	9,145
SARATOGA COUNTY					
SARATOGA	89.8	89.8	98.6	10,000	7,546
SCHENECTADY COUNTY					
SCHENECTADY	113.3	113.3	98.6	11,330	8,671
STEUBEN COUNTY					
STEUBEN	106.3	106.3		10,630	8,135
ST. LAWRENCE COUNTY					
ST. LAWRENCE	94.3	94.3		10,000	7,217
SUFFOLK CONSORTIUM (SUFFOLK COUNTY)					
SUFFOLK	97.6	97.6	99.9	10,000	7,645
SYRACUSE CITY					
ONONDAGA	100.7	100.7	99.5	10,070	7,707
ULSTER COUNTY					
ULSTER	92.4	92.4		10,000	7,093
WESTCHESTER CONSORTIUM					
PUTNAM	109.3	85.2	119.5	11,950	9,145
WESTCHESTER	109.3	110.2	119.5	11,950	9,145
YONKERS CITY					
WESTCHESTER	110.2	110.2	119.5	11,950	9,145
BALANCE OF NEW YORK	83.4			10,000	7,093
CAYUGA	83.4	86.7		10,000	7,093
CLINTON	83.4	85.6		10,000	7,093
COLUMBIA	83.4	76.6		10,000	7,093
FULTON	83.4	74.1		10,000	7,093
GENESEE	83.4	91.0		10,000	7,093
HERKIMER	83.4	84.1	88.7	10,000	7,093
JEFFERSON	83.4	85.9		10,000	7,093
LIVINGSTON	83.4	85.0	109.8	10,980	8,403
MADISON	83.4	75.6	99.5	10,000	7,615
MONTGOMERY	83.4	74.4	98.6	10,000	7,546
ONTARIO	83.4	82.3	109.8	10,980	8,403
ORLEANS	83.4		109.8	10,980	8,403
OTSEGO	83.4	77.2		10,000	7.093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEW YORK					
BALANCE OF NEW YORK					
SULLIVAN	83.4	69.9		10,000	7,093
TIOGA	83.4		97.2	10,000	7,439
TOMPKINS	83.4	86.0		10,000	7,093
WARREN	83.4	83.3		10,000	7,093
WASHINGTON	83.4	96.0		10,000	7,347
WAYNE	83.4	86.0	109.8	10,980	8,403
NORTH CAROLINA					
ALAMANCE COUNTY					
ALAMANCE	76.8	76.8	76.8	10,000	7,093
BUNCOMBE COUNTY					
BUNCOMBE	82.8	82.8	81.9	10,000	7,093
CHARLOTTE CITY					
MECKLENBURG	97.7	97.7	92.9	10,000	7,477
CUMBERLAND COUNTY					
CUMBERLAND	81.3	81.3	81.3	10,000	7,093
DAVIDSON COUNTY					
DAVIDSON	78.0	78.0	91.5	10,000	7,093
DURHAM CITY					
DURHAM	97.3	97.3	91.8	10,000	7,446
GASTON COUNTY					
GASTON	81.9	81.9	92.9	10,000	7,110
GREENSBORO CONSORTIUM (GUILFORD COUNTY)					
GUILFORD	92.3	92.3	91.5	10,000	7,093
RALEIGH CITY					
WAKE	89.6	89.6	91.8	10,000	7,093
BAL OF WAKE COUNTY, CO. LESS CITY OF RALEIGH					
WAKE	89.6	89.6	91.8	10,000	7,093
WINSTON SALEM CONSORTIUM (FORSYTH COUNTY)					
FORSYTH	101.1	101.1	91.5	10,110	7,737
ROBESON COUNTY					
ROBESON	68.5	68.5		10,000	7,093
BALANCE OF NORTH CAROLINA					
	80.5			10,000	7,093
BRUNSWICK	80.5		86.0	10,000	7,093
BURKE	80.5	78.5		10,000	7,093
CABARRUS	80.5	74.4		10,000	7,093
CALDWELL	80.5	75.8		10,000	7,093
CATAWBA	80.5	79.3		10,000	7,093
CLEVELAND	80.5	81.9		10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NORTH CAROLINA					
BALANCE OF NORTH CAROLINA					
COLUMBUS	80.5	76.1		10,000	7,093
CRAVEN	80.5	89.4		10,000	7,093
CURRITUCK	80.5		87.5	10,000	7,093
DURHAM	80.5	97.3	91.8	10,000	7,446
EDGECOMBE	80.5	79.3		10,000	7,093
HALIFAX	80.5	73.1		10,000	7,093
HARNETT	80.5	68.3		10,000	7,093
HENDERSON	80.5	79.8		10,000	7,093
IREDELL	80.5	75.4		10,000	7,093
JOHNSTON	80.5	68.6		10,000	7,093
LENOIR	80.5	80.4		10,000	7,093
MADISON	80.5		81.9	10,000	7,093
MECKLENBURG	80.5	97.7	92.9	10,000	7,477
NASH	80.5	75.4		10,000	7,093
NEW HANOVER	80.5	84.6	86.0	10,000	7,093
ONSLOW	80.5	71.5		10,000	7,093
ORANGE	80.5	88.2	91.8	10,000	7,093
PITT	80.5	76.6		10,000	7,093
RANDOLPH	80.5	75.6	91.5	10,000	7,093
ROCKINGHAM	80.5	83.4		10,000	7,093
ROWAN	80.5	80.2		10,000	7,093
RUTHERFORD	80.5	74.9		10,000	7,093
STOKES	80.5		91.5	10,000	7,093
SURRY	80.5	70.4		10,000	7,093
UNION	80.5	76.6	92.9	10,000	7,110
WAYNE	80.5	74.1		10,000	7,093
WILKES	80.5	76.6		10,000	7,093
WILSON	80.5	81.8		10,000	7,093
YADKIN	80.5		91.5	10,000	7,093
NORTH DAKOTA					
NORTH DAKOTA STATEWIDE CONSORTIUM	84.9			10,000	7,093
BURLEIGH	84.9	91.1	88.7	10,000	7,093
CASS	84.9	93.1	90.4	10,000	7,125
GRAND FORKS	84.9	85.4	82.0	10,000	7,093
MORTON	84.9		88.7	10,000	7,093
WARD	84.9	82.7		10,000	7,093
OHIO					
AKRON CONSORTIUM					
MEDINA	109.1	87.3	114.5	11,450	8,763
SUMMIT	109.1	111.8	109.3	11,180	8,556

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OHIO					
ALLEN COUNTY					
ALLEN	108.2	108.2	101.3	10,820	8,281
ASHTABULA COUNTY					
ASHTABULA	95.2	95.2		10,000	7,286
BUTLER COUNTY					
BUTLER	115.6	115.6	115.6	11,560	8,847
CANTON CONSORTIUM					
STARK	104.4	106.1	105.4	10,610	8,120
WAYNE	104.4	97.2		10,440	7,990
CINCINNATI CITY					
HAMILTON	110.9	110.9	106.5	11,090	8,487
CLARK COUNTY					
CLARK	98.9	98.9	96.4	10,000	7,569
CLERMONT/WARREN CONSORTIUM					
CLERMONT	86.4	93.3	106.5	10,650	8,150
WARREN	86.4	79.5	106.5	10,650	8,150
CLEVELAND CITY					
CUYAHOGA	117.1	117.1	114.5	11,710	8,962
COLUMBIANA COUNTY					
COLUMBIANA	89.3	89.3		10,000	7,093
COLUMBUS CONSORTIUM (FRANKLIN CO.)					
FRANKLIN	101.8	101.8	100.4	10,180	7,791
CUYAHOGA CONSORTIUM					
CUYAHOGA	116.5	117.1	114.5	11,710	8,962
GEAUGA	116.5	92.5	114.5	11,650	8,916
DAYTON CITY					
MONTGOMERY	114.4	114.4	110.0	11,440	8,755
GREENE COUNTY					
GREENE	92.5	92.5	110.0	11,000	8,418
BAL OF HAMILTON, CO LESS CINCINNATI CITY					
HAMILTON	110.9	110.9	106.5	11,090	8,487
LAKE COUNTY					
LAKE	102.3	102.3	114.5	11,450	8,763
CENTRAL OHIO RURAL CONSORTIUM					
	94.2			10,000	7,209
DELAWARE	94.2	89.7	100.4	10,040	7,684
LICKING	94.2	100.1		10,010	7,661
MUSKINGUM	94.2	89.0		10,000	7,209

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OHIO					
LORAIN COUNTY					
LORAIN	116.8	116.8	116.8	11,680	8,939
MONTGOMERY-PREBLE CONSORTIUM					
MONTGOMERY	113.6	114.4	110.0	11,440	8,755
PREBLE	113.6		110.0	11,360	8,694
PORTAGE COUNTY					
PORTAGE	92.8	92.8	109.3	10,930	8,365
RICHLAND/MORROW CSRT	103.1			10,310	7,890
RICHLAND	103.1	104.7	104.7	10,470	8,013
SCIOTO COUNTY					
SCIOTO	89.8	89.8		10,000	7,093
TOLEDO CONSORTIUM					
LUCAS	112.6	113.8	111.0	11,380	8,709
WOOD	112.6	104.9	111.0	11,260	8,617
TRUMBULL COUNTY					
TRUMBULL	125.8	125.8	113.9	12,000	9,627
BAL OF MAHONING COUNTY, CO. LESS YOUNGSTOWN CITY					
MAHONING	103.1	103.1	113.9	11,390	8,717
YOUNGSTOWN CITY					
MAHONING	103.1	103.1	113.9	11,390	8,717
BALANCE OF OHIO	95.6			10,000	7,316
ATHENS	95.6	84.5		10,000	7,316
AUGLAIZE	95.6		101.3	10,130	7,752
BELMONT	95.6	96.9	98.4	10,000	7,531
CARROLL	95.6		105.4	10,540	8,066
CHAMPAIGN	95.6		96.4	10,000	7,377
DARKE	95.6	83.0		10,000	7,316
ERIE	95.6	105.7		10,570	8,089
FAIRFIELD	95.6	90.1	100.4	10,040	7,684
FULTON	95.6		111.0	11,100	8,495
HANCOCK	95.6	102.6		10,260	7,852
HURON	95.6	92.1		10,000	7,316
JEFFERSON	95.6	111.3	124.0	12,000	9,490
LAWRENCE	95.6	93.2	103.8	10,380	7,944
MADISON	95.6		100.4	10,040	7,684
MARION	95.6	101.4		10,140	7,760
MIAMI	95.6	91.9	110.0	11,000	8,418
OTTAWA	95.6		111.0	11,100	8,495
PICKAWAY	95.6		100.4	10,040	7,684
PUTNAM	95.6		101.3	10,130	7,752

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OHIO					
BALANCE OF OHIO					
ROSS	95.6	101.2		10,120	7,745
SANDUSKY	95.6	100.0		10,000	7,653
SENECA	95.6	105.0		10,500	8,036
TUSCARAWAS	95.6	93.7		10,000	7,316
VAN WERT	95.6		101.3	10,130	7,752
WASHINGTON	95.6	94.8	94.6	10,000	7,316
OKLAHOMA					
BAL. OF CLEVELAND CO. LESS OKLAHOMA CITY (PART)					
CLEVELAND	74.6	74.6	94.7	10,000	7,247
COMANCHE COUNTY					
COMANCHE	79.9	79.9	79.9	10,000	7,093
OKLAHOMA CITY CONSORTIUM					
	97.3			10,000	7,446
CANADIAN	97.3		94.7	10,000	7,446
CLEVELAND	97.3	74.6	94.7	10,000	7,446
MC CLAIN	97.3		94.7	10,000	7,446
OKLAHOMA	97.3	98.2	94.7	10,000	7,515
OKLAHOMA COUNTY, CO. LESS CITY OF OKLAHOMA (PART)					
OKLAHOMA	98.2	98.2	94.7	10,000	7,515
TULSA CONSORTIUM					
CREEK	103.8	83.5	102.4	10,380	7,944
OSAGE	103.8		102.4	10,380	7,944
TULSA	103.8	105.3	102.4	10,530	8,059
BALANCE OF OKLAHOMA					
	82.4			10,000	7,093
GARFIELD	82.4	90.5		10,000	7,093
KAY	82.4	95.5		10,000	7,309
LE FLORE	82.4		82.7	10,000	7,093
MC CLAIN	82.4		94.7	10,000	7,247
MAYES	82.4		102.4	10,240	7,837
MUSKOGEE	82.4	88.2		10,000	7,093
PAYNE	82.4	69.2		10,000	7,093
POTTAWATOMIE	82.4	75.4	94.7	10,000	7,247
ROGERS	82.4		102.4	10,240	7,837
SEQUOYAH	82.4		82.7	10,000	7,093
WAGONER	82.4		102.4	10,240	7,837
OREGON					
BAL OF CLACKAMAS CO. LESS PORTLAND CITY (PART)					
CLACKAMAS	99.9	99.9	106.1	10,610	8,120

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OREGON					
JACKSON/JOSEPHINE CSRT.	93.6			10,000	7,163
JACKSON	93.6	94.1		10,000	7,201
LANE COUNTY					
LANE	98.3	98.3	98.3	10,000	7,523
MID WILLAMETTE VALLEY CONSORTIUM	92.3			10,000	7,093
MARION	92.3	92.5	92.4	10,000	7,093
POLK	92.3		92.4	10,000	7,093
MULTNOMAH/WASHINGTON CONSORTIUM					
MULTNOMAH	107.0	109.0	106.1	10,900	8,342
WASHINGTON	107.0	99.0	106.1	10,700	8,189
PORTLAND CITY					
CLACKAMAS	109.0	99.9	106.1	10,900	8,342
MULTNOMAH	109.0	109.0	106.1	10,900	8,342
BALANCE OF OREGON	95.3			10,000	7,293
BENTON	95.3	96.2		10,000	7,362
COOS	95.3	104.5		10,450	7,997
DOUGLAS	95.3	104.8		10,480	8,020
JOSEPHINE	95.3	88.6		10,000	7,293
KLAMATH	95.3	97.8		10,000	7,485
LINN	95.3	107.1		10,710	8,196
UMATILLA	95.3	85.0		10,000	7,293
PENNSYLVANIA					
BAL OF ALLEGHENY COUNTY, CO. LESS PITTSBURGH CITY					
ALLEGHENY	111.9	111.9	110.9	11,190	8,564
BEAVER COUNTY					
BEAVER	124.0	124.0	110.9	12,000	9,490
BERKS COUNTY					
BERKS	93.5	93.5	93.5	10,000	7,156
BUCKS COUNTY					
BUCKS	98.7	98.7	104.9	10,490	8,028
CENTRE COUNTY					
CENTRE	88.0	88.0		10,000	7,093
CHESTER COUNTY					
CHESTER	101.8	101.8	104.9	10,490	8,028

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
PENNSYLVANIA					
DELAWARE COUNTY					
DELAWARE	100.3	100.3	104.9	10,490	8,028
ERIE CITY					
ERIE	96.7	96.7	96.7	10,000	7,400
BAL OF ERIE COUNTY, CO. LESS ERIE CITY					
ERIE	96.7	96.7	96.7	10,000	7,400
FAYETTE COUNTY					
FAYETTE	87.1	87.1		10,000	7,093
FRANKLIN COUNTY					
FRANKLIN	91.0	91.0		10,000	7,093
BAL OF LACKAWANNA COUNTY, CO. LESS SCRANTON CITY					
LACKAWANNA	82.3	82.3	84.1	10,000	7,093
LAWRENCE COUNTY					
LAWRENCE	93.3	93.3		10,000	7,140
LEHIGH VALLEY CONSORTIUM					
LEHIGH	101.2	99.6	99.5	10,120	7,745
NORTHAMPTON	101.2	103.5	99.5	10,350	7,921
LUZERNE COUNTY					
LUZERNE	85.0	85.0	84.1	10,000	7,093
LYCOMING CONSORTIUM					
	89.6			10,000	7,093
LYCOMING	89.6	89.1	89.1	10,000	7,093
MERCER CONSORTIUM					
	97.7			10,000	7,477
CRAWFORD	97.7	85.8		10,000	7,477
MERCER	97.7	103.9		10,390	7,951
VENANGO	97.7	101.9		10,190	7,798
MONTGOMERY COUNTY					
MONTGOMERY	106.2	106.2	104.9	10,620	8,127
NORTHUMBERLAND COUNTY					
NORTHUMBERLAND	85.3	85.3		10,000	7,093
PHILADELPHIA CITY/COUNTY					
PHILADELPHIA	109.8	109.8	104.9	10,980	8,403
PITTSBURGH CITY					
ALLEGHENY	111.9	111.9	110.9	11,190	8,564
SCHUYLKILL CONSORTIUM					
CARBON	75.2	74.5	99.5	10,000	7,615
SCHUYLKILL	75.2	75.5		10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
PENNSYLVANIA					
SCRANTON CITY					
LACKAWANNA	82.3	82.3	84.1	10,000	7,093
SOUTHERN ALLEGANY CONSORTIUM					
	91.2			10,000	7,093
BLAIR	91.2	84.1	84.1	10,000	7,093
CAMBRIA	91.2	101.9	98.5	10,190	7,798
SOMERSET	91.2	88.6	98.5	10,000	7,538
SUSQUEHANNA CONSORTIUM					
CUMBERLAND	97.0	92.8	97.0	10,000	7,423
DAUPHIN	97.0	100.6	97.0	10,060	7,699
PERRY	97.0		97.0	10,000	7,423
TRI-COUNTY CONSORTIUM (BUTLER CONSORTIUM)					
ARMSTRONG	101.6	95.4		10,160	7,775
BUTLER	101.6	104.9		10,490	8,028
INDIANA	101.6	100.6		10,160	7,775
WASHINGTON COUNTY					
WASHINGTON	105.7	105.7	110.9	11,090	8,487
WESTMORELAND COUNTY					
WESTMORELAND	99.9	99.9	110.9	11,090	8,487
YORK COUNTY					
YORK	96.0	96.0	92.8	10,000	7,347
BALANCE OF PENNSYLVANIA					
	85.4			10,000	7,093
ADAMS	85.4	71.9	92.8	10,000	7,102
BRADFORD	85.4	87.9		10,000	7,093
CLEARFIELD	85.4	90.5		10,000	7,093
COLUMBIA	85.4	80.4		10,000	7,093
MCKEAN	85.4	87.2		10,000	7,093
MONROE	85.4	85.7	84.1	10,000	7,093
SUSQUEHANNA	85.4		97.2	10,000	7,439
LANCASTER COUNTY					
LANCASTER	90.0	90.0	90.0	10,000	7,093
LEBANON COUNTY					
LEBANON	89.0	89.0		10,000	7,093
RHODE ISLAND					
PROVIDENCE CITY					
PROVIDENCE	86.2	86.2	85.3	10,000	7,093
BALANCE OF RHODE ISLAND					
	85.0			10,000	7,093
BRISTOL	85.0		85.3	10,000	7,093
KENT	85.0	82.5	85.3	10,000	7,093
NEWPORT	85.0	78.7		10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
RHODE ISLAND					
BALANCE OF RHODE ISLAND					
PROVIDENCE	85.0	86.2	85.3	10,000	7,093
WASHINGTON	85.0	84.2	85.3	10,000	7,093
SOUTH CAROLINA					
SOUTH CAROLINA STATEWIDE CONSORTIUM	82.7			10,000	7,093
AIKEN	82.7	95.8	89.9	10,000	7,332
ANDERSON	82.7	81.4		10,000	7,093
BEAUFORT	82.7	70.8		10,000	7,093
BERKELEY	82.7	90.0	85.7	10,000	7,093
CHARLESTON	82.7	86.1	85.7	10,000	7,093
DARLINGTON	82.7	88.2		10,000	7,093
DORCHESTER	82.7		85.7	10,000	7,093
FLORENCE	82.7	81.1		10,000	7,093
GREENVILLE	82.7	88.8	87.1	10,000	7,093
GREENWOOD	82.7	80.7		10,000	7,093
HORRY	82.7	62.6		10,000	7,093
LAURENS	82.7	79.3		10,000	7,093
LEXINGTON	82.7	83.0	85.1	10,000	7,093
ORANGEBURG	82.7	73.8		10,000	7,093
PICKENS	82.7	77.8	87.1	10,000	7,093
RICHLAND	82.7	85.7	85.1	10,000	7,093
SPARTANBURG	82.7	87.3	87.1	10,000	7,093
SUMTER	82.7	71.9		10,000	7,093
YORK	82.7	86.1		10,000	7,093
SOUTH DAKOTA					
MINNEHAHA COUNTY					
MINNEHAHA	91.1	91.1	91.1	10,000	7,093
BALANCE OF SOUTH DAKOTA	72.9			10,000	7,093
PENNINGTON	72.9	81.4		10,000	7,093
TENNESSEE					
CHATTANOOGA CITY					
HAMILTON	97.6	97.6	93.9	10,000	7,469
BAL OF HAMILTON COUNTY, CO. LESS CHATTANOOGA CITY					
HAMILTON	97.6	97.6	93.9	10,000	7,469
KNOXVILLE CONSORTIUM (KNOX COUNTY)					
KNOX	86.5	86.5	94.1	10,000	7,201

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
TENNESSEE					
MEMPHIS CONSORTIUM (SHELBY COUNTY)					
SHELBY	95.0	95.0	93.3	10,000	7,270
NASHVILLE/DAVIDSON COUNTY (DAVIDSON COUNTY)					
DAVIDSON	94.9	94.9	91.0	10,000	7,263
SULLIVAN COUNTY					
SULLIVAN	100.5	100.5	89.2	10,050	7,691
BALANCE OF TENNESSEE					
	78.8			10,000	7,093
ANDERSON	78.8	118.9	94.1	11,890	9,099
BLOUNT	78.8	99.7	94.1	10,000	7,630
BRADLEY	78.8	74.2		10,000	7,093
CARTER	78.8		89.2	10,000	7,093
CHEATHAM	78.8		91.0	10,000	7,093
DICKSON	78.8		91.0	10,000	7,093
GREENE	78.8	71.6		10,000	7,093
HAWKINS	78.8		89.2	10,000	7,093
MADISON	78.8	84.5		10,000	7,093
MARION	78.8		93.9	10,000	7,186
MONTGOMERY	78.8	77.6	78.6	10,000	7,093
ROBERTSON	78.8		91.0	10,000	7,093
RUTHERFORD	78.8	82.3	91.0	10,000	7,093
SEQUATCHIE	78.8		93.9	10,000	7,186
SUMNER	78.8	82.9	91.0	10,000	7,093
TIPTON	78.8		93.3	10,000	7,140
UNICOI	78.8		89.2	10,000	7,093
UNION	78.8		94.1	10,000	7,201
WASHINGTON	78.8	77.4	89.2	10,000	7,093
WILLIAMSON	78.8		91.0	10,000	7,093
WILSON	78.8		91.0	10,000	7,093
TEXAS					
ALAMO CONSORTIUM					
	85.4			10,000	7,093
BEXAR	85.4	87.6	86.6	10,000	7,093
COMAL	85.4		86.6	10,000	7,093
GUADALUPE	85.4		86.6	10,000	7,093
GULF COAST AREA MANPOWER CONSORTIUM					
	102.8			10,280	7,867
BRAZORIA	102.8	120.6	116.0	12,000	9,230
FORT BEND	102.8	110.4	116.0	11,600	8,877
LIBERTY	102.8		116.0	11,600	8,877

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
TEXAS					
GULF COAST AREA MANPOWER CONSORTIUM					
MONTGOMERY	102.8	87.5	116.0	11,600	8,877
WALLER	102.8		116.0	11,600	8,877
CAMERON COUNTY					
CAMERON	72.5	72.5	72.5	10,000	7,093
CAPITAL AREA MANPOWER CONSORTIUM					
	84.5			10,000	7,093
HAYS	84.5		86.6	10,000	7,093
TRAVIS	84.5	87.8	86.6	10,000	7,093
WILLIAMSON	84.5	72.9		10,000	7,093
CENTRAL TEXAS MANPOWER CONSORTIUM					
	79.4			10,000	7,093
BELL	79.4	79.5	78.0	10,000	7,093
CORYELL	79.4		78.0	10,000	7,093
COASTAL BEND MANPOWER CSRT					
	92.2			10,000	7,093
NUECES	92.2	96.0	95.6	10,000	7,347
SAN PATRICIO	92.2	91.9	95.6	10,000	7,316
DALLAS CITY					
DALLAS	106.9	106.9	101.8	10,690	8,181
DALLAS COUNTY CONSORTIUM					
DALLAS	106.9	106.9	101.8	10,690	8,181
EL PASO CONSORTIUM (EL PASO COUNTY)					
EL PASO	80.8	80.8	80.8	10,000	7,093
FT. WORTH CONSORTIUM					
TARRANT	97.0	97.0	101.8	10,180	7,791
GALVESTON COUNTY					
GALVESTON	107.7	107.7	107.7	10,770	8,242
BALANCE OF HARRIS CO LESS PASADENA CSRT AND HOUSTON CITY					
HARRIS	116.8	116.8	116.0	11,680	8,939
HIDALGO COUNTY CONSORTIUM					
	68.0			10,000	7,093
HIDALGO	68.0	68.2	68.2	10,000	7,093
HOUSTON CITY					
HARRIS	116.8	116.8	116.0	11,680	8,939

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
TEXAS					
GREATER PASADENA CONSORTIUM	116.8			11,680	8,939
HARRIS	116.8	116.8	116.0	11,680	8,939
NORTH TEXAS STATE PLANNING REGIONAL CONSORTIUM	82.0			10,000	7,093
CLAY	82.0		85.2	10,000	7,093
WICHITA	82.0	85.6	85.2	10,000	7,093
PERMIAN BASIN CONSORTIUM	103.3			10,330	7,906
ECTOR	103.3	105.2	105.2	10,520	8,051
MIDLAND	103.3	113.6	113.6	11,360	8,694
REGION XI CONSORTIUM	80.7			10,000	7,093
MC LENNAN	80.7	83.4	83.4	10,000	7,093
S.E. TEXAS COMPREHENSIVE MANPOWER CONSORTIUM					
HARDIN	113.6		113.6	11,360	8,694
JEFFERSON	113.6	114.1	113.6	11,410	8,732
ORANGE	113.6	119.2	113.6	11,920	9,122
BAL OF TARRANT CO LESS FT WORTH CSRT AND GRAND PRAIRIE(PART)					
TARRANT	97.0	97.0	101.8	10,180	7,791
SOUTH PLAINS ASSOCIATION OF GOVERNMENTS	79.8			10,000	7,093
TEXARKANA CONSORTIUM (ARKANSAS-TEXAS)					
LITTLE RIVER	87.0		87.0	10,000	7,093
MILLER	87.0		87.0	10,000	7,093
BOWIE	87.0	89.1	87.0	10,000	7,093
TEXAS PANHANDLE EMPLOYMENT AND TRAINING ALLIANCE CONSORTIUM	100.2			10,020	7,668
WEBB COUNTY					
WEBB	69.9	69.9	69.9	10,000	7,093
WEST CENTRAL TEXAS CSRT	80.3			10,000	7,093
CALLAHAN	80.3		83.4	10,000	7,093
JONES	80.3		83.4	10,000	7,093
TAYLOR	80.3	84.6	83.4	10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
TEXAS					
EAST TEXAS MANPOWER CONSORTIUM					
.....	87.8			10,000	7,093
GREGG.....	87.8	92.1	94.1	10,000	7,201
HARRISON.....	87.8		94.1	10,000	7,201
SMITH.....	87.8	91.9	91.9	10,000	7,093
BALANCE OF TEXAS					
.....	83.1			10,000	7,093
ANGELINA.....	83.1	90.4		10,000	7,093
BRAZOS.....	83.1	74.9	74.9	10,000	7,093
COLLIN.....	83.1	82.3	101.8	10,180	7,791
DENTON.....	83.1	75.9	101.8	10,180	7,791
ELLIS.....	83.1	83.6	101.8	10,180	7,791
GRAYSON.....	83.1	86.5	86.5	10,000	7,093
HOOD.....	83.1		101.8	10,180	7,791
JOHNSON.....	83.1	72.7	101.8	10,180	7,791
KAUFMAN.....	83.1		101.8	10,180	7,791
LUBBOCK.....	83.1	81.4	81.4	10,000	7,093
PARKER.....	83.1		101.8	10,180	7,791
POTTER.....	83.1	92.9	90.9	10,000	7,110
RANDALL.....	83.1	80.4	90.9	10,000	7,093
ROCKWALL.....	83.1		101.8	10,180	7,791
TOM GREEN.....	83.1	79.1	79.1	10,000	7,093
VICTORIA.....	83.1	92.7		10,000	7,094
WISE.....	83.1		101.8	10,180	7,791
UTAH					
UTAH STATEWIDE CONSORTIUM					
.....	92.6			10,000	7,093
DAVIS.....	92.6	104.5	94.9	10,450	7,997
SALT LAKE.....	92.6	94.9	94.9	10,000	7,263
TOOELE.....	92.6		94.9	10,000	7,263
UTAH.....	92.6	89.9	89.9	10,000	7,093
WEBER.....	92.6	82.8	94.9	10,000	7,263
VERMONT					
VERMONT STATEWIDE CONSORTIUM					
.....	83.3			10,000	7,093
CHITTENDEN.....	83.3	96.2		10,000	7,362
RUTLAND.....	83.3	80.9		10,000	7,093
VIRGINIA					
ALEXANDRIA CITY					
ALEXANDRIA.....	101.5	101.5	117.4	11,740	8,985

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
VIRGINIA					
ARLINGTON COUNTY					
ARLINGTON	135.4	135.4	117.4	12,000	10,362
FAIRFAX-LOUDOUN CONSORTIUM					
FAIRFAX	102.4	104.7	117.4	11,740	8,985
LOUDOUN	102.4	91.1	117.4	11,740	8,985
FAIRFAX CITY	102.4		117.4	11,740	8,985
FALLS CHURCH	102.4		117.4	11,740	8,985
HENRICO COUNTY CONSORTIUM					
CHESTERFIELD	92.4	101.0	94.9	10,100	7,730
HANOVER	92.4	83.0	94.9	10,000	7,263
HENRICO	92.4	89.6	94.9	10,000	7,263
PENNINSULA CONSORTIUM					
	92.0			10,000	7,093
JAMES CITY	92.0		91.5	10,000	7,093
YORK	92.0		91.5	10,000	7,093
HAMPTON	92.0	93.9	91.5	10,000	7,186
NEWPORT NEWS	92.0	94.3	91.5	10,000	7,217
WILLIAMSBURG	92.0		91.5	10,000	7,093
PRINCE WILLIAM COUNTY CONSORTIUM					
PRINCE WILLIAM	92.7	84.9	117.4	11,740	8,985
MANASSAS CITY	92.7		117.4	11,740	8,985
MANASSAS PARK CITY	92.7		117.4	11,740	8,985
RAMPS CONSORTIUM					
CHARLES CITY	96.2		94.9	10,000	7,362
GOOCHLAND	96.2		94.9	10,000	7,362
NEW KENT	96.2		94.9	10,000	7,362
POWHATAN	96.2		94.9	10,000	7,362
RICHMOND	96.2	96.9	94.9	10,000	7,416
ROANOKE CONSORTIUM					
	85.3			10,000	7,093
BOTETOURT	85.3		87.2	10,000	7,093
CRAIG	85.3		87.2	10,000	7,093
ROANOKE	85.3	87.6	87.2	10,000	7,093
ROANOKE CITY	85.3	84.1	87.2	10,000	7,093
STAMA CONSORTIUM					
	87.8			10,000	7,093
CHESAPEAKE	87.8	84.4	87.5	10,000	7,093
NORFOLK	87.8	92.1	87.5	10,000	7,093
PORTSMOUTH	87.8	96.8	87.5	10,000	7,408
SUFFOLK	87.8		87.5	10,000	7,093
VIRGINIA BEACH	87.8	73.1	87.5	10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
VIRGINIA					
BALANCE OF VIRGINIA					
.....	82.4			10,000	7,093
ALBERMARLE.....	82.4	90.7		10,000	7,093
AMHERST.....	82.4		87.9	10,000	7,093
APPOMATTOX.....	82.4		87.9	10,000	7,093
AUGUSTA.....	82.4	92.4		10,000	7,093
CAMPBELL.....	82.4		87.9	10,000	7,093
DINWIDDIE.....	82.4		90.3	10,000	7,093
GLOUCESTER.....	82.4		91.5	10,000	7,093
HENRY.....	82.4	88.4		10,000	7,093
MONTGOMERY.....	82.4	83.3		10,000	7,093
PITTSYLVANIA.....	82.4	87.1		10,000	7,093
PRINCE GEORGE.....	82.4	102.9	90.3	10,290	7,875
ROCKINGHAM.....	82.4	74.6		10,000	7,093
SCOTT.....	82.4		89.2	10,000	7,093
WASHINGTON.....	82.4		89.2	10,000	7,093
BRISTOL.....	82.4		89.2	10,000	7,093
COLONIAL HEIGHTS.....	82.4		90.3	10,000	7,093
HOPEWELL.....	82.4		90.3	10,000	7,093
LYNCHBURG.....	82.4	89.1	87.9	10,000	7,093
PETERSBURG.....	82.4		90.3	10,000	7,093
SALEM.....	82.4		87.2	10,000	7,093
WASHINGTON					
CLARK COUNTY					
CLARK.....	105.5	105.5	106.1	10,610	8,120
KING/SNOHOMISH CONSORTIUM					
KING.....	115.8	116.7	115.8	11,670	8,931
SNOHOMISH.....	115.8	109.5	115.8	11,580	8,862
KITSAP COUNTY					
KITSAP.....	114.6	114.6		11,460	8,770
BAL OF PIERCE COUNTY, CO. LESS TACOMA CITY					
PIERCE.....	104.0	104.0	104.0	10,400	7,959
SPOKANE CSRT. (SPOKANE CN.)					
SPOKANE.....	98.4	98.4	98.4	10,000	7,531
TACOMA CITY					
PIERCE.....	104.0	104.0	104.0	10,400	7,959
YAKIMA COUNTY					
YAKIMA.....	85.0	85.0	85.0	10,000	7,093
THURSTON COUNTY					
THURSTON.....	105.9	105.9		10,590	8,105

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
WASHINGTON					
BALANCE OF WASHINGTON	102.4			10,240	7,837
BENTON	102.4	129.3	121.3	12,000	9,895
COWLITZ	102.4	119.8		11,980	9,168
FRANKLIN	102.4		121.3	12,000	9,283
GRAYS HARBOR	102.4	110.6		11,060	8,464
LEWIS	102.4	102.7		10,270	7,860
SKAGIT	102.4	92.0		10,240	7,837
WHATCOM	102.4	99.1		10,240	7,837
WEST VIRGINIA					
WEST VIRGINIA STATEWIDE CONSORTIUM	100.2			10,020	7,668
BROOKE	100.2		124.0	12,000	9,490
CABELL	100.2	98.5	103.8	10,380	7,944
FAYETTE	100.2	98.1		10,020	7,668
HANCOCK	100.2		124.0	12,000	9,490
HARRISON	100.2	93.9		10,020	7,668
KANAWHA	100.2	98.4	99.0	10,020	7,668
MC DOWELL	100.2	121.3		12,000	9,283
MARION	100.2	100.0		10,020	7,668
MARSHALL	100.2		98.4	10,020	7,668
MERCER	100.2	90.1		10,020	7,668
MONONGALIA	100.2	109.8		10,980	8,403
OHIO	100.2	87.5	98.4	10,020	7,668
PUTNAM	100.2		99.0	10,020	7,668
RALEIGH	100.2	100.7		10,070	7,707
WAYNE	100.2		103.8	10,380	7,944
WIRT	100.2		94.6	10,020	7,668
WOOD	100.2	94.7	94.6	10,020	7,668
WISCONSIN					
MADISON/DANE CONSORTIUM (DANE CO.)					
DANE	97.4	97.4	97.4	10,000	7,454
MARATHON COUNTY					
MARATHON	94.9	94.9		10,000	7,263
MILWAUKEE COUNTY					
MILWAUKEE	108.8	108.8	107.0	10,880	8,326
NORTHWEST WISCONSIN CEP	75.2			10,000	7,093
DOUGLAS	75.2		98.0	10,000	7,500

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
WISCONSIN					
OUTAGAMIE COUNTY					
OUTAGAMIE	97.5	97.5	99.2	10,000	7,592
ROCK COUNTY					
ROCK	104.3	104.3		10,430	7,982
TRICO CETAC					
KENOSHA	102.7	108.1	108.1	10,810	8,273
RACINE	102.7	107.8	107.8	10,780	8,250
WALWORTH	102.7	78.8		10,270	7,860
WINNE/FOND CONSORTIUM					
FOND DU LAC	96.9	88.3		10,000	7,416
WINNEBAGO	96.9	101.9	99.2	10,190	7,798
WOW CONSORTIUM					
OZAUKEE	101.0	96.4	107.0	10,700	8,189
WASHINGTON	101.0	89.7	107.0	10,700	8,189
WAUKESHA	101.0	105.0	107.0	10,700	8,189
BALANCE OF WISCONSIN					
	84.3			10,000	7,093
BROWN	84.3	98.6	98.6	10,000	7,546
CALUMET	84.3		99.2	10,000	7,592
CHIPPEWA	84.3		87.7	10,000	7,093
DODGE	84.3	91.0		10,000	7,093
EAU CLAIRE	84.3	90.7	87.7	10,000	7,093
GRANT	84.3	69.6		10,000	7,093
JEFFERSON	84.3	88.2		10,000	7,093
LA CROSSE	84.3	86.8	86.8	10,000	7,093
MANITOWOC	84.3	86.9		10,000	7,093
PORTAGE	84.3	86.7		10,000	7,093
ST. CROIX	84.3		104.8	10,480	8,020
SHEBOYGAN	84.3	94.8		10,000	7,255
WOOD	84.3	100.5		10,050	7,691
WYOMING					
WYOMING STATEWIDE CONSORTIUM					
	102.4			10,240	7,837
LARAMIE	102.4	93.7		10,240	7,837
NATRONA	102.4	115.0		11,500	8,801

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
PUERTO RICO					
BAYAMON MUNICIPIO	60.7			10,000	7,093
CAGUAS MUNICIPIO	60.7			10,000	7,093
CAROLINA MUNICIPIO	60.7			10,000	7,093
MAYAGUEZ MUNICIPIO	60.7			10,000	7,093
PONCE MUNICIPIO	60.7			10,000	7,093
SAN JUAN MUNICIPIO	60.7			10,000	7,093
BALANCE OF PUERTO RICO	60.7			10,000	7,093
VIRGIN ISLANDS	74.1			10,000	7,093
GUAM				10,000	7,093
SAMOA					
TRUST TERRITORIES OF THE PACIFIC ISLANDS				10,000	7,093
NORTHERN MARIANNAS				10,000	7,093

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federal register

Friday
September 28, 1979

Part VIII

Department of Commerce

Office of the Secretary

Laboratories That Test Thermal Insulation Materials, Freshly Mixed Field Concrete, or Carpet; Proposed Accrediting Criteria; Proposed Fees

DEPARTMENT OF COMMERCE

Office of the Secretary

National Voluntary Laboratory Accreditation Program; Proposed Criteria for Accrediting Testing Laboratories That Test Thermal Insulation Materials, Freshly Mixed Field Concrete, or Carpet

AGENCY: Assistant Secretary of Commerce for Science and Technology.

ACTION: Request for comments on proposed criteria to be used by the Department of Commerce (DOC) for accrediting testing laboratories that test thermal insulation materials, freshly mixed field concrete, or carpet.

SUMMARY: Under the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Part 7), this notice requests comments on the proposed general and specific criteria to be used by the Secretary of Commerce (Secretary) in accrediting testing laboratories that voluntarily request accreditation. The Secretary is offering three laboratory accreditation programs (LAPs) covering test methods for thermal insulation materials (NVLAP–01 or the insulation LAP), freshly mixed field concrete (NVLAP–02 or the concrete LAP), and carpet (NVLAP–03 or the carpet LAP). These proposed criteria to be used for all three LAPs are based on the recommendations of the National Laboratory Accreditation Criteria Committee for Thermal Insulation Material (NLACC–1 or the insulation LAP committee), the National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete (NLACC–2 or the concrete LAP committee), and the Department of Housing and Urban Development (HUD), which requested the carpet LAP, as well as DOC staff experience with the first round of evaluations of laboratories under the insulation LAP. These proposed criteria, as may be amended upon consideration of the public comments, will form the basis for examination of each applicant testing laboratory. The final criteria are planned for publication during January 1980.

DATES: Written comments are due on or before November 27, 1979. A request for an informal public hearing may be made before October 15, 1979.

ADDRESS: Comments should be mailed to Dr. Jordan J. Baruch, Assistant Secretary for Science and Technology, Room 3864, U.S. Department of Commerce, Washington, D.C. 20230; or delivered to Room 3864, Main Commerce Building, 14th Street between Constitution and Pennsylvania Avenues, N.W., between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–3221.

SUPPLEMENTARY INFORMATION:

Background

The National Voluntary Laboratory Accreditation Program (NVLAP) was established by notice in the **Federal Register** on February 25, 1976 (41 FR 8163–8168, 15 CFR Part 7 which has been recently redesignated 15 CFR Part 7a). This notice, amended by alternative procedures for use by Federal agencies published in the **Federal Register** on March 9, 1979, describes the procedures which are to be used for developing laboratory accreditation programs (LAPs). Three LAPs currently are being implemented as follows:.

(1) Insulation LAP. The first LAP (NVLAP–01 or the insulation LAP) is for accrediting laboratories that test thermal insulation materials. A final finding of need for this LAP was published on October 12, 1977 (42 FR 55020–55024). Subsequently, a National Laboratory Accreditation Criteria Committee (NLACC–01 or the insulation LAP committee) was formed and met on several occasions to develop and recommend general and specific criteria to the Secretary of Commerce (Secretary). These recommendations were submitted to the Secretary on August 3, 1978 and formed the basis for proposed general and specific criteria published on September 29, 1978 (43 FR 45290–45298). Comments received from the public were reviewed by the insulation LAP committee which made recommendations on how to incorporate certain of the comments into the criteria. Final general and specific criteria to be used in evaluating the capability of laboratories to test thermal insulation materials were published on January 18, 1979 (44 FR 3886–3906). DOC is now in the process of evaluating 30 laboratories which subsequently applied for accreditation. As a result of experience gained in applying the criteria in the evaluation of these laboratories and because of different recommendations being developed by a second criteria committee (described in the succeeding paragraph), the insulation LAP committee was asked to meet again to consider recommending revised criteria to the Secretary. A report entitled, "Recommendations for Revision One of the Criteria for Accrediting Laboratories Which Test Thermal Insulation Materials" was prepared and submitted to the Secretary on August 9, 1979. The report provides a basis for the development of the proposed criteria herein.

If the criteria proposed herein are adopted, they would replace the criteria issued in the **Federal Register** on January 18, 1979 for accreditation of laboratories that test thermal insulation materials. However, laboratories which have applied by February 28, 1979 for accreditation under the January 18, 1979 criteria would be governed by those criteria until a decision on accreditation has been made. Any accreditation so issued will be effective under the January 18, 1979 criteria for one year from the date the accreditation is issued.

(2) Concrete LAP. Parallel to the foregoing effort on insulation, a second LAP (NVLAP–02 or the concrete LAP) for accrediting laboratories which test freshly mixed field concrete was established with a final finding of need published on December 13, 1978 (43 FR 27224–27228). A second criteria committee, the National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete (NLACC–02 or the concrete LAP committee), was formed and met on four occasions to develop and recommend criteria to the Secretary. These recommendations were submitted to the Secretary on August 2, 1979 and provide a second basis for the development of these proposed criteria.

(3) Carpet LAP. Recently, the Department of Housing and Urban Development (HUD) requested that the Secretary establish a LAP to accredit laboratories that test carpet to meet the requirements set forth in the *HUD Use of Materials Bulletin (UM–44c).* This request was made on the basis that the LAP be developed using optional NVLAP procedures for use by Federal agencies (15 CFR Part 7b) published in the **Federal Register** on March 9, 1979 (44 FR 12982–12990). In accordance with these optional procedures, HUD has determined the need for such a LAP and, on August 15, 1979, forwarded recommended criteria to DOC to be used to accredit laboratories that test carpet.

Basis of Proposed Criteria

NVLAP was developed on the basis that it would provide national recognition of the capability of laboratories qualified to perform tests in product areas where such recognition is needed. DOC believes that the methodology used in according this national recognition should be identical or as consistent as possible among various product areas for which

accreditation is granted so that users of NVLAP accredited laboratories can more readily anticipate the nature and extent of the evaluation regardless of product area. Similarly, laboratories which seek NVLAP accreditation should expect to find identical or consistent criteria among the relevant product areas wherever this is possible, since many laboratories will seek accreditation in more than one product area. From an operational point of view, consistent criteria by which laboratories are to be evaluated regardless of the number of LAPs or test methods for which they seek accreditation are desirable in order to minimize the cost of the program to the laboratories and the likelihood of confusion in administering the program. Although the criteria pertain specifically to the LAPs for insulation, concrete, and carpet, these criteria are also expected, wherever possible, to be applicable to future LAPs in other product areas developed under NVLAP procedures.

There are considerable differences in a number of the recommendations of the two criteria committees, the insulation LAP committee and the concrete LAP committee. Many of these differences are in matters of form, but there are a few substantive differences. In an attempt to obtain uniformity and consistency among the LAPs, DOC has elected to propose a single set of general criteria and a single set of specific criteria to be used for these three LAPs. The DOC approach to resolving substantive differences is described below. The approach to resolving the issues of form is also described.

Before discussing these substantive issues, several points should be clarified. General criteria relate to the general characteristics of a laboratory independent of the tests performed. Specific criteria relate to the characteristics of the laboratory as related to its performance of specific tests covered in the accreditation program. The specific criteria are stated in such a manner that they do not have to be changed each time a test method is revised.

It should be understood that some sections of the specific criteria will not necessarily be applicable to all test methods. For example, in some relatively simple test methods, including many of the methods referred to as "recommended practices" or "standard methods," there is no need to calibrate equipment or to prepare a test report. In such cases, some of the specific criteria will not apply for these methods. This is why the term "as applicable" is used several places in the specific criteria. The applicability of the specific criteria to each identified test method will be clearly defined in "supplemental information" for each test method as shown in examples presented in the appendices of this notice. The examples are provided to give the public a clearer understanding as to how the specific criteria should be implemented for each test method. The appendices are part of the operating process of the program and not part of the criteria. The "supplemental information" is also part of the operating process and not part of the criteria. Each laboratory which applies for accreditation will be sent a copy of this "supplemental information" for the test methods for which it applies before any on-site visits are made or fees collected. This will enable the laboratory to ascertain precisely what is expected of it in order for it to be accredited.

Substantive Issues

The recommendations of the insulation LAP committee, the concrete LAP committee, and HUD raised a number of substantive issues and contained a number of differences among the three sets of recommendations. DOC consideration of the issues and the resolution of these differences follow. The substantive issues relating to each major section of the proposed criteria are discussed under the appropriate section heading. There are six major headings (i.e., Organizational Structure; Policy Statements; Quality Control System; Technical Staff; Equipment, Facilities, and Procedures; and Records) which correspond to the six major sections (i.e., G1, G2, G3, S1, S2, and S3) of the proposed criteria.

(1) *Organizational Structure (G1).* Every laboratory accreditation program needs some general information about each applicant laboratory's organization. Both NVLAP criteria committees and HUD in their recommendations agreed that information such as the name and address, ownership and management structure, organizational chart, reporting relationships, and the position description of the person who has technical responsibility for the laboratory should be provided. The original criteria (for laboratories that test thermal insulation materials as published in the **Federal Register** on January 18, 1979; 44 FR 3886–3906) contained these provisions. The original criteria also required a laboratory to provide a general description of the laboratory including its equipment and facilities, a list of technical services performed, estimates of the number of times each test is run, and the names and résumés or personnel requirements of all positions identified on its organizational chart.

The concrete LAP committee in its deliberations stressed that the criteria should require only information which is absolutely essential for accreditation in order to minimize the paperwork involved. It recommended the deletion of the suggested provisions for a general description, the list of services, the estimates of the number of times tests are run, and the names and résumés or personnel requirements of all positions on the organization chart.

The insulation LAP committee reviewed these recommendations and endorsed all of them except the deletion of a general description of the laboratory. It believed that this information would be useful in identifying the laboratory, administering the LAP, and scheduling on-site examinations. Also, it believed that the provisions for a listing of technical services performed and estimates of the number of times tests are run would be useful for the same reasons. However, the insulation LAP committee agreed that these two provisions might be requested in the application form rather than be included as part of the criteria. Under this approach information obtained from these two provisions would not be used as a basis for making the accreditation decisions since they would not be part of the criteria. DOC was convinced that the position of the insulation LAP committee and HUD should be accepted. For the carpet LAP, HUD agreed with the insulation LAP committee's position.

Relative to the "general description" issue, DOC proposes to clarify the intent of this section (G1.1.6) by deleting the words "its equipment" and revising the language to read, "A general description of the laboratory, including its facilities and scope of operation."

Editorial changes to the original criteria are made herein to G1.1 and its subsections in accordance with the recommendations from the concrete LAP committee and HUD.

The concrete LAP committee recommended the deletion of criterion G4 of the original criteria. This criterion requires reporting to the National Bureau of Standards (NBS) of substantive changes in the laboratory regarding the general and specific criteria. The concrete LAP committee suggested that the only changes that need to be reported to NBS are fundamental changes related to the provisions of G1.1 (e.g., change of name, address, ownership, management, general description, or scope of

operation). It concluded that it is unreasonable to expect laboratories to report changes in equipment, technical staff, and the like which is implied in the original criteria because these changes are so frequent that the cost of paperwork involved would not be offset by any expected benefits. Therefore, it recommended a new G1.2 requiring the laboratory to submit a statement of any fundamental changes related to the provisions of G1.1 within 30 days of such changes. The insulation LAP committee and HUD agreed with the addition of this new G1.2 and the deletion of G4 of the original criteria and DOC also agrees.

(2) *Policy Statements (G2).* The NVLAP procedures (15 CFR Part 7a.7 and Part 7b.7) specifically suggest that criteria committees consider "professional and ethical business practices" pertaining to testing laboratories in recommending the general criteria. Both committees and HUD have such provisions in their recommendations.

In the original criteria the provisions addressing "professional and ethical business practices" required a laboratory to have a policy statement and documented evidence that it is operated in accordance with generally accepted professional and ethical business practices. The concrete LAP committee, in stressing the need for reducing paperwork and clarifying how a laboratory would be judged, recommended that the "ethical practices" provisions be restated as a series of policy statements and simply request the laboratory's written agreement to be governed by such statements. Compliance would be assessed at such time that a complaint or other evidence, which is received by DOC, impugns the accredited laboratory's compliance with any of the policy statements. The insulation LAP committee and HUD agree with this recommendation as does DOC.

In addition, the concrete LAP committee recommended two provisions not addressed by the original criteria and one provision addressed under criterion G4 of the original criteria. The first two provisions are that the laboratory shall agree in writing to—(a) perform the tests for which accreditation is sought in accordance with the test methods, and to report any deviations from those test methods in its test reports; and (b) return its certificate of accreditation should it become unable to conform to any of the criteria for accreditation. The concrete LAP committee indicated that it was important to encourage the laboratory to conform strictly to each test method, and that if the laboratory deviates from the test methods it should be required to report that fact to its client(s). Similarly with respect to the second provision, the concrete LAP committee indicated that an accredited laboratory has a duty, as a matter of ethical practice, to return its certificate of accreditation if it becomes unable to conform to the NVLAP criteria and chooses to remain in non-conformance. The insulation LAP committee and HUD agreed with these two recommendations as does DOC.

The third provision recommended by the concrete LAP committee with which both the insulation LAP committee and HUD agreed, is that an accredited laboratory be required to conduct each test method in accordance with the latest version of the method within one year after publication. The original criteria required reporting and implementation of all changes necessitated by a revision in the test method within 45 days unless another time limit is established by NBS. The concrete LAP committee rejected this criterion because it believed that—(a) the 45-day deadline is too short; (b) copies of published test methods are not always readily available; (c) the ASTM book of standards covering concrete test methods published once a year will not include the revisions made during the year the book is in effect; and (d) the reporting and documenting of every change necessitated by revisions to the test methods is unnecessary paperwork. The insulation LAP committee and HUD agreed with the provision recommended by the concrete LAP committee. DOC agrees that this will be adequate for most situations but believes that in some unusual situations an earlier or later time limit may be appropriate. Hence, the proposed provision (G2.1.6) provides that another time limit may be specified by DOC. If such a situation occurs, the accredited laboratories will be directly notified and the new time limit will be published in the Federal Register.

The original criteria require that test data, records, and reports be treated as proprietary information which cannot be released to other individuals without a written agreement from the laboratory's client(s). The concrete LAP committee recommended deletion of this provision on the grounds that test results on concrete should be made readily available to all interested parties and that in some jurisdictions the results may be statutorily required to be in the public domain. The insulation LAP committee disagreed with this recommended deletion because it believed that keeping a client's information in confidence is particularly important in areas such as thermal insulation where technology is very close to the state-of-the-art. HUD agreed with the insulation LAP committee as does DOC. DOC believes that clients normally expect laboratories to treat their data as proprietary. Also, such a provision is stated in two sections of the International Standards Organization document, ISO Guide 25–1978(E), "Guidelines for Assessing the Technical Competence of Testing Laboratories." DOC proposes that this provision (G2.1.4) read, "Treat test data, records, and reports as proprietary information unless the client agrees in writing to the release of such information." However, it should be noted that section 7a.7 and 7b.7 of the NVLAP procedures do not relieve laboratories from compliance with any existing Federal, State, or local statutes, ordinances, and regulations that may pertain to this subject.

(3) *Quality Control System (G3).* Laboratory accreditation should relate to the quality of performance of the laboratory being accredited. The NVLAP procedures (15 CFR Part 7a and Part 7b.7) specifically indicate that criteria committees, in recommending the general criteria, should address factors such as "operational processes," "control procedures," and "quality assurance" pertaining to testing laboratories. Both criteria committees and HUD in their recommendations agreed to the overall concept that a laboratory must maintain some sort of quality control system related to laboratory performance in order to be accredited and DOC concurs.

The original criteria contain a requirement that to be accredited a laboratory must have a quality control system. Under those criteria, the system is to be documented in a quality control manual which either would contain information required by certain sections of the criteria or would show the location in the laboratory of information required by other sections of the criteria. The laboratory is required to describe, generally, its system for auditing and monitoring its test work, assuring calibration of equipment, assuring maintenance of equipment and facilities, controlling the flow of work, and maintaining records. In addition, for each test method the laboratory is required to describe its equipment, facilities, equipment calibration, and verification procedures. During the implementation of the insulation LAP, as laboratories attempted to prepare their manuals, a number of questions were raised relative to the apparent overlap

in data requirements of the general and specific criteria. In the manuals that were received, the procedures used to assure that accurate data were obtained using specific test methods were not always clear.

The concrete LAP committee in its deliberations stressed three important considerations: (a) Precisely what does a laboratory have to do to be accredited for each specific test method; (b) How will judgments be made of the acceptability of each laboratory's response to each criterion; and (c) Can the criteria be simplified? Although the concrete LAP committee agreed on the need for some kind of quality control system, it recommended that the criteria be simplified so that all the detailed requirements for equipment description, calibration, test plans, and record keeping could be placed in the specific criteria and be combined with the elements of the original specific criteria. Rather than a quality control manual, it called for an operations control manual which would provide for both employees and NVLAP examiners, a step-by-step description of how the laboratory operates in the performance of each test.

The insulation LAP committee reviewed these suggestions and recommended against accepting them. Instead, the insulation LAP committee recommended a laboratory quality control manual that describes how the laboratory assures the quality of its test results (e.g., how it calibrates its equipment or how it prepares its reports, including information specific to individual test methods as needed). That committee also suggested that the quality control manual concept should be retained at least until the first round of accreditation was completed and an analysis could be made of the advantages and disadvantages of providing such a manual.

For the carpet LAP, HUD agreed with the desirability of a quality control system, and stated that such a system was compatible with its existing program and that HUD was flexible about the exact provisions of the criteria. HUD agreed with and recommended the position which is taken by DOC on this issue.

In an attempt to provide uniform criteria, DOC makes the following proposal:

(a) A quality control system must be in existence and must include either a quality control manual or a laboratory operations control manual.

(b) The manual does not have to be routinely submitted to NVLAP but must be available for review by NVLAP on-site examiners.

(c) The manual must contain information in response to the applicable requirements of the specific criteria or indicate where in the laboratory such information is located for each test method or group of test methods. (A quality control manual developed to meet the requirements of the original criteria, if deemed adequate by NBS to meet those original requirements, and if up-to-date, will suffice to meet this requirement.)

(d) The determination as to whether the manual is adequate will be based upon judgment by an evaluator that a qualified testing technician can use the information to conduct the test properly. To resolve any doubts about the adequacy of the manual, NBS may ask that copies of portions of the manual be sent to NBS for further evaluation. One of the main uses of a quality control manual or operations control manual is to enable a qualified technician to go to one reference source in the laboratory for guidance in adequately performing the specific tests for which the laboratory is accredited.

(e) Other detailed requirements specified in the original general criteria are proposed to be shifted to the specific criteria. Emphasis is placed on laboratory procedures which help assure that each test for which accreditation is granted will be conducted properly.

DOC is persuaded by the arguments and recommendations of the concrete LAP committee that the requirements of the original criteria were often not clear. Although sympathetic to the insulation LAP committee's plea not to change the criteria too hastily before performance in response to the original criteria could be thoroughly assessed, DOC favors the changes contained in this proposal because it is convinced that they do not set out new requirements but rather reorder the original requirements and redirect emphasis. Program implementation time schedules are such that the decision must be made now rather than later, so that the accreditation of laboratories in these three product areas can proceed at the desired orderly rate during the next calendar year.

(4) *Technical Staff (S1).* One element of accurate testing performance is the competence of the technical staff of the laboratory. The original criteria require that the laboratory be staffed with trained and experienced personnel and that a list of, or requirements of, the responsible technical personnel be available. The concrete LAP committee reviewed this requirement and suggested that a more definitive requirement was needed to evaluate the competence of the technical staff. A qualifying program, including an examination of personnel, was deemed appropriate by that committee because of the importance of personnel competence to good testing. Instead of requiring NVLAP to certify each staff member (a complex administrative process), and instead of requiring such certification from some other certifying agency, the concrete LAP committee suggested that management of the laboratory be required to evaluate each staff member periodically, using a test method performance check sheet provided by NVLAP in a closed-book examination of the technician (i.e., technician(s) must know the test method from memory) or by observation of each technician's performance.

The insulation LAP committee reviewed this suggestion and rejected it on two bases: (a) many of the insulation tests are very complicated so that a technician should not perform these tests without reference to the text of the test method; and (b) for the larger laboratories with many technicians performing many different tests, this would result in a severe administrative burden. Further, the insulation LAP committee argued that the technicians testing thermal insulation were under relatively constant supervision so that such an administrative burden was not warranted.

DOC is persuaded that some more formal recognition of a technician's ability should be included in the criteria. Hence, the proposed criteria require laboratory management each year to make a formal determination qualifying each technician who performs the tests and to record this determination in each individual's personnel file. DOC is not convinced that closed-book examinations are appropriate, except in special cases described below. Many of the tests for which accreditation will be sought are very complex and the technician should be encouraged to follow written instructions precisely under close supervision of laboratory management. There is, however, the following special case where the formal examination of each technician appears to be appropriate. When a technician leaves the environment of the laboratory and performs simple tests at a field site (as occurs frequently in concrete testing), or when supervision is not present, the technician should be expected to know the test methods from memory. In those cases, a closed-book examination is appropriate.

With this reasoning in mind, the following criterion is proposed: "S1.1 The laboratory shall assure the

competency of its staff through observation and/or examination of each relevant staff member * * *" For those test methods normally conducted in the field an examination will be required and an examination form will be supplied by NVLAP. Each test method judged by DOC to be normally conducted in the field will be identified in the "supplemental information" for that test method. This examination form will also be used by NVLAP on-site examiners during their visits to the laboratory to spot check the performance of technicians. Evaluation of personnel for all other test methods not requiring an examination will be based upon observation by on-site examiners.

It is also proposed that in lieu of the observation or examination requirement, a laboratory may have a current certificate or license from a suitable outside certifying agency which asserts that its technicians can perform the test methods for which the laboratory seeks accreditation. This provision is proposed to allow laboratories the option of outside certification where it is available or required by other test monitoring jurisdictions.

The concrete LAP committee also recommended that the personnel files of the technicians record the date of observation and designation of competency of each technician, including dates and results of any examination, records of any outside certification, and a listing of training courses completed. This would enable the on-site examiner to verify that each qualified technician is trained and deemed qualified. The original criteria have a provision related to personnel records but they are not as detailed as the concrete LAP committee recommendation.

HUD generally endorsed the recommendation of the concrete LAP committee on the revised provisions proposed for criterion S1. DOC also supports the recommendation of the concrete LAP committee on this issue.

(5) *Equipment, Facilities, and Procedures (S2).* The detailed requirements identified under criterion G2 of the original criteria relative to the quality control system, have been, for the most part, merged into the specific criteria in this proposal. In its review of the original criteria, the concrete LAP committee attempted to condense and simplify the requirements. The insulation LAP committee preferred not to change these detailed provisions until a thorough analysis of the criteria could be made based on completion of the first round of laboratory evaluations. However, because of the time required to develop final criteria and because of the desire to promulgate the availability of the three LAPs simultaneously, DOC proposes to adopt most of the recommendations of the concrete LAP committee.

In considering this criterion, it must be recognized that many of the requirements are not applicable to some of the simple test methods. For example, the American Society for Testing and Materials Standard Method for Making and Curing Concrete Test Specimens in the Field (ASTM C31) has no requirement for a test report. The "supplemental information" will clearly specify how the requirements apply to each test method.

The simplifications proposed are as follows:

(a) Combine S2 and S3 of the original criteria into one statement, "S2. The laboratory's facilities, equipment, and procedures are appropriate for accreditation."

(b) Condense S2.1, S2.2, and S2.3 of the original criteria into S2.1a, b, and c dealing with the listing and describing of equipment and facilities.

(c) Condense S3.1, S3.2, S3.3, and S3.4 of the original Criteria into S2.2.1a, b, c, and d dealing with the calibration, verification, and maintenance of test equipment and facilities.

(d) Transfer G2.2.2 of the original criteria to S2.2.2 dealing with calibration and verification records.

(e) Convert S4, S4.1, and S4.2 of the original criteria dealing with in-house operating protocols into S2.3a, b, c, d, and e which address the same issues, in what is called a test plan.

(f) Combine S2.4, S4.3, and S4.4 of the original criteria into one statement, "S2.4. The laboratory shall maintain, as applicable, documented evidence that no degradation of performance results from the use of equipment, facilities, or procedures which are not in strict conformance with each test method . . ."

In criterion S2.3 there is a provision related to subcontractors followed by a note of explanation. The original intent of this provision was to allow unaccredited subcontractors to perform common repetitive tasks (such as making slides or taking pictures) which are required by certain test methods, but to accredit a laboratory only if it develops final test data for a test method. The criteria committees and DOC agree with this provision.

In its criteria recommendations HUD strongly objected to the inclusion of any provision allowing part or all of the testing to be performed by a subcontractor on the theory that to do so would defeat the purpose of NVLAP. DOC is not persuaded by HUD's position as it would pertain to subcontractors performing common repetitive parts of a test method. However, in using subcontractors in this way, DOC proposes that the accredited laboratory would have to show how the use of that subcontractor provides no degradation in test results.

During meetings of the insulation LAP committee a related question was raised as to what would happen if a laboratory experienced a temporary breakdown in a piece of equipment which produced final test values. The committee recommended that an accredited laboratory be allowed to obtain final test data from an unaccredited laboratory on a temporary basis, provided it informed its clients that it was using an unaccredited laboratory. There has been considerable discussion among the members of the criteria committees and HUD about this issue. HUD in particular has recommended against allowing accredited laboratories to use unaccredited laboratories on a temporary basis. A number of key questions have been raised. If a laboratory cannot complete a test for which it is accredited, must it decline to provide test data until its test capacity is restored or should it be allowed to provide data from an unaccredited laboratory on a temporary basis with notice to the client? In considering this question, note that the laboratory could not be accredited for a test method in the first place unless it performs the test properly, so it is not a question of whether the laboratory ever possessed the capability, but only what happens in a "temporary" emergency. Also note that it is presumed that an accredited laboratory may always subcontract with another accredited laboratory without additional evidence or verification. Another question is: How does one define "temporary"? This relates to an even broader question: Can NVLAP be expected to control day-to-day operational problems of laboratories or is it limited to recognizing only the capability of a laboratory? Comments from the public on this issue are of particular importance in establishing the final criteria.

DOC is persuaded at this writing that an accredited laboratory should not be allowed to present final test data to a client as data from an accredited laboratory unless the final test data were obtained from an accredited laboratory.

The concrete LAP committee objected to the provisions of the original criteria which allowed non-critical modifications to procedures, test

equipment or facilities, or modifications due to unusual environmental conditions (e.g., deviation from strict conformance to the test methods). It is that committee's position that laboratories should always be in strict conformance with the standard test methods. The insulation LAP committee believed that such deviations are needed under certain circumstances for some of the test methods covered by their LAP and, thus, this provision is needed. DOC believes that both positions can be accommodated with the use of the phrase, "as applicable," in S2.4. The "supplemental information" will clearly indicate when deviation from strict conformance may be allowed for each test method. In the case of the concrete test methods, because of the nature of those methods, no deviations will be allowed.

(6) *Records (S3).* One prerequisite for good management of a laboratory is adequate record keeping. With this in mind, the concrete LAP committee recommended a separate criterion dealing with the maintenance of records. Using many of the record keeping provisions (see G2.5) of the original criteria HUD generally endorsed this recommendation as does DOC. A comparison between the original criteria and the proposed criteria follows:

(a) S4.5 and G2.5.1 of the original criteria correspond to S3.1.1 dealing with the contents of a test report. (An applicant laboratory shall submit for NVLAP review a completed test report with the name of the client and the source of the product deleted.)

(b) G2.5.2 of the original criteria corresponds to S3.1.2 dealing with data generated during testing.

(c) G2.5.3 of the original criteria corresponds to S3.1.3 dealing with specimen control. (The requirement was expanded by the concrete LAP committee to require either forms or a written description of the procedures and separate records that are maintained to provide specimen control.)

(d) S2.4 and G2.5.4 of the original criteria correspond to S3.2 dealing with copies of applicable standards and other documents referred to or used in performing each test method.

(e) G2.1 of the original criteria corresponds to S3.3 dealing with quality control checks and audits including records of audit sampling and detected errors and discrepancies (DOC expanded the concrete LAP committee's recommendation on this section by including the language of the original criteria dealing with audit sampling because it is believed that good quality assurance of a laboratory includes audit sampling and records maintenance).

(f) G2.5.6 of the original criteria corresponds to S3.4 dealing with maintaining a file of written complaints and disposition thereof.

Note that in several provisions of the criteria, and in particular in this criterion, there is a requirement to maintain records and no specific period of time is given for retaining these records. Since it is not the intent of the criteria to require maintenance of records indefinitely, comments on whether there should be an explicit minimum period for retaining records and how long any such period should be are particularly requested. What basis should be used for determining a reasonable time period? Should any such time period be specified in the criteria or "supplemental information"? The recommendations of each committee and HUD do not address these questions. However, the concrete LAP committee believed that state law or other legal requirements take care of the issue, and thus, a time period need not be specified.

Request for Comments

Interested persons desiring to comment on the proposed criteria are invited to submit written comments, in four copies, on or before November 27, 1979, to the Assistant Secretary for Science and Technology, Room 3864, U.S. Department of Commerce, Washington, D.C. 20230.

Any person desiring to express his or her views in an informal hearing relative to the proposed criteria may do so by a written request for a hearing addressed to the Assistant Secretary for Science and Technology on or before (please insert the date which is 15 days from the date this notice is published). Upon receipt of such a request, informal public hearings will be held to give all interested persons an opportunity to orally present data, views, or arguments, in addition to the opportunity to make written submissions. If deemed appropriate, hearings may be held at two locations, one of which will be east of the Mississippi River and the other west thereof. Notice of the hearings will be published in the **Federal Register** at least 20 days in advance thereof. A transcript will be made of any oral presentations.

Comments are invited on any aspect of the proposed general and specific criteria and the additional provisions pertinent to each LAP. DOC is not requesting comments on the provisions of the NVLAP procedures (i.e., the basic conditions for accreditation). The notes and appendices are provided to give the public a clearer understanding of how the criteria will be implemented. Although the notes and appendices are considered part of the operating process of NVLAP and not part of the criteria, comments on the notes and appendices are welcome.

Detailed section-by-section comparisons of the proposed criteria with the original criteria and with each set of recommendations from the insulation LAP committee, concrete LAP committee, and HUD are available for inspection and copying in the DoC's Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW, Washington, D.C. 20230.

All written and oral comments and testimony that are furnished in response to this invitation will be made part of the public record and will also be available for inspection and copying in the DoC's Central Reference and Records Inspection Facility.

Procedure Following Receipt of Comments

Upon receipt of all written and oral comments, the insulation LAP committee, the concrete LAP committee, and HUD will each be requested to conduct an evaluation and make recommendations to the Assistant Secretary for Science and Technology with respect to such public comments. After considering the three sets of recommendations, the Assistant Secretary will prepare his evaluation and publish a notice in the **Federal Register:**

(1) Announcing the final general and specific criteria that laboratories testing insulation, concrete, or carpet must meet in order to be accredited and the date when such final criteria will go into effect, which will not be less than thirty (30) days after the date of publication of the notice; or

(2) Stating that the proposed general and specific criteria will be further developed before final publication; or

(3) Withdrawing the proposed general and specific criteria from further consideration.

Dated: September 25, 1979.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

Proposed Criteria

The proposed general and specific criteria to be used to accredit laboratories that test thermal insulation materials, freshly mixed field concrete, and/or carpet under the National Voluntary Laboratory Accreditation

Program (NVLAP) of the U.S. Department of Commerce (DOC) are set forth below. These criteria have been developed in compliance with the NVLAP procedures (15 CFR Part 7a and Part 7b) and form the basis for accrediting testing laboratories that voluntarily request this accreditation. These criteria are believed to be appropriate for use in accrediting laboratories which test many other kinds of products should NVLAP be requested in the future to provide such accredition.

Requesting Accreditation

Application forms for testing laboratories requesting NVLAP accreditation under any of the three LAPs (insulation LAP, concrete LAP, and carpet LAP) will be published with the final criteria in the **Federal Register** and will be available from DOC once published. The application form will include instructions describing the steps to follow for becoming accredited, identification of test methods (individually or in groups) for which accreditation can be sought, and questions relative to the criteria that must be answered as part of a completed application. When a requesting laboratory returns a completed application form, it becomes an official applicant in the program. This is the first of three aspects of the accreditation process. Upon receipt by the National Bureau of Standards (NBS) of a completed application, NBS will send each applicant "supplemental information" relevant to each test method or group of test methods for which it seeks accredition. This "supplemental information" will indicate how each section of the specific criteria is to be interpreted and implemented for each test method for which accreditation is requested. The required fees will also be designated. All fees must be paid before an on-site examination of the laboratory is scheduled. The second and third parts of the accreditation process—the on-site examination and proficiency testing, respectively—will be arranged for by NBS for each applicant.

An evaluation by NBS of the written information on the application form, the on-site examiners' assessment, and any proficiency testing data will form the basis for DOC's decision to accredit an applicant laboratory.

Basic Conditions for Accreditation

In order for a laboratory to be accredited under the NVLAP procedures, it shall agree in writing to the following basic conditions:

(1) Be examined and audited, initially and on a continuing basis;

(2) Pay accreditation fees and charges;

(3) Maintain compliance with applicable general and specific criteria; and

(4) Avoid reference by itself and forbid others utilizing its services from referencing its accredited status in consumer media and in product advertising or on product labels, containers, and packaging or the contents therein.

In addition, each applicant laboratory should be aware that compliance with the general and specific criteria and accreditation by the Secretary of Commerce will in no way relieve the laboratory from the necessity of observing and being in compliance with existing Federal, State, and local statutes, ordinances, and regulations, including consumer protection and antitrust laws, which may be applicable to the operation of the laboratory.

General Criteria

General criteria include characteristics that should be found in reputable testing laboratories. They include general information about a laboratory (e.g., name, address, ownership, management structure); conditions that must be met for accreditation (e.g., agreement to adopt certain policies); and the maintenance of a quality control or a laboratory operations control manual (e.g., written procedures and information addressing the control of staff, physical plant, operational processes, testing control procedures, and quality assurance) for use by laboratory staff in the laboratory.

The minimum information to be included in the above-referenced manual is identified in the specific criteria. In responding to the provisions of the specific criteria, an applicant laboratory develops the minimum written procedures and information necessary for its manual.

For initial and continued accreditation, each applicant shall provide, in writing, information in response to the following provisions:

Criterion G1. *The laboratory has a legally identifiable organizational structure that enables it to develop and maintain a testing capability to perform satisfactorily the functions for which accreditation is sought.*

G1.1 The laboratory shall submit a description of its organization including—

G1.1.1 The name and full address of the laboratory which is seeking accreditation;

G1.1.2 If the laboratory is part of a larger organization, the complete legal name and address of that larger organization;

G1.1.3 Ownership and management structure of the laboratory, including the names and positions of its principal officers and board of directors;

G1.1.4 An outline or organizational chart identifying all key management and supervisory positions in each relevant operating, support, and service unit in the laboratory's functional organization, and defining at least those reporting relationships that are relevant to this accreditation request;

G1.1.5 Position description, including the required qualifications, of the person who has technical responsibility for the laboratory in the testing area(s) for which accreditation is sought; and

G1.1.6 A general description of the laboratory, including its facilities and scope of operation.

G1.2 The laboratory shall submit a statement of any fundamental changes related to the provisions of G1.1 within 30 calendar days of such changes.

Criterion G2. *The laboratory is operated in accordance with generally accepted professional and ethical business practices.*

G2.1 The laboratory shall agree in writing that as a minimum it will be its policy to—

G2.1.1 Perform the tests for which accreditation is sought in accordance with the designated test methods, and to report and explain deviations from those test methods in its test reports;

G2.1.2 Assure that reported values accurately reflect measured data;

G2.1.3 Limit test work to that for which competence and capacity are available;

G2.1.4 Treat test data, records, and reports as proprietary information unless the client agrees in writing to the release of such infomation;

G2.1.5 Respond to and attempt to resolve complaints contesting test results;

G2.1.6 Be capable of performing each test for which it is accredited according to the latest version of each test method within one year after publication or within another time limit specified by the Department of Commerce (DOC);

G2.1.7 Maintain an independent decisional relationship between its clients, affiliates, or other organizations, so that the laboratory's capacity to render test reports objectively and without bias is not adversely affected; and

G2.1.8 Return to DOC its certificate of accreditation should it become unable to conform to any of these general and specific criteria for accreditation.

Note.—Compliance with criterion G2 will be assessed at such time that a complaint or

other evidence, which is received by DOC, impugns the accredited laboratory's compliance with this criterion.

Criterion G3. *The laboratory maintains a quality control system to help assure the technical integrity of its work.*

G3.1 The laboratory's quality control system must include a quality control manual or a laboratory operations control manual containing written procedures and information in response to the applicable requirements of the specific criteria. The procedures and information may be explicitly contained in the manual or may be referenced so that their location in the laboratory is clearly identified. The written procedures and information must be adequate to guide a testing technician (who is deemed qualified by the National Bureau of Standards (NBS) or by an NBS contractor) in conducting the tests in accordance with the test methods for which accreditation is sought.

G3.2 The laboratory shall make a current copy of it quality control manual or laboratory operations control manual available in the laboratory for use by laboratory personnel and shall make the manual available for NVLAP review and audit.

Note.—A quality control manual consists of general quidelines for the quality control of the laboratory's method of operation. Specific information is provided for portions of individual test methods whenever specifics are needed to comply with the criteria or otherwise support the laboratory's operations. A laboratory operations control manual consists of specific procedures and information for each test method responding to the applicable requirements of the specific criteria.

Specific Criteria

Specific criteria are those requirements for accreditation which relate specificially to individual test methods. They are stated in such a manner that they do not have to be changed each time a test method is revised. As required by G3.1, each applicant laboratory shall have a manual containing written procedures and information or identifying the location of such procedures and information in the laboratory which respond to all applicable requirements of the specific criteria. For the test methods for which accreditation is sought, "supplemental information" will be sent to each applicant laboratory showing how each applicable section of the specific criteria relates to the test methods is to be implemented. It also describes how evaluators will assess a laboratory's compliance with these criteria. An example for each LAP of the kind of detail which will be contained in the "supplemental information" is shown in appendices 1, 2, and 3 to this notice. The "supplemental information" will also identify those sections of the specific criteria that are not applicable or not necessary for certain test methods. This is the reason that the phrase, "as applicable," is included in many such sections. Thus, the "supplemental information" tailors the specific criteria to the particular characteristics of individual test methods. Naturally, the "supplemental information" will have to be updated with each revision of the test methods.

The provisions of the specific criteria are the following:

Criterion S1. *The laboratory is staffed by personnel who are competent to perform the tests for which accreditation is sought.*

S1.1 The laboratory shall assure the competency of its staff through the observation and/or examination of each relevant staff member in the performance of each test method. Staff members who perform relatively simple tests at field locations with limited on-site supervision must annually pass an examination supplied by NBS. The observations at the laboratory must be conducted at intervals not exceeding one year by one or more individuals judged qualified by the person who has technical responsibility for the laboratory. In lieu of an annual observation or examination, current certification of staff members by recognized outside agencies in areas of competence encompassing these test methods is acceptable.

S1.2 The laboratory shall make available the description of its training program for assuring that new or untrained staff will be able to perform tests properly and uniformly to the requisite degree of precision and accuracy.

S1.3 The laboratory shall maintain in its personnel files—

(a) A record, including dates and results, of the observation or examination of performance for each test method for which each individual in the laboratory is qualified;

(b) Certification of competence, if any, from recognized outside agencies; and

(c) A listing of training courses completed.

Criterion S2. *The laboratory's facilities, equipment, and procedures are appropriate for accreditation.*

S2.1 The laboratory shall maintain a list of its facilities and equipment required for each test method for which accreditation is sought, and, as applicable, a description of those facilities and equipment including—

(a) Sufficient identification of test instruments to allow correlation with calibration records;

(b) Schematics, drawings, diagrams or photographs of equipment and facilities for demonstrating conformance with the requirements of the test method; and

(c) A description of environmental or sample conditioning equipment and facilities showing how compliance with the requirements of the test method is measured and maintained.

S2.2 The laboratory shall provide evidence of the calibration, verification, and maintenance of the facilities and equipment specified for each test method for which accreditation is sought, through the following:

S2.2.1 A description of the procedures used in calibrating, verifying, and maintaining the test equipment and facilities, including, as applicable—

(a) Calibration and verification equipment or services used;

(b) Reference standards and materials used;

(c) Measurement assurance, collaborative reference, or other programs in which the laboratory participates;

(d) Routine maintenance; and

S2.2.2 Calibration and verification records including, as applicable—

(a) Equipment description or name;

(b) Name of manufacturer;

(c) Model, style, and serial number, or other identification;

(d) Equipment variables subject to calibration and verification;

(e) Range of operation and range of calibration and verification;

(f) Resolution of the instrument and allowable error tolerances on readings;

(g) Calibration or verification schedule (intervals);

(h) Date and result of last calibration or verification and date of the next calibration or verification;

(i) Name of laboratory person or outside service providing the above calibration or verification; and

(j) Traceability to NBS or other authority.

S2.3 The laboratory shall maintain a test plan supplementing each test method for which accreditation is sought which includes, as applicable, instructions for—

(a) Equipment maintenance and verification checks;

(b) Specimen selection, handling, and disposal;

(c) Data collection, analysis, and reporting;

(d) Quality control checks and audits; and

(e) Any subcontractors performing part of the test and a description of how the laboratory assures the required precision and accuracy.

Note.—The intent of this provision, S2.3(e), is to allow subcontractors to perform common repetitive tasks (such as making slides or taking pictures) which are required by certain test methods. However, only laboratories having the measuring equipment by which final test data are obtained can be accredited. If data obtained using one test method in this accredition program are used as input data for a second test method, or if the test procedures for one test method affects the results obtained in a second test method, a laboratory seeking accreditation for the second method must be accredited for the first method also. An accredited laboratory may not present final test data to a client as data from an accredited laboratory unless the final test data were obtained from an accredited laboratory.

S2.4 The laboratory shall maintain, as applicable, documented evidence that no degradation of performance results from the use of equipment, facilities, or procedures which are not in strict conformance with each test method for which accreditation is sought.

Criterion S3. *The laboratory maintains records of its operations.*

S3.1 The laboratory shall maintain records of those testing activities associated with each test method for which accreditation is sought, including the following:

S3.1.1 Test reports containing, as applicable—

(a) Name and address of the laboratory;

(b) Pertinent dates and identifying numbers;

(c) Name of client;

(d) Description and identification of the specimen (including, as necessary, location of the batch, lot, or project of the sampled material from which the specimen was taken);

(e) An appropriate title;

(f) Identification of the test method, procedure, or specification;

(g) Known deviations, additions to, or exclusions from the test method;

(h) Measurements, examinations, derived results, and identification of test anomalies;

(i) If necessary, a statement as to whether or not the test results comply with the requirements of product or project specifications;

(j) Signature of person having technical responsibility for the test report; and

(k) All items required by the test method;

Note.—The laboratory shall make available to NVLAP, upon request, a typical completed test report with the name of the client and source of any product deleted.

S3.1.2 Data generated during testing if not included in the test report, such as raw data, calculations, tables, graphs, sketches, and photographs; and

S3.1.3 Specimen control forms which document the receipt, handling, storage, shipping, and testing of specimens or a written description of the procedures and separate records that are maintained to control these operations.

S3.2 The laboratory shall have copies of applicable standards and other documents referred to or used in performing each test method for which accreditation is sought.

S3.3 The laboratory shall maintain records of its quality control checks and audits for monitoring its test work including—

(a) Records of audit sampling of the test results; and

(b) Records of detected errors and discrepancies and actions taken subsequent to such detection.

S3.4 The laboratory shall maintain a file of written complaints and disposition thereof.

Proficiency Testing

Proficiency testing is an integral part of the NVLAP accreditation process. Of utmost importance to the user of laboratory services is whether or not a testing laboratory consistently obtains reliable results. The existence of facilities, equipment, and personnel, verified by a laboratory's ability to meet the preceding criteria, establishes the capability for obtaining such results. An analysis of actual test results is necessary to determine if these ingredients do in fact produce the desired results. Each LAP has specified proficiency testing requirements. The following paragraphs are not intended to be part of the criteria but rather are part of the program operations. Implementation of these requirements may depend on the number of laboratories applying for each testing area covered, since a sufficient number of participants are necessary to reach statistically valid conclusions about test results submitted by each participant.

Insulation LAP. To be useful as a tool for evaluating laboratories, a statistically significant number of different laboratories must be included in the sample of laboratories participating in the program. Although the laboratories applying for accreditation must expect to participate in proficiency tests where such tests are designated in Appendix 1, it may be that less than a statistically significant number of laboratories request accreditation for one or more of these particular test methods. In such a case, the requirement to participate in a proficiency test for that test method will ordinarily be waived, and the accreditation will be based only on the information submitted by the laboratory and the on-site examiner's assessment.

Values for the desired precision and accuracy for the test methods under the insulation LAP are shown in Appendix 1. For test methods requiring proficiency testing, the precision and accuracy figures represent the values required for demonstrating "good" laboratory performance and the desired degree of proficiency. Approximately 95 percent of the laboratories should be able to achieve this. Limits approximately 50 percent greater are used to define "acceptable" performance for accreditation purposes. The frequency of proficiency testing is also shown in Appendix 1. For test methods not requiring proficiency testing, the precision and accuracy values suggest other guides for attaining desired testing capability.

Concrete LAP. The concrete LAP committee carefully considered distribution of a proficiency sample. However, because of the complexity of preparing the sample and the uncertainty about reaching statistically valid conclusions about the test results, such distribution was not recommended. A somewhat different approach to proficiency testing is being proposed for the concrete LAP.

The proficiency testing requirement consists of two programs: (1) a within laboratory program; and (2) a between laboratory program. Implementation of the between laboratory program will not be required for the first year of accreditation under this LAP. However, all laboratories applying for initial or renewed accreditation under this LAP after the first year of accreditation will be required to establish a between laboratory program.

These two programs are intended to give a laboratory a relatively simple means of checking the uniformity and, to a certain extent, the accuracy of its test results. The procedures for conducting a within laboratory program and a between laboratory program described in Appendix 2 are minimum guidelines (i.e., any laboratory may use a more sophisticated program or statistically rigorous analysis).

The minimum scope of these two proposed programs required for laboratories requesting accreditation under the concrete LAP is as follows:

A Laboratory applying for accreditation for the field test methods only shall—

(1) Monitor the within-test variation of compressive strength test results on cylinder specimens made from the same

sample of concrete by its personnel using compressive strength test data produced by the compression testing facilities which normally break these specimens for the applicant laboratory (the within-laboratory program); and

(2) Compare with at least one other laboratory on a periodic basis compressive strength test results for cylinder specimens made by each laboratory from the same sample of concrete (the between-laboratory program). (Note that after initial curing, a pair of cylinder specimens made by each cooperating laboratory will be transported to a single compression testing facility for completion of curing, capping, and testing.)

A laboratory applying for accreditation for both field and laboratory test methods shall—

(1) Monitor the within-test variation of compressive strength test results on cylinder specimens made and tested by its personnel from the same sample of concrete (the within-laboratory program); and

(2) Compare with at least one other laboratory on a periodic basis compressive strength test results for cylinder specimens made and tested by each laboratory from the same sample of concrete (the between-laboratory program).

Carpet LAP. Proficiency tests are proposed for the test methods shown in Appendix 3. Although it is intended that proficiency must be demonstrated for all of these test methods, that may not be feasible if an insufficient number of laboratories request accreditation for a given test method. In such a case, the accreditation would be based only on the information submitted by the laboratory and the on-site examiner's assessment.

Values for the desired precision and accuracy for the test methods under the carpet LAP are shown in Appendix 3. For test methods requiring proficiency testing, the precision and accuracy figures represent the values required for demonstrating "good" laboratory performance and the desired degree of proficiency. Approximately 95 percent of the laboratories should be able to achieve this. Limits approximately 50 percent greater are used to define "acceptable" performance for accreditation purposes. The frequency of proficiency testing is also shown in Appendix 3. For test methods not requiring proficiency testing, the precision and accuracy values suggest guides for attaining desired capability.

Examination and Audit Procedures

Once an applicant laboratory has satisfactorily completed the written information requested through the application forms, NBS will arrange a visit of the on-site examiner(s) to the laboratory. Before the visit, each applicant will be sent "supplemental information" explaining how each section of the specific criteria is interpreted and implemented for each test method. The visit may last from one to three days or even longer depending on the number and complexity of the test methods for which accreditation is sought. The on-site examiner(s) will conduct an exit interview with the laboratory management at the conclusion of the examination.

Laboratories will be granted accreditation for one year. The yearly accreditation fee must be paid each year before accreditation can be renewed. The proposed fees and charges for all three LAPs are described in a separate notice published in this issue of the **Federal Register**.

A scheduled on-site examination and a complete reassessment of a laboratory's capability will be accomplished for each LAP as follows:

(1) Insulation LAP—each year for the first two years and every two years thereafter.

(2) Concrete LAP—every three years.

(3) Carpet LAP—every two years.

In addition, unannounced visits may occur at any time. These visits may be initiated by the use of a random selection scheme or in response to a specific need because in the opinion of DOC the laboratory appears to have testing problems. A complete review of the laboratory is not contemplated for the unannounced visits. In the case of randomly selected visits, key items in the laboratory will be checked. In the case of visits due to an apparent problem, items relating to the problem will be checked. However, in both cases additional inspection may take place at the discretion of the on-site examiner. Failure to cooperate will be grounds for revocation of accreditation.

Examiner Qualifications

NBS will be responsible for the professional and technical performance of all examiners. The description that follows is not intended to be part of the criteria, but rather is an explanation of part of the program's operations. It is provided in order to give a potential applicant laboratory an indication of the background and capabilities of personnel who will be employed to evaluate the laboratories. These provisions are subject to change as the program evolves.

On-site examiners will be carefully trained to conduct the initial and periodic on-site examinations, so that all aspects of these examinations will be reasonably consistent from test method to test method and from laboratory to laboratory.

NBS evaluators will review the submitted information, the on-site examination report, and the results of any proficiency testing, and make an evaluation of the laboratory for the purpose of recommending the approval, denial, or revocation of accreditation. Evaluators may also participate in some on-site examinations. Each evaluator will be a technical expert in those fields of testing covered by one or more LAPs. There will be at least on evaluator for each LAP experienced in performing the specific test methods included in each LAP and in performing day-to-day laboratory operations.

These examiners and evaluators will be government employees or NBS contract employees. One of the key considerations in selecting personnel to work on each LAP will be to minimize potential conflicts of interest.

Appendix 1.—Insulation LAP (NVLAP-01) Operational Information

Section 1A—List of Methods, Performance Guidelines and Proficiency Testing Requirements.

The test methods and performance guidelines for this LAP for thermal insulation materials are shown in Exhibit 1A. The tests are the latest versions applicable and are identified by a NVLAP Code Number, a recognized test method number, and a short title. The performance guidelines are given in the column titled, "Desired Precision and Accuracy." The capability of a laboratory to perform within the guidelines will be assessed from the written information it submits and from the findings of an on-site inspection.

The ability of a laboratory to apply this capability is determined from the results of proficiency testing.

Test methods which require proficiency testing are identified in the column titled, "Test Frequency (Times Per Year)." Samples for these tests will be distributed at the frequency shown. The distribution of samples and analysis of resulting data will be handled through a currently designated Collaborative Reference Program for Thermal Insulation Materials cosponsored by Collaborative Testing Services, Inc., and the National Bureau of Standards.

The peformance guideline precision statement is expressed in terms of repeatability (R), which is a measure of the ability of a laboratory to repeat its own test result on the same or essentially identical samples. Accuracy (A), is a measure of the ability of a

laboratory to obtain a test result in agreement with the "true" or target test result. The limits specified in Exhibit 1A for precision and accuracy are for "good" performance. Approximately 95% of the laboratories should be able to achieve this. Limits approximately 50% wider are used to define "acceptable" performance for accreditation purposes. The limits presented in this exhibit are for laboratory accreditation purposes only and should *not* be interpreted as setting specification limits on products. Specific comments which pertain to individual test methods relative to proficiency testing are shown in the last column of Exhibit 1A.

Values for precision and accuracy are listed in Exhibit 1A for some test methods even though a proficiency test is not required for those tests. This information is given as a guide to the laboratory for assessing its own testing capability in lieu of a proficiency sample. This also represents the level of capability expected by NVLAP of the laboratories performing those tests.

The column labeled "Complexity" showing the letter B followed by the subscript 1. 2 or 3 indicates the complexity of the test method for examination purposes. These are used to determine examination costs and are explained in a spearate Federal Register Notice describing accreditation fees.

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Exhibit 1A

NVLAP Code Test Method No.	Complexity	Short title (property) Subtitle (if applicable)	Desired Precision and Accuracy	Test Frequency (Times per Year)	Comments
01/C01 ASTM C739 (para. 7.7 in 77 version)	B_2	Corrosiveness; Cellulosic fiber (loose-fill)	Non-quantitative Test		
01/C02 HH-I-515 (para. 4.8.5 in D version)	B_2	Corrosiveness; Cellulosic fiber (loose-fill)	Non-quantitative Test		
01/D01 ASTM C136	B_1	Sieve or screen analysis	R=4 percent aggregate A=4.4 percent aggregate		
01/D02 ASTM C167	B_1	Thickness and density Blanket and batt	Thickness: A=1/16 in. (1.0 mm) Density: A=2%		
01/D03 ASTM C209 (para. 6 in 72 version)	B_1	Thickness Board (cellulosic fiber)	A=0.1 mm		
01/D04 ASTM C209 (para. 13 in 72 version)	B_1	Water absorption, 2 hour Board (cellulosic fiber)	A=25% of percent water absorption	2	accreditation for one or more of D04, D05, D07 requires demonstrated proficiency in only one of these tests
01/D05 ASTM C209 (para. 13 in 72 version) by D1037 (para. 100-106 in 72 version)	B_1	Water absorption, 24 hour Board (cellulosic fiber)	A=25% of percent water absorption	2	accreditation for one or more of D04, D05, D07 requires demonstrated proficiency in only one of these tests

NVLAP Code Test Method No.	Complexity	Short title (property) Subtitle (if applicable)	Desired Precision and Accuracy	Test Frequency (Times per Year)	Comments
01/D06 ASTM C209 (para. 13 in 72 version) by D1037 (para. 107-110 in 72 version)	B_2	Linear expansion Board (cellulosic fiber)	A=0.1 percent expansion		
01/D07 ASTM C272	B_1	Water absorption Core materials	A=25% of percent water absorption	2	accreditation for one or more of D04, D05, D07 requires demonstrated proficiency in only one of these tests
01/D08 ASTM C302	B_1	Density Preformed pipe insulation	Thickness: A = 1 mm Density: A = 2%		
01/D09 ASTM C303	B_1	Density Preformed block insulation	A = 2%		
01/D10 ASTM C355	B_2	Water vapor transmission Thick materials Desiccant method	A = 25%	2	
01/D11 ASTM C356	B_1	Linear shrinkage Soaking heat Preformed high temperature insulation	R = 0.5 percent linear shrinkage A = 0.5 percent linear shrinkage		
01/D12 ASTM C411	B_1	Hot-surface performance High temperature insulation	Warpage: A = 1 mm		
01/D13 ASTM C519	B_2	Density Loose-fill (fibrous)	A = 2%		
01/D14 ASTM C520	B_2	Density Granular loose-fill	A = 2%		
01/D15 ASTM D756	B_2	Weight and shape changes Accelerate service (Proc. A) Plastics	A = 0.5 percent weight change A = 0.5 percent linear dimension change A = 1.5 percent volume change		

NVLAP Code Test Method No.	Complexity	Short title (property) Subtitle (if applicable)	Desired Precision and Accuracy	Test Frequency (Times per Year)	Comments
01/D16 ASTM D756	B_2	Weight and shape changes Accelerated service (Proc. B) Plastics	Same as for 01/D15		
01/D17 ASTM D756	B_2	Weight and shape changes Accelerated service (Proc. E) Plastics	Same as for 01/D15		
01/D18 ASTM D1622	B_2	Apparent density Rigid cellular plastics	A = 4%		
01/D19 ASTM D2126	B_2	Response to thermal and humid Aging (Procedure B) Rigid cellular plastics	A = 0.5 percent weight change A = 0.5 percent linear dimension change		
01/D20 ASTM D2126	B_2	Response to thermal and humid Aging (Procedure D) Rigid cellular plastics	Same as 01/D19		
01/D21 ASTM D2126	B_2	Response to thermal and humid Aging (Procedure E) Rigid cellular plastics	Same as 01/D19		
01/D22 ASTM D2126	B_2	Response to thermal and humid Aging (Procedure F) Rigid cellular plastics	Same as 01/D19		
01/D23 ASTM D2842	B_2	Water absorption Rigid cellular plastics	A = 1.0 percent absorption (by volume)	2	
01/D24 ASTM C739 (para. 7.5 in 77 version)	B_2	Moisture absorption Cellulosic fiber (loose-fill)	A = 25% percent water absorption	2	a single proficiency test is needed for either D24 or D25
01/D25 HH-I-515 (para. 4.8.3 in D version)	B_2	Moisture absorption Cellulosic fiber (loose-fill)	A = 25% percent water absorption	2	a single proficiency test is needed for either D24 or D25

NVLAP Code Test Method No.	Complexity	Short title (property) Subtitle (if applicable)	Desired Precision and Accuracy	Test Frequency (Times per Year)	Comments
01/D26 HH-I-515 (para. 4.8.1 in D version)	B_2	Settled density Cellulosic fiber (loose-fill)	A = 3%	2	
01/F01 ASTM D777 as modified by Federal Specification H-H-B-100B	B_1	Flammability Paper and paperboard	Char length: R = 3.6% A = 9.0% Fire Resistance permanence: R = 6 percent increase in char length A = 10 percent increase in char length		
01/F02 ASTM E84	B_3	Surface burning characteristics Building materials	Flame spread classification: A = 20% Smoke classification: A = 40%	2	
01/F05 ASTM E136	B_1	Noncombustibility Elementary materials	Primarily a non-quantitative test		
01/F06 ASTM C739 (para. 10.4 in 77 version)	B_3	Flame resistance permanency cellulosic fiber (loose-fill)	A = 20% flame spread	2	
01/F07 HH-I-515 (para. 4.8.7 in D version)	B_3	Critical radiant flux Radiant Panel (cellulosic fiber, loose-fill)	A = 14% R = 20%	2	
01/F08 HH-I-515 (para. 4.8.8 in D version)	B_2	Smoldering combustion cellulosic fiber (loose-fill)	A = 20% R = 20%	2	
01/S01 ASTM C165	B_2	Compressive properties Thermal Insulation Procedure A	A = 4%	2	
01/S02 ASTM C203	B_2	Breaking load/flexural strength Preformed block insulation	Breaking load: A = 2% Flexural strength: A = 10%	2	

NVLAP Code Test Method No.	Com-plex-ity	Short title (property) Subtitle (if applicable)	Desired Precision and Accuracy	Test Frequency (Times per Year)	Comments
01/S03 ASTM C209 (para. 9 in 72 version)	B_2	Transverse strength Board (cellulosic fiber)	A = 4%		Both S01 and S02 proficiency tests are required for accreditation of any one or all S03, S04, S05, S06, S07 S08
01/S04 ASTM C209 (para. 10 in 72 version)	B_2	Deflection at specified load Board (cellulosic fiber)	A = 0.2 mm		Eligible for accreditation only if accredited for 01/S03
01/S05 ASTM C209 (para. 11 in 72 version)	B_2	Tensile strength Parallel to surface Board (cellulosic fiber)	A = 15%		
01/S06 ASTM C209 (para. 12 in 72 version)	B_2	Tensile strength Perpendicular to surface	A = 4%		
01/S07 ASTM C273	B_2	Shear test Sandwich construction	A = 25%		
01/S08 ASTM C446	B_2	Breaking load/modulus of rupture Preformed pipe insulation	Breaking load: A = 2% Modulus of rupture: A = 5%		
01/S09 ASTM D781	B_2	Puncture test Paperboard and fiberboard	R = 7.3% A = 8.0%		
01/S10 ASTM D828	B_2	Tensile breaking strength Paper and paperboard	R = 5% A = 11%	6	
01/S11 ASTM D1621	B_2	Compressive properties Rigid cellular plastics Procedure A - Crosshead	A = 6%		Both S01 and S02 proficiency tests are required for accreditation of S11
01/T01 ASTM C177	B_3	Thermal transmission properties Low-temperature guarded hot plate	R = 1% A = 4%	2	Not required if in T06
01/T04 ASTM C236	B_3	Thermal conductance Guarded hot box	A = 4%	1	

NVLAP Code Test Method No.	Complexity	Short title (property) Subtitle (if applicable)	Desired Precision and Accuracy	Test Frequency (Times per Year)	Comments
01/T05 ASTM C335	B_3	Thermal conductivity Pipe insulation	A = 4%	2	
01/T06 ASTM C518	B_3	Thermal transmission properties Heat flow meter	R = 1% A = 4%	2	Not required if in T01
01/T09 ASTM C653	B_2	Thermal resistance (Rec. Practice) Blanket (mineral fiber)	See 01/T01 and 01/T06		Eligible for accreditation only if laboratory is accredited for C177, C236 or C518
01/T10 ASTM C687	B_2	Thermal resistance (Rec. Practice) Loose-fill (fibrous)	See 01/T01, 01/T04 and 01/T06		Eligible for accreditation only if laboratory is accredited for C177, C236 or C518
01/V02 ASTM D591	B_1	Starch in paper Qualitative test	Non-quantitative Test		
01/V03 ASTM D2020	B_1	Mildew (fungus) resistance Paper and paperboard	Non-quantitative Test		
01/V04 ASTM E96	B_2	Water vapor transmission Thin sheets Procedure A	R = 19% A = 25%		
01/V05 HH-I-515 (para. 4.8.6 in D version)	B_1	Fungus, Cellulosic fiber (loose-fill)	Non-quantitative Test		
01/V06 HH-I-515 (para. 4.8.9 in D version)	B_1	Starch, Cellulosic fiber (loose-fill)	Non-quantitative Test		

Section 1B - Example of "supplemental information" for one test method.

For each test method included in the NVLAP program, a document entitled "Supplemental Information for the Requirements of the Specific Criteria for Test Method: _____" has been prepared. This document relates the requirements of the criteria to each of the test methods, specifically stating how the criteria will apply. It also describes how evaluators will assess compliance to the criteria for the test method to which it applies.

A copy of the "supplemental information" for each test method for which accreditation is sought will be sent to the laboratory upon receipt of its application. The supplemental information will address each section of the specific criteria. Personnel check sheets and other documentation will be provided if appropriate for the test method. Any requirements of the criteria which do not apply to the test method will be stated. The "supplemental information" will not extend the criteria into new areas but will qualify and define the criteria for the particular test method.

Exhibit 1B presents an example of the "supplemental information" for ASTM Test Method E84-77a. The "supplemental information" will be updated to comply with revisions in the test methods and the final criteria when published.

Exhibit 1B

SUPPLEMENTAL INFORMATION FOR THE
REQUIREMENTS OF THE SPECIFIC CRITERIA FOR TEST METHOD:

ASTM E84-77a

"Surface Burning Characteristics of Building Materials"

Introduction

This "supplemental information" for test method ASTM E84-77a is intended to indicate how each section of the specific criteria is to be interpreted and implemented.

Specific Criteria Section	Supplemental Information Corresponding to the Appropriate Sections of the Specific Criteria
S1.1	The laboratory's qualifying program must have provisions for observing the performance of each staff member authorized to conduct ASTM E84. (See Personnel Check Sheet, Attachment 1.) An on-site examiner shall verify that the laboratory has such provisions.
S1.2	The laboratory shall have, as a minimum, a documented on-the-job training program for new or untrained persons responsible for this test method. The on-the-job training program shall include: 1. A thorough understanding of the requirements of the test method and the design of the tunnel. 2. A thorough understanding of all tunnel operations required by ASTM E84, pertaining to testing thermal insulation materials, including calibration procedures. 3. The supervisor and operator must have basic understanding of the requirements of any other standard methods which form a part of or are needed to perform the test.
S1.3	The laboratory shall maintain a file containing all items (a-c) required by section S1.3.
S2.1	The laboratory shall have a list and, as appropriate, a description of its facilities and equipment. In addition, the laboratory shall verify that the following equipment complies with the provisions of ASTM E84. 1. Conditioning facilities 2. Rods and screening for mounting batt and loose-fill materials, respectively 3. Steiner tunnel which complies with the material and dimensional requirements of ASTM E84.
S2.2.1	The laboratory shall have written procedures for calibrating or verifying the equipment listed in Table 1 and have adequate written procedures for maintaining its equipment and facilities.
S2.2.2	The laboratory shall maintain calibration and verification records including data addressing those items designated by an "X" in Table 1.

Table 1

ASTM E84-77a Equipment requiring written calibration or verification procedures and records

	Steiner Tunnel	Manometer	Thermocouples and Instrumentation	Photoelectric Cells and Instrumentation	Smoke Meter
(a) Equipment description or name					
(b) Name of manufacturer	X	X	X	X	X
(c) Model, style, and serial number, or other identification	X	X	X	X	X
(d) Equipment variables subject to calibration and verification	X	X	X	X	X
(e) Range of operation and range of calibration and verification	X	X	X	X	X
(f) Resolution of the instrument and allowable error tolerances on readings		X	X	X	X
(g) Calibration or verification schedule (intervals)	Monthly	Annual visual inspection	12 months	12 months	12 months
(h) Date and results of last calibration or verification and date of the next calibration or verification	X	X	X	X	X
(i) Name of laboratory person or outside service providing the above calibration or verification	X	X	X	X	X
(j) Traceability to NBS or other authority					

S2.3 The laboratory shall have a written test plan containing items a - d and, if a subcontractor performs part of this test, item e of Section S2.3.

S2.4 The laboratory shall show that no degradation of test results occurs due to equipment, facilities, or procedures not in strict conformance with ASTM E84.

S3.1.1 The laboratory retains copies of its ASTM E84 test reports containing items a - k of S3.1.1.

S3.1.2 The laboratory retains copies of the data generated during testing which is not included in its ASTM E84 test reports (i.e., raw data sheet for recording test results).

S3.1.3 The laboratory has control records documenting the receipt, handling storage, shipping and testing of ASTM E84 test specimens.

S3.2 An on-site examiner shall verify that the laboratory maintains an inventory of the latest published versions of the following standards:

ASTM E84 - Surface Burning Characteristics of Building Materials

ASTM D2016 - Tests for Moisture Content of Wood

ASTM C665 - Mineral Fiber Blanket Insulation

ASTM C739 - Specification for Cellulose Fiber loose-fill

HH-I-558B - Federal Specification for Thermal Insulation - board, block and pipe covering

HH-I-100B - Federal Specification for Vapor Barrier Materials

HH-I-521E (1) - Federal Specification for Thermal Insulation Blankets

HH-I-545B (1) - Federal Specification for Acoustical Insulation

S3.3 An on-site examiner shall verify that the laboratory has records of any detected testing errors or discrepancies and subsequent actions taken.

S3.4 An on-site examiner shall verify that the laboratory maintains a file of written complaints and disposition thereof.

Exhibit 1B
Attachment 1

Personnel Check Sheet - ASTM E84

Laboratory Staff Member _____

In fulfillment of Section S1.1, the supervisor or his/her designee shall observe the performance of each staff member being qualified to perform this test method or portions thereof and shall record that performance by checking off, as a minimum, those items which follow. The performance check is recorded on this check sheet and filed in the employee personnel file in fulfillment of Section S1.3(a).

	Satisfactorily Completed
1. Proper calibration procedure.	_____
2. Correct placement of free-standing bricks in tunnel.	_____
3. Record data in strict conformance with ASTM E84.	_____

Supervisor _____ Date _____

Operational Information

Section 2A - Test Method Grouping.

The test methods included in this LAP for freshly mixed field concrete are shown in Exhibit 2A. The tests are the latest versions applicable and are identified by a NVLAP Code Number, a recognized test method number, and a short title. Because the tests are inherently interrelated, accreditation will be granted in two groups rather than per individual test method. The two groups are identified in Exhibit 2A and are respectively the Field Group and the Field and Laboratory Group.

The field and laboratory group includes all of the test methods covered by the LAP. The field group includes only those test methods covered by the LAP which are performed outside the laboratory at a project or field site. A laboratory may apply for accreditation for either group. Each applicant laboratory must have the capability to perform all test methods within the group to be accredited with the exception that 02/A02, ASTM C173 is optional.

Exhibit 2A

NVLAP Code Test Method No.	Short Title	Test Method Group: Field	Test Method Group: Field and Laboratory
02/M01 ASTM C31	Making and Curing Concrete Test Specimens in the Field	X	X
02/M02 ASTM C192	Making and Curing Concrete Test Specimens in the Laboratory	--	X
02/M03 ASTM C172	Sampling Fresh Concrete	X	X
02/S01 ASTM C39	Compressive Strength of Cylindrical Concrete Specimens	--	X
02/P01 ASTM C143	Slump of Portland Cement Concrete	X	X
02/W01 ASTM C138	Unit Weight, Yield, and Air Content (Galvimetric) of Concrete	X	X
02/A01 ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method	X	X
02/A02 ASTM C173	Air Content of Freshly Mixed Concrete by the Pressure Method	X (optional)	X (optional)

Section 2B - Proficiency Testing Requirements.

The proficiency testing requirement for the concrete LAP is composed of a within-laboratory program and a between-laboratory program.

WITHIN-LABORATORY PROGRAM

Purpose. A within-laboratory program is designed to allow a laboratory to monitor the uniformity of its test results produced as a normal part of its operations. More specifically, the program provides a means for measuring the ability of a laboratory to repeat its own test result on cylinder specimens made from a sample of concrete taken from a single batch. This "repeatability" characteristic is commonly referred to in the concrete standards literature as within-test variation (see American Concrete Institute Standard Recommended Practice for Evaluation of Strength Test Results of Concrete, ACI 214-77). A statistical measure of within-test variation is the coefficient of variation. The method outlined under the paragraph, entitled "Data Analysis Method," provides a step-by-step procedure for calculating the coefficient of variation and guidelines for interpreting the significance of such calculated values.

General Procedures. The procedures for carrying out a within-laboratory program are slightly different depending on whether a laboratory applies for accreditation for the field test method group or for the field and laboratory test method group. For the field group, each applicant laboratory shall monitor the within-test variation of compressive strength test results on cylinder specimens made from the same sample of concrete by its personnel using compressive strength test data produced by the compression testing facilities which normally break these specimens for the applicant laboratory. For the field and laboratory group, each applicant laboratory shali monitor the within-test variation of compressive strength test results on cylinder specimens made and tested by its personnel from the same sample of concrete.

Data Analysis Method. The following method for monitoring within-test variation applies for both test method groups:

(1) Randomly select at least ten tests per week and calculate the range, R for each test. If less than 10 tests were made in a given week use as many tests as were conducted. A test, as defined by ACI 214, is the average strength of all specimens--usually two or three of the same age fabricated from a sample taken from a single batch of concrete.

(2) Calculate the coefficient of variation (V) for each test using the following formula:

$$V = \frac{R \times 1/d_2 \times 100}{\bar{X}} \text{ percent}$$

where: R = difference between the lowest and highest values for the companion cylinder specimens

$1/d_2$ = conversion factor:
for two companion cylinder specimens, $1/d_2 = 0.886$
for three companion cylinder specimens, $1/d_2 = 0.591$

$\bar{X}$ = average strength for the companion cylinder specimens for each test.

(3) Identify all V's that exceed 10%. The 10% figure is comparable to the D2S% limit. Values for the coefficient of variation over 10% should occur no greater than one in twenty tests. If the frequency is greater than one in twenty, the laboratory should check its operations for possible procedural aberrations.

(4) Calculate the average of the coefficient of variation ($\bar{V}$) for all the tests randomly selected each week, using the formula:

$$\bar{V} = \frac{\sum_{1}^{n} V}{n}$$

where: n = number of tests randomly selected for sampling for the week.

(5) Calculate a five week moving average ($\bar{\bar{V}}$) of the weekly averages of the coefficient of variation ($\bar{V}$) or the five most recent weeks, using the formula:

$$\bar{\bar{V}} = \frac{\sum_{x-4}^{x} \bar{V}}{5}$$

where: x = number of weeks that have elapsed since the beginning of the within-laboratory program.

(6) Rate each moving average coefficient of variation ($\bar{\bar{V}}$) as follows:

Rating	$\bar{\bar{V}}$ (%)
Satisfactory (SAT)	below 5.0
Unsatisfactory (UNSAT)	above 5.0

(7) Prepare a table showing at least the following information:

Week Ending	Approximate Number of Tests for Week	No. of Tests Sampled for Week	No. of $\bar{V}_i$ Exceeding 10%	$\bar{V}$(%)	$\bar{\bar{V}}$(%)	Rating

This table provides a check on the uniformity of the laboratory's testing operations. Values for the five week moving average coefficient of variation should not be greater than 5 percent. If they are greater than 5 percent, the laboratory must investigate its operations to find the possible causes for this wide variation and tighten its quality control accordingly. Actions taken to remove the causes of variation identified must be recorded and filed. Raw data used to compile the table for at least the five most recent weeks must be available for NVLAP audit. (Note: It is recognized that responsibility for within-test variations is shared when others test cylinder specimens.)

An example of a within-test variation table follows:

Week Ending	Approximate Number of Tests for Week	No. of Tests Sampled for Week	No. of $\bar{V}_i$ Exceeding 10%	$\bar{V}$(%)	$\bar{\bar{V}}$(%)	Rating
3/3	85	10	0	4.0		
3/10	110	10	1	6.0		
3/17	100	10	0	3.0		
3/24	125	10	1	5.0		
3/31	115	10	0	3.0	4.2	SAT
4/7	90	10	1	7.0	4.8	SAT
4/14	140	10	3	11.0	5.8	UNSAT
4/21	130	10	1	8.0	6.8	UNSAT
4/28	145	10	1	5.0	6.8	UNSAT
5/5	120	10	0	3.0	6.8	UNSAT
5/12	140	10	0	2.0	5.8	UNSAT
5/19	160	10	0	4.0	4.4	SAT
5/26	180	10	0	2.0	3.2	SAT
6/2	170	10	0	2.0	2.6	SAT

Requirements. The following are the proposed operational requirements for the within-laboratory program:

(1) The laboratory shall agree to have its within-laboratory program implemented before the on-site examination is performed or within 90 days after the date of application for accreditation.

(2) The NVLAP on-site examiners shall verify that the within-laboratory program is documented and operational. Copies of pertinent documents may be requested.

(3) The laboratory shall document the procedures used to respond to problem areas of testing identified by unsatisfactory ratings under the within-laboratory program. Copies of pertinent documents may be requested.

(4) The on-site examiner shall randomly select from the laboratory's test results an amount equal to the number used by the laboratory to derive its values. The on-site examiner's calculated values shall fall within the 95% range of the value calculated by the laboratory. If not, a second set of random data shall be selected by the on-site examiner. If this set of data is outside of the 95% range, then the on-site examiner shall use the same laboratory's data to calculate the required values. In addition, the on-site examiner shall review the laboratory's random sampling process and may request copies of pertinent documents for NBS review.

(5) The laboratory shall submit to NBS a copy of the within-test variation table of figures for at least three consecutive weeks within a three month operating period. The laboratory shall make two such submissions during its operating season with the minimum time between submissions being at least six weeks.

BETWEEN-LABORATORY PROGRAM

Purpose. A between-laboratory program is designed to produce, for each cooperating laboratory, information related to the reliability of its test results. By periodically comparing the compressive strength test results obtained by each cooperating laboratory using the same sample of concrete tested at the same age, differences in the test results can be calculated. If such differences are too large (i.e., statistically significant), the cooperating laboratories may reasonably conclude that aberrations are present in the testing procedures of one or the other laboratory, or possibly both laboratories. In such a case, a close review of each cooperating laboratory's testing procedures is warranted so that any aberrations may be identified and corrected. The method outlined under the paragraph, entitled "Data Analysis Method," provides a step-by-step procedure for calculating the differences and for interpreting the significance of such calculated values.

General Procedures. The procedures for carrying out a between-laboratory program are slightly different depending on whether a laboratory applies for accreditation for the field test method group or for the field and laboratory test method group (see Exhibit 2A). For the field group, each applicant laboratory shall compare with at least one other laboratory on a periodic basis compressive strength test results for cylinder specimens made by each laboratory from the same sample of concrete. After initial curing, a pair of cylinder specimens made by each cooperating laboratory will be transported to a single compression testing facility for final moist curing, capping, and testing. For the field and laboratory group, each applicant laboratory shall compare with at least one other laboratory on a periodic basis compressive strength test results for cylinder specimens made and tested by each laboratory from the same sample of concrete.

Each applicant laboratory shall arrange with another laboratory(ies) a periodic schedule for comparing compressive strength test results. For each comparison, the cooperating laboratories shall select a mutually convenient time and project site for obtaining concrete samples. Each sample selected must be large enough for each cooperating laboratory to make two companion cylinder specimens. The sample must be part of either laboratory's routine work. It is suggested that the laboratories alternate visits to each other's project sites so that the expense of extra trips can be equally shared. For each sample, each cooperating laboratory shall independently mold, cure, transport, ship, store, cap, and test at seven days age its pair of cylinder specimens. The concrete should have a specified nominal compressive strength between 3,000 and 5,000 psi and a slump exceeding two inches.

Data Analysis Method. The following method for two cooperating laboratories making the comparison applies for both test method groups:

(1) Test the two cylinder specimens in accordance with ASTM C 39.

(2) Calculate the average strength ($\bar{X}$).

(3) Calculate the difference, D, between each laboratory's results:

$$D = (\bar{X}_a - \bar{X}_b)$$

where: D = the difference between each laboratory's average strength

$\bar{X}_a$ = average strength of laboratory A's cylinder specimens

$\bar{X}_b$ = average strength of laboratory B's cylinder specimens

(Note: Always keep the laboratory identification the same since "D" may be either plus or minus.)

(4) Calculate the average difference of the current and previous 5 comparisons, or the total number of comparisons if fewer than six but more than three as follows:

$$\bar{D} = \frac{\Sigma D}{n}$$

where: $\bar{D}$ = average difference

ΣD = algebraic sum of differences using the sign of each difference

n = number of differences.

(5) Calculate the standard deviation of "n" differences as follows:

$$S = \left[\left[(\Sigma D^2) - (\Sigma D/n)^2\right] \div (n-1)\right]^{1/2}$$

where: ΣD^2 = algebraic sum of squared differences.

(Note that these calculations are easily made on inexpensive hand-held calculators.)

(6) Calculate the significant difference, SD, as follows:

$$SD = (tS) \div (n)^{1/2}$$

where: t = student "t" statistic from Table 1 below.

Table 1. Values of Student "t" at $\alpha = .01$

n	t
3	9.92
4	5.84
5	4.60
6	4.03

(7) Compare the average difference $\bar{D}$ and the significant difference SD. Conclude that: the cooperating laboratories are probably obtaining significantly different results if $\bar{D}$ exceed plus or minus SD. (Note that $\bar{D}$ and S are recomputed each time a comparison is made and the consecutive values of $\bar{D}$ and S are not statistically independent or random. Therefore, significant differences will be indicated more often than once in 100 ($\alpha = .01$) when no real difference exists. Also, since the values are not statistically independent, there will be a tendency for $\bar{D}$ to exceed SD on consecutive comparisons.)

(8) Examine the sign of consecutive individual differences D and conclude: (a) that it is likely that the cooperating laboratories are obtaining different results if five consecutive differences have the same sign, and (b) that it is certain that the laboratories are obtaining different results if seven consecutive differences have the same sign.

(9) Examine each individual difference and conclude: that a gross error has likely taken place if the difference, either plus or minus, exceeds 3S where S is computed from at least 6 values of D.

(10) Tabulate the results as follows:

Item	Date
1. Sample Description	
2. Class Concrete	
3. Lab A, $\bar{X}_a$	
4. Lab B, $\bar{X}_b$	
5. D	
6. $\bar{D}$	
7. S	
8. n	
9. SD	
10. 3S	
11. Action required?	

(11) When any excessive differences are detected using the methods in paragraphs 7 ($\bar{D}$ exceeding SD), 8 (5 to 7 values of D are the same sign), and 9 (D exceeding 3S), a careful review of each cooperating laboratory's testing procedures must be done to identify any aberrations that may be present. Generally, an additional between-laboratory comparison should be scheduled to verify that aberrations have been eliminated. However, no mandatory rules can be established since either or both laboratories may contribute to the difficulty and the cooperating laboratory may not be accredited. In some instances the cause for an errant result may become clearly apparent such as an error in report transcription or an error in labeling a specimen.

"Other" Cooperating Laboratory Qualifications. Each applicant laboratory shall select its "other" cooperating laboratory(ies) which must meet at least one of the following qualifications:

(1) Be a NVLAP accredited laboratory.

(2) Be a nonaccredited commercial testing laboratory.

(3) Be a laboratory administered by a state, municipality, or other governmental agency.

(4) Be a laboratory operated by a representative of a contractor, engineer, architect, concrete producer, or other agency on a job.

(5) Consist of two different laboratories (one of which does the field tests and the other of which does the laboratory tests). The field tests consist of making the cylinder specimens, providing initial curing, and transporting the specimens to the laboratory. The laboratory tests consist of curing, capping, and testing the cylinder specimens.

In unusual circumstances under which no other qualified laboratory is available, different groups of employees of the same laboratory can perform as the "other" laboratory provided:

(a) The two groups are employed by different divisions of the same laboratory and report to persons other than those responsible for the supervision and operation of the laboratory seeking accreditation.

(b) The testing operations are carried out completely separately with initial curing, transporting, stripping, final curing, capping and testing being done by different personnel using facilities and equipment physically remote and clearly distinct from one another.

In circumstances where there is no laboratory with acceptable curing, capping, and testing facilities in a convenient geographical area, it may be necessary for the cooperating laboratories to carefully pack and ship or transport the specimens by truck, bus, or other means to a laboratory with appropriate facilities. Preliminary contacts with individual state highway and transportation departments have indicated that they may be receptive to requests for their participation as an agency to receive, cure, cap, and test cylinder specimens.

There is no mandatory requirement for the period of time the "other" cooperating laboratory should remain with the accredited laboratory. However, a minimum period of one year is recommended.

Requirements. The following are the proposed operational requirements for the between-laboratory program:

(1) Each applicant laboratory shall implement the between-laboratory program before July 1, 1981.

(2) Each applicant laboratory shall be responsible for obtaining the "other" cooperating laboratory.

(3) Each applicant laboratory shall arrange a comparison test an average of every six weeks of the laboratory's annual operating season with the maximum period between comparison tests of ten weeks.

(4) Each applicant laboratory shall submit to NVLAP a copy of the comparison test results table at least once every six months during its operating season. A minimum of two submissions per operating season with the minimum time between submissions of at least six weeks is required.

(5) The NVLAP on-site examiner shall verify that the between-laboratory program is documented and operational. Copies of pertinent documents may be requested.

(6) The on-site examiner shall look for documented evidence, in a file, of timely action taken to identify and correct causes of aberrations. Copies of pertinent documents may be requested.

Section 2C - Example of "supplemental information" for one test method.

For each test method included in the NVLAP program, a document entitled "Supplemental Information for the Requirements of the Specific Criteria for Test Method: _____" has been prepared. This document relates the requirements of the criteria to each of the test methods, specifically stating how the criteria will apply. It also describes how evaluators will assess compliance to the criteria for the test method to which it applies.

A copy of the "supplemental information" for each test method for which accreditation is sought will be sent to the laboratory upon receipt of its application. The "supplemental information" will address each section of the specific criteria. Personnel check sheets and other documentation will be provided if appropriate for the test method. Any requirements of the criteria which do not apply to the test method will be stated. The "supplemental information" will not extend the criteria into new areas but will qualify and define the criteria for the particular test method. Exhibit 2C presents an example of "Supplemental Information for ASTM Test Method C39-72." The "supplemental information" will be updated to comply with revisions in the test methods and the final criteria when published.

Exhibit 2C

SUPPLEMENTAL INFORMATION FOR THE
REQUIREMENTS OF THE SPECIFIC CRITERIA FOR TEST METHOD:

ASTM C39-72

"Compressive Strength of Cylindrical Concrete Specimens"

Specific Criteria Section	Supplemental Information Corresponding to the Appropriate Sections of the Specific Criteria
S1.1	The laboratory's qualifying program must have provisions for observing the performance of, and administering a written or oral closed book examination to, each staff member authorized to conduct ASTM C39, see Personnel Check Sheet (Attachment 1) and Example Closed Book Examination (Attachment 2). The on-site examiner shall verify that the laboratory has such provisions. In addition, the on-site examiner shall observe the performance of the testing staff selected by the laboratory to conduct the parts of the test for which they are qualified. If any of the selected staff member(s) performance is judged unsatisfactory by the on-site examiner, then the personnel responsible for administering and conducting the laboratory's training and qualifying programs will be asked by the on-site examiner to demonstrate their competence in conducting that portion of ASTM C39.
S1.2	The laboratory shall have, as a minimum, a documented on-the-job training program for new or untrained staff to compressive strength testing. The training program may be subject to further assessment should the on-site examiner find deficiencies when observing the performance of the testing staff authorized to perform this test. The documented program shall cover: 1. A general understanding of the requirements of ASTM C39 . 2. Basic understanding of the general design of the testing machine. 3. Thorough understanding of all operations of the testing machine as required by ASTM C39 including: (a) use and maintenance of the lower and upper bearing blocks, (b) alignment of test cylinder prior to testing, (c) rates of loading. 4. Basic understanding of the requirements of standard methods which form a part of or are needed to perform the test, i.e., ASTM E4, C617, C31.
S1.3	The on-site examiner shall verify that the laboratory maintains a file containing all items (a-c) required by section S1.3.
S2.1	The on-site examiner shall verify that the laboratory has a list and, as appropriate, a description of its facilities and equipment. In addition, the on-site examiner shall verify that the following equipment complies with the provisions of ASTM C39. 1. Compression Testing Machine (capacity, type or loading, and indicating system). 2. Steel Bearing Blocks Upper - Spherically Seated Block Lower - Solid Block 3. Capping apparatus (i.e., capping material, capping plates, alignment devices, melting pots if sulfur mortar is used).
S2.2.1	The on-site examiner shall verify that the laboratory has written procedures for calibrating or verifying the equipment listed in Table 1, and has adequate written procedures for maintaining its equipment and facilities.
S2.2.2	The on-site examiner shall verify that the laboratory maintains calibration and verification records including data addressing those items designated by an "X" in Table 1.

Table 1

ASTM C39 Equipment requiring written calibration or verification procedures and records

	Compression Testing Machine	Bearing Blocks	Capping Apparatus	Melting Pots	Two-Inch Cube Mold	Cover Plates
(a) Equipment description or name						
(b) Name of Manufacturer	X					
(c) Model, style, and serial number, or other identification	X type of loading, indication, capacity	X	X			
(d) Equipment variables subject to calibration and verification	X	X	X			
(e) Range of operation and range of calibration and verification	X					
(f) Resolution of the instrument and allowable error tolerances on reading	X					
(g) Calibration or verification schedule (intervals)	12 months	6 months	6 months	annual visual inspection	annual visual inspection	annual visual inspection
(h) Date and results of last calibration or verification and date of the next calibration or verification	X	X	X	X	X	X
(i) Name of laboratory person or outside service providing the above calibration or verification	X	X	X	X	X	X
(j) Traceability to NBS or other authority	X					

S2.3 The on-site examiner shall verify that the laboratory has a written test plan containing items a - d and, if a subcontrator performs part of this test, item e of Section S2.3.

S2.4 Not applicable. The laboratory shall maintain strict conformance with the provision of ASTM C39.

S3.1.1 The on-site examiner shall verify that a laboratory retains copies of its test reports containing items a - k except item i of S3.1.1.

S3.1.2 The on-site examiner shall verify that the laboratory retains copies of the data generated during testing which is not included in its test reports (i.e., raw data sheet for recording compression test results).

S3.1.3 The on-site examiner shall verify that the laboratory has specimen control records for samples taken in the field that indicate that these samples are properly handled, stored, shipped, and disposed.

S3.2 The on-site examiner shall verify that the laboratory maintains an inventory of the latest published versions of the following standards:

ASTM C39 - Compressive Strength of Cylindrical Concrete Specimens

ASTM E4-72 - Verification of Testing Machine

ASTM C31 - Making and Curing Concrete Test Specimens in the Field

ASTM C192 - Making and Curing Concrete Test Specimens in the Laboratory

ASTM C617 - Capping Cylindrical Concrete Specimens

S3.3 The on-site examiner shall verify that the laboratory has records of any detected testing errors or discrepancies and subsequent actions taken.

S3.4 The on-site examiner shall verify that the laboratory maintains a file of written complaints and disposition thereof.

Exhibit 2C
Attachment 1

Personnel Check Sheet - ASTM C39-72

Laboratory Staff Member _____

In fulfillment of Section S1.2.1, the supervisor or his/her designee shall observe the performance of each staff member being qualified to perform this test method and shall record that performance by checking off, as a minimum, those items which follow. The performance check is recorded on this check sheet and filed in the employee personnel file in fulfillment of Section S1.2.2.

	Satisfactorily Completed
1. Ensuring that the test is performed as soon as practicable after removal of the test specimen from moist storage.	
2. Ensuring that the ends of the specimens that are not plane within 0.002 in (0.050 mm) be capped in accordance with ASTM C617.	
3. Ensuring that the upper and lower bearing surfaces are cleaned.	
4. Ensuring that the axis of the cylnder is aligned with the center of the spherical block.	
5. Ensuring that the spherical block is rotated as it contacts the cylinder.	
6. Ensuring that the load is applied continuously and without shock at the specified rate* (Mechanical 1.3 mm/min. (0.05 in/min.), Hydraulic 0.14 to 0.34 MPa/s) (20 to 50 psi))	
7. Recording the maximum load carried by the specimen during the test.	
8. Calculating the compressive strength of the specimen.	

* During the application of the first half of the anticipated load a higher rate of loading will be permitted. Make no adjustments in the controls of the testing machine while a specimen is yielding rapidly immediately before failure.

Supervisor _____ Date _____

Exhibit 2C
Attachment 2

Example Closed Book Examination

A closed book test similar to this example or an acceptable equivalent must be given to each staff member being qualified. Answers are to be recorded on this check sheet and placed in the employee's personnel file in fulfillment of S1.2.2.

These are typical questions / These would be expected	Satisfactorily Completed
1. In what conditions should the cylinders be tested? ANS. _____	
2. What is the maximum allowance that the ends of the samples may depart from the perpendicular axis? ANS. _____	
3. What is the maximum amount that the bearing faces may depart from a plane surface? ANS. _____	
4. How many measurements of the cylinder diameter are required to obtain an average? ANS. _____	
5. To what tolerance should the diameter be measured? ANS. _____	
6. What is the required loading rate? ANS. _____	

Supervisor _____ Date _____

Appendix 3 Carpet LAP (NVLAP-03)

Operational Information

Section 3A - List of methods, performance guidelines and proficiency testing requirements.

The test methods for carpets are shown in Exhibit 3A. The tests are the latest versions applicable and identified by a NVLAP Code Number, a recognized test method number, and a short title. The performance guidelines are given in the column titled, "Desired Precision." The capability of a laboratory to perform within the guidelines will be assessed from the written information it submits and from the findings of an on-site inspection. The ability of a laboratory to apply this capability is determined from the results of proficiency testing.

Test methods which require proficiency testing are identified in the column titled, "Test Frequency (Times per Year)." Samples for these tests will be distributed at the frequency shown. It is anticipated that the distribution of samples and analysis of resulting data will be handled through a Collaborative Reference Program for Carpets cosponsored by Collaborative Testing Services, Inc. and the National Bureau of Standards.

The performance guidelines precision statement is expressed in terms of repeatability(R), which is a measure of the ability of a laboratory to repeat its own test result on the same or essentially identical samples. The limits specified in Exhibit 3A for precision are for "good" performance. Approximately 95% of the laboratories should be able to achieve this. Limits approximately 50% wider are used to define "acceptable" performance for accreditation purposes. The limits presented in this exhibit are for laboratory accreditation purposes only and should not be interpreted as setting specification limits on products. Values for precision are listed in Exhibit 3A for some test methods even though a proficiency test is not required for those tests. This information is given as a guide to the laboratory for assessing its own testing capability in lieu of a proficiency sample. This also represents the level of capability expected by NVLAP of the laboratories performing those tests.

The column labeled "Complexity" showing the letter B followed by the subscript 1, 2 or 3 indicates the complexity of the test method for examination purposes. These are used to determine examination costs and are explained in a separate Federal Register Notice describing accreditation fees.

Exhibit 3A

CARPET LAP TEST METHODS AND PROFICIENCY TESTING REQUIREMENTS

NVLAP Code Test Method No.	Complexity	Short Title	Desired Precision	Test Frequency (Times per Year)
03/D01 ASTM D418-79 as modified by UM 44C	B_1	Methods of testing woven and tufted pile floor covering	R = ±7%	2
03/S01 ASTM D1335-76	B_1	Tuft bind of pile floor coverings	R = ±7%	2
03/S02 Federal Test Method Std. 191 5100	B_1	Textile test method-Breaking Strength	R = ±7%	
03/S03 Federal Test Method 5950	B_1	Textile test method - Delamination	R = ±7%	2
03/S04 DD-C-95-72 Sect. 4.5.1.4	B_1	Carpets and rugs, wool, nylon, acrylic, modacrylic, polyester, polypropylene - Shrinkage	R = ±1-2% of test requirement	
03/S05 AATCC 16E-78	B_3	Colorfastness to light	R=± 1/2 step	2
03/F01 ASTM E84-78	B_3	Surface flammability of carpets and rugs	Flame spread Classification: R = ±20%	
03/F02 UL 992-76	B_3	Surface flammability of carpets and rugs	R = ±7%	

Section 3B - Example of "supplemental information" for one test method.

For each test method included in the NVLAP program, a document entitled "Supplemental Information for the Requirements of the Specific Criteria for Test Method: _____" has been prepared. This document relates the requirements of the criteria to each of the test methods, specifically stating how the criteria will apply. It also describes how evaluators will assess compliance to the criteria for the test method to which it applies.

A copy of the "supplemental information" for each test method for which accreditation is sought will be sent to the laboratory upon receipt of its application. The "supplemental information" will address each section of the specific criteria. Personnel check sheets and other documentations will be provided if appropriate for the test method. Any requirements of the criteria which do not apply to the test method will be stated. The "supplemental information" will not extend the criteria into new areas but will qualify and define the criteria for the particular test method.

Exhibit 3B presents an example of the "supplemental information" for ASTM Test Method D1335-67 (Reapproved 1972). The "supplemental information" will be updated to comply with revision in test methods and the final criteria when published.

Exhibit 3B

SUPPLEMENTAL INFORMATION FOR THE
REQUIREMENTS OF THE SPECIFIC CRITERIA FOR TEST METHOD:

ANSI/ASTM D1335-67 (Reapproved 1972)

"Standard Test Method for Tuft Bind of Pile Floor Coverings"

Introduction

This supplement for test method ASTM D1335 is intended to indicate how each applicable section of the specific criteria is to be interpreted and implemented.

Specific Criteria Section	Supplemental Information Corresponding to the Appropriate Sections of the Specific Criteria
S1.1	The laboratory's qualifying program must have provisions for observing the performance of each staff member authorized to conduct ASTM D1335. (See Personnel Check Sheet, Attachment 1.) An on-site examiner shall verify that the laboratory has such provisions.
S1.2	The laboratory shall have, as a minimum, a documented on-the-job training program for new or untrained persons responsible for this test method. The program shall be designed to insure that the assigned personnel understand 1. The task to which they are assigned. 2. The operation of the equipment required to perform their assigned function, including: a. Adjustment of tensile testing machine b. Mounting of specimen c. Application of clamp or hook d. Judging when the tuft or loop has failed to hold 3. The supervisor shall have an understanding of the requirements of any other standard methods which form a part of or are needed to perform the test.
S1.3	The on-site examiner shall verify that the laboratory maintains a file containing all items (a-c) required by section S1.3.
S2.1	The on-site examiner shall verify that the laboratory has a list and, as appropriate, a description of its facilities and equipment. In addition, the on-site examiner shall verify that the following equipment complies with the provisions of D1335. 1. Tensile Testing Machine (capacity, type or loading, and indicating system). 2. Cut Away Specimen Holder 3. Tuft Clamp 4. Loop Hook 5. Scale or Balance 6. Requisite chemicals of grade and concentration as specified in D1335
S2.2.1	The on-site examiner shall verify that the laboratory has written procedures for calibrating or verifying the equipment listed in Table 1 and has adequate written procedures for maintaining its equipment and facilities.

S2.2.2 The on-site examiner shall verify that the laboratory maintains calibration and verification records including data addressing those items designated by an "X" in Table 1.

Table 1

ASTM D1335-67 (Reapproved 1972) Equipment requiring written calibration or verification procedures and records

		Tensile Testing Machine	Scale or Balance
(a)	Equipment description or name	X	X
(b)	Name of manufacturer	X	X
(c)	Model, style, and serial number, or other identification	X type of loading, indication, capacity	X
(d)	Equipment variables subject to calibration and verification	X	X
(e)	Range of operation and range of calibration and verification	X	X
(f)	Resolution of the instrument and allowable error tolerances on reading	X	X
(g)	Calibration and verification schedule (intervals)	12 months	12 months
(h)	Date and result of last calibration or verification and date of the next calibration or verification	X	X
(i)	Name of laboratory person or outside service providing the above calibration or verification	X	X
(j)	Traceability to NBS or other authority	X	X

S2.3 The on-site examiner shall verify that the laboratory has a written test plan containing items a - d of Section S2.3. Subcontracting any part of this test is permitted to NVLAP accredited laboratories only.

S2.4 On-site examiner shall verify that no degradation of test results occurs due to equipment, facilities, or procedures not in strict conformance with ASTM D1335.

S3.1.1 The on-site examiner shall verify that the laboratory retains copies of its ASTM D1335 test reports containing items a - k of S3.1.1.

S3.1.2 The on-site examiner shall verify that the laboratory retains copies of the data generated during testing which is not included in its ASTM D1335 test reports (i.e., raw data sheet for recording test results).

S3.1.3 The on-site examiner shall verify that the laboratory has control records documenting the receipt, handling, storage, shipping and testing of ASTM D1335 test specimens.

S3.2 The on-site examiner shall verify that the laboratory maintains an inventory of the latest published versions of the following standards:

ASTM D1335 - Standard Test Method for Tuft Bind of Pile Floor Coverings

ASTM D1776 - Recommended Practice for Conditioning Textiles and Textile Products for Testing

ASTM D76 - Specification for Tensile Testing Machines for Textiles

ASTM D418 - Testing Woven and Tufted Pile Floor Coverings

ASTM D123 - Definitions of Terms Relating to Textiles

S3.3 The on-site examiner shall verify that the laboratory has records of any detected testing errors or discrepancies and subsequent actions taken.

S3.4 The on-site examiner shall verify that the laboratory maintains a file of written complaints and disposition thereof.

Exhibit 3B
Attachment 1

Personnel Check Sheet - ASTM D1335

Laboratory Staff Member _____

In fulfillment of Section S1.1, the supervisor or his/her designee shall observe the performance of each staff member being qualified to perform this test method or portions thereof and shall record that performance by checking off, as a minimum, those items which follow. The performance check is recorded on this check sheet and filed in the employee personnel file in fulfillment of Section S1.3(a)

	Satisfactorily Completed
1. Proper specimen conditioning and testing in standard atmosphere for testing textiles.	_____
2. Correct adjustment of tensile testing machine operation rate.	_____
3. Mounting test specimen on holder so specimen tufts are at right angle to long axis of holder and with tufts to be tested in approximate center of cut-away portion of holder.	_____
4. Selection of only one tuft in any row for testing with care taken not to pinch or otherwise deform carpet (cut pile floor covering).	_____
5. Selection of three adjacent loops formed by same end (looped pile floor covering).	_____

Supervisor _____ Date _____

BILLING CODE 3510-13-C

National Voluntary Laboratory Accreditation Program; Proposed Fees To Accredit Laboratories That Test Thermal Insulation Materials, Freshly Mixed Field Concrete, and Carpet

In a separate notice appearing in this issue of the **Federal Register**, the Department of Commerce (Department) announced the issuance of proposed criteria for accrediting testing laboratories which test thermal insulation materials, freshly mixed field concrete, and carpet. Under paragraph (a) of § 7.10 of the Procedures for a National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Parts 7(a) and 7(b)), notice is hereby given of the estimated fees which the Secretary of Commerce (Secretary) proposes to establish for the three laboratory accreditation programs (LAPs) (i.e., insulation LAP, concrete LAP, and carpet LAP). The proposed schedule of estimated fees is furnished for information and guidance purposes so the public may evaluate the proposed criteria in light of expected fees and charges.

Basis for Fees. The fees proposed are based on the premise that all of the operational costs incurred by the National Bureau of Standards (NBS) in evaluating laboratories seeking accreditation must be recovered from fees to the laboratories. This includes the work-hours, travel, and per diem costs of examiners and evaluators used in the evaluation process. Administrative costs associated with preparing LAPs, establishing criteria, and developing examination procedures are not recovered from laboratory fees at this time but are paid from an appropriated NVLAP budget. The proposed fees are based upon the best estimates which can be made at this time.

A principal goal of NVLAP is to attain a level of efficiency, consistent with high standards of examination required for meaningful laboratory accreditation, so that fees will be as low as reasonably possible. This will be particularly significant in the case of laoratories which apply for accreditation in more than one LAP. In those situations NVLAP expects to reduce the costs of each succeeding LAP by eliminating the need for repetitive examinations for compliance with certain criteria that are common to each LAP. Other costs savings are expected to be made by organizing personnel needed to adequately examine each applicant laboratory so as to minimize their time and travel requirements for each on-site visit. At the same time the visits will be scheduled so that the examiners can proceed to the next laboratory to be examined without loss of productive time.

The fees will vary, depending on the complexity of the test methods and the frequency with which the examiners must visit the laboratories in each of the LAPs. In the insulation LAP for example, laboratory visits occur once a year for the first two years, while for the concrete LAP visits occur only once every two and one-half years. The laboratory visit schedule for the concrete LAP is appropriate because the concrete test methods are likely to change relatively little. The proposed fees also include a contingency factor to cover the costs associated with conducting unannounced visits for up to one-third of the participating laboratories. The purposes of these unannounced visits are to verify the efficiency of the LAPs by randomly selecting laboratories for reexamination and to reexamine those laboratories about which complaints have been received.

Fees for Evaluating a Laboratory. The NVLAP fee model is composed of several components shown in the following equation:

$$F=A+B_1(N_1)+B_2(N_2)+B_3(N_3)+\ldots+C+P$$

Some of these components do not apply for all LAPs. For identification of those components that apply for each LAP, see Table 1, "Applicability of Cost Components by LAP."

Component A. Component A is a fixed charge that covers NVLAP administrative (e.g., travel expenses of on-site examiners) and preliminary technical review and person-hours costs associated with the program operation. The value of the fixed charge A is dependent upon the particular LAP in which the laboratory is involved. For laboratories wishing accreditation for more than one LAP, see the section entitled, "Multiple LAP Enrollment." The values are:

A_1=$750 per year (insulation LAP)
A_2=$500 per year (concrete LAP)
A_3=$350 per year (carpet LAP)

Component B. Component B is a variable charge which covers NVLAP examination and evaluation costs related to each test method for the complete technical review of written information submitted by the laboratory, on-site examination, and the integration of proficiency testing performance results for that test method.

Subscripts 1, 2, and 3 for Component B represent the three levels of complexity into which the test methods fall when considered for examination pruposes. The fee per method for the simpler test methods is represented as B_1. N_1 is the number of such test methods. B_2 is the fee per method for test methods of intermediate complexity and N_2 is the number of such test methods. The most complex test methods and the number of each are represented by B_3 and N_3, respectively. The values are:

B_1=$ 50
B_2=$100
B_3=$150

The level of complexity for each test method in the insulation and carpet LAPs are shown in Exhibit 1A and 3A in the appendices to the **Federal Register** notice referenced in the first sentence of this notice.

Component C. Component C represents the charges associated with laboratory examination performed by examining organizations selected by NBS for that purpose. Usually, this cost will be payable directly to the examining organization by the laboratories being examined. At the present time, the component C charge would be applicable to the concrete LAP only.

The Cement and Concrete Reference Laboratory (CCRL) which is sponsored by the American Society for Testing and Materials (ASTM) is an example of such an examining organization that may be used by NBS. The CCRL has provided a testing labortory inspection service since 1929. CCRL reports its findings directly to the laboratories requesting such inspections. NBS plans to use CCRL services for performing the on-site examination function for the concrete LAP. The CCRL inspection charge will ultimately be determined by ASTM. However, it is estimated that the cost will be $850 per inspection for the "field test method group" and $1,000 per inspection for the "field and laboratory test method group." NVLAP on-site examinations of applicant concrete laboratories will be scheduled as part of the CCRL existing inspection tour. At the present time, the CCRL inspection tour covers all participating laboratories in about two and one-half years. Accordingly, applicant laboratories under the concrete LAP will be examined about every two and one-half years.

Each applicant laboratory which has had a CCRL inspection since March 1, 1978 does not have to be reexamined in order to be accredited under the first round of accreditations for the concrete LAP provided that it:

(1) Submits the latest CCRL inspection report and certifies that any deficiencies noted in the report have been corrected;

(2) Completes an acceptable NVLAP application form and questionnaire;

(3) Submits documentation that it has implemented a within-laboratory program to comply with the proficiency testing requirements described in Appendix 2 of the **Federal Register** notice cited in the first sentence of this notice;

(4) Has an acceptable quality control or laboratory operations control manual available for use by its personnel; and

(5) Pays the compenent a charge of $500 for the concrete LAP.

Component P. Component P represents the charges associated with proficiency testing. These charges cover the cost of samples and their distribution, the analysis of test data supplied by the laboratory, and the reporting of results. Component P charges are applicable only to the insulation and carpet LAP.

When proficiency testing services are provided by an organization selected by NBS to carry out such tests for NVLAP, this cost is payable directly to that organization by the laboratory. The NBS/CTS Collaborative Reference Program is an example of such an organization. Collaborative Testing Services, Inc., (CTS), a non-profit organization that offers proficiency testing services, is responsible for the proficiency testing program for the insulation LAP. The cost for this service is nominally $100 per year for each test method requiring proficiency testing. It is anticipated that CTS will provide proficiency testing services for the carpet LAP; however, the details for these services for the carpet LAP have not been established. Exhibits 1A and 3A in the Appendices of the **Federal Register** notice cited in the first sentence of this notice identify those test methods for which proficiency testing is required.

Multiple LAP Enrollment. When a laboratory wishes accreditation for more than one LAP, the fixed charge component, component A, will be prorated since many of the administrative costs cover the same operation. The total fixed charge will be determined by selecting the largest component A value from the relevant LAPS and adding 20 percent of the remaining component A values for the other LAPs involved.

If a laboratory requests accreditation for a test method which is essentially the same in two different LAPs (e.g., ASTM E 84 in the insulation LAP and carpet LAP) there will be no additional cost for the laboratory to be accredited for the test in the second LAP once it is accredited for that test in the first LAP. The variable charge component, component B, will be applied only once. However, the laboratory must indicate at the time of its application that it wants accreditation for the test method in both LAPs and must be prepared to demonstrate for an on-site examiner the performance of the test for either product. Also, a separate test report for each product must be available (see Criterion S3.1.1 in the **Federal Register** notice cited in the first sentence of this notice). In addition, the laboratory must be prepared to participate in separate proficiency tests if such tests are specified.

Fee Summary. The fee structure distribution is demonstrated by Table 1 for the insulation, concrete, and carpet LAPs. The aplicable cost components are shown by the letter X.

Table 1—*Applicability of Cost Components*

	Components			
	A	B	C	P
Insulation LAP	X	X		X
Concrete LAP	X		X	
Carpet LAP	X	X		X

Example Calculations. In order to illustrate the annual fees for accreditation, the following examples are provided:

Example 1: If a laboratory chooses to be accredited under the insulation LAP only for 5 simple test methods (B_1), 7 intermediate test methods (B_2), and 2 complex test methods (B_3), and if proficiency tests are required for 6 of these 14 test methods at a cost of $100 each per year, the annual fee (F) would be:

$$F=A_1+B_1(N_1)+B_2(N_2)+B_3(N_3)+P$$

$$F=\$750+\$50(5)+\$100(7)+$$

$$\$150(2)+\$100(6)=\$2,600$$

Example 2: If a laboratory chooses to be acredited under the concrete LAP for the field and laboratory groups, the annual fee (F) would be:

$$F=A_2+C$$

where C is the pro-rata share of the CCRL inspection costs ($1,000 ÷ 2.5 = $400).

$$F=\$500+\$400=\$900$$

Example 3: If a laboratory chooses to be accredited under the carpet LAP for 8 test methods (5 simple test methods and 3 complex test methods for carpet), and if proficiency tests are required for 4 of the 8 test methods, at a cost of $100 each per year, the annual fee (F) would be:

$$F=A_3+B_1(N_1)+B_3(N_3)+P$$

$$F=\$350+\$50(5)+\$150(3)+\$400=\$1,450$$

Example 4: If a laboratory chooses to be accredited under the insulation and carpet LAPs for 14 test methods (5 simple carpet test methods, 7 intermediate insulation test methods, one complex insulation test method, and one complex carpet test method), and if proficiency tests were required for 6 of the 14 test methods at a cost of $100 each per year, the annual fee (F) would be:

$$F=A_1+A_3(.20)+B_1(N_1)+B_2(N_2)+B_3(N_3)+P$$

$$F=\$750+\$350(.20)+\$50(5)+$$

$$\$100(7)+\$150(2)+\$600=\$2,670$$

Example 5: If a laboratory chooses to be accredited under all three LAPs (insulation, concrete, and carpet) for 22 test methods (4 simple insulation test methods, 5 simple carpet test methods, 7 intermediate insulation test methods, 2 complex test methods, and all 8 concrete test methods, and if proficiency tests are required for 6 of the 22 test methods at a cost of $100 each per year, the annual fee (F) would be:

$$F=A_1+A_2(.20)+A_3(.20)+B_1(N_1)+B_2(N_2)+B_3$$

$$(N_3)+C+P$$

$$F=\$750+\$500(.20)+\$350(.20)+$$

$$\$50(9)+\$100(7)+\$150(2)+\$400+\$600=\$3,370$$

Inquiries. Any inquiries may be addressed to Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3876, U.S. Department of Commerce, Washington, DC 20230, 202–377–3221.

Dated: September 25, 1979.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

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federal register

Friday
September 28, 1979

Part IX

Department of Labor

Employment and Training Administration

Veterans Preference Indicators of Compliance; Fiscal Year 1980 Levels

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 653]

Fiscal Year 1980 Levels for Veterans Preference Indicators of Compliance

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The Employment and Training Administration of the Department of Labor is proposing to update the levels for the veterans preference indicators of compliance for fiscal year 1980 as it is required to do on an annual basis under 20 CFR 653.230(c),(e), and (j). The veterans preference indicators of compliance are used by the Department to monitor State employment service agencies to insure that veteran applicants receive priority service as required by 38 U.S.C., Chapters 41 and 42 and by 20 CFR 653, Subpart C. In addition to comments on the proposed changes for fiscal year 1980 contained in this rulemaking, the Department is requesting comments on the overall structure of the veterans indicators of compliance system to provide the basis for a major restructuring of the current veterans indicator system for fiscal year 1981, if appropriate.

DATES: Comments addressing the proposed changes to the veteran indicators of compliance for fiscal year 1980 are due on or before October 29, 1979. Comments directed to the basic structure of the veterans indicator system as a basis for making major changes for fiscal year 1981 are due on or before December 27, 1979.

ADDRESSES: Comments on the proposed rule should be sent to; William B. Lewis, Administrator, U.S. Employment Service, Room 8000, 601 D Street, N.W., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Peter Rell, Director, Office of Program Review, U.S. Employment Service, Room 8324, 601 D Street, N.W., Washington, D.C. 20213, 202-376-6914.

SUPPLEMENTARY INFORMATION:

Background

Chapters 41 and 42 of Title 38 U.S. Code, provide for job counseling, training and placement services for veterans. The Secretary issued regulations to implement 38 U.S.C. Chapters 41 and 42 on November 3, 1976 at 41 FR 48250. The Department published proposed regulations for the fiscal year 1978 veterans indicators of compliance levels on August 26, 1977, at 42 FR 43201. Comments from interested persons were received, reviewed and incorporated, as appropriate, into the final fiscal year 1978 indicator values, which were published on March 3, 1978, at 43 FR 9092. Proposed regulations for the fiscal year 1979 veterans indicator of compliance levels were published on October 27, 1978, at 43 FR 50379. Comments from interested persons were received, reviewed and incorporated, as appropriate, into the final fiscal year 1979 indicator values, which were published on March 27, 1979, at 44 FR 18435. The regulations are found at 20 CFR Part 653, Subpart C. Sections 653.221–226 and 653.230 of that subpart set forth standards of preference governing State agency services to veterans and veterans preference indicators of compliance, respectively. 20 CFR 653.230(a) states:

> To help in determining whether the standards of performance set forth in sections 653.221–226 are being met, the ETA shall use the floor levels and the veterans preference indicators of compliance set forth in this section to compare the level of services provided to veterans and eligible persons with the level of services provided to nonveterans.

20 CFR 653.230(c) states in petinent part:

> Each year ETA shall consider each State agency's past year's accomplishments as a major factor in establishing the floor level if accomplishment for the next fiscal year. Computation of the floor levels shall also be based on external and other appropriate factors.

20 CFR 653.230(e) states:

> ETA shall establish numerical values for the veteran preference indicators of compliance for each Federal fiscal year for: (1) Veterans versus nonveterans, (2) veterans of the Vietnam era versus nonveterans, and (3) disabled veterans versus nonveterans.

20 CFR 653.230(j) states:

> Following analysis of the past fiscal year's accomplishments, the numerical value for each of the veterans preference compliance indicators for the next fiscal year will be published in the **Federal Register** as amendments to paragraphs (f) through (i) of this section.

Indicators of Compliance

In accordance with 20 CFR 653.230 (a), (c)(e), and (j), the performance of each State agency and factors outside of each agency's control were considered in developing the proposed fiscal year 1980 veterans preference indicators and appropriate numerical values for each indicator. Historical performance data examined covered six months of fiscal year 1979 as well as fiscal year 1978 and 1977. In addition to historical data and external factors, the proposed fiscal year 1980 compliance indicators reflect the opinions and comments received from interested persons during last year's rulemaking process that were not incorporated into the fiscal year 1979 final rule but on which the Department made a commitment to reconsider its position for fiscal year 1980.

As a result of the above review process, changes to the fiscal year 1979 compliance indicators for fiscal year 1980 are limited to computational methods for selected floor and preference level indicators as described below. Significantly, the Department proposes no change in the specific service indicators and related numerical values used in fiscal year 1979 unless warranted by a change in computational method. While alternatives incorporating significant revisions to the particular indicators and numerical standards were considered, such changes to the present set of indicators and required levels were judged not to be appropriate at this time for reasons described below

A review of recent job service performance shows that substantial progress in service provision to all applicants was made during the fiscal year 1977–78 period. Significant preference was provided to veterans in all service areas during this period. On a nationwide basis this period was characterized by expanding employment opportunities in the regular unsubsidized job market and a sharp increase in the number of subsidized jobs available to unemployed job seekers under the President's Economic Stimulus Program. State agencies took full advantage of these opportunities by expanding their contacts with the business community and providing strong support to the Economic Stimulus Program. As reflected by State agency performance on the veterans indicators during these years, these efforts were particularly beneficial to veterans as their numbers served rose in absolute terms and in proportion to the total number of applicants served.

A number of factors indicate that the expanding employment opportunities that characterized the fiscal year 1977–1978 period have leveled off during recent months with further adjustments possible for fiscal year 1980. State agency performance data through the first half of fiscal year 1979 show that the rate of increase in service provision to applicants experienced during the past two years has been sharply reduced with some States having moderate declines in service levels, particularly in the area of placements.

The completion of the PSE buildup phase under the Economic Stimulus Program in fiscal year 1978, with the emphasis in fiscal year 1979 on replacement needs rather than filling new jobs, has contributed significantly to the leveling off of State agency performance. Further, under the CETA Reauthorization, P.L. 95–524, the emphasis has shifted to serving the economically disadvantaged. Typically, economically disadvantaged persons account for only 25 percent of ES applicants including proportionately fewer veteran applicants meeting the economically disadvantaged criteria. The effect of these two factors is a sharp reduction in subsidized job opportunities available to ES applicants, including veterans. The regular unsubsidized job market has shown only moderate improvements in recent months in terms of increased employment opportunities, and reduced unemployment. In contrast, marked improvement in these conditions was experienced during the previous two fiscal years. Finally, State agencies will be operating with budget levels similar to those of previous years with no reasonable expectation for additional resources.

The Department feels that the above considerations represent "other appropriate factors" under 20 CFR 653.230(c) for use in computing State agency floor levels. Therefore, based on recent State agency performance, reduced availability of subsidized job opportunities for ES applicants, uncertain economic conditions for fiscal year 1980 and no increase in State agency resources, the Department has determined with few exceptions (described below) to propose in fiscal year 1980 the same floor level and preference level service indicators and corresponding numerical values established in fiscal year 1979.

Based on the above considerations, ETA proposes to limit changes to the veterans indicators of compliance to the following:

1. Revise the current method for computing the floor level for veterans inactivated with some reportable service to measure the number of veterans and other eligibles inactivated with some reportable service as a percent of the total number of veterans and other eligibles who were inactivated. Current practice is to measure the number of veterans inactivated with some reportable service as a percent of all new and renewal veteran applicants (i.e., all active veteran applicants except applicants registered during the prior year). The proposed change provides a more technically accurate measure of service rates for veterans inactivated with some reportable service and is responsive to suggestions made during prior years from various sources.

2. Revise the current method for computing the preference level indicators for veterans, Vietnam-era veterans and disabled veterans inactivated with some reportable service by substituting the number of individuals inactivated in the denominator of each computation rather than the number of new and renewal applicants. This proposed change is consistent with the proposed floor level computation for this service.

3. Revise current references to Mandatory Job Listing (MJL) to Federal Contractor Job Listing (FCJL). This proposed change is a technically more accurate reflection of the title of this program.

4. Revise the current FCJL veterans indicators of compliance to measure placement preference on all veterans rather than only recently separated Vietnam-era veterans and special disabled veterans. This change is proposed in response to the definitional limitation of a recently separated Vietnam-era veteran contained under 38 U.S.C. 2011(2). The number of recently separated Vietnam-era veterans is minimal since May 1979 because of the definitional limitation to veterans submitting job applications within four years of their discharge from the military. The proposed change in coverage to all veterans on the FCJL placement indicator recognizes the definitional limitation of "recently separated Vietnam-era veteran" and its impact on operations, continues the emphasis on the FCJL program for veterans and is consistent with the order of referral priority at 20 CFR 653.221(a)(7) which does require referral of recently separated Vietnam-era and special disabled veterans to FCJL jobs ahead of other qualified applicants. In addition, based on past State agency performance the numerical value proposed for the FCJL indicator is 17 percent; that is, the number of veterans placed in FCJL jobs shall be 17 percent of all individuals placed in these jobs.

Comments on the Structure of the Indicators of Compliance System

The basic Veterans Indicators of Compliance System will have been in operation for three fiscal years by the end of fiscal year 1980. ETA feels this is an opportune time to invite substantive comment from Federal, State and local government units, veterans organizations and other interested persons on ways to improve the veterans indicator system to make it more effective, manageable and usable in promoting services to veterans. All aspects of the veterans indicator system can be addressed. Comments received on the structure of the system will be carefully considered and analyzed and, if appropriate, provide the basis for a major restructuring of the current veterans indicators for fiscal year 1981. Receiving comments at this time for restructuring the system will provide the necessary lead-time to properly compile, categorize and evaluate all comments including development of appropriate testing models reflecting such comments if necessary.

Comments to the structure of the system should be submitted on or before December 27, 1979. However, commentors may submit system related comments in conjunction with comments to the proposed indicator changes for fiscal year 1980 on or before October 29, 1979.

The proposed regulation is neither a "significant" nor a "major" regulation under the criteria set forth in the Department of Labor's guidelines under Executive Order 12044 which were published on January 26, 1979 at 44 FR 5570. Consequently, neither an action plan, which is required for significant regulations, nor a regulatory analysis, which is required for major regulations, has been prepared. Accordingly, 20 CFR 653.230 is proposed to be revised to read as follows:

§ 653.230 Veterans preference indicators of compliance.

(a) To help in determining whether the standards of performance set forth in §§ 653.221–226 are being met, the ETA shall use the floor levels and the veterans preference indicators of compliance set forth in this section to compare the level of services provided to veterans and eligible persons with the level of services provided to nonveterans.

(b) The term "applicants" as used in this section shall mean individuals who filed or renewed job applications during the fiscal year. To improve statistical comparability, the term "nonveteran" as used in this section shall not include women and persons 19 years of age or younger. The term "veteran" as used in this section, shall include eligible persons. The term "disabled veteran", as used in this section, shall include "special disabled veteran".

(c) To prevent State agencies, which are actually performing at low levels of accomplishment, from mathematically appearing, according to the veterans preference indicators of compliance, to

be doing well, the ETA shall establish a floor (minimum) level of expected accomplishment for each State for each reportable service for each Federal fiscal year. Each year ETA shall consider each State agency's past year's accomplishments as a major factor in establishing the floor level of accomplishment for the next Federal fiscal year. Computation of the floor levels shall also be based on external and other appropriate factors.

(1) The floor levels (except as provided in paragraph (c)(1)(iv) of this section) shall be stated as the ratio of veteran individuals served to the number of veterans applying for service, rather than the number of veterans served, to avoid the difficulties associated with establishing absolute numbers under varying conditions, time periods, and locations. The floor level for veterans inactivated with some reportable service shall be stated as the ratio of veteran individuals inactivated with some reportable service to the number of veterans inactivated. The floor levels of accomplishment for FY 1979 shall be as follows:

(i) A minimum of 6 percent of those veterans applying for service shall be counseled.

Veterans Counseled/Veteran Applicants—6 percent.

(ii) A minimum of 7.5 percent of all veteran applicants shall be provided job development.

Veteran Job Development Contacts/ Veteran Applicants–7.5 percent.

(iii) A minimum of (individual State values listed below) percent of all veteran applicants shall be placed in jobs.

Veterans Applicants Placed/Veteran Applicants—(see list below for State values).

	(iii) Placed
	Percent
Region I (Boston):	
Connecticut	14
Maine	24
Massachusetts	19
New Hampshire	24
Rhode Island	24
Vermont	24
Region II (New York):	
New Jersey	22
New York	22
Puerto Rico	22
Virgin Islands	
Region III (Philadelphia):	
Delaware	14
District of Columbia	24
Maryland	20
Pennsylvania	19
Virginia	22
West Virginia	23
Region IV (Atlanta):	
Alabama	24
Florida	24
Georgia	24
Kentucky	23
Mississippi	24
North Carolina	23
South Carolina	22
Tennessee	23
Region V (Chicago):	
Illinois	18
Indiana	19
Michigan	16
Minnesota	24
Ohio	18
Wisconsin	24
Region VI (Dallas):	
Arkansas	24
Louisiana	24
New Mexico	24
Oklahoma	24
Texas	24
Region VII (Kansas City):	
Iowa	24
Kansas	24
Missouri	24
Nebraska	24
Region VIII (Denver):	
Colorado	24
Montana	24
North Dakota	24
South Dakota	24
Utah	24
Wyoming	24
Region IX (San Francisco):	
Arizona	24
California	23
Guam	
Hawaii	24
Nevada	23
Region X (Seattle):	
Alaska	24
Idaho	24
Oregon	24
Washington	24

(iv) A minimum of 60 percent of all veteran applicants inactivated shall be inactivated with some reportable service.

Veteran Applicants Inactivated With Some Service/Veteran Applicants Inactivated—60 percent.

(2) Only after a State agency meets three of its four expected levels of accomplishment—one of which must be the floor level for placement—shall the veterans' indicators be applied.

(d) The ETA shall compare the level of State agency services for veterans versus that for nonveterans by examining rates of service rather than the numbers of persons served to compensate for the differing sizes of comparison groups and to avoid the difficulties associated with establishing absolute numbers under varying conditions, time periods and locations. In addition, the two groups, veterans and nonveterans, shall be compared after adjustments for demographic and other appropriate characteristics to make them as comparable as possible within the limitations of available data systems.

(e) ETA shall establish numerical values for the veterans preference indicators of compliance for each Federal fiscal year for:

(1) Veterans versus nonveterans;

(2) Veterans of the Vietnam era versus nonveterans; and

(3) Disabled veterans versus nonveterans.

(f) Veterans preference indicators of compliance for service to all veterans shall be stated as follows:

(1) The ratio of veterans applicants counseled to the total number of veteran applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 25 percent.

Veteran's counseled/Veteran applicants+Nonveterans counseled/Nonveteran applicants−1.00=25 percent.

(2) The ratio of job development contacts made for veterans to the total numbers of veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 50 percent.

Job development contacts for veterans/ Veteran applicants+Job development contacts for nonveterans/Nonveteran applicants−1.00=50 percent.

(3) The ratio of veteran applicants placed in jobs to the total number of veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 10 percent.

Veterans placed/Veteran applicants+Nonveterans placed/ Nonveteran applicant−1.00=10 percent.

(4) The ratio of veteran applicants inactivated with some reportable service to the total number of veteran applicants inactivated shall be more than the ratio on nonveteran applicants inactivated with some reportable service to the total number of nonveteran applicants inactivated by at least 15 percent.

Veterans inactivated with some reportable service/Veteran applicants inactivated+Nonveterans inactivated with some reportable service/Nonveteran applicants inactivated+1.00=15 percent.

(g) Veterans preference indicators of compliance for service to veterans of the Vietnam era are as follows:

(1) The ratio of Vietnam-era veteran applicants counseled to the total number of Vietnam-era applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 35 percent.

Vietnam-era veterans counseled/ Vietnam-era veteran applicants + Nonveterans counseled/Nonveteran applicants −1.00=35 percent.

(2) The ratio of job development contacts made for Vietnam-era veterans to the total number of Vietnam-era veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 60 percent.

Job development contacts for Vietnam-era veterans/Vietnam-era veteran applicants + Job development contacts for nonveterans/Nonveteran applicants −1.00=60 percent.

(3) The ratio of Vietnam-era veteran applicants placed in jobs to the total number of Vietnam-era veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 15 percent.

Vietnam-era veterans placed/Vietnam-era veteran applicants + Nonveterans placed/Nonveteran applicants −1.00=15 percent.

(4) The ratio of Vietnam-era veteran applicants inactivated with some reportable service to the total number of Vietnam-era veteran applicants inactivated shall be more than the ratio of nonveteran applicants inactivated with some reportable service to the total number of nonveteran applicants inactivated by at least 20 percent.

Vietnam-era veterans inactivated with some reportable service/Vietnam-era veteran applicants inactivated + Nonveterans inactivated with some reportable service/Nonveteran applicants inactivated −1.00=20 percent.

(h) Veterans preference indicators of compliance for service to disabled veterans are as follows:

(1) The ratio of disabled veteran applicants counseled to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 100 percent.

Disabled veterans counseled/Disabled veteran applicants + Nonveterans counseled/Nonveteran applicants −1.00=100 percent.

(2) The ratio of job development contacts made for disabled veterans to the total number of disabled veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 75 percent.

Job development contacts for disabled veterans/Disabled veteran applicants + Job development Nonveterans/Nonveteran applicants −1.00=75 percent.

(3) The ratio of disabled veteran applicants placed in jobs to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 20 percent.

Disabled veterans placed/Disabled veteran applicants + Nonveterans placed/Nonveteran applicants −1.00=20 percent.

(4) The ratio of disabled veteran applicants inactivated with some reportable service to the total number of disabled veteran applicant inactivated shall exceed the ratio of nonveterans inactivated with some reportable service to the total number of nonveteran applicants inactivated by at least 25 percent.

Disabled veterans inactivated with some reportable service/Disabled veteran applicants inactivated + Nonveterans inactivated with some reportable service/Nonveteran applicants inactivated −1.00=25 percent.

(i) The veterans preference indicator of compliance for State agency action under the Federal Contractor Job Listing requirements of 38 U.S.C. 2012 shall be: The ratio of the total number of veterans placed in Federal Contractor Job Listing openings to total number of individuals placed in Federal Contractor Job Listing openings shall exceed 17 percent.

(j) Following analysis of the past fiscal year's accomplishments, the numerical value for each of the veterans preference compliance indicators for the next fiscal year will be published in the **Federal Register** as amendements to paragraphs (f) through (i) of this section.

(k)(1) State agency performance under this part subpart shall be reviewed on a quarterly basis by the ETA regional offices during the conduct of regular Operational Planning and Review System (OPRS) reviews. In addition, State agency performance under this subpart shall be formally reviewed by the ETA national office on an annual basis using the floor levels of accomplishment and the veterans preference indicators of compliance. The full results of these reviews shall be incorporated into the Secretary's annual report to the Congress. In order to meet the indicators of compliance, a State agency must:

(i) Meet the placement and any two of the remaining three floor levels of accomplishment at paragraph (c) of this section; and

(ii) Meet 9 of the 16 veterans preference indicators of compliance at paragraphs (f) through (i) of this section, giving each of the three placement indicators double weight.

(2) ETA shall consider failure to meet either of these conditions as evidence that the State agency is not complying with the performance standards at § 653.221–226. Such State agencies shall be required to provide documentary evidence to the ETA that their failure is based on good cause. If good cause is not shown, the ETA, pursuant to Subpart H of Part 658 of this chapter, shall formally designate the State agency as out of compliance, shall require it to submit a corrective action plan for the following Federal fiscal year, and may take other action against the State agency pursuant to Subpart H of Part 658 of this chapter.

(l) Even though a State agency veterans' services statistics, including the floor levels of accomplishment and the veterans preference indicators of compliance, indicate adequate services to veterans, the ETA may take corrective action against a State agency pursuant to Subpart H of Part 658 of this chapter if other information comes to the attention of the ETA which indicates that a State agency is not complying with the requirements of this subpart.

(29 U.S.C. 49 *et seq.* 39 U.S.C. 2012.)

Signed at Washington, D.C., this 24th day of September, 1979.

Ray Marshall,

Secretary of Labor.

[FR Doc. 79-30268 Filed 9-27-79; 8:45 am]

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federal register

Friday
September 28, 1979

Part X

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations Permanent Regulatory Program; Operator Compliance With Standards on Federal Lands

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[30 CFR Parts 701 and 741]

Surface Coal Mining and Reclamation Operations Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Proposed OSM amendment to 30 CFR 701.11 and 741.11, concerning schedule for operator compliance with permanent program performance standards on Federal lands.

SUMMARY: OSM seeks public comment on certain proposed amendments to regulation found in 30 CFR 701.11 and 741.11 which would establish the schedule for operator compliance with permanent program performance standards on Federal lands. The proposed amendment would postpone the effective date for operator compliance with the permanent program performance standards on existing operations until after approval of a State program or implementation of a Federal program for a State.

DATES: Comments must be received by October 29, 1979, at the address below by no later than 5 p.m. A public hearing will be held October 18 at 9:00 a.m. Representatives of the Office will be available to meet with interested persons, groups, or organizations, upon request, between September 28, 1979 and October 29, 1979.

ADDRESSES: Written comments must be mailed or hand delivered to: Office of Surface Mining, U.S. Department of the Interior, Room 135, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. Summaries of public meetings and the transcript of the public hearing will be prepared and made available for public review in Room 135 of the Interior South Building. Public hearing location: Room 269, Old Post Office Building, Denver, Colorado.

FOR FURTHER INFORMATION CONTRACT: Carl Close, Assistant Director, State and Federal Programs, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240 (202) 343–4225.

SUPPLEMENTAL INFORMATION: On March 13, 1979, OSM published permanent Federal lands program regulations. 30 CFR 701.11 and 741.11(a) of these regulations provide that on and after six months (October 12, 1979) from the effective date of the regulations, each operator having an approved mining plan, or having submitted an approvable new or revised mine plan prior to the effective date of the regulations must comply with the permanent program performance standards in 30 CFR Subchapter K. Subparagraph (a)(1) of Section 741.11 provides the regulatory authority with discretionary authority to extend the compliance period up to 6 additional months when the regulatory authority determines that an existing mine plan requires modification to assure compliance with one or more performance standards. Subparagraph (a)(2) of this section excepts from the six-month compliance date new mine plans or modifications to existing mine plans involving increases in the acreage to be mined. In such cases, the application for approval of the mining plan must comply with the permanent regulations in 30 CFR 741.13 (Permit Applications), 30 CFR 742 (Bonds and Liability Insurance on Federal Lands), and 30 CFR 744 (Performance Standards for Federal Lands).

As expressed in the Preamble to the final rules (44 FR 14976, March 13, 1979), OSM's intent in adopting the provisions of 30 CFR 741.11(a)(1) and (a)(2) was to provide the flexibility to determine the timing of enforcement of specific performance standards for existing mines on a case-by-case basis while maintaining the rapid implementation schedule for new mines as intended by Congress. Section 523(a) of the Act provides that "no later than one year after the date of enactment of this Act, the Secretary shall promulgate and implement a Federal lands program which shall be applicable to all surface coal mining and reclamation operations taking place pursuant to any Federal law on any Federal lands."

Since publication of the final rules, OSM has received several comments, including two identical petitions, alleging that the requirements of 30 CFR 741.11(a) are in conflict with Section 523(c) of the Act. This Section provides that, "Any State with an approved State program may elect to enter into a cooperative agreement with the Secretary * * * in accordance with the provisions of this Act. States with cooperative agreements existing on the date of enactment of this Act, may elect to continue regulation on Federal lands within the State, prior to approval by the Secretary of their State program * * * provided that such existing cooperative agreement is modified to fully comply with the *initial regulatory procedures* set forth in Section 502 of this Act" (Emphasis added).

The petitioners suggest that OSM's interpretation of Section 523(c) of the Act, requiring implementation of the Federal lands program by October 12, 1979, is incorrect for two reasons: (1) it ignores the exemption quoted above for States with cooperative agreements; and (2) assuming Congress meant the Federal lands program to apply in States with cooperative agreements as of August 3, 1978, OSM missed that date by 14 months. The petitioners further contend that Section 523(a) of the Act provides that on Federal lands in a State with an approved permanent program, the Federal lands program, shall, at a minimum, include the requirements of the approved State program. This indicates, according to the petitioners, that Congress anticipated that the States would have the opportunity to submit and have a State program approved prior to implementation of a Federal lands program, and this opportunity has not been afforded to the States. Based on this rationale, the petitioners proposed that 30 CFR 741.11 be amended "to provide that in States where surface mining operations on Federal lands are being regulated by a state regulatory authority under an interim regulatory program approved pursuant to 30 U.S.C. 1252 and a cooperative agreement pursuant to 30 U.S.C. 1273(c) and where the State has submitted a permanent program pursuant to 30 CFR Subchapter C, surface coal mining operations must comply with 30 CFR Subchapter K within 8 months of the Secretary's approval of the permanent state program, or within 2 months of the Secretary's final disapproval of the state's permanent program under 30 U.S.C. 1253".

After a thorough review of Section 523 of the Act and the arguments offered by the petitioners on the final rule adopted March 13, 1979, the OSM has concluded that the petitions have sufficient merit to justify proceeding with proposed rulemaking. In granting the petitions, however , the OSM is requesting public comments on a proposed rule which is slightly different from that proposed by the petitioners. The OSM proposed rule would postpone for existing mines required operator compliance with the permanent program performance standards until after approval of a State program or implementation of a Federal program for a State. The new schedule would apply in all States and only to operations having mining plans approved or approvable in accordance with 30 CFR Part 211 prior to April 12, 1979, the effective date of the regulations. If this schedule is adopted

all mine plans for new coal mining operations and major extensions of existing mines submitted to the regulatory authority and not approvable pursuant to 30 CFR 211 by April 12, 1979, would be required to comply with the requirements of 30 CFR 741.13, 30 CFR Part 742 and 30 CFR Part 744. Excepted from processing under the permanent regulations would be those mine plans that have been pending in the Department since before March 13, 1979 and that are sufficiently close to decision that to return them to the applicant for revision in accordance with Subchapter D would be inequitable and administratively wasteful.

The OSM believes that postponing the effective date for compliance with the permanent performance standards for existing operations in all States would be desirable, because it would provide evenhanded treatment for operators of existing mines; there would be no comparative economic advantage resulting from the regulations. The proposed amendments also would establish a single timetable which would be easier to administer and it provides less opportunity for confusion. It further assures application of the same standards and procedures for existing mine operations on commingled lands.

OSM does not proposed to amend the schedule for new mine plans and major extensions of existing coal mines now pending before the Department, with the exceptions noted above. Under the March 13, 1979, regulations such operations have been required to comply with the permanent program requirements, and the Office believes that changing the schedule for these operations would be unfair to those operators who have properly submitted mine plans under the permanent program requirements. The Office believes that it would be in the best interest of the operators submitting new mine plans to assure that such plans comply with the permanent program requirements, particularly those submitted for review and approval near the effective date of an approved State program or implementation of a Federal program. Otherwise the regulatory authority would, within a relatively short timespan, require the operator to resubmit the mine plan to assure complaince with the permanent Federal lands program requirements. Modification and resubmission of a mine plan could be costly and time-consuming for the operator and the regulatory authority and would delay development of needed coal mines.

OSM further believes that the existing schedule for compliance with the permanent program performance standards for new or expanded mining operations will assure the early protection for Federal lands intended by Congress, and will be consistent with the traditional concept that the Secretary of the Interior, as trustee of the public lands, is responsible for taking all necessary actions to assure that authorized activities taking place on Federal lands are conducted in a manner which will prevent unwarranted injury or distruction of the natural resources and be in the public interest. Finally, the early compliance requirement for these operations also sets an example for the States in developing and subsequent administration and enforcement of State programs.

OSM recognizes that early implementation of compliance with the permanent performance standards on existing operations would also provide early protection of the Federal lands. However, as discussed previously it is felt that other constraints require that the proposed change be made with respect to existing operations.

OSM's proposed amendment affects Sections 701.11 and 741.11 as follows:

1. 30 CFR 701.11 *Applicability*, is a general statement of applicability of the performance standards, and mirrors the existing requirements of § 741.11. This Section would therefore, be revised to reflect accurately the proposed amendment to the latter Section which would postpone operator compliance for existing mines, with the permanent program performance standards. Conforming amendments are proposed for paragraphs (b), (c), (d) and (e).

2. CFR 741.11 has been restructured and rewritten. As amended, proposed Paragraph 741.11(a) would incorporate the provisions of existing § 741.11(a)(2) and 741.11(c). The effect of this change is to eliminate the requirement that operators having an approved mining plan under 30 CFR 211 comply with the permanent performance standards in Subchapter K on and after October 12, 1979. Such operators will continue to be required to comply with the initial performance standards in 30 CFR 211. Paragraph 741.11(b) of the existing rules would remain unchanged. Paragraph 741.11(d) would be renumbered (c), and the reference to "Paragraph (c)" would be revised to read (a). Finally, existing Paragraph (e) would be redesignated.

Public Comment Period

The comment period on the proposed amended rule will extend until October 29, 1979. All written comments must be received at the address given above by 5 p.m., on October 29, 1979. Comments received after that hour will not be considered or included in the administrative record for this proposed rulemaking. The OSM cannot insure that written comments received or delivered during the comment period to any other locations than specified above will be considered and included in the administrative record for this proposed rulemaking.

Public Meetings

Representatives of the Office will be available to meet between September 28, 1979, and October 29, 1979, at the request of members of the public, State representatives, industry officials, environmental groups or other organizations to receive their advice and recommendations concerning the proposed amendment. Persons, groups or organizations wishing to meet with OSM representatives during this time period may request to meet with OSM officials at the Washington offices and at the Kansas City and the Denver regional offices of OSM. Advance notice of such meetings will be posted and the meetings will be open to the public. OSM officials will be available for such meetings between 9 a.m., and noon, and 1 p.m. and 4 p.m., local time, Monday through Friday. Persons to contact to schedule meetings are as follows:

Washington—(202) 343–4225, Carl Close
Kansas City—(816) 374–5162, Raymond Lowrie
Denver—(303) 837–5421, Donald Crane

Addresses of the regional offices are as follows:

OSM Region IV, 818 Grand Avenue, Scaritt Building, Kansas City, MO 64106
OSM Region V, Post Office Building, 1832 Stout Street, Denver, CO 80205

Summaries of public meetings will be prepared and made available for public review at the office at which the meetings were held and in Room 135 of the Interior South Building, as previously noted.

Public Hearing

A public hearing will be held October 18, 1979, at 9:00 a.m., Room 269 of the Old Post Office, Denver, Colorado. Persons wishing to testify at the hearing should contact David Walker at the Office of Surface Mining, Region V, Post Office Building, Room 270, 1823 Stout Street, Denver, Colorado 80202 (Phone (303) 837–5966) prior to the hearing date.

Individual testimony at this hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and facilitate the job of the hearing reporter. Submission of written statements to the

persons identified above for this hearing, in advance of the hearing date whenever possible, would greatly assist Office officials who will attend the hearing. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked to clarify or elicit more specific information from the person testifying. The record will remain open for the receipt of additional written comments until October 29, 1979. The public hearing will continue on the day indentified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard at the end of scheduled speakers. The hearing will end after all people scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

A transcript of the hearing will be prepared and made available for public review in Room 135 of the Interior South Building and at the Kansas City and Denver regional offices of OSM, as previously noted.

Public Comments

Written comments should be as specific as possible. The OSM will appreciate any and all comments, but those most useful and likely to influence decisions on these proposed rules will be those which include references to source material including legislative history and other material which provides a basis for any given recommendation. An explanation of the rationale for each recommendation should also be given. The preamble to the final rule will discuss consideration of comments received on the proposed rule.

OTHER INFORMATION: Pursuant to 43 CFR Part 14, the Department of the Interior has determined that amending 30 CFR 701.11 and 741.11 to postpone the schedule for operator compliance with the permanent program performance standards for existing operations until after approval of a State program or implementation of a Federal program for a State is not a significant action and will not require a regulatory analysis. The proposed rule will not have a major and national or regionwide impact on State or local governments. The initial regulatory program performance standards and existing State laws will remain in effect and will provide a level of protection for the public health and safety and the environment comparable to that on non-Federal lands.

Additionally, the amended rule will not impose major new recordkeeping or reporting requirements on individuals, businesses, organizations, or State or local governments. New information will not be required.

The proposed amendment does not constitute a major Federal action for which an environmental impact statement is required by Section 102(2)(C) of the National Environmental Policy Act of 1969. The proposed rules are a part of the implementation of the Federal lands program. A special exemption is provided by Section 702(d) of the Act which specifies that "* * * and implementation of the Federal lands programs * * * shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332)."

Finally, the proposed amended rules would not have a major impact on other programs of the Department, other Federal agencies or the allocation of Federal funds nor would they have a substantial effect on the entire economy or on an individual region, industry, or level of government. Postponing the compliance date will not affect the Department's coal management program leasing schedule nor will it involve a reallocation of agency funding. The proposed new schedule will not increase the cost of administration. Coal operators may benefit from reduced mining costs until after implementation of the permanent regulatory program. Such benefits, however, are thought to be of minor consequence and will be temporary in nature.

Dated: September 24, 1979.

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

1. Accordingly, it is proposed to amend 30 CFR 701.11(b)–(e) to read as follows:

§ 701.11 Applicability.

* * * * *

(b) Any person conducting surface coal mining and reclamation operations on Federal lands approved pursuant to 30 CFR Part 211 must apply for a new permit pursuant to 30 CFR Subchapter D within two months and obtain approval on or before eight months from the date of approval of a State program or implementation of a Federal program. However, under conditions specified in 30 CFR 741.11(c), a person may continue such operations after eight months from the date of approval of a State program or implementation of a Federal program.

(c) On and after April 12, 1979, no person may start surface coal mining and reclamation operations on Federal lands or initiate a major extension of a previously approved surface coal mining and reclamation operation without having obtained a permit pursuant to 30 CFR Subchapter D, except that mine plans approvable on April 12, 1979 under 30 CFR Part 211 may be approved pursuant to those regulations.

(d) The requirements of Subchapter K of this Chapter shall be effective and shall apply to each surface coal mining and reclamation operation which is required to obtain a permit under the Act, on the earliest date upon which the Act and this Chapter require a permit to be obtained, except as provided in Paragraph (e) of this Section.

(e)(1) Each structure used in connection with or to facilitate a coal exploration or surface coal mining and reclamation operation shall comply with the performance standards and the design requirements of Subchapter K of this Chapter, except that—

(i) An existing structure which meets the performance standards of Subchapter K of this Chapter but does not meet the design requirements of Subchapter K of this Chapter may be exempted from meeting those design requirements by the regulatory authority. The regulatory authority may grant this exemption only as part of the permit application process after obtaining the information required by 30 CFR 780.12 or 784.12 and after making the findings required in 30 CFR 786.21;

(ii) If the performance standard of Subchapter B of this Chapter is at least as stringent as the comparable performance standard of Subchapter K of this Chapter, an existing structure which meets the performance standards of Subchapter B of this Chapter may be exempted by the regulatory authority from meeting the design requirements of Subchapter K of this Chapter. The regulatory authority may grant this exemption only as part of the permit application process after obtaining the information required by 30 CFR 780.12 or 784.12 and after making the findings required in 30 CFR 786.21;

(iii) An existing structure which meets a performance standard of Subchapter B of this Chapter which is less stringent than the comparable performance standards of Subchapter K of this Chapter or which does not meet a performance standard of Subchapter K of this Chapter for which there was no equivalent performance standard in Subchapter B of this Chapter shall be modified or reconstructed to meet the design standard of Subchapter K of this Chapter pursuant to a compliance plan

approved by the regulatory authority only as part of the permit application as required in 30 CFR 780.12 or 784.12 and according to the findings required by 30 CFR 786.21;

(iv) An existing structure which does not meet the performance standards of Subchapter B of this Chapter and which the applicant proposes to use in connection with or to facilitate the coal exploration or surface coal mining and reclamation operation shall be modified or reconstructed to meet the design standards of Subchapter K prior to issuance of the permit.

(2) The exemptions provided in Paragraph (e)(1)(i) and (e)(1)(ii) shall not apply to:

(i) The requirements for existing and new waste piles used either temporarily or permanently as dams or embankments; and

(ii) The requirements to restore the approximate original contour of the land.

* * * * *

2. It is proposed to amend 30 CFR 741.11 (a), (c) and (d) to read as follows:

§ 741.11 General obligations.

(a)(1) On and after April 12, 1979, no person may start surface coal mining and reclamation operations on Federal lands or initiate a major extension of a previously approved surface coal mining and reclamation operation, without having obtained a permit pursuant to this Subchapter, except that mine plans approvable on April 12, 1979, under 30 CFR Part 211 may be approved pursuant to those regulations;

(2) Not later than two months after the effective date of a State program or a Federal program for a State and regardless of litigation contesting the promulgation of this Subchapter, each person who expects to continue conducting surface coal mining and reclamation operations on Federal lands after the expiration of eight months from such effective date, which operations had been approved previously pursuant to 30 CFR Part 211, shall file a complete application for a permit for such operations as required in this Subchapter; and

(3) Except as provided in Paragraph (c) of this section, on or after eight months from the effective date of a State program or a Federal program for a State, no person shall continue to conduct a surface coal mining and reclamation operation on Federal lands previously approved under 30 CFR Part 211, unless that person has first obtained a valid permit issued by the Director under the Act and this Subchapter.

* * * * *

(c) A person who conducts surface coal mining and reclamation operations, under a mining plan approved by the Secretary in accordance with the Act and 30 CFR 211, may conduct those operations beyond the period prescribed in paragraph (a)(3) of this section, if all of the following conditions are present:

(1) Timely and complete application for a permit to conduct those operations under this Part has been made to the Regional Director, in accordance with the provisions of the Act and this Part;

(2) The Director has not yet rendered a final decision with respect to the permit application pursuant to 30 CFR 741.21(a)(4) or (5); and

(3) Those operations are conducted in compliance with all terms and conditions of the approved mining plan and the requirements of the Act, 30 CFR 211, and Subchapter K, State laws and regulations applicable through an approved cooperative agreement, and the requirements of the applicable lease or license.

(d) After the issuance of a new permit under this Section, the permittee shall conduct surface coal mining and reclamation operations in accordance with all requirements of the permit, in addition to all requirements of the lease, license, and all applicable State and Federal regulations.

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September 28, 1979

Part XI

Department of Health, Education, and Welfare

Office of Education

Student Assistance Programs; General Provisions

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 168

General Provisions Relating to Student Assistance Programs

AGENCY: Office of Education, HEW.

ACTION: Final regulations.

SUMMARY: These regulations establish, in subpart B, minimum standards regarding audits, financial responsibility, and administrative capability that an otherwise eligible postsecondary institution or school must meet to participate in the student financial assistance programs authorized under Title IV of the Higher Education Act of 1965.

Subpart C contains regulations dealing with an institution's misrepresentation of the nature of its educational program, its financial charges, or the employment of its graduates. The Commissioner of Education believes that institutional adherence to the requirements of these regulations will result in improved management of title IV student financial assistance funds.

DATES: Effective Date: These regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are usually transmitted to the Congress several days before they are published in the **Federal Register.** The effective date is changed by statute if the Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

COMMENTS: Comments may be submitted at the commenter's convenience; no closing date is specified.

FOR FURTHER INFORMATION CONTACT: Mr. William Moran (202) 472–4300.

SUPPLEMENTARY INFORMATION:

General Background

Through the Education Amendments of 1976, (Pub. L. 94–482), the Congress added Section 497A to the Higher Education Act of 1965. Section 497A authorizes the Commissioner to issue regulations providing for—

(a) A fiscal audit of an eligible institution with regard to any funds obtained by it under title IV programs or obtained from a student who has a loan guaranteed or insured under title IV; and

(b) The establishment of reasonable standards of financial responsibility and appropriate institutional capability for the proper administration by an eligible institution of title IV student financial aid programs.

The statute also provides that the Commissioner may suspend, limit, or terminate an institution's participation in title IV programs upon a determination that the institution has engaged in substantial misrepresentation of the nature of its educational program, its financial charges, or the employability of its graduates.

The magnitude of the title IV student assistance programs administered by the Office of Education—namely the Basic Educational Opportunity Grant, Supplemental Educational Opportunity Grant, College Work-Study, Guaranteed Student Loan, and National Direct Student Loan programs—is such that approximately 6.66 million students will be aided by one or more programs during the 1979–80 award period based on expenditures of over $7 billion.

During the 1979–80 award period, the loans made or insured under the Guaranteed Student Loan Program will amount to $2.5 billion, the grants to be awarded under the Basic Grant Program will amount to over $3.0 billion, and approximately $1.5 billion will be disbursed under the campus-based programs. For the 1980–81 award period, financial assistance under these programs will, it is anticipated, amount to over $7.5 billion.

The notice of proposed rulemaking from which these regulations result was issued on August 10, 1978. The comments received on the NPRM were each given very serious consideration in the development of these regulations.

These regulations are accompanied by another public comment period—because during the intervening period since publication of the NPRM, a number of areas which are directly related to the NPRM regulatory provisions have come to the Commissioner's attention as requiring immediate clarification by regulation. Therefore these final regulations include:

(a) An expansion of the financial aid transcript requirement,

(b) The conditions which must be met when a change of school ownership occurs for the Commissioner to consider the school to be the same school after the ownership change,

(c) Standards for contracting of education programs or a portion of a program with another institution, and

(d) Requirements when a school closes or ceases to offer training.

The Commissioner is issuing interim final regulations establishing minimum institutional standards because of—

(a) The sheer size of this financial assistance,

(b) The growing concern over the misuse and abuse of the Federal student financial aid programs by institutions and schools,

(c) The rise in the default rate for the Guaranteed and National Direct Student Loan programs, and

(d) Recent program experience which indicates the urgent need for these standards.

These institutional standards are intended—

(a) To curb and eliminate fraud and abuse in the title IV student assistance programs by institutions, schools, and students; and

(b) To increase the level of accountability for student assistance funds administered by institutions of higher education and vocational schools.

Comments on these regulations are being solicited and should be sent to the address below. It would be extremely helpful if the comments refer to specific sections and are made sequentially. Written comments should be sent to: Mr. William Moran, Chief, Policy Section, Basic Grant Branch, Division of Policy and Program Development, Bureau of Student Financial Assistance, Room 4318, ROB–3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

The notice of proposed rulemaking was published in the **Federal Register** on August 10, 1978, and public comment was solicited. Copies of the NPRM were mailed by the Office of Education to financial aid administrators, fiscal and business officers, and chief executives or presidents of more than 6,000 eligible postsecondary institutions, as well as to a number of student groups, education associations, and other interested parties. Public meetings were conducted in six cities: Atlanta, Georgia, and Boston, Massachusetts, on September 11; Dallas, Texas, and Chicago, Illinois, on September 12; San Francisco, California, on September 14; and Washington, D.C., on September 15, 1978. A total of 45 people representing various institutions and educational organizations presented their views on the proposed regulations at these meetings.

Additionally, during the 45-day period for public comment, 200 letters and telegrams were received containing comments, criticisms, recommendations, and questions on nearly every section of the proposed regulations. Although the majority of comments were received from financial aid and fiscal officers,

virtually every sector of the post-secondary educational community responded to the NPRM. These comments were each given very serious consideration in the development of the final regulations.

A summary of the comments and the Office of Education's responses to them is included as appendix A to these regulations. The comments and responses appear in the sequence of the regulations and are identified with the section number and title of the regulations to which they refer.

Summary of Major Issues

Among the issues on which comments were received, three areas of major concern where predominant. The first of these concerned the requirement in the proposed regulations that institutions establish and maintain a separate bank account for title IV funds—received under the National Direct Student Loan, College Work-Study, Supplemental Educational Opportunity Grant, and Basic Educational Opportunity Grant programs—that are to be disbursed to students. This was intended to supercede the current program regulations, which provide that physical separation of cash depositories for Federal student assistance funds is not required.

An overwhelming majority of comments received objected to the proposed requirement. Several State comptroller's offices pointed out that, under their respective State laws, State university systems must keep all their funds in their State treasuries. A number of State university officials requested exemptions from the proposed requirement for centralized Statewide disbursing systems. Several other comments stated that the proposed requirement was in direct contradiction with a recent circular (A–110) published in the **Federal Register** by the Office of Management and Budget, which forbade separate bank accounts for different Federal programs.

Another large group of comments objected to the proposed requirement because of increased administrative burdens on institutions. Comments from persons involved in the various programs that require institutional matching funds, criticized the proposed requirement as doubling the paperwork and accounting functions involved in the aid process. Other comments argued that the proposed requirement was in violation of statutes applicable in several States and would require amendment of State laws, which, until accomplished, would place institutions in a position of non-compliance with regulations.

The majority of comments suggested that it would be sufficient for the Commissioner to require that Federal funds be kept completely separate from all other activities through a detailed accounting system that allowed for adequate auditing trails.

Based on the suggestions of the majority of comments, and after consultation with the Office of Management and Budget, the Commissioner has decided to delete from these regulations the proposed requirement of a separate bank account for funds received under title IV programs. The Commissioner believes that the current fiscal requirements of the individual title IV program regulations are sufficient to ensure proper and prudent program administration.

The second major area of concern on which comment was received related to the proposed requirement that each institution's disbursing officials be bonded. The proposed regulations would have required institutions to bond each individual disbursing title IV funds in an amount equal to 10 percent of funds disbursed by the institution each award period. This bonding requirement was proposed in response to several incidents in which student assistance funds were embezzled by employees of institutions.

The proposed regulations were intended to provide protection to institutions, as well as to the Federal Government, since institutions are accountable to the Federal Government for any loss as a result of these funds being stolen, improperly used, or embezzled by institution employees.

Many commenters objected to this proposed requirement as being prohibitively costly and as an excessive and unnecessary expense for an institution. While questioning the need for a separate bonding requirement for disbursing officials, a majority of commenters reiterated the fact that the institution is ultimately responsible for misappropriation of Federal funds. Several commenters suggested that the Office of Education reimburse each institution for the added cost of the bonding requirement.

Other commenters suggested that the proposed requirement be deleted on the basis that most institutions already maintained blanket bonds on their fiscal officials, thus making the proposed requirement superfluous. Some commenters noted that State university officials, as employees of a public institution, are considered State employees and, as such, are automatically bonded under State authority.

After consultation with the Office of Management and Budget, the Commissioner has decided to delete from these regulations the proposed requirement of institutional bonding of disbursing officials. These regulations, however, require each institution to obtain and keep adequate fidelity bond coverage to protect the interests of the Federal Government. This requirement will not cause the vast majority of postsecondary institutions to incur additional surety expenditures because most institutions currently maintain that coverage for their fiscal officers.

The third major area of concern was the distribution formula for institutional refunds and the repayment of cash disbursements when a student leaves the institution before the end of the period for which the aid was disbursed. The NPRM contained two distribution formulae and the Commissioner asked for comment on both. Each formula took a pro-rata approach to the institutionally determined refund amount. The difference between the two distribution formulae centered on the treatment of the expected family contribution: One formula assumed that the financial aid and the expected family contribution are expended at the same rate. The other formula assumed that the expected family contribution is expended in its entirety before any financial aid is expended. Thus, the first formula took the expected family contribution into account in determining whether the student was to receive a portion of an institutional refund while the other formula completely excluded the expected family contribution.

An overwhelming majority of the commenters expressed a preference for excluding the expected family contribution from any distribution formula on the basis that the primary responsibility of meeting the cost of education rests with the family and that any refund amount should not be returned to the student or his or her family, but to the title IV programs which enabled the student to pursue postsecondary education.

While agreeing that the expected family contribution should be excluded from any distribution of refund formula, these commenters expressed nearly unanimous opposition to both distribution formulae proposed in the NPRM. It was argued that if a distribution policy was to be adopted at all, the Commissioner should publish only a uniform set of guidelines and not a series of inflexible formulae. There was general agreement that a procedure be adopted that is as simple as possible to administer.

The NPRM formulae were described as too complicated to administer creating an undue administrative burden for the relatively small amounts of money which would be returned to each title IV program involved.

In deference to the overwhelming commenter opinion, the Commissioner is not adopting either of the pro-rata formulae proposed in the NPRM. These interim final regulations contain a simple fraction to be used in determining the Federal portion of the refund amount. In an effort to keep the regulatory provision as simple and as flexible as possible, there is no formula prescribing the amount of the Federal portion which should be returned to each grant and loan program from which the student received aid. Rather, each institution shall develop written policies to determine which title IV program(s) will receive the Federal portion of the refund amount. These institutionally developed policies must be published and applied on a consistent basis to all students receiving title IV funds.

The Commissioner believes that this combination of a simple fraction, combined with institutionally developed policies to determine the title IV program(s) which will receive the Federal portion of the refund amount, is a balanced and appropriate method of preserving the Federal interest without imposing an undue administrative burden upon institutions.

Several additional important changes were made in these regulations. One of these changes is the elucidation of what constitutes a financial aid transcript.

The NPRM contained a provision in § 168.12(c) which required the institution to maintain a financial aid transcript for each student receiving title IV aid.

The financial aid transcript provides the institutional financial aid administrator with the information necessary to formulate the student's aid package. Since several title IV programs have statutory limits regarding the amount of aid a student may receive during an award period or an undergraduate and graduate career, the knowledge of prior disbursements of aid to a student is directly relevant to the packaging of a transfer student's current award.

Numerous commenters requested that the Commissioner clarify the financial aid transcript requirement to indicate what information should appear on the transcript. In response to these requests, the Commissioner has incorporated a new section, § 168.13, *Financial aid transcript,* into these regulations. The provisions stipulate the minimum required informational items which must be included on the transcript. In addition to student data identifiers such as name and address, specific items about amounts received from title IV programs are required. The financial aid administrator must also indicate whether the student is in default on any title IV loan received for attendance at that institution as well as whether the student owes a repayment on any title IV grant received for attendance at that institution.

The financial aid transcript is, in the Commissioner's view, a document which is used primarily for students who leave one institution to attend another and who have received title IV assistance in either their undergraduate or graduate careers. The Commissioner does not believe that the financial aid transcript is necessarily an exhaustive accounting of all financial assistance received by the student while in attendance at an institution unless it is institutional policy to account for non-title IV sources of assistance on a financial aid transcript.

An institution cannot make a disbursement of any title IV funds—including Guaranteed Student Loan checks—to the student until the institution has received and evaluated a financial aid transcript from that student's prior institution. In order to be considered valid, a financial aid transcript must be certified by the institution.

An institution must forward a certified financial aid transcript to another institution if the student involved is neither in default on a title IV loan received for attendance at that institution nor owes a repayment on a title IV grant received while in attendance at that institution. If the student is in default or repayment status at that institution, the institution has the option of declining to forward a certified financial aid transcript to another institution.

Another change in these regulations concerns the institutional fiscal responsibility factors. In the NPRM, § 168.18, *Additional factors,* contained several criteria regarding the financial responsibility and capability of institutions. These criteria—subparagraph 168.18(a) (4), (5), (6), and (7)—have been rewritten for increased clarity and moved from their original section to § 168.15, *Factors of financial responsibility.*

The change also includes a requirement that the institution submit to the Commissioner additional documents to demonstrate its financial responsibility if it has a deficit net worth or history of sustained material losses. The Commissioner has added this requirement to allow those institutions who do not meet the determining factors of fiscal responsibility to demonstrate that the institution has the ability to be fiscally responsible in administering title IV programs.

A number of commenters objected to the proposed regulations limiting the number of Guaranteed Student Loan recipients at an institution to not more than 50 percent of the student body at the beginning of an academic year. It was argued that since an institution has no right to withhold certification on a Guaranteed Student Loan application if the student is enrolled on at least a half-time basis and will be using the loan to meet educational costs, it would be unrealistic to expect the institution to control the number of students who receive assistance under this program.

Because of the passage of the Middle Income Student Assistance Act in November 1978, every student has the opportunity of receiving a subsidized Guaranteed Student Loan without regard to family income level—therefore the proposed requirement became irrelevant. Thus, the Commissioner has deleted this requirement from the final regulations.

The following three sections have been added to final regulations. These sections are not new requirements but codify present policies and procedures. The Commissioner has included them in these regulations because of the urgent need to—

(a) Specify the conditions under which an institution that changes ownership that results in a change of control remains an eligible institution for the title IV programs;

(b) Establish minimum criteria for outside contracting by institutions for education programs or courses; and

(c) Provide closing institutions with directions as to fulfilling its obligations under the title IV programs.

Although these regulations have the force of law, the Commissioner is soliciting public comment on these provisions so that they may be amended, if necessary, in the future.

The three provisions are as follows:

§ 168.18, Change of ownership or control. The definition of a proprietary institution of higher education and of a vocational school require that the institution or school be in existence for two years before it can qualify as an eligible institution. If an institution changes ownership that results in a change of control, the Commissioner will not view that institution as the same institution if the new owner refuses to be liable for any Federal funds improperly expended by any prior owner.

In the past, there have been numerous incidents in which the new owners of an

institution have claimed that the institution is the same institution and, therefore, is eligible to participate in title IV programs. At the same time, the new owners have claimed that they are not liable for any funds owed by the institution under any prior owner. This provision will eliminate this contention.

The Commissioner recognizes an institution that has changed ownership that results in a change in control as being the same institution if, in addition to other requirements, (a) the new owner accepts and agrees to be liable for Federal funds improperly expended by the institution before the effective date of the change, or (b) the old and new owners agree to be jointly and severally liable for such funds.

§ *168.19, Contracting for educational programs or courses.* This section concerns a contract between an eligible institution and another institution or organization to have the other institution or organization conduct a part of the eligible institution's educational program. The Commissioner needs this provision to assure that the eligible institution's educational programs based on such contractual relationships meet certain minimal standards.

§ *168.20, Institutions stop providing educational instruction—loss of eligibility.* This section codifies present policies and procedures that are followed by the Office of Education in dealing with a closing institution. The section combines the various title IV programs' regulatory requirements concerning closing institutions in one place for ready reference by the institutional financial aid administrator.

The Commissioner believes this provision is necessary to alert a closing institution of its legal responsibilities to the Federal Government. Moreover this section will allow a closing institution to ascertain its obligation to the Commissioner under the various title IV programs and to proceed in an orderly manner to carry out its responsibilities.

The public comments and Office of Education responses related to these and other areas of concern are set forth in detail in appendix A. The "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions," published by the General Accounting Office, are reprinted as appendices B and C.

Dated: August 2, 1979.

Mary F. Berry,

Acting U.S. Commissioner of Education.

Dated: September 24, 1979.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by reserving subpart A and adding subparts B and C of part 168 to read as follows:

PART 168—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

Subpart A—General [Reserved]

Sec.

168.1 Scope and purpose. [Reserved]
168.2 Definitions. [Reserved]

Subpart B—Standards Relating to Audits, Records, Financial Responsibility, Administrative Capability and Institutional Refunds

168.11 Scope and purpose.
168.12 Audits, records, and examination.
168.13 Audit exceptions and repayments.
168.14 Financial aid transcript.
168.15 Factors of financial responsibility.
168.16 Standards of administrative capability.
168.17 Additional factors for evaluating administrative capability and financial responsibility.
168.18 Change in ownership and control.
168.19 Contracting for educational programs or courses.
168.20 Institutions stop providing educational instruction—loss of eligibility.
168.21 Distribution formula for institutional refunds and repayments of cash distributions made directly to the student.

Subpart C—Misrepresentation

168.31 Scope and purpose.
168.32 Special definitions.
168.33 Nature of educational program.
168.34 Nature of financial charges.
168.35 Employability of graduates.
168.36 Endorsements and testimonials.
168.37 Procedures.
Appendix B—Government Accounting Office Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, Part III, Chapter 3—Independence.
Appendix C—Government Accounting Office Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, Appendix I, Qualifications of independent auditors engaged by governmental organizations.

Authority: Sec. 497A, Higher Education Act of 1965, as added by sec. 133 of Pub. L. 94-482, 90 Stat. 2150-2151 (20 U.S.C. 1088f-1.), unless otherwise noted.

Subpart A—General [Reserved]

§ 168.1 Scope and purpose. [Reserved]

§ 168.2 Definitions. [Reserved]

Subpart B—Standards Relating to Audits, Records, Financial Responsibility, Administrative Capability, and Institutional Refunds

§ 168.11 Scope and purpose.

(a) This subpart applies to an otherwise eligible institution, that is—

(1) An institution of higher education satisfying the statutory definitions set forth in Sections 435(b), 491(b), or 1201(a) of the Higher Education Act (HEA); or

(2) A vocational school satisfying the definition in Section 435(c) of the HEA.

(b) This subpart describes standards that an otherwise eligible institution referred to in (a) must meet in order to participate in the student financial assistance programs authorized under title IV of the HEA. These standards concern the conduct of audits, the maintenance of records, financial responsibility, administrative capability, and the distribution of institutional refunds.

(c) Noncompliance with these provisions may subject an otherwise eligible institution to proceedings under subpart H. These procedures may lead to a limitation, suspension, or termination of the institution's eligibility to participate in title IV programs.

(20 U.S.C. 1088f-1.)

§ 168.12 Audits, records, and examination.

(a) If an institution participates in the Supplemental Educational Opportunity Grant (45 CFR Part 176), College Work-Study (45 CFR Part 175), National Direct Student Loan (45 CFR Part 144), Basic Educational Opportunity Grant (45 CFR Part 190), or Guaranteed Student Loan (45 CFR Part 177) Programs, it shall comply with the regulations for those programs concerning (1) audits of institutional transactions, (2) fiscal and accounting systems, and (3) program and fiscal recordkeeping.

(b)(1) Any individual who conducts an audit must be sufficiently independent of those authorizing the expenditure of Federal funds to produce unbiased opinions, conclusions, or judgments. The independence of this individual shall be judged by the criteria set forth in part III, chapter 3 of the U.S. General Accounting Office publication *Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.* Additionally, auditors other than employees of a State or local government shall meet the qualifications criteria set forth in appendix I of the

GAO document. (These documents are included as appendices B and C of this part.)

(2) The institution must provide that any individual or firm conducting an audit described in this section shall give the Director of the HEW Audit Agency or the Commissioner access to records or other documents necessary to review the results of the audit.

(c)(1) With respect to each student recipient of title IV financial aid, an otherwise eligible institution shall establish and maintain on a current basis records regarding—

(i) The student's admission to, and enrollment status at, the institution;

(ii) The program and courses in which the student is enrolled;

(iii) Whether—according to the written standards and practices of the institution—the student is making satisfactory progress toward completion of his or her course of study;

(iv) Any refunds due or paid the student;

(v) The student's placement by the institution in a job if the institution provides a placement service and the student uses that service; and

(vi) The student's receipt of financial aid (see § 168.14).

(2)(i) An otherwise eligible institution shall establish and maintain records regarding the educational qualifications of each regular student, whether or not the student receives title IV aid, which are relevant to the admissions requirements of the institution.

(ii) An institution where only certain programs have been determined eligible shall establish and maintain records regarding the admissions requirements and educational qualifications of each regular student enrolled in the eligible program(s) whether or not the student received title IV aid.

(3) Records shall be—

(i) Systematically organized; and

(ii) Readily available for review by the Commissioner at the geographical location where the students will receive their degrees or certificates of program or course completion.

(20 U.S.C. 1088f–1.)

§ 168.13 Audit exceptions and repayments.

(a)(1) If—as a result of its own audit or an audit performed at the direction of the institution—the HEW Audit Agency questions an expenditure or the institution's compliance with an applicable requirements, the Agency notifies the Commissioner and the institution of the questioned expenditure or procedure.

(2) If the institution believes that the questioned expenditure or procedure was proper, it shall notify the Commissioner in writing of its position and the reasons for its position.

(3) The institution's response must be received by the Commissioner within 35 days of the date of the audit agency's notification to the institution.

(b)(1) Based on the audit finding and the institution's response, the Commissioner determines the amount of funds improperly spent, if any, and instructs the institution as to the manner of repayment.

(2) The institution shall repay those funds within 60 days of the date of the Commissioner's notification, unless the Commissioner permits a longer repayment period.

(20 U.S.C. 1088f–1.)

§ 168.14 Financial aid transcript.

(a) An otherwise eligible institution must establish and maintain a financial aid transcript for each student receiving assistance under any title IV program.

(b) The financial aid transcript shall include, but is not limited to—

(1) The student's name, address, and Social Security number;

(2) Whether the student is a dependent or independent student;

(3) With respect to grants awarded to a student—

(i) The name and source of the grant,

(ii) The amount disbursed for each award period under each grant program, and

(iii) The Scheduled Basic Grant;

(4) With respect to loans received by a student—

(i) The name and source of the loan,

(ii) The amount advanced for each payment period under each loan program, and

(iii) The name and address of the lender if the institution was not the lender;

(5) Whether the student is in default on a—

(i) National Direct (Defense) Student Loan made by the institution, or

(ii) Guaranteed Student Loan the student received for attendance at the institution;

(6) Whether the student owes a refund on a Basic Grant, Supplemental Grant, or State Student Incentive Grant received for attendance at the institution.

(c) If a student indicates that he or she attended another institution, the institution the student is currently attending shall, before disbursing any title IV funds (including Guaranteed Student Loan checks) to that student, obtain a certified financial aid transcript from the institution or institutions the student previously attended.

(d) An institution must provide a certified financial aid transcript on request of another institution or the student. An institution may withhold a certified financial aid transcript if—

(1) The student is in default on any title IV loan made or received for attendance at that institution; or

(2) The student owes a repayment on any title IV grant received for attendance at that institution.

(20 U.S.C. 1088f–1.)

§ 168.15 Factors of financial responsibility.

(a) An otherwise eligible institution is financially responsible if it is able to—

(1) Provide the educational services stated in its official publications and statements;

(2) Provide the administrative resources necessary to comply with the requirements of this subpart; and

(3) Meet all its financial obligations including refunds.

(b) The Commissioner considers that an institution is not financially responsible if—

(1) Under a cash or accrual system of accounting, it—

(i) Has a history of operating losses, or

(ii) Had, for its latest fiscal year, a deficit net worth. A deficit net worth occurs when the institution's liabilities exceed its assets; or

(2) Under an accrual system of accounting, it had at the end of its latest fiscal year, a ratio of current assets to current liabilities of less than 1:1; or

(3) Under a fund accounting system its unrestricted current or operating fund reflects a history of sustained material deficits.

(c) The Commissioner determines that an institution is financially responsible under paragraphs (a) and (b) by evaluating documents submitted by the institution. Upon request of the Commissioner, the institution must submit for its *latest* complete fiscal year—

(1) A statement of profit and loss and a balance sheet, or for fund accounting, a fund statement; or

(2) An audit prepared by a State or local audit agency for a public institution; or

(3) A certified audit prepared by a certified or licensed public accountant for a non-public institution.

(d) The Commissioner may determine that an institution is financially responsible even though it does not appear so under paragraphs (a), (b) and (c). To enable the Commissioner to make this determination, the Commissioner may request the

institution to submit for its *current* fiscal year—

(1)(i) A statement of profit and loss and a balance sheet, or for fund accounting, a fund statement, or

(ii) An audit prepared by a State or local audit agency for a public institution; or

(iii) A certified audit prepared by a certified or licensed public accountant for a non-public institution; and

(2) Other appropriate documents that will demonstrate to the Commissioner that it has sufficient financial responsibility and capability to continue to participate in the title IV programs is spite of its inability to meet the requirements of paragraphs (a), (b) and (c).

(e)(1) The Commissioner may require that the statement of profit and loss, balance sheet and fund statement referred to in subparagraphs (c)(1) and (d)(1) be audited and certified by a certified public accountant.

(2) If the Commissioner requires an institution to submit under paragraphs (c) and (d), a statement of profit and loss, a balance sheet, a fund statement or an audit, the Commissioner may also require the institution to submit the accountant's notes for that work which must be audited and certified by a certified public accountant.

(f)(1) An otherwise eligible institution shall obtain and keep current adequate fidelity bond coverage in order to protect the Government's interest in the title IV funds it receives as a trustee.

(2) A fidelity bond indemnifies the holder against losses resulting from fraud or lack of integrity, honesty or fidelity of one or more of its employees or officers.

(3) Any bond required under this paragraph shall be obtained from companies holding certificates of authority as acceptable sureties (31 CFR 223). A list of these companies is published annually by the Department of the Treasury in its Circular 570.

(20 U.S.C. 1088f–1.)

§ 168.16 Standards of administrative capability.

To participate in a title IV student financial aid program, an otherwise eligible institution must be able to adequately administer those programs. The Commissioner considers an institution to have that capability if it establishes and maintains required student and financial records and if it—

(a) Designates a capable individual to be responsible for—

(1) Administering all the title IV programs in which it participates, and

(2) Coordinating the title IV programs with the institution's other Federal and non-Federal programs of student financial assistance;

(b) Communicates to the individual designated to be responsible for administering title IV programs, all the information received by any institutional office that bears on a student's title IV eligibility.

(c) Uses an adequate number of qualified persons to administer those programs. In determining whether an institution uses an adequate number of qualified persons, the Commissioner considers the number of students aided, the number and types of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution;

(d) (1) Administers title IV programs with adequate checks and balances in its system of internal controls, and

(2) Divides the functions of authorizing payments and disbursing funds so that no office has responsibility for both functions with respect to any particular student aided under the programs;

(e) Has established and published (as required by 45 CFR 178.4(b)(2)), and applies, reasonable standards for measuring whether a student receiving aid under any title IV program is maintaining satisfactory progress in his or her course of study;

(f) Develops an adequate system to verify the consistency of the information it receives from different sources with respect to a student's application for financial aid under title IV programs. In determining whether the institution has an adequate verification system, the Commissioner considers whether the institution reviews—

(1) All student aid applications, need analysis documents, affidavits of educational purpose, and eligibility notification documents presented by or on behalf of each applicant,

(2) Any documents, including any copies of State and Federal income tax returns, that are normally collected by the institution to validate information received from other sources, and

(3) Any other information normally available to the institution regarding a student's citizenship, previous educational experience or other factors relating to the student's eligibility for title IV funds; and

(g) Provides adequate financial aid counseling to eligible students who apply for title IV aid. In determining whether an institution provides adequate counseling, the Commissioner considers whether its counseling includes information regarding—

(1) The source and amount of each type of aid offered,

(2) The method by which aid is determined and disbursed or applied to a student's account, and

(3) The rights and responsibilities of the student with respect to enrollment at the institution and receipt of financial aid. This information includes the institution's refund policy, its standards of satisfactory progress, and other conditions that may alter the student's aid package.

(20 U.S.C. 1088f–1.)

§ 168.17 Additional factors for evaluating administrative capability and financial responsibility.

(a) The Commissioner considers that loan default and withdrawal rates may impair an institution's capability of properly administering student financial aid programs authorized under title IV if—

(1) The default rate on Guaranteed Student Loans or National Direct Student Loans made to students for attendance at that institution exceeds 20 percent of the principal of all those loans that have reached the repayment period; or

(2) For an institution that has a common academic year for a majority of its students, more than 33 percent of the regular students who are enrolled at the beginning of an academic year withdraw from enrollment at that institution during that academic year; or

(3) For an institution which does not have a common academic year for a majority of its students, more than 33 percent of the regular students enrolled at the beginning of any 8-month period withdraw during that period.

(b)(1) If the default or withdrawal rates for an institution are as high as or higher than the rates set forth in paragraph (a), and the Commissioner believes that these rates impair the institution's administrative capability, the Commissioner may require the institution to submit for its *latest complete* fiscal year a profit and loss statement, balance sheet or audit.

(2) An audit must be—

(i) Prepared by a State or local audit agency for a public institution, or

(ii) Prepared by a certified public accountant or licensed public accountant for a nonpublic institution;

(3) The date of the statement's preparation shall be within 12 months of the date of the Commissioner's request.

(c) The Commissioner may require that the profit and loss statement and balance sheet referred to in subparagraph (b)(1) be audited and certified by a certified public accountant.

(d)(1) If the Commissioner determines that the loan default or withdrawal rates for an institution impairs its capability to administer any financial aid program authorized under title IV, the Commissioner requires the institution to take reasonable and appropriate measures to alleviate those conditions as a requirement for its continued participation in those programs.

(2) Before initiating that action, the Commissioner informs the institution of the findings and provides it at least 35 days to respond.

(3) The institution may respond by—

(i) Demonstrating that the conditions do not have an adverse effect on the administration of the programs, or

(ii) Submitting a plan of the action it will take to alleviate those conditions.

(20 U.S.C. 1088f-1.)

§ 168.18 Change in ownership or control.

(a) The Commissioner does not consider an otherwise eligible institution that changes ownership resulting in a change in control to be the same institution unless—

(1) The new owner agrees to be liable or the old and new owners agree to be jointly and severally liable, for all improperly spent title IV funds provided to the institution before the effective date of the change;

(2) The new owner agrees—

(i) To abide by the refund policy in effect before the effective date of change for students who were enrolled before the effective date, and

(ii) To honor all student enrollment contracts that were signed by the institution before the effective date of change; and

(3) The institution submits individual statements for both new and former owners listing their assets, liabilities, and net worth, and either—

(i) A profit and loss statement and balance sheet for the institution's *latest* complete fiscal year, or

(ii) An audit for the institution's *latest* complete fiscal year prepared by a certified or licensed public accountant; and

(4) The institution submits additional financial documents if requested by the Commissioner because the financial information provided in subparagraph (3) is insufficient.

(b) The Commissioner may require that the statements provided in subparagraphs (a)(3)(i) and (a)(3)(ii) be audited and certified by a certified public accountant.

(c) For purposes of this subpart, "change in ownership that results in a change in control," means any action by which a person or corporation obtains authority to control the actions of an institution. These actions may include, but are not limited to—

(1) The transfer of the controlling interest of stock of an institution to its parent corporation;

(2) The merger of two or more institutions;

(3) The division of one institution into two or more institutions;

(4) The transfer of the assets of an institution to its parent corporation; or

(5) The transfer of the liabilities of an institution to its parent corporation.

(20 U.S.C. 1088f-1.)

§ 168.19 Contracting for educational programs or courses.

(a) An otherwise eligible institution may, without losing its eligibility to participate in title IV programs, enter into a contract to have a portion of its educational programs provided by another institution, school, or organization if the contractual arrangement satisfies the requirements of paragraphs (b) and (c) of this section.

(b) The otherwise eligible institution gives credit to students in the contracted portion of the program on the same basis as if it provided the portion of the program itself.

(c) The otherwise eligible institution enters into a contract with—

(1) Another eligible institution; or

(2) An ineligible institution, school or organization if:

(i) The contracted portion of the program does not exceed 25 percent of the student's total program of study; or

(ii) The otherwise eligible institution's accrediting agency, or State agency for the approval of public postsecondary vocational education, determines that its contractual arrangement meets the agency's standards for contracting for educational services.

(20 U.S.C. 1088f-1.)

§ 168.20 Institutions stop providing educational instruction—loss of eligibility.

(a) When an institution stops providing educational instruction or loses eligibility it shall—

(1) Notify the Commissioner of that fact;

(2) Refund to the Federal government, or otherwise dispose of by instructions from the Commissioner, any unobligated title IV funds it has received, except—

(i) Those funds it has committed but not yet paid to students in that payment period, and

(ii) Its administrative allowance, if applicable;

(3) Submit to the Commissioner within 45 days after the effective date of closing or loss of eligibility—

(i) All financial, performance, and other reports required by each appropriate title IV program regulation, and

(ii) An audit of all title IV funds it received;

(4) Inform the Commissioner of the arrangements it has made for the proper retention and storage of all records concerning the administration of title IV programs. These records must be retained for a minimum of five years;

(5) Inform the Commissioner of how it will provide for the collection of any outstanding title IV student loans; and

(6) Make refunds of unearned tuition and fees according to § 168.21 of this subpart.

(20 U.S.C. 1088f-1.)

§ 168.21 Distribution formula for institutional refunds and repayments of cash disbursements made directly to the student.

(a) *Institutional Refunds to title IV programs.*

(1) If a refund is due to a student under the institution's refund policy and the student received financial aid under any title IV student financial aid program, other than the College Work-Study program, a portion of the refund shall be returned to the title IV program(s).

(2) The institution shall multiply the institutional refund by the following fraction to determine the portion of the refund to be returned to the title IV program(s):

$$\frac{\text{total amount of title IV aid (minus work earnings) awarded for the payment period}}{\text{total amount of aid (minus work earnings) awarded for the payment period}}$$

(b) *Distribution among the title IV programs.*

(1) The institution shall develop written policies allocating the title IV portion of the refund to the various title IV program(s) from which the student received aid. These policies shall be applied on a consistent basis to all students receiving title IV funds.

(2) However,

(i) The institution may not allocate any part of the refund to a title IV program if the student did not receive aid under that program, and

(ii) The amount allocated to a program may not exceed the amount the student received from that program.

(c) *Distribution of repayments of cash disbursements made directly to the student.*

(1) If a student officially or unofficially withdraws from or is expelled by an institution before the first day of classes of a payment period, any cash disbursement made by the institution to that student for non-institutional costs under any title IV

program (except the College Work-Study program) for that period is an overpayment.

(2) If a student officially or unofficially withdraws from or is expelled by an institution on or after the first day of classes of a payment period, and the student received a cash disbursement for non-instructional costs under any title IV program (except the College Work-Study program) for that period, the institution shall determine whether a portion of that cash disbursement is an overpayment.

(3) In cases of unofficial withdrawal—

(i) The institution shall use the last recorded day of class attendance by the student as the end of the student's enrollment;

(ii) If the institution is unable to document the student's last day of attendance, any cash disbursement made to that student for non-institutional costs for that payment period is an overpayment.

(4)(i) In determining whether a student received an overpayment in subparagraph (2) of this paragraph, the institution shall subtract from the cash disbursement received by the student the educational costs incurred by him or her for non-institutional charges for that payment period up to the date of withdrawal or expulsion.

(ii) Non-institutional costs may include but are not limited to room and board, books and supplies, transportation and miscellaneous expenses.

(5) The institution shall multiply the overpayment by the following fraction to determine the portion of the overpayment to be returned to the title IV program(s):

$$\frac{\text{total amount of title IV aid (minus work earnings) awarded for the payment period}}{\text{total amount of aid (minus work earnings) awarded for the payment period}}$$

(6) The institution shall develop written policies allocating the title IV portion of the overpayment owed by the student to the various title IV program(s) from which the student received aid. These policies shall be applied on a consistent basis to all students receiving title IV aid.

(7) However,

(i) The institution may not allocate any part of the refund to a title IV program if the student did not receive aid under that program, and

(ii) The amount allocated to a program may not exceed the amount the student received from that program.

(20 U.S.C. 1088f-1.)

Subpart C—Misrepresentation

§ 168.31 Scope and purpose.

(a) This subpart applies to an institution listed in § 168.11(a) of these regulations.

(b) This subpart establishes the standards and rules by which the Commissioner may initiate limitation, suspension or termination proceedings against an otherwise eligible institution for any substantial misrepresentation made by that institution regarding the nature of its educational program, its financial charges, or the employability of its graduates.

(20 U.S.C. 1088f-1(c).)

§ 168.32 Special definitions.

"Misrepresentation" means any false, erroneous, or misleading statement an otherwise eligible institution makes to a student enrolled at the institution, to any prospective student, to the family of an enrolled or prospective student, or to the Commissioner.

"Prospective student" means any individual who has contacted an otherwise eligible institution for the purpose of requesting information about enrolling at the institution or who has been contacted directly by the institution—or indirectly through general advertising—about enrolling at the institution.

"Substantial misrepresentation" means any misrepresentation on which the person to whom it was made could reasonably be expected to rely, or has reasonably relied, to that person's detriment.

(20 U.S.C. 1088f-1(c).)

§ 168.33 Nature of educational program.

Misrepresentation by an institution of the nature of its educational program includes, but is not limited to, false, erroneous, or misleading statements concerning—

(a) The particular type(s), specific source(s), nature, and extent of its accreditation;

(b) Whether a student may transfer course credits earned at the institution to any other institution;

(c) Whether successful completion of a course of instruction qualifies a student for—

(1) Acceptance into a labor union or similar organization, or

(2) Receipt of a local, State, or Federal license or nongovernmental certification required as a precondition for employment or to perform certain functions;

(d) Whether its courses are recommended—

(1) By vocational counselors, high schools, or employment agencies, or

(2) By govenment for government employment;

(e) Its size, location, facilities, or equipment;

(f) The availability, frequency, and appropriateness of its courses and programs to the employment objectives that it states its programs are designed to meet;

(g) The nature, age, and availability of its training devices or equipment and their appropriateness to the employment objectives that it states its programs and courses are designed to meet;

(h) The number, availability, and qualifications, including the training and experience, of its faculty and other personnel;

(i) The availability of part-time employment or other forms of financial assistance;

(j) The nature and availability of any tutorial or specialized instruction, guidance, and counseling, or other supplementary assistance it will provide its students before, during, or after the completion of a course; or

(k) The nature or extent of any prerequisites established for enrollment in any course.

(20 U.S.C. 1088f-1(c).)

§ 168.34 Nature of financial charges.

Misrepresentation by an institution of the nature of its financial charges includes, but is not limited to, false, erroneous, or misleading statements concerning—

(a) Offers of scholarships to pay all or part of a course charge, unless a scholarship is actually used to reduce tuition charges made known to the student in advance. The charges made known to the student in advance are the charges applied to all students not receiving a scholarship; or

(b) Whether a particular charge is the customary charge at the institution for a course.

(20 U.S.C. 1088f-1(c).)

§ 168.35 Employability of graduates.

Misrepresentation by an institution regarding the employability of its graduates includes, but is not limited to, false, erroneous, or misleading statements—

(a) That the institution is connected with any organization or is an employment agency or other agency providing authorized training leading directly to employment;

(b) That the institution maintains a placement service for graduates or will otherwise secure or assist its graduates to obtain employment, unless it provides the student with a clear and accurate description of the extent and nature of this service or assistance; or

(c) Concerning Government job market statistics in relation to the potential placement of its graduates.

(20 U.S.C. 1088f–1(c).)

§ 168.36 Endorsements and testimonials.

The Commissioner views as misrepresentation endorsements and testimonials that are not given voluntarily or do not describe current practices and conditions of an institution.

(20 U.S.C. 1088f–1(c).)

§ 168.37 Procedures.

(a) On receipt of a written allegation or complaint from a student, prospective student, the family of a student or prospective student, or a governmental official, the designated OE official, as defined in Subpart H, reviews the allegation or complaint to determine its factual base and seriousness.

(b) If the misrepresentation is minor and can be readily corrected, the designated OE official informs the institution and endeavors to obtain an informal, voluntary correction.

(c) If the designated OE official finds that the complaint or allegation is a substantial misrepresentation as to the nature of the educational programs, the financial charges of the institution, or the employability of its graduates, the official—

(i) Initiates action to limit, suspend, or terminate the institution's eligibility according to the procedure set forth in subpart H, or

(2) Takes other appropriate action.

(20 U.S.C. 1088f–1(c).)

Appendix A—Summary of Comments and Responses

Set forth below is a summary of the public comments received on the proposed General Provisions regulations, Subparts B and C, and the Office of Education responses to those comments. Generally the comments and responses appear in the numerical sequence of the regulations and are identified with the section number and title of the section to which they refer.

Subpart B—Standards Relating to Audits, Records, Financial Responsibility, Administrative Capability, and Institutional Refunds

§ 168.11 Scope and purpose.

Comment: One commenter suggested that since "institutions of higher education" are generally considered to include only community colleges and four-year institutions whose curriculum leads to a baccalaureate degree, the adjective "postsecondary" should be substituted for the term "higher."

Response: The suggestion has not been adopted. The phrase "institution of higher education" is defined in the statute and includes institutions other than community colleges and four-year baccalaureate-granting institutions.

§ 168.12 Audits, records, and examination.

Comment: Two commenters recommended that institutions that participate only in the Basic Grant Program under the alternate disbursement system be exempted from the audit requirements. One suggested that (a)(1) be amended to read "accountability for federal funds received under these programs," as incorporating this exemption.

Response: The recommended amendment has not been adopted. The Commissioner is not requiring those institutions that participate only in the Basic Grant Program under the alternate disbursement system (ADS) to undergo a non-Federal audit to comply with these regulations. The institution under the alternate disbursement system, although not disbursing Federal funds, must still certify the eligibility of its students to receive Federal funds. The institution is required to have readily available, for Federal personnel conducting program reviews, records regarding the enrollment status of those students. However, the Basic Grant Program regulations for institutions participating under ADS (45 CFR, Part 190, Subpart H) do not require the institution to have an audit.

Comment: Five commenters apparently misinterpreted the audit requirement as dictating a separate audit of the title IV programs at that institution in addition to the biennial audits currently required under the Title IV programs' regulations. One commenter recommended that, instead of requiring an additional audit, the *Accounting and Recordkeeping Manual* published jointly by the National Association of College and University Business Officers and the National Association of Student Financial Aid Administrators be given greater emphasis so that the biennial general audit would suffice.

Response: The audit requirement of § 168.12 is not an additional title IV program audit. The regulations for each program require a biennial audit and § 168.12 reiterates this requirement. The Office of Education is conducting a series of training workshops for financial and fiscal officers using the NSFAA/NACUBO *Accounting and Recordkeeping Manual* and the *HEW Audit Guide* as texts.

Comment: Several commenters questioned the phrase "sufficiently independent" in § 168.12(b)(1). One asked whether internal auditors on the staff of a State university system were sufficiently independent, while another questioned whether the college could use the same auditors or auditing firm that does the annual general audit for the institution. One commenter asked if State comptrollers, Board of Trustees' staff auditors, or auditors from other postsecondary institutions in a State wide system were sufficiently independent. Two commenters felt that internal audit departments and State agency auditors are sufficiently independent and should be allowed to conduct audits.

Response: The Federal guidelines regulating what constitutes "sufficiently independent" auditors are published by the General Accounting Office as the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions. These standards are published as an appendix to these regulations.

Comment: One commenter in response to § 168.12(b)(2), questioned whether the institution or the accounting firm was to supply to the Commissioner the records necessary for a review of the results of the the audit.

Response: The institution and the accounting firm must supply the appropriate records to the Commissioner for a review of the results of an audit.

Comment: Six commenters objected to the entire paragraph of § 168.12(c) as being an unreasonable and unwarranted intrusion by the Office of Education into the internal administration of an institution. Two commenters suggested that the Commissioner was usurping the authority and historical powers of State, national and regional accrediting agencies, which already require the maintenance of certain kinds of records.

Response: This is not a new requirement for participating institutions. These records are necessary to insure that Federal student aid funds are properly administered.

Comment: Many commenters objected to the admissions and enrollment status requirement. One commenter stated that the requirement would force many institutions to depend "upon questionable objective tests" that can discriminate against certain types of students. Another objected on the basis that "documenting admissions through pre-screening and diagnostic devices" for all non-high school graduates would substantially increase the costs of administration. A third commenter said that the documenting of a student's

ability to benefit is costly and cumbersome.

One commenter stated that the gathering of admissions and enrollment status records will hinder a student from entering promptly upon an academic career. Furthermore, this commenter continued, in a public community college, satisfactory progress is extremely difficult to measure because of the prevailing "drop-in/drop-out" attitude of students. These recordkeeping requirements are burdensome for institutions that participate in only one or two student assistance programs, one commenter asserted. Another commenter recommended that because the collection of certain admissions and enrollment data is required by the accrediting agency, which the Commissioner has recognized, the Commissioner should make no additional data collection requirements.

Response: The Education Amendments of 1976 and the Middle Income Student Assistance Act of 1978, allow an institution of higher education, to admit as regular students those persons who do not have a high school diploma or the recognized equivalent. Those persons must, however, be beyond the age of compulsory school attendance in the State in which the institution is located and have the ability to benefit from the training offered by the institution.

The Commissioner believes that admissions and enrollment status data requirements are necessary for determining a student's eligibility for aid. Since institutions must have some means of determining whether a student "has the ability to benefit" from the training to be offered, the regulations stipulate that the institution is expected to maintain admissions and enrollment status documentation. That documentation may include information as to why a student was admitted, what that student's standing is in comparison to the average preparedness of students entering that eligible program, and what remedial courses are necessary for that student to successfully complete the regular program of training offered.

An institution of higher education voluntarily chooses to admit this category of student. Therefore the institution must be able to document how it ascertained that these students "have the ability to benefit" from the training offered.

The maintenance of admissions and enrollment status documents on a student will not necessarily prevent that student from promptly entering post-secondary education. The regulations refer to documentation for those students who are admitted by an institution into an eligible program of study as regular students. It is this category of student who is eligible for title IV student financial assistance.

Until a student is accepted into an eligible program as a regular student, the student may not receive any title IV student assistance. Therefore, the regulations do not interfere with the so-called "open-door" policy of community colleges because the students admitted under this policy are generally not regular degree or certificate students enrolled in an eligible program.

The Education Amendments of 1976 provided that to receive assistance from any title IV student financial aid program, a student must be "maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution at which the student is in attendance."

However, the Commissioner expects that the institution, in setting its standards, is attempting to evaluate a student's efforts to achieve an educational goal within a given period of time. To do so, the institution must know the student's course of study and the normal time frame for its completion and must have some means—such as grades or work projects completed—that can be measured against a norm.

The Commissioner believes that the admissions and enrollment status requirements in the regulations, being minimum requirements, are not burdensome for institutions. Institutions are required by their accrediting agencies and commissions to maintain much the same documentation. The Commissioner is placing emphasis on the collection and maintenance of these documents to ensure proper administration of the title IV student assistance programs.

Comment: One commenter stated that the inspection of student admissions and enrollment records by the Commissioner is a violation of the Privacy Act. Another commenter questioned whether the institution would have to obtain the permission of each student involved to allow the inspection of student records by auditors and the Commissioner.

Response: There appears to be some confusion between the Privacy Act of 1974 (5 U.S.C. 557a) and the Family Educational Rights and Privacy Act, the so-called Buckley Amendment (20 U.S.C. 1232g). Except for matters dealing with the disclosure of social security numbers, the Privacy Act applies only to the Federal government and its contractor. The Family Educational Rights and Privacy Act applies to institutions. Neither Act prohibits the Commissioner from inspecting admissions, financial aid and enrollment records. Under the Family Educational Rights and Privacy Act (the so-called Buckley Amendment) and its implementing regulations, 45 CFR Part 99, the Commissioner has access to these records in connection with audits and evaluations of educational programs, or for purposes of enforcement of or compliance with Federal legal requirements that relate to these programs (45 CFR 99.35). In addition, an educational agency or institution may disclose these records without the prior consent of the student if the disclosure is in connection with the receipt of or application for financial aid, including determining eligibility, the amount of financial aid, the conditions of financial aid, or enforcement of the terms of financial aid (45 CFR 99.31(a)(4)). However, the Family Educational Rights and Privacy Act does protect parent and student records from improper disclosure by the institution.

Comment: Two commenters objected to the recordkeeping requirement as discriminatory by not requiring an institution to maintain records on all its students. One suggested that the phrase "each student enrolled" be substituted for "each title IV financial aid recipient" to rectify the supposed omission.

Response: The Commissioner does not believe that the recordkeeping requirement is discriminatory. Since these regulations concern the proper administration of title IV programs, these regulations generally relate to students who receive title IV aid. However, the Commissioner would not object if an institution maintains these records for each student it enrolls.

Comment: One commenter suggested that the regulations be changed from requiring that records be "readily" available to "reasonably" available.

Response: The suggestion has not bee adopted. The Commissioner believes that the term "readily" is both appropriate and applicable to the availability of institutional records.

Comment: Three commenters questioned the length of time records need to be retained. One of these suggested the five-year requirement currently applicable to the Basic Grant and campus-based programs.

Response: The suggestion for the adoption of the five-year limitation has been adopted. The five-year stipulation was inadvertently dropped from the notice of proposed rulemaking.

Comment: Two commenters questioned whether the financial aid office is required under § 168.12 paragraph (c) to duplicate and maintain

all these records in the financial aid office.

Response: The records required by the regulations do not have to be duplicated and maintained in the financial aid office. The regulations stipulate that the records must be readily available for review at the geographical location of the institution.

Comment: One commenter recommended that the regulations be amended to allow for the centralized recordkeeping practices of multi-campus institutions, and that § 168.12 subparagraph (c)(3) be amended to read "records must be readily available for review by the Commissioner and, upon request with reasonable notice, be made available at the geographical location where the student receives instruction."

Response: The suggestion to amend the regulations has not been adopted. The regulations are sufficiently broad to accommodate multi-campus institutional systems. However, accommodation is not meant to be construed to encompass the central office of consultants who handle several school program accounts, but only bona fide multi-unit higher education systems.

Comment: One commenter asked for a definition of what constitutes a "systematically organized" recordkeeping system.

Response: A systematically organized recordkeeping system is one that is consistent with the examples cited in the NASFAA/NACUBO *Accounting and Recordkeeping Manual.*

Comment: One commenter requested that the Commissioner also require an institution to collect the Social Security numbers of parents and guardians for Federal tax return information and validation purposes.

Response: The Privacy Act of 1974 (5 U.S.C 552a) restricts any Federal agency in its solicitation, use, or disclosure of the Social Security number. Therefore, the Commissioner will not require that Social Security numbers be collected. However, while conducting validation procedures, an institution, under § 190.77 of the Basic Grant Program regulations, may require Social Security numbers or any additional data that the institution deems relevant to successfully conclude a validation procedure.

Comment: Ten commenters disagreed with § 168.12(c)(v), which requires an institution to maintain placement records if that institution has a placement service.

Three recommended that this section be deleted entirely on the basis that the data would not be an accurate reflection of the number of students actually achieving a position. One stated that in most cases the institution has no knowledge that the student achieved a position because the student may not have used the placement service. Another argued that since the institution cannot guarantee a student a job, it is unfair to hold the placement service responsible. A third objected to the implication of the regulations that if the institution has a placement service, the student will necessarily obtain a job.

Two commenters called for the regulations to be amended to convey the meaning that "only if the institution maintains a placement service and that service is utilized by the student" should records be maintained.

One commenter asked if (c)(1)(v) also applied to a student's part-time employment.

Two commenters asked whether, if an institution does not have a placement service, the regulations mean to require an institution to create one and maintain records of placement efforts. If not, one of the commenters said, many institutions will tend to eliminate placement services completely because the regulations are overly restrictive.

Response: The regulations do not require an institution to create and maintain a placement service. The regulations clearly stipulate that *if* an institution has a placement service *and* the student uses that service, the institution must keep records of the number of students placed in employment through that service. The Commissioner does not agree that the regulations imply that if an institution operates a placement service, the student is guaranteed a position after completing his or her course of study. Rather the Commissioner believes that an institution that does offer placement activities for its students should be able to document the numbers of students actually placed by the service in positions for which they were trained. The Student Consumer Information Services Regulations (45 CFR Part 178) further stipulate that this information be readily available to students and prospective students.

Comment: One commenter requested that § 168.12(c) be amended to allow for the simultaneous of enrollment superior students in both high school and college.

Response: The recommendation has not been adopted. An otherwise eligible student who is enrolled in an eligible program of postsecondary education as a regular student on at least a half-time basis is eligible for title IV assistance. If such a student is simultaneously enrolled in high school, that fact would be irrelevant to the student's eligibility for title IV assistance at the institution of higher education at which the student is enrolled at least as a half-time student.

Comment: An overwhelming majority of commenters objected to the requirement of a separate bank account for all title IV funds (168.12(d)). Many commenters representing the public postsecondary sector objected to the requirement on several grounds. Several State comptrollers' offices pointed out that, according to state law, State university systems are required to keep all funds in their respective State treasuries. County governments in many instances require their county community colleges to maintain all their funds in one county government bank account. A number of State university officials requested an exemption from this requirement for centralized state wide disbursing systems.

Five commenters stated that the separate bank account requirement appeared to be in direct contradiction to a recent circular (A–110) published by the Office of Management and Budget, which forbade separate bank accounts for different Federal programs as part of OMB's effort to reduce paperwork.

Another large group of commenters objected to the requirement because of increased administrative burdens upon institutions. One commenter pointed to the fact that under the various programs requiring institutional matching funds, two sets of checks would have to be issued to a student, thereby doubling the amount of paperwork and accounting functions involved. Another asked why the Commissioner wanted this requirement when the Departmental Federal Assistance Financing System (DEAFS) did not require a separate bank account.

Several commenters questioned the requirement as unnecessary and superfluous in light of the current DEAFS requirements and fund accounting procedures set forth by the National Association of College and University Business Officers. These commenters suggested that the requirement be amended to (1) indicate that title IV funds should be in an account that provides clear differentiation from non-Federal funds, and (2) require only those institutions that have a history of program non-compliance or severe institutional financial problems to maintain a separate bank account.

Other commenters questioned the viability of the requirement and objected to it on the grounds of increased administrative costs in paper, man-hours, computer programming, and accounting functions—all with no increase in the integrity of Federal funds. It was suggested that it would be

sufficient for the Commissioner to require that Federal funds be kept completely separate from all other activity through a detailed fund accounting system.

Four commenters disagreed with the requirement, stating that it will do nothing to improve the integrity of funds. They pointed out that fund accounting provides sufficient audit trails to account for funds within existing accounting systems in a manner consistent with standard accounting practices.

Three commenters requested that institutions operating under the letter-of-credit system be exempted from the separate bank account requirement.

Six commenters stated that the separate bank account requirement is in violation of statutes applicable in their States, and would require the amendment of State laws. In the words of one commenter, the amending process is time consuming and lengthy and, until accomplished, would place an institution in a position of non-compliance with the regulations.

Response: The Commissioner has adopted the commenters' suggestion. The section requiring a separate bank account has been deleted from the final regulations.

Comment: Four commenters asked about the disposition of records when a school ceases operation or changes ownership.

Response: The final regulations have been amended. Section 168.19 provides guidelines for the proper disposition of student records.

§ *168.13 Financial Aid Transcript.*

The requirement that an institution maintain a financial aid transcript was included in the NPRM under § 168.12(c). Because of commenter response, the financial aid transcript requirement has been clarified and this section of the regulations details the minimum data elements required on a student financial aid transcript.

Comment: Nine commenters objected to the requirement that an institution obtain a financial aid transcript for a student who previously attended another postsecondary institution. The commenters believed that financial aid transcripts are a confidential matter between the financial aid administrator and the student and that the sharing of this information with another institution would be a violation of the Family Education Rights and Privacy Act.

Several commenters recommended that the financial aid transcript be required only if the student has indicated that he or she had previously attended another institution on the financial aid application. Another commenter suggested deleting the requirement because the financial aid transcript "has no bearing on the student's circumstances as they relate to attendance at the current educational institution."

One commenter suggested amending the requirement to allow a financial aid transcript to be required of a student "when the institution has notice" of prior postsecondary attendance. This commenter believed that an institution should not be held liable if it has been deliberately misinformed by a student.

Response: As previously noted, the Family Education Rights and Privacy Act and its implementing regulations provide that a school may disclose information without the prior consent of the student if this is done in connection with the application for or receipt of student financial assistance (45 CFR 99.31(a)(4)).

Before a commitment of any title IV funds can be made to a transfer student, an institution must obtain a financial aid transcript of the student. The financial aid transcript provides the institutional financial aid administrator with the information necessary to formulate the student's aid package. Since several title IV programs have statutory limits regarding the amount of aid a student may receive during an award period or an undergraduate career, the knowledge of prior disbursements to a student is directly relevant to the packaging of a transfer student's current award. Furthermore, under the Basic Grant Program regulations § 190.66, *Transfer student: attendance at more than one institution during an award period,* a financial aid administrator is required to adjust a transfer student's Basic Grant award to ensure that the student's Scheduled Award amount for that award period is not exceeded.

The institution "will have notice" that the student attended a prior postsecondary institution, since the admissions applications of virtually all postsecondary institutions question whether a student has had prior postsecondary education experience. Many financial aid applications also request information about prior aid awarded. If there is inconsistency of information between the two application forms, the financial aid administrator must resolve the inconsistency. If the student deliberately misleads the institution as to prior educational experience and financial aid awarded, the institution is not liable for any overaward of funds the student may receive.

Comment: Several commenters suggested that the final regulations be amended to include the information items that would be required on a financial aid transcript. Three commenters stated that a list of required items would clarify the requirement and help to standardize the contents of a financial aid transcript.

Response: The recommendation has been adopted and incorporated in the final regulations. The required information items are listed in the regulations to help financial aid administrators in developing their transcript forms. In addition to student data identifiers such as name and address, specific title IV program requirements are included. The financial aid administrator must also indicate whether the student is in default on any title IV loan received for attendance at the institution as well as whether the student owes a repayment of any title IV grant received for attendance at the institution.

Other Federal and State benefits or assistance received by a student may also be indicated on the transcript at the option of the institutional financial aid administrator. In addition, if it is the policy of the institution, private grants and scholarship assistance may also be included on the financial aid transcript.

The financial aid transcript is, in the Commissioner's view, a document which is used primarily for transfer students who have received title IV assistance. The Commissioner does not believe that the financial aid transcript is necessarily an exhaustive accounting of all financial assistance received by the student while in attendance at the institution unless it is institutional policy to account for these non-title IV sources of assistance on the financial aid transcript.

Comment: One commenter questioned whether a financial aid transcript must be received by the institution to which the student is transferring prior to any disbursement of title IV student assistance funds. Another commenter asked if the financial aid transcript has to be certified by an institution to be considered valid.

Response: Until the receipt and evaluation of a financial aid transcript, an institution cannot make a commitment or a disbursement of any title IV funds to that student.

The Commissioner believes that a financial aid transcript, in order to be valid, must be certified by the institution through the use of the institution's seal or some other means as indicated by the standards and practices of that institution.

Comment: Six commenters questioned if an institution could withhold a student's financial aid transcript for liabilities owed the institution. Three

commenters suggested that the Commissioner amend the regulations to state that an institution could decline to forward a student's financial aid transcript if the student was in default on a title IV loan or owed a repayment on a title IV grant at that institution.

Response: The recommendation of the three commenters has been adopted and incorporated in the final regulations. The Commissioner believes that an institution may decline to forward a student's financial aid transcript if the student is in default on a title IV loan received for attendance at that institution or owes a repayment of any title IV grant received while in attendance at that institution.

The institution must forward a financial aid transcript if the student is neither in default nor owes a repayment.

However, if an institution does not wish to withhold a financial aid transcript even though the student is in default or owes a repayment, the student's default status or repayment status must be indicated on the financial aid transcript. The Commissioner considers that an institutional financial aid administrator who receives a financial aid transcript which indicates that the student is in default on a title IV loan at a prior institution must seriously evaluate—according to 45 CFR 144.9(d)—the student's willingness to repay a National Direct Student Loan prior to the commitment of loan funds to that student.

§ 168.14 Audit exceptions and repayments.

Comment: Three commenters objected to the 35-day deadline for audit responses and the 60 day deadline for repayment of funds as providing no flexibility. The commenters requested the use of substitute language such as "on a timely basis." One of the commenters said that if an institution were to be required to adhere to the 35- and 60-day deadlines, the regulations should be amended to require the Office of Education to notify the institution of its decision within the same time period.

Response: The Commissioner believes that the 35- and 60-day requirements are adequate and represent a liberalization of the current Office of Education practice of requiring full payment within 30 days of notice. The final regulations also permit the Commissioner to allow a more extended repayment period when an institutional repayment of a large sum may be a serious hardship to an institution.

Comment: Two commenters objected to the lack of "due process" under § 168.14(b) before an institution is required by the Commissioner to reimburse the Government for funds determined by the Office of Education to have been improperly spent. One commenter suggestedf that the process be similar to that regarding the limitation of institutional eleigibility (168 Subpart H: Limitation, Suspension and Termination Regulations).

Response: The recommendations have not been adopted. The Commissioner does not think it necessary to establish another formal appeals procedure. Under the current Officer of Education practice, there is considerable informal communication and negotiation between Office of Education officials and representatives of an institution. Every attempt is made to achieve a mutually beneficial solution to any alleged improper use of title IV funds.

The Commissioner believes that this informal procedure constitutes a more effective and timely method of "due process," which is less costly to an institution than a formal appeals process. It should be noted, however, that if agreement cannot be reached through this informal process, an institution may ultimately appeal to the Commissioner to resolve the question.

§ 168.15 Factors of financial responsibility.

Comment: Twenty-five commenters objected to the bonding requirement as prohibitively costly and an excessive and unnecessary expense for institutions. Five commenters asked whether the blanket bond currently posted by their institutions would be a sufficient substitute to the bond required by the proposed regulations. Six commenters questioned the need for the bonding requirement since under § 168.14(b) an institution is already obligated to reimburse the Office of Education for funds improperly spent. One of these commenters suggested that the requirement was an example of overkill.

Seven commenters from the public postsecondary sector requested exemption from the bonding requirement because employees of public institutions are considered State employees and, as such, are automatically bonded under State authority. Two of these commenters recommended that, it their institutions were not exempted, the Office of Education reimburse the institution for the bonding requirement expenses.

Three commenters agreed with the concept of bonding for title IV fund purposes but suggested different approaches than that set forth in the proposed regulations. One commenter requested that the amount of the bond be established on a reducing scale in inverse ratio to the total Federal funds disbursed. Another suggested that each individual disbursing funds by bonded for 10 percent of the title IV funds he or she disbursed. A third recommended that the 10 percent amount was too high and that a $25,000 bond would be sufficient to ensure program integrity.

One commenter suggested that the regulations be amended to state specifically that an institution must post a surety bond and a performance bond.

Four commenters stated that the bonding requirement should only be required of institutions that have a history of program deficiencies or those institutions that the Commissioner has judged to warrant this extra assurance of performance.

Six commenters objected to the costs involved in posting a bond for special programs such as the title IV programs, in addition to the general or blanket bond in force at their institutions. Two commenters suggested that the administrative allowances for the campus-based programs be increased to five or six percent and that the $10 reimbursement for the Basic Grant and Guaranteed Student Loan programs be disbursed to cover the costs of additional bonding requirements.

Four commenters argued that the Commissioner has no authority to require an institution to post a surety bond. One commenter wrote that although an institution is totally responsible for the proper administration of title IV funds, how that institution chooses to be responsible if a reimbursement is necessary is an institutional prerogative and that further regulations on the matter are unnecessary.

Another commenter argued for deletion of the section requiring that the disbursement of title IV funds is to be accomplished only by bonded individuals. The commenters thought that this was a gross interference with institutional operating procedures. Indicating that the Commissioner has no authority to require bonding, one commenter stated that even if the Commissioner did have that authority, the proposed bonding requirement is an example of excessive coverage for an indeterminate number of institutional individuals and adds unnecessarily to an institution's administrative costs. This, the commenter continued, would undoubtedly result in tuition increases.

Two commenters requested that, if a bonding requirement is to be enacted by regulations, an allowance or deductible for small losses should be included in the regulations to prevent excessive insurance rates for bonding. Another commenter requested that the

Commissioner take into account the amount of the general bond an institution posts as part of the total 10% required for the title IV funds. One commenter asked for clarification as to which fiscal year or award period would be used to determine the 10% bonding amount.

Four commenters suggested that the costs of bonding especially for title IV funds would be prohibitive for small institutions and would draw institutional funds away from instructional areas. Each of these commenters suggested that their institutions were more than adequately covered at the present time through their general insurance bonds.

Fifty-one commenters recommended that the term "disbursing official" be defined in the regulations. Several cited the use of the term as vague, and all-encompassing. As one commenter suggested, in many institutions "disbursing official" might include hundreds of individuals.

Many commenters asked whether every person involved in the financial aid process—from financial aid counselor through the accounting clerk in the business office through the financial aid clerk typist who disburses the checks to the student—was to be considered a "disbursing official."

Two commenters recommended that only the person whose name appears on the students' checks should be considered the "disbursing official." Another commenter suggested that the financial aid administrator and the business officer be the sole persons considered "disbursing officials" because these individuals hold primary responsibility for the proper administration of title IV funds.

Response: The recommendations of the commenters that the 10 percent bonding requirement of disbursing officials be deleted has been adopted. Upon further study, the Commissioner is of the opinion that the fidelity bond under which most institutions operate is sufficient to protect the Federal interest. Therefore, the Commissioner will not require an institution to obtain any additional bond other than the fidelity bond the institution currently maintains.

However, to protect the Federal interest in those institutions that are not bonded, the final regulations have been amended to require those institutions to obtain adequate fidelity bond coverage. That coverage can be obtained only from companies holding certificates of authority as acceptable sureties [31 CFR 233].

Because the 10 percent bonding requirement of an institution's disbursing official has been deleted, the Commissioner does not believe that a discussion of who constitutes a disbursing official is necessary or relevant to be institutional fidelity bond requirement.

Comment: One commenter suggested that § 168.15(d) be amended to allow the submission of a disclosure statement of financial standing in place of the audited financial statement that this section of the regulations would require. This disclosure statement would serve the same purpose as a financial statement with a balance sheet but, at the same time, preserve the confidential details of a private institution's operating expenses.

Response: The recommendation was not adopted. A disclosure statement is not sufficient, and the balance sheets provide necessary verification of information. The Commissioner believes that since the solvency of the institution has been questioned, the suggested amendment would not be adequate and would leave areas for abuse.

Comment: One commenter suggested that § 168.15(d) be amended to provide an exemption for unincorporated proprietary schools since, according to the commenter, it is impossible to have an audit certified by a Certified Public Accountant.

Response: The suggestion was not adopted. The Commissioner does not believe that an exemption in this instance is in the best interests of proper administration of title IV student assistance programs. Furthermore, an unincorporated proprietary school can obtain an audit certified by a Certified Public Accountant although the Commissioner believes that the cost factor may have prompted the commenter's suggestion.

Comment: Two commenters recommended that when a change of ownership occurs, a financial statement should be required of both the new owner as well as of the old owner(s) of a school. One commenter suggested that the new financial statement is the most meaningful evidence of the school's future financial stability.

Response: The recommendation has been adopted and incorporated in the final regulations.

Comment: One commenter misread the requirement of § 168.15(d) as meaning an audited financial statement rather than a latest financial statement or an audit. Citing the requirement as an "unreasonable amount of expense," the commenter suggested the paragraph be amended to include only the submission of the latest statement.

Response: The suggestion has not been adopted. The Commissioner requires a latest financial statement *or* an audit prepared by a State or local audit agency.

In the August 10, 1978, Notice of Proposed Rulemaking, § 168.18 contained several criteria regarding the financial responsibility and capability of institutions. These criteria—subparagraphs 168.18(a) (4), (5), (6), and (7)—have been moved from § 168.18 and inserted into § 168.15, Factors of Financial Responsiblity. The following comments and responses will refer to these criteria by using the paragraph and subparagraph notations from the NPRM to allow the reader ready reference to the NPRM.

Comment: Three commenters recommended the deletion of § 168.18(a)(4)–(7). One commenter stated that institutions that are funded by the passing of bond issues for building purposes would have liabilities far exceeding their assets and thus not qualify under the one-to-one ratio. This commenter asked either for the deletion of the subparagraphs entirely or for an exemption for these institutions. A second commenter argued that the one-to-one ratio is arbitrary and suggested an evaluation of the institution as a whole rather than relying on the institution's ratio of current assets to current liabilities.

A third commenter objected to the one-to-one ratio because it could force many institutions to restructure their financial affairs and these incur unnecessary costs without gaining additional administrative capability or responsibility.

Response: The minimum of a one-to-one ratio of current liabilities to current assets has been retained in the final regulation. This ratio is essential to the fiscal responsibility of an institution. The Commissioner believes that the commenter misread the paragraph because not all outstanding bonds are maintained in a current category. Only that portion of the bonds which are due and payable during the current year would be listed as a liability. The Commissioner is not forcing institutions to restructure their financial affairs under § 168.18(a)(4)(i) because the regulation treats the three major fields of accounting techniques—accrual, fund and cash—and an institution of higher education would invariably practice one of these accounting techniques.

Comment: Several commenters disagreed with the use of deficit net worth as a criterion indicating improper administration of title IV funds. One commenter recommended its deletion because it discriminates against new schools that may wish to participate in title IV programs. Generally, these schools take several years before they

no longer sustain a deficit. Therefore, this commenter argued, under the proposed regulations, a new school would not be able to participate in student assistance programs and would probably be forced to close its doors.

Another commenter stated that a deficit net worth may not reflect an institution's current operations. This, she suggested, was very true of new and developing institutions. Two commenters objected to the section on the basis that an institution's sustaining a deficit year under fund accounting procedures, does not necessarily impair the proper administration of title IV funds and can give a very misleading picture of the fiscal condition of the institution.

One commenter argued that there are three alternatives open to a fund manager of a non-profit institution in closing the annual books:

(1) The operating fund can finish the year with a positive balance. But if such balances are substantial or sustained, the non-profit organization risks loss of its non-profit status.

(2) The organization can finish the year with a balanced fund, in which income and expenditures are exactly equal. While this second standard reflects an ideal, in practice it is almost impossible to achieve.

(3) The third alternative would be a deficit status in which expenditures exceed income. Deficits in non-profit organizations are not extraordinary. In fact, this commenter continued, almost every independent college and university has experienced one to two years of deficit fund balances during the last decade.

The amendment this commenter would insert is as follows: For an institution utilizing fund accounting, if the unrestricted current or operating fund reflects "sustained material deficits over several years" at the conclusion of its most recent fiscal year. . . .

Three commenters recommended that many factors must be taken into consideration to determine whether an institution sustaining a deficit net worth has the ability to be financially responsible or capable of administering the title IV programs.

Response: The Commissioner realizes that new institutions of higher education may be in a deficit status for several years. However, the Commissioner believes that it is fiscally irresponsible for an institution to have a history of deficit net worths, and therefore will retain the definition and standards of deficit net worth as a criterion of financial responsibility. Although the commenter's amendment was not adopted as written, its intent was incorporated into the final regulation which requires an institution to submit to the Commissioner additional documents to demonstrate its financial responsibility in spite of a deficit net worth or a history of sustained material deficits. The Commissioner agrees with the commenter that many factors must be taken into consideration to determine whether an institution sustaining a deficit net worth has the ability to be financially responsible in administering title IV programs.

Comment: Three commenters requested the final regulation define what "a history of operating losses" were in calendar terms. One commenter asked if "a history of operating losses" would be interpreted as two years, or five years.

Response: The commenters' request for a definition of "history of operating losses" has not been adopted. The Commissioner believes that to define the phrase in terms of a specific number of years would engender an inflexible interpretation that is not in the best interest of proper program administration. The phrase's meaning therefore will vary depending upon the type of institution and the situations which caused operating losses and the Commissioner will take into account these variations in determining an institution's financial responsibility.

Comment: One commenter stated that church-related schools would be unjustly discriminated against by § 168.18(a). The section would cast in an unfavorable light the financial responsibility of many well-established, stable, private and denominational schools with a broad-based public constituency. The operational deficits and substantial institutional student aid programs of these schools are financed by broad and special fund raising efforts and general campaigns that, this commenter stated, are the serious responsibility of their trustees and the particular constituency or faith community that these schools serve. Therefore, this commenter recommended that the following be added to § 168.18(a)(7): An accredited institution, with a broad constituency providing continued public support, which has been in existence for five years or longer, and whose financial condition has remained stable over these years, shall be deemed financially responsible and administratively sound, notwithstanding subsections (a)(4), (5) and (6) above and any other provision of this section.

Response: The request for a specific exemption for church-related schools has not been adopted. The Commissioner does not believe that these schools are unduly different from other institutions which utilize broad-based fund raising methods to balance earnings and expenditures. However, the final regulations do allow an institution to demonstrate through additional documents that it is indeed financially responsible.

Comment: Two commenters suggested that the final sentence of the section be clarified to mean that the date of the financial statement's preparation must be within 12 months of the date of the application.

Response: The recommendation has been adopted. The final regulations have been amended to clarify the requirement.

§ 168.16 Standards of administrative capability.

Comment: One commenter recommended the first paragraph of § 168.16 be amended to read as follows: "Prior to certification of an institution" to participate in a title IV student assistance program, an otherwise eligible institution must "demonstrate" the capability to adequately administer those programs.

Response: The suggested re-wording of the first paragraph has not been adopted. The Commissioner believes that the present wording is adequate.

Comment: Several commenters objected to the term "capable" as being vague. Three requested that the final regulations carry a definition or a set of guidelines as to what is considered by the Commissioner to be a "capable" individual. One commenter argued that the determination of "capable" on a national basis was a very complex issue. Another thought that determining "capability" should be the prerogative of an institution and not that of the Commissioner. Three persons saw the term to mean that the Commissioner or his delegates would be able to interfere at will within the internal administrative procedures and personnel of an institution.

Seven commenters thought that the determination of what is a "capable" individual should be in the hands of professional organizations such as the National Association of Student Financial Aid Administrators and the National Association of College and University Business Officers. One commenter thought that each of these organizations should certify college personnel to administer the title IV programs.

Eight commenters called for the deletion of the term unless the Commissioner issued criteria that allowed "capability" to be evaluated in "measurable terms." Two commenters

agreed that it is the Commissioner's responsibility to define "capability" and requested that a definition be included in the final regulations. One of these commenters suggested that the Commissioner, in establishing a definition, give consideration to an individual's ability to handle normal administrative procedures such as timely processing of student applications, submission of the various title IV program reports, and participation in professional organization activities.

Two commenters suggested that a program review would indicate whether the institution was serviced by "capable" individuals and that the judgment should rest on that basis.

Response: The Commissioner does not feel it is necessary to define the terms "capable" and "capability" in the regulations. The generally accepted definition of the term "capable"—having the ability, capacity, or power to accomplish something—is sufficient for the Commissioner's purposes in these regulations. To attempt a definition with specific, concrete criteria would, in the Commissioner's view, be an example of overegulation.

In general, the capability or incapability of an individual will be demonstrated by the manner in which that person administers these programs. The "capability" of an institution of higher education is deomonstrated to the Commissioner through program reviews and the timeliness of institutional actions, in submission of reports, the accuracy of such reports, and the results of program audits. In particular instances of measuring the capability of an institution of higher education to administer title IV programs properly, the ultimate determination must rest with the Commissioner. While the Commissioner believes that the establishment of professional standards or credentials for student financial aid administrators is an excellent idea, the Commissioner does not have the authority to impose such standards in general or to require that such standards be adopted. The Commissioner believes that every institution of higher education wishes to be capable and have capable personnel working for it. With regard to title IV student assistance funds, however, the institution's prerogative to define what is capable is subsumed under the Commissioner's authority to protect Federal funds by ensuring proper and prudent administration of those funds.

Comment: One commenter suggested that the Commissioner amend § 168.16(a) as follows: "Such an individual must have had prior successful experience in the administration of title IV programs. Lacking that experience, the individual must have attended a comprehensive financial aid training workshop; have successfully passed a written test to measure knowledge of Federal program regulations, good business practice, and organizational and administrative skills; and have received a certificate as a financial aid administrator from an organization or association qualified and approved by the Commissioner to conduct those training workshops."

Response: The Commissioner does not wish to define a capable individual in this manner: therefore the commenter's proposed amendment has not been adopted. Although the Commissioner strongly endorses training workshops and seminars offered by relevant professional organizations as one of the better approaches to the development of capable and professional individuals, the Commissioner will not delegate to these organizations the authority to certify an individual capable to administer title IV financial assistance programs.

Comment: Ten commenters questioned the meaning of the term "adequate" and suggested various methods of determining what an "adequate" number should be. One thought it was impossible for the Commissioner to determine because of the diversity of institutions participating in the title IV programs and that the determination should be left to each institution. Another argued that no uniform standard formula should be developed and that the institution should be given latitude in the matter, with no specific numbers stipulated.

Several commenters thought there should be a ratio between the dollar amounts an institution disburses and the number of staff persons in the financial aid office. However, these commenters suggested that rather than have the Commissioner issue an "arbitrary ratio" in the final regulations, a set of flexible guidelines should be included in the regulations.

Three commenters thought that an evaluation of what "adequate" personnel entails should be determined by program review and audit staff on an institution-by-institution basis. On the other hand, two commenters argued that program review and audits staffs can reach arbitrary and unjustified conclusions as to the adequacy of financial aid staff. These commenters recommended that the Commissioner accept the minimum staffing criteria of professional organizations involved with the training of financial aid and business office personnel.

Five commenters suggested that the best basis for determining whether an adequate staff exists depends on institutional factors such as past program performance, use of computer systems, and the adequacy of the business office accounting system.

Eight commenters suggested that the Commissioner establish a joint committee of the Office of Education, the College Scholarship Service, the National Association of Student Financial Aid Administrators, and the National Association of College and University Business Officers to develop acceptable minimum criteria. Only then, these commenters believed, would the criteria be fair, objective, and applicable on a nationwide basis.

Four commenters asked for a definition of "adequacy of staffing." On the other hand, three commenters argued that it is an institution's responsibility to develop adequate staffing and that the Commissioner should not attempt to further define the term.

Several other commenters called for the complete deletion of the paragraph as arbitrary, beyond the authority of the Commissioner to regulate, and inherently unworkable and unenforceable.

Response: The Commissioner will not specify criteria for what constitutes an "adequate number of qualified persons." What may be viewed an adequate number of qualified persons at one institution may be completely insufficient at another. The Commissioner is fully cognizant of the variations among institutions. The use of automated data processing equipment or a centralized award and disbursement system will vary the number of individuals required at an institution to ensure proper and prudent administration of the student assistance programs.

Therefore, the Commissioner will not issue guidelines indicating a set ratio between the amounts of money disbursed and the number of persons to be involved. However, the Commissioner endorses the efforts at establishing minimum criteria for proper program administration taken by various professional and educational organizations.

The term adequate—meaning suitable or fully sufficient for a specific requirement—does not, in the Commissioner's view, need further definition. The Commissioner believes that the term's meaning is self-evident as it relates to proper and prudent program administration at an institution. Although the institution may operate its programs on its determination of what

constitutes an "adequate number of qualified persons," the Commissioner will retain—for title IV programs—the ultimate determination of what constitutes an "adequate number of qualified persons" for individual institutions based on program reviews and audits.

Comment: Seven commenters asked for clarification of the division of functions of awarding and disbursing title IV funds. Two commenters questioned whether the regulations call for a physical separation of functions or for at least two separate individuals to be involved. One commenter suggested that the Commissioner indicate in the final regulations a minimum number of persons to ensure a separation of financial aid and business office functions. This commenter also called for an exemption for small schools that may not be able to afford the cost of two individuals on a full-time basis to comply with the regulations. Three commenters perceived the division of functions requirement as burdensome because they thought it requires an institution to hire two individuals on a full-time basis.

Response: This section is not a new requirement but has been in the campus-based program regulations for several years. The purpose of the separation is to ensure an adequate system of internal checks and balances in the program administration of title IV funds.

The Commissioner does not believe it necessary to indicate a minimum number of persons that an institution must employ in order to meet the separation of functions requirement. The functions are separate so long as the person(s) authorizing payment of title IV funds is different from the person(s) disbursing those funds, provided that this is done in a way consistent with the provisions of an adequate system of internal controls.

The Commissioner will not exempt small schools from the requirement of having an adequate system checks and balances in its internal controls which requires a division of the functions of awarding and disbursing title IV funds.

Contrary to the commenters' perception, the Commissioner is not requiring that an institution have two individuals employed on a full-time basis to award and disburse title IV funds. Many smaller institutions' need for efficiency and fiscal stringency require an individual to perform several functions, and this fact is recognized by the Commissioner. Therefore, the awarding and disbursing of title IV funds need not be the sole duties of these individuals.

Comment: Four commenters recommended that the Commissioner set forth minimum guidelines for satisfactory progress. One commenter suggested that the paragraph be amended to make reference to both quantitive and qualitive standards of student performance. Another commenter requested that the Commissioner define the term "reasonable" in the context of satisfactory progress or leave the authority completely in the hands of each institution. A third commenter requested that the Commissioner issue guidelines in the regulations regarding satisfactory progress so that they could be of benefit to the entire college community.

Response: The recommendation that the Commissioner set forth minimum guidelines for satisfactory progress has not been adopted. The Commissioner does not believe that a delineation of specific crtieria for a definition of satisfactory progress is warranted at this time. Each institution should establish a definition of satisfactory progress that reflects its immediate and unique characteristics and concerns. The Commissioner will not make any reference to qualitive or quantitive aspects of a satisfactory progress definition.

Under Section 168.12, Audits, Records, and Examination above, the Commissioner, in response to a related question, has discussed what the Commissioner believes is a reasonable method for developing standards of satisfactory progress. The Commissioner believes that the discussion of satisfactory progress in reference to that previous section would, if given wide campus dissemination, respond to the commenter's request for guidelines that could be of benefit to the entire college community.

Comment: One commenter stated that if a community college disburses Basic Grants to students on the day school opens, it is virtually impossible to decide on that student's satisfactory progress. The commenter requested that the financial aid administrator not be "burdened" with an additional requirement.

Response: The Commissioner does not agree with the commenter's statement that a determination about a student's satisfactory academic progress is "burdensome" and a "new requirement." Furthermore, with regard to the disbursement of Basic Grant awards, if any payment is made to a continuing student at the beginning of a payment period, the institution, through the financial aid administrator, must look to the prior enrollment period for evidence of satisfactory academic progress before any funds are disbursed. New students are, of course, presumed to be making satisfactory academic progress until there is evidence to the contrary.

Comment: Five commenters argued that the Commissioner should not increase the administrative burden on the financial aid office by requiring verification of student information. One commenter stated that it is not appropriate to require that an institutional official validate students by tax returns for all title IV programs. Another complained about the amount of time involved and stated that the practice would be tedious, and costly and would put the financial aid administrator in the position of counselor and investigator.

Three commenters stated that it is the responsibility of the Office of Education and the Internal Revenue Service to validate all student aid recipients and that the financial aid administrator's credibility with students is undermined if the verification of student information is attended to at the institution. On the other hand, four commenters agreed that verification of student information should be attended to on campus and requested that the final regulations be specific in requiring financial aid administrators to verify all student-provided information.

Response: The Commissioner considers verification a necessary and useful tool in helping to ensure that determinations of eligibility for title IV student assistance are made in an equitable and consistent manner. While an institution will incur additional responsibilities due to this requirement, the Commissioner does not believe that it would be advisable to either postpone what is almost universally considered to be a very necessary aspect of need-based student aid, or to require verification activities from only a limited number of institutions. Further, to allow each institution to use its own method of verifying information, either for part or for all of its verification cases, is inconsistent with the fundamental precepts of the title IV student assistance programs.

While the Commissioner agrees that it would be simpler for the institutions if all necessary documentation were to be provided prior to a student being declared eligible for assistance, the offsetting delays involved with the Office of Education centrally verifying all student applicants would cause a severe hardship for students. The Commissioner believes that the impact in time lost to the student will be

minimal if verification is accomplished by each institution.

The specific suggestion of requiring an official tax form with each student application is impractical because some recipients for title IV funds come from families who have not filed Federal income tax returns in the base year. Thus alternative verification measures would have to be adopted in any case for that portion of the applicant population. The Commissioner believes that while verification is necessary, the student should be inconvenienced as little as possible. The financial aid administrator, with his or her first-hand knowledge, experience, and direct communication with the student, is in the best position to expedite the verification process.

The Commissioner does not believe that a financial aid administrator's "credibility" with students is undermined if the verification of student information is attended to at the institution. In fact, the Commissioner is of the opinion that a financial aid administrator's credibility would be enhanced because he or she would be perceived by students as being concerned and committed to an equitable and consistent method of distributing title IV funds. The roles of the financial aid administrator as a student counselor, verifier of information, and an efficient manager of title IV funds is the objective that the Commissioner is endorsing. The Commissioner believes that this objective will produce a financial aid administrator who is both compassionate with students and prudent as a program administrator.

Comment: One commenter asked what types of documents are needed to prove citizenship. Another asked if the financial aid administrator can refuse assistance to a student on the grounds of insufficient documentations of citizenship status.

Response: Each title IV program's regulations set forth the requirements regarding evidence of citizenship for students to be eligible for funds. The specific documents that may be required of a student by the financial aid administrator are discussed in the *Student Financial Aid handbook* published by the Bureau of Student Financial Assistance and distributed annually to financial aid administrators at eligible institutions of higher education. In answer to the other commenter's query, unless a student can satisfy the citizenship or residency requirement to the satisfaction of the financial aid administrator, the student is ineligible to receive any title IV assistance.

Comment: One commenter requested that the final regulations detail the procedures that should be used if inconsistencies are found in a student's data file.

Response: If inconsistencies are found in a student's data file, it is the institution's responsibility to make the necessary adjustments in the student's title IV award package. For the Basic Grant Program specifically, the *Validation Handbook* indicates the procedures, although the financial aid administrator may wish to use the identical procedures for the other title IV programs to provide consistent treatment for all students.

Comment: Two commenters requested clarification of adequate financial aid counseling. One asked whether audio-visual aids could be used to meet the requirements of § 168.16(f). Another commenter recommended that the Commissioner confine his review to printed materials disseminated by the college to students because it would be impossible to review one-on-one counseling sessions.

Response: The recommendation has not been adopted. The Commissioner will not prescribe a format for adequate financial aid counseling. The use of audio-visual materials can be effective in yielding greater manpower efficiency in a financial aid office. However, audio-visual equipment cannot be used in place of one-to-one counseling between the student and the financial aid administrator in cases in which that counseling is necessary. The Commissioner does not believe it is possible for an institution to discharge its duty to provide adequate financial aid counseling to eligible students on the basis of audio-visual materials alone.

Comment: One commenter strongly recommended that the final regulations be revised to explicitly require cooperation of all parties for the proper administration of financial aid. Failure to do so, the commenter stated, should result in timely action under the Limitation, Suspension or Termination Regulations (168 Subpart H).

Response: The recommendation has been adopted and incorporated in the final regulation. The Commissioner strongly agrees that all offices within an institution of higher education should cooperate to ensure the proper and prudent administration of title IV funds. This is not a new requirement, for it also appears under § 144.43 of the National Direct Student Loan Program regulations.

It should be noted that the president or the chief executive officer of an eligible institution, in signing the agreement to participate in title IV programs, has officially notified the Commissioner that the entire institution's personnel—from the chief executive officer through the various departments involved in the financial aid admissions and record keeping process—are aware of the regulations and will fully cooperate with each other to ensure proper program administration.

Comment: Two commenters recommended that the final regulations include several other criteria that would be used to evaluate an institution's administrative capability. One would be a systematic evaluation on the basis of clarity and accuracy of the financial aid materials published by the institution. Another criterion suggested was whether an institution established a financial aid committee consisting of administrators, faculty members, and students.

Response: Although the Commissioner appreciates the intent of the commenters' recommendations, the suggested amendments have not been adopted. A list of the specific item of financial aid materials that is to be published by the institution is already required by the Student Consumer Information Services Regulations (45 CFR 178). The accuracy of the information is required under § 168.33(i) of Subpart C, *Misrepresentation.* The Commissioner does not believe further regulations are needed.

The creation and use of an institutional financial aid committee composed of faculty, administrators, and students can be of great value at many institutions. However, because of the wide diversity of types of institutions, the Commissioner believes that specifying that an institution have that kind of committee would be an example of over-regulation.

§ 168.17 Additional factors for evaluating administrative capability and financial responsibility.

Comment: Three commenters questioned the relevancy of this entire section for determining program integrity. One commenter stated that default rates are not a valid indicator of an institution's administrative capability but a result of Congressional intent to provide loans to high-risk students.

Another commenter recommended the deletion of this entire "reg flag" or "bench mark" section contending that it bore no direct connection with proper program administration. This commenter further wrote that program misadministration can occur because of incompetent individuals regardless of the solidity of the institution. A third commenter argued that all of these

factors (in § 168.17) may occur and not signify program mismanagement or lead to mismanagement.

Response: The Commissioner believes that § 168.17 is relevant in determining title IV program integrity at institutions of higher education. The factors enumerated in § 168.17 are indications of potential administrative incapability. These factors are the result of program experience.

Although these standards have been developed on the basis of program experience primarily with problem schools, the Commissioner feels that any institution of higher education that finds itself approaching any one of these "red flags" will wish to reconsider its course of action and attempt to ameliorate the situation.

The Commissioner does not agree with the commenters that default rates at institutions are not an indicator of program incompetence. However, simply because an institution fits into one of these categories does not automatically indicate that adverse action will be taken against the institution. The default rates are seen as an indication that there may be an impairment to proper administration.

Although the Commissioner realizes that the majority of students obtaining student loans are inexperienced in installment repayment, institutions should also realize that the majority of instituions with efficient and timely billing and collection services do not have high default rates.

Comment: Several commenters objected to the inclusion of the Guaranteed Student Loan Program under the 20 percent default rate benchmark as a criterion determining proper administration of title IV programs. Six argued that since the institution has no control over the Guaranteed Student Loan Program, it should not be used as a criterion for administrative capability.

Four commenters suggested that the paragraph (a)(1) be amended as follows: If the principal amount of defaulted loans made to students at an institution *which is a lender* under the Guaranteed Student Loan or the National Direct Student Loan Program. . . .

Two of these commenters thought that this amendment would accomplish the original intent of the proposed regulations by using a default rate as a benchmark, while at the same time not holding institutions that are not lenders under the Guaranteed Student Loan Program responsible for default rates under that program.

Response: The commenter's suggested amendment to § 168.17(a)(1) has not been adopted. The Commissioner believes that the 20 percent default rate of students at an institution under the Guaranteed Student Loan Program is a useful indicator of the quality of program administration. Even though a default rate of 20 percent may not necessarily be related to improper program administration by the institution, there is a good deal of evidence that reveals a high correlation between default rates and the educational institution students attend. The existence of a high default rate for students attending a particular institution may well be symptomatic that there are at that institution other problems that adversely affect the title IV programs.

Comment: There was considerable disagreement over the default rate figures proposed in the regulations. Several commenters argued that the use of a benchmark figure will obviate the intent of Congress in creating the loan program for needy (i.e., high-risk) students by forcing institutions to look more carefully at the student who wishes to contract for a National Direct Student Loan. Another commenter suggested that if the benchmark figure of 20 percent were retained, some institutions would undoubtedly begin asking for credit checks on prospective borrowers.

Three commenters thought the benchmark figure proposal was too high and should be lower so as to minimize the improper administration and collection of loan funds. Several commenters asked for a justification for the use of the 20 percent benchmark figure, while five other commenters thought the figure was arbitrary and too low. Two of these commenters wrote that they expected a high default rate at open-door institutions that served urban metropolitan areas.

Four commenters recommended that whatever figure is adopted in the final regulations, the Commissioner should take into account an institution's analysis as to the reason for the high default rate. One commenter suggested the last sentence of the paragraph (a)(1) be amended to read: "... payment period; however in evaluating administrative capability, full consideration shall be given when an institution has achieved a reduction in the number and or percent of borrowers in default over a period of time."

Response: The Commissioner believes that an adequate benchmark figure must be uniformly established for the National Direct Student Loan Program and the Guaranteed Student Loan Program. Therefore, the Commissioner has decided to remain with the 20 percent figure for default rates. This rate has been applicable to the Guaranteed Student Loan Program since 1975, and these final regulations set forth a parallel benchmark figure for the National Direct Student Loan Program.

The Commissioner feels that the benchmark figure for default rates is one of the indicators of possible inadequate instruction, improper administrative practices, or other actions on the part of an institution. The Commissioner will, of course, allow an institution every possibility to describe and justify the reasons for its high loan default rate.

The Commissioner believes that it is inappropriate to introduce credit checks on potential borrowers. Many factors, the Commissioner feels, keep a default rate low, and these factors have little relationship to the credit worthiness of a student. Rather, these factors are directly related to an institution's practices of due diligence in billing and collections. Furthermore, in determining a student's eligibility to receive a National Direct Student Loan, the institutional financial aid officer is obligated to consider the student's willingness to repay the loan prior to awarding assistance.

Comment: A majority of commenters disagreed with the withdrawal figures proposed in the regulations. Several commenters stated that the withdrawal rate has absolutely no relevance to the proper administration of title IV funds. Citing the fact that students withdraw for a myriad of reasons, 10 commenters asked for the deletion of these sections. Twelve commenters from public and other non-profit community colleges argued that if a withdrawal figure were to be retained in the final regulations, an exemption should be included for the community college sector because of the high student turn-over rate.

One commenter stated that over the course of an academic year, the student body at her institution changed by more than 65 percent, and she argued that, given the purpose of a community college, this was an acceptable figure. Another commenter, quoting a withdrawal rate at his institution of 50 percent, stated that this section placed an unfair and arbitrary condition on community colleges. He recommended that the section should be amended to indicate that a withdrawal rate of 33 percent of those "students in receipt of title IV funds" during an academic year is a more applicable and relevant standard.

Three commenters requested that, if a withdrawal rate were retained, various institutional factors should be taken into consideration by the Commissioner. Four commenters, however, argued that the 33 percent withdrawal figure was

much too high and that a limitation, suspension, or termination action should begin at a lower rate. One of these commenters suggested a rate of 20 percent.

Response: The Commissioner feels that the benchmark withdrawal rate figure is one of the indicators of possible inadequate instruction, improper administrative practices, or other actions on the part of an institution. The Commissioner will, of course, allow an institution every possibility to describe and justify the reasons for its high withdrawal rate. Since there is disagreement over what the exact withdrawal rate figure should be, and since the Commissioner believes that an adequate benchmark figure must be established, the 33 percent withdrawal rate is not changed in the final regulations.

An exemption for any type of institution would not, in the Commissioner's view, be equitable or consistent with proper administration of the title IV programs. It should be noted that the 33 percent withdrawal rate figure is more lenient than the 20 percent withdrawal rate benchmark in the current Guaranteed Student Loan Program regulations.

The Commissioner does not believe that the 33 percent withdrawal rate benchmark should be confined to those students who receive title IV funds. To do so would discriminate against institutions that enroll high percentages of aid recipients, as well as against publicly supported schools, that by law, have open admission policies.

As is the case with the default rate, the Commissioner feels that a high withdrawal rate may be symptomatic of other problems in the administration of the title IV programs by an institution.

Comment: One commenter asked for a definition of "common academic year" as used in § 168.17.

Response: The Commissioner does not believe that a definition of "common academic year" is necessary in these regulations. An academic year is defined in the various title IV program regulations as the equivalent of "two semesters, two trimesters, or three quarter terms."

Comment: Twenty-seven commenters disagreed with the proposed regulations limiting the number of Guaranteed Student Loan recipients at an institution to no more than 50 percent of the student body at the beginning of an academic year. Fifteen commenters asked how the institution was to have knowledge of a student's receipt of a Guaranteed Student Loan prior to the beginning of an academic year. Six commenters argued that if the student is enrolled on at least a half-time basis and will be using the money to meet educational costs, the institution has no right to withhold certification on a Guaranteed Student Loan application, therefore it is unrealistic to expect the institution to control the number of students who receive assistance under this program.

Four commenters believed that it would be unreasonable to ask those Guaranteed Student Loan recipients over the 50 percent figure to withdraw from school merely on that basis. Ten commenters from medical and graduate professional institutions strongly argued that the rule does not have relevance to the administrative capacity of an institution. Three of these commenters cited the fact that at their institutions almost 90 percent of the students obtain a Guaranteed Student Loan each year to help meet the educational costs of becoming a doctor. One of these commenters asked if these regulations would also apply to Health Education Assistance Loan Program recipients. Another commenter asked what procedure the Commissioner would recommend for the institution to use in excluding the student who falls in the post 50 percent category. A third commenter questioned the legality of denying a student admittance simply on the basis that the institution has filled its quota of Guaranteed Student Loan recipients and wondered if this denial of admittance would lead to civil rights suits.

Response: With the passage of the Middle Income Student Assistance Act giving every student the opportunity of receiving a subsidized Guaranteed Student Loan, the Commissioner has decided to drop the provision.

§ 168.21 Distribution formula for refunds and repayments of cash disbursements made directly to the student.

Comment: Twenty-eight commenters objected to this section and urged its deletion from the final regulations. Twenty of these commenters cited the Education Amendments of 1976 as prohibiting the Commissioner from regulating institutional policies on fees and refunds. Ten commenters stated that the Congress decided that the Commissioner could not regulate in the area of refunds because this would be an intrusion into internal policies of institutions. Five commenters referred to Section 432 of the General Education Provisions of the Higher Education Act of 1965 as amended which prohibits any Federal official from exercising "any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution."

Seven commenters expressed objection on the basis that "this is the first step" for the Commissioner to define "a fair and equitable refund policy" which, these commenters asserted, "was clearly beyond the intent of the Congress." Eight commenters objected to the section because they believed that in the future the Commissioner will determine when a student is due a refund through a definition of "fair and equitable refund policy."

Response: The recommendations of the commenters were not adopted. This section does not deal with the issue of a fair and equitable refund policy. It does deal with a situation where an institution, under its own refund policy, has decided to refund money to a student and a part of the student's educational costs were met with title IV funds. This section provides a simple formula for alloting a portion of that refund to the title IV programs.

A distribution formula for refunds is not a new requirement. The Basic Grant and Guaranteed Student Loan Programs regulations have included a distribution formula for several years. Although the distribution fraction incorporated in these final regulations is different from the formulas in these programs, the Commissioner believes that the distribution fraction in the final regulations is not only simpler to administer but also encompasses all title IV funds: thus the administrative burden is lessened.

Comment: Fourteen commenters objected to the distribution formulas because of the lack of flexibility. Three commenters suggested that common sense and prudent judgment on the part of the financial aid administrator is the best guide in the distribution process. Four commenters requested that the institution be allowed flexibility in the refund distribution process to accommodate the individual circumstances of a student and not merely make the student subject to the inflexible formulas of refund distribution proposed by the Office of Education.

Eight commenters stated if a distribution policy was to be adopted at all, it must be a uniform set of guidelines and not a series of formulas and must be as simple as possible to administer.

One commenter suggested the following amendment be used in place of the formulas because it would preserve the Commissioner's authority while at the same time allowing sufficient flexibility to institutions: "The insitution shall establish and publicize its refund policy and shall establish a

reasonable policy for effecting repayments of grant and loan funds disbursed directly to the student. The application of this policy shall take into consideration the length of time a student was enrolled, the cost of attendance incurred to the date of withdrawal, and the reason(s) for withdrawal."

Ten commenters suggested that the distribution formulas be revised to mandate that any refunds should go first to reduce any loans the student may have obtained. Three commenters indicated that this priority would help keep default rates at a lower level because, they stated, the student who drops out is the most likely to default on a loan. Another commenter stated that under no circumstances should a student receive any cash refunds until loan and grant funds disbursed for that student's cost of attendance were fully repaid.

Response: The objections of the commenters about the complex distribution formulas have been taken into consideration by the Commissioner in the final regulations. The distribution fraction incorporated in the final regulations is clear, simple and concise.

Under this fraction, the total amount of title IV assistance (minus work earnings) is divided by the total amount of aid (minus work earnings). This fraction is applied to an institutional refund and the resulting amount is to be returned to the title IV program(s).

This total amount would not, however, be distributed proportionately among the various aid programs. Rather, the institution must develop and apply on a consistent basis, written policies to determine which title IV program(s) will receive the Federal portion of the refund amount.

The Commissioner believes that the professional judgment of the financial aid administrator should be used in the development of these written policies. The financial aid administrator may take into account the factors concerning the institution's student body, the types of aid available to the students or other reasonable factors in determining the policy guidelines which are to be used in determining which title IV programs will receive the Federal portion of the refund amount.

For example, a financial aid administrator may wish to establish a policy under which the Federal portion of the refund amount will be returned first to the title IV program which was the largest component of title IV aid to that student. It should be noted, however, that the amount returned to any one program may not exceed the amount the student received from that program. If the amount to be returned exceeded the amount awarded from that program, the remainder of the Federal portion of the refund would then be returned to a second title IV program from which the student had received aid, and if necessary to a third.

The Commissioner believes that this formula has a simplicity and clarity that can be easily understood and administered by institutions.

The commenters' suggested amendment which would completely delegate the Commissioner's authority, has not been adopted. The Commissioner will not delegate the authority to establish a distribution fraction for refunds of title IV aid funds.

The commenters' suggestion that the Commissioner amend the regulations to mandate that any refund amounts should go first to reduce any loan amounts has not been adopted. The Commissioner believes that, given the distribution formula a dopted in the final regulations, the commenters' recommendation would result in an inflexible requirement on institutions in the development of their policy to determine which title IV aid fund would receive the Federal portion of the refund.

The Commissioner agrees with the commenter's statement that a student should not receive any cash refunds until the title IV program amounts which were disbursed for that student's cost of education were fully repaid.

Comment: Twenty-eight commenters stated that any distribution formula should not take into account a student's family contribution which these commenters thought should be used first in meeting the cost of education. Twelve commenters pointed to the underlying basis of all title IV assistance which assumes that the primary responsibility for meeting the cost of education is to be borne by the student and the student's family. Therefore, these commenters argued, the use of the family contribution first in computing a student's refund, would allow the return and distribution of title IV program funds to other needy students.

Response: The recommendation of the commenters has been adopted and incorporated in the final regulations. The distribution formula adopted by the Commissioner excludes from consideration the student's expected family contribution.

Comment: Two commenters requested that before any cash refund is made to the student or to the family, the institution be allowed to reimburse any State or institutional funds the student may have received in addition to title IV programs.

Response: The distribution formula establishes only the portion of the refund to be returned to the title IV grant and/or loan programs. The institution may distribute the remainder of the refund among other sources from which the student received aid in whatever manner it considers appropriate. The Commissioner is only regulating the distribution of refunds due to title IV program(s) not aid from the State or institutional sources.

Comment: Three commenters requested that the regulations be amended to include a requirement that the registrar's office notify the financial aid office of student withdrawals. One commenter further suggested the regulations be amended to require that, prior to the disbursement of any refunds to a student, the business office notify the financial aid officer that a student was due a cash refund.

Response: The recommendations have not been adopted. The Commissioner believes that to regulate in the manner requested by the commenters would be an interference in the internal affairs of an institution.

The institution as a whole is responsible under the agreement to participate in title IV programs for the integration and cooperation of its internal components.

Comment: One commenter asked for a clarification of § 168.21(a)(2), specifically questioning whether "minus work earnings" was to include any part-time employment in addition to college work-study.

Response: The term "minus work earnings" is intended to include not only college work-study but also any part-time employment the student may have engaged in while in attendance at the institution.

Comment: Twenty commenters objected to the inclusion of the Guaranteed Student Loan in the distribution formula. Three commenters recommended the deletion of any reference to the Guaranteed Student Loan because the "school is a passive partner in the relationship between the student and the lender." Four commenters asked how the institution can force a student to return excess Guaranteed Loan funds when "the school has never seen, nor may not have any knowledge of the fact that the student obtained a Guaranteed Student Loan." Six commenters requested that the Guaranteed Loan be deleted from the distribution formula on the basis that banks do not notify institutions promptly when a student obtains a loan, and therefore the student may have already withdrawn and obtained a

refund by the time the notification from the bank has been received.

Ten commenters favored the inclusion of a Guaranteed Student Loan in the distribution formula for only those institutions which are lenders. Two of these commenters suggested that non-lender institutions be required merely to notify the lender (if the institution is aware the student obtained a Guaranteed Student Loan) when a student withdraws.

Response: The Commissioner considers it essential to include the Guaranteed Student Loan Program in the refund distribution formula because it is a major title IV student assistance program which has guaranteed $2.25 billion in loan assistance in 1978–79.

In providing this loan assistance, the institution is not a "passive partner" because it plays a critical role not only in determining student eligibility, but also when meeting its statutory responsibility of notifying the lender of the student's enrollment status and address.

Regulations are being published which will establish a method by which lenders will provide institutions with necessary information in order that the institutions can meet this statutory requirement. Furthermore, experience shows that default and program abuse is most likely to occur in the case of an unscheduled interruption of a student's educational program, which is combined with a substantial loan indebtedness.

To the extent that the refund reduces the principal amount of the loan, it contributes to the probability that the student will not default and will remain eligible for future title IV assistance.

Comment: Five commenters requested that the final regulations include, as a guideline, a listing of the components of the cost of education for the purposes of calculating whether a student owes a refund. Two of these commenters stated that the discussion should involve both direct and indirect educational cost components.

Response: The recommendations have not been adopted. The Commissioner does not believe that the regulations should include an all inclusive list of educational cost components. Reasonableness and common sense should indicate the components of the cost of education for each institution. The professional judgment of the financial aid administrator enters into the development of a student's cost of education.

Comment: One commenter suggested that the Commissioner amend the regulations to include a mid-semester cut-off date for mandatory refund distribution computations.

Response: The recommendation was not adopted. The Commissioner cannot mandate a cut-off regarding an institution's refund period. The period in which refunds are made to students is determined by each individual institution. The use of the distribution formula is determined by the institution's decision that a student who is withdrawing is due a refund on institutional charges.

Where cash disbursements have been made, the institution must still decide if the disbursements are more or less than the educational costs incurred by the student at the time of withdrawal. The Commissioner does not have the authority to establish a date beyond which an institution will not be forced to calculate a refund: the period of time a refund policy is in effect is a matter of institutional determination.

Comment: One commenter stated that in the event the student is past the refund period and the institution determines that the part of the funds disbursed for non-institutional costs constituted an overaward, the institution's only recourse is to bill the student and attempt to collect. This commenter believed that holding the institution responsible for these funds in the event the student cannot or will not pay is an excessive burden to place on the institution. While another commenter believed that a ban placed on the student's re-enrollment and a hold on release of official transcripts of students who are unwilling to repay the billed amounts, should release the institution from further liability.

Response: When cash disbursements are made for non-institutional costs, the institution has the responsibility of determining if any portion of the disbursement exceeds the educationally related non-institutional costs the student has incurred. If an institution calculates that a student has been overawarded through cash disbursement due to withdrawal, the institution is not liable beyond notifying and billing the student for the amount of the overaward.

If the student does not reimburse the title IV programs for the amount overawarded, that student would be ineligible to receive additional title IV assistance at that institution. The student would be eligible for further title IV assistance only after the student has repaid the amount of the overaward.

The Commissioner believes, as discussed § 168.13 Financial Aid Transcript, that an institution may withhold a financial aid transcript if the student owes a repayment on a title IV grant, or is in default on a title IV loan. If the institution also wishes to withhold academic transcripts on that student, the Commissioner believes that it is an institution's prerogative to do so.

Comment: One commenter asked for an exemption from the distribution formula for those institutions operating within States which have refund policies mandated by State regulation. This commenter stated that unless the Commissioner allows an exemption, the distribution formula would place the institution in the position of defiance of State law. This commenter suggested an amendment to § 168.17(a)(1) which would ". . . unless State law provides for a different refund policy."

Response: The recommendation has not been adopted. The Commissioner is not regulating a refund policy for an institution, but a distribution formula for title IV student aid funds. The distribution formula involves the return of Federal funds only, and if a particular State maintains a refund policy, the institution may have to use two different formulas if both Federal and State funds are involved in financing a student's cost of education.

The Commissioner does not agree with the commenter that the title IV distribution formula will place an institution in defiance of State regulation because Federal law supercedes State law where Federal funds are concerned.

Comment: One commenter asked that the Commissioner exempt institutions which participate in the Basic Grant Program under the Alternate Disbursement System from the attribution formula. Under that system of disbursement, this commenter stated, the institution has no alternative but to make any needed refunds to the student, and not to the Commissioner.

Response: The recommendation has not been adopted. The Commissioner realizes that the institution would, in the instance of a refund, return the Basic Grant funds to the student. Under the Basic Grant regulations § 190.95, an Alternate Disbursement System institution must promptly notify the Commissioner if a student withdraws before completing half of a payment period. The Office of Education would then consider the Basic Grant funds returned to the student as constituting an overaward and contact the student for repayment of the overaward amount.

Comment: Three commenters wished the final regulation to include a $100 deductable clause under which no refund collections or attributions would have to be made. The suggested wording of one commenter was: "Any recovery of $100 or less be left to the discretion of the financial aid officer." The cost of paperwork, one commenter stated, in

order to distribute proportionately among the programs so small an amount would be prohibitive.

Response: The recommendation has not been adopted. With the simplified distribution formula and the institutional flexibility to determine which title IV program(s) will receive the Federal refund amount, the Commissioner believes that no amount of "deductible" is necessary or administratively defensible.

Subpart C—Misrepresentation

§ 168.31 Scope and purpose.

Comment: Six commenters objected to the entire subpart as endowing the Commissioner with authority beyond the intent of the Congress. One commenter suggested that the Commissioner should direct the Office of Education's efforts to combat misrepresentation through the regulatory bodies that accredit institutions rather than through the issuing of regulations. Another commenter stated that the Commissioner is entering areas that until now have been reserved for accrediting and state approving agencies. This commenter suggested that the Commissioner should help strengthen the accrediting bodies. That, the commenter said, would affect the entire postsecondary community and not just eligible institutions of higher education and would improve the quality of service to all students. A third commenter suggested that the entire section be deleted because the subpart does not contain an "intent" element. Without this "burden of proof" or "intent" element, the commenter stated, the definition of misrepresentation does not comply with the common law definition of misrepresentation. Two commenters criticized the subpart as overlapping the Federal Trade Commission's recent regulations dealing with proprietary schools. One of these commenters suggested that action by the Commissioner should be taken only as a result of an action by the Federal Trade Commission.

Response: Since the Commissioner is responsible under the provisions of the Higher Education Act of 1965 for insuring that Federal student aid funds are properly administered, the Commissioner cannot delegate this authority to accrediting or State approving agencies. Although the Commissioner is in agreement with the efforts made by national and regional accrediting commissions to enhance administrative and educational capability in institutions of higher education, the ultimate responsibility to enforce proper and prudent administrative procedures for institutions participating in title IV programs belongs to the Commissioner. Subpart C of this part is intended to give effect to this responsibility and is consistent with the authority given the Commissioner under the Higher Education Act of 1965, as amended.

The Commissioner has not adopted the commenter's recommendation that the Commissioner initiate action only after an action is taken by the Federal Trade Commission. It is the Commissioner who has been assigned the responsbility by statute for ensuring proper administration of title IV programs. Furthermore, subpart C of this part is applicable to all institutions of higher education that participate in title IV programs, while the proposed regulations of the Federal Trade Commission are intended to address the proprietary sector of higher education.

Subpart C is not meant to contain a "burden of proof" or "intent" element. This section purposely sets forth a procedure to handle a situation that does not involve a crime. Common law provisions and criminal statutes already exist as remedies to deal with criminal fraud or civil fraud. The remedy under subpart C is that, if the facts of misrepresentation or substantial misrepresentation are born out, a school may be limited, suspended or terminated from the title IV student aid programs.

A limitation, suspension or termination action is not a criminal provision; it is the Commissioner's method of dealing with those schools that are not properly administering title IV student assistance programs.

§ 168.32 Special definitions.

Comment: Fourteen commenters asked for clarifying amendments to the definitions of "misrepresentation" and "substantial misrepresentation" because these commenters believed that the proposed definitions were too broad. Several commenters suggested that both definitions be limited to "any published, intentionally erroneous or misleading statement."

While five commenters agreed that an institution should be held responsible for any intentional misrepresentation appearing in its printed material, these commenters believe that an institution should not, under any circumstances, be held responsible for a misstatement made "by clerical staff or other personnel who do not have necessary information to properly represent the institution in all situations."

Two commenters suggested that, in addition to published materials, correspondence between a student and the institution should also be included in the definition. Three commenters stated that the Commissioner should determine misrepresentation to be intentional or manifestly careless before initiating sanctions against an institution.

One commenter asked if an out-dated catalogue would constitute misrepresentation on the part of an institution.

Two commenters recommended that the definitions be changed to include the concept of fraud: The making of a statement with knowledge of its falsity and with intent to deceive. The problem with the definitions, one commenter stated, was that much of this area relating to misrepresentation is a matter of interpretation; therefore, the commenter requested that only deliberately erroneous statements be defined as misrepresentation.

Response: The Commissioner has not adopted the recommendation of the commenters that "misrepresentation" and "substantial misrepresentation" be limited to published materials. Any communications between an institution and a student or a prospective student—including various forms of advertisements—is subject to the provisions of this section. *In response to one commenter's statement that an institution should not be held responsible for misstatements made by personnel who do not have the necessary information, the Commissioner believes that it is an institution's obligation to make certain that only qualified personnel respond to a student's inquiries about aspects of the institution.*

The purpose of the regulations is to set standards of conduct to ensure an exchange of the most accurate information possible between a student or a prospective student and an institution regarding the institution and the rights and responsibilities of the student.

The Commissioner does not believe that an out-dated catalogue necessarily constitutes misrepresentation. On the one hand if an institution makes a good faith effort to issue timely and updated catalogues, the inadvertent use of an out-dated catalogue would not constitute misrepresentation. On the other hand, the continued use of outdated catalogues that contain no-longer-current information about educational offerings, accreditation, financial charges, physical facilities, or faculty would convey to the student inaccurate, erroneous, and misleading statements and thus constitute misrepresentation.

The commenters' recommendation that the definitions include the concept of fraud has not been adopted. The definitions set forth in subpart C are unique to the Commissioner's oversight responsibilities for the title IV programs.

The request that "misrepresentation" be confined to deliberately erroneous statements has not been adopted. Because an institution has the primary responsibility of conveying information that is as accurate as possible, the Commissioner believes that a definition limited to deliberately erroneous statements would not be consistent with the Commissioner's oversight responsibilities.

Comment: Two commenters requested that the definitions "misrepresentation" and "substantial misrepresentation" be modified to allow for computer or human error that can be proven to be unintentional or accidental.

Response: The suggested modifications to the definitions has not been adopted. The Commissioner will take into consideration alleged misrepresentation that an institution can show was unintentional or accidental.

Comment: One commenter stated that an allegation or misrepresentation is a statement that requires proof, but that in § 168.32 there is no requirement for proof. Rather, an institution is considered guilty before being able to defend itself against the charges. If the definitions are not amended, this commenter continued, an institution will have to initiate taping of telephone calls to have a record against allegations of misrepresentation.

Response: The Commissioner does not consider an institution guilty before it responds to charges of alleged misrepresentation. Under § 168.37 the institution is allowed an opportunity to respond to complaints before any determination as to guilt or innocence or further action is taken on the part of the Office of Education.

Comment: One commenter asked how the Commissioner would determine whether a "misleading" statement has been made and whether an action has resulted to a person's detriment.

Response: The procedures under which the Commissioner would determine whether a "misleading statement" has been made and the effect that statement has had are discussed in response to comment on § 168.37(a).

Comment: One commenter stated that the Commissioner should specify in the regulations that each institution must have a grievance procedure for students to follow if there is a question of misrepresentation.

Response: The recommendation has not been adopted. The Commissioner believes that requiring each institution to establish a grievance procedure would constitute an interference in the internal affairs of the institution. That specification would not take into account the diverse organizational structures among participating institutions. However, the Commissioner is not adverse to an institution's establishing that type of procedure if it feels that the procedure is appropriate.

§ 168.33 Nature of educational program.

Comment: Two commenters recommended amending the first paragraph under this section. In place of the words "false or misleading statements," these commenters wish to substitute "published deliberately or intentionally misleading statements."

Response: The recommendation has not been adopted. The phrase "published deliberately or intentionally misleading" is merely one aspect of the phrase "false and misleading" used in the regulations. The Commissioner believes that there may be other reasons that lead to "false and misleading statements," such as inadequate administration, inadequate training of recruiters or other personnel and related factors.

Comment: One commenter recommended the deletion of the entire section because he felt that it was a "blatant attempt" by the Commissioner to establish "a national (Federal) accreditation process."

Response: The recommendation was not adopted. The Commissioner is not attempting to establish a national accreditation process, but to set minimum standards any institution participating in title IV student aid programs should be expected to maintain.

Comment: Two commenters recommended different phrasing for this subsection. One commenter suggested amending the sentence with the words "the accreditation reports are available for review by the Commissioner." Another commenter recommended the substitution of (a) with the following: "The particular types and specific sources of the institution's accreditations." This wording, the commenter wrote, "would fulfill the Commissioner's student consumer information objective and also ascertain misrepresentation by a school when it has claimed to have accreditation of a particular type from a specific source when, in actuality, it does not have it."

Response: The recommendation of the first commenter has not been adopted. The accreditation reports of an institution are already available for inspection by the Commissioner. The second commenter's proposed amendment of § 168.33(a) has been adopted and incorporated into the final regulations.

Comment: Three commenters objected to § 168.33(b) on the basis of there being no national standards on which an institution can insist that its credits are transferable to another institution. Another commenter, asking how it will be possible for an institution to indicate what courses are transferable to another institution, stated that each institution has internal rules governing the transferability of credit.

One commenter suggested the deletion of the paragraph and the substitution of the following: "Whether such course credits earned at the institution are, in fact, applicable to a particular vocational or academic objective or credential at any other institution offering an indicated course of study."

One commenter stated that § 168.33(c) should be deleted on the basis that an institution cannot guarantee its students entry into unions or State licensure.

Response: The Commissioner is not requiring institutions to make statements about the transferability of their credits. However, the Commissioner feels that if an institution does make statements about credit transferability, the institution must have a basis on which to verify such statements.

The commenter's suggested amendment has not been adopted. The Commissioner believes the present wording of the subsection is adequate and clear. As with the subject of the transferability of credits, the Commissioner believes that if an institution makes statements about unions or State licensures being the end product of its educational program, the institution must have indisputable facts to verify its claim.

§ 168.34 Nature of financial charges.

Comment: Three commenters suggested that § 168.34 (a) and (b) be deleted and the first paragraph be strengthened to read:
"Misrepresentation by an institution of higher education of the nature of its financial charges includes, but is not limited to, published, intentionally misleading statements."

Response: The commenters' recommendation has not been adopted. However, the language of § 168.34, § 168.35 and § 168.32 has been rewritten in parallel form in the final regulations.

Comment: One commenter recommended adding a section after (b) as follows: "the areas of most common financial or academic misunderstanding between the student or prospective student and the institution and of which the student and prospective student should be made specifically aware of in advance."

Response: The recommended amendment has not been adopted. The commenter's concern is addressed by the Student Consumer Information Services Regulations (45 CFR 178).

§ 168.35 Employability of its graduates.

Comment: One commenter stated that § 168.35 was too vague and suggested that the Commissioner indicate examples or guidelines as to what constituted improper use of Federal or State Government statistics with regard to potential placement of graduates. Another commenter recommended deletion of this section because he felt it was too inflexible by not taking into account those students who may have the technical skills to get a job but have not been trained for the interview process and therefore don't obtain a job.

Response: The proper use of Government statistics—or any other statistics on job placement, for that matter—should be governed by prudence, relevance, and timeliness. It would be improper to use statistics that are irrelevant or give a misleading representation of job opportunities available after a student completes a certain educational program. Another improper use of statistics would be an institution's use of national statistics in cases in which State or regional statistics give a more accurate picture of employment possibilities for students attending that institution.

§ 168.36 Endorsement and testimonials.

Comment: Two commenters asked how the Commissioner intends to enforce these regulations with regard to verbal testimonials or endorsements. The commenter suggested that the section be amended to limit misrepresentation to published materials.

Response: The recommendation has not been adopted. This section is meant to include verbal testimonials or endorsement made through television advertising and other audio-visual educational information sources.

§ 168.37 Procedures.

Comment: Eight commenters objected to this entire section. Citing the fact that there is no due process involved, these commenters asked for its deletion. Two commenters recommended that, prior to the initiation of procedures under the Limitation, Suspension, or Termination regulations the institution be provided copies of the complaints and the Commissioner allow the institution an opportunity to respond and comment on the complaints.

One commenter objected to the section because it presumes total wrongdoing on the part of the institution. Another commenter asked how the Commissioner would determine the factual basis of a verbal statement made in the privacy of a counseling situation.

Three commenters wrote that § 168.37(c) "appears to be worded so as to empower an Office of Education official to terminate an institution's eligibility based upon a complaint or allegation." One commenter questioned whether this paragraph gave the "designated Office of Education official" the power to initiate "limitation, suspension, or termination action without asking for institutional response." These commenters requested that the final regulations be amended to allow for due process and institutional response "to the Commissioner, and not to some Office of Education official."

Response: The Commissioner believes that the procedures set forth in § 168.37 provide adequate due process to institutions whose actions are questioned and that resort to court action is unnecessary, as well as impracticable. The Commissioner will, as a general matter, investigate each complaint received about an institution before initiating any action under § 168.37.

In determining whether action should be taken on the basis of a complaint, the Commissioner will consider its source with regard to the reliability of the allegations made. However, the Commissioner does not believe that it is necessary for the institution to know in all cases the source of the complaint when responding to the allegations made in it.

The recommendation has not been adopted. The Commissioner does not believe it is necessary or desirable to limit the Commissioner's flexibility in selecting appropriate designated Office of Educational officials. However, the Commissioner is mindful of the great responsibility that these individuals will have, as well as the need for these persons to be well versed in the operation of the student financial aid programs.

It is not the intention of the Commissioner to engage in a series of unwarranted actions against institutions. An institution will be given the opportunity to respond to complaints and rectify the situation through informal compliance procedures. However if there is evidence that the complaints are valid or the situation has not been rectified, the Commissioner intends to take action in accordance with the provisions of the Limitation, Suspension, or Termination Regulations (45 CFR 168 Subpart H).

Appendix B—Standards for Audit of Governmental Organizations, Programs, Activities, and Functions (GAO)

Part III Chapter 3—Independence

(a) The third general standard for governmental auditing is: In matters relating to the audit work, the audit organization and the individual auditors shall maintain an independent attitude.

(b) This standard places upon the auditor and the audit organization the responsibility for maintaining sufficient independence so that their opinions, conclusions, judgments, and recommendations will be impartial. If the auditor is not sufficiently independent to produce unbiased opinions, conclusions, and judgments, he should state in a prominent place in the audit report his relationship with the organization or officials being audited.[1]

(c) The auditor should consider not only whether his or her own attitude and beliefs permit him or her to be independent but also whether there is anything about his or her situation which would lead others to question his or her independence. Both situations deserve consideration since it is important not only that the auditor be, in fact, independent and impartial but also that other persons will consider him or her so.

(d) There are three general classes of impairments that the auditor needs to consider; these are personal, external, and organizational impairments. If one or more of these are of such significance as to affect the auditor's ability to perform his or her work and report its results impartially, he or she should decline to perform the audit or indicate in the report that he or she was not fully independent.

Personal Impairments

There are some circumstances in which an auditor cannot be impartial because of his or her views or his or her personal situation. These circumstances might include:

[1] If the auditor is not fully independent because he or she is an employee of the audited entity, it will be adequate disclosure to so indicate. If the auditor is a practicing certified public accountant, his or her conduct should be governed by the AICPA "Statements on Auditing Procedure."

1. Relationships of an official, professional, and/or personal nature that might cause the auditor to limit the extent or character of the inquiry, to limit disclosure, or to weaken his or her findings in any way.

2. Preconceived ideas about the objectives or quality of a particular operation or personal likes or dislikes of individuals, groups, or objectives of a particular program.

3. Previous involvement in a decisionmaking or management capacity in the operations of the governmental entity or program being audited.

4. Biases and prejudices, including those induced by political or social convictions, which result from employment in or loyalty to a particular group, entity, or level of government.

5. Actual or potential restrictive influence when the auditor performs preaudit work and subsequently performs a post audit.

6. Financial interest, direct or indirect, in an organization or facility which is benefiting from the audited programs.

External Impairments

External factors can restrict the audit or impinge on the auditor's ability to form independent and objective opinions and conclusions. For example, under the following conditions either the audit itself could be adversely affected or the auditor would not have complete freedom to make an independent judgment.[2]

1. Interference or other influence that improperly or imprudently eliminates, restricts, or modifies the scope or character of the audit.

2. Interference with the selection or application of audit procedures of the selection of activities to be examined.

3. Denial of access to such sources of information as books, records, and supporting documents or denial or opportunity to obtain explanations by officials and employees of the governmental organization, program, or activity under audit.

4. Interference in the assignment of personnel to the audit task.

5. Retaliatory restrictions placed on funds or other resources dedicated to the audit operation.

6. Activity to overrule or significantly influence the auditors judgment as to the appropriate content of the audit report.

7. Influences that place the auditor's continued employment in jeopardy for reasons other than competency or the need for audit services.

8. Unreasonable restriction on the time allowed to competently complete an audit assignment.

Organizational Impairments

(a) The auditor's independence can be affected by his or her place within the organizational structure of governments. Auditors employed by Federal, State, or local government units may be subject to policy direction from superiors who are involved either directly or indirectly in the government management process. To achieve maximum independence such auditors and the audit organization itself not only should report to the highest practicable echelon within their government but should be organizationally located outside the line-management function of the entity under audit.

(b) These auditors should also be sufficiently removed from political pressures to ensure that they can conduct their auditing objectively and can report their conclusions completely without fear of censure. Whenever feasible they should be under a system which will place decisions on compensation, training, job tenure, and advancement on a merit basis.

(c) When independent public accountants or other independent professionals are engaged to perform work that includes inquiries into compliance with applicable laws and regulations, efficiency and economy of operations, or achievement of program results, they should be engaged by someone other than the officials responsible for the direction of the effort being audited. This practice removes the pressure that may result if the auditor must criticize the performance of those by whom he or she was engaged. To remove this obstacle to independence, governments should arrange to have auditors engaged by officials not directly involved in operations to be audited.

Appendix C—Appendix I, Standards for Aduit of Governmental Organizations, Programs, Activities, and Functions (GAO)

Qualifications of Independent Auditors Engaged by Governmental Organizations

(a) When outside auditors are engaged for assignments requiring the expression of an opinion on financial reports of governmental organizations, only fully qualified public accountants should be employed. The type of qualifications, as stated by the Comptroller General, deemed necessary for financial audits of governmental organizations and programs is quoted below:

"Such audits shall be conducted * * * by independent certified public accountants or by independent licensed public accountants, licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States: Except that independent public accountants licensed to practice by such regulatory authority after December 31, 1970, and persons who althrough not so certified or licensed, meet, in the opinion of the Secretary, standards of education and experience representative of the highest prescribed by the licensing authorities of the several States which provide for the continuing licensing of public accountants and which are prescribed by the Secretary in appropriate regulations may perform such audits until December 31, 1975; Provided, That if the Secretary deems it necessary in the public interest, he may prescribe by regulation higher standards than those required for the practice of public accountancy by the regulatory authorities of the States." [1]

(b) The standards for examination and evaluation require consideration of applicable laws and regulations in the auditor's examination. The standards for reporting require a statement in the auditor's report regarding any significant instances of noncompliance disclosed by his or her examination and evaluation work. What is to be included in this statement requires judgment. Significant instances of noncompliance, even those not resulting in legal liability to the audited entity, should be included. Minor procedural noncompliance need not be disclosed.

(c) Although the reporting standard is generally on an exception basis—that only noncompliance need be reported—it should be recognized that governmental entities often want positive statements regarding whether or not the auditor's tests disclosed instances of noncompliance. This is particularly true in grant programs where authorizing agencies frequently want assurance in the auditor's report that this matter has been considered. For such audits, auditors should obtain an understanding with the authorizing agency as to the extent to which such positive comments on compliance are desired. When coordinated audits are

[2] Some of these situations may constitute justifiable limitations on the scope of the work. In such cases the limitation should be identified in the auditor's report.

[1] Letter (B-148144, September 15, 1970) from the Comptroller General to the heads of Federal departments and agencies. The reference to "Secretary" means the head of the department or agency.

involved, the audit program should specify the extent of comments that the auditor is to make regarding compliance.

(d) When noncompliance is reported, the auditor should place the findings in proper perspective. The extent of instances of noncompliance should be related to the number of cases examined to provide the reader with a basis for judging the prevalence of noncompliance.

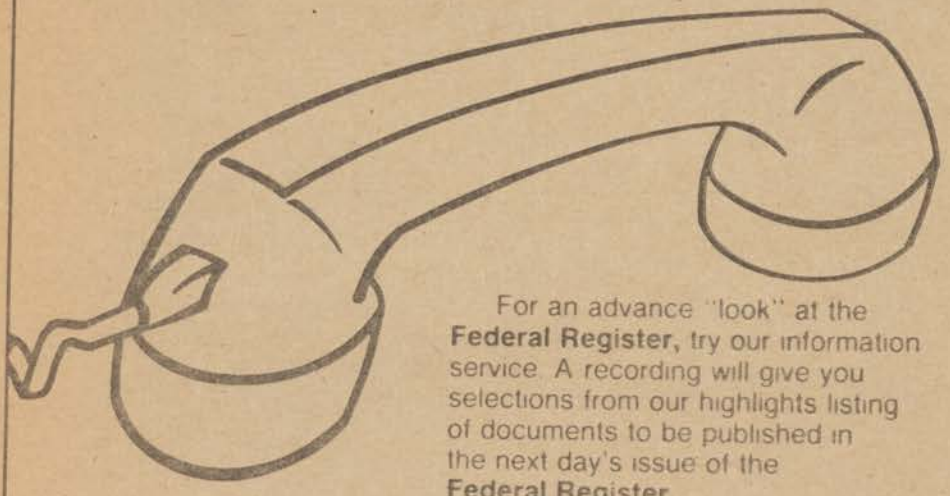
(The pamphlet "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock number 2000-01000. Price: 85 cents.)

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