

10-4-79
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Testis Federal Register

Thursday
October 4, 1979

Highlights

- 57370 Electric and Hybrid Vehicle Program** DOE establishes planning grant program to aid qualified small business concerns; effective 11-5-79 (Part VI of this issue)
- 57222 School-Aged Medicaid Eligible Children** HEW/OE and HCFA issue position statement on access to early and periodic screening, diagnosis, and treatment services through schools
- 57352 Public Playground Equipment** CPSC requests comments on reports suggesting safety guidelines; comments by 2-1-80, applications for financial compensation by 11-5-79 (Part IV of this issue)
- 57145 Atmospheric Nuclear Test Participation** DOD/DNA attempts to locate persons who participated in program between 1945 and 1962
- 57089, 57090 Mortgage Insurance and Home Improvement Loans** HUD increases FHA maximum interest rate on homes, effective 9-26-79, and increases maximum interest rate on project loan programs, effective 10-1-79 (2 documents)
- 57358 Gas Guzzler Tax Statement** EPA issues rules on fuel economy labeling requirements for 1980 model year automobiles; effective 11-5-79 (2 documents) (Part V of this issue)

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- 57100 Natural and Other Gas** DOT/MTB extends effective date for joining plastic pipe for transportation; effective 7-1-80
- 57069 Mandatory Petroleum Prices** DOE/ERA indefinitely extends Special Rule No. 2 regarding minimum purchase requirements for retail gasoline; effective 10-1-79
- 57103 Canadian Allocation Program** DOE/ERA holds public conference and requests comments to assess impact on Northern Tier refineries; comments by 11-2-79, conference 10-10-79, requests to speak by 10-8-79
- 57127 Nondiscrimination on Basis of Age** NSF proposes rules for programs or activities receiving Federal financial assistance; comments by 12-3-79
- 57130 Nondiscrimination on Basis of Age** NFAH proposes rules for programs or activities receiving Federal financial assistance; comments by 12-14-79
- 57146 Privacy Act** DOD/Navy adds two new systems of records; comments by 11-5-79; effective 11-5-79
- 57246 Privacy Act** SBA issues annual publication of systems of records
- 57142 Privacy Act** ACTION announces an evaluation study
- 57142 Privacy Act** USACDA issues annual publication of systems of records; effective 10-4-79
- 57295 Sunshine Act Meetings**

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Federal Register

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 632]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period October 5-11, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: October 5, 1979.

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

SUPPLEMENTARY INFORMATION: Findings. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The

action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act.

The committee met on October 2, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia Oranges is good.

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

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

§ 908.932 Valencia Orange Regulation 632.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period October 5, 1979, through October 11, 1979, are established as follows:

- (1) District 1: 500,000 cartons;
- (2) District 2: Unlimited;
- (3) District 3: Unlimited.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the market order.

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

Dated: October 3, 1979.

D.S. Kuryloski,

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

[FR Doc. 79-31054 Filed 10-3-79; 11:53 am]

BILLING CODE 3410-02-M

7 CFR Part 982

Handling of Filberts Grown in Oregon and Washington; Expenses of the Filbert Control Board, and Rate of Assessment, for the 1979-80 Fiscal Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1979-80 fiscal year, to be collected from handlers to support activities of the Filbert Control Board which locally administers the Federal marketing order covering filberts grown in Oregon and Washington.

DATES: Effective August 1, 1979, through July 31, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Higgins (202) 447-5053.

SUPPLEMENTARY INFORMATION: Findings: Pursuant to Marketing Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Board, established under this marketing order, and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, and that good cause exists for not postponing the effective time until 30 days after publication in the Federal Register (5 U.S.C. 553), as the order requires that the rate of assessment for a particular fiscal year shall apply to all assessable filberts handled from the beginning of such year which began August 1, 1979. To enable the Board to meet fiscal obligations, approval of the expenses and assessment rate is necessary without delay. Handlers and other

interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the Board. To effectuate the declared purposes of the act, it is necessary to make these provisions effective as specified.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication, without opportunity for further comments. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from William J. Higgins (202) 447-5053.

§ 982.324 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Filbert Control Board during the 1979-80 fiscal year, will amount to \$46,424.

(b) The rate of assessment for said crop year payable by each handler in accordance with § 982.61 is fixed at 0.20 cent per pound of filberts.

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

Dated: October 1, 1979.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 79-30817 Filed 10-3-79; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1139

[Milk Order No. 139]

Milk in the Lake Mead Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends the requirement that a supply plant ship not less than 50 percent of its receipts to pool distributing plants during each of the months of September through December in order to qualify as a pool plant. The suspension was requested by Lake Mead Cooperative Association to enable it to keep its dairy farmer members associated with the market.

DATE: Order of suspension is effective October 4, 1979, for the months of September through December 1979.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, 202-447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of

proposed suspension—issued September 11, 1979, published September 14, 1979 (44 FR 53525).

This order of suspension is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Lake Mead marketing area.

Notice of proposed rulemaking was published in the Federal Register (44 FR 53525) concerning a proposed suspension of a provision of the order. Interested persons had an opportunity to comment in writing on the proposed suspension.

After considering all relevant material, including the proposal in the notice, the comments received and other available information, it is found and determined that for the months of September through December 1979 the following provision of the order does not tend to effectuate the declared policy of the Act:

§ 1139.7 [Amended]

1. In paragraph (b) of § 1139.7 the words "not less than 50 percent of its."

Statement of Consideration

This action removes the requirement for the months of September through December 1979 that a supply plant must ship at least 50 percent of its receipts to pool distributing plants in order to qualify as a pool plant. The suspension was requested by Lake Mead Cooperative Association, which represents a majority of the producers on the market.

The cooperative indicated that since January 1979 two pool distributing plants on the market have closed, substantially lessening the cooperative's outlets for fluid milk supplies. As a result of these plant closings, the cooperative has acquired its own distributing plant, which is now being remodeled. However, remodeling will not be completed for several months. The cooperative claims that in the meantime it will be unable to maintain the pool plant status of its supply plant because of the plant closings. Therefore, the cooperative requests suspension of the 50 percent shipping requirement for the months of September through December 1979.

On the basis of the data, views, and arguments filed, it is concluded that the suspension is necessary to ensure against the risk of depooling the cooperative's supply plant and thus the milk of producers normally associated with the plant. The need for the suspension is temporary because the marketing conditions that require it are

expected to return to a more normal pattern.

Opposition to the suspension was filed by a proprietary handler who operates a pool distributing plant. The handler contended that the suspension could result in depressing the uniform price to producers to the Class III price level. This, the handler argued, would be contrary to the purposes of the Act. The handler maintained that any change in the pooling standards for a supply plant should be made only after a hearing.

The opposing arguments should not be overriding in this matter. There is no indication that the suspension, which would be effective for only a short period of time, would adversely affect producer prices as the handler contends. Moreover, a hearing will not accommodate the urgency of the situation. As noted, the marketing situation relative to the pooling of the supply plant has changed and the suspension is warranted under the changed circumstances.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in that milk of some producers who regularly supply the fluid market otherwise would be excluded from the pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective October 4, 1979.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of September through December 1979.

(Authority: Secs. 1-19, 48 Stat. 31, as amended [7 U.S.C. 601-674]).

Signed at Washington, D.C., on: October 1, 1979.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 79-30816 Filed 10-3-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY**Economic Regulatory Administration****10 CFR Part 211****[Docket No. ERA-R-79-15]****Mandatory Petroleum Allocation Regulations; Amendments to the State Set-Aside Program for Gasoline****AGENCY:** Economic Regulatory Administration, Department of Energy.**ACTION:** Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby amends 10 CFR Part 211 to provide that the State set-aside level for gasoline shall be five percent and that gasoline retailers shall be eligible for assignments from the set-aside for gasoline. These amendments make permanent the provisions of Special Rule No. 8 to Subpart A, Part 211. Today's action is intended to maintain the current flexibility of each State to deal with localized problems that may arise in that State as a result of tight supplies of gasoline.

EFFECTIVE DATE: October 1, 1979.**FOR FURTHER INFORMATION CONTACT:**

Robert C. Gillette (Comment Procedures), Economic Regulatory Administration, Room 2222-A, 2000 M Street, N.W., Washington, D.C. 20461 (202) 254-5201.

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 254-8034.

Alan T. Lockard (Office of Fuels Regulation), Economic Regulatory Administration, Room 6222, 2000 M Street, N.W., Washington, D.C. 20461 (202) 254-7422.

William E. Caldwell (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street N.W., Washington, D.C. 20461 (202) 254-8034.

Ben McRae (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-6739.

SUPPLEMENTARY INFORMATION:*I. Background.**II. Amendments Adopted**III. Procedural Requirements***I. Background**

On April 19, 1979, we adopted Special Rule No. 8 to Subpart A, Part 211, to permit States to use the State set-aside program during the months of April and May 1979 to assist retail outlets experiencing supply emergencies (44 FR 24541, April 26, 1979). In the notice proposing Special Rule No. 8, we specifically requested comments on the

need to extend the special rule beyond May 1979 (44 FR 20445, April 5, 1979). After reviewing the comments and the likely supply situation during the summer months, we decided to extend Special Rule No. 8 through September 30, 1979 and also to increase through that period the initial State set-aside level for gasoline from three to five percent (44 FR 31623, June 1, 1979).

At the time we modified and extended Special Rule No. 8, we continued the rulemaking to consider whether these actions should be extended beyond September 30, 1979. A public hearing was scheduled, but not held due to lack of requests to participate. However, in response to our request for additional written comments we received eleven written comments concerning Special Rule No. 8 and its extension. The majority of these comments were submitted by refiners, five of which opposed the extension of Special Rule No. 8, as had two other refiners in comments submitted prior to May 31. In general, these comments stated that Special Rule No. 8 should not be extended, since the ordinary distribution system could allocate gasoline most efficiently and respond to any problem that might arise.

We note, however, that despite the allowance for suppliers to redirect up to five percent of their supplies within a State, (see 10 CFR 211.14(b)) and despite Ruling 1979-2 specifically stating that suppliers could rely upon a Governor's designation of areas in a State as suffering from a supply imbalance, suppliers have been reluctant to use these permissive mechanisms, which otherwise might reduce the need for a State set-aside. We understand that suppliers are reluctant to further reduce some of their purchasers' allocations, already subject to a fraction, on their own initiative to supply areas the supplier believes are suffering shortages. Moreover, it is clear that the ordinary distribution system did not respond to shortages within a State by reallocating supplies.

Prior to May 31, five State governments and three trade associations commented in favor of extending Special Rule No. 8 indefinitely. The viewed Special Rule No. 8 as granting the States the ability to respond to and alleviate any supply problems that might arise on a local basis.

In view of the comments received and the possibility that localized tight supply situations may occur in the coming months, we have decided that the provisions of Special Rule No. 8 should be made permanent. We believe that such action will provide each State with

the necessary flexibility to deal with any significant supply imbalances that may develop within the gasoline distribution system for that particular State during the coming months.

We intend to initiate a reporting requirement under which States would submit monthly reports concerning the amount of the state set-aside for each month, the dates on which specific amounts were released during that month, the political subdivisions that obtained amounts, and the end-users or resellers that obtained amounts. We intend to make the information contained in this report available to the public, to the extent that the information is not proprietary.

II. Amendments Adopted

In view of our determination that the provisions of Special Rule No. 8 should be made permanent, we believe that Subpart F of Part 211, which sets forth the allocation regulations specifically relating to gasoline, should be revised to contain these provisions. Accordingly, we are amending 10 CFR Part 211.107(a) to provide for an initial State set-aside level for gasoline of five percent. In addition, we are amending 10 CFR Part 211.107(a) through the addition of three new paragraphs. These paragraphs will modify the operation of the state set-aside for gasoline established under 10 CFR 211.17 to permit State Offices to make assignments to gasoline retailers on the same basis and in the same manner as provided for in Special Rule No. 8 which expires on September 30, 1979.

We continue to urge each State to assess its gasoline supply situation at the beginning of each month and to release any portion of its set-aside volume that it determines to be unnecessary to retain for that month. The prompt release of any such volumes will increase the volume of gasoline which is available to the normal distribution system within a State and thus, permit suppliers more readily to distribute gasoline in an equitable manner. Such release will be the equivalent of increasing the allocation fraction for that State since 10 CFR Part 211.17(f) provides that any volume of gasoline so released must remain in the distribution system of the releasing State.¹

In addition, we urge each State to give special attention to the needs of van-pools which are an energy-efficient

¹ For example if a prime supplier has a national allocation fraction of 85% for a given month and the state releases all of its set aside to that supplier for that month, the supplier will be obliged to provide to customers in that state 90% of base period quantities.

alternative to private automobiles, particularly for commuting to and from work. By making gasoline available to van-pools which require gasoline on an emergency or hardship basis, a State would be lessening the potential demand for gasoline.

III. Procedural Requirements

A. Section 404 of the DOE Act.—Section 404(a) of the DOE Act requires that the Federal Energy Regulatory Commission (FERC) be notified whenever the Secretary of Energy proposes to prescribe rules, regulations, and statements of policy of general applicability in the exercise of functions transferred to him under section 301 or section 306 of the DOE Act. If the FERC determines, within such period as the Secretary may prescribe, that the proposed action may significantly affect any of its functions under sections 402(a)(1) or (b) of the DOE Act, the Secretary shall immediately refer the matter to the FERC.

Following an opportunity to review this rule, the FERC has declined to determine that it may significantly affect one of its functions under the sections noted above.

B. Section 7 of the FEA Act

Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended), the requirements of which remain in effect under section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment. Such comments shall be published together with publication of notice of the proposed action. A copy of this Rule was provided to the EPA Administrator who has responded that EPA does not foresee this Rule having an unfavorable impact on the quality of the environment as related to the duties and responsibilities of EPA.

C. National Environmental Policy Act

It has been determined that these amendments do not constitute a "major Federal Action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, and therefore an environmental assessment or an

environmental impact statement is not required by NEPA and the applicable DOE regulations for compliance with NEPA. This determination is based on our analysis which indicates that today's action will have no effect on the production or the available supply of gasoline.

D. Section 501 of the DOE Act

Subsection 501(b) of the DOE Act requires that comments on a proposed rule be permitted for thirty days. Subsection 501(c) of the DOE Act requires that an opportunity be provided for the oral presentation of comments. As noted previously, we have complied with these prior notice and hearing requirements and have considered the comments received in deciding whether to adopt this Rule.

E. Executive Order 12044

Executive Order 12044 (43 FR 12661, March 23, 1978) requires the agencies subject to it to publish all proposed "significant" regulations for public comment for a minimum of 60 days and to prepare a regulatory analysis for those significant regulations which are determined likely to have a major impact. Section 2(e) of the Executive Order directs the agencies to establish criteria to identify which regulations are significant. DOE's implementing procedures are contained in DOE Order 2030 (44 FR 1032, January 3, 1979.)

Today's action provides only for an extension of an existing policy. We do not expect such extension to affect important policy concerns or impose any significant additional burdens on the public. Moreover, we have determined that today's action will not be the object of much public interest since only eleven comments were submitted on the extension of Special Rule No. 8 through the summer and, the public hearing on that extension was cancelled due to lack of interest. In view of these considerations, we have determined that today's action does not constitute a significant regulation as contemplated by that term in Executive Order No. 12044 and, therefore, that a 60-day comment period and the preparation of a regulatory analysis are not required.

F. Section 553 of the Administrative Procedure Act

Section 553(d) of the Administrative Procedure Act requires that a substantive rule not become effective less than thirty days after its publication unless the agency finds for good cause that this requirement is impracticable, unnecessary or contrary to the public interest, and publishes this finding together with the rule. We have

determined that good cause is found to waive the section 553(d) requirement since it would be contrary to the public interest to decrease the flexibility of individual States to respond to localized tight supply situations during the month of October 1979. Moreover, this requirement is not necessary since this Rule continues a program that is already in effect and on which there has been ample opportunity for comment on its specific provisions.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective October 1, 1979.

Issued in Washington, D.C.,
September 28, 1979.

David J. Bardin,
Administrator, Economic Regulatory
Administration.

1. Section 211.107(a) is revised to read as follows:

§ 211.107 Method of allocation.

(a) *State Set-Aside for Gasoline.* (1) The initial State set-aside level for motor gasoline for a particular month and state is five (5) percent of a prime supplier's estimated portion of its total supply for that month which will be sold into the State's distribution system for consumption within the State.

(2) In addition to the uses to meet hardship and emergency requirements of wholesale purchaser-consumers and end users as provided in paragraph (a) of § 211.17, the state set-aside for gasoline may be utilized by a State Office to meet the supply needs of a gasoline retailer in cases where the retailer has demonstrated that it has experienced or will experience a gasoline supply emergency; provided that, prior to the sixteenth day of a particular month, a State Office shall not issue assignments to gasoline retailers the total volume of which exceeds fifty percent of the set-aside volume for that month.

(3) Assignments to meet hardships and emergency requirements of wholesale purchaser-consumers and end-users shall receive priority over any

assignments made to gasoline retailers pursuant to paragraph (a)(2) of this section.

(4) Within five (5) days of its application for assignment of gasoline under the state set-aside, a gasoline retailer shall submit to the State Office a written certification that it has experienced a gasoline supply emergency.

Appendix A [Amended]

2. Special Rule No. 8 of the Appendix to Subpart A, Part 211 is rescinded.

[FR Doc. 79-30859 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

10 CFR Part 212

Mandatory Petroleum Price Regulations; Final Rule to Extend Special Rule No. 2 to Part 212

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Amendment to Extend Special Rule No. 2 to Part 212.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is indefinitely extending Special Rule No. 2, which provides that a minimum purchase requirement for retail sales of gasoline does not constitute a violation of ERA's price regulations, so long as the Governor of a State specifies a minimum purchase requirement.

DATE: Effective date: October 1, 1979.

FOR FURTHER INFORMATION CONTACT:

William Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 634-2170.

Maurice Boehl (Regulations & Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-8034.

Sue D. Sheridan (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-8754.

SUPPLEMENTAL INFORMATION:

I. Background

II. Amendment Adopted

III. Procedural Requirements

- A. Section 404 of the DOE Act
- B. Section 7 of the FEA Act
- C. National Environmental Policy Act
- D. Section 501 of the DOE Act
- E. Executive Order 12044

I. Background

On June 19, 1979 we adopted a special rule (44 FR 36937, June 25, 1979) amending DOE's price regulations. This special rule was adopted to assure that

DOE's price regulations would not impose any barrier to State enactment of minimum purchase requirements relating to retail gasoline sales. The special rule provides that if a Governor of a State, acting under either State law or under any authority delegated to him under the Emergency Petroleum Allocation Act of 1973, as amended (EPAA) (Pub. L. 93-159), specifies a minimum purchase requirement stated in a dollar amount, it will not be a violation of DOE's price regulations for retail sales outlets to require all purchasers to pay that minimum amount, so long as the price of such gasoline does not exceed the dealer's maximum lawful price.

Since Special Rule No. 2 was adopted on an emergency basis pursuant to section 501(e) of the Department of Energy Organization Act (DOE Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95-91, DOE Act), opportunities for public participation were scheduled for the weeks following its adoption on June 19. Notice of a public hearing set for July 31 and a written comment period lasting through August 31 were published in the *Federal Register* of June 25, along with publication of the special rule. Although a lack of public interest resulted in cancellation of the scheduled hearing, we received a number of written comments regarding the special rule. All but one of these comments concerned the effect of minimum purchase requirements on the use of motorcycles, mopeds, and other vehicles with low gas tank capacity. These comments, however, misconstrued Special Rule No. 2, believing it to impose a minimum purchase obligation. So believing, the commenters generally requested an exemption from the minimum purchase requirement for motorcycles and other small fuel tank vehicles.

Special Rule No. 2, however, did not authorize or mandate minimum purchase plans. That authority derived from State law in most cases and in some cases Executive Order 12140. The purpose and effect of Special Rule No. 2 was technical in nature to assure that our price rules, adopted to restrain prices of gasoline generally, would not constitute a barrier to States wishing to exercise their authority to impose minimum purchase plans. Given the limited purpose of Special Rule No. 2, we do not believe it is appropriate for us to condition the exemption from the price regulations upon minimum purchase plans meeting certain DOE criteria such as exempting small tank vehicles. This would amount to a backhanded attempt by DOE to constrain governors in the exercise of

either State or Presidentially delegated authority.

One comment from a refiner requested guidance as to how monies received pursuant to Special Rule No. 2 should be treated for purposes of the "banking" and "equal application" provisions of our price regulations. These provisions relate to the pass-through of increased costs. Sums received by a retail sales outlet as a result of enforcing a State mandated minimum purchase plan, that is, sums reflecting payment for gasoline not actually received because the purchaser failed to purchase the required minimum, clearly are not related to increased costs incurred by the outlet or its firm. Nor are these sums reflected as a per gallon price. Accordingly, both the banking and equal application provisions of our price regulations do not apply to any such funds received.

While the gasoline supply situation has improved since the adoption of Special Rule No. 2, spot shortages remain a possibility. The effectiveness of minimum purchase requirements in conjunction with odd-even sales requirements has been demonstrated in dealing with such shortages and associated panic buying. Accordingly, in order to allow the Governors of the States the flexibility to continue to take action aimed at minimizing the adverse impacts of gasoline supply shortages, we are amending Special Rule No. 2 to extend its effectiveness.

II. Amendment Adopted

This amendment deletes section (3) of Special Rule No. 2 in the Appendix to 10 CFR Part 212, thereby extending the effectiveness of the rule indefinitely.

III. Procedural Requirements

A. Section 404 of the DOE Act—Pursuant to the requirements of Section 404(a) of the Department of Energy Act, we have referred this rule to the Federal Energy Regulatory Commission (FERC) for a determination whether the proposed rule would significantly affect any matter within the Commission's jurisdiction. Following an opportunity to review this rule, the FERC has declined to determine that it may significantly affect any of its functions.

B. Section 7 of the FEA Act—Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. § 787 *et seq.*, Pub. L. 93-275 as amended), the requirements of which remain in effect under section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a

period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment.

A copy of this rule was sent to the EPA Administrator. The EPA Administrator had no comments.

C. National Environmental Policy Act—It has been determined that this rule does not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, and therefore an environmental assessment or an environmental impact statement is not required by NEPA and the applicable DOE regulations for compliance with NEPA. Implementation of this special rule will neither increase nor decrease the currently available supply of gasoline. Neither will it alter the existing system of gasoline and supply allocations.

D. Section 501 of the DOE Act—Under section 501(c) of the DOE Act we are not bound by the prior notice and hearing requirements of subsections (b)–(d) with respect to a rule upon our determination that no substantial issue of fact or law exists and that the rule is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Where no such substantial issue or impact is foreseen, the proposed rule may be promulgated in accordance with section 553 of Title 5, United States Code.

The amendment of Special Rule No. 2 to extend its effective date raises no substantial issues of fact or law. Nor is the amendment likely to have a substantial impact on the Nation's economy, since it serves only to eliminate potential inconsistencies between DOE's price regulations and the minimum purchase rules established by Governors of the States under separate authority. For the same reason, the amendment to extend Special Rule No. 2 is not likely to have a substantial impact on large numbers of individuals or businesses. Therefore, the amendment shall be promulgated in accordance with section 553 of Title 5, United States Code.

E. Section 553 of the Administrative Procedure Act—Section 553(b) of the Administrative Procedure Act requires that general notice of a proposed rulemaking be published in the *Federal Register*, except when the agency for good cause finds that notice and public procedure thereon is impracticable, unnecessary, or contrary to the public

interest. We find that the notice and public procedures of sections 553(b) are unnecessary, since the purpose and effect of the amendment to extend Special Rule No. 2 is solely to eliminate potential conflict between DOE's price regulations and the minimum purchase plans adopted by State Governors under their independent authority. Public comment was sought and received after the adoption of Special Rule No. 2 and has been considered in deciding to extend this rule. We find that further comment is unnecessary.

Subsection (d)(1) of section 553 provides that the required publication of a rule be made at least 30 days before the effective date of the rule unless the rule relieves a restriction. Special Rule No. 2 relieves a price restriction and therefore fits the exemption in section 553(d)(1).

F. Executive Order 12044—Executive Order 12044 (43 FR 12661, March 23, 1978) requires the agencies subject to it to publish all proposed "significant" regulations for public comment for a minimum of 60 days. Section 2 (e) of the Executive Order directs the agencies to establish criteria to identify which regulations are significant. DOE's implementing procedures are contained in DOE Order 2030 (44 FR 1032, January 3, 1979). The DOE procedures define "insignificant" regulations as those which are not expected to effect important policy concerns or to engage much public interest.

The amendment to Special Rule No. 2 is designed solely to assure the State Governors' continued freedom to exercise their authority to establish minimum purchase requirements, by eliminating the possibility of conflict with DOE's price regulations. Moreover, the original adoption of Special Rule No. 2 did not engage much public interest. We find, therefore, that the proposed amendment extending the effective date of Special Rule No. 2 is not "significant" under the definition set forth in DOE's implementing procedures, and does not invoke the 60 day advance public comment requirement of Executive Order 12044.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 212 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., September 28, 1979.

David J. Bardin,
Administrator, Economic Regulatory
Administration.

Special Rule No. 2 to Part 212 is amended by deleting section 3.

[FR Doc 79-30834 Filed 10-4-79; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Reg. B; Docket No. R-0248]

Determination That New Jersey Statute Is Not Inconsistent With Equal Credit Opportunity Act

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Interpretation.

SUMMARY: In response to a request to determine whether a New Jersey law is inconsistent with the Equal Credit Opportunity Act and Regulation B and therefore preempted, the Board has decided that a law creating an absolute ban on marital status inquiries is not inconsistent with the ECOA and Regulation B.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Robert C. Plows, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3667).

SUPPLEMENTARY INFORMATION: Pursuant to its authority under § 705(f) of the Equal Credit Opportunity Act (15 U.S.C. 1691d(f)) to determine whether State laws are inconsistent with the ECOA and Regulation B, the Board issues the following interpretation, effective September 26, 1979.

§ 202.1104 State laws prohibiting marital status inquiries generally are not inconsistent with Equal Credit Opportunity Act.

The Board has been asked to determine whether a New Jersey statute that prohibits marital status inquiries in connection with a credit application is inconsistent with the Equal Credit Opportunity Act (15 U.S.C. 1691-1691(f)), as implemented by Regulation B (12 CFR Part 202), and therefore preempted. The issue is whether an absolute ban on marital status inquiries is inconsistent with that portion of § 202.5(d)(1) of

Regulation B that permits marital status inquiries.

The New Jersey statute * generally bars marital status inquiries in connection with all credit applications. On the other hand, § 202.5(d)(1) of Regulation B provides that a creditor may request an applicant's marital status when the applicant applies for credit with another person or relies on another person's income or assets or when the applicant seeks credit secured by collateral. For the reasons set forth below, the Board has determined that the New Jersey statute is not inconsistent with the ECOA.

A preemption determination requires a two-step analysis. First, the Board must determine whether the State law is inconsistent and, second, whether the State law is more protective of an applicant. If the Board determines that a State law is not inconsistent, however, then consideration of the "more protective" issue is not required.

In resolving the inconsistency issue, the first and key question is whether the New Jersey statute requires or permits a practice prohibited by the ECOA. If it does, then clearly it is inconsistent. But it does not. Indeed, the New Jersey statute does just the opposite; it prohibits a practice permitted by the ECOA.

Regulation B permits a creditor to ask about an applicant's marital status when the applicant applies for other than individual, unsecured credit. This regulatory provision implements a statutory determination that a marital status inquiry made for the purpose of ascertaining a creditor's rights and remedies does not represent marital status discrimination under the ECOA. Furthermore, the act and regulation permit creditors to consider State property laws affecting creditworthiness

even if those laws make distinctions based upon marital status.

The New Jersey statute under review clearly prevents a creditor from taking advantage of the ECOA and Regulation B provisions noted in the preceding paragraph. In that sense, it might be considered "inconsistent" with federal law. The purpose of the provisions in the ECOA and Regulation B that permit marital status inquiries in certain circumstances, however, is to accommodate State laws that may affect creditworthiness. Thus, in this case, if the New Jersey statute banning marital status inquiries precludes consideration of factors under other New Jersey laws that affect creditworthiness, the inconsistency, in the Board's opinion, is between the differing New Jersey laws, not between state and federal law.

The New Jersey legislature obviously has made a policy judgment that collection of information regarding an applicant's marital status for the purpose of determining a creditor's rights and remedies is not necessary. The ECOA leaves that judgment to state law. Therefore, the appropriateness of the New Jersey legislature's decision is not an issue in this matter. Since a New Jersey creditor can comply with the New Jersey statute without violating the ECOA, the Board believes that the laws are not inconsistent on the basic point of marital status discrimination.

Two remaining questions relevant to deciding whether the New Jersey statute is inconsistent are:

(1) Does the State law prevent a creditor from seeking information required for monitoring purposes under § 202.13 of Regulation B or under substitute monitoring programs imposed by the other federal enforcement agencies listed in § 704 of the ECOA?

(2) Does the State law prevent a creditor from making inquiries concerning information required for the establishment of special purpose credit programs under § 202.8 of Regulation B?

The answer to these two questions also is that it does not. The Board interprets the language in the last sentence of the New Jersey statute—"unless otherwise required by law or regulation to retain or use such information"—to provide specifically for compliance with these provisions of Regulation B.

Based on this analysis, the Board has determined that the New Jersey statute, along with other substantially similar State laws prohibiting marital status inquiries in connection with a credit application, are not inconsistent with the ECOA and Regulation B and therefore are not preempted if those laws permit marital status inquiries in

accordance with §§ 202.8 and 202.13 of Regulation B.

By order of the Board of Governors,
effective September 26, 1979.

Theodore E. Allison,
Secretary of the Board.

[FR Doc. 79-30743 Filed 10-3-79; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 742

Liquidity Reserves

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: On August 31, 1979, the National Credit Union Administration published a final rule requiring that certain credit unions maintain liquidity reserves. This document is a technical amendment correcting an omission in that rule.

EFFECTIVE DATE: October 31, 1979.

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

FOR FURTHER INFORMATION CONTACT: Robert M. Fenner, Assistant General Counsel, at the above address. Telephone: (202) 632-4870.

SUPPLEMENTARY INFORMATION: On August 31, 1979, the National Credit Union Administration issued a final rule requiring that certain credit unions maintain liquidity reserves. The rule, which takes effect on October 31, 1979, was published at 44 FR 51200 and is codified as 12 CFR Part 742—Liquidity Reserves. The rule requires that covered credit unions maintain reserves of liquid assets equalling, at a minimum, 5% of the total amount of the credit union's "liability base" (shares and notes payable, excluding certain non-volatile accounts). The reserves will be depletable as necessary to meet members' share withdrawal demands.

As explained in the supplementary information accompanying the published final rule, and as stated in § 742.1(a)—Scope and Purpose, the rule applies to all credit unions that are insured by the National Credit Union Share Insurance Fund ("insured credit unions") and either (i) have assets of \$2,000,000 or more, or (ii) operate a share draft or equivalent program. In the section of the rule that prescribes the minimum 5% liquidity level (Section 742.3(a)), however, reference to credit unions that operate share draft programs was inadvertently omitted.

*New Jersey Stat. Annot. 10:15-12(i)(2) provides (emphasis added):

It shall be . . . an unlawful discrimination:
i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution, lender or credit institution to whom application is made for any loan or extension of credit including but not limited to an application for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(2) to use any form of application for such loan, extension of credit or financial assistance or to make any record or inquiry in connection with applications for any such loan, extension of credit or financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, sex or nationality or any intent to make any such limitation, specification or discrimination; unless otherwise required by law or regulation to retain or use such information.

Thus, reading that section alone, it is not clear that the rule applies to insured credit unions that, although having less than \$2,000,000 in assets, operate share draft or equivalent programs. (There are some 160 such credit unions. The rule is applied to these credit unions concurrent with the repeal of an existing, more complex NCUA rule requiring liquidity reserves solely against share draft accounts.) To correct this error, the NCUA Board has revised § 742.3(a) to simply specify that "each insured credit union that is subject to [Part 742]" must maintain the minimum 5% liquidity reserve. The revised language of § 742.3(a) is set forth below.

The revision is effective October 31, 1979, to coincide with the effective date of the entire rule. The revision is issued without notice and comment pursuant to 5 U.S.C. 552(b) inasmuch as it is merely a clarification, and notice and comment are thus unnecessary. Further, the delay caused by notice and comment would be contrary to the public interest. For the same reasons, the procedures outlined in NCUA's *Final Report on Improving Government Regulations* have not been followed in connection with this revision. The official responsible for that decision is Robert M. Fenner, Assistant General Counsel.

Rosemary Brady,
Secretary, NCUA Board.
September 28, 1979.

(12 U.S.C. 1762(b), 12 U.S.C. 1766(a), 12 U.S.C. 1781(b)(6), 12 U.S.C. 1789(a)(11).)

Accordingly, 12 CFR 742.3(a) is revised to read as follows:

§ 742.3 Liquidity reserves.

(a) Each insured credit union that is subject to this Part shall maintain a reserve of liquid assets ("liquidity reserve") the amount of which shall equal, at a minimum, 5% of the total dollar amount of the credit union's liability base.

[FR Doc. 79-30740 Filed 10-3-79; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-NW-17-AD; Amdt. No. 39-3583]

Airworthiness Directives; Boeing 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires rework, replacement and modifications of certain fuel system components installed in the Boeing Model 747 airplane fuel system to improve the lightning protection design of those components. The AD is prompted by certain investigative findings and hypothetical sequence of events leading to the Boeing 747 wing failure near Madrid, Spain, reported in the National Transportation Safety Board Special Investigation Report NTSB-AAR-78-12.

DATES: Effective date: October 15, 1979. Compliance Schedule: As indicated in text of the AD.

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

FOR FURTHER INFORMATION CONTACT: Mr. Thomas F. Curran, Propulsion Section, ANW-214, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2529.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the *Federal Register* on June 21, 1979 (44 FR 36196) stating the FAA's intent to issue an AD requiring improvements to the Boeing Model 747 fuel system lightning protection design. The proposed action was based on the following circumstances. The National Transportation Safety Board (NTSB) Special Investigation Report, NTSB-AAR-78-12, involving an investigation of a wing failure on a Boeing Model 747 established factually that a lightning strike to the airplane and an explosion in the No. 1 (left wing) fuel tank occurred within one minute prior to wing failure. The Board did not establish the cause of the wing failure but presented three hypotheses of initial and subsequent sequence of events. Of the three, only failure caused by internal overpressure is related to the evidence that confirms combustion and pressure existed before and after separation of the aft outboard corner of the No. 1 main fuel tank upper skin.

In this regard, the Board's conclusions are that the most probable sequence of events leading to the wing failure began with ignition of fuel vapors in the No. 1 fuel tank. No evidence was found that provides conclusive identity of the ignition source. However, the results of

the Board's investigation do provide, conclusively, that certain components did not or were incapable of causing ignition by generating an electrical spark as the result of a lightning strike. Additional tests (not reported in NTSB-AAR-78-12) were conducted by the manufacturer on those components which are listed as potential sources of ignition. The results of these additional tests also provided conclusively that these suspect components were not the ignition source and thereby, essentially, eliminated all fuel system components which were available to the Board and Wing Study Group to examine as sources of ignition.

Modifications under development at the time of the accident and others that have subsequently been developed which are intended to improve the lightning protection for the Model 747 airplane fuel system have been incorporated into service bulletins by the manufacturer. The only corrective action known at this time would be precautionary and is to require incorporation of these lightning protection design improvements developed by the manufacturer.

The notice invited comments from interested persons on the required modifications. Four persons commented, including the manufacturer, and no objections to the issuance of the AD were received. However, each commentator proposed a later termination or completion date for compliance due to nonavailability of parts and scheduling of each airplane through a maintenance facility capable of completing those modifications which require fuel tank entry. The parts required for compliance with Service Bulletin 747-28-2069 will not be available, in adequate quantities to prevent delays in compliance, until May of 1980. The compliance times have been adjusted accordingly. This adjustment will also provide ample time for scheduling each airplane through a maintenance facility for accomplishment of the modifications which require fuel tank entry. Further, based on the results of additional testing since issuance of the NPRM, the manufacturer has proven that the jettison valve rework described in ITT Service Bulletin 125423-28-02 Revision 1, dated October 1, 1978, is unnecessary provided the improved bonding of the fuel jettison system described in Boeing Service Bulletin 747-28-2068 is accomplished. Since the AD specifically requires compliance with Boeing Service Bulletin 747-28-2068, compliance with the ITT service bulletin is not required. The remaining comments suggested corrections to the

Summary and Supplementary Information to reflect the exact position and findings of the NTSB with regard to the Model 747 fuel system lightning protection. FAA agrees that the NPRM implied that a reassessment of the NTSB report produced a factual finding of a deficiency in the Model 747 lightning protection design. This was not intended and the Summary and Supplementary Information have been revised to reflect the current status of the total investigative effort and the reasons for the action being taken by the FAA.

Since this condition is likely to exist or develop in other airplanes of this same design, an Airworthiness Directive is being issued to require modifications to certain fuel system components which will improve the lightning protection of these components.

Adoption of the Amendment

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

Boeing: Applies to Boeing Model 747 series airplanes certificated in all categories. Compliance required as indicated. To improve the lightning protection design of the fuel system, accomplish the following: Within 5000 hours time in service or fifteen calendar months from the effective date, whichever occurs first, modify the fuel systems as follows, unless already accomplished or an equivalent modification was incorporated during production:

A. Rework the outboard wing fuel system components in accordance with Boeing Service Bulletin 747-28-2068, Revision 3, dated September 28, 1979, or later FAA-approved revisions.

B. Install wiring shrouds and a relay circuit for the fuel quantity system in accordance with Boeing Service Bulletin 747-28-2069 dated June 1, 1979, Revision 1 dated October 5, 1979, or later FAA-approved revisions.

C. Replace the nonmetallic fuel tank and dry bay access doors in accordance with Boeing Service Bulletin 747-57-2035 dated December 18, 1970, and 747-28-2084 Revision 1, dated June 8, 1979, or later FAA-approved revisions.

Equivalent modifications may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing

Commerical Airplane Company, Post Office Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective October 15, 1979.

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

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

Issued in Seattle, Washington, on September 24, 1979.

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

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 79-30575 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-NE-10; Amdt. 39-3582]

Airworthiness Directives; Sikorsky S-76A Series Helicopters Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On August 17, 1979, a telegraphic Airworthiness Directive (AD), Docket No. 79-NE-10, was issued requiring initial and recurrent inspections to detect structural cracking, and installation of a vertical stabilizer spar reinforcement kit on Sikorsky model S-76A helicopters. This action was required as a result of structural cracking found in areas of the forward and aft spar assemblies of the vertical stabilizer, and the horizontal stabilizer support structure, and the aft tail cone.

This amendment revises that AD in accordance with recently developed information and engineering data.

DATES: Effective—October 4, 1979. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable drawings and service bulletins may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602.

A copy of each of the drawings and the service bulletins is contained in the

Rules Docket, at the FAA New England Region Headquarters, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

Stephen J. Soltis, Airframe Section, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7336.

SUPPLEMENTARY INFORMATION: On August 17, 1979, a telegraphic AD, Docket No. 79-NE-10, was adopted and made effective immediately to all known United States operators of the Sikorsky S-76A helicopters. That AD required initial and repetitive inspections for cracks of the vertical stabilizer forward and aft spar assemblies, the stabilizer support fitting structure, and the aft tail cone structure. Additionally, it required installation of a modification kit spar reinforcement, 76080-20042, Revision A. It also required replacement and/or repair of these components prior to further flight, if cracks were found.

The telegraphic AD was necessary because of structural cracking found in areas of the forward and aft spar assemblies of the vertical stabilizer, the horizontal stabilizer support structure, and the aft tail cone. Corrective action was required to preclude potential structural failure of these components.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately to all known United States operators of Sikorsky model S-76A helicopters by individual telegrams dated August 17, 1979.

After issuing the telegraphic AD and prior to publication of the AD in the Federal Register the FAA has determined, based on recently completed engineering analysis and flight testing, that the repetitive fluorescent penetrant inspection interval required for the vertical stabilizer aft spar area can be extended. This change is incorporated into this AD.

A request has been received from the manufacturer to include the inspection and replacement requirements of Sikorsky Service Bulletin No. 76-55-4, dated September 18, 1979, as part of this AD. The above referenced service bulletin pertains to inspection and replacement of the horizontal stabilizer fitting attachment bolts, nuts, and washers and is effective for Serial Nos. 76005 through 76007 and 760001 through 760024. Sufficient cause exists to

incorporate the service bulletin into this AD.

Also, a service bulletin which details the flexible coupling inspections required in the telegraphic AD has been written by the manufacturer, and it is incorporated into this AD. This adds no additional burden since the telegraphic AD and the incorporated service bulletin inspection requirements yield identical results.

Comments received from operators pertaining to the added modification kits and the subsequent effectivity of the telegraphic AD have shown that the wording of the preamble is unclear. The original and present intent of this AD is that it is applicable to all operators of the Sikorsky model S-76A helicopters certificated in all categories regardless of structural configuration. Installation of the referenced modification kits does not in any way eliminate the requirement to comply with all aspects of this AD.

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

Adoption of the Amendment

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an AD was adopted on August 17, 1979, (Docket No. 79-NE-10) and made effective immediately by telegram to all known United States operators of Sikorsky model S-76A helicopters. These conditions still exist, and the AD as revised herein is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13):

Sikorsky Aircraft. Applies to S-76A series helicopters certificated in all categories. Compliance required as indicated.

To preclude the possibility of structural failure of the vertical stabilizer, the horizontal stabilizer support structure or the aft tail cone accomplish the following:

1. Forward Spar Area.

I. For aircraft with more than 15 hours time in service, compliance required within the next 7 hours time in service after the effective date of this AD, unless already accomplished within the last 8 hours time in service, and thereafter at intervals not to exceed 15 hours time in service from the last inspection.

A. Visually inspect for cracks using a flashlight and mirror:

(1) The vertical stabilizer forward spar cap angles, P/Ns 76201-05001-103 and -104, modification kit spar reinforcement, P/N 76080-20042, if installed, and fuselage canted bulkhead web, P/N 76201-04009, between the upper and lower shear decks.

(2) The vertical stabilizer forward spar cap angles and spar web below the horizontal centerline of the tail rotor drive shaft cutout.

B. If cracks are found in the spar caps or modification kit spar reinforcement, replace the cracked components prior to further flight with new components in accordance with Sikorsky Drawing 76201-05001, Revision C, and install reinforcement kit 76080-20042, Revision A, if not already installed.

C. If cracks are found in the fuselage canted bulkhead web or forward spar web, repair in accordance with paragraph 7 of this AD.

2. Aft Spar Area.

I. For aircraft with more than 500 hours time in service, compliance required within the next 7 hours time in service after the effective date of this AD, unless already accomplished within the last 493 hours time in service, and thereafter at intervals not to exceed 500 hours time in service from the last inspection.

A. Remove the horizontal stabilizer support fittings, P/N 76209-04001-106, and inspect for cracks in accordance with the following:

(1) Visually inspect for cracks the vertical stabilizer aft spar cap angles and web, P/Ns 76201-05002-114, -115, -101, and -105; modification kit spar reinforcement, P/N 76080-20042, if installed; fuselage bulkhead web, P/N 76201-04010; shear deck web, P/N 76202-04002; and vertical stabilizer skin, P/N 76201-05002, in the area within 8 inches above the horizontal centerline of the tail rotor drive shaft cutout and 3 inches below the 76209-04001-106 lower attachment bolts.

(2) Inspect for cracks all accessible areas of the vertical stabilizer aft spar cap angles in the area within 8 inches above the horizontal centerline of the tail rotor drive shaft cutout and 3 inches below the 76209-04001-106 lower attachment bolts, using fluorescent penetrant inspection method per MIL-I-6866B or, if not available, use a dye penetrant method and 10 power magnifying glass.

Note.—During the inspection performed in accordance with this paragraph, particular attention should be directed to the areas around the four horizontal stabilizer fitting attachment bolt holes.

II. For aircraft with more than 15 hours time in service, compliance required within the next 7 hours time in service after the effective date of this AD, unless already accomplished within the last 8 hours time in service, and thereafter at intervals not to exceed 15 hours time in service from the last inspection.

Visually inspect for cracks the vertical stabilizer aft spar cap angles and web, modification kit spar reinforcement, if installed, fuselage bulkhead web, shear deck web, and vertical stabilizer skin, in the area within 8 inches above the horizontal centerline of the tail rotor drive shaft cutout and 3 inches below the 76209-04001-106 lower attachment bolts.

III. For aircraft with more than 30 hours time in service, compliance required within the next 7 hours time in service after the effective date of this AD, unless already accomplished within the last 23 hours time in service, and thereafter at intervals not to exceed 30 hours time in service from the last inspection.

Inspect for cracks, using a dye penetrant method and 10 power magnifying glass, all

accessible areas of the vertical stabilizer aft spar cap angles in the area within 8 inches above the horizontal centerline of the tail rotor drive shaft cutout and 3 inches below the 76209-04001-106 lower attachment bolts.

Note.—During the inspection performed in accordance with this paragraph, particular attention should be directed to the areas adjacent to the four horizontal stabilizer fitting attachment bolt holes.

IV. If cracks are found in the vertical stabilizer spar caps or modification kit spar reinforcement during the inspections performed in accordance with paragraphs I, II, and III above, replace the cracked components prior to further flight with new components in accordance with Sikorsky Drawing 76201-05002, Revision D, and install reinforcement kit 76080-20042, Revision A, if not already installed.

V. If cracks are found in the fuselage bulkhead web, aft spar web, shear deck web, or the vertical stabilizer skin, repair in accordance with paragraph 7 of this AD.

3. Stabilizer Support Fitting Clamps.

I. For aircraft with more than 15 hours time in service, compliance required within the next 7 hours time in service after the effective date of this AD, unless already accomplished within the last 8 hours time in service, and thereafter at intervals not to exceed 15 hours time in service from the last inspection.

A. Visually inspect for cracks the horizontal stabilizer support fitting spar clamps, P/Ns 76209-04001-107 and -108, as modified by 76080-20041, using a mirror and flashlight.

Note.—During the inspection performed in accordance with this paragraph, particular attention should be directed to the areas around the attachment bolt holes.

B. If a crack is found, replace the clamp prior to further flight with a new component in accordance with Sikorsky Drawing 76209-04001, Revision H, as modified by 76080-20041, Revision B, and 76000-06000, Revision B, including Engineering Order Nos. 78611 and 78658.

C. Retorque the horizontal stabilizer support fitting spar clamp attachment nuts as follows:

(1) Torque to 90-100 inch-lbs if aft tail cone mod kit 76080-20041, Revision B, is not installed.

(2) Torque to 215-225 inch-lbs if aft tail cone mod kit 76080-20041, Revision B, is installed.

4. Aft Tail Cone Structure.

I. For aircraft with more than 15 hours time in service, compliance required within the next 7 hours time in service after the effective date of this AD, unless already accomplished within the last 8 hours time in service, and thereafter at intervals not to exceed 15 hours time in service from the last inspection.

A. Visually inspect for cracks, using a flashlight and mirror, all surfaces of the 76209-04001-106, horizontal stabilizer machined support fitting, the 76080-20041, aft tail cone modification kit, and the 76209-04002-105, intermediate gearbox support fitting. Also inspect for loose or missing HI-LOK fasteners.

Note.—During the inspections performed in accordance with this paragraph, particular

attention should be directed to the areas around HI-LOK fasteners and bolts.

B. If cracks are found, replace the cracked components prior to further flight with new components in accordance with Sikorsky Drawings 76000-06000, Revision B, including Engineering Order Nos. 78611 and 78658; 76209-04001, Revision H; and 76209-04002, Revision E.

C. Replace loose or missing HI-LOK fasteners.

II. For aircraft with more than 50 hours time in service, compliance required with the next 7 hours time in service after the effective date of this AD, unless already accomplished within the last 43 hours time in service, and thereafter at intervals not to exceed 50 hours time in service from the last inspection.

A. Visually inspect for cracks, using a flashlight and mirror, the horizontal stabilizer support structure bathtub fittings, 76202-04011-111, -114, -116, and -117, and surrounding structure.

B. If cracks are found in a bathtub fitting, replace the bathtub fitting prior to further flight with a new component in accordance with Sikorsky Drawing 76202-04011, Revision D.

C. If cracks are found in the surrounding structure, repair in accordance with paragraph 7 of this AD.

III. Effective for Serial Nos. 76005 through 76007 and 76001 through 76004, compliance required within the next 15 hours time in service after the effective date of this AD, unless already accomplished, and thereafter whenever the 76209-04001-106 horizontal stabilizer support fitting is removed from the helicopter for the required inspections described in other sections of this AD and/or other maintenance actions.

Inspect for thread protrusion and correct the bolt installation as required; and replace the bolts, nuts, and washers which mate the 76209-04001-106 horizontal stabilizer support fitting and the aft tail cone structure, in accordance with Sikorsky Service Bulletin 76-55-4, dated September 18, 1979, paragraphs 2A and 2B.

5. Modification Kit Spar Reinforcement, 76080-20042, Revision A.

I. Compliance required within the next 30 hours time in service after the effective date of this AD. Unless previously accomplished, install the 76080-20042, Revision A, vertical stabilizer spar reinforcement kit.

6. Flexible Coupling Inspection.

After any repairs required by the AD, and/or installation of 76080-20042, Revision A, vertical stabilizer spar reinforcement kit, inspect the flexible coupling, P/N 76361-04008-101, at the output side of the intermediate gearbox for misalignment in accordance with Sikorsky Service Bulletin No. 76-66-3, dated September 4, 1979, paragraph 2B steps 1 through 4 utilizing the fixture described in paragraph 2A or a FAA approved equivalent.

7. Prior to further flight, repair cracks found as a result of this AD with a method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7336.

8. Report in writing any discrepancies found during the inspections required herein to Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Each report must include the length and location of the cracks and aircraft total time in service. Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.

Equivalent inspections and replacements must be approved by the Chief, Engineering and Manufacturing Branch, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Note.—Sikorsky References noted herein pertain to this AD.

A. Telex CST-X-79-081, dated June 28, 1979.

B. Service Bulletin No. 76-55-1A, dated July 5, 1979.

C. S-76 Maintenance Manual, SA 4047-76-2, Chapter 4, Temporary Revision 4-4.

D. Service Bulletin No. 76-66-3, dated September 4, 1979.

E. Service Bulletin No. 76-55-4, dated September 18, 1979.

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

Note.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11321, as amended by Executive Order 11949, and OMB Circular A-107.

The manufacturer's drawings and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at the FAA, New England Region Headquarters, Burlington, Massachusetts.

Note.—The Federal Aviation Administration has determined that this action is an emergency nonsignificant regulation under Executive Order 12044 as implemented by Department of Transportation Policies and Procedures (44 FR 11034, February 26, 1979). The action is therefore excepted from the requirements for an evaluation.

Issued in Burlington, Mass., on September 21, 1979.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 79-30680 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 79-CE-22]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Designation of Transition Area—Tekamah, Nebr.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Tekamah, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Tekamah, Nebraska Airport utilizing a VOR being installed on the airport by the City as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: November 29, 1979.

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

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Tekamah, Nebraska Airport is being established utilizing a VOR being installed on the airport by the City as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the designation of a transition area at Tekamah, Nebraska, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 44548 and 44549 of the Federal Register dated July 30, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations, so as to designate a

transition area at Tekamah, Nebraska. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442), is amended effective 0901 GMT November 29, 1979, by adding the following new transition area:

Tekamah, Nebr.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Tekamah Airport (latitude 41°45'50" N, longitude 96°10'38" W) and within 3 miles each side of the 135°T bearing from the Tekamah VOR (latitude 41°45'35" N, longitude 96°10'42" W) extending from the 5 mile radius area to 8½ miles southeast of the VOR.

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

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on September 21, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-30570 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SO-45]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Extension of Victor Airway, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends V-259 from Fort Mill, S.C., to Grand Strand, S.C. Aircraft are normally routed along this route to avoid traffic in the Florence, S.C., area and the Gamecock Military Operations Area (MOA). This amendment reduces controller workload and aids flight planning.

EFFECTIVE DATE: November 29, 1979.

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

SUPPLEMENTARY INFORMATION: On July 23, 1979, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend V-259 from Fort Mill, S.C., to Grand Strand, S.C., (44 FR 43003). This airway extension benefits Florence and Myrtle Beach terminal areas by designating V-259 in an area where aircraft are normally vectored to avoid terminal traffic. This action reduces controller workload, aids flight planning and improves traffic flow. Interested persons were invited to participate in the rule making proceeding by submitting written comments on the proposal to the FAA. No comments were received objecting to the proposal. This amendment is the same as that proposed in the notice. Section 71.123 was republished in the *Federal Register* on January 2, 1979, (44 FR 307).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations extends V-259 from Fort Mill, S.C., to Grand Strand, S.C., via Chesterfield, S.C., and Florence, S.C. This action will improve traffic flow in the Florence and Myrtle Beach, S.C., areas, reduce controller workload and aid flight planning. This airway extension also provides routing to avoid the Gamecock Military Operations Area (MOA).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) is amended, effective 0901 GMT, November 29, 1979, as follows:

V-259 is amended to read as follows:

V-259
From Grand Strand, S.C., via Florence, S.C.;
Chesterfield, S.C.; Fort Mill, S.C.; to
Holston Mountain, Tenn.

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

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

for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 26, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 79-30577 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-WE-2]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of VOR Federal Airway; California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a new VOR Federal Airway V-363, from Pomona, Calif., to Mission Bay, Calif. This segment is the preferential route between Los Angeles, Calif., and San Diego, Calif., areas. Designation of this airway reduces controller workload.

EFFECTIVE DATE: November 29, 1979.

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

SUPPLEMENTARY INFORMATION: On July 19, 1979, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate new VOR federal airway V-363 between Mission Bay, Calif., and Pomona, Calif., via Oceanside, Calif. (44 FR 42221). This action designates an airway along a route aircraft are normally vectored and then routed in order to improve traffic flow in the Pomona and Mission Bay areas, thereby reducing controller workload and aiding flight planning. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.123 was republished in the *Federal Register* on January 2, 1979, (44 FR 307).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR

Part 71) designates new VOR federal airway V-363 from Mission Bay, Calif., to Pomona, Calif., via Oceanside, Calif., and Cardiff Intersection. This airway is the preferential routing between Los Angeles, Calif., and San Diego terminal areas. This action improves traffic flow, reduces controller workload and reduces congestion in the terminal areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) is amended as follows:

Under § 71.123

"V-363 from Mission Bay, Calif., via Oceanside, Calif.; INT Oceanside 316° and Pomona, Calif., 179° radials; to Pomona." is added.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 26, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc 79-30576 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR PART 71

[Airspace Docket Number 79-CE-12]

Designation of Transition Area; Maryville, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amendment to final rule.

SUMMARY: This action amends a final rule issued on August 2, 1979, FR Doc. 79-24755, appearing on page 47324 in the Federal Register issue of August 13, 1979. Subsequent to the issuance of this final rule, additional information disclosed another airport in the confines of the Maryville, Missouri transition area. Action is taken herein to exclude that airspace within a 1.25 mile radius of Rankin Airport, Maryville, Missouri.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Subsequent to the issuance of this final rule, additional information disclosed another airport within the confines of the Maryville, Missouri transition area. Action is taken herein to exclude that airspace within a 1.25 mile radius of Rankin Airport, Maryville, Missouri.

Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after the date of publication in the Federal Register.

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

Maryville, Missouri

That airspace extending upwards from 700 feet above the surface, within a 5-mile radius of the Maryville Memorial Airport (latitude 40°21'00" N., longitude 94°54'45" W.). Excluding that airspace within a 1.25 mile radius of Rankin Airport (latitude 40°20'00" N.; longitude 94°50'00" W.).

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

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on September 26, 1979.

Charles A. Whitfield,

Acting Director, Central Region.

[FR Doc. 79-30681 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 79-CE-20]

Designation of Transition Area; Ava, Missouri

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Ava, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Bill Martin Memorial Airport, Ava, Missouri, utilizing the Dogwood, Missouri VORTAC as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Bill Martin Memorial Airport, Ava, Missouri, is being established utilizing the Dogwood, Missouri VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the designation of a transition area at Ava, Missouri at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 44547 and 44548 of the Federal Register dated July 30, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ava, Missouri. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14

CFR 71.181) as republished on January 2, 1979, (44 FR 442), is amended effective 0901 G.M.T. November 29, 1979, by adding the following new transition area:

Ava, Missouri

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bill Martin Memorial Airport (latitude 36°58'19" N., longitude 92°40'52" W.), and within 2 miles each side of the 107° radial of the Dogwood, Missouri VORTAC, extending from the VORTAC to the 5-mile radius area, and within 2.5 miles each side of the 133° bearing from the airport extending from the 5-mile radius area to 6 miles Southeast.

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

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on September 26, 1979.

Charles A. Whitfield,

Acting Director, Central Region.

[FR Doc. 79-30682 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SW-18]

Alteration of Victor Airways; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the Federal Register on September 17, 1979, VOL-44, page 53737 redesignating Alternate Airway V-163W between Brownsville, Tex., and Corpus Christi, Tex., as V-70, the route width reduction was inadvertently omitted. This action corrects that error thereby conforming to the original description of that segment of the airway.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION: FR Doc. 79-28616 was published on September 17, 1979, (44 FR 53737) that redesignated V-163W as V-70 between Brownsville, Tex., and Corpus Christi, Tex., because some foreign pilots misunderstood the clearance to proceed via V-163W and proceeded via V-163. Inadvertently, the route width reduction was omitted from the description of V-70 and action is taken herein to correct that omission. Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was published in the Federal Register on January 2, 1979, (44 FR 307). Since this correction is a minor matter upon which the public would have no particular desire to comment, I find therefore, notice and public procedure thereon are unnecessary.

Adoption of the Amendment

FR Doc. 79-28616 as published in the Federal Register on September 17, 1979, page 53737 under V-70, between "and Corpus Christi, Tex., 193° radials;" and "Corpus Christi," add: "34 miles standard width, 37 miles 7 miles wide (4 miles E and 3 miles W of centerline)," (Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note: The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 27, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-30684 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-NW-4]

Alteration of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends VOR Federal Airways V-269, V-330, V-357 and V-497 via a new air navigation aid located near Burns, Oregon, and

named Wildhorse. The designation of new airway segments to Wildhorse reduces the flight planning, communications and coordination time required to use the present off airway routes in and out of southeast Oregon.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

History

On August 6, 1979, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend several airways to a new air navigation aid near Burns, Oregon, named Wildhorse, (44 FR 45961). These new airway segments help to provide air traffic control services to users in southeast Oregon.

Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. Two of the three comments received expressed no objection. The U.S. Air Force Military Representative expressed concern that airways penetrating the Juniper Military Operations Area (MOA) near Burns, Oregon, may have a negative effect on flight training within that area. Based on its review the FAA agrees and the action taken herein eliminates the airways within the MOA during the time that the MOA is in use for military training. With the exception of eliminating V-269 and V-357 from the Juniper MOA, this amendment is the same as proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in the Federal Register on January 2, 1979, (44 FR 307).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates airway segments as follows:

1. V-269 from Salmon, Idaho; via McCall, Idaho; Wildhorse, Oregon; to Redmond, Oregon.
2. V-330 from Wildhorse via Boise, Idaho, to the ALKAL intersection.
3. V-357 from Lakeview, Oregon, via Wildhorse to Baker, Oregon.
4. V-497 from Rome, Oregon, via Wildhorse to Kimberly, Oregon.

Designation of these routes as airways provides air traffic control services in an area of the State of

Oregon that did not previously have this service. The time needed for flight planning, communication, and coordination is reduced.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) is amended, effective 0901 G.M.T., November 29, 1979, as follows:

Under V-269 "to Salmon, Idaho." is deleted and "Salmon, Idaho; McCall, Idaho; Wildhorse, Oreg.; to Redmond, Oreg." is substituted therefor.

"The airspace 11,000 feet MSL and above is excluded from 42 miles to 68 miles northwest of Wildhorse from 0600 to 2400 hours local time, and other times that the Juniper Military Operations Area (MOA) is activated by NOTAM." is added.

Under V-330 "From" is deleted and "From Wildhorse, Oreg., via Boise, Idaho," is substituted therefor.

Under V-357 "From Baker, Oreg., via" is deleted and "From Lakeview, Oreg., via Wildhorse, Oreg.; Baker, Oreg.;" is substituted therefor.

"The airspace 11,000 feet MSL and above is excluded from 31 miles to 82 miles southwest of Wildhorse from 0600 to 2400 hours local time, and other times that the Juniper Military Operations Area (MOA) is activated by NOTAM." is added.

Under V-497 "From" is deleted and "From Rome, Oreg., via Wildhorse, Oreg.;" is substituted therefor.

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

Note: The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 28, 1979.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-30678 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 78-PC-2]

Rescission of Hawaiian Reporting Points and Airway Segments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment rescinds the LOBBS and RISES reporting points and seven airway segments that are no longer required in the Hawaiian airspace system. This action reduces chart clutter and possible confusion in flight planning.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

History

On July 26, 1979, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to rescind two reporting points and segments of V-1, V-2, V-4, V-6, V-7, V-16, V-19 and V-24 airways (44 FR 43740). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objection. A recommendation to retain V-7 airway between Kona and Lanai because of its low minimum altitude was received. The FAA concurs with the recommendation therefore this amendment does not change V-7 airway. Section 71.127 and § 71.215 of Part 71 of the Federal Aviation Regulations were republished in the *Federal Register* on January 2, 1979 (44 FR 343, 653). With the exception of omitting the change to V-7 airway, this amendment is the same as proposed in the notice.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations rescinds the LOBBS and RISES reporting points and the following airway segments:

1. All of V-1. This airway presently extends from the PARIS INT to Hilo.
2. The V-2 south alternate. This airway extends from Honolulu via the Peble INT to Lanai. (R-3104 is subdivided into A, B and C areas.)
3. The V-4 segment from Koko Head to the RISES reporting point.
4. The V-6 segment from Maui to Hilo.

5. The V-16 segment from Arbor INT to Romie INT.

6. All of V-19. This airway presently extends from Hilo to an INT near the LOBBS INT.

7. The V-24 segment from Maui to the LOBBS INT.

This action reduces chart clutter and confusion in flight planning.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.127 and § 71.215 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 343, 653) were amended, effective 0901 G.M.T., November 29, 1979, as follows:

In § 71.127:

- a. V-1, title and text is deleted.
- b. Under V-2 "Hawaii, including a south alternate;" is deleted and "Hawaii;" is substituted therefor. Also "R-3104" is deleted and "R-3104A, R-3104B and R-3104C" is substituted therefor.
- c. Under V-4 all after "254° radials," is deleted and "Koko Head," is substituted therefor.
- d. Under V-6 all after "331° radials," is deleted and "to Maui," is substituted therefor.
- e. Under V-16 "013° radials;" is deleted and "336° radials;" is substituted therefor.
- f. V-19, title and text is deleted.
- g. Under V-24 the text is amended to read "From Lanai to Maui."

In § 71.215:

- a. LOBBS: title and text is deleted.
 - b. RISES: title and text is deleted.
- (Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 27, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 79-30687 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 79-WE-8]

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments divide the Tracy, Calif., restricted area R-2531 into areas A and B (above and below 3,000 feet MSL) without changing lateral dimensions, changes the name of the using agency to reflect the new name of the agency that uses the areas, adds a controlling agency and amends airway V-244 to exclude the new areas. This action permits additional use of the airspace by the public.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION: On August 2, 1979, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to divide the Tracy, Calif., restricted area into upper and lower areas, designate the new areas as joint use areas and amend an airway description to eliminate the part of the airway that would overlap the restricted areas (44 FR 45413). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objection. Section 71.123 of Part 71 and § 73.25 of Part 73 were republished on January 2, 1979 (44 FR 307, 675). These amendments are the same as proposed in the notice.

The Rule

These amendments to Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) divide R-2531 into upper and lower areas, thereby permitting use of the upper area by the public when the lower area is in use by the using agency. They provide for joint use of the airspace by designating the

FAA Oakland ARTC Center as the controlling agency and changing V-244 airway to exclude both the A and B areas. R-2531 is rescinded, however, the lateral dimensions of R-2531A and R-2531B are identical to the previous dimensions of R-2531.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me by the Administrator, Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (44 FR 307 and 675) are amended, effective 0901 g.m.t., November 29, 1979, as follows:

In § 71.123, under V-244 "R-2531 is excluded." is deleted and "R-2531A and R-2531B is excluded." is substituted therefor.

In § 73.25, "R-2531 Tracy, Calif." title and text are deleted.

R-2531A Tracy, Calif.

Boundaries. Beginning at Lat. 37°40'34"N., Long. 121°33'42"W.; to Lat. 37°40'45"N., Long. 121°31'29"W.; to Lat. 37°39'28"N., Long. 121°30'28"W.; to Lat. 37°38'50"N., Long. 121°31'05"W.; to Lat. 37°39'03"N., Long. 121°34'03"W.; thence to the point of beginning.

Designated altitudes. Surface to but not including 3,000 feet MSL.

Time of designation. 1000 to 1800 local time, Monday through Friday.

Controlling agency. Federal Aviation Administration, Oakland ARTC Center.

Using agency. United States Energy Research and Development Administration, San Francisco Operations Office, is added.

R-2531B Tracy, Calif.

Boundaries. Beginning at Lat. 37°40'34"N., Long. 121°33'42"W.; to Lat. 37°40'45"N., Long. 121°31'29"W.; to Lat. 37°39'28"N., Long. 121°30'28"W.; to Lat. 37°38'50"N., Long. 121°31'05"W.; to Lat. 37°39'03"N., Long. 121°34'03"W.; thence to the point of beginning.

Designated altitudes. 3,000 feet MSL to and including 4,000 feet MSL.

Time of designation. 1000 to 1800 local time, Monday through Friday.

Controlling agency. Federal Aviation Administration, Oakland ARTC Center.

Using agency. United States Energy Research and Development Administration, San Francisco Operations Office, is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 8(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note: The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this

action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 27, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 79-30689 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 79-EA-30]

Special Use Airspace; Alteration of Restricted Areas; New Jersey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the time of designation of Warren Grove, N.J., restricted areas R-5002A, R-5002B, R-5002C, R-5002D and R-5002E to permit additional time needed for military training by the U.S. Air Force Sunday, Monday and from sunset to sunrise provided advance Notices to Airmen (NOTAMs) are given.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

History

On August 9, 1979, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to extend the time of designation of the Warren Grove, N.J., restricted areas R-5002A, R-5002B, R-5002C, R-5002D and R-5002E (44 FR 46856). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objection. Section 73.50 of Part 73 was republished in the Federal Register on January 2, 1979, (44 FR 702) and amended (44 FR 34112). This amendment is the same as proposed in the notice.

The Rule

This amendment to Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) changes the time of designation of Warren Grove restricted areas R-5002A, R-5002B, R-5002C, R-5002D and R-5002E from their present designation of "Sunrise to sunset, Tuesday through Saturday; other days by NOTAM 48 hours in advance." to

"Sunrise to sunset daily, other times by NOTAM 48 hours in advance." This action permits use of the areas for military training at night and on Sunday and Monday when necessary. The United States Air Force has stated that the requirements of the National Environmental Policy Act have been met.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 73.50 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 702) and amended (44 FR 34112) is further amended, effective 0901 GMT, November 29, 1979, as follows:

Under time of designation, in R-5002A Warren Grove, N. J.; R-5002B Warren Grove, N. J.; R-5002C Warren Grove, N. J.; R-5002D Warren Grove, N. J.; R-5002E Warren Grove, N. J.; "Sunrise to sunset, Tuesday through Saturday; other days by NOTAM 48 hours in advance." is deleted and "Sunrise to sunset, other times as activated by NOTAM issued at least 48 hours in advance." is substituted therefor.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D. C., on September 26, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 79-30579 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 79-WA-9]

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the time of designation for Restricted Area R-3601A/B from the current designated hours and date to "Monday through Saturday, sunrise to 2400 c.s.t.; other times by NOTAM." The additional time is necessary for the U.S. Air Force to

conduct its expanded training programs and exercises.

EFFECTIVE DATE: November 29, 1979.

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

SUPPLEMENTARY INFORMATION: On August 2, 1979, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter Restricted Area R-3601A and R-3601B by changing the time of designation to "Monday through Saturday, sunrise to 2400 c.s.t.; other times by NOTAM." (44 FR 45414). At the present time R-3601A/B is designated as "Sunrise to 2400 c.s.t., Tuesday through Saturday, sunrise to sunset Sunday." This alteration would allow more flexibility for training required by the U.S. Air Force. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Subpart B of Part 73 was republished in the Federal Register on January 2, 1979, (44 FR 692).

The Rule

This amendment to Part 73 of the Federal Aviation Regulations (14 CFR part 73) alters Restricted Area R-3601A and R-3601B by increasing the "Time of designation." The U.S. Air Force is increasing its training schedules and the time change permits greater flexibility to meet the requirements of our national security.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 73.36 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 692) is amended, effective 0901, G.m.t., November 29, 1979, as follows:

Under R-3601A Brookville, Kans.
Time of designation: "Sunrise to 2400 c.s.t., Tuesday through Saturday; sunrise to sunset Sunday." is deleted and "Monday through Saturday, sunrise to 2400 c.s.t.; other times by NOTAM 24 hours in advance." is substituted therefor.

Under R-3601B Brookville, Kans.
Time of designation: "Sunrise to 2400 c.s.t., Tuesday through Saturday; sunrise to sunset Sunday." is deleted and "Monday through Saturday, sunrise to 2400 c.s.t.; other times by NOTAM 24 hours in advance." is substituted therefor.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on September 27, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 79-30711 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 79-SO-44]

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the boundary of the Fort Benning, Ga., Restricted Area R-3002F by extending the southwest boundary three nautical miles (NM). This action ensures containment of military activity which would be hazardous to nonparticipating flight operations.

EFFECTIVE DATE: November 29, 1979.

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

SUPPLEMENTARY INFORMATION: On July 26, 1979, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter the boundary of the Fort Benning, Ga., Restricted Area R-3002F by extending its southwest boundary three NM, (44 FR 43743). The additional area is required for the containment of the Redeye Missile. The missile will be launched approximately four times per year requiring four hours for each launch. This action will ensure safety to all flight operations during the missile operations. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments

objecting to the proposal were received. This amendment is the same as that proposed in the notice, except the time of designation is changed from "Continuous" to "Intermittent, activated by NOTAM 24 hours in advance." Section 73.30 was republished in the Federal Register on January 2, 1979, (44 FR 686).

The Rule

This amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) alters the boundary of Restricted Area R-3002F by extending the southwest boundary three NM to ensure flight safety during missile launching training missions. This alteration also gives greater flexibility for missile launchings to meet the requirements for National Security.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 73.30 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 686) is amended, effective 0901 G.M.T., November 29, 1979, as follows:

Under § 73.30
R-3002F Fort Benning, Ga., is amended to read as follows:

Boundaries. Beginning at Lat. 32°31'46" N., Long. 84°51'13" W.; thence along the Central of Georgia Railroad to Lat. 32°32'10" N., Long. 84°40'40" W.; to Lat. 32°31'20" N., Long. 84°40'20" W.; thence along Upatoi Creek to Lat. 32°31'46" N., Long. 84°39'25" W.; to Lat. 32°18'30" N., Long. 84°39'25" W.; to Lat. 32°18'55" N., Long. 84°41'45" W.; thence along the Central of Georgia Railroad to Lat. 32°20'54" N., Long. 84°47'20" W.; to Lat. 32°20'00" N., Long. 84°47'20" W.; to Lat. 32°27'00" N., Long. 84°52'53" W.; to Lat. 32°29'17" N., Long. 84°52'32" W.; to Lat. 32°29'17" N., Long. 84°51'35" W.; to Lat. 32°30'19" N., Long. 84°51'35" W.; to Lat. 32°30'19" N., Long. 84°52'21" W.; to Lat. 32°30'50" N., Long. 84°52'15" W.; thence along the Central of Georgia Railroad to point of beginning.

Designated altitudes. 14,000 feet MSL to FL 250.

Time of designation. Intermittent, activated by NOTAM 24 hours in advance.

Controlling agency. Federal Aviation Administration, Atlanta ARTC Center.
Using agency. Commanding Officer, Fort Benning, Ga.

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

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

for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 27, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-30686 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 79-WE-1]

Alteration of Restricted Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the designated altitudes of restricted areas R-4806 and R-4807 to "Surface to unlimited," and designates R-4807 as "joint use" with Los Angeles ARTC Center as the "Controlling agency."

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On August 2, 1979, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to change the designated altitudes for R-4806 and R-4807 to "Surface to unlimited." Currently the altitudes are designated as "Surface to unlimited, Monday through Saturday; Sunday from 13,000 feet MSL to unlimited." In addition, this amendment designates Los Angeles ARTC Center as the controlling agency for R-4807, thereby making the restricted area joint use, (44 FR 45415). This designation permits nonparticipating aircraft to use the area when not in use by the military. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal. No comments were received objecting to the proposal. This amendment is the same as that proposed in the notice. Section 73.48 was republished in the Federal Register on January 2, 1979, (44 FR 700).

The Rule

This amendment to Part 73 of the Federal Aviation Regulations (14 CFR

Part 73) changes the designated altitudes for R-4806 and R-4807 to "Unlimited." Also, R-4807 becomes joint use by designating Los Angeles ARTC Center as the controlling agency. These changes allow more flexibility for scheduling military training missions and return additional airspace for public use.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 700) is amended, effective 0901 G.M.T., November 29, 1979, as follows:

Under R-4806 Las Vegas, Nev.
Designated altitudes. The text is amended to read "Unlimited."

Using agency. "Commander," is deleted and "Commander, Tactical Fighter Weapons Center," is substituted therefor.

Under R-4807 Tonopah, Nev.
Designated altitudes. The text is amended to read "Unlimited."

Add. "Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center."

Using agency. "Commander," is deleted and "Commander, Tactical Fighter Weapons Center," is substituted therefor.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 27, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-30686 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 79-SO-33]

Establishment of Jet Routes and Area High Routes; Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends Jet Route J-73 from Tallahassee, Fla., to Miami, Fla., via Lakeland, Fla., and

LaBelle, Fla., and realigns Jet Routes J-86/J-43 from Miami over LaBelle. This action improves air traffic control efficiency by altering the jet route structure to coincide with required departure routings.

EFFECTIVE DATE: November 29, 1979.

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

SUPPLEMENTARY INFORMATION:

History

On August 6, 1979, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to extend J-73 from Tallahassee, Fla., and to realign the segment of J-43 between Saint Petersburg, Fla., and Miami, and the segment of J-86 between Sarasota, Fla., and Miami over LaBelle (44 FR 45963). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to FAA. No objections were received. Section 75.100 was republished in the Federal Register on January 2, 1979. This amendment is the same as that proposed in the notice.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations extends J-73 from Tallahassee, Fla., to Miami, Fla., via Lakeland, Fla., and LaBelle, Fla., and realigns J-43 between Saint Petersburg, Fla., and Miami, and J-86 between Sarasota, Fla., and Miami over LaBelle. The route between Miami and LaBelle is used by air traffic control as a preferred departure routing that currently requires issuance of clearances to each aircraft that uses the route. That procedure is time consuming and adds to controller workload. This action eliminates the necessity for issuing those clearances and reduces that workload.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 75.100 of the Federal Aviation Regulations (14 CFR Part 75) as republished (44 FR 722) is amended, effective 0901 GMT, November 29, 1979, as follows:

1. Under Jet Route No. 43 "via St. Petersburg, Fla.," is deleted and "via LaBelle, Fla.; St. Petersburg, Fla.," is substituted therefor.

2. Under Jet Route No. 73 "from Tallahassee, Fla., via" is deleted and "from Miami, Fla., via LaBelle, Fla.; Lakeland, Fla.; Tallahassee, Fla.," is substituted therefor.

3. Under Jet Route No. 86 "and Miami, Fla., 315° radials;" is deleted and "and LaBelle, Fla., 313° radials; LaBelle;" is substituted therefor.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on September 26, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-30580 Filed 10-3-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 79-WE-16]

Alteration of Federal Airways, Jet Routes and Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments alter the description of several VOR airways, jet routes, and reporting points in the vicinity of Yuma, Ariz., because the Yuma VORTAC has been renamed "Bard." This action amends the descriptions of the airways/jet routes and reporting points that have "Yuma, Ariz." in their description.

EFFECTIVE DATE: November 29, 1979.

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

SUPPLEMENTARY INFORMATION: The purpose of these amendments to Subpart B of Part 75 and Subpart C and Subpart I of Part 71 is to amend the descriptions of Victor Airways V-66, V-135, and V-458; Jet Routes J-2 and J-18; and Low Altitude and High Altitude Reporting Points, due to the renaming of the Yuma, Ariz., VORTAC to "Bard". [Airspace Docket No. 79-AWE-7NR]. Subpart B of Part 75 and Subparts C and I of Part 71 of the Federal Aviation

Regulations were republished in the Federal Register on January 2, 1979, (44 FR 722, 645, 637, 307). In order to effect these actions before the next aeronautical charting date on November 29, 1979, it is necessary to immediately adopt these rule changes. Accordingly, I find good cause that notice and public procedure thereon is impracticable and unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 75 and Subparts C and I of Part 71 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (44 FR 307, 637, 645, and 722) and amended (44 FR 46785), are further amended, effective 0901 G.m.t. November 29, 1979, as follows:

Under § 71.123.

V-66

"Yuma, Ariz., 12 miles, 35 MSL INT Yuma 089" is deleted and "Bard, Ariz.; 12 miles, 35 MSL INT Bard 089" is substituted therefor.

V-135

"From Yuma, Ariz.," is deleted and "From Bard, Ariz.," is substituted therefor.

"Between Yuma and Parker" is deleted and "between Bard and Parker" is substituted therefor.

V-458

"Yuma, Ariz.," is deleted and "Bard, Ariz.," is substituted therefor.

Under § 71.203.

"Yuma, Ariz." is deleted and "Bard, Ariz." is substituted therefor.

Under § 71.207.

"Yuma, Ariz." is deleted and "Bard, Ariz." is substituted therefor.

Under § 75.100.

Jet Route 2

"Yuma, Ariz.; INT of the Yuma 089" is deleted and "Bard, Ariz.; INT of the Bard 089" is substituted therefor.

Jet Route 18

"Yuma, Ariz.; INT of the Yuma 089" is deleted and "Bard, Ariz.; INT of the Bard 089" is substituted therefor.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 28, 1979.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-30674 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71, and 75

[Airspace Docket No. 79-GL-56]

Evansville VORTAC Name Changed to Pocket City VORTAC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The Evansville, Ind., VORTAC, an air navigation aid (navaid) is renamed Pocket City, Ind., VORTAC to eliminate the possible confusion between this location and that of the Evansville, Ind., ILS localizer, a navaid on the airport. This name change is hereby made in the definition of V-4, V-7, V-11, V-47, V-52, V-190 airways; J-29, J-131 jet routes; J812R, J843R area high routes; and the Evansville reporting point, without altering any designated airspace or route alignment.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION: The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) is to eliminate a potential hazard that may be caused by confusing the location of two air navigation aids, the Evansville VORTAC and the Evansville ILS Localizer, which are approximately 20 miles apart. On July 24, 1979, the FAA circularized for comment a nonrulemaking proposal to change the name of the Evansville VORTAC to the Pocket City VORTAC. No objections were received. Since this action contains no change in airspace designation or route realignment, it is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as

republished (44 FR 307, 637, 645, 722 and 737) and amended (44 FR 12639), is further amended, effective 0901 G.m.t., November 29, 1979, as follows:

Under § 71.123.

In V-4 "Evansville, Ind., including a S alternate; Louisville, Ky., including a N alternate via INT Evansville 068" is deleted and "Pocket City, Ind., including a S alternate; Louisville, Ky., including a N alternate via INT Pocket City 068" is substituted therefor.

In V-7 "Evansville, Ind.; INT Evansville 015" is deleted and "Pocket City, Ind.; INT Pocket City 015" is substituted therefor.

In V-11 "Evansville, Ind., including an east alternate; Indianapolis, Ind., including an E alternate from Evansville to Indianapolis via INT Evansville 046" is deleted and "Pocket City, Ind., including an east alternate; Indianapolis, Ind., including an E alternate from Pocket City to Indianapolis via INT Pocket City 046" is substituted therefor.

In V-47 "Evansville, Ind.;" is deleted and "Pocket City, Ind.;" is substituted therefor.

In V-52 "Evansville, Ind., 311° radials; Evansville, Ind.;" is deleted and "Pocket City, Ind., 311° radials; Pocket City;" is substituted therefor.

In V-190 "Evansville, Ind." is deleted and "Pocket City, Ind." is substituted therefor.

Under § 71.203 "Evansville, Ind." is deleted and "Pocket City, Ind." is substituted therefor.

Under § 71.207 "Evansville, Ind." is deleted and "Pocket City, Ind." is substituted therefor.

Under § 75.100.

In Jet Route No. 29 "Evansville, Ind., INT Evansville 051" is deleted and "Pocket City, Ind., INT Pocket City 051" is substituted therefor.

In Jet Route No. 131 "to Evansville, Ind." is deleted and "to Pocket City, Ind." is substituted therefor.

Under § 75.400.

In J812R "BORDE 36°37'12" N. 86°02'11" W. Evansville, Ind." is deleted and "BORDE 36°37'12" N. 86°02'11" W. Pocket City, Ind." is substituted therefor.

In J843R "SADER 36°41'06" N. 87°06'56" W. Evansville, Ind." is deleted and "SADER 36°41'06" N. 87°06'56" W. Pocket City, Ind." is substituted therefor.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 27, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-30683 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 79-GL-55]

Alteration of Jet Routes and VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments alter the description of Jet Route J-89, Area High Routes J800R, J802R and J806R and several VOR Federal Airways in the vicinity of Lafayette, Ind., because the Lafayette VORTAC has been renamed "Boiler." These actions amend the description of these routes that have "Lafayette, Ind.," in their text.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of these amendments to Parts 71 and 75 is to correct the descriptions of Jet Route J-89; Area High Routes J800R, J802R, J806R and VOR Federal Airways V-371, V-51, V-97, V-97W, V-53, V-7, V-251 and V-227 because of the renaming of the Lafayette, Ind., VORTAC to Boiler. Subpart C of Part 71, Subpart B of Part 75 and Subpart D of Part 75 were republished in the *Federal Register* on January 2, 1979, (44 FR 307, 722 and 737). In order to affect these actions before the next aeronautical charting date, it is necessary to immediately adopt these rule changes. Therefore, I find good cause that notice and public procedure thereon are impractical and unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (44 FR 307, 722 and 737) and amended (43 FR 56021) are further amended, effective 0901 G.m.t., November 29, 1979, as follows:

Under § 71.123.

V-227 "From Lafayette, Ind.," is deleted and

"From Boiler, Ind.," is substituted therefor.

V-251 "Lafayette, Ind.," is deleted and "to Boiler, Ind.," is substituted therefor.

V-371 "From Lafayette, Ind.," is deleted and

"From Boiler, Ind.," is substituted therefor.

V-7 "Lafayette, Ind.," is deleted and "Boiler, Ind.," is substituted therefor.

V-51 "INT Shelbyville 313" and Lafayette, Ind., 136° radials; Lafayette," is deleted and

"INT Shelbyville 313" and Boiler, Ind., 136° radials; Boiler," is substituted therefor.

V-53 "INT Indianapolis 312" and Lafayette, Ind., 159° radials; Lafayette; INT Lafayette 313"" is deleted and "INT Indianapolis 312"

and Boiler 159° radials; Boiler; INT Boiler 313"" is substituted therefor.

V-97 "INT Shelbyville 313" and Lafayette, Ind., 136° radials; Lafayette, including a W

alternate from Shelbyville to Lafayette via Indianapolis, Ind., and INT Indianapolis

344" and Shelbyville 313° radials and INT Shelbyville 313" and Lafayette 136° radials"

is deleted and "INT Shelbyville 313" and Boiler, Ind., 136° radials; Boiler, including a

W alternate via Indianapolis; INT Indianapolis 344" and Shelbyville 313°

radials and INT Shelbyville 313" and Boiler 136° radials" is substituted therefor.

Under § 75.100.

Jet Route 89

"Lafayette, Ind.," is deleted and "Boiler, Ind.," is substituted therefor.

Under § 75.400.

J800R

MELOT—Reference facility "Lafayette, Ind." is deleted and "Boiler, Ind." is substituted therefor.

J802R

PERRY—Reference facility "Lafayette, Ind." is deleted and "Boiler, Ind." is substituted therefor.

J806R

Plant, Ind.—Reference facility "Lafayette, Ind." is deleted and "Boiler, Ind." is substituted therefor.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 27, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 79-30685 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221a

[Docket No. 35139]

Fare Summaries; Waiver of Effectiveness of Rule

AGENCY: Civil Aeronautics Board.

ACTION: Waiver of effectiveness of rule.

SUMMARY: By Order 79-8-116, the CAB granted the petition of American Airlines to open a proceeding to consider revoking or modifying the rule that requires airlines to publish summaries of their fares. This order also waived the effectiveness of the fare summaries rule indefinitely. The full text of the order is set forth below.

DATES: Effective: August 23, 1979.

Adopted: August 23, 1979.

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

SUPPLEMENTARY INFORMATION: The Board has received a petition from American Airlines seeking to modify 14 CFR Part 221a, *Fare Summaries*. Part 221a was originally adopted by ER-979, 41 FR 55865, December 23, 1976. It requires certificated scheduled air carriers to provide concise information to the public concerning the various fares they offer in interstate and overseas air transportation. By this rule, it is intended that carriers provide enough information to enable consumers to make an informed choice of fare plan.

American Airlines claimed that fare summaries in their present form have provided little if any benefit to consumers. American asked that the fare summaries be "substantially modified," to "eliminate much of the forbidding detail" so that the fare summary will be "more usable by the public." It also suggested three changes that the Board should, at a minimum, make in order to accomplish this. Delta Airlines, in answer to the petition, supported American's contentions, while the Aviation Consumer Action Project opposed them.

The Board agrees that the fare summaries do not seem to have received a great deal of attention from passengers. We have not yet decided whether the rule should be abolished. We will review the fare summary requirement to decide how it might be improved, or whether some other fare information requirement should be imposed. The Board therefore grants the petition of American Airlines to review the fare summaries rule with a view to

revoking it or making the summaries more usable to the traveling public. Although we are not adopting them at this time, and to that extent the petition is denied, in the process of our review of Part 221a we will consider further the specific suggestions that American has made.

Pending further action in this proceeding, and until further notice, the Board is granting a blanket waiver of the effectiveness of Part 221a. This waiver, however, does not relieve airlines of their obligation to provide the public with full and accurate information about their fares and services.

Accordingly,

1. We grant the petition of American Airlines to open a proceeding to consider revoking or modifying 14 CFR Part 221a *Fare Summaries*, while denying it to the extent of not taking immediate action to make the requested changes.

2. Until further notice, the effectiveness of 14 CFR Part 221a is waived for all air carriers to which it applies.

(Secs. 204, 411, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 769 (49 U.S.C. 1324, 1381))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-30797 Filed 10-3-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 287

[Regulation ER-1150; Amendment No. 12]

Exemption and Application of Certain Interlocking Relationships; Interlocks With Commercial Lending Institutions

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Civil Aeronautics Board is extending the expiration date of a regulation exempting air carriers from obtaining prior Board approval of interlocking relationships with commercial lending institutions. The new expiration date will be September 30, 1980.

DATES: Adopted: September 28, 1979. Effective: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kevin Kennedy, Special Authorities Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5918.

SUPPLEMENTARY INFORMATION: On March 23, 1966, the Board adopted 14 CFR 287.3a (31 FR 5121, March 30, 1966),

exempting air carriers from obtaining prior Board approval of interlocking relationships with commercial lending institutions as long as the air carrier does not engage in leasing transactions with the commercial lending institution and the interlock does not involve an officer, employee, or major stockholder of the carrier. The exemption was originally granted on a 3-year experimental basis, and has been extended periodically for intervals of 2 years or less since then. The latest exemption expires on September 30, 1979.

The Airline Deregulation Act of 1978 (Pub. L. 95-504) amended section 409 of the Federal Aviation Act, governing interlocking relationships, to apply only to such relationships between persons "substantially engaged in the business of aeronautics" rather than to persons "engaged in any phase of aeronautics," as it had previously read. In the *Institutional Control of Air Carriers Investigation*, Dockets 24525, 24593, and 26348, the Board is considering whether the current § 287.3a is still necessary in light of the amendments to the Act. Extending the expiration date of the present exemption for a 1-year period will maintain the *status quo* until the Board reaches a final decision in the investigation. Our past experience convinces us that the burden of monitoring interlocks and applying for approval in the marginal situations covered by the rule is much greater than the public benefits that might result from such a requirement, and we see no need for changes in the rule during the interim while we conduct the investigation.

Because the expiration date of the current rule is imminent, the underlying issues are being considered in other proceedings, and this is a substantive rule that grants or recognizes an exemption, we find for good cause that notice and public procedure are impracticable, unnecessary, and contrary to the public interest, and that the rule should be made effective immediately.

Accordingly, the Civil Aeronautics Board amends § 287.3a of 14 CFR Part 287, *Exemption and application of certain interlocking relationships*, to read as follows:

§ 287.3a Exemption of air carriers with respect to interlocking relationships with commercial lending institutions.

In addition to the exemptions provided in §§ 287.2 and 287.3, and subject to the other provisions of this part, air carriers are hereby relieved from the provisions of section 409 of the Act and Part 251 of this chapter with

respect to any interlocking relationship between any such air carrier and a commercial lending institution which does not lease aircraft to the air carrier: *Provided, however*, That such exemption shall expire on September 30, 1980, and shall extend only to the relationship involving a director of the air carrier who is not an officer or employee of the air carrier or a stockholder holding a controlling interest in the air carrier (or the representative or nominee of any such person) and who is not a member of the commercial lending institution: *Provided, further*, That in order to qualify for an exemption under this section air carriers shall file with the Bureau of Domestic Aviation annual reports on or before April 1 of each year showing for the previous calendar year (a) the names and addresses of all directors of the air carrier who were also directors, officers, or employees of commercial lending institutions; (b) the names and addresses of such commercial lending institutions; and (c) a description of all transactions between the air carrier (and/or its directors, who were also officers or directors of commercial lending institutions) and such commercial lending institutions.

By the Civil Aeronautics Board:
Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-30803 Filed 10-4-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Special Tonnage Tax and Light Money; Bangladesh

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

ACTION: Final rule.

SUMMARY: This rule adds Bangladesh to the list of nations whose vessels are exempted from the payment of higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. Satisfactory evidence has been obtained by the Department of State that no discriminating duties of tonnage or impost are imposed in ports of Bangladesh upon vessels belonging to citizens of the United States or on their cargoes.

EFFECTIVE DATE: The exemption became effective March 9, 1979.

FOR FURTHER INFORMATION CONTACT: Patrick J. Casey, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money", on all foreign vessels which enter United States ports (46 U.S.C. 121, 128). However, vessels of a foreign nation may be exempted from the payment of special tonnage taxes and light money upon presentation of proof satisfactory to the President that no discriminatory duties of tonnage or imposts are imposed by that foreign nation on United States vessels or their cargoes (46 U.S.C. 141). The President has delegated the authority to grant this exemption to the Secretary of the Treasury. Section 4.22, Customs Regulations (19 CFR 4.22), lists those nations whose vessels have been exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

On March 9, 1979, the Department of State advised the Department of the Treasury that the United States Embassy in Dacca, Bangladesh, has received assurances from the Government of Bangladesh that it has never imposed any discriminating duties or charges on U.S. vessels or upon the produce, manufactures, or merchandise imported into that country on U.S. vessels. Consequently, there is satisfactory evidence which would permit the Secretary of the Treasury to find that vessels of Bangladesh registry are entitled to the exemption, and the Department of State has requested that such vessels be afforded the exemption.

Declaration

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR, 1959-1963 Comp., Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 101-5 (44 FR 31057), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, in respect to vessels of Bangladesh registry and the produce, manufactures, or merchandise imported into the United

States in such vessels from Bangladesh or from any other foreign country.

This suspension and discontinuance shall take effect from March 9, 1979, in respect to vessels of Bangladesh registry and shall continue only for so long as the reciprocal exemptions of vessels wholly belonging to citizens of the United States and their cargoes shall be continued.

Amendment to the Regulations

In accordance with this declaration, § 4.22, Customs Regulations (19 CFR 4.22), is amended by adding "Bangladesh" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 251, as amended, 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 3, 121, 128, 141))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely implements a statutory requirement, notice and public procedure are unnecessary, and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

Regulation Determined to be Nonsignificant

In a directive published in the *Federal Register* on November 8, 1978 (43 FR 52120), implementing Executive Order 12044, "Improving Government Regulations", the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the *Federal Register* and codified in the Code of Federal Regulations to be "significant". However, regulations of this nature which are nonsubstantive, essentially procedural, do not materially change existing or establish new policy, and do not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of those affected, may with Secretarial approval, be determined not to be significant. Accordingly, it has been determined that this document does not meet the Treasury Department criteria in the directive for "significant" regulations.

Drafting Information

The principal author of this document was Shannon McCarthy, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other

offices of the Customs Service and the Departments of State and the Treasury participated in its development.

Dated: September 20, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 79-30799 Filed 10-3-79; 8:45 am]

BILLING CODE 4810-22-M

19 CFR Part 4

[T.D. 79-255]

Customs forms used in connection with vessel arrivals or departures; Customs Regulations amended

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

ACTION: Final rule.

SUMMARY: This document amends § 4.99, Customs Regulations, to permit the printing by private parties or foreign governments on metric A4 size paper of Customs forms used in connection with vessel arrivals or departures. This change will further conversion to a metric standard and is expected to facilitate international commerce by allowing additional flexibility in the printing of Customs forms. The amendment also provides for the use of computer printouts instead of Customs Form 1302, "Cargo Declaration".

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT:

John A. Mathis, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Section 4.99, Customs Regulations (19 CFR 4.99), provides that certain Customs forms used in connection with vessel arrivals or departures may be printed by private parties or foreign governments provided the forms so printed conform to the official Customs forms in size (except that such forms may be up to 14 inches in length or may be reduced in size to not less than 11 inches by 8½ inches), wording, arrangement, style, size of type, and paper specifications. These forms are as follows:

Customs Forms

1300 Master's Oath of Vessel in Foreign Trade

1301 General Declaration

1302 Cargo Declaration

1302-A Cargo Declaration Outward with Commercial Forms

1303 Ship's Stores Declaration

1304 Crew's Effects Declaration

Section 4.99 also provides that forms not complying with the requirements of

this section are not acceptable without the specific approval of the Commissioner of Customs.

Customs recognizes that some parties desire to print these Customs forms on metric A4 size paper (210mm by 297mm), the new international standard size used in many parts of the world, which does not differ substantially from the size presently permitted under § 4.99 (approximately 8½ by 11½ inches compared with 8½ by 11 inches).

To facilities international commerce by affording foreign trading partners using the metric system additional flexibility in the printing of Customs forms, § 4.99 is amended to permit the printing of Customs Forms 1300, 1301, 1302, 1302-A, 1303, and 1304 by private parties or foreign governments on metric A4 size paper.

As amended, § 4.99 provides that the vertical format of Customs Forms 1300, 1301, 1302-A, 1303, and 1304 may be increased in size to a maximum of 14 inches; that Customs Form 1302 may be reduced in size to not less than either 8½ by 11 inches or 210mm by 297mm; and that if Customs Form 1302 is reduced in size, the size of type used may be reduced proportionately.

To accommodate parties who desire to use computer printouts instead of Customs Forms 1302, the amendment also allows the district director, in his discretion, to accept a computer printout at a specific port. However, to ensure that the computer printouts may be used at all ports, the specific approval of Headquarters, U.S. Customs Service first must be obtained.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment pertains solely to agency procedure and liberalizes existing requirements, notice and public procedure are unnecessary, and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

Regulation Determined to be Nonsignificant

In a directive published in the *Federal Register* on November 8, 1978 (43 FR 52120), implementing Executive Order 12044, "Improving Government Regulations", the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the *Federal Register* and codified in the Code of Federal Regulations to be "significant". However, it has been determined that this amendment does not meet the Treasury Department criteria in the directive for a "significant" regulation because it is nonsubstantive, essentially

procedural, does not materially change existing or establish new policy, and does not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected.

Drafting Information

The principal author of this document was Laurie Strassberg Amster, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

Section 4.99, Customs Regulations (19 CFR 4.99), is amended to read as follows:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.99 Forms: Substitution.

(a) Customs Forms 1300, 1301, 1302, 1302-A, 1303, and 1304 printed by private parties or foreign governments shall be accepted provided the forms so printed—

(1) Conform to the official Customs forms in wording arrangement, style, size of type, and paper specifications;

(2) Conform to the official Customs forms in size, except that:

(i) Each form may be printed on metric A4 size paper, 210 by 297 millimeters (approximately 8¼ by 11½ inches).

(ii) The vertical format of Customs Forms 1300, 1301, 1302-A, 1303, and 1304 may be increased in size up to a maximum of 14 inches.

(iii) Customs Form 1302 may be reduced in size to not less than either 8½ by 11 inches or 210 by 297 millimeters (metric A4 size). If Customs Form 1302 is reduced in size, the size of type used may be reduced proportionately.

(b) If instructions are printed on the reverse side of the official Customs form, the instructions may be omitted from the privately printed forms, but the instructions shall be followed.

(c) The district director, in his discretion, may accept a computer printout instead of Customs Form 1302 for use at a specific port. However, to ensure that computer printouts may be used at all ports, the private party or foreign government first must obtain specific approval from Headquarters, U.S. Customs Service.

(d) Forms which do not comply with the requirements of this section are not acceptable without the specific approval of the Commissioner of Customs.

(R.S. 251, secs. 2 and 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat.

759, sec. 101, 76 Stat. 72, 5 U.S.C. 301 (19 U.S.C. 66, 1202, Gen. Headnote 11, Tariff Schedules of the United States, 1624; 46 U.S.C. 2, 3))

William T. Archey,

Acting Commissioner of Customs.

Approved: September 13, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 79-30798 Filed 10-3-79; 8:45 am]

BILLING CODE 4810-22-M

19 CFR Part 101

[T.D. 79-254]

Change in the Customs Field Organization

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

ACTION: Final rule.

SUMMARY: This document changes the field organization of the Customs Service by extending the existing port limits of the Brownsville, Texas, port of entry (Region VI), to incorporate all of Cameron County, Texas, and by changing the name of the port to "Brownsville-Cameron County". The extension will enable Customs to keep pace with the significant expansion of Customs-related activities in the county, particularly at Harlingen Airport, where there have been recurring requests for Customs services.

EFFECTIVE DATE: November 5, 1979.

FOR FURTHER INFORMATION CONTACT: Robert Schenarts, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8151).

SUPPLEMENTARY INFORMATION:

Background

During the past several years, there has been significant growth in the population and economy of the area in and around the lower Rio Grande Valley, just north of the boundary between Texas and the State of Tamaulipas in Mexico. As part of this growth, there has been a significant expansion of the needs of the importing community elsewhere in Cameron County, Texas, for Customs services now provided by the port of entry at Brownsville.

There have been recurring requests for Customs services at Harlingen Airport, located in Cameron County, and beginning in December 1978, daily flights from and to Mexico City, Mexico, began arriving at and departing from Harlingen Airport. In addition, it is anticipated that a further increase in trade and vehicle traffic in the area may

require the completion of at least one new bridge crossing on the Rio Grande in the near future.

To provide the most economical and efficient service to the public and to meet the expanded needs of the importing community in Cameron County, Customs published a notice in the *Federal Register* on February 9, 1979 (44 FR 8276), proposing to extend the existing port limits of the Brownsville, Texas, port of entry (Region VI), to include all of Cameron County, Texas, and to change the name of the expanded port to "Cameron County". Interested parties were given until April 10, 1979, to submit comments regarding the proposed change.

Discussion of Comments

A large majority of the commenters favor the proposal. These commenters generally express the opinion that the extension would benefit the economy of the entire Cameron County area and promote the use of Harlingen International Airport for additional scheduled flights between Harlingen and Mexico City and charter flights to and from Canada. They also note that extension of the port limits at this time would satisfy any future demand for Customs services occasioned by the completion of a proposed new bridge crossing on the Rio Grande.

Understaffing and Reduction of Customs Controls

Opposing commenters suggest that the Brownsville port of entry is currently understaffed and that extension of the port limits would result in a decrease in manpower at the existing port, a reduction in enforcement controls, and an increase in the area's operational budget, all of which would be detrimental to the traveling public.

A recent survey conducted by Customs Headquarters indicates, however, that based upon the workload handled by Customs at the port, Brownsville is staffed adequately. Customs is convinced that extension of the port limits will not cause a reduction in controls, increase operational costs, or in any manner be detrimental to the Brownsville importing community, but will benefit the residents and interests of the entire area. Future staffing requirements, both at Brownsville and throughout Cameron County, will of course be reevaluated continuously based on the demand for Customs services.

Future Extensions of Ports of Entry Along the Mexican and Canadian Borders

One commenter questions the propriety of extending the Brownsville port limits because it may establish a precedent for future extension of the geographical limits of other ports of entry along the Mexican and Canadian borders.

The precedent of extending port limits throughout the United States is established firmly. Part of the Customs mission is to provide services when and where they are required. The extension of Customs ports of entry is a necessary response to the public demand for increased Customs services.

Collection of Customs Duties

The same commenter suggests that extension of the port limits will neither result in an increase in the amount of revenue raised from the collection of Customs duties nor result in more efficient service to the area because all international commerce conducted in the area is transacted through Customs brokers in Brownsville.

Although Brownsville is the center of international commerce in the lower Rio Grande Valley, many new activities, such as air service between Mexico City and Harlingen, are not conducted there. Furthermore, the potential demand for additional Customs services in other areas of Cameron County is evident. By extending the port limits of Brownsville at this time, Customs will be better able to accommodate demands for increased service without establishing new limits for the port of Brownsville on a piecemeal basis in the future.

Impact Upon Area Airports

One commenter expresses concern that extending the Brownsville port limits to include Harlingen International Airport (which handles only a small amount of international traffic) may result in a change in the status of that facility, allowing it to become an "international airport", and requiring Customs to provide the same services to both Brownsville and Harlingen Airports.

Although there are many airports which may be termed international in that they provide for service between the United States and other countries, for Customs purposes "international airports" are only those facilities which have been so designated by the Secretary of the Treasury (49 U.S.C. 1509 (b) and (c)). Furthermore, the designation of a facility as an "international airport" is not related to its proximity to a Customs port of entry.

The majority of U.S. airports, including many metropolitan facilities, are "landing rights" airports. Service to these facilities is based only upon need and the availability of manpower.

Impact Upon Brownsville

Two commenters note that because Brownsville is the center of trade in the area and the maritime and Customs identities of the port are synonymous, extension of the port limits and a change in the name of the port may have an adverse effect upon the city of Brownsville.

Customs has determined that the headquarters of the extended port of entry shall remain in the city of Brownsville. Because changing the name of the extended port of entry from "Brownsville" to "Cameron County" may be the source of confusion, Customs has revised its original proposal and designated the extended port of entry as "Brownsville-Cameron County".

Change in the Customs Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (44 FR 31057), the existing limits of the Brownsville, Texas (Region VI), port of entry are extended to incorporate all of Cameron County, Texas, and the name of the port is changed to "Brownsville-Cameron County". As extended, the geographical boundaries of the port of entry include:

All of the territory within the geographical limits of Cameron County, Texas.

Amendment to the Regulations

To reflect these changes, the table in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended by substituting "Brownsville-Cameron County, Texas, including territory described in T.D. 79-254," for "Brownsville, Texas, including territory described in T.D. 54900." in the column headed "Ports of entry" in the Laredo, Texas, Customs district (Region VI).

Regulation Determined to be Nonsignificant

In a directive published in the *Federal Register* on November 8, 1978 (43 FR 52120), implementing Executive Order 12044, "Improving Government Regulations", the Treasury Department stated that it considers each regulation

or amendment to an existing regulation published in the *Federal Register* and codified in the Code of Federal Regulations to be "significant". However, regulations which are nonsubstantive, essentially procedural, do not materially change existing or establish new policy, and do not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected, may, with Secretarial approval, be determined not to be significant. Accordingly it has been determined that this document does not meet the Treasury Department criteria in the directive for "significant" regulations.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: September 13, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 79-30796 Filed 10-3-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner [Federal Housing Administration]

24 CFR Parts 203, 213, 234

[Docket No. R-79-719]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: The change in the regulations increases the FHA maximum interest rate on homes. The change is necessitated by the current realities of high discounts and declining use of FHA financing in the mortgage market. This action by HUD is designed to bring the maximum interest rate on home mortgages into line with other interest rates currently prevailing in the mortgage market.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Chester C. Foster, Director, Actuarial Division, Office of Financial Management, Department of Housing

and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410 (202-755-5880).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on mortgages insured by this Department. (The maximum interest rate on FHA mortgage and loan insurance programs has been raised from 10.00 percent to 10.50 percent.) The Secretary has determined that such changes are immediately necessary to meet the needs of the mortgage market, and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental 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 the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.50 percent per annum with respect to mortgages insured on or after September 26, 1979.

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 10.50 percent per annum with respect to loans insured on or after September 26, 1979.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

1. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.50 percent per annum with respect to mortgages insured on or after September 26, 1979.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

1. In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.50 percent per annum with respect to mortgages insured on or after September 26, 1979.

(Sec. 3(a), 82 Stat. 113; 12 USC 1709-1; Sec. 7 of the Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)))

Issued at Washington, D.C., September 24, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing, Federal Housing Commissioner, Housing and Urban Development Department.

[FR Doc. 79-30800 Filed 10-3-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Parts 205, 207, 213, 220, 221, 232, 235, 236, 241, 242, 244, 250

[Docket No. R-79-720]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: The change in the regulations increases the FHA maximum interest rate on project loan programs. The change is necessitated by the current realities of high discounts and declining use of FHA financing in the mortgage market. This action by HUD is designed to bring the maximum interest rate on project loans into line with other interest

rates currently prevailing in the mortgage market.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Chester C. Foster, Director, Actuarial Division, Office of Financial Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410 (202-755-5880).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on mortgages insured by this Department. (The maximum interest rate on FHA project mortgage and loan insurance programs has been raised from 9.50 percent to 10.00 percent.) The Secretary has determined that such changes are immediately necessary to meet the needs of the mortgage market, and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD's Environmental 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 the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

1. Section 205.50 is amended to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 1, 1979.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE**Subpart A—Eligibility Requirements**

1. In § 207.7 paragraph (a) is amended to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 1, 1979.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE**Subpart A—Eligibility Requirements—Projects**

1. In § 213.10 paragraph (a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 10.00 percent per annum with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 1, 1979.

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS**Subpart C—Eligibility Requirements—Projects**

1. In § 220.576 paragraph (a) is amended to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 10.00 percent per annum with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 1, 1979.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE**Subpart C—Eligibility Requirements—Moderate Income Projects**

1. In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 1, 1979. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE**Subpart A—Eligibility Requirements**

1. In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 1, 1979.

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE**Subpart C—Eligibility Requirements—Supplemental Loans To Finance Purchase and Installation Fire Safety Equipment**

2. In § 232.560 paragraph (a) is amended to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 10.00 percent per annum, with respect to loans insured on or after October 1, 1979.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION**Subpart D—Eligibility Requirements—Rehabilitation Projects**

1. In § 235.540 paragraph (a) is amended to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.00 percent per annum with respect to mortgages insured on or after October 1, 1979.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS**Subpart A—Eligibility Requirements for Mortgage Insurance**

1. In § 236.15 paragraph (a) is amended to read as follows:

§ 236.15 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall exceed 10.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 1, 1979.

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES**Subpart A—Eligibility Requirements**

1. Section 241.75 is amended to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 10.00 percent per annum with respect to loans insured on or after October 1, 1979. Interest shall be payable in monthly installments on the principal then outstanding.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS**Subpart A—Eligibility Requirements**

1. In § 242.33 paragraph (a) is amended to read as follows:

§ 242.33 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 1, 1979. Interest shall be payable in monthly installments on the principal then outstanding.

* * *

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES**Subpart A—Eligibility Requirements**

1. In § 244.45 paragraph (a) is amended to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 1, 1979.

* * *

PART 250—COINSURANCE FOR STATE HOUSING FINANCE AGENCIES**Subpart C—Eligibility Requirements Applicable to all Mortgages to be Coinsured**

1. In § 250.318 paragraph (a) is amended to read as follows:

§ 250.318 Maximum mortgage interest rate.

(a) On and after October 1, 1979, the maximum interest rate on which commitments to insure shall be issued shall not exceed 10.00 percent per annum.

* * *

(Sec. 3(a), 82 Stat. 113; 12 U.S.C. 1709-1; sec. 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C., September 24, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing, Federal Housing Commissioner, Housing and Urban Development Department.

[FR Doc. 79-30801 Filed 10-3-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 127**

[CCG D3-79-12-R]

Security Zones; Establishment of Security Zone in Upper New York Bay and Lower Hudson River, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Security Zone Regulations establishes a portion of the Upper New York Bay and Lower Hudson River as a Security Zone. This Security Zone is established to protect Pope John Paul II during his visit to Battery Park, New York, New York. No vessel may enter or remain in a Security Zone without the permission of the Captain of the Port.

EFFECTIVE DATE: This amendment is effective on October 3, 1979.

FOR FURTHER INFORMATION CONTACT: Captain J. L. Fleishell, Captain of the Port, New York, Building 109, Governors Island, New York, New York (212) 668-7917.

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication because of the short time between scheduling of the event and its occurrence made such procedures impractical. Extensive local public notice has been given.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Lieutenant Junior Grade Del Bueno, Project Manager, Captain of the Port, New York, New York; and Lieutenant Donlon, Project Attorney, Legal Office, Third Coast Guard District, New York, New York.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.369 to read as follows:

Section 127.369 Upper New York Bay, Lower Hudson River, New York, New York.

The waters of the Upper New York Bay and Lower Hudson River beginning on the Manhattan shoreline at the Manhattan Base Pierlight at 40°42'0" N, 74°00'09" W thence southwest on a course of 206° True to the Governors Island Light at 40°41'06" N, 74°01'02" W

thence northwest on a course of 333° True to a point 40°42'08" N, 74°01'34" W thence northeast on a course of 071° True to the Fireboat Station at 40°42'15" N, 74°01'09" W are a security zone from 10:30 a.m., E.D.S.T. 3 October 1979 to 12:15 p.m., E.D.S.T., 3 October 1979.

(40 Stat. 220, as amended (50 USC 191), 1.63 Stat. 503 (14 USC 91), and 6(b)(1), 80 Stat. 937 (49 USC 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, (33 CFR Part 6), (40 CFR 1.46(b))

Dated: September 19, 1979.

J. L. Fleishell,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 79-30873 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**44 CFR Part 64**

[Docket No. FEMA 5703]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or

construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Arkansas	Clay	Unincorporated areas	050423-A	Sept. 19, 1979, emergency.	Aug. 16, 1977.
Illinois	Macon	do	170928	Sept. 14, 1979, emergency.	Sept. 8, 1978.
Pennsylvania	York	Red Lion, borough of	422214	do	do
Illinois	McLean	Unincorporated areas	170931	Sept. 19, 1979, emergency.	Sept. 8, 1978.
New York	Greene	New Baltimore, town of	360295-A	do	Dec. 17, 1976.
Ohio	Licking	Hanover, village of	390831-A	do	Oct. 13, 1978.
Oklahoma	Pottawatomie	Brooksville, town of	400469-A	do	Apr. 18, 1978.
Minnesota	Carver	Chanhausen, city of	270051-B	June 23, 1975, emergency, July 2, 1979, regular, July 2, 1979, suspended, Sept. 20, 1979, reinstated.	Nov. 9, 1973 and July 2, 1976.
California	San Bernardino	Adelanto, city of	060639	Sept. 21, 1979, emergency.	Nov. 7, 1978.
Colorado	Fremont	Rockvale, town of	080221-B	do	June 27, 1975 and May 8, 1979.
Mississippi	Calhoun	Derma, town of	280217	do	July 30, 1976.
Pennsylvania	Clearfield	Bloom, township of	422379	do	May 19, 1978.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: September 25, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-30604 Filed 10-3-79; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 5704]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under

the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one

has been published, is indicated in the sixth column of the table. Section 202 (a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not

participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of suspended communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Hazard area identified
California	Yolo	Woodland, city of	060426-A	June 11, 1973, emergency, Oct. 16, 1979, regular, Oct. 16, 1979, suspended.	Oct. 16, 1979 Oct. 16, 1979.
Connecticut	Middlesex	East Hampton, town of	090064-B	Aug. 21, 1974, emergency, Oct. 16, 1979, regular, Oct. 16, 1979, suspended.	May 10, 1974, July 19, 1977 Do.
Do	New Haven	Middlebury, town of	090080-B	July 16, 1975, emergency, Oct. 16, 1979, regular, Oct. 16, 1979, suspended.	Sept. 6, 1974, Apr. 15, 1977 Do.
Do	Hartford	Newington, town of	090033-B	July 2, 1974, emergency, Oct. 16, 1979, regular, Oct. 16, 1979, suspended.	July 26, 1974, Feb. 11, 1977 Do.
Illinois	Logan	Lincoln, city of	170428-B	June 16, 1975, emergency, Oct. 16, 1979, regular, Oct. 16, 1979, suspended.	Mar. 8, 1974, July 25, 1975 Do.
New Jersey	Union	Hillside, township of	340465-B	Dec. 3, 1971, emergency, Oct. 16, 1979, regular, Oct. 16, 1979, suspended.	Jan. 9, 1974 Do.
Pennsylvania	Allegheny	Clairton, city of	420024-B	July 31, 1971, emergency, Oct. 16, 1979, regular, Oct. 16, 1979, suspended.	Jan. 16, 1974, Jan. 16, 1976 Do.
Do	Lackawanna	Old Forge, borough of	420535-B	July 25, 1974, emergency, Oct. 16, 1979, regular, Oct. 16, 1979, suspended.	June 28, 1974, July 23, 1976 Do.
West Virginia	Wyoming	Oceana, town of	540219-B	Nov. 15, 1974, emergency, Oct. 16, 1979, regular, Oct. 16, 1979, suspended.	June 28, 1974 Do.

¹ Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: Sept. 25, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-30611 Filed 10-3-79; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 5705]

List of Withdrawal of Flood Insurance Maps Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Federal Insurance

Administration, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATES: The date listed in the fifth column of the table.

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 Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was

withdrawn, and the effective date of its republication, if it has been republished. If a flood prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires, at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

- (1) For acquisition and construction of buildings, and
- (2) For buildings located in a special flood hazard area identified by the

Secretary of Housing and Urban Development.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction of buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Office of Federal Insurance and Hazard Mitigation's (FEMA) official Flood Insurance Rate

Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number and a FIRM by the letter "R" following the community number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 44 CFR Part 59 et seq.).

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. Present § 65.6 is revised to read as follows:

§ 65.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).*

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 5149
40 FR 17015
40 FR 20798
40 FR 46102
40 FR 53579
40 FR 56672
41 FR 1478
41 FR 50990
41 FR 13352
41 FR 17726
42 FR 8895
42 FR 29433
42 FR 46226
42 FR 64076
43 FR 24019
44 FR 815
44 FR 6383
44 FR 18485
44 FR 25636
44 FR 34120
44 FR 52835
44 FR (Enter page number of this notice in Federal Register)

(b) *Flood Insurance Rate Maps (FIRM's)*

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 17015
41 FR 1478
42 FR 49811
42 FR 64076
43 FR 24019
44 FR 25636
44 FR 52835

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made Pursuant to § 65.6:

State	Community name and number	County	Hazard ID date	Rescission date	Reason
California	Hawthorne, city, 060123A	Los Angeles	May 9, 1978	Aug. 13, 1979	1
Minnesota	Cleveland, city, 270560	Lesueur	Dec. 27, 1974	Sept. 3, 1979	1
Ohio	Trenton, city, 390047A	Butler	Sept. 26, 1975	Sept. 3, 1979	1A
Pennsylvania	South Connellsville, borough, 421619	Fayette	Nov. 8, 1974	Sept. 3, 1979	1

KEY TO SYMBOLS

E—The community is participating in the Emergency Program. It will remain in the Emergency Program without a FHBM.

C—The community is participating in the Emergency Program. It will be converted to the Regular Program without an FIA map.

R—The community is participating in the Regular Program.

1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.

1A. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.

2. The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.

3. The Community lacked land-use authority over the special flood hazard area.

4. A more accurate FIA map is the effective map for this community.

5. The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.) A new FHBM will be prepared and distributed.

6. The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.

7. The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community.

8. The T&E or H&E Map was rescinded.

9. A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: September 25, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-30612 Filed 10-3-79; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 79-525]

Stating the Commission's Policy Regarding the Disclosure of Information to Other Federal Agencies; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: FCC corrects editorial error in Order concerning disclosure of information to other Federal agencies.

EFFECTIVE DATE: September 28, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Upton Guthery, Office of General Counsel, 202-632-6990.

Released: October 1, 1979.

In the matter of amendment of Part 0, rules and regulations, to state the Commission's policy regarding the disclosure of information to other Federal agencies.

The Order in the above-captioned proceeding (FCC 79-525, 44 FR 55572, September 27, 1979) is corrected to change the number of the rule set out in an Appendix to the Order from § 0.422 to 0.442.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-30793 Filed 10-3-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 61

[CC Docket No. 78-10; RM-2688; FCC 79-571]

Tariffs; Modifying the Requirements for the Posting of Certain Tariffs

AGENCY: Federal Communications Commission.

ACTION: Report and Order Adopting Revised Rule.

SUMMARY: The Federal Communications Commission gave public notice of this proceeding to revise its rule requiring carriers to post schedules of charges and regulations (tariffs) and invited interested parties to comment on a proposed rule. 43 Fed. Reg. 3596 (1978). The Commission has considered the comments filed, and it has adopted a revised rule.

Pursuant to the former rule carriers posted tariffs in toll centers where companies switch long distance

telephone calls. Telephone companies urged the F.C.C. to consider the regulation with the view of eliminating toll center posting and the impediment to operations caused by the requirement. The Commission also wanted to consider and to receive comments on expanding the posting requirement to include proposed tariffs as well as effective tariffs so that the public might better anticipate changes in costs and terms of service.

In adopting this final rule the Commission accomplishes two things. First, carriers will post for public inspection both their effective and their proposed schedules of charges and regulations. Second, the carriers will no longer bear the expense and burden of the largely needless posting of schedules at toll centers.

EFFECTIVE DATE: November 5, 1979.

ADDRESSES: Secretary, Federal Communications Commission, Washington, D.C. 20554 (Please refer to CC Docket No. 78-10 in correspondence.)

FOR FURTHER INFORMATION CONTACT:

Wayne N. Smith, Tariff Division, Common Carrier Bureau, A. C. 202 632-6312.

Report and order; Proceeding Terminated

In the Matter of amendment of Section 61.72 of the Commission's Rules to modify the requirements for the posting of certain tariffs.

Adopted: September 18, 1979;

Released: October 1, 1979.

By the Commission: 1. By our *Notice of Proposed Rulemaking* adopted January 11, 1978, 67 F.C.C. 2d 513 [hereinafter *Notice*], we initiated this proceeding to consider amending Section 61.72 of the Commission Rules and Regulations, 47 C.F.R. § 61.72. We now consider the comments filed and conclude the proceeding.

Background

2. Section 61.72 requires, among other things, that common carriers post their rates and regulations (tariffs) for interstate and foreign service. The postings may be made in either (a) the carrier's main office in each community in which it has an office or (b) in its main office in each city having a population of 100,000 or more in a particular state¹ and in the state capital. If method (b) is chosen, the carrier must also state in a notice displayed at all business offices that rates and

¹ Where the carrier does not have an office in such a community, tariffs are to be posted in the largest city in which it does operate and in the state capital.

regulations for each toll center² are available for inspection at the respective toll centers. The American Telephone and Telegraph Company (AT&T), which uses method (b), petitioned the Commission to initiate a rulemaking proceeding to amend Section 61.72 so that carriers using method (b) would not be required to post tariffs in toll centers. AT&T gave three reasons for this change: First, it receives few requests to inspect schedules of rates and regulations at its toll centers; second, customers seeking information about charges and regulations usually need the assistance of an operator or business office representative in order to determine a rate; third, deleting the posting requirement would free floor space for other uses and simplify security procedures at toll centers. GTE Service Corporation and its affiliated telephone operating companies (GTE) filed "Comments in Support" of AT&T's petition. They repeated AT&T's concern for toll-center security and cited the expense of posting schedules which, the companies contended, are rarely used by the public. The GTE companies also characterized the existing rule's provision for toll-center posting as "burdensome" and "of no practical use."

3. We responded to the petition by issuing the *Notice*. We observed that, "Inasmuch as schedules for foreign and interstate message toll telephone rates are available in many other locations that are more accessible to the public than are toll centers, it might be, based on AT&T's statements, that the deletion of the toll-center-posting requirement would not inconvenience the public." Paragraph 6 of *Notice* at 514. A proposed revised rule set out as an Appendix to the *Notice* omitted reference to toll-center posting. In paragraphs 7 and 9, *id.*, we invited comments on the draft proposal, expressing particular interest in the frequency and volume of rate and regulation inquiries made by the public at toll centers.

4. Only GTE and AT&T responded to the request for comments. GTE adopted by reference the "Comments in Support" filed previously and again advocated discontinuing the toll-center-posting requirement. In response to our concern about the number of public inquiries for charge and regulation information at toll centers, GTE stated that it receives virtually no requests from customers to

² Toll centers are switching offices generally staffed by operators who assist in completing telephone calls. To assure the security and continuous operation of switching equipment, telephone companies normally control access to toll centers in contrast to business offices which the public may freely visit.

review tariffs at toll centers. AT&T filed comments expressing support for the proposed rule but sought certain modifications. Like GTE, AT&T stated that the public made almost no use of schedules posted at its toll centers.

Discussion

5. The responding carriers did not provide quantitative answers to our question about the volume and frequency of inquiries for charge and regulation information at toll centers. However, we can make generalizations from the comments summarized in the preceding paragraphs. In all parts of the country except Alaska and Hawaii, AT&T operates toll centers which serve both Bell System customers and the customers of some independent companies. GTE also serves a significant number of customers through toll centers located in various regions of the country. We conclude that the experience of AT&T and GTE may be viewed as typical of the frequency of usage by telephone customers of tariffs posted at toll centers. Therefore, since it appears that the public makes little use of these tariff postings, we believe that discontinuing this aspect of our posting requirements would not inconvenience customers, while it would relieve the industry of a regulatory burden.

6. In Paragraph 7 of our *Notice* at 514, we also proposed to amend Section 61.72 to require that the material posted include proposed revisions as well as effective tariffs. The carriers did not oppose amending this section to require posting of proposed tariff revisions, but AT&T did raise the point of time limits to complete posting. The proposed rule did not address this issue. In the absence of some time limit, AT&T contended that the draft rule could be interpreted to require concurrent filing with the Commission and posting for public inspection, and that such an interpretation might delay tariff filings and burden companies. To avoid this interpretation, AT&T suggested up to thirty days after filing with the Commission as a permissible posting period.

7. We agree with AT&T that the rule should include a specified period during which the carriers must post tariff material. However, we believe that posting should reasonably be completed within fifteen days of the date a tariff revision is filed with the Commission. Companies already file with the Commission and implement tariff revisions in a relatively short time period when making text changes, imposing termination charges, and seeking special permission. See Commission Rules and Regulations

§§ 61.58(a), 61.58(e), 47 C.F.R.

§§ 61.58(a), 61.58(e). We assume that the carriers can act with reasonable dispatch since their employees administering the tariff must have copies and perhaps instructions in these situations. Moreover, we cannot ignore the public benefit of having a tariff revision available for inspecting at a reasonably convenient location at an early date. Therefore, we will accordingly modify the rule in this regard.

8. We have accepted some of the changes suggested in the Comments, as reflected in the text of the revised final rule contained in the Appendix. Also, we have made additional editorial changes.

9. Accordingly, IT IS ORDERED, effective November 5, 1979, that Part 61 of the Commission's Rules and Regulations § 61.72 is amended as set forth in the attached Appendix. Authority for this amendment is contained in the Communications Act of 1934, as amended, §§ 4(i), 203(a), 47 U.S.C. §§ 154(i), 203(a) (1976).

(Secs. 4, 203, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 203.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

In Part 61 of Chapter I of Title 47 of the Code of Federal Regulations, Section 61.72 is amended to read as follows:

§ 61.72 Posting.

Filing carriers are required to post a schedule of rates and regulations to be available for public inspection during regular business hours. This schedule shall include all effective and proposed rates and regulations pertaining to the services offered to and from the community or communities served and shall be the same as that on file with the Commission. This posting requirement may be satisfied by either of the following methods:

(a) *First Method.* The schedule of rates and regulations shall be posted in every community within the United States in which the filing carrier has an office open to the public in such office (in the main office in the case of a filing carrier with more than one office in a single community).

(b) *Second Method.* The schedule of rates and regulations shall be posted in each state in which the carrier operates as follows:

(1) In the main office of the filing carrier open to the public in every city with a population of 100,000 or more in that state (or in the largest community

served if none has a population of 100,000); and

(2) In the main office of the carrier in the state capital.

If a carrier chooses the second method, a notice must be posted in each and every business office of the carrier open to the public in that state indicating the street address of the nearest location in which the schedule of rates and regulations can be found.

The posting of rates and regulations shall be deemed timely if the rates or regulations are available for public inspection at the posting locations within 15 days of their filing with the Commission. The carrier shall clearly indicate which rates and regulations are currently effective and which are proposed to be put into effect in the future.

[FR Doc. 79-30712 Filed 10-3-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 78-225; RM-3077]

FM Broadcast Stations in Elk City, Okla. and Childress, Tex.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order (final rule).

SUMMARY: Action taken herein substitutes a Class C FM channel for a Class A channel at Elk City, Oklahoma. It also substitutes one Class A channel for another at Childress, Texas. Both substitutions were made at the request of Beckham Broadcasting Company. The proposed Class C station at Elk City could provide service to a large unserved and underserved area and population.

EFFECTIVE DATE: November 5, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: September 21, 1979.

Released: September 26, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Elk City, Oklahoma and Childress, Texas), BC Docket No. 78-225, RM-3077.

1. The Commission herein considers the *Notice of Proposed Rule Making*, adopted July 24, 1978, 43 FR 34509, in response to a petition filed by Beckham

Broadcasting Company ("petitioner"), licensee of full-time AM Station KADS, Elk City, Oklahoma. Petitioner proposed the substitution of Class C FM Channel 243 for Channel 232A (unoccupied and unapplied for) at Elk City. In order to make possible this substitution, petitioner also requested that FM Channel 240A be substituted for unoccupied and unapplied for Channel 244A at Childress, Texas. Petitioner filed comments reaffirming its intention to file for the Elk City channel, if assigned.¹ No oppositions to the proposal were received.

2. Elk City (pop. 7,323), in Beckham County (pop. 15,754),² is located approximately 180 kilometers (112 miles) west of Oklahoma City, Oklahoma. It is served locally by full-time Class IV AM Station KADS, licensed to petitioner.

3. Petitioner contends that a Class C FM station could reach a much larger audience than a Class A FM station, especially when it is necessary to provide weather information to the residents in the outlying areas. It notes that its AM station is limited to a low power operation during the pre-sunrise and nighttime hours when the need for weather information is the greatest.

4. A preclusion study indicates that nine communities³ of over 2,000 population would sustain preclusion as a result of the channel 243 assignment to Elk City. None of these communities has an FM assignment or an AM station. Petitioner indicates that alternate FM channels are available for assignment to all of these communities except Marlow.

5. Petitioner shows that a Class C station operating with effective radiated power of 100 kilowatts and antenna height of 81.1 meters (266 feet) would provide a first and second FM service to 11,719 persons in a 3,076 (approximate figures) square kilometer (1,183 square miles) area and a first and second nighttime aural service to 1,944 persons in a 840 square kilometer (323 square miles) area.

6. We have given careful consideration to the proposal and believe that Channel 243 should be assigned to Elk City, Oklahoma. Although a community of this size is not normally assigned a Class C channel, the proposed assignment would provide for an FM station which could render

first and second FM as well as first and second nighttime aural service to substantial areas and populations. Since a substitute Class A channel is available for Childress and alternate channels are available for assignment to all communities (with the exception of Marlow) without FM assignments located in the precluded areas, we believe the public interest would be served by assigning Channel 243 to Elk City, Oklahoma.

7. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission rules, it is ordered, that effective November 5, 1979, the FM Table of Assignments (§ 73.202(b) of the rules) is amended with respect to the communities listed below:

City	Channel No.
Elk City, Oklahoma	243
Childress, Texas	240A

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303))

Federal Communications Commission.

Richard J. Shiben,
Chief, Broadcast Bureau.

[FR Doc. 79-30792 Filed 10-3-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[Docket No. 21348]

Private Land Mobile Radio Service; Reregulation; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: In an effort to set forth a simple and more manageable set of rules for use by applicants, licensees, and industry users, the Federal Communications Commission published regulations at 43 FR 54788, November 22, 1978, providing for the consolidation and updating of the private land mobile radio services provisions. This document makes necessary corrections because of omissions and inaccuracies which occurred in preparation and printing.

EFFECTIVE DATE: January 2, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Rules Division, Private Radio Bureau (202) 632-6497.

Released: October 1, 1979.

In the matter of amendment of the Commission's rules governing the private land mobile radio service to provide a new Part 90 that re-regulates and consolidates Parts 89, 91, and 93, Docket 21348.

The appendix to the Report and Order in this proceeding (FCC 78-799, 43 FR 54788) contained a new Part 90 which consolidated the rules and regulations formerly contained in Parts 89, 91, and 93. In the process of consolidating, a number of omissions and inaccuracies occurred which are the subject of this errata.

1. In § 90.3, Organization and applicability of the rules, delete paragraphs (k), (l), and (m), and insert the following:

(k) Subpart O contains regulations relating to control of transmitters, interconnection, and paging.

(l) Subpart P contains special regulations for operation in the Chicago Land Mobile Spectrum Management District.

(m) Subpart Q provides regulations for the authorization of developmental operations.

(n) Subpart R contains regulations for emergency operations in the Industrial Radio Service (ICEP), and in the Land Transportation Radio Services (LATICEP).

2. In § 90.19, Police Radio Service, set Article 5 of the Inter-American Radio Agreement in small type and indent as follows:

§ 90.19 Police Radio Service.

* * * * *

(c) *International police radiocommunication.* * * *

Article 5. *Police radio stations.* When the American countries authorize their police radio stations to exchange emergency information by radio with similar stations of another country, the following rules shall be applied.

(a) Only police radio stations located close to the boundaries of contiguous countries shall be allowed to exchange this information.

(b) In general, only important police messages shall be handled, such as those which would lose their value, because of slowness and time limitations if sent on other communication systems.

(c) Frequencies used for radiotelephone communications with mobile police units shall not be used for radiotelegraph communications.

¹ Late-filed comments were submitted by R & R Broadcasting, petitioner for Channel 244A in Duncan, Oklahoma (BC Docket No. 79-122). These comments were subsequently withdrawn and require no further consideration here.

² Population figures are taken from the 1970 U.S. Census.

³ Texas: Canadian (pop. 2,292), Electra (3,895); Oklahoma: Sayre (2,712), Mangum (4,066), Hollis (3,150), Waltus (2,611), Marlow (3,495); Kansas: Hogaton (2,739), Elkhart (2,089).

(d) Radiotelephone communications shall be conducted only on frequencies assigned for radiotelephony.

(e) Radiotelegraph communications shall be conducted on the following frequencies: 2804 kHz calling, 2808 kHz working, 2812 kHz working, 5195 kHz day calling, 5185 kHz day working, 5140 kHz day working.

(f) The characteristics of police radio stations authorized to exchange information shall be notified to the International Telecommunication Union, Geneva, Switzerland.

(g) The abbreviations contained in Appendix 9 of the Atlantic City Radio Regulations shall be used to the greatest possible extent. Service indications are as follows: "P", priority, for messages that are to be sent immediately, regardless of the number of other messages, are to be transmitted in the order of receipt.

(h) The message shall contain the preamble, address, text and signature, as follows:

Preamble. The preamble of the message shall consist of the following: the serial number preceded by the letters "NR", service indications, as appropriate; the group count according to standard cable count system; the letters "CK", followed by numerals indicating the number of words contained in the text of the message; office and country of origin (not abbreviations); day, month, and hour of filing;

Address. The address must be as complete as possible and shall include the name of the addressee with any supplementary particulars necessary for immediate delivery of the message;

Text. The text may be either in plain language or code;

Signature. The signature shall include the name and title of the person originating the message.

3. In § 90.53, *Frequencies available*, correct the frequency table under paragraph (a) as follows:

§ 90.53 Frequencies available.

(a) * * *

Special Emergency Radio Service Frequency Table

Frequency or band	Class of station	Limitations
463.075.....	do.....	14,15,20
463.100.....	do.....	14,15,20
463.125.....	do.....	14,15,20
463.150.....	do.....	14,15,20
463.175.....	do.....	14,15,20
468.075.....	do.....	14,15,20
468.100.....	do.....	14,15,20
468.125.....	do.....	14,15,20
468.150.....	do.....	14,15,20
468.175.....	do.....	14,15,20

4. In § 90.135, *Modification of License*, correct paragraph (a)(5) to read:

§ 90.135 Modification of license.

(a) * * *

(5) Any increase in the number of base transmitters beyond that authorized.

5. In § 90.175, *Frequency coordination requirements*, correct paragraph (a)(1) to read:

§ 90.175 Frequency coordination requirements.

(a) *For frequencies below 470 MHz.*

(1) A report based on a field study indicating the degree of probable interference to all existing co-channel stations within 120 km. (75 mi.) of the proposed stations, together with a statement that all such co-channel

licensees have been notified of the applicant's intention to apply. In addition, for frequencies in the range 150-170 MHz, a report based on a field study indicating the degree of probable interference to existing stations located between 16 and 56 km. (10 and 35 mi.) (12 and 56 km. for taxicabs) from the proposed station, operating on a frequency 15 kHz removed, and a statement that the licensees of all such stations have been notified of the applicant's intention to apply. In no instance will an application be granted where the proposed station is located less than 10 miles from an adjacent channel station 15 kHz removed. Or,

§ 90.213 [Amended]

6. In § 90.213, *Frequency tolerance*, correct the Frequency Tolerance table to read as follows:

Frequency range (MHz)	Over 200W output power	200W or less output power	Over 2W output power	2W or less output power
806 to 821.....	¹⁰ .00015	¹⁰ .00015	.00025	.00025

7. In § 90.239, *Interim provisions for operation of automatic vehicle monitoring (AVM) systems*, correct paragraph (c)(3)(i) to read:

§ 90.239 Interim provisions for operation of automatic vehicle monitoring (AVM) systems.

(c) * * *

(3) * * *

(i) For transmission between vehicles and base stations, each frequency in a single-frequency mode of operation will provide location data * * *.

§ 90.261 [Amended]

8. In § 90.261(c), correct the frequency table to read:

(c) * * *

Frequencies MHz

451.975	456.350	458.725	465.175
452.000	456.375	458.750	465.200
452.025	456.400	459.775	465.225

9. In § 90.487, *One-way paging operations in the bands below 512 MHz*, correct paragraph (c) to read as follows:

§ 90.487 One-way paging operations in the bands below 512 MHz.

(c) Paging signals, as such, may not be transmitted from telephone positions in the public, switched, telephone network, * * *.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 79-30795 Filed 10-3-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs
Administration

49 CFR Part 192

[Amendment 192-34; Docket PS-54]

Transportation of Natural and Other
Gas by Pipeline; Joining of Plastic PipeAGENCY: Materials Transportation
Bureau (MTB).

ACTION: Extension of effective date.

SUMMARY: This notice extends the effective date for the requirements being established under Amendment 192-34; 44 FR No. 142, page 42968, to July 1, 1980.

FOR FURTHER INFORMATION CONTACT:
Paul J. Cory, 202-426-2392.

SUPPLEMENTARY INFORMATION: Persons responding to the invitation for comment on certain questions discussed in the preamble of Amendment 192-34 have convinced MTB of the need for additional time to qualify persons to make joints and permit training to be done during the winter months when construction activity is at a minimum. An extension of time will also permit operators to adjust their programs to reflect some possible additional changes being considered by MTB in the methods for qualifying joining procedures and permitting additional test methods to show that persons are qualified to make joints as recommended by comments. Any substantive changes will be issued by a further notice.

For the above reasons, MTB is extending the effective date to July 1, 1980, on Amendment 192-34, Docket PS-54, Joining of Plastic Pipe.

(49 U.S.C. 1692; 49 U.S.C. 1804; 49 CFR 1.53, Appendix A of Part 1, and Appendix A of Part 106).

Issued in Washington, D.C., on September 27, 1979.

Cesar De Leon,

*Associate Director for Pipeline Safety
Regulation, Materials Transportation Bureau.*

[FR Doc. 79-30802 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety
Administration

49 CFR Part 571

[Docket No. 75-16; Notice 29]

Air Brake Systems; Correction

AGENCY: National Traffic Safety
Administration, (NHTSA).

ACTION: Final rule; correction.

SUMMARY: On August 9, 1979, the NHTSA published in the Federal Register a final rule amending the applicability section (S3) of Standard No. 121, *Air Brake Systems*. On September 13, the agency published a correction of that final rule. An error was made in the September 13, correction when reference to section S5.3.2.1. was inadvertently deleted from the notice. Accordingly, the final rule is corrected by changing the last sentence of section S3 to read: Notwithstanding any language to the contrary, §§ 5.3.1, 5.3.1.1, 5.3.2, 5.3.2.1, 5.3.2.2, 5.7.1, 5.7.3(a) and 5.7.3(b) of this standard are not applicable to trucks and trailers.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT:
Mr. Scott Shadle, Office of Crash Avoidance, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-462-2153).

(Secs. 103, 119, Pub. L. 89-593, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8).

Issued on September 25, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-30531 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

50 CFR Part 216

Taking of Marine Mammals Incidental
to Commercial Fishing Operations

AGENCY: National Marine Fisheries
Service, National Oceanic and
Atmospheric Administration,
Commerce.

ACTION: Notice of Determination.

SUMMARY: The Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), in consultation with the Department of State, finds that the Republic of Korea is in substantial conformance with United States regulations governing the taking of marine mammals incidental to yellowfin tuna purse seine fishing operations. In finding that the Republic of Korea is not fishing in a manner proscribed for persons subject to the jurisdiction of the United States, the Assistant Administrator for Fisheries exempts yellowfin tuna caught by vessels of the Republic of Korea from an importation prohibition.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT:
Richard B. Roe, Deputy Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, NOAA, Washington, D.C. 20235, Telephone: 202-634-7461.

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service (NMFS) published regulations on December 23, 1977, 42 FR 64551-64560, governing the taking of marine mammals incidental to commercial fishing operations (50 CFR 216.24). These regulations include provisions concerning the importation of yellowfin tuna and tuna products from nations whose flag vessels are known to be involved in the tuna purse seine fishery in the eastern tropical Pacific Ocean (ETP). Importation of yellowfin tuna and tuna products originating from these countries is contingent upon certain findings by the Assistant Administrator for Fisheries in accordance with § 216.24(e)(5).

The Republic of Korea was not identified as previously having purse seine vessels operating in the ETP, therefore imports from the Republic of Korea were not prohibited. The recent purchase of a purse seine vessel by the Republic of Korea for fishing in the ETP necessitates a finding before yellowfin tuna can be imported. In compliance with § 216.24(e)(5), the Republic of Korea has submitted the required information.

Yellowfin tuna and products caught by Republic of Korea flag vessels are hereby exempted from the importation prohibition effective October 1, 1979. This finding by the Assistant Administrator for Fisheries, made in accordance with § 216.24(e)(5)(i), exempts fish originating from the Republic of Korea from the import provisions concerning yellowfin tuna and tuna products listed in § 216.24(e)(2)(ii). However, the requirements listed in § 216.24(e)(4) which call for specific documentation continue to apply. Information submitted by the foregoing government is available for review at the information contact address set out above, and is summarized in the following:

Republic of Korea

(a) Fleet. One Republic of Korea-flag tuna purse seine vessel will operate in the eastern tropical Pacific Ocean in 1979. The vessel is equipped with a 1 1/4" mesh porpoise safety panel and porpoise apron in its net. The Republic of Korea expects to export approximately 573 short tons of yellowfin tuna annually to the United

States. The Republic of Korea has stated that their vessel operator is familiar with the porpoise release procedures required for United States vessel operators, and will conduct his fishing operations in accordance with those procedures. Although the Republic of Korea has no immediate plans for an observer aboard the vessel, the master has been instructed to keep a logbook sufficient to provide statistical information on porpoise related sets and porpoise mortality.

(b) Porpoise mortality. The Republic of Korea reported that their vessel while under Panamanian-flag killed from 5-10 porpoise in 1978 while making 40-50 successful sets on tuna associated with porpoise.

This finding will be subject to annual review in which NMFS will require an update of the items listed in § 216.24(e)(5)(ii) to insure that the conditions which supported the original finding continue to exist.

Dated: September 28, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

[FR Doc. 79-30827 Filed 10-3-79; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 611

Trawl Fisheries of Washington, Oregon, and California; Preliminary Fishery Management Plan Amendment; Final Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA/Commerce).

ACTION: Final regulations.

SUMMARY: Final regulations are promulgated to implement an amendment to the Second Supplement to the Preliminary Fishery Management Plan (PMP) for the Trawl Fishery of Washington, Oregon, and California. These regulations lower the estimates of domestic annual harvest (DAH) and commensurately increase the total allowable level of foreign fishing (TALFF).

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Donald R. Johnson, Director, National Marine Fisheries Service, 1700 Westlake Avenue, North, Seattle, Washington 98109, Telephone Number (206) 442-7575.

SUPPLEMENTARY INFORMATION: In accordance with provisions made in the Second Supplement to the PMP, the Regional Director on August 1 reviewed

the total domestic harvest of Pacific whiting through July 15 and the results of an NMFS survey of expected harvest for the remainder of the fishing year, including processors' intentions. Based on this review, the Regional Director determined that the domestic annual harvest for Pacific whiting should be lowered by 12,500 m.t. and the total allowable level of foreign fishing commensurately increased by 12,500 m.t. An amendment to the Second Supplement to the PMP, making available for foreign fishing 12,500 m.t. of Pacific whiting which will not be harvested by domestic vessels, was approved by the Assistant Administrator for Fisheries on August 26, 1979. Proposed regulations were published September 18, 1979 (43 FR 54072). The purpose of the amendment is to make available for foreign fishing fish which will not be harvested by domestic vessels. No comments were received on the proposed regulations during the 15 day public comment period.

The Assistant Administrator for Fisheries, under a delegation of authority from the Secretary, has determined that this amendment to the PMP (1) is necessary and appropriate to the conservation and management of Washington, Oregon and California trawl fisheries resources; (2) is consistent with the National Standards and other provisions of the Fishery Conservation and Management Act of 1976; (3) does not constitute a major federal action requiring the preparation of an environmental impact statement; and (4) does not constitute a significant action requiring the preparation of a regulatory analysis under Executive Order 12044.

The Assistant Administrator also finds that the 30-day cooling off period required under the Administrative Procedure Act is unnecessary, impractical, and contrary to the public interest because it is desirable that foreign fishermen have the best opportunity possible to harvest their respective allocations.

Signed in Washington, D.C. this 1st day of October, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

(Authority: 16 U.S.C. 1801 et seq.)

PART 611—FOREIGN FISHING

50 CFR Part 611 is amended as follows:

1. Section 611.20(c) Table 1, delete the section on Washington, Oregon, and California and substitute the following:

611.20 Table 1 (amended) October 1, 1979

Fishery	Species	Species code	TALFF (m.t.)
Washington, Oregon, California	Hake	704	² 161,400
Do	Flounders	129	² 162
Do	Mackerel	208	² 4,842
Do	Rockfishes, including Pacific Ocean Perch	849	² 1,289
Do	Perch, Pacific Ocean	780	² 101
Do	Sablefish	703	² 162
Do	Other species	499	² 808

§ 611.70(b) [Amended]

Amend 50 CFR 611.70(b) Table 1 by deleting the table and substituting the following:

Table 1*—Washington, Oregon, and California Trawl Fishery: TALFF and Reserve by Species ¹

(Metric tons)

Species	Initial TALFF	Reserve ²	Addition from DAI	Total TALFF
Pacific Hake	109,120	39,780	12,500	161,400
Flounders ³	109	40	13	162
Jack Mackerel ³	3,274	1,193	375	4,842
Rockfishes, including Pacific Ocean Perch ³	873	316	100	1,289
Pacific Ocean Perch ³	68	25	8	101
Sablefish ³	109	40	13	162
Other species ^{2, 3}	546	199	63	808

¹The TALFFs specified in this table may be modified during the year if reserves are apportioned to TALFF.

²Unavoidable incidental catch only. Reserve amounts may be apportioned to TALFFs to the extent the Pacific hake reserve is apportioned to TALFF during the year.

³The category "other species" includes all species of fish except (A) the other fish listed in the table; and (B) bullfish, Pacific halibut, salmon, scallops, sharks (except dogfish), shrimp, steelhead trout, and Continental Shelf fishery resources.

⁴Total amount of reserve released to TALFF by Regional Director on August 1, 1979.

*Amended as of October 1, 1979.

[FR Doc. 79-30833 Filed 10-4-79; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 44, No. 194

Thursday, October 4, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1065

[Docket No. AO-86-A39-R01]

Milk in the Nebraska-Western Iowa Marketing Area; Reopening of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Reopened hearing on proposed rules.

SUMMARY: A public hearing was held in Omaha, Nebraska, on October 24-27, 1978, on proposed changes in the Nebraska-Western Iowa milk order. The hearing is being reopened for the purpose of receiving additional evidence on the proposals contained in the original notice of hearing and the issues that were set forth in the recommended decision issued July 24, 1979, for this proceeding. The major issues in this proceeding concern pooling standards for supply plants, the diversion of producer milk from one plant to another, Class I price zones and location adjustments, and charges on overdue accounts. In their exceptions to the recommended decision, several parties requested a further hearing on the issues under consideration.

DATE: October 23, 1979.

ADDRESS: Airport Ramada Inn, 2002 Locust East, Omaha, Nebraska 68110.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 202-447-7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing; Issued September 29, 1978; published October 4, 1978 (43 FR 45881).

Extension of time for filing briefs: Issued January 15, 1979; published January 19, 1979 (44 FR 3989).

Recommended decision: Issued July 24, 1979; published July 30, 1979 (44 FR 44523).

Extension of time for filing exceptions: Issued August 13, 1979; published August 16, 1979 (44 FR 47950); issued August 29, 1979; published September 5, 1979 (44 FR 51813).

A public hearing was held at Omaha, Nebraska, on October 24-27, 1978, pursuant to a notice of hearing issued September 29, 1978 (43 FR 45881), with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Nebraska-Western Iowa marketing area.

Notice is hereby given, pursuant to the rules of practice to these proceedings (7 CFR Part 900), that the said hearing will be reopened at the Airport Ramada Inn, 2002 Locust East, Omaha, Nebraska, beginning at 9:30 a.m., local time, October 23, 1979.

On the basis of the evidence received at the October 1978 hearing, the Department issued a recommended decision in which it set forth its findings and conclusions regarding the proposals under consideration. Interested parties were invited to submit exceptions to the Department's recommendations, and a number of exceptions were received. In their exceptions, several parties claimed that some of the Department's recommendations concerning Class I price zones and location adjustments went beyond the scope of the proposals specifically set forth in the hearing notice. These parties indicated that had they known that certain order changes tentatively adopted by the Department were under consideration, they would have submitted specific testimony regarding the possible changes. The parties asked that they be given an opportunity to present evidence on the proposed order changes at a reopened hearing.

In the interest of assuring that all interested parties have an opportunity to testify on all of the issues involved in this proceeding, it is concluded that the hearing should be reopened. Additional evidence will be received concerning the economic and marketing conditions that relate to any of the proposals set forth in the original notice of hearing that was issued on September 29, 1978 (43 FR

45881) and to any of the recommendations of the Department set forth in the recommended decision that was issued on July 24, 1979 (44 FR 44523).

Copies of this notice of reopened hearing and the order may be obtained from the market administrator, U. Grant Grayson, P.O. Box 4606, Overland Park, Kansas 66204; or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

As indicated at the outset of this proceeding, Department employees involved in the decisional process are prohibited until the issuance of a final decision in this proceeding from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

- Office of the Secretary of Agriculture.
- Office of the Administrator, Agricultural Marketing Service.
- Office of General Counsel.
- Dairy Division, Agricultural Marketing Service (Washington office only).
- Office of the Market Administrator, Nebraska-Western Iowa marketing area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on October 1, 1979.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-30819 Filed 10-3-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 214

[Docket No. ERA-R-79-45]

Public Conference Concerning Canadian Allocation Program

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Public Conference and Request for Written Comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department

of Energy (DOE) will hold a public conference in Minneapolis, Minnesota on October 10, 1979, to assess the impact on the Northern Tier refineries and the ERA's Canadian Allocation Program (CAP), of the Canadian Government's recent decision to determine its crude oil export levels on a monthly rather than a quarterly basis and to reduce substantially its export level of light crude oil. ERA urges all companies currently receiving allocations under the CAP, as well as any other interested parties, to participate in the conference.

DATES: Conference date: October 10, 9:30 a.m. Requests to speak by October 8, 1979, 4:30 p.m. Written comments by November 2, 1979, 4:30 p.m.

ADDRESSES: Conference: Room B15, United States Courthouse, 110 South 4th St., Minneapolis, Minn.; Request to speak should be directed to the Department of Energy, Economic Regulatory Administration, Docket No. ERA-R-79-45, 175 W. Jackson Blvd., Attention: Lou Brownlee, Chicago, Ill., 60604, 213-353-3928, and written comments to Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-79-45, 2000 M Street, N.W., Washington, D.C., 20461.

FOR FURTHER INFORMATION CONTACT:

Robert G. Bidwell, Jr. (Office of Petroleum Operations), Economic Regulatory Administration, Room 6128, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-9707.

John W. Glynn (Regulations and Emergency Planning), Economic Regulatory Administration, Room 8202, 2000 M Street, N.W., Washington, D.C. 20461, (202) 632-5133.

SUPPLEMENTARY INFORMATION:

Background

The Canadian Allocation Program ("CAP") was adopted by the Federal Energy Administration on January 30, 1976 in response to the Canadian National Energy Board's decision in 1974 gradually to phase out exports of crude oil to the United States in the early 1980's. The program was intended to give the refiners that are most dependent on Canadian crude oil additional time to arrange for alternative crude oil delivery systems.

The current CAP regulations set forth in 10 CFR Part 214 provide for the allocation on a preferential basis of the Canadian light and heavy crude oil streams separately to priority classes of refineries and other facilities for calendar quarter allocation periods. For each allocation period, priority refineries are issued a number of

Canadian crude oil rights based on the volume of Canadian crude oil included in their crude oil runs to stills during the base period of November 1, 1974, through October 31, 1975.

The classes of firms dependent upon Canadian crude sources and thereby eligible for allocations are distinguished by their current capability to replace Canadian crude oil with crude oil from other sources. First priority refineries are those which processed Canadian crude oil that constituted at least twenty-five percent of their base period crude oil runs to stills and that possess no current capability of replacing that Canadian crude oil due to a demonstrated lack of access to domestic pipelines or port facilities. Second priority refineries include all other refineries that processed Canadian crude oil in the base period.

Changes in Canadian Export Policy

On September 11, 1979, the Canadian Minister of Energy, Mines and Resources announced that, effective October 1, 1979, the Canadian National Energy Board ("NEB") will lower the volume of light crude oil exports to the U.S. from the current 55,000 barrels per day (B/D) level to approximately 14,000 (B/D), all of which must be allocated to Montana refineries due to pipeline operational constraints. It was further announced that in the future, beginning with the month of October, 1979, the exportable crude oil surpluses for both heavy and light crude oils would be determined on a monthly rather than on the current quarterly basis. The Canadian Government stated that these two changes pertaining to crude oil exports were necessary due to the overall tight petroleum supply situation and the unanticipated high domestic demand for motor gasoline.

The reduction in light crude oil exports in October will have the effect, with the current operational restraints, of reducing light crude oil allocations to the Montana refineries by approximately 50% from present levels and eliminating totally the allocations of light crude to refineries in Minnesota and Wisconsin. NEB also announced that in November and December there would likely be no exports of light crude oil, except for a 50 (B/D) operational restraint to a Montana refinery.

In view of these changes in Canada's export policy, we are scheduling a public conference to receive comments from interested parties to assist us in assessing the impacts of Canada's recent decisions and in determining what kind of regulatory actions, if any, may be needed to assist the refineries affected by the reduction in Canadian

export volumes. We request the participants in the public conference to address specifically the following issues:

1. The Canadian Government stated that despite the reduction in the export level, Canadian crude oil could continue to flow to refineries located in the Northern Tier of the United States by means of commercial crude oil exchanges. We solicit participants' views as to whether ERA should establish a priority system for refineries in approving crude oil exchanges with Canadian companies. If so, what criteria should be used in determining such priorities?

2. Assuming the need for increased reliance by first priority refineries on crude oil exchanges with Canadian companies, are there any logistical restraints foreseen that might prohibit these exchanges, such as inaccessibility to pipelines and docks, difficulties in locating crude oil and exchange partners or other operational constraints?

3. We solicit comments on the Canadian Government's decision to announce and license export volumes on a monthly rather than a quarterly basis, and the impacts of this change on the CAP.

4. Canada indicated that, if conditions not now present develop, it is considering the reduction of heavy crude oil export levels after the first quarter of 1980, and relying more on crude oil exchanges with U.S. refiners. What could be the anticipated impact of such an action, particularly with respect to the Northern Tier states?

5. ERA is reevaluating all aspects of the CAP in view of Canada's recent decisions, the dwindling volumes of exports, the few companies actively remaining in the Program, the increased emphasis on crude oil exchanges in lieu of exports, and the apparent ability of the refiners to arrange crude oil exchanges as documented by DOE data.

In light of these considerations, we solicit comments on whether refiners' requirements for crude oil which cannot be fulfilled by independent exchange arrangements might be met through the crude oil Buy/Sell Program and the Oil Import Program, and request views on the most appropriate manner in which to restructure the CAP in view of the actions of the Canadian Government to reduce exports.

Conference Procedures

ERA is convening this conference pursuant to 10 CFR 205.171 and paragraph 26 of DOE Delegation Order No. 0204-4. The Delegation Order authorizes the Administrator of the ERA to conduct conferences, hearings or public hearings with respect to the

functions delegated thereby and to administer oaths and affirmations to any person appearing at such conference or hearing. Pursuant to this Delegation Order the ERA official designated to preside at the conference will be authorized to administer oaths or affirmations to any person presenting testimony at the conference, and the ERA hereby requests that all persons present their testimony under oath due to the complexities of the subject matter of the conference and the necessity for the ERA's subsequent actions to be based on as reliable record as possible. The presiding ERA official will be authorized to conduct the conference in a fashion that will, in his or her judgment, facilitate the orderly presentation of interested parties' oral statements. All interested persons are requested to present views as to the issue or issues involved, and will be afforded the opportunity to make opening and closing statements, which may be subject to time limitations if so specified by the presiding ERA official.

Any person who wishes to ask a question at the conference may submit the question, in writing, to the presiding officer, who will determine whether the question is relevant and whether time limitations permit it to be answered.

This conference will be open to the public. Any person who wishes to make an oral statement at the conference must give notice thereof to the Department of Energy, Chicago Regional Office, at the above address, on or before October 8, 1979. This notice should indicate the issues which will be addressed, the amount of time desired, and a person (with address and telephone number) to accept notification of the grant of time for an oral statement and the allotted time for the oral statement. The ERA reserves the right to restrict the number of such persons to be heard and to establish procedures governing the presentation of such oral statements.

Any person who wishes to file written comments with the ERA will be permitted to do so, either before or after the conference. However, all comments must be sent to the Office of Public Hearing Management, at the above address before November 2, 1979. All comments (with confidential material excluded) received by the ERA will be available for public inspection in the DOE Freedom of Information Office, Room GA-152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

A transcript of the conference will be

made, and it will be available for public review and copying at the Freedom of Information Office at the above address between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., on September 28, 1979.

David J. Bardin,
Administrator, Economic Regulatory
Administration.

[FR Doc. 79-30835 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-NE-12]

Airworthiness Directives; Pratt & Whitney Aircraft JT3D Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require replacement of fifth stage compressor disks, P/N 426505, on Pratt & Whitney JT3D-1MC7 turbofan engines. The proposed AD is needed to prevent fatigue cracks which could result in a disk fracture.

DATES: Comments must be received on or before December 4, 1979.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket (ANE-7), Docket No. 79-NE-12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Daniel P. Salvano, Propulsion Section (ANE-214), Engineering and Manufacturing Branch, Flight Standards Division, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7337.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be

considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of five instances of cracks found in fifth stage compressor disks on Pratt & Whitney Aircraft JT3D-1MC7 turbofan engines which could result in a fracture. Since this condition is likely to exist or develop on other engines of the same type design, the proposed AD would require replacement of disk P/N 426505 on all JT3D-1MC7 model engines.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD.

Pratt & Whitney Aircraft: Applies to all Pratt & Whitney Aircraft JT3D-1MC7 turbofan engine models.

Compliance required not later than July 1, 1980.

To preclude high cycle fatigue cracking of fifth stage compressor disks, which could result in a disk fracture, retire from service all fifth stage compressor disks, P/N 426505, and replace with either disk P/N 697105 or P/N 749605.

A historical file on this AD is maintained in full by the FAA at its Headquarters in Washington, D.C., and at the New England Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.85.)

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

Issued in Burlington, Mass., on September 25, 1979.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 79-30879 Filed 10-03-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SO-58]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Control Zone; Gadsden, Ala.**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Proposed Rulemaking.**SUMMARY:** This proposed rule will designate the Gadsden, Alabama, Control Zone and lower the base of controlled airspace in the vicinity of the Gadsden Municipal Airport from 700 feet AGL to the surface.**DATES:** Comments must be received on or before: November 7, 1979.**ADDRESS:** Send comments on the proposal to:

Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Carl F. Stokoe, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before November 7, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W.,

Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate the Gadsden, Alabama, Control Zone. Aviation weather observations are being taken by Republic Airlines at the Gadsden Municipal Airport, and two-way radio communications exist down to the airport surface with Birmingham Approach Control. These items meet the requirements for establishment of a part-time control zone with irregular hours of operation.

In order to provide the maximum level of safety, designation of the control zone, controlled airspace to the surface, is required to contain flight operations near the airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 (44 FR 353), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

Gadsden, Alabama

Within a five-mile radius of Gadsden Municipal Airport (latitude 33°58'26" N.; longitude 86°05'28" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Georgia, on September 21, 1979.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 79-30571 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SW-29]

Designation of VOR Federal Airway**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.**SUMMARY:** This notice proposes to designate new VOR Federal Airway V-369 between Dallas, Tex., and Navasota, Tex. This action would reduce the mileage between Dallas and Navasota, aid flight planning and improve traffic flow in the area.**DATES:** Comments must be received on or before November 3, 1979.**ADDRESSES:** Send comments on the proposal in triplicate to:

Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 79-SW-29, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D. C. 20591

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before November 3, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D. C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate Victor Airway V-369 between Dallas, Tex., and Navasota, Tex. At the present time aircraft fly VFR between Dallas and Navasota to avoid the longer route which is a dogleg. This action would reduce controller workload by designating controlled airspace in an area where aircraft are vectored. Subpart C of Part 71 was republished in the *Federal Register* on January 2, 1979, (44 FR 307).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) as follows:

Under § 71.123: "V-369 From Navasota, Tex., to Dallas, Tex." is added.

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

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D. C., on September 26, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 79-30578 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 292**

[Docket No. RM79-55]

Small Power Production and Cogeneration—Rates and Exemptions; Public Hearings

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Public Hearing.

SUMMARY: On September 21, 1979 the Federal Energy Regulatory Commission (Commission) agreed in principle to a Notice of Proposed Rulemaking to implement Part 292 of its regulations. The proposed rules would implement Section 210 of the Public Utilities Regulatory Policies Act of 1978 (PURPA). That section sets forth rates for the sale of electric energy between qualifying small power production and cogeneration facilities and electric utilities. It also provides for the exemption of qualifying facilities from certain state and federal regulation. Notice is hereby given that three public hearings will be held with respect to this proposal in New Orleans, Washington, D. C. and Boston.

DATES: Requests to participate by October 17, 1979. Hearing dates: October 22, 1979 in New Orleans, Louisiana; October 24, 1979 in Washington, D. C.; and October 26, 1979 in Boston, Massachusetts.

ADDRESS: Requests to participate should be filed with the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426 and should reference Docket No. RM79-55.

FOR FURTHER INFORMATION CONTACT: Barbara King, Office of Congressional and Public Affairs, Federal Energy Regulatory Commission, Room 9200-C, 825 North Capitol Street, N.E., Washington, D. C. 20426, (202) 357-8373.

SUPPLEMENTARY INFORMATION: The hearings are being held pursuant to the requirements of section 210(a) of PURPA that these rules shall be prescribed " * * * and after public notice and a reasonable opportunity for interested persons (including state and federal agencies) to submit oral as well as written data, views and arguments." Staff may question persons making presentations, and persons may submit to the presiding officer questions to be asked of those making presentations. The presiding officer will determine whether the questions so submitted are relevant and whether time permits their

presentation. Any further procedural rules will be announced by the presiding officer at the hearing. The hearing will be continued on the following day, if necessary, at the same location.

Requests to participate in the hearing should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426 and should be made no later than October 17, 1979. Requests should reference Docket No. RM79-55 and should indicate the amount of time required for the oral presentation and the name, representation, and telephone number of the person who will participate.

Participants should, if possible, bring 5 copies of their presentation to the hearing. A list of the participants will be available in the Commission's Office of Public Information three days before the hearing and at the place of hearing on the morning of the hearing.

A transcript will be made of the hearing and it will be made part of the public file of Docket No. RM79-55. The exact times and locations of the hearings will be announced later.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-30842 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 51 and 52**

[FRL 1332-7]

Approval and Promulgation of Implementation Plans; Corrections

AGENCY: Environmental Protection Agency.

ACTION: Corrections to proposed rule; extension of comment period.

SUMMARY: EPA recently proposed various amendments to its regulations relating to the review of new and modified sources of air pollution under the prevention of significant deterioration (PSD) and nonattainment provisions of the Clean Air Act. EPA here corrects certain errors in the notice of those proposals, which appears at 44 FR 51924 (September 5, 1979) (FR Doc. 79-27180). EPA also extends the period for submitting written comments to November 5, 1979.

DATES: *Comments.* The deadline for submitting written comments on the proposals is now November 5, 1979.

Public hearings. EPA will hold public hearings on the proposals at 9:00 a.m. (local time) on October 15-16 and 18-19, 1979.

Rebuttal and supplementary information: The deadline for submitting information which rebuts or supplements any written comment or any presentation at the hearings is November 18, 1979.

ADDRESSES: Comments and rebuttal and supplementary information. Written comments and rebuttal and supplementary information should be sent (in triplicate, if possible) to the Central Docket Section (A-130), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: Docket No. A-79-35.

Public hearings: EPA will hold the hearings scheduled for October 15-16, 1979, in Room 2117, EPA Headquarters, 401 M Street, S.W., Washington, D.C. EPA will hold the hearings schedule for October 18-19, 1979, in the California Room EPA Region IX, 215 Fremont Street, San Francisco, California.

FOR FURTHER INFORMATION CONTACT: Michael Trutna, Standards Implementation Branch (MD-15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711; 919-541-5292.

SUPPLEMENTARY INFORMATION:

I. Corrections

EPA recently proposed to amend its PSD regulations (40 CFR 51.24, 52.21(1978)) in response to a court decision that overturned them in major respects. At the same time, the agency proposed parallel amendments to its regulations relating to new source review under the nonattainment provisions of the Clean Air Act. The notice of proposed rulemaking appears at 44 FR 51924 (September 5, 1979) (FR Doc. 79-27180). That notice contains errors of a technical nature. Listed below are corrections to certain of those errors. The corrections given are those which are not already obvious from the context.

A. Error in Section Entitled "Addresses"

The section of the notice entitled "ADDRESSES" gives an address to which written comments are to be sent. The address is incomplete. It should read: "Central Docket Section (A-130), Environmental Protection Agency, 401 M Street, Washington, D.C. 20460, Attention: Docket No. A-79-35." A complete address does appear at the end of the section of the notice entitled "SUPPLEMENTARY INFORMATION," at 44 FR 51947.

B. Errors in Section Entitled "Supplementary Information"

1. 51928, first column, only full paragraph. The seventh line from the

bottom of that paragraph should read: "construction would commence".

2. 51929, third column, second full paragraph, seventh line. That line should read: "maximum design capacity to emit a pollutant".

3. 51933, third column, sixth line; 51939, third column, sixth line. Those lines should refer to section 110(a)(2)(I), not section "110(a)(2)(1)".

4. 51942, second column, last paragraph. That paragraph is incomplete. In the copy of the proposal that the Administrator signed, the paragraph contains additional sentences. Those sentences do not appear in the *Federal Register* because of inadvertence. The paragraph should read as follows:

Specifically, large groups of gas-fired boilers in the Gulf Coast area have been permitted to burn oil due to a possible natural gas shortage in the future. The affected units involve burners that could have accommodated such a fuel-switch before January 6, 1975, as well as some that were altered to accommodate the alternate fuel after this date. All affected units were permitted to switch fuel before August 7, 1977 (the earliest possible baseline date). Under the current actual emissions concept, increment consumption occurs at the time of the actual fuel-switch. Due to the large numbers of gas-fired units located near each other that are permitted to burn oil, there are serious doubts whether future growth can be approved in the area without special relief. This is so, even though it is unlikely many of the approved sources will actually switch fuels. Section 163(c)(1)(B) provides some relief from increment consumption due to actions taken pursuant to natural gas curtailment plans, but such relief is only temporary and is restricted to plans developed under the Federal Power Act. The Administrator solicits comment on the need to address this problem outside of the SIP revision mechanism. Comment is specifically requested on the Administrator's ability to consider these emissions part of the baseline concentration, to the extent that such switches actually occur and the ambient standards are not jeopardized. Such relief would be consistent with that provided for sources affected by SIP relaxations pending on or before the baseline date, and for sources that increase emissions by expanding hours of operation.

5. 51942, third column. The first three paragraphs should be deleted. They largely duplicate the next three paragraphs.

6. 51943, first column, first line. That line should read: "proposed §§ 51.24(j)(2) and 52.21(j)(2)."

7. 51944, second column, fourth full paragraph, last sentence. That sentence should refer to subparagraph "I" of section II of EPA's offset ruling, not subparagraph "H".

8. 51945, third column, first full paragraph, third line. That line should read: "calendar year of data for PM, SO₂, CO, and".

C. Errors in Proposed Regulations

1. 51951, third column, proposed section (v)(5)(iv), third line. That line should read: "determine if the proposed emission decreases".

2. 51953, third column, proposed section (i)(7), fifth line. That line should refer to 40 CFR 52.21, not 40 CFR "52.51."

3. 51953, third column, proposed section (i)(7)(ii), second line. That line should read: "[date 18 months after date of promulgation] or any earlier".

4. 51954, Second column, proposed section (k)(1)(i), fifth line. That line should read: "where an applicable increment is known".

5. 51957, third column. The following provision should appear before section 3.e. in that column: "3.d. By deleting subsections D and F and denoting them as [RESERVED]."

6. 51958, second column, proposed section (j)(1)(ii)(b). The last two lines of that provision should read: "II.A.2 and 3, respectively, of appendix S to this part."

7. 51958, third column, proposed section (j)(2)(iii)(c). That provision should read: "The potential to emit and allowable emission rates of any pollutant regulated under the Act for all emission units within the new or modified stationary source;"

II. Extension of Comment Period

In announcing its proposed amendments on September 5, 1979, EPA stated that the period for submitting written comments would end on October 5, 1979, 44 FR 51924, 51947. Subsequently, the agency announced that it intended to hold public hearings on October 15-16 and 18-19, 1979, and to keep the rulemaking docket open until November 18, 1979, for the submission of information rebutting or supplementing any presentation at the hearings. 44 FR 54069 (September 18, 1979).

EPA has received numerous requests for an extension of the period for submitting written comments. In general, those requesting the extension argue that the proposals are unusually lengthy and complex and that the preparation of adequate, comprehensive comments is therefore not possible within the allotted 30 days.

In response to those requests, EPA hereby grants an extension of the written comment period until November 5, 1979. EPA believes that the length and complexity of the proposals warrant an extension. Also in response to the requests, the agency will hold the rulemaking docket open until November 18, 1979, not only for information rebutting or supplementing any presentation at the hearings, but also for information rebutting or supplementing any written comment. As noted in the notice of the public hearings, EPA will regard any material which raises a new issue as neither rebutting nor supplementing a previous written or oral comment. 44 FR 54070. Although the written comment period now runs until November 5, 1979, EPA urges anyone who can submit comments before then to do so.

(Sec. 101(b)(1), 110, 114, 160-69, 301(a) and 307(d) of the Clean Air Act, as amended (42 U.S.C. 7401(b)(1), 7410, 7414, 7470-79, 7601(a) and 7606(d))

Dated: September 28, 1979.

David G. Hawkins,

Assistant Administrator, Air, Noise and Radiation.

[FR Doc. 79-30783 Filed 10-3-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1332-8]

Approval and Promulgation of Implementation Plans; San Diego Nonattainment Area Plan and Revised Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Revisions to the San Diego Air Basin portion of the California State Implementation Plan (SIP) have been submitted to the Environmental Protection Agency (EPA) by the Governor's designee. The intended effect of the revisions is to update the rules and regulations, and to meet the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas." However, based upon EPA's evaluation of the revisions, this notice proposes to disapprove the carbon monoxide and ozone portions of the San Diego Air Basin nonattainment area plan with respect to the Part D requirements because the plan does not contain the necessary legal authority from the California State Legislature to implement a vehicle emission control inspection and maintenance program. Any plan that cannot demonstrate

attainment of the carbon monoxide or ozone standard by 1982 and requests an extension to 1987, such as San Diego's, must contain the necessary legal authority to implement an inspection and maintenance program.

This notice provides a description of the proposed SIP revisions, summarizes the applicable nonattainment area requirements, compares the revisions to these requirements, identifies major issues in the proposed revisions, and proposes a schedule for correction of plan deficiencies with respect to the nonattainment area requirements.

On April 4, 1979, (44 FR 20372) EPA published a General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas. In addition, EPA published a Supplement to the General Preamble on July 2, 1979 (44 FR 38583). The General Preamble supplements this proposal by identifying the major considerations that will guide EPA's evaluation of the submittal. EPA's evaluation of the transportation portion of the SIP is also guided by the EPA-Department of Transportation (DOT) Transportation Planning Guidelines and EPA's Office of Transportation and Land Use Policy SIP-Transportation Checklist. The EPA-DOT Guidelines describe the acceptable process elements that satisfy Clean Air Act requirements for the transportation portion of an approvable SIP.

The EPA invites public comments on these revisions, the identified issues, the suggested corrections and associated proposed deadlines, and whether the revisions should be approved, conditionally approved, or disapproved, especially with respect to the requirements of Part D of the Clean Air Act.

DATES: Comments may be submitted on or before November 5, 1979.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the Proposed Revision/Nonattainment Area Plan and EPA's associated Evaluation Report are contained in document file NAP-CA-19 and are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations:

San Diego Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123.
Comprehensive Planning Organization, 1200 Third Avenue, San Diego, CA 92101.

California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812.

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556-2938.

SUPPLEMENTARY INFORMATION:

Background

New provisions of the Clean Air Act, enacted in August 1977, Public Law 95-95, require states to revise their SIPs for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the NAAQS attainment status for all areas within the state. The Administrator promulgated these lists, with certain modifications, on March 3, 1978 (43 FR 8962). State and local governments were required to develop, adopt, and submit to EPA revisions to their SIP, for nonattainment areas, by January 1, 1979 which meet the requirements of Part D of the Clean Air Act and which provide for attainment of the NAAQS as expeditiously as practicable.

The west portion of the San Diego Air Basin is designated nonattainment for particulate matter, nitrogen dioxide and carbon monoxide. The entire San Diego Air Basin is designated nonattainment for photochemical oxidants (ozone).

Description of Proposed SIP Revisions

On July 5, 1979 the Executive Officer of the California Air Resources Board (ARB), the Governor's official designee, submitted the San Diego Air Basin Control Strategy as a SIP revision. Preparation of the proposed SIP revision was coordinated by the Comprehensive Planning Organization, the San Diego County Air Pollution Control District, and the ARB. This nonattainment area plan for San Diego consists of the following major components:

A summary of those pollutants that exceed the NAAQS, specifying the violations by pollutant;

A list of the Federal nonattainment area plan requirements and the plan elements addressing those requirements;

A discussion of the planning process including: how the plan was prepared, the agencies involved in the process, public participation, and intergovernmental consultation;

A discussion of air quality trends;

An analysis of the candidate air quality control measures that examines

expected emission reductions, costs, resource impacts, social impacts, and enforcement aspects;

A discussion of the specific strategies for ozone, carbon monoxide, particulate matter, and nitrogen dioxide which includes schedules for reasonable further progress, adopted stationary source control measures, and commitments to adopt additional stationary and mobile source control measures; and

A discussion of the commitment to adopt new source review provisions. The plan indicates that attainment of the ozone and carbon monoxide standards by 1982 is not possible despite the implementation of all reasonably available control measures including:

California's motor vehicle standards on new vehicles;

An automobile inspection and maintenance program, assuming the appropriate legal authority will be adopted by the California Legislature; More stringent stationary source control measures;

Transportation measures to reduce the use of automobiles, including improved public transit, carpooling programs, staggered work hours, and traffic control; and

A new source review program;

The State requests an extension of the ozone and carbon monoxide attainment dates until no later than December 31, 1987.

The plan indicates that attainment of the nitrogen dioxide and total suspended particulate standards by 1982 will be very difficult to achieve despite the implementation of all reasonably available control measures. Therefore, the State has requested additional time to study and develop control measures and submit a revised control strategy.

In addition to the July 5, 1979 plan submittal, this notice considers amendments to the San Diego County Air Pollution Control District rules and regulations submitted to EPA by the Governor's designee on May 7 and 23, 1979 as SIP revisions. Vapor recovery rules which had been submitted by the Governor's designee on October 13, 1977 and July 13, 1978 as SIP revisions are also addressed in this notice. EPA had deferred action on these rules until a complete set of vapor recovery rules could be considered together. Finally, several minor revisions to Rule 11, which impacts certain vapor recovery requirements, are addressed in this notice.

The rules being considered in this notice are listed below and include changes in the description of the San Diego Air Basin, exemptions for certain

equipment categories from the District permit system, and new vapor recovery rules for existing sources.

San Diego County APCD Rules and Regulations

July 22, 1975 and February 10, 1977:

Rule 11, Exemptions

October 13, 1977:

Rule 11, Exemptions

Rule 61.0, Definitions [except Sections (1) and (5)]

Rule 61.1, Receiving and Storing Volatile Organic Compounds at Bulk Plants and Bulk Terminals

July 13, 1978:

Rule 61.2, Transfer of Volatile Organic Compounds into Mobile Transport Tanks

May 7, 1979:

Rule 11, Exemptions

May 23, 1979:

Rule 2(t), Definitions

Rule 11, Exemptions

Rule 61.0, Definitions [Sections (1) and (5)]

Rule 61.3, Transfer of Volatile Organic Compounds into Stationary Storage Tanks

Rule 61.4, Transfer of Volatile Organic Compounds into Vehicle Fuel Tanks

Rule 61.5, Visible Emission Standards for Vapor Control Systems

Rule 61.7, Spillage of Volatile Organic Compounds

Criteria for Approval

The San Diego Air Basin Control Strategy must be evaluated to determine whether it is consistent with Part D of the Clean Air Act. The following list summarizes the basic Part D requirements for nonattainment area plans:

1. An accurate inventory of existing emissions.
2. A provision for expeditious attainment of the standards.
3. A determination of the level of control needed to attain by 1982 and, in the case of an extension request, by 1987.
4. Adoption in legally enforceable form of all measures necessary to provide for attainment or, where adoption by 1979 is not possible, a schedule for development, adoption, submittal, and implementation of these measures.
5. Emission reduction estimates for each adopted control measure.
6. Provisions for reasonable further progress as defined in Section 171 of the Clean Air Act.
7. An identification of an emissions growth increment.
8. Provisions for annual reporting with respect to items (4) and (6) above.
9. A permit program for major new or modified sources consistent with Section 173 of the Clean Air Act.
10. An identification of and commitment to the resources necessary to carry out the plan.

11. Evidence of public, local government, and state involvement and consultation.

12. Evidence that the proposed SIP revisions were adopted by the state after reasonable notice and public hearing.

13. For carbon monoxide and photochemical oxidants (ozone) SIP revisions that provide for attainment of the primary standards later than 1982:

a. A permit program for major new or modified sources requiring an evaluation of alternative sites and consideration of environmental and social costs.

b. In addition, for urbanized areas:

(1) A specific schedule and legal authority for implementation of a vehicle emission control inspection and maintenance program.

(2) A provision for implementation of reasonably available control measures for mobile sources.

(3) A commitment to establish, expand, or improve public transportation measures.

14. In photochemical oxidants (ozone) nonattainment areas requiring an extension beyond 1982, the revision must provide for adoption of legally enforceable regulations to reflect the application of reasonably available control technology (RACT) to those stationary sources for which EPA has published a Control Techniques Guideline by January 1978, and a commitment to adopt RACT regulations for additional sources to be covered by guidelines. For rural areas, only large sources (more than 100 tons/year potential emissions) must be so regulated.

Issues

The paragraph numbers below correspond to the Part D nonattainment area plan requirements discussed in the preceding section, CRITERIA FOR APPROVAL. Where a plan discrepancy is identified, recommendations for revision of the plan are specified. The citations in the comments which follow refer to Sections 108, 110, and Part D, Sections 171-178, of the Clean Air Act, as amended.

The most significant issue with respect to the San Diego Nonattainment Area Plan for ozone (O₃) and carbon monoxide (CO) is the lack of legal authority to implement a motor vehicle inspection and maintenance (I/M) program. While the adopted plan provides for an I/M program, the State Legislature, as of this date, has failed to authorize the implementation of such a program. Therefore, the plan for O₃ and CO is unapprovable with respect to Part D of the Clean Air Act (the Act).

The Act requires that nonattainment area plans for areas such as San Diego, which demonstrate that the national ambient air quality standards (NAAQS) for O_3 and/or CO cannot be attained by December 1982 despite the implementation of all reasonably available control measures, must establish a specific schedule for implementation of an I/M program. A schedule for implementation is not contained in the plan due to the lack of legal authority to implement the I/M program.

Second, the requirement that all reasonably available control measures be adopted in a legally enforceable manner and implemented as expeditiously as practicable has not been satisfied. I/M is a reasonably available control measure but due to the lack of legal authority, the I/M program set forth in the plan has not been adopted in a legally enforceable manner. Moreover, without legislative authorization, the I/M program cannot be implemented as expeditiously as practicable.

Finally, the requirement for emission reduction estimates for each control measure is not satisfied. The plan takes credit for reductions in hydrocarbons (ozone precursors), carbon monoxide, and nitrogen oxides as a result of an I/M program. However, without an authorized enforceable program, these reductions will not be achieved and cannot be credited in the plan.

If the I/M deficiency is not remedied by action of the State Legislature to authorize the implementation of an I/M program, the O_3 and CO plans for the San Diego area (as well as for the San Francisco Bay Area, the Los Angeles-Ventura area, Sacramento area, Fresno area and possibly other areas) will be disapproved by EPA with respect to Part D of the Act. This overall plan disapproval would result in the continuation of the prohibition on certain major new source construction in those areas as set forth in Section 110(a)(2)(I) of the Act and EPA's Interpretive Rule on the Statutory Restriction on New Sources (44 FR 38471, July 2, 1979). In conformance with those regulations, currently, certain major new or modified stationary sources are prohibited from being constructed in California nonattainment areas. The prohibition on construction will remain in effect in the San Diego nonattainment area (as well as other areas) with respect to the O_3 and CO plans at least until the Legislature authorizes the implementation of an I/M program and until EPA approves the

nonattainment area plan pursuant to Part D of the Act.

At such time as the Legislature provides legal authority to implement an I/M program, and at such time as the State submits a State Implementation Plan (SIP) revision containing (1) certification of such legal authority, (2) a commitment to implement and enforce an I/M program, (3) a commitment to achieve 25% reductions in both hydrocarbon and carbon monoxide exhaust emissions from light duty vehicles by December 31, 1987, and (4) a schedule with milestones of progress toward implementation, the deficiencies noted above may be resolved. Upon the State's submittal of the necessary documentation and assurances, EPA will consider (and provide for public comment on) the approval of the I/M program for the San Diego area.

A full discussion of the San Diego plan with respect to EPA's 14 criteria for approval follows. EPA has identified certain portions of the plan that (1) are approvable, (2) are conditionally approvable subject to assurance by the State that corrections will be made by a specified deadline, or (3) contain major deficiencies which must be remedied prior to EPA's final approval of the plan with respect to Part D of the Act. EPA's evaluation using these three standards will determine whether the plan as a whole is (1) approvable, (2) conditionally approvable, or (3) disapprovable.

Those portions of the plan which are approvable are consistent with Section 110 and/or Part D of the Act and are proposed to be incorporated into the SIP, regardless of EPA's determination on whether the plan is ultimately approvable with respect to Part D. In addition, certain technical portions of the plan are noted as being approved even though they are expected to be refined in future plan updates, and the mandated 1982 SIP revision for O_3 and CO.

Those portions of the plan which are conditionally approvable contain minor deficiencies which can be accepted on the condition that the State provide an assurance that the deficiency will be corrected and submitted as a SIP revision by a specified deadline. Conditional approval of the plan might be sufficient to lift the prohibition on new source construction described above. Conditional approval would mean that the restriction on new sources would not apply unless the State failed to submit corrections by the specified date, or unless the corrections were ultimately determined to be inadequate.

Those portions of the plan that are deemed to be major deficiencies must be

corrected and submitted as SIP revisions in order for EPA to either approve or conditionally approve the plan with respect to Part D of the Act.

1. Emission Inventory

The plan includes an emission inventory for hydrocarbons (HC), carbon monoxide (CO), total suspended particulates (TSP), and nitrogen oxides (NO_x) identifying emission source categories and their estimated 1974/1975 emissions. Stationary, mobile, and area source estimates which comprise the inventory are based on emission factors cited in EPA's "Compilation of Air Pollutant Emission Factors" (AP-42) or derived from source test data, surveys, localized data, actual usage data, computer models, and transportation studies.

The emission inventories for the four pollutants are reasonably comprehensive, accurate, and current inventories of actual emissions from all sources as required by Section 172(b)(4). However, the inventories for CO, TSP, and NO_x include emissions from the entire County while only the western portion of the County is designated nonattainment for these pollutants. Future emission inventory updates in the annual reports for CO, TSP, and NO_x should specifically include only those emissions from the nonattainment area. The inventories can, therefore, be corrected by narrowing the scope to include only the nonattainment area or by providing justification that the difference between the two inventories (entire basin versus nonattainment area) is insignificant.

The TSP inventory lists fugitive dust as one major source category contributing 61% of the total particulate emissions. In order to effectively define particulate control strategies, the fugitive dust source category should be refined to identify and quantify subcategories. This identification of subcategories along with the associated emission reductions will facilitate the prediction of specific emissions growth estimates and the measurement of TSP control strategy effectiveness. This portion of the TSP plan could be approved conditioned upon the State's submittal of the subcategories and associated emissions by January 1, 1980.

2. Attainment Provision

Section 172(a) of the Act requires that the plan shall provide for the attainment of the NAAQS for O_3 , CO, TSP and nitrogen dioxide (NO_2) as expeditiously as practicable but not later than December 31, 1982. Where the State demonstrates that the standards for O_3 and/or CO cannot be attained by

December 31, 1982 despite the implementation of all reasonably available control measures, an extension may be granted and the State must demonstrate attainment by no later than December 31, 1987. The plan does not quantitatively demonstrate attainment for any of the four nonattainment pollutants by December 31, 1982, nor does it quantitatively demonstrate attainment for O_3 or CO by December 31, 1987. Rather the plan calls for further study and analysis to provide for a more accurate quantitative demonstration of attainment. The approach for each pollutant is discussed in detail below.

Additionally, the plan does not include an emission projection for the statutory attainment dates for HC, CO, TSP or NO_2 . This deficiency precludes an accurate demonstration of attainment. Emission projections for 1982 for all four pollutants are needed as well as projections for 1987 for HC and CO. It appears that, to a large extent, this information is available to the State and need only be submitted to EPA as a SIP revision. This portion of the plan could be approved conditioned upon the State's submittal of such projections by January 1, 1980.

Ozone (O_3)

The plan addresses the revised national standard for O_3 of 0.12 ppm which was promulgated by EPA on February 8, 1979 (44 FR 8202). Justification in the plan for an extension beyond the 1982 deadline is based upon a showing that the O_3 standard of 0.12 ppm cannot be achieved, despite expeditious implementation of reasonably available control measures.

The plan includes a graph representing emission reductions necessary to attain the O_3 standard by 1987. The plan does not provide for a quantitative demonstration of such emission reductions necessary to attain the standard. Further air quality analysis and further emission reduction control strategy analysis will be required in order to accurately justify the demonstration of attainment. The Air Resources Board (ARB) and local air planning agencies have committed to a plan of action by their resolutions of adoption of the plan which will provide for the attainment of the O_3 standard by no later than December 1987. The SIP revisions required to be submitted by July 1, 1982 must provide for a quantitative demonstration of attainment by the statutory date.

The plan does not include a local commitment to an emission reduction target for the transportation sector. The commitment to a target is an integral

part of a demonstration of attainment and must be submitted by the State by July 1, 1980 in the annual report.

Carbon Monoxide (CO)

The plan includes an analysis projecting attainment of the CO standard by 1982. However, the analysis includes emission reduction credits for several mobile source tactics which may not be reasonably available. ARB has committed, through their resolutions of adoption of the plan, to re-evaluate these tactics and determine which should be included in the plan and what emission reduction credit should be attributed to each tactic. The plan indicates that an SIP revision based on ARB's evaluation will be submitted to EPA during the summer of 1979. In addition, the State has determined that the analysis did not adequately address peak CO areas (or "hot spots") and that, therefore, significant doubt exists that the CO standard can actually be achieved by 1982. Based upon these facts, the State has requested an extension of the attainment date as provided for in Section 172(a)(2) of the Act. EPA agrees that an extension beyond 1982 is justified based upon a determination that the CO standard cannot be achieved despite the expeditious implementation of reasonably available control measures.

The ARB has committed to a plan of action by their resolutions of adoption of the plan which will provide for the attainment of the CO standard by no later than December 1987. Air quality and emission reduction control strategy reanalyses have been committed to in the continuing planning program for localized CO problem areas. The SIP revisions required to be submitted by July 1, 1982 must provide for a quantitative demonstration of attainment by the statutory date.

As with O_3 , the CO plan does not include a local commitment to an emission reduction target for the transportation sector. This commitment must be submitted by the State by July 1, 1980 in the annual report.

Particulate Matter

The plan demonstrates that despite the application of reasonably available control technology (RACT) to all traditional sources the annual geometric mean (AGM) primary TSP standard cannot be achieved by December 1982. However, the plan does not include a justification for the use of AGM data over 24-hour data. Since modeling must employ the design value which yields the lowest, most stringent allowable emission level capable of causing both primary standards to be attained, both

design values should be included in the plan.

The plan indicates that fugitive dust emissions comprise a major portion of the TSP inventory. In such cases it is EPA policy that the plan contain a commitment and a schedule to study nontraditional source control measures and a commitment to implement those found to be reasonable. The plan contains a commitment by the ARB to attain the TSP standard; however, the plan does not contain commitments to perform studies and to implement reasonably available control measures after study. If a schedule, commitments, and a justification for employing the AGM standard were included in the plan, a demonstration of attainment could be approved based on future implementation of nontraditional source control measures. This portion of the TSP plan could be approved conditioned upon the State's submittal of the commitments, schedule and justification by January 1, 1980.

The State requested an extension of 18 months for submittal of a plan showing attainment of the secondary TSP standard. This request appears to be consistent with the provisions of 40 CFR 51.31, since the plan shows that attainment of this standard will require emission reductions greater than those that would result from the expeditious application of RACT.

Nitrogen Dioxide (NO_2)

Support documents to the plan contain analyses indicating that the area will be within 5-10% of attaining the NO_2 standard by December 1982. However, the State maintains that deficiencies in the data used for the attainment demonstration along with inaccuracies in the modeling used could be expected to significantly alter the attainment demonstration. The plan indicates that a reanalysis of the attainment demonstration is necessary. The State commits to such a reanalysis as well as the development of additional control measures necessary to attain the standard by December 31, 1982. This portion of the NO_2 plan could be approved conditioned upon the State's submittal by July 1, 1980 of the reanalysis and a revised demonstration of attainment.

3. Modeling/Level of Control

Ozone

On February 8, 1979, the 0.08 ppm standard for photochemical oxidant was superseded by the promulgation of the 0.12 ppm standard for ozone. While the local plan was developed to attain the 0.08 ppm standard, ARB amended the

plan to reflect the effect of the revised 0.12 ppm standard. The ARB performed a city specific EKMA analysis. An EKMA analysis is appropriate for purposes of the 1979 plan. However, documentation of the choice of design value and the ratio of non-methane hydrocarbons to nitrogen oxides was not provided. In addition, assumptions of meteorological transport of ozone into the air basin were not provided. This portion of the plan could be approved conditioned upon the State's submittal of this documentation by January 1, 1980. For the 1982 SIP revision mandated by the Act, modeling must be performed in accordance with EPA guidance.

Carbon Monoxide

The locally adopted plan uses basin-wide linear rollback modeling to calculate the emission reductions required to meet the CO standard. This is an acceptable screening method for estimating required reductions in emissions. In future modeling efforts, however, dispersion models conforming to EPA guidelines should be used to refine the analysis and identify the need for geographical (i.e. microscale) and seasonal specific control measures.

Particulate Matter

The locally adopted plan utilizes rollback modeling which is an acceptable technique for the 1979 SIP revision. However, the SIP submittal does not indicate that modeling produce an estimated reduction of emissions necessary to provide for attainment of the standards by December 1982. The State must submit modeling results which show necessary emission reductions to provide for attainment of the standards by December 31, 1982. In addition, the plan should include a rationale for the design value used to determine allowable emissions. Conflicting data in the support documents and the SIP submittal indicate that the current design value may be low. This portion of the TSP plan could be approved conditioned upon the State's submittal of documentation of the choice of design value and modeling results by December 1, 1980.

Nitrogen Dioxide

The locally adopted plan utilizes basin-wide rollback modeling which is an acceptable technique for the 1979 SIP revision. However, the SIP submittal does not indicate that modeling produced an estimated reduction of emissions necessary to provide for attainment of the standard by December 31, 1982. Modeling results which show necessary emission reductions to

provide for attainment of the NO₂ standard by December 1982 are required. This portion of the plan could be approved conditioned upon the State's submittal of these modeling results by July 1, 1980.

4. Legally Adopted Measures/Schedules

The SIP submittal does not indicate that all necessary control measures have been adopted at the State or local level, as required by Sections 172(b)(2), 172(b)(8), and 172(b)(10). Specifically, the plan fails to show adoption in legally enforceable form of the necessary reasonably available control technology (RACT) for volatile organic compound (VOC) sources, all reasonably available control measures including I/M, and for all other measures, either adopted control strategies or schedules and commitments for development, adoption, submittal, and implementation.

Ozone

The plan must include adopted regulations reflecting RACT for all applicable stationary source categories for which EPA had published a Control Techniques Guideline (CTG) document by January 1978. As discussed in detail in Item 14, adequate legally enforceable regulations for 7 of the CTG categories have not been submitted by the State. This is a major deficiency and must be remedied in order for EPA to approve the O₃ plan with respect to Part D of the Act.

The plan must include adoption of reasonably available control measures in legally enforceable form. An I/M Program is a reasonably available control measure and is provided for in the plan. However, due to the lack of legal authority to implement the I/M program due to the lack of State authorizing legislation, I/M cannot be considered to be adopted in legally enforceable form. This is a major deficiency and must be remedied in order for EPA to approve the O₃ plan with respect to Part D of the Act.

Of the other 17 transportation control measures identified in Section 108(f), the plan contains 7 measures that are presently found to be reasonable in San Diego County. However, there is no evidence in the plan that any of the 7 transportation control measures are currently adopted or committed for implementation in legally enforceable form. The requirements of Section 172(b)(10) are not met, since the plan does not include written evidence that the agencies identified as responsible for transportation related measures have adopted legally enforceable commitments to implement the

necessary transportation control measures, nor have they established implementation schedules consistent with a demonstration of reasonable further progress. This portion of the O₃ plan could be approved conditioned upon the State's submittal of these commitments and schedules from the implementing agencies by January 1, 1980.

Carbon Monoxide

As discussed for O₃, the I/M program cannot be considered to be adopted in legally enforceable form and the CO plan cannot be approved with respect to Part D of the Act. As also discussed for O₃, the transportation control measures in the plan are not supported by commitments and schedules. This portion of the CO plan could be approved conditioned upon the State's submittal of commitments and schedules by January 1, 1980.

Particulate

The plan lacks written evidence of commitments to study nontraditional source control measures and implement all control measures found to be reasonable and necessary after such a study. As specified in Item 2, this portion of the TSP plan could be approved conditioned upon the State's submittal of the commitments and schedules by January 1, 1980.

Nitrogen Dioxide

The plan includes a commitment by the State to reanalyze the demonstration of attainment and to develop additional control measures necessary to attain the standard by December 31, 1982. However, the plan lacks written evidence of commitments in legally enforceable form to implement all necessary measures to provide for attainment by December 31, 1982. This portion of the NO₂ plan could be approved conditioned upon the State's submittal by July 1, 1980 of a list of the additional necessary measures and a commitment to implement those measures.

Supporting Regulations

The State has also submitted the following regulations which either implement control tactics included in the plan or are necessary to enforce such regulations:

- Rule 2(t), Definitions.
- Rule 11, Exemptions.
- Rule 61.4, Transfer of Volatile Organic Compounds into Vehicle Fuel Tanks.
- Rule 61.5, Visible Emission Standards for Vapor Control Systems.

These regulations have been evaluated, and EPA believes they

should be approved for inclusion in the SIP, since they will strengthen and support existing control requirements.

40 CFR Part 52

In addition to the rulemaking actions discussed in this section, this notice proposes to remove certain Federally promulgated regulations from the Code of Federal Regulations, 40 CFR Part 52, which concern (in part) the San Diego area.

The following federally promulgated regulations or specified portions are proposed to be rescinded or amended because they have been replaced by the revised set of control measures/regulations contained in this plan and/or they have been invalidated by previous legal action:

A. § 52.233 *Review of new sources and modifications*: Rescind subsections (d)(7) and (g)(1)(vii) which will be replaced by a revised new source review regulation; additionally rescind subsections (h), (i), and (j) which have been invalidated by the Clean Air Act Amendments of 1977.

B. § 52.238 *Attainment dates for national standards*: Revise dates in accordance with the submitted plan.

C. § 52.242 *Inspection and maintenance program*.

§ 52.243 *Motorcycle limitation*.

§ 52.244 *Oxidizing catalyst retrofit*.

§ 52.247 *Definitions for parking management regulations*.

§ 52.251 *Management of parking supply*.

§ 52.257 *Computer carpool matching*.

§ 52.258 *Mass transit priority—exclusive bus use*.

§ 52.259 *Ramp metering and preferential bus/carpool lanes*.

§ 52.266 *Monitoring transportation mode trends*: Rescind these regulations entirely because they have been invalidated by previous court action [*Brown v. EPA*, 521 F.2d 827 (1975)].

D. § 52.269 *Control strategy and regulations: Photochemical oxidants (hydrocarbons) and carbon monoxide*: Rescind subparagraph (a) due to the revised attainment dates in the plan and in accordance with the Clean Air Act Amendments of 1977.

5. Emission Reduction Estimates

The plan includes estimated emission reductions for each adopted control tactic for 1980, 85, 90, 95 and 2000. However, estimates are not included for 1982 and/or 1987. If linear interpolation is intended, the State should so specify and should provide the proper interpolated numbers. Annual emission reduction estimates per control tactic, along with emission inventory projections for the attainment years of

1982 and/or 1987, are necessary to justify a demonstration of attainment and to serve as a basis for a projection of reasonable further progress. It is recognized that emission reduction estimates may change as measures are more fully analyzed and implemented. As such estimates change, appropriate responses will be required to insure that the plan remains adequate to provide for attainment and for reasonable further progress. The State must provide EPA with estimated annual reductions per tactic per pollutant. This portion of the plan could be approved conditioned upon the State's submittal of such estimated reductions by January 1, 1980.

6. Reasonable Further Progress

Ozone

Figure 14-1 of the plan represents the annual incremental reductions needed for attainment by 1987. This representation is sufficient for the 1979 SIP revision and meets the requirements of Sections 172(b)(3) and 171(1) with respect to reasonable further progress. The annual report of reasonable further progress to be submitted by the State on July 1 of each succeeding year is expected to refine the estimates of incremental reductions based upon updates of emission inventories, new analysis of control strategy effectiveness, and actual reductions being achieved through plan implementation. The July 1980 annual report submitted by the State must include refined assessments of reasonable further progress.

To demonstrate reasonable further progress with respect to the transportation sector, programs to directly monitor and report on implementation progress and the emission reduction effectiveness of each transportation control measure must be developed, described, and committed to pursuant to the EPA/Department of Transportation-Air Quality Planning Guidelines. Such a monitoring program must be in place and included in the 1980 annual report.

Carbon Monoxide, Particulate Matter and Nitrogen Dioxide

The provision of reasonable further progress in the plan appears to be consistent with the intent of Sections 172(b)(3) and 171(1) since the plan provides for regular incremental reductions needed for expeditious attainment. The July 1980 annual report submitted by the State must include refined assessments of reasonable further progress.

7. Emissions Growth

The plan must either provide an emission growth increment for the construction or modification of new major stationary sources or offset those emissions resulting from major new stationary source growth. The requirements of Section 172(b)(5) should be satisfied by the adoption and submittal of a New Source Review rule which requires emission offsets as an alternative to a reserved increment of emissions growth for major new sources. (See Item 9 for further discussion.)

8. Annual Reporting

The plan must contain a commitment for annual reporting on the progress toward meeting the schedules discussed in Item 4 above; the growth of mobile sources, minor new stationary sources, major new or modified stationary sources; the reduction in emissions from existing sources to provide for reasonable further progress as in Item 6 above; and an updated emission inventory.

A commitment to such annual reporting is not included in the plan. This portion of the plan could be approved conditioned upon the State's submittal of such a commitment by January 1, 1980.

9. Permit Program

The ARB has submitted its Model New Source Review Rules and two letters from the ARB to local districts (letters dated March 12, 1979 and May 7, 1979) as draft rules for the purpose of meeting the requirements of Section 173. Thus, the term draft rules used here refers to the model rules as clarified by these two letters. These draft rules are not adopted in a legally enforceable manner as required by Section 172(b)(10) of the Act. Rather they are a model upon which a locally adopted and legally enforceable rule would be based.

The lack of an adopted new source review (NSR) rule is a major deficiency which must be corrected before EPA can approve or conditionally approve the permit program required by Sections 172(b)(6) and 173 of the Act.

Without an approved or conditionally approved permit program, the O₃, CO, TSP, and NO₂ plans cannot be approved or conditionally approved.

At the request of the State, and assuming that an adopted rule equivalent and similar to the draft rules will be submitted, EPA has reviewed the substance of the draft rules against EPA's existing requirements for a new source permitting program. These requirements are contained in guidelines

as published in the preamble to EPA's revised Interpretative Ruling (IR) (44 FR 3274, January 16, 1979) and EPA's General Preamble for Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas (44 FR 20372, April 4, 1979).

The draft rules contain a problem with respect to the EPA requirements. This problem arises from the fact that a State may exempt from the NSR requirements of Part D of the Act major modifications of existing facilities (i.e. modifications of identifiable pieces of process equipment) at a source with accompanying offsets within the same source (intrasource offsets). This exemption would not apply, however, where a major modification to a source would include the addition, replacement or reconstruction (as defined, IR, Section II.A.9.) of a facility, regardless of any intrasource offsets. In this situation, lowest achievable emission rates (LAER) must be applied to all new, reconstructed or replacement facilities. The draft rules are not consistent with this requirement in that the rules do not require LAER on new or reconstructed facilities which are part of a modification unless the modification would result in a net increase in emissions of 250 lbs/day or more.

The District of Columbia Court of Appeals recently issued an opinion which affected EPA's requirements for NSR, both for nonattainment and attainment areas. Subsequent to the court action, EPA published a notice of proposed rulemaking in the September 5, 1979 Federal Register (44 FR 51924) concerning NSR requirements. As described in that notice, EPA policy is generally to approve any plan that would meet the January 16, 1979 IR or the requirements set forth in the September 5th proposal. The draft rules contain certain provisions, such as the net increase allowance described above, which are less stringent than the IR and the recently proposed requirements. However, the draft rules are not clearly less stringent than either the IR or the September 5th proposal as they also contain provisions, including LAER and offset source cutoff levels, which are more stringent than those requirements.

Because of the uncertainty as to whether the draft rules meet either the IR or the recently proposed requirements, EPA intends to conditionally approve an adopted NSR rule equivalent to the draft rules when it is submitted in legally enforceable form. The conditions of this approval would be that the State must modify the adopted rule, and submit it as a SIP revision in accordance with EPA's final

rulemaking action and within the statutory time limits.

10. Resources

The plan does not specifically identify and commit the financial and personnel resources necessary for plan implementation. The plan must provide commitments to these resources on the part of all implementing agencies to satisfy the requirements of Sections 110(a)(2)(F) and 172(b)(7). This portion of the plan would be approved conditioned upon the State's submittal of these commitments within 6 months of EPA's final rulemaking.

11. Public and Government Involvement

The plan provides evidence of public, local government, and State involvement and consultation in the planning process and documents the process used in designating responsibility entities for preparing and implementing the revised SIP. A summary of public comments is included in the plan.

The plan identifies air quality, welfare, economic, energy, and social effects for all pollutants. Health effects of the plan provisions are not included in the plan as required by Section 172(b)(9). However, it appears that an adequate discussion of health effects exists in support documents. This portion of the plan could be approved conditioned upon the State's submittal of these documents by January 1, 1980.

12. Public Hearing

The plan meets the requirements of Section 172(b)(1) and 40 CFR 51.4 since it includes evidence that the plan was adopted by the State after reasonable notice and public hearing.

13. Extension Requirements

Since the State has requested an extension of the attainment date beyond December 1982 for O₃ and CO, the plan must meet the requirements of Sections 172(b)(11), 110(a)(3)(D), and 110(c)(5)(B).

Under Section 172(b)(11)(A) the State must submit, in conjunction with the NSR permit program, a procedure and requirement for an analysis of alternative sites, sizes, processes, and controls, which demonstrate that the benefits of a major emitting facility outweigh environmental costs. While the State has adopted a policy that the California Environmental Quality Act (CEQA) procedure is equivalent to that required by Section 172(b)(11)(A) of the Act, official submittal of relevant portions of CEQA as part of the plan is needed to satisfy the requirements of Section 172(b)(11)(A). This portion of the plan could be approved conditioned

upon the State's submittal of the relevant portions of CEQA by January 1, 1980.

Under Section 172(b)(11)(B) the plan must establish a specific schedule for the implementation of an I/M program. The requirement of Section 172(b)(11)(B) has not been met since the State Legislature has failed to authorize the legal authority to implement such a program. Following passage of authorizing legislation, the State must submit a schedule for implementation of the I/M program to satisfy this requirement. This deficiency must be remedied in order for EPA to approve the O₃ and CO plans with respect to Part D of the Act.

Sections 110(a)(3)(D) and 110(c)(5)(B) require that the plan contain commitments by agencies with legal authority to establish, expand, or improve public transportation to meet basic transportation needs. These basic transportation needs must be met as expeditiously as practicable using Federal grants, State, and local funds to implement public transportation programs. Such commitments with respect to basic transportation needs are not included in the plan. This portion of the plan could be approved conditioned upon the State's submittal of such commitments by January 1, 1980.

Section 172(b)(11)(C) requires that other measures (including but not limited to those listed in Section 108(f) of the Act) that may be necessary to provide for attainment of the NAAQS no later than December 31, 1987, must be identified in the plan. Although the plan identifies a number of measures, no schedules are included for the study of alternative packages of measures. Additionally, several Section 108(f) measures have not been analyzed and should be included in the plan for further study. Specifically these are: extended idling controls including controls on drive-through facilities, alternative engines and fuels, and fleet vehicle controls. This portion of the plan could be approved conditioned upon the State's submittal of an expanded list of measures including those specified above, and a schedule for analysis of the alternative packages of measures, by July 1, 1980.

Section 176(c) requires that the plan contain procedures for the determination of conformity of any projects, programs, or plans over which the Metropolitan Planning Organization has approval authority with the SIP. Furthermore, under Section 176(d) the plan must contain procedures to ensure that priority is given to the implementation of those portions of any programs with air quality related

transportation consequences that contribute to the achievement and maintenance of the primary NAAQS. Specifically, these procedures should address the granting of priority to projects which contribute to the achievement and maintenance of the NAAQS. A description of these procedures must be submitted by July 1, 1980 in the annual report.

14. Extension Requirements for VOC RACT

The plan indicates that attainment of the 0.12 O₃ standard is not possible by December, 1982. Therefore, the plan must contain adopted, legally enforceable regulations which reflect the application of reasonably available control technology (RACT) for those stationary source categories of volatile organic compounds (VOC) which exist within the San Diego County planning area for which EPA had published a Control Techniques Guideline (CTG) document by January 1978 (i.e., Category I CTGs). In addition, the plan must contain a commitment to adopt RACT regulations for source categories to be covered by future CTG documents. The CTGs provide information on available air pollution control techniques, and certain recommendations of what EPA calls the "presumptive norm" for RACT.

The plan indicates that of the 15 source categories (addressed by eleven CTG documents) for which adopted regulations are required, only 11 exist in the nonattainment area. There are no petroleum refineries, large appliance manufacturers, magnet wire insulators, or auto assembly line coaters. The following regulations contain control requirements for 4 of the 11 categories (Service Station Stage I gasoline vapor recovery, bulk gasoline plants, bulk gasoline terminals and fixed roof tanks);

Rule 61.0 Definitions.

Rule 61.1 Receiving and Storing Volatile Organic Compounds at Bulk Plants and Bulk Terminals.

Rule 61.2 Transfer of Volatile Organic Compounds into Mobile Transport Tanks.

Rule 61.3 Transfer of Volatile Organic Compounds into Stationary Storage Containers.

Rule 61.7 Spillage of Volatile Organic Compounds.

These regulations have been submitted to EPA for inclusion in the SIP. Based on information contained in the CTGs EPA believes that the submitted regulations represent RACT, except for fixed roof storage tanks larger than 150,000 liters used to store petroleum liquid with a true vapor pressure greater than 1.5 pounds per

square inch (psi) and with a Reid Vapor Pressure less than 3.0 psi. Lack of control requirements for these sources is not supported by the information in the CTG. The regulation for fixed roof storage tanks could be approved conditioned upon the State's submittal of one of the following within 90 days of EPA's final rulemaking: an adequate demonstration that the regulation for fixed roof tanks represents RACT, an amended regulation to be consistent with the CTG, or a demonstration that the regulation (Rule 61.3) will result in VOC emission reductions which are insignificantly different (within 5% of controlled emissions) from the reductions which would be achieved through implementation of the CTG recommendations for fixed roof tanks.

Regulations have not been submitted for the remaining 7 applicable source categories (solvent metal cleaning; cutback asphalt; surface coating of cans, coils, paper, fabric, and metal furniture). The State, however, has submitted model rules applicable to each of these categories. The State has requested that EPA regard the ARB model rules as "draft rules" and review each of these rules for consistency with EPA statutory requirements. The State has indicated that they will submit adopted regulations which are as effective as the model rules during the next several months. Such adopted and legally enforceable regulations must be submitted before EPA can approve or conditionally approve the O₃ plan since these are significant emission sources in the San Diego area.

Based on information in the CTGs EPA believes the 7 model rules contain control requirements sufficient to fulfill the requirement for RACT. One minor problem exists with respect to the model rules. The model rules do not all contain compliance schedules which fulfill the requirements of 40 CFR 51.15. Although the model rules need not contain such schedules, adopted rules must. If the State submits adopted rules (after appropriate public hearings) similar and equivalent to the model rules with the problem corrected, the regulations for the above-mentioned 7 categories would be fully approvable. If the State submits adopted rules similar and equivalent to the model rules without the problem corrected, EPA could conditionally approve the problem regulations. Conditional approval would mean that the State would have to submit fully corrected rules by July 1, 1980.

Several of the model rules evaluated have control requirements for sources

which are presently subject to the following two Federal Regulations: 40 CFR 52.252, "Control of Degreasing Operations" and 40 CFR 52.253, "Metal Surface Coating Thinner and Reducer." If the State submits adequate regulations for sources subject to these regulations, the Federal regulations applicable to such sources would only remain in effect until such time as the newly revised regulations become effective and the source achieves full compliance with its provisions.

As stated above, the plan must contain a commitment to adopt RACT regulations for source categories to be covered by future CTG documents. The plan contains a resolution to adopt all other reasonably available control measures needed to attain the standards as expeditiously as practicable. The State must submit adopted regulations by July 1, 1980 for the following applicable source categories (Category II CTGs): Petroleum refinery leaks, gasoline tank trucks, perchloroethylene dry cleaning, pharmaceutical manufacture, miscellaneous metal parts and products, graphic arts, pneumatic rubber tire manufacture, flatwood paneling and floating roof tanks.

Public Comments

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP submitted by the State. This proposal also includes draft volatile organic compound regulations and a draft new source review regulation which have been adopted as model rules after public hearing by the State. All of these model rules have not yet been adopted and submitted to EPA by the State as legally enforceable regulations. However, the State has requested EPA to review these model rules and invite public comment on whether these draft regulations meet the requirements of Part D of the Clean Air Act. EPA may proceed to final rulemaking without providing further opportunity for public comment if the State adopts and submits regulations equivalent to these model rules. The Regional Administrator hereby issues this notice setting forth the above described revisions, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office.

The EPA Region IX Office specifically invites public comment on whether to conditionally approve the items identified in this notice as deficiencies in the nonattainment area plan. EPA is

further interested in receiving comment on the specified deadlines for the state to submit the corrections, in the event of conditional approval.

Comments received within 30 days after publication of this notice, November 5, 1979, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the Addresses Section of this notice.

The Administrator's decision to approve, conditionally approve, or disapprove the proposed revisions will be based on the comments received and on a determination whether the revisions/scheduled revisions meet the requirements of Section 110(a)(2) and Part D of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

EPA believes the available period for comments is adequate because:

(1) The plan has been available for inspection and comment since July 31, 1979.

(2) EPA's notice published in the July 31, 1979 *Federal Register* (44 FR 44907) indicated that the comment period would be 30 days; and

(3) EPA has a responsibility under the Act to take final action as soon as possible after July 1, 1979 on that portion of the SIP that addresses the requirements of Part D.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". EPA has reviewed the regulations being acted upon in this notice and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Section 110, 129, 171 to 178 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410, 7429, 7501 to 7508, and 7601(a)).)

Dated: August 29, 1979.

Paul DeFalco,

Regional Administrator.

[FR Doc. 79-30754 Filed 10-3-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1333-4]

Approval and Promulgation of Implementation Plans—New Hampshire; Receipt

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and Advance Notice of Proposed Rulemaking.

SUMMARY: This notice is to announce the receipt of a State Implementation Plan (SIP) revision for New Hampshire which is available for public review and comment.

Under the requirements of Part D of the Clean Air Act (the Act), the State of New Hampshire submitted to EPA on September 19, 1979 a revision to its SIP for the Metropolitan Berlin Area which was designated as not attaining the National Ambient Air Quality Standards (NAAQS) for Total Suspended Particulates (TSP) and Sulfur Dioxide (SO₂). As required by the Act, the purpose of this revision is to implement new measures for controlling air pollution and to demonstrate that these measures will provide for attainment of the primary NAAQS as expeditiously as practicable, but no later than December 31, 1982 (in certain instances December 31, 1987). A notice of Proposed Rulemaking describing the revision and EPA's intended approval or disapproval action will be published in the *Federal Register* at a later date.

DATES: See Supplementary Information.

ADDRESSES: Copies of the SIP revision are available for inspection at the following addresses: Environmental Protection Agency, Region I, Air Branch, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, DC 20460; and the New Hampshire Air Resources Commission, Health and Welfare building, Hazen Drive, Concord, New Hampshire 03301.

Written Comments Should Be Sent To: Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Telephone (617) 223-5609.

FOR FURTHER INFORMATION CONTACT: Ruth Leabman, Environmental Protection Agency, Region I, (617) 223-5609.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), and on September 11, 1978 (43 FR 40412), pursuant to the requirements of Section 107 of the Clean Air Act, EPA designated areas in each state as non-attainment with respect to the criteria air pollutants. The non-attainment areas in New Hampshire are:

New Hampshire	CO	O ₃	TSP		SO ₂
			Primary	Secondary	
Central N.H. Intrastate AQCR 149		X			
N.H. portion of Merrimack Valley So. N.H. Interstate AQCR 121		X			
Metropolitan Berlin			X	X	X
Metropolitan Keene				X	
Metropolitan Manchester	X			X	

Part D of the Clean Air Act requires each state to revise its SIP to meet specific requirements in the non-attainment areas. These SIP revisions were due on January 1, 1979 and must demonstrate attainment of the NAAQS, as expeditiously as practicable, but no later than December 31, 1982, or in limited instances for carbon monoxide and oxidants, no later than December 31, 1987. An 18-month extension may be granted for plans to demonstrate attainment of secondary standards for total suspended particulates.

On May 29, 1979 EPA received the SIP revision for New Hampshire which was announced on June 15, 1979 (44 FR 34519). That submittal contained plans to address all of New Hampshire's non-attainment areas except Metropolitan Berlin. The plan announced by this notice, received by EPA on September 24, 1979, includes TSP and SO₂ primary standard attainment plans for the Metropolitan Berlin area, and is to be incorporated into the SIP revision received by EPA on May 29, 1979. At the completion of this review, a notice will be published in the *Federal Register* proposing approval or disapproval of this revision.

All interested persons are advised that the proposed revision is available for review at the locations listed, and are invited to comment on its approvability. A file of documents explaining EPA's criteria for approval is also available at EPA offices. The proposed notice referred to above will announce the last day for public comment. This public comment period will end not less than 60 days from this date and not less than 30 days from the published date of EPA's proposal for approval or disapproval.

Date: September 28, 1979.

Robert C. Thompson,

Acting Regional Administrator, Region I.

[FR Doc. 79-30754 Filed 10-3-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1333-2]

Missouri: Proposed Approval of State-Issued Variances Submitted as Revisions to the Missouri State Implementation Plan; Correction**AGENCY:** Environmental Protection Agency.**ACTION:** Correction of proposed rulemaking.

SUMMARY: A proposed approval of a variance order issued by the Missouri Air Conservation Commission to Pilot Knob Pellet Company appeared in the *Federal Register* of September 18, 1979 (44 FR 54070). That proposal showed the final compliance date to be December 31, 1979. That date is an error. The correct date is December 31, 1982. This notice is to correct that error.

DATE: Comments must be postmarked by no later than October 18, 1979.

ADDRESSES: (1) The schedules and evaluation reports are available for inspection at the Region VII Office of the Environmental Protection Agency, 324 East 11th Street, Kansas City, Mo. 64106; (2) comments should be sent to the Director, Enforcement Division, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Mo. 64106.

FOR FURTHER INFORMATION CONTACT: Anthony Wayne or Henry F. Rompage, Enforcement Division, EPA, Region VII, 324 East 11th Street, Kansas City, Mo. 64106, telephone 816/374-2576.

Dated: September 24, 1979.

Kathleen Q. Camin,
Regional Administrator, Region VII.

[FR Doc. 79-30751 Filed 10-3-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 62

[FRL 1333-3]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: Under Section 111(d) of the Clean Air Act, States are required to submit plans to control emissions of "designated pollutants" from "designated facilities." If no "designated facility" exists within a State, that State is required to submit a letter (which is called a negative declaration) to EPA. The first plan required under this Section is for the control of fluoride

emissions from phosphate fertilizer plants. The States of Delaware, Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia submitted negative declarations to the EPA Region III office advising that there are no plants of this type in their respective States/District. Therefore, EPA is proposing to approve these negative declarations as a Proposed Rule, and is requesting written comments from all interested persons by the date indicated below.

DATE: Comments must be received on or before November 5, 1979.

ADDRESSES: Copies of the negative declarations and accompanying information are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency,
Region III, Curtis Building, 6th & Walnut
Streets, Philadelphia, Pennsylvania 19106,
ATTN: Ms. Joanne McKernan (3AH11).
Public Information Reference Unit, Library
Systems Branch, EPA (PM 213), 401 "M" St.
SW., Washington, D.C. 20460.

All comments on the negative declarations submitted within 30 days of publication of this notice will be considered and should be directed to: Mr. Howard Heim, Chief, Air Programs Branch (3AH10), Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th & Walnut Sts., Philadelphia, PA 19106, ATTN: 3AH11.

FOR FURTHER INFORMATION CONTACT: Ms. Joanne McKernan, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, telephone number (215) 597-8182.

SUPPLEMENTARY INFORMATION: Section 111(d) of the Clean Air Act requires States to submit plans to control emissions of "designated pollutants" from "designated facilities." EPA is responsible for designating the facilities and pollutants for which States must develop plans. The pollutants which have been designated for control under Section 111(d) are *not* those for which ambient air quality standards have been established under Section 108 of the Act (referred to as "criteria" pollutants) nor are they listed as hazardous pollutants under Section 112. Section 111(d) requires control of certain pollutants at *existing* sources whenever standards of performance have been established under Section 111(b) for those pollutants from new sources of the same type.

EPA's actions in determining approval, disapproval, and promulgation of State plans must be made public. The first plans were required to be submitted by the States by December 1, 1977.

These were for the control of fluoride emissions from phosphate fertilizer plants.¹ In the event a State does not have a particular "designated facility" located in that State, a letter must be submitted indicating this to EPA. These letters are called "negative declarations."

The States of Delaware, Maryland, Virginia, West Virginia and the District of Columbia have submitted to EPA Region III letters of negative declarations stating that no phosphate fertilizer plants subject to the requirements of Subpart B of 40 CFR Part 60 exist in their respective States/District. The State of Pennsylvania also indicated that there were no phosphate fertilizer plants located in the State which were covered under the designated facility category, but requested a ruling from EPA relative to whether certain nitrogen-phosphorous-potassium (NPK) plants should be considered as designated facilities under this source category since they do ammoniate phosphoric acid for the production of a fertilizer containing mono and diammonium phosphate. However, their processes vary substantially from that described in EPA's final guideline document controlling fluoride emissions from existing phosphate fertilizer plants. EPA ruled on April 26, 1978 that the NPK plants referred to in the State of Pennsylvania's submittal were not subject to the requirements of Section 111(d) for this source category.

By submitting negative declarations as stated above, the States and the District have fulfilled their responsibility for submitting State plans for control of designated pollutants from existing facilities in this source category required under Section 111(d) of the Clean Air Act, as amended.

On November 3, 1978, EPA published a Final Rulemaking (43 FR 51393 [1978]) establishing a new part 62, "Approval and Promulgation of State Plans for Designated Facilities and Pollutants." Today's action, as well as future actions involving other "designated facilities" and other non-criteria pollutants will be proposed for public comment under this new part.

The negative declarations referred to above for the control of fluoride emissions from phosphate fertilizer plants are being proposed below under Subparts I, J, V, NN, VV and XX. The

¹Final Guideline Document: Control of Fluoride Emissions from Existing Phosphate Fertilizer Plants. EPA 450/2-77-005 (OAQPS No. 1.2-070). U.S. Environmental Protection Agency, Office of Air & Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711. March 1977.

public is invited to submit written comments on the proposed regulatory actions set forth below. The Administrator has made a tentative decision to approve this proposed revision to Part 62. A final decision will be based on the comments received and on a determination that the information submitted by the States meets the requirements of Section 111(d) of the Clean Air Act and 40 CFR Part 60, Subpart B, *Adoption and Submittal of State Plans for Designated Facilities*. Comments received by EPA will be made available for public inspection during normal business hours at the addresses indicated in this Notice.

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

Dated: September 19, 1979.

Alvin R. Morris,

Acting Regional Administrator.

EPA proposes to amend Subchapter C, Chapter I, Part 62, Title 40 of the Code of Federal Regulations by adding the following:

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

Subpart A—H [Reserved]

Subpart I—Delaware

Sec.

Fluoride Emissions From Phosphate Fertilizer Plants

62.1850 Identification of Plan—Negative Declaration.

Subpart J—District of Columbia

Fluoride Emissions from Phosphate Fertilizer Plants

62.2100 Identification of Plan—Negative Declaration.

Subparts K—U [Reserved]

Subpart V—Maryland

Fluoride Emissions From Phosphate Fertilizer Plants

62.5100 Identification of Plan—Negative Declaration.

Subparts W—MM [Reserved]

Subpart NN—Pennsylvania

Fluoride Emissions From Phosphate Fertilizer Plants

62.9600 Identification of Plan—Negative Declaration.

Subparts OO—UU [Reserved]

Subpart VV—Virginia

Fluoride Emissions From Phosphate Fertilizer Plants

62.11600 Identification of Plan—Negative Declaration.

Subpart WW [Reserved]

Subpart XX—West Virginia

Fluoride Emissions From Phosphate Fertilizer Plants

62.12100 Identification of Plan—Negative Declaration.

Subparts YY—DDD [Reserved]

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

Subparts A—H [Reserved]

Subpart I—Delaware

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.1850 Identification of Plan—Negative Declaration.

The Delaware Department of Natural Resources and Environmental Control submitted on November 7, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this Chapter.

Subpart J—District of Columbia

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.2100 Identification of Plan—Negative Declaration.

The Department of Environmental Services submitted on December 12, 1977 a letter certifying that there are no existing phosphate fertilizer plants in the District subject to Part 60, Subpart B of this chapter.

Subparts K—U [Reserved]

Subpart V—Maryland

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.5100 Identification of Plan—Negative Declaration.

The Maryland Department of Health and Mental Hygiene, Environmental Health Administration submitted on July 11, 1977, a letter certifying that there are no existing phosphate fertilizer plants in

the State subject to Part 60, Subpart B of this Chapter.

Subparts W—MM [Reserved]

Subpart NN—Pennsylvania

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.9600 Identification of Plan—Negative Declaration.

The Pennsylvania Department of Environmental Resources submitted on December 1, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this Chapter.

Subparts OO—UU [Reserved]

Subpart VV—Virginia

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.11600 Identification of Plan—Negative Declaration.

The Secretary of Commerce and Resources, Office of the Governor submitted on May 13, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this chapter.

Subpart WW [Reserved]

Subpart XX—West Virginia

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.12100 Identification of Plan—Negative Declaration.

The West Virginia Air Pollution Control Commission submitted on October 25, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this Chapter.

Subparts YY—DDD [Reserved]

[FR Doc. 79-30752 Filed 10-3-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF ENERGY

41 CFR Parts 9 and 9-7

Proposed Amendment to the DOE Procurement Regulations; Property Contract Clause Modifications

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The proposed amendments would revise and add to the Government property clauses in the Department of Energy (DOE) Procurement Regulations (44 FR 34424,

June 14, 1979, 41 CFR Ch. 9). These amendments would incorporate 41 CFR Part 109-60, which is that portion of the DOE Property Management Regulations that establishes policy and procedures for the standardization of the administration of Government property provided under certain DOE contracts. 41 CFR Part 109-60 is published elsewhere in this edition of the *Federal Register* as a proposed rule.

Many DOE contractors have multiple contracts which may be administered by more than one DOE contracting office. Currently, property administration varies in each office, with the result that different requirements have been imposed on such contractors. The proposed rule, by incorporating the requirements of DOE-PMR Part 109-60 in the contract clauses, will serve to standardize property administration throughout DOE, thereby achieving more efficient and economical contractor property management operations.

DATE: Comments must be received on or before November 5, 1979, to be considered.

ADDRESS: Comments should be addressed to the Department of Energy, Property and Equipment Management Branch (PR-221), Room 400 RB, 400 1st Street, N.W., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Roche, Chief, Property and Equipment Management Branch, Procurement and Contracts Management Directorate, Room 304 RB, 400 1st Street, N.W., Washington, DC 20585, telephone 202-376-1974.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Statutory and Regulatory Requirements
- III. Public Comments

I. Background

Under Section 644 of the Department of Energy Organization Act (hereinafter referred to as the Act) (Pub. L. 95-91, 91 Stat. 565, 41 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as he may deem necessary or appropriate to effectuate the functions vested in him.

Pursuant to this authority, DOE published its proposed DOE-PR on April 14, 1978 (43 FR 15853) on which interested persons were invited to submit comments. Thereafter, based upon comments received, DOE issued its final DOE-PR (44 FR 34424), effective June 30, 1979.

II. Statutory and Regulatory Requirements

Pursuant to Section 501 of the Act (42 U.S.C. 7191) relating to the opportunity

for oral presentations on proposed regulations, the Department has determined that no substantial issue of fact or law exists and that this DOE-PR regulation and amendment thereto are unlikely to have a substantial impact on the Nation's economy, or large numbers of individuals or businesses. Accordingly, public hearings relating to this DOE-PR regulation will not be held. However, all written comments received by the Department in response to this proposed regulation will be carefully assessed and fully considered in the formulation of the final DOE-PR.

Note.—The Department has determined that this regulation does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107. The Department has also determined that the regulation will not affect the quality of the environment and that the requirements of section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, do not apply.

III. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to the proposed DOE-PR amendments set forth in this notice. Comments should be identified on the outside envelope and on documents submitted with a designation "Proposed Amendments—Government Property Clauses." Ten copies should be submitted. All comments will be available for public inspection at the Department of Energy Freedom of Information Reading Room, Room GA-152, 1000 Independence Avenue, S.W., Washington, DC, 20585 between 8 a.m. and 4:30 p.m., Monday through Friday, except for Federal holidays.

All written comments received will be carefully assessed and fully considered prior to publication of the amendment as a final regulation.

Dated: September 28, 1979.

For the Department of Energy.

Hilary Rauch,

Deputy Director, Procurement and Contracts, Management Directorate.

It is proposed to amend the DOE Procurement Regulations, Part 9, as follows:

- Part 9—Table of Contents, revised.
- Sec. 9-7.103, revised.
- Sec. 9-7.203-21, added.
- Sec. 9-7.303-7, added.
- Sec. 9-7.402-25, added.
- Sec. 9-7.603.60, added.

(Sec. 633 of the Department of Energy Organization Act (Pub. L. 95-91, 42 U.S.C. 7254))

PART 9—DEPARTMENT OF ENERGY PROCUREMENT REGULATIONS

Table of Contents

The Table of Contents is amended to add the following:

Sec.	
9-7.203-21	Government property.
9-7.303-7	Government property.
9-7.402-25	Government property.
9-7.603-60	Government property.

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.1—Fixed-Price Supply Contracts

1. Section 9-7.103 Government property, is amended as follows:

§ 9-7.103-51 Government property.

Insert the applicable Government property clause set forth in FPR 1-7.303-7 modified as set forth in 9-7.303-7.

Subpart 9-7.2—Cost Reimbursement Type Supply Contracts

2. Section 9-7.203 Clauses to be used where applicable, is amended by adding the following new section:

§ 9-7.203-21 Government property.

Insert the Government property clause set forth in FPR 1-7.203-21 modified as set forth below:

(1) Modify the second sentence of paragraph (a)(d) to read as follows:

"The Contractor shall establish and maintain a system to control, protect, preserve, and maintain all Government property in accordance with applicable provisions of the DOE Property Management Regulations, (DOE-PMR) 41 CFR 109-60 as in effect on the date of the contract."

(2) Modify the first sentence of paragraph (a)(f) to read as follows:

"The Contractor shall maintain and administer, in accordance with sound industrial practice and with applicable provisions of DOE-PMR 109-60, a program for the utilization, maintenance, repair, protection, and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract."

Subpart 9-7.3—Fixed-Price Research and Development Contracts

3. Section 9-7.303 Clauses to be used when applicable, is amended by adding the following new section:

§ 9-7.303-7 Government property.

(1) Insert the applicable Government property clause set forth in FPR 1-7.303-7 modified as set forth below:

(a) Modify the second sentence of paragraph (a)(d) to read as follows:

"The Contractor shall establish and maintain a system to control, protect,

preserve, and maintain all Government property in accordance with applicable provisions of the DOE Property Management Regulations, (DOE-PMR) 41 CFR 109-60 as in effect on the date of the contract."

(b) Modify the first sentence of paragraph (a)(f) to read as follows:

"The Contractor shall maintain and administer, in accordance with sound industrial practice and with applicable provisions of DOE-PMR 109-60, a program for the utilization, maintenance, repair, protection, and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract."

(2) When the contract is without profit or fee and is with an educational or nonprofit institution, insert the property clause set forth in FPR 1-7.303-7(d) modified as set forth below:

(a) Modify the second sentence of paragraph (d) to read as follows:

"The Contractor shall establish and maintain a system to control, protect, preserve, and maintain all Government property in accordance with applicable provisions of the DOE Property Management Regulations (DOE-PMR) 41 CFR 109-60 as in effect on the date of this contract."

(b) Modify the first sentence of paragraph (f) to read as follows:

"The Contractor shall maintain and administer, in accordance with sound business practices and with applicable provisions of DOE-PMR 109-60, a program for the utilization, maintenance, repair, protection, and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract."

Subpart 9-7.4—Cost-Reimbursement Type Research and Development Contracts

4. Section 9-7.402 Required clauses, is amended by adding the following new section:

§ 9-7.402-25 Government property.

(1) Insert the clause as set forth in FPR 1-7.203-21(a) modified as set forth in 9-7.203-21.

(2) If the contract is with an educational or nonprofit institution, insert the clause in FPR 1-7.402-25(b) modified as set forth below:

(a) Modify the second sentence of paragraph (d) to read as follows:

"The Contractor shall establish and maintain a system to control, protect, preserve, and maintain all Government property in accordance with applicable provisions of the DOE Property Management Regulations (DOE-PMR) 41 CFR 109-60 as in effect on the date of this contract."

(b) Modify the first sentence of paragraph (f) to read as follows:

"The Contractor shall maintain and administer, in accordance with sound business practices and with applicable provisions of DOE-PMR 109-60, a program for the utilization, maintenance, repair, protection, and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract."

Subpart 9-7.6—Fixed-Price Construction Contracts

5. Section 9-7.603 Clauses and notices to be used when applicable, is amended by adding the following new section:

§ 9-7.603-60 Government property.

Insert the applicable clause as set forth in FPR 1-7.303-7 modified as set forth in 9-7.303-7(1) and (2).

[FR Doc. 79-30810 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

41 CFR Parts 109 and 109-60

Property Management Regulations

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy (DOE) proposes to amend the DOE Property Management Regulations (DOE-PMR, 44 FR 986, 41 CFR Part 109) so as to (a) revise Part 109-1 by adding a new definition of an off-site contractor and modifying the applicability of the DOE-PMR and (b) add a new part 109-60, "Management of Government Property in the Possession of Off-Site Contractors."

This amendment would establish policy and procedures for the standardization of the administration of Government property provided to DOE off-site contractors. The DOE-PMR Parts 109-1 through 109-51 establish DOE policy for the management of Government property by DOE direct operations and by operating and on-site service contractors, and are not applicable to off-site contractors. This Part 109-60 will provide for the standardization of the management of Government property by off-site contractors.

DATE: Comments must be received on or before November 5, 1979.

ADDRESS: Comments should be addressed to the Department of Energy, Property and Equipment Management Branch (PR-221), Room 400 RB, 400 1st Street, N.W., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Roche, Chief, Property and Equipment Management Branch, Procurement and Contracts Management Directorate, Room 304 RB,

400 1st Street, N.W., Washington, DC 20585, telephone 202-376-1974.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Statutory and Regulatory Requirements
- III. Public comments

I. Background

Under Section 644 of the Department of Energy Organization Act (hereinafter referred to as the Act) (Pub. L. 95-91, 91 Stat. 565, 41 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as he may deem necessary or appropriate to effectuate the functions vested in him.

Pursuant to this authority, DOE published its proposed DOE-PMR on October 24, 1978 (43 FR 49636), on which interested persons were invited to submit comments. Thereafter, on January 3, 1979, based upon comments received and changes made in Federal Property Management Regulations (FPMR) issued by the General Services Administration, DOE issued its final DOE-PMR (44 FR 986).

II. Statutory and Regulatory Requirements

Pursuant to Section 501 of the Act (42 U.S.C. 7191) relating to the opportunity for oral presentations on proposed regulations, the Department has determined that no substantial issue of fact or law exists and that this DOE-PMR regulation and amendment thereto are unlikely to have a substantial impact on the Nation's economy, or large numbers of individuals or businesses. Accordingly, public hearings relating to this DOE-PMR regulation will not be held. However, all written comments received by the Department in response to this proposed regulation will be carefully assessed and fully considered in the formulation of the final DOE-PMR.

Note.—The Department has determined that this regulation does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107. The Department has also determined that the regulation will not affect the quality of the environment and that the requirements of section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, do not apply.

III. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to the proposed DOE-PMR amendments set forth in this notice. Comments should be identified on the outside envelope and on documents submitted with the designation "Proposed Property

Management Regulations Amendments A-2 and K-1. Ten copies should be submitted. All comments will be available for public inspection at the Department of Energy Freedom of Information Room, Room GA-152, 1000 Independence Avenue, Washington, DC 20585, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except for Federal holidays. All written comments received will be carefully assessed and fully considered prior to the publication of the amendment as a final regulation.

Dated: September 28, 1979.

For the Department of Energy.

Hilary Rauch,

Deputy Director, Procurement and Contracts Management Directorate.

It is proposed to amend the DOE Property Management Regulations, Part 109, as follows:

Part 109—Table of Contents, revised

Sec. 109-1.100-50(d), revised

Sec. 109-1.106(b), revised

Part 109-60, added

(Sec. 644 of the Department of Energy Organization Act (Pub. L. 95-91, 42 U.S.C. 7254))

PART 109—DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATIONS

Table of Contents

The Table of Contents is revised to include the following:

Subchapter K—Government Property in the Possession of Off-Site Contractors

PART 109-60—MANAGEMENT OF GOVERNMENT PROPERTY IN THE POSSESSION OF OFF-SITE CONTRACTORS

Subpart 109-1.1—Regulation System

Section 109-1.100-50(d) is revised to read as follows:

§ 101-1.100-50 Definitions.

(d) "Off-site contractor" means any other contractor performing work under a DOE contract.

Section 109-1.106(b) is revised to read as follows, and (c) and (d) have been added.

§ 109-1.106 Applicability.

(b) Unless otherwise provided in the appropriate part or subpart, contracting officers shall assure that the FPMR and DOE-PMR Parts 109-1 through 109-51 are applied to operating and on-site service contractors.

(c) Part 109-60 shall be applied to all other DOE contractors in possession of

Government property, except that it does not apply to transportation contracts, cooperative agreements, and contracts with State and local governments.

(d) The FPMR and DOE-PMR, as appropriate, shall be used by contracting officers in their review, approval, administration or appraisal of such contractor operations.

(2) Amendment K-1:

Subchapter K, Part 109-60 is added as follows:

SUBCHAPTER K—GOVERNMENT PROPERTY IN THE POSSESSION OF OFF-SITE CONTRACTORS

PART 109-60—MANAGEMENT OF GOVERNMENT PROPERTY IN THE POSSESSION OF OFF-SITE CONTRACTORS

Sec.

109-60.000 Scope and applicability of part.

109-60.001 Definitions.

Subpart 109-60.1—Contractor's Responsibility

109-60.100 General.

109-60.101 Assumption of responsibility.

109-60.102 Contractor's liability.

109-60.103 Segregation of Government property.

109-60.104 Physical protection of property.

109-60.105 Control of sensitive items of property.

109-60.106 Disposition.

109-60.107 Relief from responsibility.

Subpart 109-60.2—Records and Financial Reports

109-60.200 General.

109-60.201 Unit Cost.

109-60.202 Records of plant and capital equipment.

109-60.203 Records of material maintained in stores.

109-60.204 Financial property control reports.

109-60.205 DOE plant and equipment asset types.

Subpart 109-60.3—Identification

109-60.300 General.

Subpart 109-60.4—Physical Inventories.

109-60.400 General.

109-60.401 Frequency.

109-60.402 Reporting results of inventories.

109-60.403 Records of inventories.

109-60.404 Inventories upon termination or completion.

Subpart 109-60.5—Care and Maintenance

109-60.500 General.

109-60.501 Contractor's maintenance program.

Subpart 109-60.6—Utilization, Disposal, and Retirement

109-60.600 General.

109-60.601 Maximum use of property.

109-60.602 Disposal.

109-60.603 Retirement of property.

Subpart 109-60.7—Motor Vehicle and Aircraft Management

Sec.

109-60.700 Scope of subpart.

109-60.701 Definition.

109-60.702 Policy.

109-60.703 Classification of motor vehicles.

109-60.704 Acquisition of motor vehicles.

109-60.705 Identification of motor vehicles.

109-60.706 Use of the GSA Interagency

Motor Pool System.

109-60.707 Official use of motor vehicles.

109-60.708 Maintenance.

109-60.709 Disposition of motor vehicles.

109-60.710 Required motor vehicle reports.

109-60.711 Aircraft.

Subparts 109-60.8—109-60.46 [Reserved]

Subpart 109-60.47—Reports

109-60.4700 Required reports.

Authority: Sec. 644, Department of Energy Organization Act (Pub. L. 95-91, 42 U.S.C. 7254).

§ 109-60.000 Scope and applicability of part.

This part sets forth the minimum requirements to be observed by off-site contractors in establishing and maintaining control over Government property provided pursuant to a contract with DOE. This part does not apply to transportation contracts, grants, cooperative agreements, contracts with State and local governments, and to operating and on-site service contractors. (See § 109-1.106(c).) To the extent of any inconsistency between this part and the terms of the contract under which the Government property is provided, the terms of the contract shall govern.

§ 109-60.001 Definitions.

As used in this part the following definitions apply:

(a) "Accessory Item" means an item that facilitates or enhances the operation of capitalized equipment but which is not essential for its operation, such as remote control devices.

(b) "Auxiliary Item" means an item without which the basic unit of equipment cannot operate, such as motors for pumps and machine tools.

(c) "Capital Equipment" means personal property items having a unit acquisition cost of generally \$500.00 or more and an anticipated service life in excess of one (1) year, regardless of type of funding, are not properly chargeable to buildings or utilities, and having the potential for maintaining their integrity as capital items, i.e., not expendable due to use.

(d) "Government personal property" means all property provided at Government expense for performance of the contract, regardless of the method by which it is provided, including rented or leased equipment, except real

property, records of the Federal Government, nuclear and special source materials, and atomic weapons and by-product materials.

(1) "Government-furnished property" means property in the possession of or directly acquired by the government and subsequently made available to the contractor for use in performance of the contract.

(2) "Contractor-acquired Government property" means property acquired or otherwise provided by the contractor for performance of a contract and to which the Government has title or the right to take title under the contract terms.

(e) "Materials" means property which may be incorporated into or attached to an end item to be delivered under a contract or which may be consumed or expended in normal use in the performance of a contract. It includes, but is not limited to, raw and processed material, parts, components, assemblies, or supplies.

(f) "Property Administrator" means an authorized representative of the contracting officer assigned to administer the contract requirements and obligations relative to Government property. If an authorized representative has not been designated as the property administrator, the contracting officer is the property administrator.

(g) "Plant and equipment" means land, land rights, depletable resources, improvements to land, buildings and structures, utilities, and capital equipment having an anticipated service life of 1 year or more, the individual units of which satisfy the monetary and other criteria for capital charges and which therefore justify the maintenance of continuing plant and equipment records.

(h) "Salvage" means that property which has some value in excess of its basic material content but which is in such condition that it has no reasonable prospect of use for any purpose as a unit and its repair or rehabilitation for use is clearly impracticable.

(i) "Scrap" means property that has no value except for the recoverable value of its basic material content.

(j) "Sensitive items" means those items of property which are susceptible to being appropriated for personal use or which can be readily converted to cash. Examples are firearms, photographic equipment, binoculars, tape recorders, calculators, and power tools.

Subpart 109-60.1—Contractor's Responsibility

§ 109-60.100 General.

(a) The contractor is directly responsible and accountable for all Government property in his possession or control in accordance with the provisions of the contract, including property provided under such contract which may be in the possession or control of a subcontractor. The contractor shall establish and maintain a system, in accordance with the provisions of this part, to control, protect, preserve and maintain all Government property. The system shall be reviewed and, if satisfactory, approved in writing by the property administrator.

(b) The contractor shall maintain and make available such records as are required by Subpart 109-60.2 and shall account for all Government property until relieved of that responsibility. Liability for loss, damage, or improper use of property in a given instance will depend upon all the circumstances surrounding the particular case and will be determined in accordance with the provisions of the contract. The contractor shall furnish all data necessary to substantiate any request for discharge from responsibility.

(c) The contractor shall require subcontractors provided Government property under the prime contract to comply with the provisions of this part. Procedures for assuring subcontractor compliance shall be included in the contractor's property control system.

(d) If any portion of the contractor's property control system is found to be inadequate upon review by the property administrator, necessary corrective action will be accomplished by the contractor prior to approval of the system. When agreement as to adequacy of control or corrective action cannot be reached between the contractor and the property administrator, the matter will be referred to the contracting officer.

(e) The property records and the premises where any Government property is located shall be accessible to the property administrator or other authorized representatives during contract performance, at contract completion or termination, or at all reasonable times. The contractor's property control system is subject to audit by the Government as often as circumstances warrant, during the contract's performance, and its completion or termination, or at any time thereafter while the contractor is required to retain the contract records. All these records, including related

correspondence, shall be made available to the auditors.

§ 109-60.101 Assumption of responsibility.

(a) The contractor becomes responsible for Government-furnished property upon its delivery into the contractor's custody or control. For contractor-acquired Government property, the contractor assumes responsibility in accordance with the property provisions of the contract.

(b) All Government-furnished property shall be inspected and checked promptly at the time of receipt. Any visible or other external evidence of damage or error in quantity should be noted on the waybill with the signature of the carrier's agent. As soon as possible, the contractor shall send the contracting officer a full report of the damage or quantity error, including extent, apparent cause, and the estimated cost of repairs. The contracting officer will advise the contractor of the action to be taken.

(c) It is the contractor's responsibility to inspect, at the time of receipt, all property not furnished by the Government that is acquired in the performance of the contract, and to take any necessary action with the vendor and/or carrier if there should be any damage or error in quantity.

§ 109-60.102 Contractor's liability.

(a) Subject to the terms of the contract, the contractor may be liable for shortage, loss, damage, or destruction of Government property or when there is evidence of improper or unreasonable use or consumption of Government property.

(b) The contractor shall report promptly to the property administrator any shortage, loss, damage, or destruction of Government property in its possession or control, or in the possession or control of any subcontractor, together with all the facts and circumstances of the case.

(c) Any loss that may be due to theft shall be reported by the contractor immediately to the local police and/or Federal Bureau of Investigation and the property administrator.

§ 109-60.103 Segregation of Government property.

Ordinarily provisions shall be made by the contractor to keep Government property segregated from contractor-owned property. Commingling of Government and contractor-owned property may be allowed only when the segregation of the property would materially hinder the progress of the work, (e.g., segregation is not feasible

for reasons such as quantities, lack or space, or costs caused by additional handling), and where control procedures are adequate, i.e., the Government property is identified as being Government property. Commingling must be approved in advance by the property administrator.

§ 109-60.104 Physical protection of property.

(a) Controls such as property pass systems, memorandum records, marking of tools, regular or intermittent gate checks and perimeter fencing shall be implemented, recognizing the value of the property, to prevent loss, theft, or unauthorized movement of Government property from the premises on which such property is located.

(b) Classified Government property will be handled in accordance with instructions of the contracting officer.

§ 109-60.105 Control of sensitive items of property.

(a) The contractor shall assure that effective procedures and practices are established for the administrative and physical control of sensitive property items before and after issuance. Each contractor shall prepare a list of the types of property considered to be sensitive. This list, together with control procedures, shall be provided to the property administrator for review and approval.

(b) At a minimum, controls on sensitive property shall include property records, memorandum receipts, bin or tool check systems, or combinations thereof. Procedures shall provide for physical inventories at least once each year, and methods for adjustment of inventory levels due to losses, thefts and damage. Such procedures and practices shall be subject to review and approval by the property administrator.

§ 109-60.106 Disposition.

The contractor is responsible for disposing of Government property as provided for in the contract or as directed by the contracting officer. The contractor shall advise promptly the property administrator of any Government property that becomes excess to requirements for contract performance and to take such action for its disposition as directed.

§ 109-60.107 Relief from responsibility.

Subject to instructions of the contracting officer and the terms of the contract, the contractor may be relieved of responsibility for Government property when the property is—

(a) Consumed or expended in contract performance—to the extent the contracting officer has determined that

its consumption or expenditure was for proper purposes and in reasonable quantity for performance of the contract;

(b) Removed from contractor's possession—when removed as directed by the property administrator or contracting officer;

(c) Lost, damaged or destroyed (including property consumed or expended in excess of reasonable requirements, and non-severable Government-owned property which has been connected to contractor-owned property for the performance of the contract and cannot be removed without destroying its serviceability)—when the contracting officer has determined the contractor's liability, if any; the Government has been reimbursed to the extent required by the contracting officer's determination; and, proper disposition has been made of any property rendered unserviceable by damage; or

(d) Retained by the contractor, with approval of the contracting officer, and for which the Government has received adequate consideration.

Subpart 109-60.2—Records and Financial Reports

§ 109-60.200 General.

(a) The contractor shall establish and maintain adequate property control records, either manual or mechanized and consistent with the requirements of this subpart, for all Government property provided under a contract, including property provided under such contract as may be in the possession or control of a subcontractor. Unless otherwise directed by the contracting officer, records of Government property established and maintained by the contractor under the terms of the contract shall be designated and utilized as the official contract records. Duplicate records shall not be furnished to nor be maintained by Government personnel.

(b) The property records shall indicate the status of Government property, i.e., active, inactive, or excess.

(c) If a contractor has multiple contracts with DOE, separate property records for each contract should be maintained. However, if approved by the contracting officer, a consolidated property record may be maintained if it provides the pertinent information set forth in this subpart and the property is identified to the applicable contract.

(d) Property records of the type established for components acquired separately shall be used for serviceable components removed from items of Government property as a result of modification.

(e) The contractor's property control system shall contain a system or technique to locate any item of Government property with reasonable promptness.

§ 109-60.201 Unit cost.

(a) The unit cost of each item of Government property shall consist of the acquisition cost and the cost of any additional components, and shall be contained in the contractor's property control system. Unless the contractor's quantitative inventory record contains unit cost, the supplementary records containing this information must be identified and recognized as a part of the official property records. For Government-furnished property, copies of documents needed for record purposes, including pricing, will be furnished to the contractor.

(b) For property record purposes, original transportation and installation costs are to be considered as part of the acquisition cost of an item. Subsequent costs incurred in transporting and/or installing transferred or relocated property should not be added to the original acquisition cost.

§ 109-60.202 Records of plant and capital equipment.

(a) For each item of plant and capital equipment (as defined in § 109-60.001), the contractor shall maintain an individual item record containing, at a minimum the—

- (1) Contract number;
- (2) Asset type;
- (3) Nomenclature or description of item;
- (4) U. S. Government identification tag number;
- (5) Manufacturer's name;
- (6) Manufacturer's model number;
- (7) Serial number;
- (8) Acquisition document reference and date;
- (9) Location; and
- (10) Unit cost (including transportation and installation).

(b) Accessory and auxiliary items that are attached to, part of, or acquired for use with a specific item of capital equipment shall be recorded on the record of the associated item of capital equipment. Useable accessory and auxiliary items that are removed from items of Government equipment shall also be separately recorded, and the cost of the basic item reduced proportionally.

§ 109-60.203 Records of materials maintained in stores.

Records of Government-owned material maintained by the contractor in stores, and held under inventory control, shall contain the—

- (a) Contract number;
- (b) Nomenclature or description of item;
- (c) Quantity received;
- (d) Quantity issued;
- (e) Balanced on hand;
- (f) Posting reference and date of transaction;
- (g) Unit price;
- (h) Location; and
- (i) Disposition.

§ 109-60.204 Financial property control reports.

The contractor shall prepare a semi-annual report, as of March 31 and September 30 of each year, for each contract showing the dollar amount and number of line items of plant and capital equipment, by DOE asset type (see § 109-60.205), acquired or disposed of during the period. The report will show, at a minimum, the beginning balance, acquisition, disposition, and ending balance. The report format and the DOE office to which the report will be furnished will be as directed by the property administrator. The reports are due not later than 45 days after the end of the reporting period. If specifically requested by the property administrator, the contractor shall submit similar reports for Government non-capitalized equipment and material maintained in stores.

§ 109-60.205 DOE plant and equipment asset types.

- 401 Land
- 410 Land Rights
- 430 Minerals
- 440 Timber
- 460 Site Preparation, Grading and Landscaping
- 470 Roads, Walks, and Paved Areas
- 480 Fences and Guard Towers
- 490 Other Improvements to Land
- 501 Buildings
- 550 Other Structures
- 610 Communications Systems
- 615 Electric Generation, Transmission and Distribution Systems
- 620 Fire Alarm Systems
- 625 Gas Production, Transmission and Distribution Systems
- 630 Irrigation systems.
- 635 Railroad systems.
- 640 Sewerage systems.
- 645 Steam generation and distribution systems.
- 650 Water supply, pumping, treatment and distribution systems.
- 655 Nuclear steam and electric generation and transmission systems.
- 660 SPR crude oil piping system.
- 665 NPR crude oil extraction and distribution system.
- 710 Heavy mobile equipment.
- 715 Hospital and medical equipment.
- 720 Laboratory equipment.
- 725 Motor vehicles and aircraft.
- 730 Office furniture and equipment.
- 735 Process equipment.

- 740 Railroad rolling stock.
- 745 Reactors and accelerators.
- 750 Security and protection equipment.
- 755 Shop equipment.
- 760 Reserve construction equipment pool.
- 765 Machine tools in standby.
- 770 Automatic data processing equipment.
- 799 Miscellaneous equipment.
- 800 Improvements to property of others.
- 900 Unclassified plant and equipment.

Subpart 109-60.3—Identification

§ 109-60.300 General.

The contractor shall identify, mark, and record all capital and sensitive items of equipment promptly upon receipt, except leased or rented equipment, and shall maintain this identification as long as such property remains in the custody, possession, or control of the contractor. Property identification numbers will be recorded on all applicable receiving, shipping, and disposal documents, and any other documents pertaining to the property control system where practicable. Marking and numbering shall be accomplished by etching, stamping, painting, attaching metal or plastic tags or decalcomanias. Each item shall be marked: "Property of the U.S. Government, Department of Energy." Information on property numbers will be furnished by the property administrator. If practicable, such markings shall be removed or obliterated from the property involved, if and when Government ownership is relinquished. Leased or rented equipment shall be identified in such manner as will not damage the property. Property which by its nature or size cannot be marked shall not be commingled with contractor-owned property unless approved by the property administrator. Where items are not susceptible to marking, they shall be subject to other specific control measures, such as custodial receipts.

Subpart 109-60.4—Physical Inventories

§ 109-60.400 General.

The contractor shall periodically physically inventory Government property in its possession or control and shall require such inventories of property held by subcontractors. The physical inventory shall be consistent with approved contractor procedures and generally accepted accounting principles. Procedures that are limited solely to a checkoff of a listing of recorded property do not meet the requirements of a physical inventory.

§ 109-60.401 Frequency.

Physical inventories of permanently affixed plant (such as fending, buildings, other structures, utilities and systems)

are to be taken not less frequently than every 10 years. Inventories of moveable capital equipment are to be taken not less frequently than every 2 years. Inventories of sensitive items (capital and non-capital) shall be taken annually. Substantial quantities of material (stores) held under inventory control shall be inventoried annually. Small quantities of material representing bench stock need not be inventoried.

§ 109-60.402 Reporting results of inventories.

The contractor shall, at a minimum, submit to the property administrator a listing of all discrepancies disclosed by a physical inventory, and a signed statement that the physical inventory of all Government property was completed on a certain date and that the official property records were found to be in agreement with the physical inventory, except for the discrepancies reported. As a minimum, the discrepancy listing shall contain the property number, nomenclature, and unit cost. The listing and signed statement shall be furnished with a minimum of delay after completion of the physical inventory, but no later than 60 days after its completion.

§ 109-60.403 Records of inventories.

Appropriate inventory records and reports shall be maintained and will serve as a basis for (a) effecting maximum utilization of available property, (b) prompt identification and reporting of excess property, (c) effective physical protection of property, and (d) the preparation of special and recurring reports. Full use will be made of accounting records and reports to avoid duplication.

§ 109-60.404 Inventories upon termination or completion.

(a) Immediately upon termination or completion of a contract, the contractor shall submit an inventory report adequate for determining appropriate disposal of all Government property applicable to the terminated or completed contract. Further, this report shall include an inventory report of all government property in a subcontractor's possession or control which is also applicable to the terminated or completed contract. This inventory report will be submitted to the property administrator for verification and disposition action.

(b) Exception. The requirement for physical inventory of Government property at the completion of a contract may be waived by the contracting officer when the property is authorized

for use on a follow-on contract, provided that—

- (1) Past experience has established the adequacy of property controls; and
- (2) A statement is provided by the contractor indicating that transfer of record balances has been made in lieu of preparing a formal inventory list and the contractor accepts responsibility and accountability for those balances under the terms of the follow-on contract.

Subpart 109-60.5—Care and Maintenance

§ 109-60.500 General.

The contractor shall be responsible for the proper care and maintenance of Government property in its possession or control from the time of receipt until properly relieved of responsibility. The removal of Government property to storage, or its contemplated transfer, does not relieve the contractor of these responsibilities.

§ 109-60.501 Contractor's maintenance program.

The contractor's maintenance program shall be consistent with sound economic industrial practice, the manufacturer's recommendation, and the terms of the contract, and shall include the following:

(a) *Preventive maintenance.* Preventive maintenance is generally performed on a regularly scheduled basis in order to detect and correct unfavorable conditions or defects before they result in breakdowns and to maximize the useful life of the equipment. An effective preventive maintenance program shall consist of, but not be limited to—

- (1) Inspection of equipment at such periodic intervals to detect maladjustment, wear, or impending breakdown;
- (2) Regular lubrication of bearings and moving parts in accordance with a lubrication plan;
- (3) Adjustments for wear, repair, or replacement of worn or damaged parts and the elimination of causes of deterioration;
- (4) Removal of sludge, chips, and cutting oils from equipment which will not be used for a period of time;
- (5) Taking necessary precautions to prevent deterioration from contamination and corrosion; and
- (6) Proper storage and preservation of accessories and special tools furnished with an item of equipment but not regularly used with it.

(b) *Major repairs or rehabilitation.* The maintenance program of the contractor shall provide for the

disclosure and reporting to the property administrator of the need for major repairs, replacement, and other rehabilitation work on Government property in its possession or control.

(c) *Records of maintenance.* The contractor shall keep records sufficient to disclose the maintenance and repair performed and associated costs.

Subpart 109-60.6—Utilization, Disposal, and Retirement

§ 109-60.600 General.

It is DOE's policy that all property furnished under a contract shall be utilized to the fullest extent possible. The contractor's procedures shall be adequate to assure that Government property will be utilized only for those purposes authorized in the contract, and that the contracting officer's approval is obtained prior to noncontract use.

§ 109-60.601 Maximum use of property.

Property and supply management practices shall assure that the maximum and best possible use is made of property. Materials and equipment shall be limited to those items essential for effective execution of work performed under the contract.

§ 109-60.602 Disposal.

Unless otherwise authorized, contractors having property determined to be excess shall contact the property administrator for instructions as to the proper method of disposal. Property shall not be disposed of without prior approval of the contracting officer.

§ 109-60.603 Retirement of property.

When capital equipment is worn out, lost, stolen, destroyed, abandoned or damaged beyond economical repair, it shall be listed on a retirement work order. A full explanation shall be made, supported by an investigation, if necessary, as to the date and circumstances surrounding loss, theft, destruction, or damage. The retirement work order shall be signed by the responsible contractor administrative official initiating the report and reviewed and approved by an official at least one supervisory echelon above the official initiating the report, and the property administrator. Detailed information concerning the retention and/or submission of retirement work orders will be furnished by the property administrator.

Subpart 109-60.7—Motor Vehicle and Aircraft Management

§ 109-60.700 Scope of subpart.

This subpart prescribes basic policies and procedures for the management of

Government-owned motor vehicles and aircraft in the possession of off-site contractors.

§ 109-60.701 Definition.

"Government-furnished motor vehicles" are DOE-owned vehicles, vehicles leased from the General Services Administration Interagency Motor Pool System (GSA-IMPS), and vehicles leased from commercial sources.

§ 109-60.702 Policy.

(a) Government-furnished motor vehicles and aircraft shall be provided to or acquired by off-site contractors when considered essential for the performance of the contract work and when approved by the contracting officer.

(b) Government-owned motor vehicles and aircraft shall be maintained and utilized by contractors in the most practical and economical manner consistent with DOE program requirements, safety considerations, fuel economy, and applicable laws and regulations.

(c) DOE-PMR parts 109-38 and 109-39 (41 CFR 109) contain the requirements for management of DOE-owned motor vehicles and aircraft. DOE contracting officers shall apply the applicable provisions contained therein in their management of contractor motor vehicle and aircraft operations.

(d) Contractors shall conform fully to the average fuel economy standards established by law and these regulations in the selection of Government-furnished motor vehicles.

(e) Contractors shall maintain and operate motor vehicles in such a manner as to foster reduced fuel consumption.

(f) Normally, motor vehicles will not be furnished to fixed-price contractors.

(g) Prior approval of GSA must be obtained before—

(1) Fixed-price contractors can use the GSA-IMPS; and

(2) DOE-owned motor vehicles can be furnished to any contractor in an area served by a GSA-IMPS.

§ 109-60.703 Classification of motor vehicles.

Because of differences in controls or limitations on possession and use, Government vehicles are classified as follows:

(a) *Passenger vehicles.* (1) Sedans and station wagons (small, subcompact, compact, mid-size, and large).

(2) Ambulances.

(3) Buses.

(b) *Trucks.* (1) Light, less than 8,500 GVWR (Gross Vehicle Weight Rating).

(i) 4x2

- (ii) 4x4
- (2) Light, 8,500 to 12,499 GVWR.
- (i) 4x2
- (ii) 4x4
- (3) Medium, 12,500 to 23,999 GVWR.
- (4) Heavy, 24,000 GVWR or more.
- (c) *Special purpose vehicles.* (1) Fire trucks.
- (2) Construction vehicles.
- (3) Other vehicles equipped for special purposes.

§ 109-60.704 Acquisition of motor vehicles.

- (a) GSA has the responsibility for procurement of motor vehicles for Government agencies.
- (b) Contractors shall submit motor vehicle requirements to the contracting officer for approval.
- (c) The acquisition of passenger vehicles is limited to small, subcompact, and compact vehicles which meet Government fuel economy standards.
- (d) The DOE Procurement and Contracts Management Directorate, Headquarters, shall certify all requisitions for the following:
 - (1) The acquisition of small, subcompact, and compact passenger vehicles.
 - (2) The lease (60 continuous days or more) of any passenger automobile.
 - (3) The acquisition or lease (60 continuous days or more) of light trucks less than 8,500 GVWR.
- (e) Purchase requisitions for acquisition of passenger vehicles by purchase or lease must be processed in accordance with 41 CFR 109-38.1306.
- (f) Purchase requisitions for other motor vehicles may be submitted to GSA as directed by the contracting officer.
- (g) Contractors shall thoroughly examine motor vehicles acquired under a GSA contract for defects. Any defect shall be reported promptly to GSA, and repairs shall be made under terms of the warranty.

§ 109-60.705 Identification of motor vehicles.

- (a) Except as indicated in § 109-60.705(b) below, DOE-owned motor vehicles will have Government license tags and the following identification, which will be furnished and displayed as specified by the property administrator:

"For Official Use Only
U.S. Government
Department of Energy"

- (b) Security vehicles may be exempted from the above requirements by the contracting officer. All other exemptions require approval by the DOE Director of Procurement and Contracts Management Directorate.

§ 109-60.706 Use of the GSA interagency motor pool system.

Where authorized by the contracting officer, contractors may use the services of the GSA-IMPS.

§ 109-60.707 Official use of motor vehicles.

Government-owned vehicles are to be used for "Official Use Only." Contracting officers may approve home-to-work or work-to-home transportation on a one-time exceptional basis. Home-to-work or work-to-home transportation on a continuing basis requires approval of the head of the cognizant DOE field office. Records of such approvals will be kept on file.

§ 109-60.708 Maintenance.

Contractors shall maintain Government-owned vehicles according to a systematic written procedure and in accordance with manufacturer's specifications and the terms of the warranty. The GSA publication "Guide for the Preventive Maintenance of Motor Vehicles" provides guidance for the maintenance of Government-owned vehicles.

§ 109-60.709 Disposition of motor vehicles.

- (a) The contractor shall dispose of DOE-owned motor vehicles as directed by the contracting officer.
- (b) DOE-owned motor vehicles may be disposed of as exchange/sale items when directed by the contracting officer; however, a designated DOE official must execute the Title Transfer forms.

§ 109-60.710 Required motor vehicle reports.

Contractors shall submit the following annual fiscal year-end reports of Government-furnished motor vehicles to the contracting officer. Information on preparation and submission of the reports will be furnished by the property administrator.

- (a) Agency Report of Motor Vehicle Data (Standard Form 82).
- (b) Special Purpose Vehicle Report.
- (c) Age and Mileage Analysis.

§ 109-60.711 Aircraft.

- (a) Acquisition of aircraft requires statutory authority. Contracting officers may authorize a lease, rental, hire, or loan of an aircraft if the period is less than 30 days. If longer than 30 days, approval must be obtained from the DOE Director of Procurement and Contracts Management.
- (b) Aircraft shall be used for official purposes only.

Subparts 109-60.8—109-60.46 [Reserved]

Subpart 109-60.47—Reports

§ 109-60.4700 Required reports.

Following is a summary listing of those property reports required to be submitted by the contractor, along with the frequency of the reports and the subpart which describes the report:

- (a) Loss, damage, or destruction of Government property (On occurrence) § 109-60.102(b)
- (b) Loss due to theft (On occurrence) § 109-60.102(c)
- (c) Financial property control reports (Semi-annual) § 109-60.204
- (d) Physical inventories of capital equipment (not less frequent than Biennial) § 109-60.402
- (e) Physical inventories of sensitive items (Annual) § 109-60.402
- (f) Termination inventories (Termination or completion) § 109-60.404
- (g) Motor vehicle reports (Annual) § 109-60.710.

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NATIONAL SCIENCE FOUNDATION

45 CFR Part 617

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From NSF

AGENCY: National Science Foundation.

ACTION: Proposed Rules.

SUMMARY: The National Science Foundation proposes regulations to carry out its responsibilities under the Age Discrimination Act of 1975, and the Department of Health, Education, and Welfare government-wide regulations at 45 CFR Part 90 (44 FR No. 114, Part III; June 12, 1979).

The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions which permit, under limited circumstances, continued use of age distinctions or factors other than age which may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. These proposed regulations apply to programs and activities which receive financial assistance from NSF.

DATES: Comments must be received on or before December 3, 1979.

ADDRESS: Send written comments to Office of the General Counsel, National

Science Foundation, 1800 G Street, NW., Washington, D.C. 20550, Attn: Mr. Lasken.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse E. Lasken, Assistant to the General Counsel, at the above address or phone 202-632-4393.

SUPPLEMENTARY INFORMATION: These proposed regulations are designed to comply with the requirements established in the government-wide regulations issued by DHEW. They consist of the main body of the regulations and an Appendix listing NSF programs in which age distinctions are made.

To avoid unnecessary duplication the main part of the regulation is modeled after draft regulations under preparation by the Department of Health, Education, and Welfare to implement its responsibilities as an agency (as opposed to its responsibility for government-wide regulations). These HEW draft regulations have already appeared or will shortly appear in the Federal Register as a proposed new Part 91 to Title 45 of the Code of Federal Regulations. NSF has made several changes. The main substantive changes that might affect recipients of Federal financial assistance from NSF are as follows:

1. Sections 91.31 and 91.32 of the HEW draft have been combined into a single § 617.4 in the NSF proposed regulations and specific language that NSF proposes to include in each award is shown.

2. In anticipation that many NSF grantees will prepare self-evaluations in response to HEW or other agency requirements, we have added language in our § 617.5(a) (which is otherwise equivalent to HEW draft § 91.3(a)) to clarify that in such cases another self-evaluation would not have to be undertaken specifically for NSF.

3. We have written separate §§ 617.7 and 617.8 on compliance reviews and pre-award reviews. Section 91.41 of the HEW draft combines these into one section.

4. Our § 617.9 is based on § 91.42 of the HEW draft. However, we have included more specific procedures concerning insufficient complaints than are found in the HEW proposed regulations.

5. Section 617.10(b) of our proposed regulations differs somewhat from the equivalent HEW draft § 91.43(b), although we believe the substance is similar.

6. The most substantial differences are between our proposed § 617.12 and HEW's draft § 91.46. We have broadened paragraphs (a), (b) and (c) to cover both termination and refusal to

make future awards which are the two specific remedies mentioned in the Act (42 U.S.C. 6104). We have split subsection (c) of the draft HEW section into two subsections (d), and (e), which we believe more accurately reflect the statutory requirements.

We have no provision for deferral of assistance. Comments on the need for such a provision would be particularly welcome.

7. Finally, NSF has decided not to include any procedures for alternative funds disbursement as are found at § 91.49 of the HEW regulations. Because NSF operates discretionary grant programs and does not have any "formula grant" programs, NSF would appear to have ample discretion independent of the Age Discrimination Act. The use of alternative funds disbursement is optional under 42 U.S.C. 6104(b), and NSF perceives no need for that procedure.

In addition to comments on the substance of these proposed regulations, NSF would welcome comments on their format. In particular, we would like comments or suggestions on whether those affected would prefer for NSF to explicitly incorporate the bulk of the HEW final regulations by reference, spelling out only those provisions in which NSF regulations differ. See e.g., NSF proposed regulations implementing Section 504 of the Rehabilitation Act at 43 FR 16518, April 19, 1978.

The National Science Foundation proposes to add Part 617 to Title 45 of the Code of Federal Regulations as set forth below:

PART 617—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM NSF

- Sec.
- 617.1 Purpose.
 - 617.2 Definitions.
 - 617.3 Standards.
 - 617.4 General duties of recipients.
 - 617.5 Self-evaluation.
 - 617.6 Information requirements.
 - 617.7 Compliance reviews.
 - 617.8 Pre-award reviews.
 - 617.9 Complaints.
 - 617.10 Mediation.
 - 617.11 Investigation.
 - 617.12 Compliance procedure.
 - 617.13 Hearings, decisions, post-termination proceedings.
 - 617.14 Remedial action by recipients.
 - 617.15 Exhaustion of administrative remedies.
 - 617.16 Prohibition against intimidation or retaliation.
- Appendix I—List of age distinctions provided in Federal statutes or Regulations affecting Federal financial assistance administered by NSF.

Authority: Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*; 45 CFR Part 90.

§ 617.1 Purpose.

This part prescribes NSF's policies and procedures under the Age Discrimination Act of 1975 and the Department of Health, Education, and Welfare government-wide age discrimination regulations at 45 CFR Part 90 (44 FR 33768, June 12, 1979). The Act and Part 90 prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act and Part 90 permit federally assisted programs and activities and recipients of Federal funds to continue to use age distinctions and factors other than age which meet the requirements of the Act and Part 90.

§ 617.2 Definitions.

The following terms used in this part are defined in Part 90:

Act.
Action.
Age.
Age distinction.
Age-related term.
Agency.
Federal financial assistance.
Recipient (including subrecipients).
United States.

§ 617.3 Standards.

Standards for determining whether an age distinction or age-related term is prohibited are set out in Part 90 of this Title 45. See also Appendix I to this Part.

§ 617.4 General duties of recipients.

Each recipient of Federal financial assistance from NSF shall comply with the Act, Part 90, and this Part. Each NSF award of Federal financial assistance shall contain the following provision:

Compliance With Age Discrimination Act

The recipient agrees to comply with the Age Discrimination Act of 1975 as implemented by the Department of Health, Education, and Welfare regulations at 45 CFR Part 90 and the regulations of the Foundation at 45 CFR Part 617. In the event the recipient passes on NSF financial assistance to subrecipients, this provision shall apply to the subrecipients, and the instrument under which the Federal financial assistance is passed to the subrecipient shall contain a provision identical to this provision.

§ 617.5 Self-evaluation.

(a) Each recipient (including subrecipients) employing the equivalent of fifteen or more full-time employees shall complete a written self-evaluation of its compliance under this Part within 18 months of the effective date of these regulations, unless a similar evaluation has been completed for another agency.

(b) In its self-evaluation, each recipient shall identify all age distinctions it uses and justify each age distinction it imposes on the program or activity receiving Federal financial assistance from NSF.

(c) Each recipient shall take corrective action whenever a self-evaluation indicates a violation of the Act.

(d) Each recipient shall make the self-evaluation available on request to NSF and the public for three years after its completion.

§ 617.6 Information requirements.

Each recipient shall:

(a) Make available upon request to NSF information necessary to determine whether the recipient is complying with the Act.

(b) Permit reasonable access by NSF or its designee to the books, records, accounts, and other recipient facilities and sources of information to the extent necessary to determine whether a recipient is complying with the Act.

§ 617.7 Compliance reviews.

(a) NSF may conduct compliance reviews of recipients that will permit it to investigate and correct violations of the Act. NSF may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of the Act has occurred.

(b) If a compliance review indicates a violation of the Act, NSF will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, NSF may arrange for enforcement as described in § 617.12.

§ 617.8 Preaward reviews.

NSF reserves the right to conduct pre-award reviews of applicants for Federal financial assistance from NSF in cases where the NSF has substantial reason to believe that a potential recipient who is not then a recipient of other NSF financial assistance under the same program or activities may engage in practices under that program or activity that would violate the Act. However, the results of any such review shall not constitute a basis for NSF refusal to grant financial assistance to the applicant under that program or activity unless the procedural requirements of the Act (42 U.S.C. 6104) and §§ 617.12 and 617.13 have been followed.

§ 617.9 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with NSF, alleging discrimination prohibited by the Act. A complainant shall file a complaint

within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause shown, NSF may extend this time limit.

(b) NSF will accept as a sufficient complaint, any written statement which identifies the parties involved and the date the complainant first had knowledge of the alleged violation, describes generally the action or practice complained of, and is signed by the complainant. If an insufficient complaint is amended within 10 working days after notice by NSF to the complainant of the deficiency, NSF will consider the amended complaint as filed on the date the original insufficient complaint was filed for purposes of determining if it was timely filed. However, all other time requirements established by the Act and this Part shall run from the date the amended complaint was filed.

(c) On receipt of any complaint NSF shall promptly send written acknowledgement to the complainant and a copy of the complaint to the recipient. In addition, NSF shall send either copies of this part or other pertinent information describing the rights and obligations of the parties.

(d) NSF will return to the complainant any complaint outside the coverage of this part, and will state why it is outside the coverage of this part.

§ 617.10 Mediation.

(a) NSF will refer to the Federal Mediation and Conciliation Service all complaints that fall within the jurisdiction of this part and contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or for a mediator to make an informed judgment that an agreement is not possible. NSF will take no further administrative action on any complaint if the complainant refuses to participate in the mediation process.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to NSF. NSF shall take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement, in which case the other party may request that the complaint be reopened.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation

process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the Federal Mediation and Conciliation Service.

(e) NSF will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

- (1) 60 days elapse from the time NSF receives a sufficient complaint; or
- (2) Before the end of the 60 day period, an agreement is reached; or
- (3) Before the end of the 60 day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to NSF.

§ 617.11 Investigation.

(a) *Informal investigation.* (1) NSF will investigate complaints that are unresolved after mediation or are reopened because of violation of a mediation agreement.

(2) As part of the initial investigation, NSF will use informal fact finding methods, including joint or separate discussions with the complainant and recipient, to establish the facts and, if possible, will settle the complaint on terms that are agreeable to the parties. NSF may seek the assistance of any involved State program agency.

(3) NSF will put any agreement in writing and have it signed by the parties and an authorized official of NSF.

(4) A settlement shall not affect other enforcement efforts of NSF including compliance reviews, or individual complaints that involve the recipient.

(5) A settlement is not a finding of discrimination against the recipient.

(b) *Formal investigation.* If NSF cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of the Act, NSF will try to obtain voluntary compliance. If NSF cannot obtain voluntary compliance, it will begin enforcement as described in § 617.12. If the investigation does not indicate a violation of the Act, NSF will issue a written determination in favor of the recipient.

§ 617.12 Compliance procedure.

(a) NSF may enforce this part by either termination of a recipient's financial assistance from NSF under the program or activity involved where the recipient has violated the Act or this part or refusal to grant further financial assistance under the program or activity involved where the recipient has violated the Act or this part. The

determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. Therefore, cases settled in the mediation process or before a hearing will not involve termination of a recipient's Federal financial assistance from NSF.

(b) NSF may also enforce this part by any other means authorized by law, including but not limited to:

(1) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations by this part.

(2) Use of any requirement of or referral to any Federal, State, or local government agency that will have the effect of correcting a violation of the Act or this part.

(c) NSF will limit any termination or refusal to grant further financial assistance to the particular recipient and the particular program found to be in violation of the Act. NSF will not base any part of a termination or refusal on a finding with respect to any program or activity of the recipient which does not receive Federal financial assistance from NSF.

(d) NSF will not begin any hearing under paragraph (a) of this section until the Director has advised the recipient of its failure to comply with this part and has determined that voluntary compliance cannot be obtained.

(e) NSF will not terminate or refuse to grant Federal financial assistance until thirty days have elapsed after the Director has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the Federal program or activity involved. The Director will file a report whenever any action is taken under paragraph (a) of this section.

§ 617.13 Hearings, decisions, post-termination proceedings.

Procedures prescribed in 45 CFR 611.9 and 611.10 for NSF enforcement of Title VI of the Civil Rights Act of 1964 shall apply also for NSF enforcement of this part. At the conclusion of any action taken under § 617.12, NSF shall remind both parties of the right to judicial review established by 42 U.S.C. 6105.

§ 617.14 Remedial action by recipients.

Where the Director finds that a recipient has discriminated on the basis of age, the recipient shall take any remedial action the Director may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, the Director may

require both recipients to take remedial action.

§ 617.15 Exhaustion of administrative remedies.

(a) A complainant may file a civil action after exhausting administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed a sufficient complaint and NSF has made no finding with regard to the complaint; or

(2) NSF issues any finding in favor of the recipient.

(b) If NSF fails to make a finding within 180 days or issues a finding in favor of the recipient, NSF will:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief under 42 U.S.C. 6104; and

(3) Inform the complainant that under 42 U.S.C. 6104: (i) The complainant may bring a civil action only in a United States district court for the district in which the recipient is located or transacts business;

(ii) A complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) Before commencing the action the complainant shall give 30 days notice by registered mail to the Director, the Attorney General of the United States, and the recipient;

(iv) The notice must state the alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) The complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

§ 617.16 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against a person who:

(a) Attempts to assert a right protected by the Act; or

(b) Cooperates in any mediation, investigation, hearing or other part of NSF's investigation, conciliation, and enforcement process.

Appendix I—List of Age Distinctions Provided in Federal Statutes or Regulations Affecting Federal Financial Assistance Administered by NSF

1. Section 8 of Pub. L. 94-86, 42 U.S.C. 1881a:

This statute authorizes the Foundation to establish the Alan T. Waterman Award to recognize and encourage the work of "younger" scientists. Under NSF procedures awards have been limited to persons 35 years of age or under.

Dated: September 25, 1979.

Richard C. Atkinson,

Director, National Science Foundation.

[FR Doc. 79-30841 Filed 10-3-79; 8:45 am]

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Part 1172

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From NEH; Proposed Rules

AGENCY: Office of the Chairman, NEH.

ACTION: Proposed Rules.

SUMMARY: The National Endowment for the Humanities (NEH) proposes specific regulations to carry out its responsibilities under the Age Discrimination Act of 1975, and the recently published general, governmentwide regulations published in the *Federal Register* on June 12, 1979.

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. These proposed regulations concern programs and activities which receive Federal financial assistance from NEH.

DATES: Comments must be received on or before December 14, 1979.

ADDRESS: Send written comments to: Office of the General Counsel, NEH, Room 1000, 806 15th Street, NW, Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen McCleary, (202) 724-0367.

SUPPLEMENTARY INFORMATION:

Background

The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions that permit,

under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act required the Department of Health, Education, and Welfare (HEW) to develop government-wide regulations to guide the development of agency specific regulations by each Federal agency that administers programs of Federal financial assistance.

HEW published final government-wide regulations on June 12, 1979 (45 CFR Part 90, published at 44 FR 33708). The Act and the government-wide regulations require NEH to: (1) Publish proposed "agency-specific" regulations (that is, regulations covering NEH programs and activities consistent with the government-wide regulations) no later than 90 days after publication of the government-wide regulations; and (2) to prepare final agency-specific regulations for publication no later than 120 days after publication of the proposed specific regulations. These are NEH's proposed agency specific regulations.

Summary of the Government-wide Regulations (45 CFR Part 90)

The government-wide regulations specify definitions and the standards for determining what is age discrimination, and what NEH (and other Federal agencies) must include in their agency specific regulations. NEH may not change the definitions, standards and basic procedures in the government-wide regulations. Therefore, NEH asks reviewers not to comment on those definitions, standards, and procedures but to direct any comments to the new material in NEH's agency specific regulations. New material is underlined in the summary of the subparts of the proposed NEH regulations. NEH will not respond to comments on requirements in the final, government-wide regulations.

The government-wide regulations contain five subparts:

- Subpart A—General.
- Subpart B—What Is Age Discrimination?
- Subpart C—What Are the Responsibilities of the Federal Agencies?
- Subpart D—Investigation, Conciliation, and Enforcement Procedures.
- Subpart E—Future Review of Age Discrimination Regulations.

Proposed NEH Regulations Format

These proposed regulations are based on the government-wide age discrimination regulations.

Because the relationship is so close and because NEH proposes to adopt many substantively identical sections, NEH proposes to cross-reference to sections from the government-wide

regulations rather than to repeat them in full in proposed HEW regulations.

There are several reasons for using cross-references in these proposed regulations:

- This format makes the regulations shorter and simpler. Identical requirements are not repeated and duplicated.
- This format should help readers better understand where NEH is proposing to use requirements already established in the government-wide regulations and where NEH is proposing additional requirements, or interpretations, or reorganizing the requirements in the government-wide regulations.
- This format should help direct commenters to the new or additional requirements, interpretations, or reorganization proposed in these regulations and direct commenters away from requirements in the government-wide regulations which NEH may not revise.

Proposed NEH Regulations (45 CFR Part 1172)

NEH's proposed regulations are divided into four subparts: Subpart A—General; Subpart B—Standards for Determining Age Discrimination; Subpart C—Duties of NEH Recipients; Subpart D—Investigation, Conciliation, and Enforcement Procedures. The next sections of this preamble summarize the contents of each of those subparts. After the summary is a discussion of important requirements.

Subpart A—General. Subpart A explains the purpose of NEH's age discrimination regulations, which is to set out NEH's policies and procedures under the Act and the government-wide regulations. (91.1) The regulations apply to any program or activity receiving Federal financial assistance from NEH. (1172)

Subpart A also defines terms used in regulations. The definitions for the following terms are identical to the definitions in the government-wide regulations and are not repeated in the proposed rules:

- Act.
- Action.
- Age.
- Age-distinction.
- Age-related term.
- Agency.
- Federal financial assistance.
- Recipient.
- United States.

The following terms are defined for the first time:

- NEH.
- Chairman (including a designee).
- Subrecipient.

Subpart B—Standards for Determining Age Discrimination. The standards NEH uses for determining age discrimination are set out in great detail in the government-wide regulations (primarily Subpart B). NEH cross references those standards rather than duplicating them here. A short summary of those standards follows:

(1) A recipient may not use age distinctions or take any other actions which have the effect, on the basis of age, of excluding individuals from benefits or denying or limiting their opportunity to participate in any program or activity receiving Federal financial assistance (from 90.12 of the government-wide regulations).

(2) A recipient may use age distinctions or take another action which has the effect, on the basis of age, of excluding individuals from benefits or denying or limiting their opportunity to participate in any program or activity receiving Federal financial assistance where:

- An age distinction which conditions program benefits or participation is contained in part of a Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body (from 90.3 of the government-wide regulations).

• An action reasonably takes into account age as a factor necessary to the "normal operation" or the achievement of any expressly stated "statutory objective" of a program or activity (from 90.13 and 90.14 of the government-wide regulations).

• An action is based on a factor other than age and the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective (from 90.13 & 90.15 of the government-wide regulations).

• A recipient takes voluntary affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age (from 90.49(b) of the government-wide regulations).

• A recipient provides special benefits to the elderly or to children as part of a program serving persons of other ages, provided it does not have the effect of excluding otherwise eligible persons from participation in the program (from 90.49(c) of the government-wide regulations).

(3) The Act and its implementing regulations do not cover employment practices, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive

Employment and Training Act (from 90.3 of the government-wide regulations). The Age Discrimination in Employment Act, administered by the Equal Employment Opportunity Commission, protects persons between the ages of 40 and 70 from most phases of employment.

The government-wide regulations place on the NEH recipient the burden of proving that an action qualifies for an exception (from 90.16 of the government-wide regulations).

Subpart C—Duties of NEH Recipients. The duties of NEH recipients are required by the government-wide regulations.

NEH recipients have primary responsibility to ensure that their programs and activities are in compliance with the Act, the government-wide regulations and these regulations. (1172.31)

Where a NEH recipient passes on financial assistance to subrecipients, the recipient must notify subrecipients of their obligations under the proposed NEH regulations. (1172.32)

Each recipient (and each subrecipient where appropriate) employing the equivalent of 15 or more full-time employees is required to complete a one-time written self-evaluation of its compliance with the proposed NEH regulations. The self-evaluation must identify each age distinction the recipient uses and justify each age distinction the recipient itself imposes on the program receiving Federal financial assistance from NEH. If the self-evaluation reveals a violation of the Act, the recipient must take corrective action. The recipient must keep the self-evaluation and make it available upon request to NEH and the public for three years. (1172.33)

Each NEH recipient must make available upon request to NEH information necessary to determine whether the recipient is in compliance with these regulations. Recipients must also permit reasonable access by NEH to books and records to the extent necessary to determine compliance with the Act and its regulations. (1172.34)

Subpart D—Investigation, Conciliation, and Enforcement. Subpart D of the proposed regulations establishes the procedures NEH will use in its investigation, conciliation, and enforcement activities. These procedures are closely tied to requirements in the government-wide regulations, primarily in Subpart D. Underlined language indicates additions in these regulations, not contained in the government-wide regulations.

NEH may conduct compliance and pre-award reviews of recipients, even in the absence of a complaint against the

recipient. *The review may be as comprehensive as necessary to determine whether a violation has occurred.* (1172.41)

Complaints of age discrimination may be filed with NEH by an individual or a class or by a third party. A complainant must file a complaint within 180 days from the date the complainant first knew of the alleged act of discrimination although NEH may extend this time limit for good cause. *A complaint must identify the parties involved, describe generally the practice complained of, and be signed by the complainant.* NEH will distribute information regarding the obligations of recipients and complainants under the complaint procedure. *NEH will permit a complainant to add information to a complaint when necessary to meet the requirements of a sufficient complaint. NEH will return to the complainant any complaint that does not fall within the jurisdiction of the Act and its regulations.* (1172.42)

NEH will refer all complaints that fall within the coverage of the Act to mediation. On June 12, 1979, the Federal Mediation and Conciliation Service (FMCS) was designated to manage the mediation process established in the government-wide regulations.

Complainants and recipients are required to participate in the effort to reach a mutually satisfactory mediated settlement of the complaint, although they need not meet with the mediator at the same time. Mediation may last no more than 60 days from the date NEH first receives the complaint. The mediator will have the authority to terminate the mediation at any time before the end of the 60 day period, if the process appears to have broken down. the terms of a settlement that are satisfactory to both parties will be put in writing and sent to NEH. NEH will take no further action on a complaint that has been successfully mediated. (1172.43)

NEH will investigate complaints that are unresolved after mediation or are reopened because the mediation agreement is violated. NEH will first attempt to resolve the complaint through informal fact-finding. If this does not succeed, then NEH will begin to develop formal findings through further investigation of the complaint. (1172.44)

A recipient may not intimidate or retaliate against any person who attempts to exercise a right protected by the Act or who participates in any aspect of the proceedings used to resolve allegations of age discrimination. (1172.45)

The procedures for securing compliance with the Act and these regulations are taken from the

government-wide regulations, including fund termination after an opportunity for a hearing on the record and referral to the Department of Justice or the use of any Federal, State or local government agency requirement which has the effect of correcting a violation. These regulations include a provision for the limited deferral of new Federal financial assistance from NEH when termination proceedings are initiated. (1172.46)

NEH proposes to use procedural provisions contained in the regulations for Title VI of the Civil Rights Act of 1964 to enforce proposed NEH regulations. These provisions are at 45 CFR 1110.9-1110.11. (1172.47)

Where the Chairman finds that a recipient has discriminated on the basis of age, he or she may require the recipient to take necessary remedial action to overcome the effects of the discrimination. (1172.48)

When NEH withholds funds from a recipient, the Chairman may disburse those funds to an alternate recipient. The alternate recipient must demonstrate the ability to comply with these regulations and to achieve the goals of the Federal statute which authorizes the financial assistance. (1172.49)

Complainants may file civil actions when administrative remedies are exhausted. Administrative remedies are exhausted if either 180 days have elapsed since the complainant filed the complaint and NEH has made no findings, or if NEH issues a finding in favor of the recipient. The proposed regulations repeat the requirements of the Act concerning the private right of action. (1172.50)

Discussion of Important Requirements and Examples

This section contains a discussion of several important concepts in the proposed regulations, to show how they apply to NEH recipients. Where useful, the discussion includes examples. The examples are intended to illustrate how NEH would apply the standards and analyze whether age distinctions are permissible or impermissible. However, since even slightly different statutory and factual situations may require different analysis or result in different conclusions, it is important to emphasize the need for case-by-case analysis of age distinctions. The examples assume that the institutions involved are recipients of NEH funds. Each example assumes that no other exception applies (such as, the "any law" exclusion).

Complainants Under the Age Discrimination Act

Section 303 of the Age Discrimination Act provides that the Act's prohibition of age discrimination becomes effective upon the issuance of regulations as prescribed in Section 304 of the Act. Section 304 provides for the issuance of age discrimination regulations in two phases:

(1) The Department of Health, Education, and Welfare publishes general, government-wide regulations carry out the provisions of Section 303; and

(2) Each Federal agency (including NEH) then publishes regulations specific to its programs and consistent with the government-wide regulations.

For purposes of a complainant's private right of action, the 180 days a complainant must allow for exhausting administrative remedies prior to going to court will run from the day NEH received the complaint (starting no earlier than the effective date of these regulations).

Complainants of alleged violations which occur after these regulations become final will be subject to the time frames and procedures established under these final regulations.

Standards for Determining What Is Age Discrimination

Subpart B of the proposed regulations cross-references the standards for determining what is age discrimination from the government-wide regulations. The application of these standards is critical to effective enforcement of the Age Discrimination Act. Set out below is the text of each standard, a discussion of certain important points about the standards, and examples of how NEH applies them.

A. Rules Against Age Discrimination

Text of the government-wide regulations

General rule:

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

Specific rules:

A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect on the basis of age of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under,

a program or activity receiving Federal financial assistance, or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

Discussion

The prohibition against age discrimination does not include an absolute prohibition against separate or different treatment on the basis of age. As a general rule, separate or different treatment which denies or limits services from, or participation in, a program receiving Federal financial assistance would be prohibited by these regulations. On the other hand, these regulations do not automatically invalidate the provision of services through separate or different treatment on the basis of age.

B. Age Distinctions "Established Under Authority of Any Law"

Text of the government-wide regulations:

The Age Discrimination Act of 1975 does not apply to:

(1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body which:

- (i) Provides any benefits or assistance to persons based on age; or
- (ii) Establishes criteria for participation in age-related terms; or
- (iii) Describes intended beneficiaries or target groups in age-related terms.

Discussion:

The Age Discrimination Act covers all programs and activities that receive assistance from NEH. However, it does not apply to age distinctions "established under authority of any law" that provide benefits or establish criteria for participation on the basis of age or in age-related terms. The government-wide regulations have defined the term "any law" to mean age distinctions which are contained in a Federal statute, a State statute, or a local statute or ordinance adopted by an elected, general purpose legislative body. This provision exempts only age distinctions which provide benefits, establish criteria for participation or described intended beneficiaries. This provision does not provide an automatic exemption to age distinctions that are contained in regulations or in ordinances enacted by bodies which are not elected or are special purpose even though elected, such as State or local school boards. This provision does not affect the Federal funding formula that use age in determining allocations. The age distinctions used in funding formula

do not by themselves determine who benefits or who participates in a federally funded program.

C. Age Distinctions that are Necessary to Normal Operation or to the Achievement of a Statutory Objective.

Text of the general, government-wide regulations:

Definitions of "normal operation" & "statutory objective."

* * * The terms "normal operation" and "statutory objective" shall have the following meaning:

(a) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(b) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body.

Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.

A recipient is permitted to take an action, otherwise prohibited * * * if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(a) Age is used as a measure or approximation of one or other characteristics; and

(b) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and

(c) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(d) The other characteristic(s) are impractical to measure directly on an individual basis.

Discussion

These sections of the government-wide regulations establish a four-part test for explicit age distinctions which are claimed to be necessary to be the normal operation of a program or activity, or to the achievement of a statutory objective. NEH will use this four-part test to scrutinize age distinctions which are imposed in the administration of federally assisted programs, but which are not explicitly authorized by a Federal, State, or local statute or ordinance adopted by an

elected, general purpose legislative body. If the age distinction in question fails any part of the four-part test, the recipient of Federal funds may not continue to use that age distinction.

The four-part test is designed to require careful scrutiny of age distinctions in programs receiving Federal financial assistance. The four-part test is designed to weed out age distinctions that are neither directly related to an essential characteristic of a program nor are based on explicitly stated objectives of a law. It is not intended to serve as a basis for permitting continued use of age distinctions for the sake of administrative convenience, if this results in denial or limitation of services on the basis of age.

NEH encourages its recipients to apply every age distinction flexibly; that is, to permit a person, upon a proper showing of the necessary characteristic to participate in the activity or program even though he or she would otherwise be barred by the age distinction. Other things being equal, an age distinction is more likely to qualify under any of the statutory exceptions if it does not automatically bar all those who do not meet the age requirements.

D. The Use of Factors Other Than Age

Text of the general, government-wide regulations:

A recipient is permitted to take an action otherwise prohibited * * * which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

Discussion

The Age Discrimination Act permits a recipient of Federal funds to take an action otherwise prohibited by the Act, if the action is based on "reasonable factors other than age," even though that action may have a more severe effect on one age group than on another. To justify rules or operating procedures which disadvantage any age group when age is not explicitly mentioned, NEH recipients must demonstrate that these procedures have a "direct and substantial" relationship to specific program objectives.

The government-wide regulations leave to the recipient the definition of who qualifies as "children" or "the elderly" for purposes of receiving a special benefit. However, NEH does not intend this provision to be used to

justify a general program which provides services *only* to children or to the elderly.

The Requirement for Recipient Self-Evaluation

Each NEH recipient that employs the equivalent of 15 or more persons on a full-time basis must complete a one-time self-evaluation of its compliance with the Age Discrimination Act. The self-evaluation must be completed within 18 months of the effective date of the NEH's regulations and must be available to NEH and to the public for a period of three years.

The requirement for recipient self-evaluation is taken from the government-wide regulations. Each recipient must identify and justify all age distinctions it imposes. The regulations do not require an evaluation of the factors other than age that may affect the operation of the recipient's program.

The evaluation of an age distinction by a recipient should be simple and straight-forward. Detailed legal analysis or empirical research will rarely be necessary. Any single age distinction can normally be analyzed in a page or less. Where no age distinctions are imposed, the self-evaluation needs only to state this fact.

A recipient which simply adopts age distinctions imposed by another Federal, State, or local agency through which the recipient receives its Federal funds should identify those age distinctions in its self-evaluation and simply state that the age distinctions are imposed by the Federal, State, or local agency. Anyone who questions that age distinction must look for an explanation of its use to the justification offered by the agency imposing the distinction and not the self-evaluation of the recipient which merely adopts it.

Each recipient must justify the continued use of any age distinction it imposes as meeting the standards set in these regulations. Each recipient must make certain that it is not using any age distinction unless the distinction is "established under authority of any law" or is authorized by the regulations of the Federal agency providing the Federal assistance, or unless the distinction can pass the four-part test for age distinctions that are necessary to the normal operation or to the achievement of a statutory objective.

Readers should note that these regulations only require that recipients make their self-evaluations available upon request to NEH or to the public. Recipients are not required to submit self-evaluations to NEH, nor are there

required reporting forms for the self-evaluation.

Dated: October 1, 1979.

Joseph D. Duffey,

Chairman, National Endowment for the Humanities.

The National Endowment for the Humanities (NEH) proposes to add Part 1172 to Title 45 of the Code of Federal Regulations as set forth below:

PART 1172—NONDISCRIMINATION ON THE BASIS OF AGE IN NEH PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General

Sec.

1172.1 What is the purpose of NEH's age discrimination regulations?

1172.2 To what programs do these regulations apply?

1172.3 Definitions.

Subpart B—Standards for Determining Age Discrimination

1172.11 Standards.

Subpart C—Duties of NEH Recipients

1172.31 General responsibilities.

1172.32 Notice to subrecipients.

1172.33 Self-evaluation.

1172.34 Information requirements.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

1172.41 Compliance reviews.

1172.42 Complaints.

1172.43 Mediation.

1172.44 Investigation.

1172.45 Prohibition against intimidation or retaliation.

1172.46 Compliance procedure.

1172.47 Hearings, decisions, post-termination proceedings.

1172.48 Remedial action by recipients.

1172.49 Alternate funds disbursement procedure.

1172.50 Exhaustion of administrative remedies.

Authority: Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*; 45 CFR Part 90.

Subpart A—General

§ 1172.1 What is the purpose of NEH's age discrimination regulations?

The purpose of these regulations is to set out NEH's policies and procedures under the Age Discrimination Act of 1975 and the government-wide age discrimination regulations at 45 CFR Part 90.¹ The Act and the government-wide regulations prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act and the government-wide regulations permit federally assisted programs and activities, and

¹ Published at 44 FR 33768, June 12, 1979.

recipients of Federal funds, to continue to use age distinctions and factors other than age which meet the requirements of the Act and the government-wide regulations.

§ 1172.2 To what programs do these regulations apply?

These regulations apply to each NEH recipient and to each program or activity operated by the recipient which receives or benefits from Federal financial assistance provided by NEH.

§ 1172.3 Definitions.

(a) The following terms used in these regulations are defined in the government-wide regulations: Act, Action, Age, Age distinction, Age-related term, Agency, Federal financial assistance, Recipient, United States.

(b) As used in these regulations: "NEH" means the National Endowment for the Humanities. "Chairman" means the Chairman of NEH or his or her designee. "Subrecipient" means any of the entities in the definition of "recipient" to which a recipient extends or passes on Federal financial assistance. A subrecipient is generally regarded as a recipient of Federal financial assistance and has all the duties of a recipient in these regulations.

Subpart B—Standards for Determining Age Discrimination

§ 1172.11 Standards.

The standards NEH uses to determine whether an age distinction or a factor other than age is prohibited are set out in 45 CFR Part 90—the government-wide regulations.

Subpart C—Duties of NEH Recipients

§ 1172.31 General responsibilities.

Each NEH recipient has primary responsibility to ensure that its programs and activities are in compliance with the Act, the government-wide regulations and these regulations.

§ 1172.32 Notice to subrecipients.

Where a recipient passes on Federal financial assistance from NEH to subrecipients, the recipient shall provide the subrecipients written notice of their obligations under these regulations.

§ 1172.33 Self-evaluation.

(a) Each recipient employing the equivalent of 15 or more full-time employees shall complete one-time written self-evaluation of its compliance under the Act within 18 months of the effective date of these regulations.

(b) In its self-evaluation, each recipient shall identify all age

distinctions it uses, and justify each age distinction it imposes on the program or activity receiving Federal financial assistance from NEH.

(c) Each recipient shall take corrective action whenever a self-evaluation indicates a violation of these regulations.

(d) Each recipient shall take corrective action whenever a self-evaluation indicates a violation of these regulations.

(d) Each recipient shall make the self-evaluation available on request to NEH and to the public for a period of three years following its completion.

§ 1172.34 Information requirements.

Each recipient shall: (a) Make available upon request to NEH information necessary to determine whether the recipient is complying with these regulations.

(b) Permit reasonable access by NEH to the books, records, accounts, and other recipient facilities and sources of information to the extent necessary to determine whether the recipient is in compliance with these regulations.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

§ 1172.41 Compliance reviews.

(a) NEH may conduct compliance reviews and pre-award reviews of recipients that will permit it to investigate and correct violations of these regulations. NEH may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

(b) If a compliance review or pre-award review indicates a violation of these regulations, NEH will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, NEH will arrange for enforcement as described in § 1172.46.

§ 1172.42 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with NEH, alleging discrimination prohibited by these regulations based on an action occurring on or after the effective date of these regulations. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause shown, NEH may extend this time limit.

(b) NEH will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Accepting as a sufficient complaint, any written statement which identifies the parties involved, describes generally the action or practice complained of, and is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Widely disseminating information regarding the obligations of recipients under the Act and these regulations.

(4) Notifying the complainant and the recipient of their rights under the complaint procedure, including the right to have a representative at all stages of the complaint procedure.

(5) Notifying the complainant and the recipient (or their representatives) of their right to contact NEH for information and assistance regarding the complaint resolution process.

(c) NEH will return to the complainant any complaint outside the jurisdiction of these regulations, and will state the reason(s) why it is outside the jurisdiction of these regulations.

§ 1172.43 Mediation.

(a) *Referral of complaints for mediation.* NEH will refer to a mediation agency designated by the Chairman, all complaints that:

(1) Fall within the jurisdiction of these regulations; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible. There must be at least one meeting with the mediator before NEH will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to NEH. NEH will take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior

approval of the head of the mediation agency.

(e) NEH will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

(1) 60 days elapse from the time NEH receives the complaint; or

(2) Prior to the end of that 60 day period, an agreement is reached; or

(3) Prior to the end of that 60 day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to NEH.

§ 1172.44 Investigation.

(a) *Informal investigation.* (1) NEH will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the initial investigation, NEH will use informal fact finding methods, including joint or separate discussions with the complainant and recipient to establish the facts, and, if possible, settle the complaint on terms that are mutually agreeable to the parties. NEH may seek the assistance of any involved State program agency.

(3) NEH will put any agreement in writing and have it signed by the parties and an authorized official at NEH.

(4) The settlement shall not affect the operation of any other enforcement effort of NEH, including compliance reviews and investigation of other complaints which may involve the recipient.

(5) The settlement is not a finding of discrimination against a recipient.

(b) *Formal investigation.* If NEH cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, NEH will attempt to obtain voluntary compliance. If NEH cannot obtain voluntary compliance, it will begin enforcement as described in section 1172.46.

§ 1172.45 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of NEH's investigation, conciliation, and enforcement process.

§ 1172.46 Compliance procedure.

(a) NEH may enforce the Act and these regulations through:

(1) Termination of a recipient's Federal financial assistance from NEH

under the program or activity involved where the recipient has violated the Act and these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. Therefore, cases which are settled in mediation, or prior to a hearing, will not involve termination of a recipient's Federal financial assistance from NEH.

(2) Any other means authorized by law including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or these regulations.

(ii) Use of any requirement of or referral to any Federal, State, or local government agency that will have the effect of correcting a violation of the Act or these regulations.

(b) NEH will limit any termination under § 1172.46(a)(1) to the particular recipient and particular program or activity NEH finds in violation of these regulations. NEH will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive Federal financial assistance from NEH.

(c) NEH will take no action under paragraph (a) of this section until:

(1) The Chairman has advised the recipient of its failure to comply with the Act and these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have elapsed after the Chairman has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the Federal program or activity involved. The Chairman will file a report whenever any action is taken under paragraph (a) of this section.

(d) The Chairman also may defer granting new Federal financial assistance from NEH to a recipient when a hearing under § 1172.46(a)(1) is initiated.

(1) New Federal financial assistance from NEH includes all assistance for which NEH requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities, during the deferral period. New Federal financial assistance from NEH does not include increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of a hearing under § 1172.46(a)(1).

(2) NEH will not begin a deferral until the recipient has received a notice of an opportunity for a hearing under

§ 1172.46(a)(1). NEH will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the Chairman. NEH will not continue a deferral for more than 30 days after the close of the hearing, unless the hearing results in a finding against the recipient.

§ 1172.47 Hearings, decisions, post-termination proceedings.

Certain NEH procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to NEH enforcement of these regulations. They are 45 CFR 1110.9-1110.11.

§ 1172.48 Remedial action by recipients.

Where the Chairman finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that the Chairman may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, the Chairman may require both recipients to take remedial action.

§ 1172.49 Alternate funds disbursement procedure.

(a) When NEH withholds funds from a recipient under these regulations, the Chairman may disburse the withheld funds directly to an alternate recipient: Any public or nonprofit private organization or agency, or State or political subdivision of the State.

(b) The Chairman will require any alternate recipient to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the Federal statute authorizing the program or activity.

§ 1172.50 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint and NEH has made no finding with regard to the complaint; or

(2) NEH issues any finding in favor of the recipient.

(b) If NEH fails to make a finding within 180 days or issues a finding in favor of the recipient, NEH will:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief; and

(3) Inform the complainant: (i) That the complainant may bring a civil action only in a United States district court for the district in which the recipient is located or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30 days notice by registered mail to the Chairman, the Attorney General of the United States, and the recipient;

(iv) That the notice must state: the alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and, whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

[FR Doc. 79-30832 Filed 10-3-79; 8:45 am]

BILLING CODE 7536-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 66

[CGD 79-060]

Ports of Documentation

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is considering an amendment to the documentation and measurement of vessels regulations which would revoke the designations of Sitka and Wrangell, Alaska, as ports of documentation. The rationale for this action is threefold. First, the U.S. Customs Service, which presently provides documentation service to these two ports, is no longer able to do so. Second, the cost of maintaining full or part-time Coast Guard personnel at these ports cannot be justified in light of the limited amount of documentation business conducted there. Third, all of the documentation services being terminated at Sitka and Wrangell, may be accomplished by mail through the documentation offices at Juneau and Ketchikan, respectively, with a minimal amount of inconvenience to the public. The overall result of this action will be an adequate, more efficient system of documentation in Alaska.

DATES: Written comments must be received on or before November 19, 1979.

ADDRESSES: Written comments should be submitted to Commandant (G-CMC/TP24), CGD 79-060, U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/TP24), Room 2418, Department of Transportation, Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20590, (202) 426-4431.

FOR FURTHER INFORMATION CONTACT: LTJG Phillip J. Heyl, Office of Merchant Marine Safety (G-M/TP24), Room 2408, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20590 (202) 426-2299.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include name and address, identify this notice (CGD 79-060), give the specific section of the proposal to which the comment applies, and give the reasons for the comment. Persons desiring acknowledgment that their comment has been received should enclose a stamped, self-addressed post card or envelope.

The proposal may be changed in light of the comments received. All comments received before expiration of the comment period will be considered before final action is taken on these proposed regulations. No public hearing is planned but one may be held at a time and place to be set in a later notice in the *Federal Register* if requested in writing by anyone raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in drafting this regulation are: Lieutenant (jg) Phillip J. Heyl, Project Manager, Office of Merchant Marine Safety, and Lieutenant Jack Orchard, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulation

Subsequent to the transfer of vessel documentation responsibilities from the U.S. Customs Service to the Coast Guard in 1967, the Coast Guard arranged to have Customs Service officials continue to provide documentation services on a cost reimbursement basis, at the ports of Sitka and Wrangell, Alaska. The Customs Service will no longer perform the full range of vessel documentation services at Sitka and Wrangell.

The basic result of the proposed change is that the records for vessels having Sitka as home port will be maintained at Juneau and the records for vessels having Wrangell as home port will be maintained in Ketchikan. Bills of sale, mortgages and other title instruments will be recorded and vessel documents issued at Juneau and Ketchikan. Vessel owners and masters will continue to be able to renew vessel licenses and to change masters at the U.S. Customs offices at Wrangell and Sitka. The planned action will not require a change of marking of hailing ports on vessels presently documented at Wrangell or Sitka until such time as there is a change in the ownership of the vessel. Upon any change in ownership, the hailing port must be changed so as to comply with current marking regulations.

All of the steps of the documentation process may be accomplished by mail with a minimal amount of disruption. The required oaths may be taken before any officer authorized by the laws of a State to administer oaths generally. The end result will be a more efficient use of public funds with no decline in the level of service provided to the public.

If the regulations contained in this proposal are so amended, the Coast Guard will:

(a) Close the documentation office at Sitka and—

(1) Transfer its documentation records to the Office of Documentation Officer, U.S. Coast Guard, P.O. Box 3-5000, Juneau, Alaska 99801;

(2) Designate Juneau as the home port of all vessels now having Sitka as their home port.

(b) Close the documentation office at Wrangell and—

(1) Transfer its documentation records to the Office of Documentation Officer, U.S. Coast Guard, Federal Building, Ketchikan, Alaska, 99901;

(2) Designate Ketchikan as the home port of all vessels now having Wrangell as their home port.

This proposal has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034), February 26, 1979. A draft evaluation of the proposal has been prepared and has been included in the public docket.

In consideration of the foregoing, it is proposed that Chapter I of Title 46 of the Code of Federal Regulations be amended as follows:

§ 66.05-1 [Amended]

1. In 46 CFR 66.05-1, the last two entries of "Sitka, Alaska", and "Wrangell, Alaska", are deleted from the list of ports of documentation for the

Juneau Marine Inspection Zone in the Seventeenth Coast Guard District.

(23 Stat. 118 [46 U.S.C. 2]; 43 Stat. 947 [46 U.S.C. 18]; 80 Stat. 937 [49 U.S.C. 1611(b)(1)]; 46 CFR 67.23-11; 49 CFR 1.46(b).)

Dated September 14, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-29593 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 21239; RM-2803; RM-2927]

FM Broadcast Stations in Bonita Springs, Goulds and Homestead, Fla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Further Notice of Proposed Rule Making.

SUMMARY: This document solicits comment on two different approaches to assignment of Class C Channel 239 to Homestead, Florida. One approach requires reimbursement for several channel substitutions; the other would necessitate construction of more expensive facilities. Action taken at the request of the petitioner, Radio South Dade, Inc.

DATES: Comments must be filed on or before November 20, 1979, and reply comments must be filed on or before December 10, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Stanley P. Wiggins, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: September 21, 1979.

Released: September 26, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Bonita Springs, Goulds and Homestead, Florida, ¹ Docket No. 21239, RM-2803, RM-2927.

I. This proceeding began with the filing of a petition for rule making by Gold Coast Broadcasting Corporation ("Gold Coast") for the assignment of Class C FM Channel 241 to replace Channel 240A at Bonita Springs, Florida. Assignment of Class C FM Channel 239 to Homestead, Florida, was urged as a counterproposal in that proceeding by

Radio South Dade, Inc. ("RSD"). Strictly speaking it was not a counterproposal since it did not conflict with the original proposal. Nonetheless, it was appropriate to consider them together since RSD's proposal involved the same three channel substitutions required by the Gold Coast proposal (as well as one additional channel substitution at Key West). Subsequently, Gold Coast decided to withdraw rather than face a comparative application proceeding at Bonita Springs, and the Bonita Springs proposal was denied in the *First Report and Order*, 44 FR 42734.

2. Before action can be taken on the Homestead proposal, several questions need to be answered. This needed information relates to alternative approaches to the proposed assignment, as well as to the need for the assignment itself.

3. The Homestead proposal requires channel substitutions for operating facilities in Jupiter, Florida (244A to be replaced by 296A) and in Miami, Florida (242 to be replaced by 243); and amendment of applications in the pending proceedings for the selection of a permittee to operate in Jensen Beach, Florida (296A to be replaced by 272A). It also requires a substitution at Key West (238 to be replaced by 258). RSD, in urging the assignment of Channel 239 to Homestead (1970 pop. 13,684), asserted that this is the only FM channel available for assignment there ² and that its own 500-watt daytime AM station, WQDI, is inadequate to serve the populous portions of southern Dade County. RSD contends that its proposed FM facility would provide a second aural service to some 4,000 persons. RSD also states that preclusion problems resulting from such assignment would be minimal because the affected areas are sparsely settled marshland or are undeveloped areas without significant communities lacking aural service. RSD initially asserted its willingness to reimburse the permittee of WLAB (FM) in Key West for the costs of the channel substitution necessitated by the Homestead proposal, and to share the other channel substitution costs with Gold Coast. In the present circumstances, RSD alone would face the responsibility for four channel substitutions tentatively estimated to cost well over \$18,000 for technical and legal expenses. ³ However, RSD has not

yet stated its willingness to bear such substitution costs.

4. The assignment may not have to proceed in the proposed fashion as there may be alternative transmitter site locations in the Keys or on the South Florida coast which would obviate the need for the three channel substitutions initially expected. This was originally suggested by Lighthouse Broadcasting Corporation, licensee of WRYZ (FM) in Jupiter ("Lighthouse") in its reply comments. ⁴ Lighthouse further suggests the prospect of an even more distant transmitter site utilizing Class C Channel 258, requiring no substitutions, but does not specify the facility necessary to operate on this channel. Finally, Lighthouse suggests that local nighttime service to Homestead does not require an FM channel because the existing AM facility there, WQDI, is eligible to apply for fulltime operation under § 73.37 of the Commission's Rules. ⁵ Palmer Broadcasting, licensee of WNOG (AM) and WCVU (FM) in Naples, Florida, asserts that the unavailability of a Class A channel for assignment at Homestead does not justify RSD's proposal to assign a Class C channel to a small community with the modest gains to be realized in first and second aural service. Palmer Broadcasting cites the relative low first and second service gains expected by RSD (10 persons receiving a first aural service and 4000 persons receiving a second) ⁶ to support its contention that Homestead is not the center of an isolated and inadequately served area. ⁷

5. We think the proposal is worth considering as a means of bringing needed service to a relatively unserved area. Preclusion does not appear to be a problem as it is unlikely that Channel 239 would be sought for assignment in the precluded areas in the foreseeable

(FM); the \$18,000 figure reflects estimates for the three substitutions called for by Gold Coast's original proposal.

⁴ The consulting engineer retained by Lighthouse asserts that Channel 239 could be utilized at Homestead from sites in a 50-square-mile area, and that a station with an 800 foot antenna, operating with maximum power (100 kW) would be able to cover Homestead with a city-grade signal.

⁵ This section provides for such expansion of operations if the community of license is not presently served by at least two local fulltime stations.

⁶ Commission staff analysis indicates that actual second aural service to be provided by the originally proposed Homestead assignment should be reduced by some 1250 persons to reflect the predicted reception of WGBS (AM) from Miami.

⁷ Lee County FM, Inc. (licensee of Class A Station WSWF (FM), Lehigh Acres), asserts that the expanded coverage area of the Homestead proposal raises a *Berwick* issue, namely an issue based on a concern that the proposal is really designed to serve another nearby larger city. However, the facts do not support such a claim.

¹ The caption has been enlarged to reflect the Homestead and Goulds, Florida, proposals. See footnote 2.

² Channel 252A, presently assigned to Homestead, is used at Goulds, some 8.6 miles to the northeast pursuant to the "10-mile" (§ 73.203(b) of our rules). In addition to the RSD proposal, we are proposing to correct the Table of Assignments to reflect use at Goulds.

³ The record contains no direct estimate of the costs involved in a channel substitution at WIAB

future. Thus, we seek comments on the desirability of such an assignment and on the approach to follow if it is made. Would it be better to require use of a combination of site and technical facilities which avoid the necessity for these channel changes or would the cost be too high for maximum power and a tower height of 800 feet? Either way, there are costs to RSD, which should state whether it would apply to construct such a facility if it had to pay the cost of the channel changes by itself or the costs of the maximum power/tall tower facilities necessary to avoid channel changes. We do not contemplate assigning the channel without a commitment to apply for its use under at least one of these approaches.⁸

6. In light of the above information, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the rules, with regard to Goulds and Homestead, Florida, as follows:

City	Channel No.	
	Present	Proposed
Goulds, Florida		252A
Homestead, Florida	252A	239

7. Authority to institute rulemaking proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before November 20, 1979, and reply comments on or before December 10, 1979.

9. For further information concerning this proceeding, contact Stanley P. Wiggins, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

⁸RSD would be expected to commit itself to the expenditures necessary for reimbursement or for construction of the 100 kW/800 foot facility. Lesser facilities at this distant site would not be acceptable.

Federal Communications Commission.

Richard J. Shiben,
Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), and 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if its is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during

regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 79-30791 Filed 10-3-79; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. MC-135]

Master Certificates and Permits

AGENCY: Interstate Commerce Commission

ACTION: Notice of intent to open rulemaking.

SUMMARY: The Commission intends to conduct rulemaking proceedings for the purpose of possibly easing entry requirements in several specialized fields of for-hire motor carrier transportation. The rulemaking will also address the appropriate relationship between easier entry, and a zone of reasonableness for rates for each of the specialized fields. This approach is based on the recommendations contained in the Initial Report (published May 1979) of the Motor Carrier Task Force. Copies of this document are available from the Commission's Secretary. To be explored in each proceeding is the issuance of master certificate of public convenience and necessity and in some instances, a master contract carrier permit would also be issued.

DATES: These proceedings, except that relating to household goods, will be instituted between October 1, 1979, and January 1, 1980. Each proceeding, when instituted, will have a comment period of 90 days.

ADDRESS: Copies of the Initial Report of the Motor Carrier Task Force may be obtained by written request to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423, or by calling the toll-free number: (800) 424-9312.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. (202) 275-7292.

SUPPLEMENTARY INFORMATION: In May 1979, the Commission's Motor Carrier Task Force issued its Initial Report. It recommended that the Commission explore the easing of licensing requirements and establish a zone of reasonableness for rates in several specialized fields of for-hire transportation. While the report largely focused on common carriage, it also recommended that contract carriage be encompassed in certain fields.

The Commission believes that formal proceedings should be instituted to consider the recommendations. In this document we are advising the public of our intent, so that interested parties may have as much time as possible to allocate resources for the preparation of comments. We hope this will allow broad participation in the proceedings from shippers, carriers, other government agencies, academic and public policy institutions, and concerned private citizens. In addition, by affording early notice, we believe it will be unnecessary to extend the 90-day comment period which will be established in each rulemaking.

Since the Task Force report will be the predicate for instituting these proceedings, interested parties should obtain copies now. Once the proceedings are instituted, no extra time will be provided for this purpose. Moreover, the notice(s) of proposed rulemaking will not contain extensive extracts of the report. It will be assumed that interested parties are aware of the report's contents, and shorthand references may be made to it.

Each specialized field of transportation will be considered separately to keep the records distinct, to avoid confusion, and to assure the program's scope is kept within manageable bounds. A separate Ex Parte No. MC-135 sub-number will be assigned to each field, in the order listed in the Task Force report. These numbers do not reflect the order in which they will be considered.

- Sub-No. 1 Heavy and Specialized Haulers (including oilfield haulers and others).
- Sub-No. 2 Temperature Controlled Service.
- Sub-No. 3 Lumber and building materials.
- Sub-No. 4 Metals.
- Sub-No. 5 Bulk Materials.
- Sub-No. 6 Household Goods.
- Sub-No. 7 Armored Car & Related Services.
- Sub-No. 8 Vehicles (haulaway).
- Sub-No. 9 Wrecker Service.
- Sub-No. 10 Boats.
- Sub-No. 11 Courier Services.
- Sub-No. 12 Film Carriers.

The Sub-No. 6, relating to household goods, may be addressed later than January 1, 1980.

While the Task Force Report contains many proposals, we do not commit ourselves in this notice to adopting all or any of its recommendations in each sub-area. On the other hand, we will frame the proposals in the broadest possible terms to keep our options open. Thus, comments will be particularly helpful in our framing of any final rules.

Many parties may wish to offer either general or specific comments in more than one area. We have no objection to duplicative presentations by these

parties. However, we will consider each area separately. Therefore, one pleading may not be submitted with a multiple designation. To submit the same comments for more than one area, parties must submit the necessary number of copies for each sub-area with each package individually identified by distinct sub-number. This advance notice will allow the parties to budget for this purpose.

Since this agency exists to administer the will of Congress as expressed in the statute, we will serve a copy of this notice on each member. We believe they should be made aware of what is, in some respects, a novel approach to our administration of the Act.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis. Vice Chairman Stafford also requested that this matter be sent for oral argument and/or legislative type hearing. Commissioner Gresham concurring in part.

Decided: September 20, 1979.

Agatha L. Mergenovich,
Secretary.

COMMISSIONER GRESHAM,
concurring in part:

I believe that this notice should be issued primarily for the purposes of advising Congress of the Commission's deregulation proposals and seeking Congressional guidance on these proposals.

In my opinion, the Commission has reached the point in its regulatory reform or deregulatory efforts where it must actively and aggressively seek a definitive statement of the Congressional consensus regarding motor carrier entry policy. I hope that this notice will prompt Congress to address this issue without further delay.

In this notice a majority of the Commission indicates that it proposes to implement the recommendations of the staff task force. Basically, this task force has recommended that the Commission adopt a free entry policy for various significant segments of the motor carrier industry, with more segments to be included at a later time. Does a majority of Congress believe that there should be free entry or deregulation of the motor carrier industry? If so, must Congress amend the Interstate Commerce Act before free entry or deregulation can be permitted? This Commission has no authority beyond that expressly delegated to it by Congress. Does a majority of Congress feel that the implementation of a free entry policy, as is proposed to be undertaken here, is beyond present statutory authority of

this Commission? I believe that these questions should be answered by Congress before this Commission moves any closer to a free entry policy or deregulation of the motor carrier industry. Thus, I implore the members of Congress to provide guidance to us on these issues.

Finally, I do not agree completely with the procedures which the Commission will follow. There are some basic legal issues which are common to all of the proceedings which the Commission intends to initiate. I think these basic issues should be resolved before the Commission proceeds with its segment-by-segment proceedings and decisions.

[FR Doc. 79-30707 Filed 10-3-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Bluefin Tuna Regulations; Intent To Prepare Environmental Impact Statement

AGENCY: National Oceanic and Atmospheric Administration (NOAA/Commerce).

ACTION: Notice of Intent to prepare environmental impact statement (EIS).

SUMMARY: The National Marine Fisheries Service (NMFS) invites all interested persons to participate in the preparation of an EIS concerning appropriate management measures for the Atlantic bluefin tuna fishery.

DATES: The public meeting to help determine the scope of the EIS will be held on Wednesday, October 31, 1979, from 2 to 5 p.m. Written comments on the scope of the EIS must be received no later than November 2, 1979.

ADDRESS: The October 31 scoping meeting will be held at the National Wildlife Federation, 1412 Sixteenth Street, N.W., Washington, D.C. Written comments on the EIS scope should be addressed to Mr. Allen Peterson, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Freeman, Marine Recreational Fishery Specialist, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Telephone: (617) 281-3600 or FTS 8-837-9325.

SUPPLEMENTARY INFORMATION: Description of action. The NMFS is

considering several significant changes to 50 CFR Part 285, Subpart B; pertaining to the Atlantic bluefin tuna fishery. First, there is a need to discuss options for individual catch allocations for purse seine vessels. Suggestions from the public are requested on this matter. Specific NMFS proposals for vessel allocations will be presented at the EIS scoping meeting. Second, NMFS is considering catch allocations by various categories of vessels in the handgear fishery for giant-size tuna (Atlantic bluefin tuna weighing more than 300 pounds round weight) in the Gulf of Maine area. Finally, NMFS is considering the institution of a scientific tagging program for school-size tuna (Atlantic bluefin tuna weighing between 14 pounds round weight and 115 pounds round weight) at least three weeks prior to the opening of the purse seine fishery for this size tuna. There is a need to discuss options for ensuring the success of this scientific effort.

Public participation in the EIS process. In order to facilitate public participation NMFS has tentative plans for two future meetings on the draft EIS, one in Portsmouth, New Hampshire and the other in Boston, Massachusetts or Washington, DC. Specific dates for the meetings will be announced following the scoping meeting.

Timing. The NMFS anticipates that the draft EIS will be available to the public by the end of November 1979, which is also when proposed regulations are expected to be published. A final EIS is scheduled for February 1980, and publication of final regulations is planned for March 1980.

Signed at Washington, D.C. this 2nd day of October, 1979.

Winfred H. Meibohm,
Executive Director, National Marine
Fisheries Service.

[FR Doc. 79-30955 Filed 10-3-79; 8:45 am]

BILLING CODE 3510-22-M

Notices

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.

ACTION

Privacy Act of 1974; Evaluation Study

This notice is published to inform the public that ACTION will collect data to be used for evaluating the impact of the Juvenile Offender Service-Learning Programs sponsored by the National Center for Service-Learning (NCSL) of ACTION. Evaluation results will be used to effect change and to improve service learning programs.

On March 13, 1978, ACTION published in FR 43 10421 and 10422, a notice effecting a Privacy Act record system entitled, "ACTION Information Gathering System-ACTION AF-32" that covers studies by ACTION relating to its programs and activities and which would include the collection of personal data from or about individuals.

ACTION's NCSL is a special service-learning program operating under authority of Section 114 of the Domestic Volunteer Service Act of 1973. NCSL's mission is to endorse, support, and promote the concept of service-learning programs which enhance learning while enabling students to participate in responsible and productive community service efforts designed to eliminate poverty and poverty-related human, social, and environmental problems. NCSL's goals are to provide local secondary and post-secondary educators with the skills and knowledge necessary to begin new or improve existing student service-learning programs, and to assist the officials of public and private educational youth organizations in developing their policies for and roles with student-learning programs.

The Evaluation Division of ACTION is mandated in the Domestic Volunteer Service Act of 1973, in Public Law 93-113, Section 415 (a) to "... periodically measure and evaluate the impact of all programs authorized by this Act (the Domestic Volunteer Service Act of

1973)." In line with this mandate, the Evaluation Division will conduct an evaluation to be used to test the impact of the Juvenile Offender Service-Learning Program. This evaluation calls for collecting pretest and post-test data on juvenile offenders participating in a service-learning program funded by an NCSL grant, data on peers who are not participating in the service-learning program, and ratings of student performance by their supervisors.

ACTION currently has a service-learning program in Denver, Colorado. Individuals participating in this program, selected peers, and their supervisors will submit information for the study. Our service-learning programs will be expanded up to three sites in FY 80 and five sites in FY 81 and studies will also be conducted to evaluate those programs.

Results will be presented in terms of summary statistics and will not be reported in any categorization sufficient to identify the responses from an individual respondent.

Anyone who wishes more information concerning this study should contact Mr. Charles Helfer, ACTION Evaluation Division, Room M-207, 806 Connecticut Avenue, N.W., Washington, D.C. 20525 or by telephone or area code 202-254-7983.

Signed at Washington, D.C., on September 28, 1979.

Robert S. Currie,
Executive Officer.

[FR Doc. 79-30654 Filed 10-3-79; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Challis National Forest Grazing Advisory Board; Meeting

The Challis National Forest Grazing Advisory Board will meet at 1:00 p.m. MST, on November 9, 1979 at the Challis National Forest Supervisor's Office, Challis, Idaho. The purpose of this meeting is to elect officers, review fiscal year 1980 and 1981 utilization of range betterment funds, review allotment management plans and the Stewardship Program.

The meeting will be open to the public. Persons who wish to attend should notify Ralph Jenkins at the Challis National Forest Supervisor's

Federal Register

Vol. 44, No. 194

Thursday, October 4, 1979

Office, Challis, Idaho. Written statements may be filed with the committee before or after the meeting.

Jack E. Bills,

Forest Supervisor.

September 27, 1979.

[FR Doc. 79-30666 Filed 10-3-79; 8:45 am]

BILLING CODE 3410-11-M

ARMS CONTROL AND DISARMAMENT AGENCY

Privacy Act of 1974; Annual Notice of the Existence and Character of Systems of Records

AGENCY: U.S. Arms Control and Disarmament Agency.

ACTION: Annual notice of the existence and character of systems of records.

SUMMARY: As required by the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)), the U.S. Arms Control and Disarmament Agency gives annual notice of the existence and character of its systems of records.

EFFECTIVE DATE: Effective October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Charles R. Oleszycki, Office of the General Counsel, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, 202-632-0760.

As required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), the U.S. Arms Control and Disarmament Agency hereby gives annual notice of the existence and character of its systems of records, without changers, as published in the Federal Register on September 20, 1977 (42 FR 47464-47468) and amended on June 21, 1978 (43 FR 26602-26604).

Dated: September 28, 1979.

James T. Hackett,

Administrative Director.

[FR Doc. 79-30655 Filed 10-3-79; 8:45 am]

BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

San Francisco-Dallas/Fort Worth/Kansas City/Los Angeles; Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (Order 79-9-198), San Francisco-Dallas/Fort Worth/Kansas City/Los Angeles Show Cause Proceeding, Docket 36739.

SUMMARY: The Board is preparing to grant, under section 401 of the Federal Aviation Act of 1958, as amended, the application of Braniff Airways for San Francisco-Dallas/Fort Worth/Kansas City/Los Angeles authority; to grant the applications of Western Air Lines and USAir for San Francisco-Dallas/Fort Worth/Kansas City authority; and to grant any of the authority in issue to any other fit, willing and able carrier whose fitness can be established by officially noticeable data.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below no later than October 31, 1979, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All further applicants are directed to file applications, motions to consolidate, illustrative service proposals, environmental evaluations, and estimates of fuel to be consumed in the first year, no later than October 16, 1979.

ADDRESSES: Objections to the issuance of a final order, or additional data as described above, should be filed in Docket 36739, which we have entitled the *San Francisco-Dallas/Fort Worth/Kansas City/Los Angeles Show-Cause Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. In addition, objections should be served upon all certificated carriers; Mayors of San Francisco, San Jose, Oakland, Los Angeles, Ontario, Long Beach, Burbank, Kansas City, Dallas, and Fort Worth; Airport Managers of San Francisco International Airport, San Jose Municipal Airport, Metropolitan Oakland International Airport, Los Angeles International Airport, Ontario International Airport, Long Beach Airport, Hollywood-Burbank Airport, Kansas City International Airport, and Dallas-Fort Worth Regional Airport; California Public Utilities Commission; California Department of Transportation, Division of Aeronautics; Kansas Department of Transportation; and Texas Aeronautics Commission.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5198.

The complete text of Order 79-9-198 is available from our Distribution Section, Room 516, 1825 Connecticut

Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-9-198 to that address.

By the Civil Aeronautics Board:
September 28, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-30787 Filed 10-3-79; 8:45 am]

BILLING CODE 5320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Office of Eligibility and Industry Studies; Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from ten firms: (1) Catoosa Knitting Mills, Inc., Box 526, Crossville, Tennessee 38555, a producer of men's, women's and children's sweaters (accepted August 9, 1979); (2) Routh Packing Company, Inc., 416 South Sandusky Street, Tiffin, Ohio 44883, a producer of meat and dog food (accepted August 16, 1979); (3) World Video, Inc., Box 117, Boyertown, Pennsylvania 19512, a producer of closed circuit TV monitors (accepted September 24, 1979); (4) The National Sugar Refining Company, 666 Third Avenue, New York, New York 10017, a processor of sugar (accepted September 24, 1979); (5) Sil-O-Ette Sales Corporation, 144-08 91st Avenue, Jamaica, New York 11435, a producer of women's lingerie (accepted September 25, 1979); (6) The Gaines Company, Box 35, Gaines, Pennsylvania 16921, a producer of fishing tackle (accepted September 26, 1979); (7) Bertony Industries, Inc., 426 Troutman Street, Brooklyn, New York 11237, a producer of vinyl and plastic toys, novelties and other items (accepted September 27, 1979); (8) Markann Manufacturing Corporation, 69 Warren Street, New Rochelle, New York 10801, a producer of needlepoint bags (accepted September 27, 1979); (9) Penn Manufacturing Corporation, 380 West Chestnut Street, Washington, Pennsylvania 15301, a producer of steel pipe, plates, reducers, caps and saddles (accepted September 27, 1979); and (10) B.T.M. Manufacturing Company, 2005 Lincoln Avenue, Pasadena, California 91103, a producer of speaker systems (accepted October 1, 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 Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on October 14, 1979.

Jack W. Osburn, Jr.

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

FR Doc. 79-30609 Filed 10-3-79; 8:45 am]

BILLING CODE 3510-24-M

Industry and Trade Administration

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Wednesday, October 24, 1979, at 9:30 a.m. in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committees, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of Trade Regulation, with respect to questions involving (a) technical matters, (b) worldwide availability and actual utilization of production technology, (c) licensing procedures which affect the

level of export controls applicable to computer peripherals, components and related test equipment, including technical data or other information related thereto, and (d) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Preliminary report on memory and media technology.
4. Subcommittee reports:
 - (A) Foreign Availability;
 - (B) Display and Terminals, and
 - (C) Export Regulations.

Executive Session

5. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committees. Written statements may be presented at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, has formally determined, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer

Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittee thereof, was published in the *Federal Register* on September 14, 1978 (43 FR 41071).

Copies of the minutes of the General Session will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: October 1, 1979.

Kent N. Knowles,

Director, Office of Export Administration,
Bureau of Trade Regulation, U.S. Department
of Commerce.

[FR Doc. 79-30806 Filed 10-3-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Amended Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council has revised its meeting dates (FR Vol. 44, No. 180, Friday, September 14, 1979, page 53557). The meeting will convene at 1 p.m. on Wednesday, October 10, 1979, and adjourn at approximately 3 p.m., on Thursday, October 11, 1979. The time of convening the meeting is unchanged, but the duration of the meeting has been shortened.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: October 1, 1979.

Winfred H. Meibohm,

Executive Director, National Marine
Fisheries Service.

[FR Doc. 79-30821 Filed 10-3-79; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and has established a Scientific and Statistical

Committee which will meet to discuss management plans, Council research needs, and other fishery management matters.

DATES: The meeting will convene on Monday, November 5, 1979, at approximately 10 a.m., and will adjourn at approximately 3 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: October 1, 1979.

Winfred H. Meibohm,

Executive Director, National Marine
Fisheries Service.

[FR Doc. 79-30822 Filed 10-3-79; 8:45 am]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration, National Marine Fisheries Service; 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: Dr. Charles Ortiz (P223).
b. Address: University of California at Santa Cruz, Santa Cruz, California 95064.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Northern elephant seals (*Mirounga angustirostris*)—1890/year.

4. Type of Take: One or more of the following activities will be conducted on each animal: tagged with roto tags, marked, weighed; injected with a radioactively or chemically labelled compound; or have specimen materials taken. Up to 30 orphaned pups may be killed.

5. Location of Activity: Ano Nuevo Island, California.

6. Period of Activity: 3 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, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 1, 1979.

William Aron, Director,
Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-30623 Filed 10-3-79; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for \$5.00 each. Requests for copies of patents must include the patent number.

Copies of the patents applications can be purchased from the National Technical Information Service (NTIS), Springfield Virginia 22161 for \$4.00 (\$8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and

Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

Douglas J. Campion,

Patent Program, Coordinator, National Technical Information Service.

U.S. Department of the Air Force AF/JACP,
1900 Half Street, SW., Washington, DC 20324.

Patent Application 6,017,623: Thermoclamps; filed Mar. 5, 1979.

U.S. Department of Agriculture, Research Agreements & Patent Branch, General Ser. Div., Federal Building, Agricultural Research Service, Hyattsville, MD 20782.

Patent application 6,004,785: Process for Improving Baking Properties of Unbleached Flour; filed Jan. 19, 1979.

Patent application 6,015,507: Novel Inlet System for Direct Gas Chromatographic and Combined Gas Chromatographic/Mass Spectrometric Analysis of Food Volatiles; filed Feb. 26, 1979.

Patent application 6,027,696: Quarternary Ureidomethyl Phosphonium Salts; filed Apr. 6, 1979.

Patent application 6,035,965: Method of Obtaining High Resolution Light Scattering Spectra; filed May 4, 1979.

Patent application 970,944: Method of Bonding Particle Board and the Like Using Polyisocyanate/Phenolic Adhesive; filed Dec. 19, 1978.

Patent application 6,025,132: Polybutylbenzylphenols and Benzyl-3,4-Methylenedioxybenzenes in Insect Population Control; filed Mar. 29, 1979.

U.S. Department of Energy Assist. General Counsel For Patents, Washington, DC 20545.

Patent 4,059,439: Pu—Zr Alloy for High-Temperature Foil-Type Fuel; filed Mar. 15, 1974, patented Nov. 22, 1977; not available NTIS.

U.S. Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205.

Patent application 6,008,710: Improved Bismuth Germanate Detector for Gamma Radiation Imaging Devices; filed Feb. 1, 1979.

Patent application 6,016,793: Insolubilization of Microsomes; filed Mar. 2, 1979.

Patent application 6,034,560: Automated Test Tube Stopper Remover; filed Apr. 30, 1979.

Patent application 805,960: Iodinated Bile Salts; filed June 13, 1977.

U.S. Department of the Interior, Branch of Patents, 18th and C Streets, NW., Washington, DC 20240.

Patent application 6,027,134: Sorption of Tungsten from Alkaline Solutions; filed Apr. 4, 1979.

Patent application 6,027,135: Recovery of Metals from Atlantic Sea Nodules; filed Apr. 4, 1979.

Patent application 946,860: Catalyst for Synthesis of Methanol; filed Nov. 30, 1978.

Patent 4,142,417: Multichannel Infrared Pyrometer; filed Apr. 28, 1978, patented Mar. 6, 1979; not available NTIS.

Patent 4,144,185: Method and Composition for Removing Calcium Sulfate Scale Deposits from Surfaces; filed Feb. 24, 1978, patented Mar. 13, 1979; not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 6,007,753: Ejector Force/Time Control; filed Jan. 22, 1978.

Patent application 6,019,792: A Non-Fouling Print Stylus; filed Mar. 7, 1979.

Patent application 6,022,764: Stacked SQUID Arrays; filed Mar. 20, 1979.

Patent 4,099,661: Method for Connecting Bimetallic Members by Explosive Bonding; filed Jan. 24, 1977; patented July 11, 1978; not available NTIS.

Patent 4,137,966: Simulation Oven; filed Apr. 19, 1977; patented Feb. 6, 1979; not available NTIS.

National Aeronautics & Space

Administration, Assistant Gen. Couns. for Patent Matters, NASA Code GP-2, Washington, DC 20546.

Patent application 6,037,560: Interferometer; filed May 9, 1979.

Patent 4,148,295: Horizontally Mounted Solar Collector; filed Aug. 9, 1977; patented Apr. 10, 1979; not available NTIS.

Patent 4,149,034: Resolution Enhanced Sound Detecting Apparatus; filed Dec. 16, 1977; patented Apr. 10, 1979; not available NTIS.

Patent 4,152,194: Growth of Silicon Carbide Crystals on a Seed While Pulling Silicon Crystals from a Melt; filed July 29, 1977; patented May 1, 1979; not available NTIS.

[FR Doc. 79-30667 Filed 10-3-79; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Defense Nuclear Agency

Atmospheric Nuclear Test Participation (1945-1962)

For over a year the Department of Defense has been attempting to identify former military and civilian Defense personnel who participated in the atmospheric nuclear tests conducted from 1945 to 1962. The Defense Nuclear Agency is the Executive Agent for this program.

If you participated in these tests, which were held largely in Nevada and at Bikini and Enewetak atolls in the Pacific, you are urged to contact the Defense Nuclear Agency if you have not done so in 1978-1979.

The Defense Nuclear Agency is attempting to reconstruct a complete history of the atmospheric nuclear test

program, including names of participants and any radiation dose they received. One of the purposes of this effort is to enable the National Academy of Sciences and other scientific organizations to determine if there are health hazards resulting from participation in the tests.

Based upon research to date, it is believed that radiation exposures were low. While medical science has no proof that exposure to radiation levels as low as these is hazardous to health, it is generally assumed by scientists that even low levels of exposure carry some slight risk. There is, however, some disagreement within the scientific community about the magnitude of this risk.

If you were a participant in the atmospheric nuclear tests program, and you have not already done so, you are urged to contact the Defense Nuclear Agency at toll-free number 800-336-3068 in continental United States; from Virginia, outside the Washington, D.C. area, call toll-free 800-572-6845; from Alaska (or Virginia in the Washington, D.C. area) call 202-274-9161 (collect, if long distance); from Hawaii call collect 808-422-9213. Or write to Defense Nuclear Agency, Washington, D.C. 20305.

If you are concerned that your possible exposure may have adversely affected your health, you are urged either to consult your doctor or, if you are a former serviceman, to contact the nearest Veterans Administration Hospital, where you may obtain a physical examination at Government expense.

H. E. Lofdahl,

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

September 28, 1979.

[FR Doc. 79-30744 Filed 10-3-79; 8:45 am]

BILLING CODE 3810-70-M

Department of the Navy

Privacy Act of 1974; Two New Systems of Records

AGENCY: Department of the Navy (DON).

ACTION: Notice of two new systems of records.

SUMMARY: The Navy is adding two new systems of records to its inventory of record systems subject to the Privacy Act of 1974. The Act requires that any proposed new record system shall be published in advance for public review and comment.

DATES: These new record systems shall be effective as proposed without further

notice on November 5, 1979, unless comments are received on or before November 5, 1979, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the systems manager identified in the particular record system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350, telephone 202-694-2004.

SUPPLEMENTAL INFORMATION: The Navy systems of records notices as prescribed by the Privacy Act of 1974, 5 U.S.C. 552a (Public Law 93-579) have been published in the Federal Register as follows:

- FR Doc. 77-28255 (42 FR 51229) September 28, 1977
- FR Doc. 78-23953 (43 FR 42379) September 20, 1978
- FR Doc. 78-32596 (43 FR 54124) November 20, 1978
- FR Doc. 79-20457 (44 FR 38961) July 3, 1979
- FR Doc. 79-24619 (44 FR 46912) August 9, 1979
- FR Doc. 79-27188 (44 FR 50884) August 30, 1979
- FR Doc. 79-29285 (44 FR 54750) September 21, 1979
- FR Doc. 79-30035 (44 FR 55623) September 27, 1979

The Navy has submitted a new system report dated August 27, 1979, for these two new record systems under the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires submission of a new system report and in accordance with Office of Management and Budget (OMB) Circular A-108, Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975, and May 17, 1976, respectively, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of records under the Privacy Act of 1974. This OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

September 28, 1979.

H. E. Lofdahl,

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

N00034 NFC ACCTS REC

SYSTEM NAME:

Accounts Receivable System.

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been paid more funds by the Department of Navy than to which they were legally entitled.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation which established overpayment status, financial status affidavit, payment record, credit reference, and miscellaneous correspondence to and from the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

80 Stat 308 and 88 Stat 393, Federal Claims Collection Act of 1966 (Pub. L. 89-508).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records will be used to determine and record payment plan and to determine whether debt should be compromised, suspended or collection action terminated. If payment is not made and circumstances warrant, records may be released to the General Accounting Office and the Department of Justice for collection action. Data on individuals with delinquent accounts may be given to credit bureaus in accordance with the General Accounting Office regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

File folders, magnetic tape, disc, microfiche

RETRIEVABILITY:

Social security number and individual's name

SAFEGUARDS:

Personnel screening, requester codes

RETENTION AND DISPOSAL:

Files of accounts which are paid in full will be maintained for 3 years after final payment. Other files will be maintained for 6 years after termination of collection action.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199.

NOTIFICATION PROCEDURES:

Individuals may write to the system manager at the above address. Information request must contain individual's full name and should include the Social Security number.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing officers, credit bureaus, the individual, Internal Revenue Service, Postmasters, Veterans Administration, Bureau of Motor Vehicles.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N65196 DODCI.04

SYSTEM NAME:

DODCI Lecture-Instructor Inventory System.

SYSTEM LOCATION:

Department of Defense Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current DODCI instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Two disk files comprise the system of records. First master file contains instructor's name, functional group assignment code, projected date of departure; list of lectures instructor gives. Second master file contains lecture I.D., title, lecture primary, instructors giving the lecture.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provides the ability for functional managers to generate a list of instructors along with the associated lectures in which they are proficient or to specify a lecture title and determine which instructors are capable of presentation. This provides assistance in assigning instructors to course schedules, teams for on-site course presentations, determining lectures which are critical in flexibility of assignment, planning instructor assignments in the order of lecture priority.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on magnetic disks in a computer data base.

RETRIEVABILITY:

Instructor's last name, lecture ID number, or functional group code.

SAFEGUARDS:

This system of records is maintained on magnetic disks in the computer operations center which is kept locked. Only the manager and assistant manager of the Computer Support Office have access to the center during normal working hours and the security watch has access after hours. The mode of access to the computer-based system is via remote terminal and special passwords are required. Appropriate data base language commands (available only to authorized DODCI staff members) must be invoked to gain access to information in the system. Portions of the system can only be accessed by functional managers via controlled key work commands. An accounting log is maintained of all accesses to the system which contains identification of the user, log-on and off, station number, and date/time of last access.

RETENTION AND DISPOSAL:

The system data base is retained indefinitely. Revisions are in continuous process, e.g., instructors' names being added upon arrival and deleted on departure, lecture titles added or deleted as they are developed or discontinued, lecture presentation capability expanded or deleted as appropriate. Thereafter, the files are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Computer Support Office, DOD Computer Institute, Building 175, Washington, D.C. 20374

NOTIFICATION PROCEDURE:

DODCI faculty members are informed of existence and purpose of system. Individual instructors can request printout of information in system which pertains to them.

RECORD ACCESS PROCEDURES:

The Institutes rules for access to records may be obtained from the Systems Manager.

CONTESTING RECORD PROCEDURES:

The Institute's rules for contesting contents and appealing initial determinations by the individual concerned can be obtained from the Systems Manager.

RECORD SOURCE CATEGORIES:

DODCI functional managers maintain system and periodically revise data base by entering new data and deleting discontinued information. Additionally, the Systems Manager can enter information affecting printout format and contents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 79-30794 Filed 10-3-79; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY**Economic Regulatory Administration****Shawnee Oil & Gas Corp.; Action Taken on Consent Order**

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: August 27, 1979.

COMMENTS BY: November 5, 1979.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745.

SUPPLEMENTARY INFORMATION: On August 27, 1979, the Office of Enforcement of the ERA executed a Consent Order with Shawnee Oil & Gas Corporation (Shawnee) of Oklahoma City, Oklahoma. Under 10 CFR § 205.199(b), the Consent Order which involves a sum of \$500,000 or more in the aggregate, excluding penalties and interest, becomes effective upon its execution only if the DOE expressly finds it to be in the public interest to do so. Because of the complex settlement negotiations in this case as well as the concern to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the

Consent Order with Shawnee effective as of the date of its execution by the DOE and Shawnee.

I. The Consent Order

Shawnee Oil & Gas Corporation, with its office located in Oklahoma City, Oklahoma, is a firm engaged in crude oil production, and is subject to the mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Shawnee, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1, 1973 through January 31, 1977, and it included all sales of crude oil which were made during that period.
2. Shawnee improperly applied the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subpart D, when determining the prices to be charged for crude oil; and as a consequence, charged prices in excess of the maximum lawful sales prices. These sales were due to improper classification of properties as "stripper-exempt" properties, incorrect BPCL's, improper unitization, and classifying a property as "new" when it had production and sales during 1972.
3. In order to expedite resolution of the disputes involved, the DOE and Shawnee have agreed to a settlement in the amount of \$680,000. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Shawnee.
4. Because the sales of crude oil were made to refiners and the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with CFR Part 205, Subpart V as provided below.
5. The provisions of 10 CFR § 205.199], including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Shawnee agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of \$680,000 on or before July 1, 1982. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will

remain in a suitable account pending the determination of their proper disposition. The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR § 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR § 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR § 205.199I(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745. You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Shawnee Consent Order." We will consider all comments we received by 4:30 p.m., local time, on

November 5, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 7th day of September, 1979.

Wayne I. Tucker,
District Manager, Southwest District
Enforcement, Economic Regulatory
Administration.

[FR Doc. 79-30660 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

Sid Richardson Carbon & Gasoline Co. and Richardson Products Co.; Proposed Consent Order

AGENCY: Economic Regulatory
Administration, Department of Energy.

ACTION: Notice of Proposed Consent
Order and Opportunity for Comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a Proposed Consent Order and provides an opportunity for public comment on the Proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: August 31, 1979.

COMMENTS BY: November 5, 1979.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [Phone] (214) 767-7745.

SUPPLEMENTARY INFORMATION: On August 31, 1979 the Office of the Enforcement of the ERA executed a proposed Consent Order with Sid Richardson Carbon and Gasoline Company of Fort Worth, Texas. Under 10 CFR 205.199(b), a proposed Consent Order which involves a sum of \$500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

Sid Richardson Carbon and Gasoline Company is a firm engaged in the processing of natural gas and sale of natural gas liquid products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10

CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of NGL products, the Office of Enforcement, ERA, and Sid Richardson Carbon and Gasoline Company entered into a compromise Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1973 through June 1979 and it included all sales of natural gas liquid products which were made during that period.

2. Sid Richardson Carbon and Gasoline Company improperly applied the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subparts E and K, when determining the prices to be charged for its natural gas liquid products and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involves, the DOE and Sid Richardson Carbon and Gasoline Company have agreed to a settlement in the amount of \$1,100,000.00. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Sid Richardson Carbon and Gasoline Company.

4. Because sales of the natural gas liquid products were made to resellers and the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 10 CFR Part 205, Subpart V as provided below.

5. The provisions of 10 CFR 205.199j, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Sid Richardson Carbon and Gasoline Company agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of \$1,100,000.00 on or before 30 days after the effective date of the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in a just and equitable manner in accordance with applicable

laws and regulations. Accordingly, distribution of such refunded overcharges require that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Sid Richardson Carbon and Gasoline Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time on _____. You should identify any information or data which, in your opinion, is confidential

and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 7th day of September, 1979.

Herbert F. Buchanan,

Deputy Dist. Mgr., Southwest District Enforcement Economic Regulatory Administration.

[FR Doc. 79-30659 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

Statement of Financial Holdings

Issue in Washington, DC on September 20, 1979. Appointee Statement of Financial Interests and Statements of Changes in Financial Interests.

Jerry L. Pfeffer,

Assistant Administrator for Utility Systems, ERA.

Appointee's Statement of Financial Interest

James S. Allen

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the **Federal Register**:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1979, as EEPA Deputy Director, SWPP, DOE, ERA, Office of Utility Systems an officer or director: Missouri Public Service Company

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Missouri Public Service Company

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: June 18, 1979

James S. Allen.

Appointee's Statement of Financial Interest

Eugene P. Byars

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the **Federal Register**:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1979, as EEPA Director, SERC(SSR), DOE, ERA, Office of Utility Systems an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Southern Company—Parent Company of my employer, Alabama Power Company.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: July 12, 1979.

Eugene P. Byars.

Appointee's Statement of Financial Interest

Robert B. Cline

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporation of which I am, or had been within 60 days preceding my appointment, on —, 1979 as Area Director, EEPA an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: The Detroit Edison Company.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: February 2, 1979.

Robert B. Cline.

Appointee's Statement of Financial Interest

Larry R. Day

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporation of which I am, or had been within 60 days preceding my appointment, on July 1, 1979 as EEPA, Deputy Director, WSCC (RMPA), DOE, ERA, Office of Utility Systems, an officer or director: Colorado—Ute Electric Association, Inc.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Public Service Company of Colorado.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: June 19, 1979.

Larry R. Day.

Appointee's Statement of Financial Interest

Charles W. Deegan, Jr.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporation of which I am, or had been within 60 days preceding my appointment, on July 1, 1979 as EEPA, Deputy Director, NPCC (NEPEX), DOE, ERA, Office of Utility Systems, an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Northeast Utilities, Insilco, One Williams St. Fund Inc.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: June 21, 1979.

Charles W. Deegan, Jr.

Appointee's Statement of Financial Interest

Jack P. Faulkner

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1979, as EEPA Deputy Director, SERC (SSR), DOE, ERA, Office of Utility Systems an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: The Southern Company.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: June 25, 1979

Jack P. Faulkner.

Appointee's Statement of Financial Interest

Lloyd R. Haller

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporation of which I am, or had been within 60 days preceding my appointment, on —, 1979 as EEPA—Regional Power Liaison Representative, DOE—EEPA an officer or director.

(2) Names of any corporations in which I own or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Public Service Company of Colorado.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: February 1, 1979.

Lloyd R. Haller.

Appointee's Statement of Financial Interest

Duane Hawthorn

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on —, 1979 as EEPA Director, MARCA, Dept. of Energy, OUS—EEPA an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Iowa Public Service Company.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: February 15, 1979

Duane Hawthorn.

Appointee's Statement of Financial Interest

James C. Holcombe

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporation of which I am, or had been within 60 days preceding my appointment, on —, 1979 as EEPA Deputy Director—WSCC (C-N), DOE—EEPA an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: A.T. & T., Standard Pacific Corp., Payless Drug Stores, San Diego Gas & Electric Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

Dated: January 30, 1979.

James C. Holcombe.

Appointee's Statement of Financial Interest

Donald E. Hudson

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1979, as EEPA Director, WSCC(C-N), DOE, ERA, Office of Utility Systems an officer or director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Southern California Edison (stock).

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: June 22, 1979.

Donald E. Hudson.

Appointee's Statement of Financial Interest

Robert E. Huffman

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1979, as EEPA Director, SERC, DOE, ERA, Office of Utility Systems an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Southern Company (Stock).

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: July 16, 1979.

Robert E. Huffman.

Appointee's Statement of Financial Interest

Ralph Johnson

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register.

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1979, as EEPA Director, NPCC (NEPEX), DOE, ERA, Office of Utility Systems and officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: June 19, 1979

Ralph Johnson.

Appointee's Statement of Financial Interest

William K. Imhoff

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on ———, 1979 as EEPA Deputy Director, WSCC(C-N), Dept. of Energy-Emergency Electric Power Adm. an officer or director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Nevada Power Company.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: February 1, 1979.

W. K. Imhoff.

Appointee's Statement of Financial Interest

Lyman K. Mundth

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement of publication in the Federal Register:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on ———, 1979 as DEPA Deputy Director, WSCC(NM-A), U.S. Dept. of Energy director:

Arizona Public Service Company, Vice President (Officer).

Resources Company, Vice President (Officer).

Phoenix Center for the Blind, Director (Director).

(2) Names of corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Ametek, Inc.
Beneficial Company
Ford Motor Company
Long Island Lighting Co.
McDermott, J. Ray & Co.
Realty Refund, TR., SBI
Source Capital, Inc.
Central & Southwest Corp.
Turf Paradise
Century Medical
National Producers
Financial Dynamics Fund
United Accumulative Fund
Chrysler Corp.
Municipal Investment Trust Fund—76th Series
St. Joseph's Hospital

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: JMB Properties VI, Inc. (Limited partnership) and De Anza Properties X (Limited partnership).

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: February 7, 1979.

Lyman K. Mundth.

Statement of Changes in Financial Interests

Wayne C. Astley

In accordance with the requirements of Section 710 (b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Purchased 9 shares of Philadelphia Electric Co. common stock through reinvestment of TRASOP dividends.

(2) These are the only changes.

This statement is made as of January 29, 1979.

Dated: January 29, 1979.

Wayne C. Astley.

Statement of Changes in Financial Interests

Donald B. Gregg

In accordance with the requirements of Section 710 (b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No Change
(2) No Change
(3) Fogdog Investment Club of Butte (Montana), a general partnership
(4) No Change

This statement is made as of February 1, 1979.

Dated: February 1, 1979.

Donald B. Gregg.

Statement of Changes in Financial Interests

David Hayward

In accordance with the requirements of Section 710(b)(6) of the Defense Production

Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Now own 75.074 shares of NEES stock
(2) No change
(3) No change
(4) No change

This statement is made as of 25 January 1979.

Dated: 25 January 1979

David Hayward.

Statement of Changes in Financial Interests

Frederick W. Hoey

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Purchased 4 shares ATT (American Tel. & Tel.) Common Stock

(2) Purchased 36 shares of Neponset Valley Bank and Trust Co., Canton, MA, Common Stock

(3) Purchased 3 shares of Boston Edison Co. Common Stock

This statement is made as of February 9, 1979.

Dated: February 9, 1979

Frederick W. Hoey.

Statement of Changes in Financial Interests

Herbert H. Hunt

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Sold—Champion Oil Gas—2000 shares;
Sold—Gould—20 shares; Sold—Bennett Petroleum—1050 shares

(2)

(3) Bought—Greenwood Resources—100 shares; Bought—TONM—2025 shares

This statement is made as of February 22, 1979.

Dated: February 22, 1979.

Herbert H. Hunt.

Statement of Changes in Financial Interests

Robert E. Kerger

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None—No change
(2) Braniff International Corp.; Bethlehem Steel Corp.; Commonwealth Edison Co.
(3) None—No change
(4) None—No change

This statement is made as of February 21, 1979.

Dated: February 21, 1979.
Robert E. Kerger.

Statement of Changes in Financial Interests

Walter A. Meller

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No Change
- (2) R. L. Burns Corp.—Add
- (3) Greater Abilene Investors—Delete
- (4) No Change

This statement is made as of March 2, 1979.

Dated: March 2, 1979.

Walter A. Meller

Statement of Changes in Financial Interests

Ross Mullins

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No Change
- (2) Add: OLIX Industries
- (3) No Change
- (4) No Change

Statement is made as of

Dated: May 16, 1979.

Ross Mullins.

Statement of Changes in Financial Interests

Gregory P. Prekeges

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) Delete: Western Gear, Bismark Mining Earth Resources, Univar Corp. Add: Continental Airline, Tiger International, Heath-Tecna Corp., Texas Utilities, Penn. Life, Value Line Leverage Fund.
- (3) No change.
- (4) No change.

This statement is made as of January 29, 1979.

Dated: January 29, 1979.

Gregory P. Prekeges.

Statement of Changes in Financial Interests

Nicholas A. Ricci

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) Add: Fidelity Municipal Bond Fund, Dayton Hudson, Standard Oil of California, Disney, Warner Communications, Wendys, Delta Air Line, Heilman Breweries, American Manufacturing, Treasury Bills, Northwest Industries. Delete: IBM, Exxon, Carnation, Eastman Kodak, Colgate Palmolive, Globe Union.

This statement is made as of January 30, 1979.

Dated: January 31, 1979.

Nicholas A. Ricci.

Statement of Changes in Financial Interests

S. M. Swanson

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) *Current Status* (Stock ownership): 1185 shares Technology Mutual Fund, 200 shares Burlington Northern Railroad, 630 shares Iowa Public Service Co., 100 shares Iowa Southern Utilities Co., 100 shares Westinghouse Electric Co., 100 shares Uniroyal.

This statement is made as of January 30, 1979.

Dated: January 30, 1979.

S. M. Swanson.

[FR Doc. 79-30658 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

Investigation into Several Electric Power Outages Involving Electric Utilities Operating on the Florida Peninsula

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of initiation of investigation into nine recent incidents of either automatic or manual load shedding involving certain electric utilities operating on the Florida peninsula.

SUMMARY: The Division of Power Supply and Reliability of the Economic Regulatory Administration working with the Florida Public Service Commission is investigating nine 1979 incidents of manual or automatic load shedding by Electric Utilities located on Peninsula Florida. This investigation will consist of a technical review of the facts associated with the specific events and an evaluation of the associated consumer costs.

FOR FURTHER INFORMATION CONTACT:

Mr. James M. Brown, Jr., Chief, System Reliability and Emergency Response Branch, Department of Energy, Room 4110E, 2000 M Street, NW., Washington, D.C. 20461, (202) 254-8247.

Ms. Lise Courtney M. Howe, Office of General Counsel, Department of Energy, Room 5116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633-9380.

SUPPLEMENTARY INFORMATION: Certain electric Utilities located in Florida have experienced nine incidents of either manual or automatic load shedding in the last eight months. In addition there were two other occasions when the

Jacksonville Electric Authority made appeals to their customers to voluntarily reduce their loads until additional generating capacity could be made operable or additional capacity purchased. Specific dates of the subject events are as follows:

Date:	Load shed
January 3, 1979....	140 MW by Jacksonville.
March 17, 1979....	200+ MW total by several utilities.
April 4, 1979.....	770+ MW total by several utilities.
May 4, 1979.....	450+ MW total by several utilities.
June 21, 1979.....	300+ MW total by several utilities.
July 2, 1979.....	40 MW by Jacksonville.
July 25, 1979.....	25 MW by Jacksonville.
July 28, 1979.....	30 MW by Jacksonville.
August 3, 1979.....	600+ MW total by several utilities.

On June 7 and July 29, the Jacksonville Electric Authority asked their customers to reduce their loads to avoid outages.

These load shedding incidents have occurred too frequently to consider them a rare event resulting from an accident or other sudden unexpected critical conditions. It is likely that there has been substantial public discomfort and inconvenience. The number of load shedding incidents and the amounts of load lost are of concern to the Division staff.

In order to better understand the causes of these load reduction incidents and to ascertain the impacts on the involved consumers, the Division of Power Supply and Reliability staff pursuant to Section 311 of the Federal Power Act and Section 209 of the Public Utilities Regulatory Policy Act is investigating these events jointly with the Florida Public Service Commission. The investigation will center on the precise events in Florida that led to the initiation of each load reduction measure and the sequence of events associated with restoring the interrupted load. In addition the effect on consumers of the Jacksonville outages will be evaluated and quantified. Actions to minimize the need to reduce consumer loads as well as actions to mitigate the consumer impacts will be recommended.

Representatives of the Division met with representatives of the Florida Public Service Commission and the Florida Utilities on September 5, 1979, to initiate this investigation. A final report will be published by ERA by January 31, 1980.

Any person desiring to submit information or to obtain additional information concerning this investigation should contact the Chief, System Reliability and Emergency Response Branch, Economic Regulatory Administration, Room 4110, 2000 M Street, N.W., Washington, D.C. 20461.

Dated: September 28, 1979.

Jerry L. Pfeffer,

*Assistant Administrator for Utility Systems,
Economic Regulatory Administration.*

[FR Doc. 79-30750 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

Waller Petroleum Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: August 10, 1979.

COMMENTS BY: October 4, 1979.

ADDRESS: For further information contact: District Manager of Enforcement.

SUPPLEMENTARY INFORMATION: On August 10, 1979, the Office of Enforcement of the ERA executed a Consent Order with Waller Petroleum Company, Inc. of Towson, Maryland. Under 10 C.F.R. 205.199(b), a Consent Order which involves a sum of \$500,000 or more in the aggregate, excluding penalties and interest, becomes effective upon its execution only if the DOE expressly finds it to be in the public interest to do so.

Because of the complex settlement negotiations in the case and the necessity to conclude the matter expeditiously, as well as a concern to obtain immediate compliance by the firm, the DOE has determined that it is in the public interest to make the Consent Order with Waller Petroleum Company, Inc. effective as of the date of its execution by the parties.

I. The Consent Order

Waller Petroleum Company, Inc., with its home office located in Towson, Maryland, is a firm engaged in wholesale and retail sales of petroleum products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 C.F.R., Parts 210, 211 and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of the firm's business practices, the Office of Enforcement, ERA and Waller entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order settles all claims and disputes resulting from an audit of Waller's sales of petroleum products covering the period from November 1, 1973 through May 31, 1974. The Office of Enforcement alleges that during that period Waller sold products at prices in excess of that allowed by Federal Pricing Regulations.

2. DOE contends that Waller's alleged excess revenue resulted from Waller improperly calculating its selling prices by failing to properly follow the provision of 10 C.F.R. 212.93 (formerly 6 C.F.R. 150.359).

3. Waller, without admitting that it has violated any regulation or overcharged any customer, is willing to enter into this Consent Order as a means of settling and compromising all its outstanding dispute with DOE and thus avoiding further disruption of its orderly business functions and the expense of protracted, complex litigation.

4. The provisions of 10 C.F.R. 205.199, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Waller agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified above, the sum of \$600,000.00. Out of that total amount, \$508,087.00 shall be refunded directly to identifiable customers in accordance with the terms and conditions outlined in the Consent Order. A certified check for \$91,913.00 made payable to the United States Department of Energy will be delivered to the Assistant Administrator for Enforcement, ERA.

These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "person" (as defined at 10 C.F.R. 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 C.F.R. 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific,

adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 C.F.R. 205.199(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification to a claim to Joseph Terzini, Audit Director, Department of Energy, ERA, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Waller Petroleum Company, Inc. Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on October 4, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 C.F.R. 205.9(f).

Issued in Philadelphia on the 10th day of August, 1979.

Herbert M. Heitzer,

District Manager of Enforcement.

[FR Doc. 79-30747 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

High Energy Physics Advisory Panel Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, (Pub. L. 92-463, 86 Stat. 770), notice is given of the following advisory committee meeting:

Name: High energy Physics Advisory Panel.
Date and time: Monday, October 22, 1979,
9:00 a.m. to 6:00 p.m.; Tuesday, October 23,
1979, 9:00 a.m. to 4:00 p.m.

Place: Department of Energy Building, Room
A-410, Germantown, Maryland.

Contact: Georgia M. Hildreth, Director,
Advisory Committee Management,
Department of Energy, Room 8G-031, 1000
Independence Avenue, SW., Washington,
D.C. 20585. Telephone: 202-252-5187.

Status: Open to the public.

Purpose of committee: To provide advice and
guidance on a continuing basis with
respect to the high energy physics research
program.

Public participation: Written statements may
be filed with the Committee either before
or after the meeting. Oral statements
pertaining to agenda items may be made by
contacting the Advisory Committee
Management Office at the address or
telephone number listed above. Requests
must be received at least 5 days prior to
the meeting and reasonable provision will
be made to include the presentation on the
agenda.

Transcripts: Available for public review and
copying at the Freedom of Information
Public Reading Room, Room GA-152,
Forrestal Building, 1000 Independence
Avenue, S.W., Washington, D.C., between
8:00 a.m. and 4:30 p.m., Monday through
Friday, except Federal holidays.

Executive summary: Available approximately
30 days following the meeting. Contact
Advisory Committee Management Office at
above address.

Tentative agenda:—National Science
Foundation's Elementary Particle Physics
Program.

Status Reports of the Energy Saver and
ISABELLE Construction Projects and their
Associated Superconducting Magnet R&D
Programs.

Status Reports on the CESR and PEP
Electron Positron Storage Ring Facilities.

Presentations on Plans for FY 1981
Research, Operations and Technology at
Brookhaven, Fermilab, and SLAC.

Presentation of SLAC's New Proposal for a
single Linac Collider Which Might Achieve
100 GeV Electron Positron Collisions.

The Chairperson of the Committee is
empowered to conduct the meeting in a
fashion that will facilitate the orderly
conduct of business.

Issued at Washington, D.C. on September
26, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79-30749 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Environment

Environmental Advisory Committee; Meeting

Pursuant to the provisions of the
Federal Advisory Committee Act (Public
Law 92-463, 86 Stat. 770), notice is

hereby given of the following advisory
committee meeting:

Name: Environmental Advisory Committee.

Date and time: Monday, October 22, 1979,
9:00 a.m. to 4:30 p.m.; Tuesday, October 23,
1979, 10:00 a.m. to 5:00 p.m.

Place: Department of Energy, Room 4A-098,
1000 Independence Avenue, SW.,
Washington, D.C. 20585.

Contact: Georgia M. Hildreth, Director,
Advisory Committee Management,
Department of Energy, Room 8G-031, 1000
Independence Avenue, SW., Washington,
D.C. 20585. Telephone: 202-252-5187.

Status: Open to the public.

Purpose of committee: To advise the
Department of Energy on the overall
activities which pertain to the goals of
restoring, protecting and enhancing
environmental quality and assuring public
health and safety.

Public participation: Written statements may
be filed with the Committee either before
or after the meeting. Oral statements
pertaining to agenda items may be made by
contacting the Advisory Committee
Management Office at the address or
telephone number listed above. Requests
must be received at least 5 days prior to
the meeting and reasonable provision will
be made to include the presentation on the
agenda.

Transcripts: Available for public review and
copying at the Freedom of Information
Public Reading Room, Room GA-152,
Forrestal Building, 1000 Independence
Avenue, S.W., Washington, D.C., between
8:00 a.m. and 4:30 p.m., Monday through
Friday, except Federal holidays.

Executive summary: Available approximately
30 days following the meeting. Contact
Advisory Committee Management Office at
above address.

Tentative agenda: Monday, October 22, 1979.

9:00 a.m. to 12:00.

Welcome and Introductions
Presentation by Amory Lovins
Public Comment and Questions

1:00 p.m. to 4:30 p.m.

Report of the Subcommittee on Demand
Projections
Discussion
Public Comment and Questions

Tuesday, October 23, 1979.

10:00 a.m. to 12:00

Committee Business Report
Report on the Subcommittee on Synthetic
Fuels
Public Comment and Questions

1:00 p.m. to 5:00 p.m.

New Business
Public Comment and Questions

The Chairperson of the Committee is
empowered to conduct the meeting in a
fashion that will facilitate the orderly
conduct of business.

Issued at Washington, D.C. on September
26, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79-30748 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP76-15]

Algonquin Gas Transmission Co.; Filing

September 25, 1979.

Take notice that Algonquin Gas
Transmission Company ("Algonquin
Gas") on September 14, 1979, tendered
for filing 8th Revised Sheet No. 10-A,
pursuant to its Rate Schedule SNG-1
Purchased Feedstock Adjustment Clause
("PFAC"), as contained in its FERC Gas
Tariff, First Revised Volume No. 1,
adjusting the applicable rate to reflect a
current cost of feedstock.

Algonquin Gas states that it also is
submitting an SNG Cost of Service
Report for the 12 months ended
September 30, 1979, prepared to reflect
the settlement principles of Algonquin
Gas' Stipulation and Agreement in
Docket Nos. RP73-112, *et al.*, as
approved by Commission order dated
March 31, 1978. Such report has been
filed to comply with Algonquin Gas'
Rate Schedule SNG-1 Purchased
Feedstock Adjustment Clause.

Algonquin Gas notes that a copy of
this filing is being served upon all
affected parties 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 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. 79-30728 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-453]

ANR Storage Co.; Application

September 13, 1979.

Take notice that on August 24, 1979, ANR Storage Company (ANR), One Woodward Avenue, Detroit Michigan 48226, filed in Docket No. CP79-453 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing ANR to render gas storage service for United Cities Gas Company (Cities), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

ANR states that it and Cities have entered into a gas storage agreement which provides that during the 1980 and ensuing summer periods (April 1 through October 31), Cities would cause to be delivered to ANR for storage, up to 100,000 Mcf of natural gas. The agreement provides that during the 1980-81 and ensuing winter periods (November 1 through March 31), ANR would make an equivalent volume of gas available for redelivery to Cities. ANR states the agreement also provides that Cities would supply injection compressor fuel equal to 1.3 percent of the volumes delivered for storage, and that ANR would deduct from the volumes redelivered to Cities withdrawal compressor fuel equal to 0.15 percent of those volumes.

ANR indicates that Cities has arranged with Michigan Wisconsin Pipe Line Company (Mich Wisc), Michigan Consolidated Gas Company-Interstate Storage Division, Panhandle Eastern Pipe Line Company and Trunkline Gas Company, and Mich Wisc has in turn arranged with Great Lakes Gas Transmission Company (Great Lakes), to transport Cities' gas to and from the interconnection of ANR's pipeline facilities with the facilities of Great Lakes at MP 753 in Frederic Township, Crawford County, Michigan. ANR would transport the gas from this point of interconnection to storage, and from storage back to this point of interconnection, all through the pipeline facilities of ANR authorized in Docket No. CP78-432.

ANR would charge Cities a rate of \$.5932 per Mcf for the proposed storage service.

In order to render the gas storage service described above, ANR would utilize the storage fields and associated pipeline and compression facilities which the Commission has authorized in Docket No. CP78-432.

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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that 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. 79-30697 Filed 10-3-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket Nos. RP74-61, (PGA79-1) and RP76-10 (PGA79-1)]

Arkansas Louisiana Gas Co.; Order Granting Rehearing for Purpose of Further Consideration

September 24, 1979.

On August 24, 1979, Arkansas Louisiana Gas Company filed an application for rehearing, or in the alternative moves for reconsideration, of a July 23, 1979 letter order issued in the above-captioned proceeding. The pleading avers that the July 23, 1979 letter order is void *ab initio* in imposing certain conditions relating to the gas cost component of Arkla's rates attributable to purchases of affiliate production. Alternatively, the Company

requests rehearing of that portion of the July 23, 1979 order that makes the effectiveness of its PGA filing subject to the condition that purchases of affiliate production be collected subject to the refund and subject to the Commission action on those issues in final Natural Gas Policy Act regulations (on rehearing).

The Commission has not yet concluded its deliberations on the issues raised in the application for rehearing. It is therefore appropriate in the administration of both the Natural Gas Act and the Natural Gas Policy Act and in the public interest to grant rehearing to afford time for additional consideration of these issues.¹

The Commission orders: The application for rehearing, or in the alternative motion for reconsideration, filed by Arkansas Louisiana Gas Company on August 24, 1979, is hereby granted for the limited purpose of further consideration. As provided by Section 1.34(d) of the Commission's Regulations, no answers to the application will be entertained by the Commission since this order does not grant rehearing on any substantive issues.

By the Commission.
Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30727 Filed 10-3-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2947]

Central Vermont Public Service Corp. and Townscape, Inc.; Application for Preliminary Permit

September 25, 1979.

Take notice that on August 17, 1979, Central Vermont Public Service Corporation and Townscape, Incorporated (Applicants) of 77 Grove Street, Rutland, Vermont 05701, and Mill Street, Middlebury, Vermont 05753, respectively, filed a joint application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Sections 791(a)-825(r)] for the proposed Frog Hollow Project No. 2947, that would be located at river mile 24 on Otter Creek in the Town of Middlebury, Addison County, Vermont.

Purpose of the Project—Power generated by the project would be fully utilized by Central Vermont to assist in meeting its present and future load requirements. All power produced by

¹The styling of the instant order as an order granting rehearing for purpose of further consideration is for purposes of administrative convenience only. No determination is made whether the pleading is timely filed.

Townscape's portion of the plant would be sold by Townscape to Central Vermont.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicants would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicants estimate that the cost of the work to be performed under the preliminary permit would be \$100,000.

Project Description—The proposed run-of-the-river project would consist of: (1) an excavated intake channel extending to a natural rock falls capped with concrete, approximately 160 feet long which spans the river and creates a forebay; (2) an intake structure of conventional reinforced concrete box design, 26 feet high and approximately 25 feet wide at the left end of the falls; (3) two reinforced concrete penstocks; (4) a 45 by 28 foot concrete powerhouse; (5) two horizontal tube-type turbines having a design head of 23 feet, connected to generators rated at 750 kW each; (6) remote control equipment; (7) an excavated tailrace channel; and (8) a short section of new underground distribution line.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license. In this instance, Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, Section 1.8 or Section 1.10 (1978).

In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before November 26, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 79-30729 Filed 10-3-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-447]

Colorado Interstate Gas Co.; Application

September 13, 1979.

Take notice that on August 20, 1979, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP79-447 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 4.34 miles of 12-inch pipeline loop adjacent to its existing 10-inch Table Rock Lateral near Rock Springs, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG proposes to add a 12-inch loop to its existing 10-inch Table Rock Lateral thereby increasing the total capacity of the line to provide for the transportation of existing volumes of gas produced in the Table Rock Field, as well as the prospective production from the area. CIG states that beginning this calendar year and extending through the next decade, a substantial increase in sweet natural gas volume is projected to be available to CIG from the Table Rock Field. The Table Rock Field produces from both the Nugget and Lewis-Almond

formations. The new supplies are being developed in the Nugget formation. Based on this potential development, CIG projects that total peak day flow in the Table Rock Lateral would increase from a present volume of about 96,800 Mcf to about 128,600 Mcf in the period 1981-1982 and that the Nugget peak day gas supply would increase from about 73,300 Mcf to about 108,500 Mcf.

CIG states that the capacity of the Table Rock Lateral has been adequate to handle existing gas supplies from the Table Rock area; however, beginning in the fall of this year, the volumes projected to be available from the Table Rock Area would exceed the capacity of the existing lateral. Therefore, CIG proposes to construct and operate approximately 4.34 miles of 12-inch pipeline to loop CIG's existing Table Rock Lateral, to provide the required capacity.

The facilities are estimated to cost \$456,200. Financing would be by current funds on hand, funds from operations, short-term borrowings, or long-term financing.

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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the National 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. 79-30698 Filed 10-3-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2946]

City of Columbus, Ohio; Application for Preliminary Permit

September 25, 1979.

Take notice that the City of Columbus, Ohio filed on August 14, 1979, an application for Preliminary Permit (pursuant to the Federal Power Act 16 U.S.C. Section 791 (a)-825 (r)) for a proposed hydroelectric project to be known as the Griggs Project, FERC No. 2946, located on the Scioto River in Franklin County, Ohio. Correspondence with the Applicant should be directed to: Robert C. Parkinson, Director, City of Columbus, Department of Public Service, 90 West Broad Street, Columbus, Ohio 43215.

Purpose of Project—Project energy would be utilized by the City of Columbus for municipal purposes.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. Applicant proposes to develop preliminary designs, collect hydraulic data, perform field surveys, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be \$52,000.

Project Description—The proposed project would utilize the existing Griggs Dam and reservoir on the Scioto River which at present are used for water supply and recreation. The project would consist of: 1) Griggs Dam, a concrete masonry dam with an ogee spillway; 2) a reservoir with a gross storage capacity of 4,200 acre-feet; 3) a single-room powerhouse located approximately 150 feet downstream from the dam; 4) a penstock connecting the existing plugged outlet with proposed powerhouse; 5) concrete intake works to be built against the upstream face of the dam and to be connected to the existing outlet (the existing outlet pipeline was originally constructed for future hydroelectric development); and 6) appurtenant facilities. The average head at the project would be 34 feet, the installed capacity approximately 2,100 kW and

average annual generation about 6,500,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protests, petition to intervene, or agency comments must be filed on or before November 29, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is one file with the Commission and is available for public inspection

Lois D. Cashell,
Acting Secretary.

[FR Doc. 79-30730 Filed 10-3-79; 8:45 am]
BILLING CODE 6450-01-M

[Project Nos. 2395, 2421, 2473, and 2640]

Flambeau Paper Corp., et al.; Application for Transfer of Licenses

September 13, 1979.

In the matter of Flambeau Paper Corporation and Capital Cities Media, Inc. and The Dam Company, Inc.

Take notice that an application was filed on May 16, 1979, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by the Flambeau Paper Corporation, Capital Cities Media, Inc. and The Dam Company, Inc. for transfer of four licenses. Correspondence concerning the application should be addressed to Steve J. Semechuk, Flambeau Paper Corp., Park Falls, Wisconsin 54552; and to: Peter H. Hitch, Henso & Efron, P.A., 1200 Title Insurance Building, Minneapolis, Minnesota 55401.

The licenses are: (1) Pixley Hydroelectric Project No. 2395 located on the North Fork of the Flambeau River in Price County, Wisconsin. Proposed transfer is from The Dam Company, Inc. to the Flambeau Paper Corp.

(2) Lower Hydroelectric Project No. 2421 located on the North Fork of the Flambeau River in the City of Park Falls, Price County, Wisconsin. Proposed transfer is from The Dam Company, Inc. to the Flambeau Paper Corp.

(3) Crowley Project No. 2472 located on the North Fork of the Flambeau River in the vicinity of Fifield and Park Falls, Price County, Wisconsin. Proposed transfer is from The Dam Company, Inc. to the Flambeau Paper Corp.

(4) Upper Hydroelectric Project No. 2640 located on the North Fork of the Flambeau in the City of Park Falls, Price County, Wisconsin. Proposed transfer is from Capital Cities Media, Inc. to the Flambeau Paper Corp.

The Dam Company, Inc. became a wholly owned subsidiary of the Flambeau Paper Corp. on November 10, 1978. This merger will not cause any change in the operation or maintenance of the project works transferred to the Flambeau Paper Corp. by The Dam Company, Inc. Project Nos. 2395, 2421, 2473 and 2640.

On July 31, 1978 the Flambeau Paper Corp. purchased Project No. 2460 from Capital Cities Media, Inc. The transfer will not result in any change in the operation or maintenance of the project.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). In determining the appropriate action to

take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before November 1, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30999 Filed 10-3-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-452]

**Florida Gas Transmission Co.;
Application**

September 13, 1979.

Take notice that on August 23, 1979, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32709, filed in Docket No. CP79-452 an application pursuant to Section 7(b) and (c) of the Natural Gas Act for permission and approval to abandon approximately 2 miles of 4-inch pipeline and 6 miles of 6-inch pipeline, located in Leon County, Florida, and for a certificate of public convenience and necessity authorizing Florida Gas to acquire from the City of Tallahassee, Florida (Tallahassee), approximately 14 miles of 8-inch pipeline, located in Wakulla and Leon Counties, Florida, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Pursuant to the terms of an April 8, 1969, letter agreement, Florida Gas granted Tallahassee the exclusive right to operate and use approximately 2.07 miles of its 4-inch and 6.20 miles of its 6-inch natural gas pipeline and Tallahassee granted Florida Gas the exclusive right to operate and use approximately 14.1 miles of its 8-inch natural gas pipeline from the date of the agreement until October 15, 1979. The agreement also provides that on October 15, 1979, Florida Gas and Tallahassee are to exchange title to said properties together with certain appurtenant facilities.

The application states that the said Florida Gas pipelines, as originally constructed, interconnected with Tallahassee's distribution system. It was determined, however, that operation was relatively inefficient and burdensome since it required metering the gas both prior to its entrance into

and upon its exit from Tallahassee's distribution system.¹ Accordingly, to eliminate the problem and to provide for greater operational efficiency Florida Gas and Tallahassee entered into the agreement of April 8, 1969, and have operated each other's facilities pursuant to the agreement's terms. Now Florida Gas and Tallahassee propose to exchange title to the facilities.²

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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission for approval of the proposed abandonment and a grant of the certificate are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

¹ Florida Gas' facilities were certificated in Docket No. G-9262 in order to make a direct sale of natural gas to Tallahassee's electric generating facilities. Said facilities were severed from Florida Gas' 24-inch line in 1969 and since that time have been utilized by Tallahassee in its natural gas distribution system.

² The application states that Florida Gas is filing at this time to acquire Tallahassee's facilities because said facilities will be free of any liens in October 1979.

unnecessary for Florida Gas to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30700 Filed 10-3-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. IS79-10]

**Four Corners Pipe Line Co; Informal
Settlement Conference**

September 25, 1979.

Take notice that on October 11, 1979 at 10:00 o'clock a.m. there will be an informal settlement conference of all interested persons for the purpose of settlement discussions in these proceedings. The meeting place for these proceedings will be at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 8402, Washington, D.C. 20426.

Shippers, customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize interventions as a party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb
Secretary.

[FR Doc. 79-30732 Filed 10-03-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. SA79-27]

**Great Lakes Gas Transmission Co.;
Request for Adjustment**

September 25, 1979.

Take notice that on September 14, 1979, Great Lakes Gas Transmission Company (Great Lakes) filed in Docket No. SA79-27, an application pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 and Section 1.41 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure (18 CFR 1.41), requesting an order extending by nine months the time in which Great Lakes must comply with Section 281.204 of the Commission's Regulations.

Section 281.204 of said Regulations requires interstate pipelines to file no later than October 1, 1979, tariff sheets containing a curtailment plan and incorporating therein an index of the high-priority and essential agricultural

use entitlements of each of their customers. Great Lakes states that although it is diligently seeking to comply with the Commission Regulation, it requires until July 1, 1980, to collect end use data from its customers, set up a Data Verification Committee, establish an appropriate base period and prepare a curtailment plan.

Great Lakes further states that all of its gas is imported from Canada and is purchased from TransCanada Pipelines Limited (TransCanada) which has never curtailed Great Lakes' supplies in eleven years of operation. Great Lakes does not anticipate any curtailments to its customers in the foreseeable future because, it is alleged, a recent inquiry into Canadian gas supplies by the National Energy Board of Canada concluded that authorized exports could be met until 1993.

Any person desiring to participate in this adjustment proceeding shall file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene in accordance with the provisions of Section 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41). All petitions to intervene must be filed by October 19, 1979.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30733 Filed 10-3-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2741]

Kings River Conservation District; Application for Approval of Contract for Sale of Project Power Extending Beyond Date of Termination of License

September 25, 1979.

Take notice that an application was filed under Section 22 of the Federal Power Act (Act), 16 U.S.C. § 815, by the Kings River Conservation District (KRCD) for Commission approval of a contract for sale of power to be generated by the Pine Flat Project No. 2741. Correspondence concerning the application should be mailed to: Mr. Hugh V. Jones, President, Kings River Conservation District, 4886 E. Jensen Avenue, Fresno, California 93725.

Under the proposed contract, power generated from the Pine Flat Project would be sold to the California Department of Water Resources (Department) for a period terminating 50 years from the date of full operation of the project or terminating when the total power sales equal the estimated average

annual energy output of the project times 50, whichever is later. The contract also provides that the Department will make payments to KRCD sufficient to cover debt service and operation and maintenance costs of the project.

Section 22 of the Act requires Commission approval of the execution of contracts for the sale and delivery of power from licensed projects extending beyond the date of the license. Section 22 also provides that in the event a new license is not issued to the original licensee, the United States or the new licensee shall assume and fulfill all such contracts.

Anyone desiring to be heard or to make any protests about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure ("Rules"), 18 CFR § 1.10 or § 1.8 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before October 18, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 79-30734 Filed 10-3-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER76-875]

Nevada Power Co.; Filing

September 25, 1979.

Take notice that Nevada Power Company by letter dated September 7, 1979 and received September 9, 1979 filed with the Commission a report of refunds made to CP National on August 3, 1979.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before October 10, 1979. Protests will be considered by the

Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30735 Filed 10-3-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-246]

Northern Natural Gas Co.; Petition To Amend

September 12, 1979.

Take notice that on August 17, 1979, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79-246 a petition to amend the order of May 23, 1979, issuing a certificate of public convenience and necessity in the instant docket pursuant to Section 7(c) of the Natural Gas Act by deleting authorization for facilities and authorizing delivery of additional gas, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to an order issued May 23, 1979, Northern was authorized to construct and operate measuring facilities to provide natural gas service to 53 of its right-of-way grantors. In its certificate application, Northern included a request for authority to install and operate 5 small volume sales measuring stations to serve certain of Northern's pipeline right-of-way grantors in the service areas of Southern Union Gas Company in Oklahoma. Subsequent to the filing, Northern states, it was found that the setting for Carl Clawson was inadvertently included. The meter setting for Mr. Clawson has been certificated by Commission order in Docket No. CP79-126 and, therefore, Northern requests such authorization to be deleted from authorization in the instant docket. The estimated peak day and annual sales shown for Larry Taylor should have been 54.0 Mcf peak day and 13,110 Mcf annual volumes, rather than 1.0 Mcf and 150 Mcf, respectively, as set forth in the application. Northern states.

Any person desiring to be heard or to make any protest with reference to said petition to amend 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.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30694 Filed 10-3-79; 8:45 am]

BILLING CODE 8450-01-M

[Docket Nos. CP78-123, et al.]

**Northwest Alaskan Pipeline Co.;
Meeting Regarding Cost Estimates**

September 28, 1979.

Take notice that the Commission's Alaskan Delegate, appointed by the Commission's order of December 16, 1977,¹ and/or his representatives will be meeting with the sponsor of the Western segment of the "pre-build project"² during the week of October 1, 1979. The "pre-build project" is currently the subject of an ongoing adjudicatory proceeding in Docket Nos. CP78-123, et al. The delegate's meeting is being held to discuss the Certification Cost and Schedule Estimates required to be filed in that proceeding by Commission order of September 6, 1979.³

The following meeting is scheduled: October 5, 9:00 a.m., Pacific Gas Transmission Company, 245 Market Street, San Francisco, California 94105.

This meeting will be open to parties to the adjudicatory proceeding in this docket. Any interested parties can either present themselves at the appointed meeting times and places, or call Ms. Jeanne Barrie for further information at (202) 275-3827.

Pursuant to the Commission's order of September 6, the Delegate will provide a briefing on this and any other meetings held to discuss these filings on or before October 9, 1979. This briefing will be held at the Commission's offices in Washington for interested parties and any interested members of the general

public, and will be noticed as soon as possible.

John B. Adger, Jr.,
Alaskan Delegate.

[FR Doc. 79-30739 Filed 10-3-79; 8:45 am]

BILLING CODE 8450-01-M

[Docket No. CP79-438]

**Panhandle Eastern Pipe Line Co. and
Trunkline Gas Co. Application**

September 12, 1979.

Take notice that on August 14, 1979, Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline), both at Post Office Box 1642, Houston, Texas 77001, filed in Docket No. CP79-438 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to transport natural gas for the account of United Cities Gas Company (Cities), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that Cities has entered into a long-term gas storage agreement with ANR Storage Company (ANR), for a period of 15 years commencing April 1, 1980. The agreement provides that during the 1980 and ensuing summer periods (April 1 through October 31), Cities would cause to be delivered to ANR for storage, certain volumes of gas. The agreement provides further that during the 1980-81 and ensuing winter periods (November 1 through April 30), ANR would make equivalent volumes of gas available for redelivery to Cities. The volumes of gas to be stored annually pursuant to the agreement are 100,000 Mcf.

Cities has entered into a transportation contract with Applicants dated July 13, 1979, in order to provide for part of the transportation of Cities' gas to and from ANR's storage fields.

Applicants state that the contract provides that during the 1980 and ensuing summer periods, Cities would cause to be delivered to Michigan Wisconsin Pipe Line Company (Mich Wisc) for the account of Cities through Applicants' facilities, 100,000 Mcf of gas, at a rate of up to 500 Mcf of gas per day together with a volume of gas for compressor fuel equivalent to 1.3 percent of the daily volumes delivered. Said delivery by Trunkline would be effected by Trunkline's reducing its existing deliveries of natural gas to Cities at an existing point of interconnection located in Massac County, Illinois (Cities delivery point), by the delivery of a volume of gas to

Panhandle by Trunkline at Tuscola, Illinois, and by the delivery of said volume of gas by Panhandle to Mich Wisc at an existing point of interconnection located in Defiance County, Ohio (Mich Wisc delivery point). The gas would be redelivered by Mich Wisc for the account of Cities to Michigan Consolidated Gas Company, Interstate Storage Division (ISD), for additional transportation to ANR's storage field.

During the 1980-81 and ensuing winter periods, Cities would cause to be delivered to Panhandle, through ISD and Mich Wisc, such daily volumes as Cities may request, which deliveries to Panhandle would be effected at the Mich Wisc delivery point. Trunkline would effect redelivery of such volumes to Cities at the Cities delivery point by exchanging such volumes with Panhandle at Tuscola, Illinois.

Applicants would charge Cities \$1,324 per month during the summer period, April through October, at a unit rate of 9.15 cents per Mcf. Cities would pay to Panhandle a charge of 2.50 cents per Mcf for gas redelivered to Cities during the winter period, November through April. Panhandle would reimburse Trunkline 2.50 cents per Mcf of gas delivered during the summer period and 2.50 cents per Mcf for gas redelivered during the winter period through Trunkline's facilities.

The transportation of gas by Applicants for Cities would be performed by utilizing existing facilities and points of interconnection.

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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the

¹"Order Vacating Prior Proceedings and Issuing Conditional Certificates of Public Convenience and Necessity," Docket Nos. CP78-123, 124 and 125 (Issued December 16, 1977).

²The "pre-build project" is a proposal to construct certain of the facilities of the Alaskan Natural Gas Transportation System, approved by the President and the Congress pursuant to the provisions of the Alaska Natural Gas Transportation Act, in advance of when they would be required for Alaska gas service for use in delivering net new imports of Canadian gas.

³"Order on Procedures for Cost Estimates," Docket Nos. CP78-123, et al. (Issued September 6, 1979).

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. 79-30095 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2929]

Pennsylvania Hydroelectric Development Corp.; Application for Preliminary Permit

Take notice that the Pennsylvania Hydroelectric Development Corporation filed May 8, 1979, and revised on June 1, 1979, and June 26, 1979, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. § 791(a)—825(r)) for a proposed water power project to be known as the Francis E. Walter Project, FERC No. 2929, located on the Lehigh River in Carbon County, Pennsylvania. The proposed project would utilize federal lands and a federal dam under the jurisdiction of the U.S. Army Corps of Engineers.

Correspondence with the Applicant should be directed to: Lawrence Gleeson, President, Pennsylvania Hydroelectric Development Corporation, P.O. Box 402, Belfast, Maine 04915 and Pennsylvania Hydroelectric Development Corporation, c/o Marc S. Corblatt, Esq., Mesirov, Gelman, Jaffe & Cramer, 123 South Broad Street, Philadelphia, Pennsylvania 19101.

Purpose of Project—Project Energy would be sold to public utilities in the project area.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would develop preliminary designs, collect hydraulic data and perform field surveys, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be \$30,000.

Project Description—The proposed project would utilize the existing U.S.

Army Corps of Engineers Francis E. Walter Dam and Reservoir, a facility of the Lehigh River Flood Control Project. The project would consist of: 1) a powerhouse to be constructed at the end of an existing outlet tunnel; and 2) appurtenant facilities. The installed capacity would be between 2400 kW and 10,500 kW, with an estimated average annual output of between 15,000 mwh and 64,000 mwh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before November 26, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary

[FR Doc. 79-30736 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

Southern Natural Gas Co.; Protests

September 13, 1979.

In the matter of Southern Natural Gas Company, vs. Monsanto Company, GP79-91; Getty Oil Company, GP79-92; Gulf Oil Company, GP79-93; Texaco, Incorporated, GP79-94; Continental Oil Company, GP79-95; Perry R. Bass, GP79-96; Exxon Corporation, GP79-97; Exxon Corporation, GP79-98; Murphy Oil Company, GP79-99; Exxon Company, U.S.A., GP79-100; Exxon Corporation, GP79-101.

Take notice that on August 15, 1979, Southern Natural Gas Company (Southern) filed with the Federal Energy Regulatory Commission (Commission), pursuant to 18 C.F.R. § 154.94(h)(8) protests to the blanket affidavits of eleven producers, insofar as those affidavits relate the following contracts: (1) Monsanto Company Rate Schedule No. 14; (2) Getty Oil Company Rate Schedule No. 353; (3) Gulf Oil Corporation Rate Schedule No. 277; (4) Texaco, Incorporated Rate Schedule No. 375; (5) Continental Oil Company Rate Schedule No. 351; (6) Perry R. Bass Rate Schedule No. 13; (7) Exxon Corporation Rate Schedule No. 317; (8) Exxon Corporation Rate Schedule No. 355; (9) Murphy Oil Company Rate Schedule No. 8; (10) Exxon Company, U.S.A. Rate Schedule No. 465; (11) Exxon Corporation Rate Schedule No. 448.

Southern asserts that for each of the above listed contracts, the producer asserted the contractual authority to collect the maximum lawful price under section 104(b)(1)(A) of the Natural Gas Policy Act of 1978 (NGPA). Southern asserts in its protests that the above listed contracts do not authorize the collection of that price.

Any person desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before September 27, 1979, a petition to intervene in accordance with 18 C.F.R. 1.8; after that date these protests will be forwarded to the Commission's Chief Administrative Law Judge, for disposition in accordance

with Order No. 23-B (44 FR 38834, July 3, 1979).

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30701 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-445]

**Tennessee Gas Pipeline Co.;
Application**

September 12, 1979.

Take notice that on August 18, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP79-445 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a transportation service by Tennessee for Trunkline Gas Company (Trunkline), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Pursuant to the terms of a gas transportation agreement of June 22, 1979, between Tennessee and Trunkline, Tennessee has agreed to receive and transport gas for Trunkline through existing facilities extending from the East Cameron 281 "B" platform, offshore Louisiana, to an existing point on Tennessee's Kinder-Sabine pipeline 2.49 miles west of Tennessee's Compressor Station No. 823 near Kinder, Louisiana, in Jefferson Davis Parish, and/or at other mutually agreeable existing points where gas can be delivered by Tennessee for the account of Trunkline. The gas proposed to be transported would be purchased by Trunkline from Chevron USA, Inc.

As set forth in the transportation agreement, Tennessee has agreed to transport for Trunkline, on a firm basis, up to 10,000 Mcf of gas per day. The transportation agreement also provides that Trunkline would pay Tennessee each month, for providing such transportation service, a volume charge computed on the basis of Tennessee's currently effective Mcf rate multiplied by the total volume in Mcf of gas received by Tennessee from Trunkline for transportation during the month, with provision for a minimum bill based on the transportation quantity. Furthermore, Trunkline would provide to Tennessee volumes of gas equal to 1.8 percent of the volumes received for transportation each day, to compensate for Tennessee's fuel and use requirements.

Tennessee presently has sufficient capacity available to it to render the

proposed transportation service without the need for any additional facilities, it is stated, and there should be no impact on Tennessee's gas supply system or existing firm service now being performed by Tennessee from rendering such proposed transportation service for Trunkline.

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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that 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 Tennessee to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30696 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP73-114 and RP78-72]

**Tennessee Gas Pipeline Co.; Tariff
Filing**

September 25, 1979.

Take notice that on September 14, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing revised tariff sheets

to its FERC Gas Tariff, Ninth Revised Volume No. 1 and Sixth Revised Volume No. 2, consisting of the following:

Ninth Revised Volume No. 1

Second Revised Sheet No. 213A

Fourth Revised Sheet No. 213

Fifth Revised Sheet No. 213C

Twenty-Sixth Revised Sheet Nos. 12A and 12B

Sixth Revised Volume No. 2

First Revised Sheet No. 428

Sixth Revised Sheet Nos. 426 and 427

Tennessee states that the purpose of these revised tariff sheets, which are to be effective on October 15, 1979, is to revise the PGA provision in Article XXIII of the General Terms and Conditions in Ninth Revised Volume No. 1 of Tennessee's FERC Gas Tariff and its Rate Schedule X-22 to make the Current Purchased Gas Cost Rate Adjustment applicable to the rates charged under Rate Schedule X-22.

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 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. 79-30737 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-421]

**Transcontinental Gas Pipe Line Corp.;
Petition To Amend**

September 24, 1979.

Take notice that on September 10, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-421 a petition to amend further the order of March 22, 1979 issuing a certificate of public convenience and necessity in the instant docket pursuant to Section 7(c) of the Natural Gas Act by authorizing the transportation of natural gas on an interruptible basis, for South Jersey Gas Company (South Jersey) from the East Tamina and Bernardo Ranch Fields, Montgomery and Colorado Counties, Texas, and flexible authority to attach

new sources of gas from future fields, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to the order issued on December 23, 1976 in Docket No. CP76-416, Transco was authorized to transport natural gas on an interruptible basis for South Jersey, an existing distribution company customer of Transco. The gas transported is sold to South Jersey by its production affiliate, South Jersey Exploration Company (Exploration), from the East Point Blue Field, Evangeline Parish, Louisiana.

On February 7, 1977 Transco filed a petition to amend such certificate to authorize transportation of gas for South Jersey from four additional sources.

On June 3, 1977 and prior to an amended certificate being issued in Docket No. CP76-416, Transco filed an application in Docket No. CP77-421 requesting authority to transport up to 18,000 dekatherms equivalent of gas per day, on an interruptible basis, for the account of eleven of its distribution customers, including South Jersey, two indirect industrial customers, and one direct industrial customer, or their affiliates, all participants in three drilling programs.

Transco requested authority to render the transportation services, up to 18,000 dekatherms daily, for all of the participants as a group, with flexibility to add or substitute new sources discovered as they are developed and ready to produce.

Transco recognized in its application in Docket No. CP77-421 that the requested authority to perform transportation services duplicated the then pending petition to amend in Docket No. CP76-416 insofar as it applied to transportation for South Jersey. Transportation of gas for South Jersey from the four additional fields was also included in the application in Docket No. CP77-421. Transco proposed that the transportation service proposed for South Jersey be authorized in Docket No. CP77-421, and not in Docket No. CP76-416, so that the flexible authority to add new sources, which Transco requested in Docket No. CP77-421, would include transportation of gas for South Jersey. However, in a temporary certificate issued November 9, 1977 in Docket No. CP77-416, the Commission granted the authorization to perform the transportation service for South Jersey from the four fields and ordered, *inter alia*, that "Transco shall file within 30 days to amend its application in Docket No. CP77-421 to delete that portion of the application that involves the same service as authorized herein."

To comply with such condition, on December 9, 1977 Transco filed an amendment to delete such transportation service from its application in Docket No. CP77-421.

Subsequently, pursuant to the order issued March 22, 1979 in Docket No. CP77-421, Transco was granted the flexible authority it had requested to attach new sources of gas from the three drilling programs.

Thus, because of the somewhat unique development of events Transco states that it is now in the position of having the flexible authority to attach new sources of the three drilling programs for all the participants in the program except South Jersey. Transco submits that the same public interest that was served by Commission authorization of flexible authority for the other participants also applies to transportation of South Jersey's gas and Transco requests such flexible authority.

The drilling program in which Exploration is a participant is one operated by Enterprise Resources, Inc. The Enterprise Resources, Inc. program has now discovered gas in two additional fields, East Tamina Field, Montgomery County, Texas and Bernardo Ranch Field, Colorado County, Texas. Therefore, Exploration would sell its share of the gas from such fields to South Jersey.

Transco asserts that it has agreed to transport South Jersey's gas from East Tamina and Bernardo Ranch pursuant to an amendment to the transportation agreement between Transco and South Jersey. For the said transportation service, Transco initially would charge 24.34 cents per dekatherm equivalent delivered and would retain 4.4 percent of the gas received by it for compressor fuel and line loss make-up.

Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), would transport the said volumes of gas from the two fields to Transco's system at existing interconnections between Transco and Tennessee, and Transco would transport the gas to existing delivery points to South Jersey. Since deliveries would be made to Transco at existing interconnections between Transco and Tennessee and since deliveries would be made by Transco to South Jersey at existing delivery points, Transco would not need any new facilities in connection with such service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance

with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30704 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-446]

United Gas Pipe Line Co.; Application

September 13, 1979.

Take notice that on August 17, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP79-446 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and further for the transportation of natural gas for Arkansas Louisiana Gas Company (Arkla), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

United requests authorization to transport up to 30,000 Mcf of natural gas per day for Arkla in accordance with a gas transportation agreement between United and Arkla dated May 25, 1979. Arkla has acquired such gas supply from production in Main Pass Blocks 72 and 73, offshore Louisiana, attributable to the interest of Diamond Shamrock Corporation.

Southern Natural Gas Company (Southern) would deliver or cause to be delivered natural gas for Arkla's account to United at an existing authorized point of interconnection between the systems of United and Southern located near Bayou Sale, St. Mary Parish, Louisiana, it is stated. United would transport and redeliver equivalent quantities, less fuel and company-used gas, to Arkla at one or more of the following listed redelivery points:

(1) The existing outlet of Champlin's East Texas plant in Panola County, Texas.

(2) The existing point of interconnection between United's and Arkla's pipelines at the Bistineau

Storage facility in Bienville Parish, Louisiana, and

(3) The existing point of interconnection between United's 24-inch Carthage/Sterlington Line and Arkla's 12-inch ST-1 Line in Panola County, Texas.

United asserts that it would render the proposed transportation service for Arkla, subject to United's own operating requirements and the availability of excess capacity in United's existing compression and pipelines that would not be required for United's own use from time to time, all of which would be determined in United's sole discretion.

The deliveries of gas by Southern to United for Arkla's account would be made through existing facilities, it is further asserted.

The redeliveries of gas by United to Arkla at the proposed redelivery points located at Champlin's East Texas plant and at the Bistineau Storage facilities would be made through existing facilities and the construction of new facilities would not be required by United. At the proposed redelivery point located between United's 24-inch and Arkla's 12-inch lines Arkla would install a tap assembly at its sole expense, and United would construct, maintain, own and operate all other necessary measuring facilities at an estimated cost of \$245,000.

Arkla has agreed to pay United for the gas transported an amount per Mcf equal to United's jurisdictional transportation rate in effect from time to time in United's northern rate zone, less any amount included in such jurisdictional transportation rate which is attributable to fuel and unaccounted-for gas. The current jurisdictional transportation rate, exclusive of the cost of gas utilized in United's operation, is 23.29 cents per Mcf in United's northern rate zone.

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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that 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 United to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30702 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. C162-38, et al.]

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

September 25, 1979.

Take notice that each of the Applicants listed herein has filed an

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to the public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 19, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
C162-38, D, Aug. 31, 1979	Texaco Inc., P.O. Box 2420, Tulsa, Oklahoma 74102	Panhandle Eastern Pipe Line Company, N.E. Carthage Field, Texas County, Oklahoma.	Acreage was assigned to Raymond Oil Company, Inc.	
C170-474, D, Aug. 13, 1979	Energy Reserves Group, Inc., P.O. Box 1201, Wichita, Kansas 67201.	Michigan Wisconsin Pipe Line Company, Mocane Laverne Field, Beaver County, Oklahoma.	Acreage deleted from Contract.	
C173-756, D, Aug. 13, 1979	Shell Oil Company, Two Shell Plaza, P.O. Box 2099, Houston, Texas 77001.	El Paso Natural Gas Company, Bisti Field, San Juan County, New Mexico.	(1)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI77-437, C, Aug. 15, 1979	Phillips Petroleum Company, 5 C4 Phillips Building, Bartlesville, Oklahoma 74004.	El Paso Natural Gas Company, Exxon-Laguna Grande Unit No. 1 Well, Eddy County, New Mexico from the Strawn Formation as well as the Morrow Formation.	(⁵)	14.73
CI78-479, D, July 31, 1979	Texaco, Inc. (Operator), P.O. Box 3109, Midland, Texas 79702.	El Paso Natural Gas Company, Bryant G. Headlee North & Parks Fields, Midland and Ector Counties, Texas.	Depletion of reserves	
CI78-1018, Aug. 27, 1979 ¹	CNG Producing Company, 1800 Bank of New Orleans Bldg., 1010 Common Street, New Orleans, Louisiana 70112.	Michigan Wisconsin Pipe Line Company (Succ. in Interest to Consolidated Gas Supply Corporation), "A" Platform, High Island Block 298, Offshore Texas.	(⁴)	15.025
CI78-1113, C, Sept. 6, 1979	Energy Reserves Group, Inc.	Panhandle Eastern Pipe Line Company, Certain acreage in Sweetwater County, Wyoming.	(⁴)	15.025
CI79-91, C, Aug. 24, 1979	Texas Gas Exploration Corporation, P.O. Box 52310, Houston, Texas 77052.	Texas Gas Transmission Corporation, B-4 Well located on the "B" Platform in Block 271, Ship Shoal Area, Offshore Louisiana.	(⁶)	15.025
CI79-538 (CI77-212), B, July 9, 1979	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Natural Gas Pipeline Company of America, Red Tank Field, Lea County, New Mexico.	Well plugged and abandoned.	
CI79-539, F, July 11, 1979	Southwest Gas Storage Company, A Partnership (Succ. in Interest to Diamond Shamrock Corporation), P.O. Box 1642, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, Borchers North Field, Meade County, Kansas.	(⁷)	14.65
CI79-546, A, July 16, 1979	Shell Oil Company	Southern Natural Gas Company Mississippi Canyon Block 194 Field, Offshore Louisiana.	(⁸)	15.025
CI79-572, A, Aug. 13, 1979	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Okla. 73125.	Southern Natural Gas Company and United Gas Pipe Line Company, A portion of West Cameron Block 330, Offshore Louisiana.	(⁹)	15.025
CI79-575, E, July 25, 1979	Southland Royalty Company (Succ. in Interest to Opubco Resources, Inc.) (Formerly Publishers Petroleum), 1000 Forth Worth Club Tower, Fort Worth, Texas 76102.	Colorado Interstate Gas Company, <i>et al.</i> , Certain producing properties located in the State of Kansas.	(¹⁰)	14.65
CI79-576, A, Aug. 3, 1979	Aminoil Development, Inc., Golden Center One, 2800 North Loop West, Houston, Texas 77018.	Natural Gas Pipeline Company, Block A-474, High Island Area, South Addition, Offshore Texas.	(¹¹)	14.65
CI79-577, A, Aug. 3, 1979	Aminoil USA, Inc., Golden Center One, 2800 North Loop West, Houston, Texas 77018.	Transcontinental Gas Pipe Line Corporation, North half of Block 540 and South half of southwest quarter of Block 525 West Cameron Area, Block 540 Field, Gulf of Mexico.	(¹²)	15.025
CI79-578, A, Aug. 3, 1979	Aminoil Development, Inc.	Natural Gas Pipeline Company, Block A-489, High Island Area, South Addition, Offshore Texas.	(¹³)	14.65
CI79-579, A, Aug. 8, 1979	Sabine Production Company, 1200 Mercantile Bank Building, Dallas, Tex. 75201.	Sea Robin Pipeline Company, OCS-G-2300 Lease, South Marsh Island Block 235, Offshore Louisiana.	(¹⁴)	14.73
CI79-580, A, Aug. 8, 1979	Union Oil Company of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif. 90051.	Texas Eastern Transmission Corporation, Blocks 537, 551 and 552, West Cameron Area, Offshore Louisiana.	(¹⁵)	15.025
CI79-581, A, Aug. 10, 1979	Pogo Producing Company, c/o Pennzoil Company, P.O. Box 2967, Houston, Texas 77001.	United Gas Pipe Line Company, South Pass Block 78, South and East Addition, Offshore Louisiana.	(¹⁶)	15.025
CI79-582, A, Aug. 10, 1979	Pogo Producing Company	United Gas Pipe Line Company, Main Pass Block 73, Offshore Louisiana.	(¹⁶)	15.025
CI79-583, A, Aug. 10, 1979	Pennzoil Oil & Gas, Inc., c/o Pennzoil Company, P.O. Box 2967, Houston, Texas 77001.	United Gas Pipe Line Company, Main Pass Block 72-74, Offshore Louisiana.	(¹⁶)	15.025
CI79-584, A, Aug. 10, 1979	Pogo Producing Company, c/o Pennzoil Company, P.O. Box 2967, Houston, Texas 77001.	United Gas Pipe Line Company, Main Pass Block 72, Offshore Louisiana.	(¹⁶)	15.025
CI79-585, A, Aug. 10, 1979	Pennzoil Oil & Gas, Inc., c/o Pennzoil Company, P.O. Box 2967, Houston, Texas 77001.	United Gas Pipe Line Company, Main Pass Block 73, Offshore Louisiana.	(¹⁶)	15.025
CI79-586, A, Aug. 10, 1979	Gas Producing Enterprises, Inc., <i>et al.</i> , Nine Greenway Plaza, Houston, Texas 77046.	Montana-Dakota Utilities Co., GPE 1-147-105 BN Well, South Cartwright Area, McKenzie County, North Dakota.	(¹⁷)	15.025
CI79-587, F, Aug. 10, 1979	Anadarko Production Company (Succ. in Interest to Dixilyn-Field Drilling Company), P.O. Box 1330, Houston, Texas 77001.	Sea Robin Pipeline Company, Block 16, South Marsh Island Area, Offshore Louisiana, OCS-G1184.	(¹⁸)	15.025
CI79-588, A, Aug. 10, 1979	Pogo Producing Company	United Gas Pipe Line Company, Main Pass Block 72-74, Offshore Louisiana.	(¹⁶)	15.025
CI79-589, A, Aug. 10, 1979	Pennzoil Oil & Gas, Inc.	United Gas Pipe Line Company, Main Pass Block 72, Offshore Louisiana.	(¹⁶)	15.025
CI79-590, A, Aug. 10, 1979	Pennzoil Oil & Gas, Inc.	United Gas Pipe Line Company, South Pass Block 78, South and East Addition, Offshore Louisiana.	(¹⁶)	15.025
CI79-592, B, Aug. 10, 1979	John R. LeBosquet, 514 Union Center Bldg., Wichita, Kansas 67202.	Northern Natural Gas Co., Hugoton Field—Chase Group, Sec. 26-30S-34W, Haskell County, Kansas.	Furnish irrigation gas to titled land owner.	
CI79-593, A, Aug. 10, 1979	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160.	Tennessee Gas Pipeline Company, West Cameron, South Addition, Block 638, Offshore Louisiana.	(¹⁹)	15.025
CI79-594, F, Aug. 10, 1979	Anadarko Production Company (Succ. in Interest to Dixilyn-Field Drilling Company).	Southern Natural Gas Company, N½ of Block 225, Ship Shoal Area, Offshore Louisiana, OCS-G1984.	(¹⁹)	15.025
CI79-595, F, Aug. 10, 1979	Anadarko Production Company (Succ. in Interest to Dixilyn-Field Drilling Company).	Sea Robin Pipeline Company, Block 222, Ship Shoal Area, Offshore Louisiana, OCS-G1525.	(¹⁹)	15.025
CI79-596, F, Aug. 10, 1979	Anadarko Production Company (Succ. in Interest to Dixilyn-Field Drilling Company).	Sea Robin Pipeline Company, Block 16, South Marsh Island Area, Offshore Louisiana, OCS-G1184.	(¹⁹)	15.025
CI79-597, F, Aug. 10, 1979	Anadarko Production Company (Succ. in Interest to Dixilyn-Field Drilling Company), P.O. Box 1330, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, Block 186, Ship Shoal Area, Offshore Louisiana, OCS-G0823.	(¹⁹)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
C179-598, B, Aug. 14, 1979	Premier Resources Ltd., 1200 First of Denver Plaza, 633 17th Street, Denver, Colorado 80202.	Michigan Wisconsin Pipe Line Company, Sec. 34-26N-24W, Laverne Field, Harper County, Oklahoma.		Reservoir depleted and uneconomic operation.
C179-599, A, Aug. 14, 1979	Shell Oil Company, Two Shell Plaza, P.O. Box 2099, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, Matagorda Island Area, Blocks 619 and 620, Offshore Texas.	(²⁰)	14.65
C179-600, A, Aug. 17, 1979	The Northwestern Mutual Life Insurance Company, 720 E. Wisconsin Avenue, Milwaukee, Wisconsin 53202.	Michigan Wisconsin Pipe Line Company, Blocks A-382, A-572, A-573 and A-596, High Island Area, Offshore Texas.	(²¹)	14.73
C179-602, B, Aug. 15, 1979	Joseph I. O'Neill, Jr., et al., P.O. Box 2840, Midland, Texas 79702.	Northern Natural Gas Company, S/2 Section 35, Block 12, Andrews County, Texas; Block 12 (Yates) Field, University "C" Lease, Well #1 (RRC ID #73148).		Depleted and nonproductive
C179-603, A, Aug. 13, 1979	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Michigan Wisconsin Pipe Line Company, High Island Block 330 Field, Offshore Texas.	(²²)	15.025
C179-604, A, Aug. 21, 1979	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, South Marsh Island Block 252 Field, Offshore Louisiana.	(²³)	15.025
C179-605, A, Aug. 21, 1979	Tenneco Exploration, Ltd., P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, South Marsh Island Block 252 Field, Offshore Louisiana.	(²³)	15.025
C179-606, A, Aug. 21, 1979	Tenneco Exploration II, Ltd., P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, South Marsh Island Block 252 Field, Offshore Louisiana.	(²³)	15.025
C179-608, A, Aug. 15, 1979	Union Oil Company of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif. 90051.	Trunkline Gas Company, Block 25, Vermilion Block 14 Field, Vermilion Area, Offshore Louisiana.	(²⁴)	15.025
C179-609, A, Aug. 1, 1979	Tenneco Oil Company	Tennessee Gas Pipeline Company, West Cameron Block 533 Field, Offshore Louisiana.	(²⁵)	15.025
C179-610, A, Aug. 20, 1979	Marathon Oil Company (Operator), 539 South Main Street, Findlay, Ohio 45840.	Natural Gas Pipeline Company of America, West Cameron Area, West Cameron Block 525, Offshore Louisiana.	(²⁶)	15.025
C179-611, A, Aug. 20, 1979	Union Oil Company of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif. 90051.	Sea Robin Pipeline Company, Block 38, East Cameron Area, Offshore Louisiana.	(²⁷)	15.025
C179-612, A, Aug. 14, 1979	Panhandle Western Gas Company, P.O. Box 1348, Kansas City, Missouri 64141.	Panhandle Eastern Pipe Line Company, Certain acreage in Sweetwater County, Wyoming.	(²⁸)	14.65
C179-614, A, Aug. 24, 1979	CNG Producing Company, Suite 1800, 1010 Common Street, New Orleans, Louisiana 70112.	Transcontinental Gas Pipe Line Corporation, Block 22, West Cameron Area, Offshore Louisiana.	(²⁹)	14.73
C179-615, A, Aug. 20, 1979	Terra Resources, Inc., 5416 South Yale, Tulsa, Oklahoma 74135.	Transcontinental Gas Pipe Line Corporation, Block A-313, High Island Area, Offshore Texas, Gulf of Mexico.	(³⁰)	15.025
C179-616, A, Aug. 29, 1979	Sonata Exploration Company, 3336 Richmond Avenue, Houston, Texas 77098.	Southern Natural Gas Company, East Cameron Blocks 45 and 46, Offshore Louisiana.	(³¹)	15.025
C179-617, A, Aug. 29, 1979	The Offshore Company, P.O. Box 2765, Houston, Texas 77001.	Southern Natural Gas Company, East Cameron Blocks 45 and 46, Offshore Louisiana.	(³¹)	15.025
C179-618, A, Aug. 29, 1979	CNG Producing Company	Consolidated Gas Supply Corporation, Block 185, South Timbalier Area, Offshore Louisiana.	(³²)	14.73
C179-619, (C162-1004, et al.), B, Aug. 21, 1979	Forest Oil Corporation, 1300 National Bank of Commerce Building, San Antonio, Texas 78205.	Transcontinental Gas Pipe Line Corporation, Block 99 Field, Eugene Island Area, Gulf of Mexico.	Well No. 4 ceased production 11-27-78 and has been plugged and abandoned.	
C179-620, A, Aug. 27, 1979	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Southern Natural Gas Company, Mississippi Canyon Area, Blocks 288 and 312, Offshore Louisiana.	(³³)	15.025
C179-621, A, Aug. 21, 1979	TEXASGULF Inc., 110 Milam Building, Houston, Texas 77002.	Northern Natural Gas Company, West Cameron Area, Block 405, Offshore Louisiana.	(³⁴)	15.025
C179-622, A, Aug. 29, 1979	Mobil Oil Corporation, Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	Mountain Fuel Supply Company, Certain acreage in the Pioneer Field, Sweetwater County, Wyoming.	(³⁵)	14.73
C179-624, A, Aug. 31, 1979	Texas Gas Exploration Corporation, P.O. Box 52310, Houston, Texas 77052.	Consolidated Gas Supply Corporation, "B" Platform, Block 313, Vermilion Area, Offshore Louisiana, OCS-G-1172.	(³⁶)	14.73
C179-625, A, Aug. 28, 1979	Amerada Hess Corporation, 1200 Milam, 6th Floor, Houston, Texas 77002.	Michigan Wisconsin Pipe Line Company, Block A-279, High Island Area, Offshore Texas.	(³⁷)	14.65
C179-626, A, Aug. 28, 1979	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Calif. 94120.	Sea Robin Pipeline Company, East Cameron Blocks 45 and 46, Offshore Louisiana.	(³⁸)	15.025
C179-627, A, Aug. 29, 1979	TransOcean Oil, Inc., 1700 First City East, 1111 Fannin, Houston, Texas 77002.	Arkansas Louisiana Gas Company, Barnett Springs Area, Lincoln and Jackson Parishes, Louisiana.	(³⁹)	15.025
C179-629, A, Sept. 4, 1979	Amerada Hess Corporation	Michigan Wisconsin Pipe Line Company, Blocks A-474 and A-489, High Island Area, Offshore Texas.	(⁴⁰)	14.65
C179-630, A, Sept. 4, 1979	Amerada Hess Corporation	Michigan Wisconsin Pipe Line Company, Block 1-273, High Island Area, Offshore Texas.	(⁴¹)	14.65
C179-631, A, Aug. 31, 1979	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Northern Natural Gas Company, Certain acreage located in the USM Queen Field, Pecos County, Texas.	(⁴²)	14.65
C179-632, A, Sept. 5, 1979	Panhandle Western Gas Company, P.O. Box 1348, Kansas City, Missouri 64141.	Panhandle Eastern Pipe Line Company, Certain acreage in Sweetwater County, Wyoming.	(⁴³)	15.025
C179-634, A, Aug. 31, 1979	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160.	Natural Gas Pipeline Company of America, Tiger Shoal Field, Offshore Louisiana.	(⁴⁴)	15.025
C179-635, A, Sept. 6, 1979	CNG Producing Company, Suite 1800 1010 Common Street, New Orleans, Louisiana 70112.	Michigan Wisconsin Pipe Line Company, Block 38, East Cameron Area, Offshore Louisiana.	(⁴⁵)	14.73
C179-636, A, Sept. 5, 1979	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Trunkline Gas Company, Certain acreage in the South Timbalier Block 156, Offshore Louisiana.	(⁴⁶)	15.025
C179-637, A, Sept. 5, 1979	Amoco Production Company	Tennessee Gas Pipeline Company, High Island Block 309, Offshore Texas.	(⁴⁷)	14.65
C179-639, A, Sept. 6, 1979	Tenneco Exploration, Ltd., P.O. Box 2511, Houston, Texas 77001.	Columbia Gas Transmission Corporation, South Marsh Island Block 267, Gulf of Mexico.	(⁴⁸)	15.025
C179-638, A, Sept. 5, 1979	Chevron U.S.A. Inc.	Transcontinental Gas Pipe Line Corporation, High Island Block 141 (East 1/2), Offshore Texas.	(⁴⁹)	14.65
C179-640, A, Sept. 6, 1979	Texas Gas Exploration Corporation, P.O. Box 52310, Houston, Texas 77052.	Texas Gas Transmission Corporation, "B" Platform, Block A-573 and the "C" Platform, Block A-572, South Addition, High Island Area, Offshore Texas.	(⁵⁰)	14.73
C179-641, A, Sept. 6, 1979	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Transco Gas Supply Company, High Island Block A-474 Field, "B" Platform, Offshore Texas.	(⁵¹)	14.65
C179-642, A, Sept. 10, 1979	Amoco Production Company	Transco Gas Supply Company, High Island Block A-474 Field, "A" Platform, Offshore Texas.	(⁵²)	14.65
C179-643, A, Sept. 11, 1979	Tenneco Exploration, Ltd., P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, East Cameron Block 354, East Cameron 353 Field, Offshore Louisiana.	(⁵³)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
C179-644 (C178-481), B, Sept. 10, 1979.	Texaco Inc., P.O. Box 3109, Midland, Texas 79701.	Transcontinental Gas Pipe Line Corporation, J. O. Wells Estate Well No. 1-96, Gem Hemphill Field, Hemphill County, Texas.	(*)	
C179-645, A, Sept. 10, 1979.	Florida Exploration Company, P.O. Box 44, Winter Park, Florida 32790.	Florida Gas Transmission Company, Mississippi Canyon Block 194 Field, Offshore Louisiana.	(**)	15.025
C179-646 (C177-194), B, Aug. 24, 1979.	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, Grand Isle Block 16 Field, Offshore Louisiana.	Depleted and contract has been canceled.	
C179-647 (C176-463), B, Aug. 24, 1979.	Exxon Corporation	Columbia Gas Transmission Corporation, Pecan Island Field, Vermilion Parish, Louisiana.	Depleted and contract has been canceled.	
C179-648, A, Sept. 12, 1979.	Champlin Petroleum Company, 1200 Smith Street, Suite 1900, Houston, Texas 77002.	Sea Robin Pipeline Company, South Marsh Island Blocks 234 and 235, Offshore Louisiana.	(*)	14.73

¹ El Paso Natural Gas Company (El Paso) now believes that it can justify an extension of its gathering system to connect the Gallegos No. 5 Well to its gathering system and take Shell's share of production therefrom.

² Applicant is filing under Gas Purchase Agreement dated 3-28-77, amended by Letter Agreement dated 7-1-79.

³ Consolidated has assigned to Mich-Wisc its purchase rights under the 7-6-78, gas sales Contract between CNG Producing Company (Petitioner) and Consolidated. (Assignment 8-8-79).

⁴ Petitioner and Mich-Wisc have entered into an agreement dated 8-9-79, the effect of which is to amend the basic 7-6-78, gas sales contract to reflect the substitution of Mich-Wisc for Consolidated as purchaser under that contract.

⁵ Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

⁶ Applicant is filing under Gas Purchase Contract dated 9-22-78, amended by Letter Agreement dated 7-7-79 and executed 7-13-79.

⁷ Pursuant to the terms of three instruments bearing the respective dates 4-20-79, 5-4-79 and 6-11-79 (hereinafter referred to collectively as "ASSIGNMENT OF OIL AND GAS LEASES"), Diamond assigned to Southwest all of its right, title and interest in and to certain oil and gas leases covering lands situated in Meade County, Kansas effective 4-1-79 and Southwest requests the Commission issue a Certificate of Public Convenience and Necessity authorizing the sale of natural gas as herein proposed to be effective 4-1-79, the effective date of "ASSIGNMENT OF OIL AND GAS LEASES".

⁸ Applicant is filing under Gas Sale and Purchase Contract dated 7-1-79.

⁹ Applicant is filing under Section 102(b) of the Natural Gas Policy Act of 1978.

¹⁰ Effective date of transfer of ownership: 2-1-79. Effective date of assignment: 2-1-79.

¹¹ Applicant is filing under Gas Purchase Contract dated 2-26-79.

¹² Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended, and as amended by Section 104 of the Natural Gas Policy Act of 1978.

¹³ Applicant is filing under Gas Purchase Contract dated 2-27-79.

¹⁴ Applicant is filing under Gas Purchase Contract dated 2-5-79.

¹⁵ Applicant is willing to accept an initial rate of the maximum lawful price as prescribed in subsection 104(b) of the Natural Gas Policy Act of 1978.

¹⁶ Applicant is willing to accept a certificate of public convenience and necessity conditioned in price to the applicable ceiling rates as established by the Natural Gas Policy Act of 1978.

¹⁷ Applicant is filing under Gas Purchase Contract dated 4-19-79.

¹⁸ The rights and interest in the leased acreage were assigned by Dixilyn-Field Drilling Co., as successor in interest to Dixilyn Corporation, to Anadarko Production Company effective 1-1-78, and the same was approved by the Bureau of Land Management on 1-23-79.

¹⁹ Applicant for the present is filing only for Opinion No. 770-A Rates to 11-30-78 and at Section 104 of the Natural Gas Policy Act of 1978 prices thereafter.

²⁰ Applicant is filing under Gas Sale and Purchase Contract dated 6-15-79.

²¹ Applicant is willing to accept certification conditioned to an initial rate equal to the applicable maximum lawful price prescribed in the Natural Gas Policy Act of 1978 and the Commission's Regulations implementing the NGPA, including any increases in such prices, provided that Applicant shall be entitled to file increases to any higher contractually authorized prices in accordance with the Natural Gas Act and the Natural Gas Policy Act of 1978.

²² Applicant is filing under Gas Purchase Contract dated 6-28-79.

²³ Applicant is filing under Gas Purchase and Sales Agreement dated 5-2-79.

²⁴ Applicant is filing under Gas Purchase Contract dated 7-23-79.

²⁵ Applicant is filing under Gas Purchase and Sales Agreement dated 7-25-79.

²⁶ Applicant is filing under Gas Purchase Contract dated 8-16-79.

²⁷ Applicant is filing under Gas Purchase Contract dated 7-6-79.

²⁸ Applicant is filing under Gas Purchase and Sales Agreement dated 10-18-77.

²⁹ Applicant is willing to accept a certificate conditioned to the applicable national rate as determined by the Natural Gas Policy Act of 1978, plus the adjusted and escalations provided for in the 18 CFR 2.56a and in the NGPA of 1979.

³⁰ Applicant is filing under Gas Purchase Contract dated 7-18-79.

³¹ Applicant is filing under Gas Purchase Contract dated 3-15-78.

³² Applicant is willing to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart D, Section 104.

³³ Applicant is willing to accept the rates set forth in Section 104 of Title I of the Natural Gas Policy Act of 1978 and as more fully set forth in Subpart D of Part 271 of the Commission's Regulations under the NGPA of 1978.

³⁴ Applicant is filing under Gas Purchase Contract dated 7-24-79.

³⁵ Applicant is willing to accept a permanent certificate in conformance with the Commission's Regulations under the Natural Gas Act and the Natural Gas Policy Act of 1978.

³⁶ Applicant is filing under Gas Purchase and Sales Agreement dated 10-17-77.

³⁷ Applicant is filing under Gas Purchase Contract dated 8-29-79.

³⁸ Applicant is filing under Gas Purchase Contract dated 8-1-79.

³⁹ Applicant is filing under Gas Purchase Contract dated 8-6-79.

⁴⁰ Applicant is filing under Gas Purchase and Sales Agreement dated 5-10-79.

⁴¹ Applicant is filing under Gas Purchase Contract dated 8-10-79.

⁴² Applicant is filing under Gas Purchase and Sales Agreement dated 9-7-79.

⁴³ Texaco entered into the contract with Transco in order to satisfy part of the gas repayment obligation imposed by the Commission in *Texaco Inc.*, Docket No. C177-329.

⁴⁴ Applicant is filing under Gas Sale and Purchase Contract dated 8-1-79.

⁴⁵ Applicant is filing under Gas Purchase Agreement dated 5-29-79.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 79-30738 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

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.

Louisiana Office of Conservation

1. Control number (F.E.R.C./State)

2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18192/79-2087
2. 17-057-21580
3. 102 103
4. LGS Exploration Inc.
5. Lydia Harrison No. 1

6. Coffee Bay
7. Lafourche, LA
8. 540.0 million cubic feet
9. August 27, 1979
- 10.
1. 79-1893/79-2090
2. 17-057-21591
3. 102
4. Alliance Exploration Corporation
5. Gaudet No. 1 162546
6. Rousseau
7. Lafourche, LA
8. 700.0 million cubic feet
9. August 27, 1979

10. Texas Gas Transmission Corporation

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control number (F.E.R.C./State)

2. API well number

3. Section of NCPA

4. Operator

5. Well name

6. Field or OCS area name

7. County, State of block No.

8. Estimated annual volume

9. Date received at FERC

10. Purchaser(s)

1. 79-18066

2. 30-045-22223

3. 103

4. Amoco Production Co.

5. Usselman Gas Com C #1

6. Blanco Pictured Cliffs

7. San Juan, NM

8. 365.0 million cubic feet

9. August 27, 1979

10. El Paso Natural Gas Company

1. 79-18067

2. 30-045-22222

3. 103

4. Amoco Production Co.

5. Sammons Gas Com G #1

6. Blanco Pictured Cliffs

7. San Juan, NM

8. 390.0 million cubic feet

9. August 27, 1979

10. El Paso Natural Gas Company

1. 79-18068

2. 30-015-00000

3. 103

4. Maddox Energy Corporation

5. Pardue Farms 26

6. Wildcat Atoka

7. Eddy, NM

8. 5.4 million cubic feet

9. August 27, 1979

10. El Paso Natural Gas Company

1. 79-18069

2. 30-039-05533

3. 108

4. J Gregory Merrion

5. Edna #2

6. Devils Fork Gallup/MV Ballard PIC C

7. Rio Arriba, NM

8. 17.0 million cubic feet

9. August 27, 1979

10. El Paso Natural Gas Company

1. 79-18070

2. 30-025-25840

3. 103

4. Exxon Corporation

5. Charles S Alves #4

6. Scharb Bone Springs

7. Lea, NM

8. 52.0 million cubic feet

9. August 27, 1979

10. Phillips Petroleum Co

1. 79-18071

2. 30-045-00000

3. 103

4. Great Western Drilling Company

5. J E Decker 1-A

6. Blanco Mesa Verde

7. San Juan, NM

8. .0 million cubic feet

9. August 27, 1979

10. El Paso Natural Gas Company

1. 79-18072

2. 30-025-25555

3. 103

4. Santa Fe Energy Company

5. SFPRR #22

6. West Sawyer (San Andres)

7. Lea, NM

8. 28.0 million cubic feet

9. August 27, 1979

10. Cities Service Oil Company

1. 79-18073

2. 30-025-00000

3. 103

4. Cities Service Co

5. Thomas A #3

6. Langlie Mattic 7 Rivers Queen

7. Lea, NM

8. 15.4 million cubic feet

9. August 27, 1979

10. El Paso Natural Gas Co

1. 79-18074

2. 30-025-25556

3. 103

4. Santa Fe Energy Company

5. SFPRR #23

6. West Sawyer (San Andres)

7. Lea, NM

8. 4.0 million cubic feet

9. August 27, 1979

10. Cities Service Oil Company

1. 79-18148

2. 30-025-00000

3. 108

4. Getty Oil Company

5. State AF No 1

6. Eumont

7. Lea, NM

8. 30.0 million cubic feet

9. August 29, 1979

10. El Paso Natural Gas Company

1. 79-18149

2. 30-005-20103

3. 108

4. Arco Oil and Gas Company

5. L C Harris Well No 8

6. CATO

7. Chaves, NM

8. 2.9 million cubic feet

9. August 29, 1979

10. Cities Service Company

1. 79-18150

2. 30-005-20084

3. 108

4. Arco Oil and Gas Company

5. L C Harris Well No 7

6. CATO

7. Chaves, NM

8. 2.9 million cubic feet

9. August 29, 1979

10. Cities Service Company

1. 79-18151

2. 30-005-20082

3. 108

4. Arco Oil and Gas Company

5. L C Harris Well No 5

6. CATO

7. Chaves, NM

8. 2.9 million cubic feet

9. August 29, 1979

10. Cities Service Company

1. 79-18152

2. 30-005-20083

3. 108

4. Arco Oil and Gas Company

5. L C Harris Well No 6

6. CATO

7. Chaves, NM

8. 2.9 million cubic feet

9. August 29, 1979

10. Cities Service Company

1. 79-18153

2. 30-025-26186

3. 102 103

4. HNG Oil Company

5. NM State 28#1 ID-L-2662

6. South Shoebar (Atoka)

7. Lea, NM

8. 929.0 million cubic feet

9. August 29, 1979

10. Natural Gas P/L Co of Amer

1. 79-18154

2. 30-015-22902

3. 102 103

4. HNG Oil Company

5. Pardue 34 Com #1

6. Culebra Bluff (Atoka)

7. Eddy, NM

8. 1004.0 million cubic feet

9. August 29, 1979

10. El Paso Natural Gas Co

1. 79-18155

2. 30-015-22759

3. 102 103

4. HNG Oil Company

5. Williams 35 Com #1 17335

6. South Culebra Bluff (Atoka)

7. Eddy, NM

8. 329.0 million cubic feet

9. August 29, 1979

10. El Paso Natural Gas Company

Ohio Department of Natural Resources,
Division of Oil and Gas

1. Control Number (F.E.R.C./State)

2. API well number

3. Section of NCPA

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. 79-18117/03620

2. 34-151-21864-0014

3. 108

4. Belden & Blake Oil Production

5. J Mayes No. 1-502

6.

7. Stark, OH

8. 5.1 Million Cubic Feet

9. August 28, 1979

10. East Ohio Gas Company

1. 79-18118/03621

2. 34-151-22360-0014

3. 108

4. Belden & Blake Oil Production

5. W Bowman No. 8-664

6.

7. Stark, OH

8. 3.1 Million Cubic Feet

9. August 28, 1979

10. Belden & Blake Corporation

1. 79-18119/03622

2. 34-151-22357-0014

3. 108

4. Belden & Blake Oil Production

5. R Beck No. 3-663

6.

7. Stark, OH

8. 9.9 Million Cubic Feet

9. August 28, 1979
10. East Ohio Gas Company
1. 79-18120/03521
2. 34-151-22167-0014
3. 108
4. Belden & Blake Oil Production
5. J & B Houck No. 1-578
- 6.
7. Stark, OH
8. 4.7 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18121/03526
2. 34-151-22155-0014
3. 108
4. Belden & Blake Oil Production
5. R & J Vette Comm No. 1-570
- 6.
7. Stark, OH
8. 9.3 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18122/03527
2. 34-151-22074-0014
3. 108
4. Belden & Blake Oil Production
5. P & M Bechtel Comm No. 2-551
- 6.
7. Stark, OH
8. .4 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18123/03529
2. 34-151-21968-0014
3. 108
4. Belden & Blake Oil Production
5. A & M Deckerd Comm No. 2-529
- 6.
7. Stark, OH
8. 2.5 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18124/03530
2. 34-151-21953-0014
3. 108
4. Belden & Blake Oil Production
5. A & M Deckerd Comm No. 1-525
- 6.
7. Stark, OH
8. 2.7 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18125/03542
2. 34-151-22316-0014
3. 108
4. Belden & Blake Oil Production
5. G & M Schorsten Comm No. 1-636
- 6.
7. Stark, OH
8. 11.3 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18126/03543
2. 34-151-22253-0014
3. 108
4. Belden & Blake Oil Production
5. A Skipper Comm No. 1-625
- 6.
7. Stark, OH
8. 14.2 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18127/03548
2. 34-151-22175-0014
3. 108
4. Belden & Blake Oil Production
5. V & S Cooke No. 1-581
- 6.
7. Stark, OH
8. 2.3 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18128/03564
2. 34-151-20357-0014
3. 108
4. Belden & Blake Oil Production
5. M Alexander Comm No. 1-324
- 6.
7. Stark, OH
8. .7 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18129/03565
2. 34-151-20358-0014
3. 108
4. Belden & Blake Oil Production
5. R & N Baumgardner Comm No. 1-331
- 6.
7. Stark, OH
8. .7 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18130/03566
2. 34-151-20360-0014
3. 108
4. Belden & Blake Oil Production
5. P & D Martin No. 2-335
- 6.
7. Stark, OH
8. .2 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18131/03567
2. 34-151-20363-0014
3. 108
4. Belden & Blake Oil Production
5. C H Weinrich No. 4-343
- 6.
7. Stark, OH
8. .3 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18132/03568
2. 34-151-22257-0014
3. 108
4. Belden & Blake Oil Production
5. Mehl Young Comm No. 1-618
- 6.
7. Stark, OH
8. 3.1 Million Cubic Feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-18133/03018
2. 34-119-21804-0014
3. 108
4. The Oxford Oil Co
5. Charles Lampton No. 1
- 6.
7. Muskingum, OH
8. 1.0 Million Cubic Feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-18134/03211
2. 34-131-21767-0014
3. 108
4. The Oxford Oil Co
5. Perry Gamertsfelder No. 1
- 6.
7. Choshocton, OH
8. 2.0 Million Cubic Feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-18135/03206
2. 34-115-20453-0014
3. 108
4. The Oxford Oil Co
5. Myrtle Hull No. 1
- 6.
7. Morgan, OH
8. 6.0 Million Cubic Feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-18136/03511
2. 34-151-22238-0014
3. 108
4. Belden & Blake Oil Production
5. W Wefler Comm No. 1-612
- 6.
7. Stark, OH
8. 11.2 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18137/03514
2. 34-151-22217-0014
3. 108
4. Belden & Blake Oil Production
5. J & F Wilson Comm No. 1-594
- 6.
7. Stark, OH
8. 9.2 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18138/03515
2. 34-151-22216-0014
3. 108
4. Belden & Blake Oil Production
5. W Smith No. 1-593
- 6.
7. Stark, OH
8. 9.9 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18139/03519
2. 34-151-22185-0014
3. 108
4. Belden & Blake Oil Production
5. H & E Rohr Comm No. 1-584
- 6.
7. Stark, OH
8. 6.0 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18140/03520
2. 34-151-22178-0014
3. 108
4. Belden & Blake Oil Production
5. L & D Lindenberger No. 1-582
- 6.
7. Stark, OH
8. 4.5 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18141/03523
2. 34-151-22165-0014
3. 108
4. Belden & Blake Oil Production
5. C & L Morrison Comm No. 1-575
- 6.
7. Stark, OH
8. 12.9 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18142/05008

2. 34-153-202580014
3. 108
4. Belden & Blake Oil Production
5. Rockwell Stipe Comm No. 1-251
6.
7. Summit, OH
8. .3 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18143/05007
2. 34-153-20278-0014
3. 108
4. Belden & Blake Oil Production
5. G H Weinrich No. 1-258
6.
7. Summit, OH
8. .3 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18144/05009
2. 34-151-20987-0014
3. 108
4. Belden & Blake Oil Production
5. B Zumbrunn No. 1-287
6.
7. Stark, OH
8. 5.5 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18145/05010
2. 34-153-20345-0014
3. 108
4. Belden & Blake Oil Production
5. Rockwell Stipe Comm No. 2-306
6.
7. Summit, OH
8. .3 Million Cubic Feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18146/06078
2. 34-075-22155-0014
3. 103
4. James R. Bernhardt
5. J Whitman #1
6.
7. Holmes OH
8. 24.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission Corp
1. 79-18147/05676
2. 34-119-24647-0014
3. 103
4. Fortune Gas and Oil Inc
5. Murl E Wallace No W#2
6.
7. Muskingum OH
8. 30.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-18168/06009
2. 34-133-21802-0014
3. 103
4. Viking Resources Corporation
5. Hupp (Mendiola) Unit #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.
1. 79-18233/05298
2. 34-119-23972-0014
3. 108
4. Oxford Oil Co
5. E D Mann
6.

7. Muskingum OH
8. .0 million cubic feet
9. August 30, 1979
10.
West Virginia Department of Mines, Oil and Gas Division
1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-17976
2. 47-041-01880
3. 108
4. Consolidated Gas Supply Corporation
5. John A Sutton 11525
6. West Virginia other A-85772
7. Lewis WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17977
2. 47-033-00510
3. 108
4. Consolidated Gas Supply Corporation
5. Isaac H Maxwell 11122
6. West Virginia other A-85772
7. Harrison WV
8. 12.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17978
2. 47-045-00322
3. 108
4. Consolidated Gas Supply Corporation
5. Boone County Coal Corp 9772
6. West Virginia other A-85772
7. Logan WV
8. 3.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17979
2. 47-005-00911
3. 108
4. Consolidated Gas Supply Corporation
5. Federal Coal Co 10278
6. West Virginia other A-85772
7. Boone WV
8. 4.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17980
2. 47-013-01318
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9925
6. West Virginia other A-85772
7. Calhoun WV
8. 10.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17981
2. 47-013-00759
3. 108
4. Consolidated Gas Supply Corporation
5. Laura Gainer 86600
6. West Virginia other A-85772
7. Calhoun WV
8. 8.0 million cubic feet

9. August 24, 1979
10. General System Purchasers
1. 79-17982
2. 47-097-00630
3. 108
4. Consolidated Gas Supply Corporation
5. W H Childress 10313
6. West Virginia other A-85772
7. Upshoe WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17983
2. 47-041-00013
3. 108
4. Consolidated Gas Supply Corporation
5. W G Bennett 2288
6. West Virginia other A-85772
7. Lewis WV
8. .4 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17984
2. 47-041-00955
3. 108
4. Consolidated Gas Supply Corporation
5. Sally McGary 10389
6. West Virginia other A-85772
7. Lewis WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17985
2. 47-097-00607
3. 108
4. Consolidated Gas Supply Corporation
5. Greta Proudfoot 10263
6. West Virginia other A-85772
7. Upshur WV
8. 16.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17986
2. 47-097-00686
3. 108
4. Consolidated Gas Supply Corporation
5. B I Teter 10393
6. West Virginia other A-85772
7. Upshur WV
8. 4.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17987
2. 47-097-00578
3. 108
4. Consolidated Gas Supply Corporation
5. Frank Knicely 10195
6. West Virginia other A-85772
7. Upshur WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17988
2. 47-013-00748
3. 108
4. Consolidated Gas Supply Corporation
5. Arthur G Miller 8643
6. West Virginia other A-85772
7. Calhoun WV
8. 9.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17989
2. 47-013-02374

3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10982
6. West Virginia other A-85772
7. Calhoun WV
8. 12.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17990
2. 47-007-00978
3. 108
4. Consolidated Gas Supply Corporation
5. I N Brown 11329
6. West Virginia other A-85772
7. Braxton WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17991
2. 47-097-00585
3. 108
4. Consolidated Gas Supply Corporation
5. B H Harvey 9978
6. West Virginia other A-85772
7. Upshur WV
8. 3.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17992
2. 47-001-00226
3. 108
4. Consolidated Gas Supply Corporation
5. Maude B Phillips 10734
6. West Virginia other A-85772
7. Barbour WV
8. 2.6 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17993
2. 47-001-00407
3. 108
4. Consolidated Gas Supply Corporation
5. Edna M Talbott 11004
6. West Virginia other A-85772
7. Barbour WV
8. 15.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17994
2. 47-005-00414
3. 108
4. Consolidated Gas Supply Corporation
5. Julian Hill 7812
6. West Virginia other A-85772
7. Boone WV
8. 2.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17995
2. 47-041-01745
3. 108
4. Consolidated Gas Supply Corporation
5. J W Kemper 11262
6. West Virginia Other A-85772
7. Lewis, WV
8. 6.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17996
2. 47-041-01791
3. 108
4. Consolidated Gas Supply Corporation
5. George Life 11333
6. West Virginia Other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17997
2. 47-041-01208
3. 108
4. Consolidated Gas Supply Corporation
5. Nellie M Pringle 10516
6. West Virginia Other A-85772
7. Lewis, WV
8. 10.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17998
2. 47-001-00594
3. 108
4. Consolidated Gas Supply Corporation
5. Martha D Strader 11226
6. West Virginia Other A-85772
7. Barbour, WV
8. 12.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17999
2. 47-001-00610
3. 108
4. Consolidated Gas Supply Corporation
5. Ruth Woods Dayton 11518
6. West Virginia Other A-85772
7. Barbour, WV
8. 7.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18000
2. 47-021-00624
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8839
6. West Virginia Other A-85772
7. Gilmer, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18001
2. 47-041-01287
3. 108
4. Consolidated Gas Supply Corporation
5. T Lee Hudkins 10543
6. West Virginia Other A-85772
7. Lewis, WV
8. 5.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18002
2. 47-021-01907
3. 108
4. Consolidated Gas Supply Corporation
5. H S Burwell 10905
6. West Virginia Other A-85772
7. Gilmer, WV
8. 7.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18003
2. 47-097-00546
3. 108
4. Consolidated Gas Supply Corporation
5. Glenn H Reynolds 10164
6. West Virginia Other A-85772
7. Upshur, WV
8. 13.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18004
2. 47-097-00357
3. 108
4. Consolidated Gas Supply Corporation
5. E J Martin 9322
6. West Virginia Other A-85772
7. Upshur, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18005
2. 47-107-00154
3. 108
4. Consolidated Gas Supply Corporation
5. Big Run Oil Co 8840
6. West Virginia Other A-85772
7. Wood, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18006
2. 47-097-00671
3. 108
4. Consolidated Gas Supply Corporation
5. Greta Radabaugh 10685
6. West Virginia Other A-85772
7. Upshur, WV
8. 3.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18007
2. 47-041-01847
3. 108
4. Consolidated Gas Supply Corporation
5. Joseph S Hall 11443
6. West Virginia Other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18008
2. 47-013-00015
3. 108
4. Consolidated Gas Supply Corporation
5. Mary Blake 6765
6. West Virginia Other A-85772
7. Calhoun, WV
8. 12.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18009
2. 47-033-00616
3. 108
4. Consolidated Gas Supply Corporation
5. J B Cunningham 8131
6. West Virginia Other A-85772
7. Harrison, WV
8. 5.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18010
2. 47-033-00637
3. 108
4. Consolidated Gas Supply Corporation
5. Jacob McConkey 11527
6. West Virginia Other A-85772
7. Harrison, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18011
2. 47-021-01160
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10273
6. West Virginia Other A-85772

7. Gilmer, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18012
2. 47-021-01279
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10306
6. West Virginia Other A-85772
7. Gilmer, WV
8. 14.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18013
2. 47-035-00721
3. 108
4. Consolidated Gas Supply Corporation
5. Archibald W Rowan 9396
6. West Virginia Other A-85772
7. Jackson, WV
8. 9.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-18076
2. 47-013-00750
3. 108
4. Consolidated Gas Supply Corporation
5. J E Conley 8645
6. West Virginia Other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18077
2. 47-001-00028
3. 108
4. Consolidated Gas Supply Corporation
5. F S Ward 8991
6. West Virginia Other A-85772
7. Barbour, WV
8. 4.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18078
2. 47-041-00174
3. 108
4. Consolidated Gas Supply Corporation
5. Vlda V Hitt 11032
6. West Virginia Other A-85772
7. Lewis, WV
8. 7.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18079
2. 47-033-03590
3. 108
4. Consolidated Gas Supply Corporation
5. J W McKinley 8184
6. West Virginia Other A-85772
7. Harrison, WV
8. 5.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18080
2. 47-017-01678
3. 108
4. Consolidated Gas Supply Corporation
5. J L Haddox 11488
6. West Virginia Other A-85772
7. Doddridge, WV
8. 8.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18081
2. 47-017-01674
3. 108
4. Consolidated Gas Supply Corporation
5. Nathan McDonald 11504
6. West Virginia Other A-85772
7. Doddridge, WV
8. 7.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18082
2. 47-021-00905
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett HRS 9706
6. West Virginia Other A-85772
7. Gilmer, WV
8. 9.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18083
2. 47-021-00190
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 7770
6. West Virginia Other A-85772
7. Gilmer, WV
8. 9.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18084
2. 47-041-00090
3. 108
4. Consolidated Gas Supply Corporation
5. Margaret Bonnett 5838
6. West Virginia Other A-85772
7. Lewis, WV
8. 9.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18085
2. 47-041-00030
3. 108
4. Consolidated Gas Supply Corporation
5. W J Bailey 8214
6. West Virginia Other A-85772
7. Lewis, WV
8. 11.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18086
2. 47-085-03380
3. 108
4. Consolidated Gas Supply Corporation
5. Sherwood Heirs 11236
6. West Virginia Other A-85772
7. Ritchie, WV
8. 12.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18087
2. 47-041-00036
3. 108
4. Consolidated Gas Supply Corporation
5. A P White 8384
6. West Virginia Other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18088
2. 47-041-01766
3. 108
4. Consolidated Gas Supply Corporation
5. J P Hull 11228
6. West Virginia Other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18089
2. 47-041-00913
3. 108
4. Consolidated Gas Supply Corporation
5. Israel Simmons 10356
6. West Virginia Other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18090
2. 47-041-00908
3. 108
4. Consolidated Gas Supply Corporation
5. A S Starcher 10363
6. West Virginia Other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18091
2. 47-041-01126
3. 108
4. Consolidated Gas Supply Corporation
5. A T Simmens 10460
6. West Virginia Other A-85772
7. Lewis, WV
8. 7.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18092
2. 47-001-00055
3. 108
4. Consolidated Gas Supply Corporation
5. Alman Poling 9128
6. West Virginia Other A-85772
7. Barbour, WV
8. 8.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18093
2. 47-001-00002
3. 108
4. Consolidated Gas Supply Corporation
5. Indian Fork Coal & Coke Co 7800
6. West Virginia Other A-85772
7. Barbour, WV
8. 12.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18094
2. 47-021-01594
3. 108
4. Consolidated Gas Supply Corporation
5. Lewis Bennett 10545
6. West Virginia Other A-85772
7. Gilmer, WV
8. 8.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18095
2. 47-041-01596
3. 108
4. Consolidated Gas Supply Corporation
5. S D Camden 10986
6. West Virginia Other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18096

2. 47-041-01526
3. 108
4. Consolidated Gas Supply Corporation
5. Guy Bush 10887
6. West Virginia Other A-85772
7. Lewis, WV
8. 5.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18097
2. 47-047-00064
3. 108
4. Consolidated Gas Supply Corporation
5. R. H. Hall 8392
6. West Virginia Other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18098
2. 47-045-00616
3. 108
4. Consolidated Gas Supply Corporation
5. Lawson HRS 10041
6. West Virginia Other A-85772
7. Logan, WV
8. 3.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18099
2. 47-097-00805
3. 108
4. Consolidated Gas Supply Corporation
5. Clay Queen 10515
6. West Virginia Other A-85772
7. Upshur WV
8. 3.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18100
2. 47-097-00760
3. 108
4. Consolidated Gas Supply Corporation
5. Freeman Robinson 10435
6. West Virginia Other A-85772
7. Upshur WV
8. 5.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18101
2. 47-017-01549
3. 108
4. Consolidated Gas Supply Corporation
5. C. M. Tate 11142
6. West Virginia Other A-85772
7. Doddridge WV
8. 5.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18102
2. 47-033-00877
3. 108
4. Consolidated Gas Supply Corporation
5. Thomas W. Payne 7928
6. West Virginia Other A-85772
7. Harrison WV
8. 11.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18103
2. 47-013-01994
3. 108
4. Consolidated Gas Supply Corporation
5. S. A. Hays 10458
6. West Virginia Other A-85772

7. Calhoun WV
8. 5.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18104
2. 47-013-01444
3. 108
4. Consolidated Gas Supply Corporation
5. Joseph Knotts 9988
6. West Virginia Other A-85772
7. Calhoun WV
8. 4.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18105
2. 47-017-00106
3. 108
4. Consolidated Gas Supply Corporation
5. W. B. Maxwell 7037
6. West Virginia Other A-85772
7. Doddridge WV
8. 12.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18106
2. 47-021-00593
3. 108
4. Consolidated Gas Supply Corporation
5. Percy-Boggs 8791
6. West Virginia Other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18107
2. 47-001-00023
3. 108
4. Consolidated Gas Supply Corporation
5. W. H. Chapman 8958
6. West Virginia Other A-85772
7. Barbour, WV
8. 5.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18108
2. 47-041-01677
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. A. W. Woodford 11152
6. West Virginia Other A-85772
7. Lewis, WV
8. 7.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18109
2. 47-041-01345
3. 108
4. Consolidated Gas Supply Corporation
5. E. L. Smith 10645
6. West Virginia Other A-85772
7. Lewis WV
8. 4.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18110
2. 47-041-00876
3. 108
4. Consolidated Gas Supply Corporation
5. Roy J. Linger 10359
6. West Virginia Other A-85772
7. Lewis WV
8. 10.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18111

2. 47-041-00750
3. 108
4. Consolidated Gas Supply Corporation
5. Lewis County Farm 10324
6. West Virginia Other A-85772
7. Lewis WV
8. 7.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18112
2. 47-041-00342
3. 108
4. Consolidated Gas Supply Corporation
5. Mary Rapabaugh 10161
6. West Virginia Other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18113
2. 47-041-00490
3. 108
4. Consolidated Gas Supply Corporation
5. Albert Jewell 10268
6. West Virginia Other A-85772
7. Lewis WV
8. 7.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18114
2. 47-041-01117
3. 108
4. Consolidated Gas Supply Corporation
5. W. M. Gimmel 10441
6. West Virginia Other A-85772
7. Lewis WV
8. 7.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18115
2. 47-021-00838
3. 108
4. Consolidated Gas Supply Corporation
5. W. G. Bennett 9412
6. West Virginia Other A-85772
7. Gilmer WV
8. 4.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18116
2. 47-021-00648
3. 108
4. Consolidated Gas Supply Corporation
5. A. B. Meadows 6148
6. West Virginia Other A-85772
7. Gilmer WV
8. 9.0 million cubic feet
9. August 28, 1979
10. General System Purchasers
1. 79-18156
2. 47-021-02166
3. 108
4. Consolidated Gas Supply Corporation
5. P. Maxwell 11378
6. West Virginia other A-85772
7. Gilmer WV
8. 11.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18157
2. 47-021-01159
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10272
6. West Virginia other A-85772

7. Gilmer WV
8. 5.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18158
2. 47-021-01365
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10376
6. West Virginia other A-85772
7. Gilmer WV
8. 10.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18159
2. 47-013-01312
3. 108
4. Consolidated Gas Supply Corporation
5. W. A. Stalnaker 9920
6. West Virginia other A-85772
7. Calhoun WV
8. 9.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18160
2. 47-013-01692
3. 108
4. Consolidated Gas Supply Corporation
5. Una Jarvis 10137
6. West Virginia other A-85772
7. Calhoun WV
8. 5.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18161
2. 47-013-00686
3. 108
4. Consolidated Gas Supply Corporation
5. C. C. Knotts 8620
6. West Virginia other A-85772
7. Calhoun WV
8. 6.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18162
2. 47-013-00679
3. 108
4. Consolidated Gas Supply Corporation
5. Hunter M. Bennett 8603
6. West Virginia other A-85772
7. Calhoun WV
8. 5.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18163
2. 47-021-00639
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8855
6. West Virginia other A-85772
7. Gilmer WV
8. 9.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18164
2. 47-021-01068
3. 108
4. Consolidated Gas Supply Corporation
5. Dobbins-Bennett 10022
6. West Virginia other A-85772
7. Gilmer WV
8. 1.5 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18165

2. 47-021-01075
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10025
6. West Virginia other A-85772
7. Gilmer WV
8. 5.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18166
2. 47-041-01379
3. 108
4. Consolidated Gas Supply Corporation
5. O. K. Tillman 10663
6. West Virginia other A-85772
7. Lewis WV
8. 8.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18167
2. 47-033-00035
3. 108
4. Consolidated Gas Supply Corporation
5. Landors Harbert 7745
6. West Virginia other A-85772
7. Harrison WV
8. 9.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18169
2. 47-021-01833
3. 108
4. Consolidated Gas Supply Corporation
5. Albert Vanhorn 6682
6. West Virginia other A-85772
7. Gilmer WV
8. 6.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18170
2. 47-001-00244
3. 108
4. Consolidated Gas Supply Corporation
5. Lucille C. Chesser 10713
6. West Virginia other A-85772
7. Barbour WV
8. 19.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18171
2. 47-005-00427
3. 108
4. Consolidated Gas Supply Corporation
5. Susan A. Miller 7841
6. West Virginia other A-85772
7. Boone WV
8. 4.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18172
2. 47-005-00495
3. 108
4. Consolidated Gas Supply Corporation
5. White & Hopkins 8550
6. West Virginia other A-85772
7. Boone WV
8. 7.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18173
2. 47-005-00929
3. 108
4. Consolidated Gas Supply Corporation
5. A. Cole 10338
6. West Virginia other A-85772

7. Boone WV
8. 12.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18174
2. 47-001-00480
3. 108
4. Consolidated Gas Supply Corporation
5. E. Calihon 11189
6. West Virginia other A-85772
7. Barbour WV
8. 11.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18175
2. 47-021-02233
3. 108
4. Consolidated Gas Supply Corporation
5. Almira Dent 11482
6. West Virginia other A-85772
7. Gilmer WV
8. 1.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18176
2. 47-001-00417
3. 108
4. Consolidated Gas Supply Corporation
5. Indian Fork Coal & Coke 11018
6. West Virginia other A-85772
7. Barbour WV
8. 8.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18177
2. 47-001-00442
3. 108
4. Consolidated Gas Supply Corporation
5. O. Campbell 11124
6. West Virginia other A-85772
7. Barbour WV
8. 11.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18178
2. 47-001-00591
3. 108
4. Consolidated Gas Supply Corporation
5. Delbert C. Weaver 11489
6. West Virginia other A-85772
7. Barbour WV
8. 5.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18179
2. 47-003-00977
3. 108
4. Consolidated Gas Supply Corporation
5. Federal Coal Co. 10696
6. West Virginia other A-85772
7. Boone WV
8. 6.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18180
2. 47-005-00990
3. 108
4. Consolidated Gas Supply Corporation
5. Federal Coal Co. 10800
6. West Virginia other A-85772
7. Boone WV
8. 9.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18181

2. 47-013-00059
3. 108
4. Consolidated Gas Supply Corporation
5. Pierce Lough 5859
6. West Virginia other A-85772
7. Calhoun WV
8. 14.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18182
2. 47-033-00036
3. 108
4. Consolidated Gas Supply Corporation
5. Frances O. Coffman 11047
6. West Virginia other A-85772
7. Harrison WV
8. 3.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18183
2. 47-033-00065
3. 108
4. Consolidated Gas Supply Corporation
5. G. B. Coffman 2581
6. West Virginia other A-85772
7. Harrison WV
8. 8.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18184
2. 47-021-01596
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10544
6. West Virginia other A-85772
7. Gilmer WV
8. 5.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18185
2. 47-001-00171
3. 108
4. Consolidated Gas Supply Corporation
5. Hazel Mutter 10642
6. West Virginia other A-85772
7. Barbour WV
8. 10.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18186
2. 47-001-00094
3. 108
4. Consolidated Gas Supply Corporation
5. Indian Fork Coal & Coke 9668
6. West Virginia other A-85772
7. Barbour WV
8. 7.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18187
2. 47-001-00278
3. 108
4. Consolidated Gas Supply Corporation
5. Robert E. Trimble 10726
6. West Virginia other A-85772
7. Barbour WV
8. 5.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18188
2. 47-021-00897
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9695
6. West Virginia other A-85772

7. Gilmer WV
8. 9.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18189
2. 47-021-00920
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9750
6. West Virginia other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18190
2. 47-021-00921
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9751
6. West Virginia other A-85772
7. Gilmer WV
8. 5.0 million cubic feet
9. August 29, 1979
10. General System Purchasers
1. 79-18191
2. 47-001-00098
3. 108
4. Consolidated Gas Supply Corporation
5. Century Coal Co 10176
6. West Virginia other A-85772
7. Barbour WV
8. 9.0 million cubic feet
9. August 29, 1979
10. General System Purchasers

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. 79-18053/G8-139
2. 17-711-40380-00S1-0
3. 102
4. Tenneco Exploration Ltd
5. OCS G-0821 No. C-12
6. Ship Shoal
7. 183
8. 210.0 million cubic feet
9. August 28, 1979
10. Tenneco Oil Company; Tennessee Gas Pipeline Company
1. 79-18054/G8-128
2. 17-711-40261-01S1-0
3. 102 Denied
4. Tenneco Oil Company
5. OCS G-1019 No. C-1
6. Ship Shoal
7. 182
8. 62.0 million cubic feet
9. August 28, 1979
10. Tennessee Gas Pipeline Company
1. 79-18055/G8-138
2. 17-711-40373-00S1-0
3. 102 Denied
4. Tenneco Exploration Ltd
5. OCS G-0821 No. C-11
6. Ship Shoal
7. 183
8. 183.0 million cubic feet

9. August 28, 1979
10. Tenneco Oil Company
1. 79-18057/G8-130
2. 17-711-40340-00S1-0
3. 102
4. Tenneco Oil Company
5. OCS G-1019 No. C-3
6. Ship Shoal
7. 182
8. 230.0 million cubic feet
9. August 28, 1979
10. Tennessee Gas Pipeline Company
1. 79-18058/G8-129
2. 17-711-40335-00S1-0
3. 102
4. Tenneco Oil Company
5. OCS G-1019 No. C-2
6. Ship Shoal
7. 182
8. 60.0 million cubic feet
9. August 28, 1979
10. Tennessee Gas Pipeline Company
1. 79-18059/G8-137
2. 17-711-40370-00S1-0
3. 102
4. Tenneco Exploration Ltd
5. OCS G-0821 No. C-10
6. Ship Shoal
7. 183
8. 155.0 million cubic feet
9. August 28, 1979
10. Tenneco Oil Company; Tennessee Gas Pipeline Company
1. 79-18060/G8-131
2. 17-711-40348-00S1-0
3. 102
4. Tenneco Oil Company
5. OCS G-1019 No. C-4
6. Ship Shoal
7. 182
8. 250.0 million cubic feet
9. August 28, 1979
10. Tennessee Gas Pipeline Company
1. 79-18061/G8-135
2. 17-711-40360-00S1-0
3. 102
4. Tenneco Exploration Ltd
5. OCS G-0821 No. C-8
6. Ship Shoal
7. 183
8. 175.0 million cubic feet
9. August 28, 1979
10. Tenneco Oil Company; Tennessee Gas Pipeline Company
1. 79-18062/G8-134
2. 17-711-40350-00S1-0
3. 102
4. Tenneco Oil Company
5. OCS G-1019 No. C-7
6. Ship Shoal
7. 182
8. 230.0 million cubic feet
9. August 28, 1979
10. Tennessee Gas Pipeline Company
1. 79-18063/G8-132
2. 17-711-40347-00S1-0
3. 102
4. Tenneco Oil Company
5. OCS G-1019 No. C-5
6. Ship Shoal
7. 182
8. 180.0 million cubic feet
9. August 28, 1979
10. Tennessee Gas Pipeline Company
1. 79-18064/G8-133

2. 17-711-40364-00S1-0
3. 102
4. Tenneco Exploration Ltd
5. OCS G-0821 No. C-6
6. Ship Shoal
7. 183
8. 190.0 million cubic feet
9. August 28, 1979
10. Tennessee Gas Pipeline Company
1. 79-18065/G9-584
2. 17-715-40166-0200-0
3. 102
4. Chevron U S A Inc
5. OCS G-1241 No. C-16
6. South Timbalier
7. 52
8. 153.0 million cubic feet
9. August 28, 1979
10. Trunkline Gas Co
1. 79-18056/G9-683
2. 42-711-40349-0000-0
3. 102 Denied
4. Aminoil Development Inc.
5. OCS G-2743 No. B-2
6. High Island
7. A-349
8. 1800.0 million cubic feet
9. August 28, 1979
10. Natural Gas Pipeline Co of America; Transcontinental P/L; Tenn Gas P/L; United Gas P/L; Mich-Wisc P/L; National Fuel Gas Supply Corporation

1. 79-18052/G 8-136
2. 17-711-40360-0S10
3. 102
4. Tenneco Oil Company
5. OCS G-1019 # C-9
6. Ship Shoal
7. 182
8. 230.0 million cubic feet
9. August 28, 1979
10. Tennessee Gas Pipeline Company

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. 79-18250/NM-2126-79
2. 30-045-20446-0000-0
3. 108
4. El Paso Natural Gas Company
5. Bolack B #7
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 17.9 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18014/NM-1694-79
2. 30-039-20817-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 27-5 unit 187
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Company and Northwest Pipeline Corporation

1. 79-18015/NM-1760-79
2. 30-045-22903-0000-0
3. 103
4. El Paso Natural Gas Company
5. San Juan 32-9 Unit #95
6. Blanco
7. San Juan, NM
8. 300.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Company
1. 79-18016/NM-1764-79
2. 30-045-22909-0000-0
3. 103
4. El Paso Natural Gas Company
5. San Juan 32-P Unit Com #82
6. Blanco
7. San Juan, NM
8. 210.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Company
1. 79-18017/NM-1765-79
2. 30-045-22911-0000-0
3. 103
4. El Paso Natural Gas Company
5. San Juan 32-9 Unit #83
6. Blanco
7. San Juan, NM
8. 290.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Company
1. 79-18018/NM-1766-79
2. 30-045-22579-0000-0
3. 103
4. El Paso Natural Gas Company
5. Kelly A #8
6. Blanco
7. San Juan, NM
8. 402.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Company
1. 79-18019/NM-1879-79
2. 30-039-05922-0000-0
3. 108
4. Lynco Oil Corporation
5. Hall #5
6. South Blanco PC
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Company
1. 79-18020/NM-1886-79
2. 30-039-05171-0000-0
3. 108
4. Lynco Oil Corporation
5. Hanson #2
6. South Blanco PC
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas Company
1. 79-18021/NM-1935-79
2. 30-039-20666-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache F #5
6. Axi Apache Area
7. Rio Arriba, NM
8. 14.3 million cubic feet
9. August 28, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-18022/NM-1934-79
2. 30-025-0000-0000-0
3. 108
4. Continental Oil Company
5. Cline A-15 #3

6. New Mexico Federal Unit
7. Lea, NM
8. 7.4 million cubic feet
9. August 28, 1979
10. Phillips Petroleum Co (C-468)
1. 79-18023/NM-1933-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. North El Mar Unit #32
6. El Mar
7. Lea, NM
8. 1.3 million cubic feet
9. August 28, 1979
10. Phillips Petroleum (C-638)
1. 79-18024/NM-1932-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Lockhart B-14A #3
6. New Mexico Federal Unit
7. Lea, NM
8. 3.7 million cubic feet
9. August 28, 1979
10. Getty Oil Co (C-112)
1. 79-18025/NM-1929-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache C #5
6. Axi Apache Area
7. Rio Arriba, NM
8. 3.2 million cubic feet
9. August 28, 1979
10. Gas Co of New Mexico (C-4787)
1. 79-18026/NM-1928-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Reed B #4
6. New Mexico Federal Unit
7. Lea, NM
8. 12.1 million cubic feet
9. August 28, 1979
10. Phillips Petroleum (C-257)
1. 79-18027/NM-1937-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache C #11
6. Axi Apache Area
7. Rio Arriba, NM
8. 7.9 million cubic feet
9. August 28, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-18028/NM-1927-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. North El Mar Unit #36
6. El Mar
7. Lea, NM
8. .7 million cubic feet
9. August 28, 1979
10. Phillips Petroleum Co (C-638)
1. 79-18029/NM-1925-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Stevens B-7 Com #2
6. New Mexico Federal Unit
7. Lea, NM
8. 4.5 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas (C-4037)

1. 79-18030/NM-1922-79
 2. 30-039-02414-0000-0
 3. 108
 4. Continental Oil Company
 5. Axi Apache J #19
 6. Axi Apache Area
 7. Rio Arriba, NM
 8. 19.1 million cubic feet
 9. August 28, 1979
 10. Gas Company of New Mexico (C-4787)
-
1. 79-18031/NM-1940-79
 2. 30-039-00000-0000-0
 3. 108
 4. Continental Oil Company
 5. Northeast Haynes #5
 6. Otero Ranch
 7. Rio Arriba, NM
 8. 8.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas (C-4609)
-
1. 79-18032/NM-1941-79
 2. 30-025-00000-0000-0
 3. 108
 4. Continental Oil Company
 5. Meyer B-31A #2
 6. New Mexico Federal unit
 7. Lea, NM
 8. .8 million cubic feet
 9. August 28, 1979
 10. Phillips Petroleum Co (C-257)
-
1. 79-18033/NM-1942-79
 2. 30-025-00000-0000-0
 3. 108
 4. Continental Oil Company
 5. Warren Unit-McKee #3
 6. New Mexico Federal unit
 7. Lea, NM
 8. 9.7 million cubic feet
 9. August 28, 1979
 10. Warren Petroleum (C-131)
-
1. 79-18034/NM-1943-79
 2. 30-025-00000-0000-0
 3. 108
 4. Continental Oil Company
 5. Semu Permian #43
 6. New Mexico Federal unit
 7. Lea, NM
 8. .8 million cubic feet
 9. August 28, 1979
 10. Warren Petroleum (C-131)
-
1. 79-18035/NM-1944-79
 2. 30-025-00000-0000-0
 3. 108
 4. Continental Oil Company
 5. Sholes B 19 #1
 6. New Mexico Federal unit
 7. Lea, NM
 8. 7.2 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas (C-4037)
-
1. 79-18036/NM-1945-79
 2. 30-025-00000-0000-0
 3. 108
 4. Continental Oil Company
 5. Lockhart B-12 #9
 6. New Mexico Federal unit
 7. Lea, NM
 8. 2.9 million cubic feet
 9. August 28, 1979
 10. Getty Oil Co (C-112)
-
1. 79-18037/NM-1946-79
 2. 30-025-00000-0000-0
 3. 108
 4. Continental Oil Company
 5. Sholes A #7
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6. New Mexico Federal unit
 7. Lea, NM
 8. 2.1 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas (C-4037)
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1. 79-18038/NM-1990-79
 2. 30-025-00000-0000-0
 3. 108
 4. Continental Oil Company
 5. Britt A-8 #1
 6. New Mexico Federal unit
 7. Lea, NM
 8. 1.6 million cubic feet
 9. August 28, 1979
 10. Warren Petroleum (C-139)
-
1. 79-18039/NM-1992-79
 2. 30-025-25531-0000-0
 3. 103
 4. Continental Oil Company
 5. Phillips Hooper #2
 6. Arrowhead E-M-E
 7. Lea, NM
 8. 33.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas (C-4037)
-
1. 79-18040/NM-1997-79
 2. 30-025-00000-0000-0
 3. 108
 4. Continental Oil Company
 5. Sanderson B-14 #5
 6. New Mexico Federal unit
 7. Lea, NM
 8. 12.7 million cubic feet
 9. August 28, 1979
 10. Warren Petroleum (C-139)
-
1. 79-18041/NM-2001-79
 2. 30-025-25850-0000-0
 3. 103
 4. Continental Oil Company
 5. Warren Unit Tubb #50
 6. Warren Tubb (oil)
 7. Lea, NM
 8. 80.0 million cubic feet
 9. August 28, 1979
 10. Warren Petroleum Company
-
1. 79-1818042/NM-2002-79
 2. 30-025-00000-0000-0
 3. 108
 4. Continental Oil Company
 5. Reed B #10
 6. New Mexico Federal Unit
 7. Lea, NM
 8. 7.1 million cubic feet
 9. August 28, 1979
 10. Phillips Petroleum Co (C-257)
-
1. 79-18043/NM-2006-79
 2. 30-025-00000-0000-0
 3. 108
 4. Continental Oil Company
 5. Lockhart B-14 A #2
 6. New Mexico Federal Unit
 7. Lea, NM
 8. 2.3 million cubic feet
 9. August 28, 1979
 10. Getty Oil Co (C-112)
-
1. 79-18044/NM-2010-79
 2. 30-025-00000-0000-0
 3. 108
 4. Continental Oil Company
 5. Langlie Lynn Queen Unit #12
 6. New Mexico Federal Unit
 7. Lea, NM
 8. .1 million cubic feet
 9. August 28, 1979
 10. Phillips Petroleum Co (C-468)
-
1. 79-18045/NM-2038-79
 2. 30-045-06076-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Huerfano Unit #71
 6. Basin-Dakota Gas
 7. San Juan, NM
 8. 14.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Company Northwest Pipeline Corporation Southern Union Gathering Co
-
1. 79-18046/NM-2040-79
 2. 30-039-82322-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Lindrith Unit #40
 6. Blanco South-Pictured Cliffs Gas
 7. Rio Arriba, NM
 8. 17.9 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Company
-
1. 79-18047/NM-2089-79
 2. 30-039-07386-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. SJ 28-5 Unit #49
 6. Blanco-Mesaverde Gas
 7. Rio Arriba, NM
 8. 12.8 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Company
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1. 79-18048/NM-2090-79
 2. 30-039-07132-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. SJ 28-7 Unit 81 PC & MV
 6. Blanco 5 PC & MV Gas
 7. Rio Arriba, NM
 8. 17.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Company
-
1. 79-18049/NM-2091-79
 2. 30-039-20435-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. San Juan 28-7 Unit #154
 6. Basin-Dakota Gas
 7. Rio Arriba, NM
 8. 21.2 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Company
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1. 79-18050/NM-2092-79
 2. 30-039-07137-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. San Juan 28-8 Unit #11
 6. Blanco-Mesaverde Gas
 7. Rio Arriba, NM
 8. 16.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Company
-
1. 79-18051/NM-2093-79
 2. 30-039-07017-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. San Juan 28-7 Unit #78
 6. Blanco-Mesaverde Gas
 7. Rio Arriba, NM
 8. 19.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Company
-
1. 79-18075/NM-1923-79
 2. 30-025-00000-0000-0
 3. 108

4. Continental Oil Company
5. Semu-Eumoni #55
6. New Mexico Federal Unit
7. Lea, NM
8. 7.3 million cubic feet
9. August 28, 1979
10. Warren Petroleum (C-131)
1. 79-18194/NM-1986-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache N No 4
6. Axi Apache Area
7. Rio Arriba, NM
8. .0 million cubic feet
9. August 28, 1979
10. Gas Company of New Mexico
1. 79-18195/NM-1985-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Sanderson B-1 #3
6. New Mexico Federal Unit
7. Lea, NM
8. 5.3 million cubic feet
9. August 28, 1979
10. Warren Petroleum (C-139)
1. 79-18196/NM-1984-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Snaderson #15
6. New Mexico Federal Unit
7. Lea, NM
8. 4.6 million cubic feet
9. August 28, 1979
10. Warren Petroleum (C-139)
1. 79-18197/NM-1983-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache J #3
6. Axi Apache Area
7. Rio Arriba, NM
8. 12.7 million cubic feet
9. August 28, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-18198/NM-1981-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Meyer A-290 AC/2 #5
6. New Mexico Federal Unit
7. Lea, NM
8. 5.9 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas (C-4037)
1. 79-18199/NM-1980-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Sanderson B-1 #1
6. New Mexico Federal Unit
7. Lea, NM
8. 4.4 million cubic feet
9. August 28, 1979
10. Warren Petroleum (C-139)
1. 79-18200/NM-1978-79
2. 30-025-25656-0000-0
3. 103
4. Continental Oil Company
5. Semu Eumont #98
6. Eumont Yates Seven Rivers Queen Gas
7. Lea, NM
8. 86.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas (C-4037)
1. 79-18201/NM-1976-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Wells A #8
6. New Mexico Federal Unit
7. Lea, NM
8. 12.0 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas (C-4037)
1. 79-182202/NM-1971-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Lockhart B-11 #16
6. New Mexico Federal Unit
7. Lea, NM
8. 8.5 million cubic feet
9. August 28, 1979
10. Getty Oil Co (C-112)
1. 79-18203/NM-1968-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. North El Mar Unit #49
6. El Mar
7. Lea, NM
8. 2.7 million cubic feet
9. August 28, 1979
10. Phillips Petroleum (C-638)
1. 79-18204/NM-1968-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache C No 4
6. Axi Apache Area
7. Rio Arriba, NM
8. 5.7 million cubic feet
9. August 28, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-18205/NM-1967-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache H #1
6. Axi Apache Area
7. Rio Arriba, NM
8. 8.7 million cubic feet
9. August 28, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-18206/NM-1966-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Meyer B-33 #1
6. New Mexico Federal Unit
7. Lea, NM
8. 1.7 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas (C-4037)
1. 79-18207/NM-1964-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache H #4
6. Axi Apache Area
7. Rio Arriba, NM
8. 5.5 million cubic feet
9. August 28, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-18208/NM-1961-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache H #3
6. Axi Apache Area
7. Rio Arriba, NM
8. 6.3 million cubic feet
9. August 28, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-18209/NM-1958-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Britt A-6 #4
6. New Mexico Federal Unit
7. Lea, NM
8. 18.9 million cubic feet
9. August 28, 1979
10. El Paso Natural Gas (C-4037)
1. 79-18210/NM-1956-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Britt A-6 #2
6. New Mexico Federal Unit
7. Lea, NM
8. 3.2million cubic feet
9. August 28, 1979
10. Warren Petroleum (C-139)
1. 79-18211/NM-1954-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache L #5
6. Axi Apache Area
7. Rio Arriba, NM
8. 6.2 million cubic feet
9. August 28, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-18212/NM-1953-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache C #9
6. Axi Apache Area
7. Rio Arriba, NM
8. 8.8 million cubic feet
9. August 28, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-18213/NM-1950-79
2. 30-039-21117-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache M #5
6. Axi Apache Area
7. Rio Arriba, NM
8. 18.1 million cubic feet
9. August 28, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-18214/NM-2125-79
2. 30-045-12147-0000-0
3. 108
4. El Paso Natural Gas Company
5. P L Davis #1
6. Basin-Dakota Gas
7. San Juan, NM
8. 16.1 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18215/NM-2124-79
2. 30-045-12079-0000-0
3. 108
4. El Paso Natural Gas Company
5. Storey #5
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM

8. 16.8 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18216/NM-2123-79
2. 30-045-12071-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Jacinto #8
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 20.1 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18217/NM-2121-79
2. 30-039-07104-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-6 Unit #23
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18218/NM-2117-79
2. 30-039-06824-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #73
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 19.3 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18219/NM-2110-79
2. 30-045-12074-0000-0
3. 108
4. El Paso Natural Gas Company
5. Pierce #4
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 16.8 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18220/NM-2103-79
2. 30-039-06986-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #52
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 4.0 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18221/NM-2102-79
2. 30-039-06858-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #48
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 20.4 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18222/NM-2097-79
2. 30-045-20336-0000-0
3. 108
4. El Paso Natural Gas Company
5. Howell #8
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 17.9 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18223/NM-2095-79
2. 30-045-08818-0000-0
3. 108
4. El Paso Natural Gas Company
5. Murphy A Com A #2
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 20.1 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18225/NM-2087-79
2. 30-039-05654-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #2
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18226/NM-2086-79
2. 30-039-60093-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit 107 PC & MV
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 19.0 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18227/NM-2085-79
2. 30-045-20764-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #213
6. Basin-Dakota Gas
7. San Juan, NM
8. 16.0 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corporation Southern Union Gathering Co.
1. 79-18228/NM-2076-79
2. 30-039-07511-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 29-4 Unit #14
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18229/NM-2075-79
2. 30-039-07029-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #122
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.4 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-18230/NM-2074-79
2. 30-039-07418-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-5 Unit #25
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 15.0 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18231/NM-2072-79
2. 30-039-07028-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit Unit #89
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.5 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18232/NM-1949-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Northeast Haynes #9
6. Otero Ranch
7. Rio Arriba, NM
8. 11.6 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company (C-4608)
1. 79-18234/NM-2168-79
2. 30-039-06866-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #163
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.5 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18235/NM-2167-79
2. 30-039-07996-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 32-5 Unit #1X
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18236/NM-2166-79
2. 30-045-20315-0000-0
3. 108
4. El Paso Natural Gas Company
5. Heaton #22
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 9.0 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18237/NM-2165-79
2. 30-045-05417-0000-0
3. 108
4. El Paso Natural Gas Company
5. Payne #5
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 5.8 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corporation
1. 79-18238/NM-2161-79
2. 30-039-20282-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit NP #158
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 11.7 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18239/NM-2150-79
2. 30-045-11427-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-9 Unit #75
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 4.0 million cubic feet

9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18240/NM-2138-79
2. 30-039-07012-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 27-5 Unit #10
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 15.0 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-18241/NM-2132-79
2. 30-039-06429-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J #6
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-18242/NM-2131-79
2. 30-039-05540-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla H #15
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 1.8 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-18243/NM 2130-79
2. 30-039-06528-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J #16
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.4 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company; Northwest Pipeline Corp
1. 79-18244/NM 2129-79
2. 30-039-06457-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J #13
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 14.2 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company; Northwest Pipeline Corp
1. 79-18245/NM 2128-79
2. 30-045-20453-0000-0
3. 108
4. El Paso Natural Gas Company
5. Florance C #13
6. Blanco East-Pictured Cliffs Gas
7. San Juan NM
8. 13.5 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18246/NM 2127-79
2. 30-045-20447-0000-0
3. 108
4. El Paso Natural Gas Company
5. Riddle F #7
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 11.0 million cubic feet

9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18247/NM 2169-79
2. 30-039-07823-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 30-4 Unit #7
6. Blanco East-Pictured Cliffs Gas
7. Rio Arriba NM
8. 10.2 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18248/NM 2170-79
2. 30-039-07350-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #114
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 6.6 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18249/NM 2171-79
2. 30-039-06937-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 27-4 Unit 21 PC & MV
6. Tapacito PC & Blanco MV Gas
7. Rio Arriba NM
8. 14.9 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18251/NM 2098-79
2. 30-039-06073-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #31
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 11.7 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18252/NM 2099-79
2. 30-039-05779-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #55
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 2.2 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18253/NM 2100-79
2. 30-039-07433-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #23
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 14.2 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas 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. 79-18224/NM 2088-79
2. 30-039-07079-0000

3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #121
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 11.3 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company
1. 79-18254/NM 2101-79
2. 30-039-07425
3. 108
4. El Paso Natural Gas Co
5. San Juan 28-7 Unit #24
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 15.7 million cubic feet
9. August 29, 1979
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations May, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the **Federal Register**.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30726 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

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.

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. 79-18966/00191
2. 34-031-22982-0014

3. 108
4. The Oxford Oil Co
5. Noah Raber No. 1
- 6.
7. Coshocton, OH
8. 12.0 million cubic feet
9. September 5, 1979
10. National Gas & Oil Corp
1. 79-18967/00384
2. 34-189-22009-0014
3. 108
4. Ponderosa Oil Company
5. Homer Steiner Well No. 1
- 6.
7. Wayne, OH
8. 5.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18968/01644
2. 34-059-21816-0014
3. 108
4. Viking Resources Corporation
5. Mary Jane Kackley et al No. 1
- 6.
7. Guernsey, OH
8. 2.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18969/02795
2. 34-157-21468-0014
3. 108
4. Phoenix National Petroleum
5. Guspyt-Huebner B Unit No. 1
- 6.
7. Tuscarawas, OH
8. 13.4 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-18970/03010
2. 34-059-21743-0014
3. 108
4. Resource Exploration Inc
5. Camp Estates No. 1
- 6.
7. Guernsey, OH
8. 1.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18971/03012
2. 34-059-31744-0014
3. 108
4. Resource Exploration Inc
5. Downerd No. 1
- 6.
7. Guernsey, OH
8. 1.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18972/03013
2. 34-059-21745-0014
3. 108
4. Resource Exploration Inc
5. Hibbs No. 1
- 6.
7. Guernsey, OH
8. 1.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18973/03405
2. 34-157-21562-0014
3. 108
4. Phoenix National Petroleum
5. M H Cole No. 1
- 6.
7. Tuscarawas, OH
8. 2.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-18974/03406
2. 34-157-21748-0014
3. 108
4. Phoenix National Petroleum
5. North American Coal No. 1
- 6.
7. Tuscarawas, OH
8. 5.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-18975/03497
2. 34-093-20897-0014
3. 108
4. Erie Oil & Gas Co
5. Boy Scout No. 1
- 6.
7. Lorain, OH
8. 3.6 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18976/04068
2. 34-075-21468-0014
3. 108
4. Resource Exploration Inc
5. Creighton No. 1
- 6.
7. Holmes, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18977/04069
2. 34-157-21837-0014
3. 108
4. Resource Exploration Inc
5. Miller No. 1
- 6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18978/04070
2. 34-157-21536-0014
3. 108
4. Resource Exploration Inc
5. N N A N & S N Yoder No. 1
- 6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18979/04071
2. 34-157-21777-0014
3. 108
4. Resource Exploration Inc
5. Wasteland Reclamation No. 4
- 6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18980/04072
2. 34-057-21559-0014
3. 108
4. Resource Exploration Inc
5. Troyer No. 2
- 6.
7. Holmes, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18981/04073
2. 34-157-21768-0014
3. 108
4. Resource Exploration Inc
5. Wasteland Reclamation No. 5
- 6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18982/04074
2. 34-157-21769-0014
3. 108
4. Resource Exploration Inc
5. Wasteland Reclamation No. 5
- 6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18983/04075
2. 34-157-21783-0014
3. 108
4. Resource Exploration Inc
5. Yoder No. 1
- 6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18984/04076
2. 34-157-21787-0014
3. 108
4. Resource Exploration Inc
5. Rowe No. 1
- 6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18985/04077
2. 34-157-21815-0014
3. 108
4. Resource Exploration Inc
5. Kaufman No. 3
- 6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18986/04078
2. 34-157-21789-0014
3. 108
4. Resource Exploration Inc
5. Miller No. 1
- 6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18987/04079
2. 34-157-21857-0014
3. 108
4. Resource Exploration Inc
5. Schrock No. 1
- 6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18988/04080
2. 34-075-21601-0014
3. 108
4. Resource Exploration Inc
5. Hershberger No. 1

6.
7. Holmes, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18989/04081
2. 34-157-21547-0014
3. 108
4. Resource Exploration Inc
5. A & M Schlabach No. 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18990/04082
2. 34-157-21535-0014
3. 108
4. Resource Exploration Inc
5. E A Yoder No. 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18991/04083
2. 34-157-21450-0014
3. 108
4. Resource Exploration Inc
5. J Miller No. 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18992/04084
2. 34-157-21537-0014
3. 108
4. Resource Exploration Inc
5. Shetler No. 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18993/04085
2. 34-157-21540-0014
3. 108
4. Resource Exploration Inc
5. D M & B Miller No. 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18994/04086
2. 34-157-21840-0014
3. 108
4. Resource Exploration Inc
5. Troyer No. 14
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18995/04087
2. 34-157-21864-0014
3. 108
4. Resource Exploration Inc
5. Schlabach No. 5
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp

1. 79-18996/04088
2. 34-075-21579-0014
3. 108
4. Resource Exploration Inc
5. Troyer-Schrock No. 12
6.
7. Holmes, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18997/04089
2. 34-157-22195-0014
3. 108
4. Resource Exploration Inc
5. Miller No. 9
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18998/04090
2. 34-157-22173-0014
3. 108
4. Resource Exploration Inc
5. Miller No. 10
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-18999/04091
2. 34-157-22167-0014
3. 108
4. Resource Exploration Inc
5. Wengerd No. 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19000/04092
2. 34-157-22172-0014
3. 108
4. Resource Exploration Inc
5. Walter No. 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19001/04093
2. 34-157-21543-0014
3. 108
4. Resource Exploration Inc
5. Wasteland Reclamation No. 2
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19002/04102
2. 34-157-22248-0014
3. 108
4. Resource Exploration Inc
5. Maurer No. 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19003/04103
2. 34-075-21482-0014
3. 108
4. Resource Exploration Inc
5. B Troyer No. 1

6.
7. Holmes, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19004/04104
2. 34-157-21548-0014
3. 108
4. Resource Exploration Inc
5. A Schlabach No. 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19005/04105
2. 34-157-21847-0014
3. 108
4. Resource Exploration Inc
5. Shepher-Moomaw No. 2
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19006/04106
2. 34-075-21614-0014
3. 108
4. Resource Exploration Inc
5. Troyer No. 11
6.
7. Holmes, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19007/04107
2. 34-157-21999-0014
3. 108
4. Resource Exploration Inc
5. Schlabach No. 6
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19008/04108
2. 34-157-21968-0014
3. 108
4. Resource Exploration Inc
5. Eicher No. 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19009/04109
2. 34-157-21839-0014
3. 108
4. Resource Exploration Inc
5. Steinebrey No. 3
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19010/04110
2. 34-157-21841-0014
3. 108
4. Resource Exploration Inc
5. Schlabach No. 4
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp

1. 79-19011/04111
 2. 34-157-21873-0014
 3. 108
 4. Resource Exploration Inc
 5. Beachy No. 3
 - 6.
 7. Tuscarawas, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19012/04112
 2. 34-157-21838-0014
 3. 108
 4. Resource Exploration Inc
 5. Miller No. 7
 - 6.
 7. Tuscarawas, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19013/04113
 2. 34-075-21634-0014
 3. 108
 4. Resource Exploration Inc
 5. Yoder No. 2A
 - 6.
 7. Holmes, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19014/04114
 2. 34-157-21848-0014
 3. 108
 4. Resource Exploration Inc
 5. Mullett No. 1
 - 6.
 7. Tuscarawas, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19015/04115
 2. 34-075-21588-0014
 3. 108
 4. Resource Exploration Inc
 5. Stengel No. 1
 - 6.
 7. Holmes, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19016/04116
 2. 34-157-21778-0014
 3. 108
 4. Resource Exploration Inc
 5. Wasteland Reclamation No. 6
 - 6.
 7. Tuscarawas, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19017/04117
 2. 34-075-21585-0014
 3. 108
 4. Resource Exploration Inc
 5. Schlabach No. 2
 - 6.
 7. Holmes, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19018/04118
 2. 34-075-21590-0014
 3. 108
 4. Resource Exploration Inc
 5. Yoder No. 3
 - 6.
 7. Holmes, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19019/04119
 2. 34-157-21849-0014
 3. 108
 4. Resource Exploration Inc
 5. Andreas No. 1
 - 6.
 7. Tuscarawas, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19020/04120
 2. 34-157-21539-0014
 3. 108
 4. Resource Exploration Inc
 5. M & E Yoder No. 1
 - 6.
 7. Tuscarawas, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19021/04121
 2. 34-157-21726-0014
 3. 108
 4. Resource Exploration Inc
 5. N & M Beachy # 1
 - 6.
 7. Tuscarawas, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19022/04122
 2. 34-075-21548-0014
 3. 108
 4. Resource Exploration Inc
 5. Ben Miller # 1
 - 6.
 7. Holmes, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19023/04123
 2. 34-075-21550-0014
 3. 108
 4. Resource Exploration Inc
 5. M Kaufman # 2
 - 6.
 7. Holmes, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19024/04124
 2. 34-157-21784-0014
 3. 108
 4. Resource Exploration Inc
 5. Hurst-Carrick # 3
 - 6.
 7. Tuscarawas, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19025/04125
 2. 34-075-21599-0014
 3. 108
 4. Resource Exploration Inc
 5. Troyer # 10
 - 6.
 7. Holmes, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19026/04126
 2. 34-157-21770-0014
 3. 108
 4. Resource Exploration Inc
 5. Wasteland Reclamation # 7
 - 6.
 7. Tuscarawas, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19027/04127
 2. 34-157-21775-0014
 3. 108
 4. Resource Exploration Inc
 5. Wasteland Reclamation # 8
 - 6.
 7. Tuscarawas, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19028/04128
 2. 34-075-21562-0014
 3. 108
 4. Resource Exploration Inc
 5. Shutt # 1
 - 6.
 7. Holmes, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19029/04129
 2. 34-157-21546-0014
 3. 108
 4. Resource Exploration Inc
 5. Penrod # 1
 - 6.
 7. Tuscarawas, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19030/04130
 2. 34-075-21604-0014
 3. 108
 4. Resource Exploration Inc
 5. Hurst-Carrick # 2A
 - 6.
 7. Holmes, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19031/04131
 2. 34-075-21591-0014
 3. 108
 4. Resource Exploration Inc
 5. Troyer # 9
 - 6.
 7. Holmes, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19032/04132
 2. 34-075-21600-0014
 3. 108
 4. Resource Exploration Inc
 5. Troyer # 8
 - 6.
 7. Holmes, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
-
1. 79-19033/04133
 2. 34-157-21534-0014
 3. 108
 4. Resource Exploration Inc
 5. R Miller # 1

6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19034/04134
2. 34-157-21843-0014
3. 108
4. Resource Exploration Inc
5. Steinbrey # 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19035/04135
2. 34-157-21842-0014
3. 108
4. Resource Exploration Inc
5. Troyer # 15
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19036/04136
2. 34-157-21834-0014
3. 108
4. Resource Exploration Inc
5. Shepher-Moomaw # 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19037/04137
2. 34-157-21833-0014
3. 108
4. Resource Exploration Inc
5. Deetz # 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19038/04138
2. 34-157-21858-0014
3. 108
4. Resource Exploration Inc
5. Kaufman # 4
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19039/04139
2. 34-157-21836-0014
3. 108
4. Resource Exploration Inc
5. Angel # 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19040/04140
2. 34-157-21859-0014
3. 108
4. Resource Exploration Inc
5. Angel # 2
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp

1. 79-19041/04141
2. 34-157-22135-0014
3. 108
4. Resource Exploration Inc
5. Shell # 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19042/04142
2. 34-157-22162-0014
3. 108
4. Resource Exploration Inc
5. Cunningham # 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19043/04143
2. 34-157-22163-0014
3. 108
4. Resource Exploration Inc
5. Demsky # 1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19044/04144
2. 34-075-21587-0014
3. 108
4. Resource Exploration Inc
5. Troyer # 6
6.
7. Holmes, OH
8. 7.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19045/04826
2. 34-155-20798-0014
3. 102
4. Ohio Oil and Gas
5. Scheidegger # 1
6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19046/04831
2. 34-155-20813-0014
3. 102
4. Ohio Oil and Gas
5. Wissinger # 1
6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19047/04839
2. 34-155-20910-0014
3. 102
4. Ohio Oil and Gas
5. James # 2
6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19048/04846
2. 34-155-20918-0014
3. 102
4. Ohio Oil and Gas
5. Borgner # 1

6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19049/04848
2. 34-155-20919-0014
3. 102
4. Ohio Oil and Gas
5. Borgner # 2
6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19050/04850
2. 34-155-20908-0014
3. 102
4. Ohio Oil and Gas
5. James # 1
6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19051/05292
2. 34-155-21041-0014
3. 102
4. Ohio Oil & Gas
5. Rising #1
6.
7. Trumbull, OH
8. 525.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19052/05613
2. 34-119-24058-0014
3. 108
4. Leader Equities Inc
5. Carnes #2
6.
7. Muskingum, OH
8. 2.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19053/05614
2. 34-151-22708-0014
3. 108
4. MB Operating Co. Inc
5. L & E Deal #1
6.
7. Stark, OH
8. 17.9 million cubic feet
9. September 5, 1979
10. Republic Steel Corporation
1. 79-19054/05615
2. 34-151-22665-0014
3. 108
4. MB Operating Co Inc
5. Flintkote Co #1
6.
7. Stark, OH
8. 2.6 million cubic feet
9. September 5, 1979
10. Republic Steel Corporation
1. 79-19055/05616
2. 34-151-22666-0014
3. 108
4. MB Operating Co Inc
5. Flintkote Co #2
6.
7. Stark, OH
8. 2.6 million cubic feet
9. September 5, 1979
10. Republic Steel Corporation

1. 79-190056/05617
 2. 34-073-21876-0014
 3. 108
 4. John Tansky
 5. Sharb & Fling #1
 - 6.
 7. Hocking, OH
 8. 3.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission
1. 79-19057/05618
 2. 34-073-21897-0014
 3. 108
 4. John Tansky
 5. Jesse Tucker #1
 - 6.
 7. Hocking, OH
 8. 5.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission
1. 79-19058/05619
 2. 34-133-24460-0014
 3. 108
 4. Harry A Holtom
 5. #1 Glen May
 6. Randolph-Clinton
 7. Portage, OH
 8. 1.0 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Co
1. 79-19059/05625
 2. 34-087-20144-0014
 3. 108
 4. Wilson Gas Company
 5. Jesse Wilson #1
 - 6.
 7. Lawrence, OH
 8. 1.6 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Trans Corp
1. 79-19060/05626
 2. 34-087-20157-0014
 3. 108
 4. Bowen Gas Company
 5. John W Bowen #1
 - 6.
 7. Lawrence, OH
 8. 2.1 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Trans Corp
1. 79-19061/05628
 2. 34-087-20138-0014
 3. 108
 4. Cowden Gas Company
 5. W D Hoischuh #1
 - 6.
 7. Lawrence, OH
 8. 1.1 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Trans Corp
1. 79-19062/05629
 2. 34-087-20241-0014
 3. 108
 4. McQuid Gas Company
 5. Gieo McQuaid #1
 - 6.
 7. Lawrence, OH
 8. 18.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Trans Corp
1. 79-19063/05632
 2. 34-087-20242-0014
 3. 108
 4. Herbert Gas Company
 5. Herbert Lang #1
 - 6.
 7. Lawrence, OH
 8. 11.2 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Trans Corp
1. 79-19064/05633
 2. 34-087-20224-0014
 3. 108
 4. Ellis Gas Company
 5. Glenn Ellis #1
 - 6.
 7. Lawrence, OH
 8. 12.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Trans Corp
1. 79-19065/05634
 2. 34-087-20152-0014
 3. 108
 4. Moulter Gas Company
 5. Henry Moulter #1
 - 6.
 7. Lawrence, OH
 8. 2.1 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Trans Corp
1. 79-19066/05636
 2. 34-087-20154-0014
 3. 108
 4. Hayes Gas Company
 5. Frank Hayes #1
 - 6.
 7. Lawrence, OH
 8. 2.2 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Trans Corp
1. 79-19067/05637
 2. 34-087-00111-0014
 3. 108
 4. Star Gas Company
 5. Buford & Juanita Pratt #1
 - 6.
 7. Lawrence, OH
 8. .8 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Trans Corp
1. 79-19068/06439
 2. 34-157-23036-0014
 3. 103
 4. Leslie Oil & Gas Co Inc
 5. Everett #1
 - 6.
 7. Tuscarawas, OH
 8. 25.0 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Corporation
1. 79-19069/06436
 2. 34-155-20769-0014
 3. 103
 4. Berea Oil & Gas Corporation
 5. Klouda Unit #1
 - 6.
 7. Trumbull, OH
 8. 18.3 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Co
1. 79-19070/06437
 2. 34-155-21198-0014
 3. 103
 4. Berea Oil & Gas Corporation
 5. Barth-Fish Unit #1
 - 6.
 7. Trumbull, OH
 8. 43.8 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Co
1. 79-19071/06435
 2. 34-055-20286-0014
 3. 103
 4. Berea Oil & Gas Corp
 5. Hopkins #3
 - 6.
 7. Geauga, OH
 8. 18.3 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Co
1. 79-19072/06434
 2. 34-155-21196-0014
 3. 103
 4. Berea Oil & Gas Corp
 5. Whitney Unit #1
 - 6.
 7. Trumbull, OH
 8. 63.9 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Co
1. 79-19073/06433
 2. 34-155-21221-0014
 3. 103
 4. Berea Oil & Gas Corporation
 5. O'Neil Unit #1
 - 6.
 7. Trumbull, OH
 8. 32.8 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Co
1. 79-19074/06432
 2. 34-155-21202-0014
 3. 103
 4. Berea Oil & Gas Corporation
 5. O'Neil #2
 - 6.
 7. Trumbull, OH
 8. 40.2 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Co
1. 79-19075/06431
 2. 34-155-21201-0014
 3. 103
 4. Berea Oil and Gas Corporation
 5. O'Neil #1
 - 6.
 7. Trumbull, OH
 8. 54.9 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Co
1. 79-19076/06430
 2. 34-155-21199-0014
 3. 103
 4. Berea Oil & Gas Corporation
 5. Kupensky #1A
 - 6.
 7. Trumbull, OH
 8. 32.9 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Co
1. 79-19077/06351
 2. 34-133-21942-0014
 3. 103
 4. Viking Resources Corporation
 5. G & M F Dickey #5
 - 6.
 7. Portage, OH
 8. 30.0 million cubic feet
 9. September 5, 1979
 - 10.
1. 79-19078/06350
 2. 34-151-22994-0014
 3. 103
 4. New Frontier Exploration Inc
 5. Creighton-Kiko Unit #1

- 6.
7. Stark, OH
8. 21.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Co
1. 79-19079/06349
2. 34-121-22164-0014
3. 103
4. Tiger Oil Inc
5. Gilbert Weekley #1
- 6.
7. Noble, OH
8. 15.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Co
1. 79-19080/06348
2. 34-133-21926-0014
3. 103
4. Jud Noble and Associates Inc
5. D & N Smith #1
- 6.
7. Portage, OH
8. 25.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Co
1. 79-19081/06347
2. 34-127-24051-0014
3. 103
4. Bethel Resources Inc
5. Joseph Benedict # 1
- 6.
7. Perry, OH
8. 12.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19082/06346
2. 34-133-21898-0014
3. 103
4. Viking Resources Corporation
5. Gordon Davis # 1
- 6.
7. Portage, OH
8. 30.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19083/06345
2. 34-133-21946-0014
3. 103
4. Viking Resources Corporation
5. Johnson-Legion # 1
- 6.
7. Portage, OH
8. 30.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19084/06344
2. 34-133-21947-0014
3. 103
4. Viking Resources Corporation
5. Johnson-Legion # 2
- 6.
7. Portage, OH
8. 30.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19085/06343
2. 34-133-21943-0014
3. 103
4. Viking Resources Corporation
5. G & M F Dickey # 4
- 6.
7. Portage, OH
8. 30.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19086/06340
2. 34-025-22185-0014
3. 103
4. William F Hill
5. Schonauer # 1
- 6.
7. Holmes, OH
8. 10.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19087/06339
2. 34-157-23316-0014
3. 103
4. Orion Energy Corp
5. Red Malcuit Inc # 3
- 6.
7. Tuscarawas, OH
8. 25.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19088/06388
2. 34-133-21945-0014
3. 103
4. Viking Resources Corporation
5. William R Burkey # 1
- 6.
7. Portage, OH
8. 30.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19089/06337
2. 34-133-21897-0014
3. 103
4. Viking Resources Corporation
5. Gordon Davis # 2
- 6.
7. Portage, OH
8. 30.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19090/06336
2. 34-127-24323-0014
3. 103
4. Custom Industries Inc
5. Andrew McMillan # 1
- 6.
7. Perry, OH
8. 36.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19091/06335
2. 34-133-21899-0014
3. 103
4. Viking Resources Corporation
5. Gordon Davis # 3
- 6.
7. Portage, OH
8. 30.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19092/06334
2. 34-127-24329-0014
3. 103
4. Custom Industries Inc
5. Brown # 1
- 6.
7. Perry, OH
8. 36.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19093/06333
2. 34-157-23333-0014
3. 103
4. Orion Energy Corp
5. Delbert Vanfossen # 1
- 6.
7. Tuscarawas, OH
8. 25.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19094/06332
2. 34-127-24041-0014
3. 103
4. Bethel Resources Inc
5. Keith H Dennis # 1
- 6.
7. Perry, OH
8. 12.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19095/06330
2. 34-127-24049-0014
3. 103
4. Bethel Resources Inc
5. Lowell Koehler # 3
- 6.
7. Perry, OH
8. 12.0 million cubic feet
9. September 5, 1979
10. National Gas and Oil Corp
1. 79-19096/06329
2. 34-083-22530-0014
3. 103
4. Jack Moran
5. Andrew Miller # 2
6. Martinsburg
7. Knox, OH
8. 11.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19097/06328
2. 34-083-22370-0014
3. 103
4. Jack Moran
5. Albert F Smith # 1
6. Martinsburg
7. Knox, OH
8. 12.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19098/06327
2. 34-083-22407-0014
3. 103
4. Jack Moran
5. Lettie Burkholder # 1
6. Martinsburg
7. Knox, OH
8. 5.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19099/06326
2. 34-083-22554-0014
3. 103
4. Jack Moran
5. Jack and Jeff Moran # 3
6. Martinsburg
7. Knox, OH
8. 10.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19100/06325
2. 34-083-22601-0014
3. 103
4. Jack Moran
5. Emmett F Kidd # 1
6. Martinsburg
7. Knox, OH
8. 15.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp

1. 79-19101/06324
 2. 34-083-22591-0014
 3. 103
 4. Jeffery G Moran (DBA LBJ drilling)
 5. Carol Hardesty # 1
 6. Martinsburg
 7. Knox, OH
 8. 10.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp.
 1. 79-19102/06256
 2. 34-009-21882-0014
 3. 103
 4. Foraker Producing Company Inc
 5. Hahn # 1
 6.
 7. Athens, OH
 8. 12.0 million cubic feet
 9. September 5, 1979
 10. L B Energy
 1. 79-19103/06255
 2. 34-009-21853-0014
 3. 103
 4. Foraker Producing Company Inc
 5. Poston # 1
 6.
 7. Athens, OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. L B Energy
 1. 79-19104/06254
 2. 34-119-24625-0014
 3. 103
 4. Foraker Producing Company Inc
 5. Rittberger # 1
 6.
 7. Muskingum, OH
 8. 15.0 million cubic feet
 9. September 5, 1979
 10.
 1. 79-19105/06253
 2. 34-119-24624-0014
 3. 103
 4. Foraker Producing Company Inc
 5. Wells Mining Co # 1
 6.
 7. Muskingum, OH
 8. 12.0 million cubic feet
 9. September 5, 1979
 10.
 1. 79-19106/06252
 2. 34-119-24544-0014
 3. 103
 4. Foraker Producing Company Inc
 5. C Moore # 1
 6.
 7. Muskingum, OH
 8. 10.0 million cubic feet
 9. September 5, 1979
 10.
 1. 79-19107/06251
 2. 34-119-24545-0014
 3. 103
 4. Foraker Producing Company Inc
 5. G E Moore # 1
 6.
 7. Muskingum, OH
 8. 20.0 million cubic feet
 9. September 5, 1979
 10.
 1. 79-19108/06250
 2. 34-127-23892-0014
 3. 103
 4. Foraker Producing Company Inc
 5. T J Friel # 3

6.
 7. Perry, OH
 8. 2.0 million cubic feet
 9. September 5, 1979
 10. Foraker Gas Company
 1. 79-19109/06249
 2. 34-127-23894-0014
 3. 103
 4. Foraker Producing Company Inc
 5. CM & WS Foraker T J Friel # 1
 6.
 7. Perry, OH
 8. 1.0 million cubic feet
 9. September 5, 1979
 10. Foraker Gas Company
 1. 79-19110/06248
 2. 34-127-24165-0014
 3. 103
 4. Foraker Producing Company Inc
 5. Self-Iams et al # 1-A
 6.
 7. Perry, OH
 8. 1.0 million cubic feet
 9. September 5, 1979
 10. Foraker Gas Company
 1. 79-19111/06247
 2. 34-127-23893-0014
 3. 103
 4. Foraker Producing Company Inc
 5. McCune # 1
 6.
 7. Perry, OH
 8. 1.0 million cubic feet
 9. September 5, 1979
 10. Foraker Gas Company
 1. 79-19112/06246
 2. 34-127-24034-0014
 3. 103
 4. Foraker Producing Company Inc
 5. Foraker # 6
 6.
 7. Perry, OH
 8. 2.0 million cubic feet
 9. September 5, 1979
 10. L B Energy
 1. 79-19113/06245
 2. 34-127-24166-0014
 3. 103
 4. Foraker Producing Company Inc
 5. Scott # 1
 6.
 7. Perry, OH
 8. 9.0 million cubic feet
 9. September 5, 1979
 10. L B Energy
 1. 79-19114/06244
 2. 34-127-24029-0014
 3. 103
 4. Foraker Producing Company Inc
 5. Wolfe # 1
 6.
 7. Perry, OH
 8. 8.0 million cubic feet
 9. September 5, 1979
 10. L B Energy
 1. 79-19115/06243
 2. 34-127-24031-0014
 3. 103
 4. Foraker Producing Company Inc
 5. Reichley # 1
 6.
 7. Perry, OH
 8. 10.0 million cubic feet
 9. September 5, 1979
 10. L B Energy

1. 79-19116/06242
 2. 34-127-24172-0014
 3. 103
 4. Foraker Producing Company Inc
 5. CM & WS Foraker # 2
 6.
 7. Perry, OH
 8. 40.0 million cubic feet
 9. September 5, 1979
 10. L B Energy
 1. 79-19117/06241
 2. 34-127-24173-0014
 3. 103
 4. Foraker Producing Company Inc
 5. CM & WS Foraker # 3-A
 6.
 7. Perry, OH
 8. .0 million cubic feet
 9. September 5, 1979
 10. L B Energy
 1. 79-19118/06240
 2. 34-127-24178-0014
 3. 103
 4. Foraker Producing Company Inc
 5. McElwee Peabody Lewis # 1
 6.
 7. Perry, OH
 8. 35.0 million cubic feet
 9. September 5, 1979
 10. L B Energy
 1. 79-19119/06052
 2. 34-157-23332-0014
 3. 103
 4. William N Tipka
 5. Lucky Proctor # 1
 6.
 7. Tuscarawas, OH
 8. .0 million cubic feet
 9. September 5, 1979
 10. The East Ohio Gas Co
 1. 79-19120/06122
 2. 34-119-24700-0014
 3. 103
 4. W J Lydic Inc
 5. Albert Harman # 1
 6.
 7. Muskingum, OH
 8. 12.0 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Co
 1. 79-19121/06180
 2. 34-157-23339-0014
 3. 103
 4. Joe L Schrimsher
 5. Carl E Fivecoat # 2
 6.
 7. Tuscarawas, OH
 8. 20.0 million cubic feet
 9. September 5, 1979
 10.
 1. 79-19122/06181
 2. 34-169-22117-0014
 3. 103
 4. Ponderosa Oil Company
 5. Howard Snaveley Unit Well # 1
 6.
 7. Wayne, OH
 8. 23.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Trans Corp
 1. 79-19123/06182
 2. 34-103-22083-0014
 3. 103
 4. Darrel L Seibert
 5. Chestnut Meadows Devel Co No 1

- 6.
7. Medina, OH
8. 1.5 million cubic feet
9. September 5, 1979
10. Columbia Gas of Ohio
1. 79-19124/06184
2. 34-119-24763-0014
3. 103
4. Cameron Bros
5. Lawrence W Longshore # 1
- 6.
7. Muskingum, OH
8. 9.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19125/06185
2. 34-157-23325-0014
3. 103
4. Orion Energy Corp
5. Ries # 1
- 6.
7. Tuscarawas, OH
8. 30.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19126/06186
2. 34-133-21941-0014
3. 103
4. Viking Resources Corporation
5. Leifheit-Fasig # 2
- 6.
7. Portage, OH
8. 30.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19127/06187
2. 34-133-21940-0014
3. 103
4. Viking Resources Corporation
5. Leifheit-Fasig # 1
- 6.
7. Portage, OH
8. 30.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19128/06188
2. 34-151-22997-0014
3. 103
4. New Frontier Exploration Inc
5. Creighton-Kiko Unit # 3
- 6.
7. Stark, OH
8. 21.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19129/06189
2. 34-067-20354-0014
3. 103
4. Kern Co
5. Denning # 1
- 6.
7. Harrison, OH
8. 90.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19130/06190
2. 34-007-21018-0014
3. 103
4. Tatco Petroleum Operations Inc
5. #1 Victor Schneider A
- 6.
7. Ashtabula, OH
8. 70.0 million cubic feet
9. September 5, 1979
10. National Fuel Gas Company
1. 79-19131/06191
2. 34-007-21068-0014
3. 103
4. Tatco Petroleum Operations Inc
5. #1 Victor Schneider A
- 6.
7. Ashtabula, OH
8. 70.0 million cubic feet
9. September 5, 1979
10. National Fuel Gas Company
1. 79-19132/06192
2. 34-167-24081-0014
3. 103
4. Winston Oil Company
5. Walter Pettit # 2
- 6.
7. Washington, OH
8. 3.7 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19133/06193
2. 34-167-23730-0014
3. 103
4. Winston Oil Company
5. John Carpenter # 1
- 6.
7. Washington, OH
8. 6.3 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19134/06194
2. 34-167-23883-0014
3. 103
4. Winston Oil Company
5. Loring Stephens # 2
- 6.
7. Washington, OH
8. 5.5 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19135/06195
2. 34-167-23712-0014
3. 103
4. Winston Oil Company
5. Loring Stephens # 1
- 6.
7. Washington, OH
8. 5.5 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19136/06196
2. 34-167-24262-0014
3. 103
4. Winston Oil Company
5. Paul Stockwell # 4
- 6.
7. Washington, OH
8. 1.1 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19137/06197
2. 34-167-24336-0014
3. 103
4. Winston Oil Company
5. Ann Mae Reese # 5
- 6.
7. Washington, OH
8. 2.2 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19138/06198
2. 34-167-24244-0014
3. 103
4. Winston Oil Company
5. Paul Stockwell # 3
- 6.
7. Washington, OH
8. 1.4 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19139/06199
2. 34-167-24215-0014
3. 103
4. Winston Oil Company
5. Anna Mae Reese # 4
- 6.
7. Washington, OH
8. 1.6 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19140/06200
2. 34-167-24175-0014
3. 103
4. Winston Oil Company
5. Loring Stephens # 3
- 6.
7. Washington, OH
8. 2.1 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19141/06201
2. 34-167-24153-0014
3. 103
4. Winston Oil Company
5. John Carpenter No. 2
- 6.
7. Washington, OH
8. 3.0 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19142/06202
2. 34-167-24099-0014
3. 103
4. Winston Oil Company
5. Alva Sarver No. 2
- 6.
7. Washington, OH
8. 3.8 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19143/06203
2. 34-167-24066-0014
3. 103
4. Winston Oil Company
5. Allen Anderson No. 3
- 6.
7. Washington, OH
8. 4.9 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19144/06204
2. 34-167-24582-0014
3. 103
4. Winston Oil Company
5. Charles E Lawton No. 2
- 6.
7. Washington, OH
8. 6.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19145/06205
2. 34-167-23703-0014
3. 103
4. Winston Oil Company
5. Carleton Anderson No. 2
- 6.
7. Washington, OH
8. 4.6 million cubic feet
9. September 5, 1979
10. River Gas Company

1. 79-19146/06206
2. 34-167-23761-0014
3. 103
4. Winston Oil Company
5. Allen Anderson No. 2
- 6.
7. Washington, OH
8. 6.0 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19147/06207
2. 34-167-23780-0014
3. 103
4. Winston Oil Company
5. Anna Mae Reese No. 2
- 6.
7. Washington, OH
8. 2.2 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19148/06208
2. 34-167-23855-0014
3. 103
4. Winston Oil Company
5. Richard Henthorn No. 3
- 6.
7. Washington, OH
8. 8.9 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19149/06209
2. 34-167-23856-0014
3. 103
4. Winston Oil Company
5. Carleton Anderson No. 3
- 6.
7. Washington, OH
8. 4.6 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19150/06210
2. 34-167-23942-0014
3. 103
4. Winston Oil Company
5. Anna Mae Reese No. 3
- 6.
7. Washington, OH
8. 2.2 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19151/06211
2. 34-167-24055-0014
3. 103
4. Winston Oil Company
5. Paul Stockwell No. 2
- 6.
7. Washington, OH
8. 2.1 million cubic feet
9. September 5, 1979
10. River Gas Company
1. 79-19152/06212
2. 34-167-23829-0014
3. 103
4. Winston Oil Company
5. Charles Lawton No. 1
- 6.
7. Washington, OH
8. 7.5 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19153/06213
2. 34-167-24006-0014
3. 103
4. Winston Oil Company
5. T H Walls No. 1
- 6.
7. Washington, OH
8. 10.6 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19154/06214
2. 34-167-24042-0014
3. 103
4. Winston Oil Company
5. Richard Henthorn No. 4
- 6.
7. Washington, OH
8. 3.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19155/06215
2. 34-167-23804-0014
3. 103
4. Winston Oil Company
5. Esther Boyer No. 2
- 6.
7. Washington, OH
8. 11.7 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19156/06216
2. 34-167-23817-0014
3. 103
4. Winston Oil Company
5. Esther Boyer No. 3
- 6.
7. Washington, OH
8. 11.7 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19157/06217
2. 34-167-24463-0014
3. 103
4. Winston Oil Company
5. Ruth A Lee No. 1
- 6.
7. Washington, OH
8. 6.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19158/06218
2. 34-085-20269-0014
3. 103
4. I R C Fibers Company
5. I R C Fibers No 11
- 6.
7. Lake, OH
8. 57.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19159/06219
2. 34-085-20274-0014
3. 103
4. I R C Fibers Company
5. I R C Fibers No 10
- 6.
7. Lake, OH
8. .0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19160/06220
2. 34-085-20275-0014
3. 103
4. I R C Fibers Company
5. I R C Fibers No 9
- 6.
7. Lake, OH
8. .0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19161/06221
2. 34-085-20273-0014
3. 103
4. I R C Fibers Company
5. I R C Fibers No 8
- 6.
7. Lake, OH
8. .0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19162/06222
2. 34-085-20276-0014
3. 103
4. I R C Fibers Company
5. I R C Fibers No 7
- 6.
7. Lake, OH
8. 46.5 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19163/06223
2. 34-085-20270-0014
3. 103
4. I R C Fibers Company
5. I R C Fibers No 6
- 6.
7. Lake, OH
8. 63.9 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19164/06224
2. 34-085-20278-0014
3. 103
4. I R C Fibers Company
5. I R C Fibers No 5
- 6.
7. Lake, OH
8. 48.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19165/06225
2. 34-085-20268-0014
3. 103
4. I R C Fibers Company
5. I R C Fibers No 4
- 6.
7. Lake, OH
8. 54.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19166/06226
2. 34-085-20266-0014
3. 103
4. I R C Fibers Company
5. I R C Fibers No 3
- 6.
7. Lake, OH
8. 76.8 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19167/06227
2. 34-085-20267-0014
3. 103
4. I R C Fibers Company
5. I R C Fibers No 2
- 6.
7. Lake, OH
8. 47.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19168/06228
2. 34-085-20242-0014
3. 103
4. I R C Fibers Company
5. I R C Fibers No 1

6.
7. Lake, OH
8. 62.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19169/06234
2. 34-127-24028-0014
3. 103
4. Foraker Producing Company Inc
5. C M & W S Foraker No. 1
6.
7. Perry, OH
8. 4.0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19170/06235
2. 34-127-24127-0014
3. 103
4. Foraker Producing Company Inc
5. McNulty Heirs No. 1
6.
7. Perry, OH
8. 42.0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19171/06236
2. 34-127-24032-0014
3. 103
4. Foraker Producing Company Inc
5. C M & W S Foraker #3
6.
7. Perry OH
8. 2.5 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19172/06237
2. 34-127-24033-0014
3. 103
4. Foraker Producing Company Inc
5. Masterson #1
6.
7. Perry OH
8. 7.0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19173/06238
2. 34-127-23900-0014
3. 103
4. Foraker Producing Company Inc
5. Blosser #1
6.
7. Perry OH
8. .0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19174/06239
2. 34-127-24174-0014
3. 103
4. Foraker Producing Company Inc
5. L B Tolley #1
6.
7. Perry OH
8. 20.0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19175/06440
2. 34-157-23304-0014
3. 103
4. Leslie Oil & Gas Co Inc
5. Lillian Smith #2
6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company

1. 79-19176/06441
2. 34-119-24342-0014
3. 103
4. Petro Oil Co
5. Dorsey Well #1
6.
7. Muskingum OH
8. .0 million cubic feet
9. September 5, 1979
10. National Gas & Oil Corp
1. 79-19177/06442
2. 34-119-24327-0014
3. 103
4. Petro Oil Co
5. Johnson Well #1
6.
7. Muskingum OH
8. .0 million cubic feet
9. September 5, 1979
10. National Gas & Oil Corp
1. 79-19178/06443
2. 34-119-24248-0014
3. 103
4. Petro Oil Co
5. Weichert Well #1
6.
7. Muskingum OH
8. .0 million cubic feet
9. September 5, 1979
10.
1. 79-19179/06455
2. 34-151-22906-0014
3. 103
4. Lomak Petroleum Inc
5. Griffith #1
6.
7. Stark OH
8. 60.0 million cubic feet
9. September 5, 1979
10.
1. 79-19180/06257
2. 34-009-21880-0014
3. 103
4. Foraker Producing Company Inc
5. Fulks #1
6.
7. Athens OH
8. 50.0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19181/06258
2. 34-009-21877-0014
3. 103
4. Foraker Producing Company Inc
5. Dimichele #1
6.
7. Athens OH
8. 15.0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19182/06259
2. 34-009-21851-0014
3. 103
4. Foraker Producing Company Inc
5. Lucas #1
6.
7. Athens OH
8. 70.0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19183/06260
2. 34-009-21899-0014
3. 103
4. Foraker Producing Company Inc
5. Hahn #2

6.
7. Athens OH
8. 11.0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19184/06261
2. 34-083-22604-0014
3. 103
4. Victor Maneikis d.b.a. Indep Oil Inv
5. Ron Gearheart #2
6.
7. Knox OH
8. .0 million cubic feet
9. September 5, 1979
10.
1. 79-19185/06262
2. 34-832-26130-0014
3. 103
4. Victor Maneikis d.b.a. Indep Oil Inv
5. Edith Elliott #3
6.
7. Knox OH
8. 5.0 million cubic feet
9. September 5, 1979
10.
1. 79-19186/06263
2. 34-009-21907-0014
3. 103
4. Foraker Producing Company Inc
5. Seever #1
6.
7. Athens OH
8. 9.0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19187/06264
2. 34-009-21909-0014
3. 103
4. Foraker Producing Company Inc
5. Burson #3
6.
7. Athens OH
8. 55.0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19188/06265
2. 34-009-21898-0014
3. 103
4. Foraker Producing Company Inc
5. Burson #2
6.
7. Athens OH
8. 40.0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19189/06266
2. 34-009-21875-0014
3. 103
4. Foraker Producing Company Inc
5. Miller #2
6.
7. Athens OH
8. 15.0 million cubic feet
9. September 5, 1979
10. L B Energy
1. 79-19190/06267
2. 34-009-21852-0014
3. 103
4. Foraker Producing Company Inc
5. Burson #1
6.
7. Athens OH
8. 70.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp

1. 79-19191/06268
 2. 34-009-21896-0014
 3. 103
 4. Foraker Producing Company Inc
 5. Miller #3
 6.
 7. Athens OH
 8. 8.0 million cubic feet
 9. September 5, 1979
 10. L B Energy
 1. 79-19192/06269
 2. 34-009-21888-0014
 3. 103
 4. Foraker Producing Company Inc
 5. Miller #4
 6.
 7. Athens OH
 8. 8.0 million cubic feet
 9. September 5, 1979
 10. L B Energy
 1. 79-19193/06270
 2. 34-133-21405-0014
 3. 103
 4. Orion Energy Corp
 5. Rice #1
 6.
 7. Portage OH
 8. 12.0 million cubic feet
 9. September 5, 1979
 10.
 1. 79-19194/06271
 2. 34-053-20429-0014
 3. 103
 4. Altheirs Oil Inc
 5. John Evans #1
 6. Cheshire Twp
 7. Gallia OH
 8. 11.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19195/06272
 2. 34-053-20238-0014
 3. 103
 4. Altheirs Oil Inc
 5. Mable Hayes #4
 6. Addison Twp
 7. Gallia OH
 8. 6.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19196/06273
 2. 34-053-02380-0014
 3. 103
 4. Altheirs Oil Inc
 5. Mable Hayes #3
 6. Addison Twp
 7. Gallia OH
 8. 6.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19197/06274
 2. 34-053-20223-0014
 3. 103
 4. Altheirs Oil Inc
 5. Mable Hayes #2
 6. Addison Twp
 7. Gallia OH
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19198/06275
 2. 34-053-20282-0014
 3. 103
 4. Altheirs Oil Inc
 5. Arrowood #1

6. Addison Twp
 7. Gallia OH
 8. 8.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19199/06276
 2. 34-053-20283-0014
 3. 103
 4. Altheirs Oil Inc
 5. Arrowood #2
 6. Addison Twp
 7. Gallia OH
 8. 8.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19200/06277
 2. 34-053-20338-0014
 3. 103
 4. Altheirs Oil Inc
 5. Arrowood #3
 6. Addison Twp
 7. Gallia OH
 8. 8.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19201/06278
 2. 34-053-20337-0014
 3. 103
 4. Altheirs Oil Inc
 5. Arrowood #4
 6. Addison Township
 7. Gallia, OH
 8. 6.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19202/06279
 2. 34-083-22610-0014
 3. 103
 4. Elkhead Gas & Oil Company
 5. Stumbo #1
 6.
 7. Knox, OH
 8. 50.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19203/06280
 2. 34-053-20286-0014
 3. 103
 4. W J Lydic Inc
 5. Thompson #2
 6.
 7. Gallia, OH
 8. 9.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19204/06281
 2. 34-053-20285-0014
 3. 103
 4. W J Lydic Inc
 5. Thompson #1
 6.
 7. Gallia, OH
 8. 9.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19205/06282
 2. 34-053-20319-0014
 3. 103
 4. W J Lydic Inc
 5. Epling #2
 6.
 7. Gallia, OH
 8. 11.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp

1. 79-19206/06283
 2. 34-053-20412-0014
 3. 103
 4. W J Lydic Inc
 5. Smith #1
 6.
 7. Gallia, OH
 8. 10.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19207/06284
 2. 34-053-20327-0014
 3. 103
 4. W J Lydic Inc
 5. Epling #4
 6.
 7. Gallia, OH
 8. 8.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19208/06285
 2. 34-053-20324-0014
 3. 103
 4. W J Lydic Inc
 5. Epling #3
 6.
 7. Gallia, OH
 8. 9.0 million cubic feet
 9. September 5, 1979
 10. Columbia Gas Transmission Corp
 1. 79-19209/06286
 2. 34-103-22118-0014
 3. 103
 4. H E Rupp Inc
 5. Stine #2
 6.
 7. Medina, OH
 8. 200.0 million cubic feet
 9. September 5, 1979
 10.
 1. 79-19210/06287
 2. 34-019-21273-0014
 3. 103
 4. Enterprise Gas & Oil Inc
 5. C Miller #1
 6.
 7. Carroll, OH
 8. 18.2 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Co
 1. 79-19211/06288
 2. 34-019-21275-0014
 3. 103
 4. Enterprise Gas & Oil Inc
 5. Clark-Morrison #2-E
 6.
 7. Carroll, OH
 8. 36.5 million cubic feet
 9. September 5, 1979
 10. East Ohio Gas Co
 1. 79-19212/06289
 2. 34-127-24342-0014
 3. 103
 4. Don McKee Drilling Co Inc
 5. Lawrence Nash #1
 6.
 7. Perry, OH
 8. 5.0 million cubic feet
 9. September 5, 1979
 10. Foraker Gas Co
 1. 79-19213/06290
 2. 34-169-22185-0014
 3. 103
 4. Buckeye Oil Producing Co
 5. Delmar C Falb #1

- 6.
7. Wayne, OH
8. 22.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19214/06291
2. 34-075-22172-0014
3. 103
4. Buckeye Oil Producing Co
5. Harold Hanna #2
- 6.
7. Holmes, OH
8. 13.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19215/06292
2. 34-075-22177-0014
3. 103
4. Buckeye Oil Producing Co
5. Rumbaugh #3
- 6.
7. Holmes, OH
8. 14.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19216/06293
2. 34-169-22184-0014
3. 103
4. Buckeye Oil Producing Co
5. W Neuenschwander #1
- 6.
7. Wayne, OH
8. 24.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19217/06294
2. 34-169-22183-0014
3. 103
4. Buckeye Oil Producing Co
5. Eli Kandel #1
- 6.
7. Wayne, OH
8. 18.0 million cubic feet
9. September 5, 1979
10. Columbia Gas Transmission Corp
1. 79-19218/06295
2. 34-151-22998-0014
3. 103
4. New Frontier Exploration Inc
5. Creighton-Kiko unit #2
- 6.
7. Stark, OH
8. 21.0 million cubic feet
9. September 5, 1979
10. East Ohio Gas Company
1. 79-19219/06296
2. 34-110-24656-0014
3. 103
4. Hopewell Oil And Gas Development Co
5. Shepard #1
- 6.
7. Muskingum County, OH
8. 12.0 million cubic feet
9. September 5, 1979
- 10.
1. 79-19220/06297
2. 34-119-24594-0014
3. 103
4. Hopewell Oil and Gas Development Co
5. Collard #1
- 6.
7. Muskingum, OH
8. 10.0 million cubic feet
9. September 5, 1979
- 10.

- 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. 79-19221
 2. 47-041-01114
 3. 108
 4. Consolidated Gas Supply Corporation
 5. M M Peterson 10461
 6. West Virginia other A-85772
 7. Lewis, WV
 8. 6.0 million cubic feet
 9. September 5, 1979
 10. General system purchasers
 1. 79-19222
 2. 47-041-01113
 3. 108
 4. Consolidated Gas Supply Corporation
 5. Lester Linger 10463
 6. West Virginia other A-85772
 7. Lewis, WV
 8. 5.0 million cubic feet
 9. September 5, 1979
 10. General system purchasers
 1. 79-19223
 2. 47-041-00637
 3. 108
 4. Consolidated Gas Supply Corporation
 5. C A See 10300
 6. West Virginia other A-85772
 7. Lewis, WV
 8. 13.0 million cubic feet
 9. September 5, 1979
 10. General system purchasers
 1. 79-19224
 2. 47-041-01748
 3. 108
 4. Consolidated Gas Supply Corporation
 5. Joseph Gum 5404
 6. West Virginia other A-85772
 7. Lewis, WV
 8. 12.0 million cubic feet
 9. September 5, 1979
 10. General system purchasers
 1. 79-19225
 2. 47-041-01534
 3. 108
 4. Consolidated Gas Supply Corporation
 5. H N Hull 10885
 6. West Virginia other A-85772
 7. Lewis, WV
 8. 7.0 million cubic feet
 9. September 5, 1979
 10. General system purchasers
 1. 79-19226
 2. 47-041-01492
 3. 108
 4. Consolidated Gas Supply Corporation
 5. J Simmons 10846
 6. West Virginia other A-85772
 7. Lewis, WV
 8. 14.0 million cubic feet
 9. September 5, 1979
 10. General system purchasers
 1. 79-19227
 2. 47-041-01481

3. 108
4. Consolidated Gas Supply Corporation
5. D R Swisher 4792
6. West Virginia other A-85772
7. Lewis, WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General system purchasers
1. 79-19228
2. 47-041-01458
3. 108
4. Consolidated Gas Supply Corporation
5. S O Camden 10795
6. West Virginia other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General system purchasers
1. 79-19229
2. 47-033-00131
3. 108
4. Consolidated Gas Supply Corporation
5. F W Cunningham 3540
6. West Virginia other A-85772
7. Harrison, WV
8. 7.0 million cubic feet
9. September 5, 1979
10. General system purchasers
1. 79-19230
2. 47-041-01804
3. 108
4. Consolidated Gas Supply Corporation
5. E S Butcher 6256
6. West Virginia Other A-85772
7. Lewis, WV
8. 4.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19231
2. 47-041-01779
3. 108
4. Consolidated Gas Supply Corporation
5. C F Bailey 11317
6. West Virginia Other A-85772
7. Lewis, WV
8. 9.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19232
2. 47-041-01777
3. 108
4. Consolidated Gas Supply Corporation
5. R Morris 11315
6. West Virginia Other A-85772
7. Lewis, WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19233
2. 47-033-00623
3. 108
4. Consolidated Gas Supply Corporation
5. J H Sommerville 11469
6. West Virginia Other A-85772
7. Harrison, WV
8. 20.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19234
2. 47-041-01324
3. 108
4. Consolidated Gas Supply Corporation
5. A Clark 10646
6. West Virginia Other A-85772
7. Lewis, WV

8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19235
2. 47-085-01039
3. 108
4. Consolidated Gas Supply Corporation
5. Fred Gainer 8949
6. West Virginia Other A-85772
7. Ritchie, WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19236
2. 47-061-00147
3. 108
4. Consolidated Gas Supply Corporation
5. S H Shriver 5486
6. West Virginia Other A-85772
7. Monongalia, WV
8. 4.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19237
2. 47-041-00957
3. 108
4. Consolidated Gas Supply Corporation
5. Nina E Clark 10703
6. West Virginia Other A-85772
7. Lewis, WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19238
2. 47-041-00877
3. 108
4. Consolidated Gas Supply Corporation
5. R Linger 10360
6. West Virginia Other A-85772
7. Lewis, WV
8. 11.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19239
2. 47-097-01401
3. 108
4. Consolidated Gas Supply Corporation
5. M M Bennett 11404
6. West Virginia Other A-85772
7. Upshur, WV
8. 16.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19240
2. 47-097-00549
3. 108
4. Consolidated Gas Supply Corporation
5. Freeman Debarr 10167
6. West Virginia Other A-85772
7. Upshur, WV
8. 11.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19241
2. 47-097-00525
3. 108
4. Consolidated Gas Supply Corporation
5. Maude C Bassell 10098
6. West Virginia Other A-85772
7. Upshur, WV
8. 9.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19242
2. 47-097-00473
3. 108
4. Consolidated Gas Supply Corporation
5. George Rorssing 9989
6. West Virginia Other A-85772
7. Upshur, WV
8. 7.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19243
2. 47-097-00592
3. 108
4. Consolidated Gas Supply Corporation
5. Homer P Rohr 10248
6. West Virginia Other A-85772
7. Upshur, WV
8. 9.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19244
2. 47-097-01278
3. 108
4. Consolidated Gas Supply Corporation
5. Nell Radabaugh 11258
6. West Virginia Other A-85772
7. Upshur, WV
8. 17.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19245
2. 47-041-01673
3. 108
4. Consolidated Gas Supply Corporation
5. W D Hitt Heirs 11137
6. West Virginia Other A-85772
7. Lewis, WV
8. 16.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19246
2. 47-033-01415
3. 108
4. Consolidated Gas Supply Corporation
5. D M Cole 4475
6. West Virginia Other A-85772
7. Harrison, WV
8. 4.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19247
2. 47-021-00954
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9808
6. West Virginia Other A-85772
7. Gilmer, WV
8. 12.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19248
2. 47-005-00510
3. 108
4. Consolidated Gas Supply Corporation
5. Chambers-Stowers 8577
6. West Virginia Other A-85772
7. Boone, WV
8. 4.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19249
2. 47-013-00935
3. 108
4. Consolidated Gas Supply Corporation
5. C A Jarvis 9102
6. West Virginia Other A-85772
7. Calhoun, WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19250
2. 47-021-01124
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10210
6. West Virginia Other A-85772
7. Gilmer, WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19251
2. 47-067-00215
3. 108
4. Consolidated Gas Supply Corporation
5. Okey Groves 10186
6. West Virginia Other A-85772
7. Nicholas, WV
8. 13.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19252
2. 47-017-00037
3. 108
4. Consolidated Gas Supply Corporation
5. J T Williams 1599
6. West Virginia Other A-85772
7. Doddridge, WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19253
2. 47-013-00621
3. 108
4. Consolidated Gas Supply Corporation
5. C C Knotts 8574
6. West Virginia Other A-85772
7. Calhoun, WV
8. 4.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19254
2. 47-005-00988
3. 108
4. Consolidated Gas Supply Corporation
5. Federal Coal Co 10798
6. West Virginia Other A-85772
7. Boone, WV
8. 18.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19255
2. 47-005-00915
3. 108
4. Consolidated Gas Supply Corporation
5. Federal Coal Co 10294
6. West Virginia Other A-85772
7. Boone, WV
8. 1.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19256
2. 47-013-00802
3. 108
4. Consolidated Gas Supply Corporation
5. W T Wiant Hrs 8893
6. West Virginia Other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19257

2. 47-033-00104
3. 108
4. Consolidated Gas Supply Corporation
5. T V Wright 2443
6. West Virginia Other A-85772
7. Harrison, WV
8. 4.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19258
2. 47-033-00760
3. 108
4. Consolidated Gas Supply Corporation
5. Robert Wagoner 8021
6. West Virginia Other A-85772
7. Harrison, WV
8. 4.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19259
2. 47-033-00819
3. 108
4. Consolidated Gas Supply Corporation
5. M W Smith 8017
6. West Virginia Other A-85772
7. Harrison, WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19260
2. 47-033-00617
3. 108
4. Consolidated Gas Supply Corporation
5. Mary C Maxwell-11464
6. West Virginia Other A-85772
7. Harrison, WV
8. 15.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19261
2. 47-017-00637
3. 108
4. Consolidated Gas Supply Corporation
5. W H Benedum 10350
6. West Virginia Other A-85772
7. Doddridge, WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19262
2. 47-017-01358
3. 108
4. Consolidated Gas Supply Corporation
5. Edward G Smith 10793
6. West Virginia Other A-85772
7. Doddridge, WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19263
2. 47-017-00158
3. 108
4. Consolidated Gas Supply Corporation
5. Smith Martin 976
6. West Virginia Other A-85772
7. Doddridge, WV
8. 4.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19264
2. 47-017-00051
3. 108
4. Consolidated Gas Supply Corporation
5. C A Burnside 3149
6. West Virginia Other A-85772
7. Doddridge, WV
8. .7 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19265
2. 47-097-00576
3. 108
4. Consolidated Gas Supply Corporation
5. Hattie C Hull 10192
6. West Virginia Other A-85772
7. Upshur, WV
8. 13.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19266
2. 47-097-00580
3. 108
4. Consolidated Gas Supply Corporation
5. Cora E Karickhoff 10207
6. West Virginia Other A-85772
7. Upshur, WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19267
2. 47-097-00450
3. 108
4. Consolidated Gas Supply Corporation
5. Glenn S Ours 9936
6. West Virginia Other A-85772
7. Upshur, WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19268
2. 47-085-01596
3. 108
4. Consolidated Gas Supply Corporation
5. Chas Meyer 9965
6. West Virginia Other A-85772
7. Ritchie, WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19269
2. 47-043-00342
3. 108
4. Consolidated Gas Supply Corporation
5. R E Chapman 8579
6. West Virginia Other A-85772
7. Lincoln, WV
8. 1.5 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19270
2. 47-041-01615
3. 108
4. Consolidated Gas Supply Corporation
5. Sophia Butcher 11009
6. West Virginia Other A-85772
7. Lewis, WV
8. 17.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19271
2. 47-041-1525
3. 108
4. Consolidated Gas Supply Corporation
5. Israel Simmons 10886
6. West Virginia Other A-85772
7. Lewis, WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19272
2. 47-041-01411
3. 108
4. Consolidated Gas Supply Corporation
5. Peterson Hrs 10731
6. West Virginia Other A-85772
7. Lewis, WV
8. .4 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19273
2. 47-041-01331
3. 108
4. Consolidated Gas Supply Corporation
5. Lydia Starcher 10651
6. West Virginia Other A-85772
7. Lewis, WV
8. .7 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19274
2. 47-041-01099
3. 108
4. Consolidated Gas Supply Corporation
5. R G King 10466
6. West Virginia Other A-85772
7. Lewis, WV
8. .7 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19275
2. 47-067-00291
3. 108
4. Consolidated Gas Supply Corporation
5. Martha L White 11379
6. West Virginia Other A-85772
7. Nicholas, WV
8. 16.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19276
2. 47-033-00893
3. 108
4. Consolidated Gas Supply Corporation
5. Buena W Brown 7984
6. West Virginia Other A-85772
7. Harrison, WV
8. 20.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19277
2. 47-013-01946
3. 108
4. Consolidated Gas Supply Corporation
5. S A Hays 10383
6. West Virginia Other A-85772
7. Calhoun, WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19278
2. 47-005-00542
3. 108
4. Consolidated Gas Supply Corporation
5. Dora E Hopkins 8624
6. West Virginia Other A-85772
7. Boone, WV
8. 4.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19279
2. 47-005-00621
3. 108
4. Consolidated Gas Supply Corporation
5. Noah T Bias 8866
6. West Virginia Other A-85772

7. Boone, WV
8. 4 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19280
2. 47-005-00778
3. 108
4. Consolidated Gas Supply Corporation
5. J A Wetherall 9144
6. West Virginia Other A-85772
7. Boone, WV
8. 2.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19281
2. 47-001-00107
3. 108
4. Consolidated Gas Supply Corporation
5. Lucille Chesser 10269
6. West Virginia Other A-85772
7. Barbour, WV
8. 4 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19282
2. 47-001-00478
3. 108
4. Consolidated Gas Supply Corporation
5. Frazee Lumber Co 11123
6. West Virginia Other A-85772
7. Barbour, WV
8. 17.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19283
2. 47-001-00561
3. 108
4. Consolidated Gas Supply Corporation
5. U.S. Steel Corp 11385
6. West Virginia Other A-85772
7. Barbour, WV
8. 16.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19284
2. 47-033-00576
3. 108
4. Consolidated Gas Supply Corporation
5. Jacob P Post 11391
6. West Virginia Other A-85772
7. Harrison, WV
8. 16.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19285
2. 47-097-00333
3. 108
4. Consolidated Gas Supply Corporation
5. J C Reed 9152
6. West Virginia Other A-85772
7. Upshur, WV
8. 2.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19286
2. 47-097-00340
3. 108
4. Consolidated Gas Supply Corporation
5. Drustlla Mick 9195
6. West Virginia Other A-85772
7. Upshur, WV
8. 4.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19287
2. 47-005-00459
3. 108
4. Consolidated Gas Supply Corporation
5. Fred B Chambers 8506
6. West Virginia Other A-85772
7. Boone, WV
8. 2.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19288
2. 47-001-00032
3. 108
4. Consolidated Gas Supply Corporation
5. Blooma Oneal 8998
6. West Virginia Other A-85772
7. Barbour, WV
8. 1.5 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19289
2. 47-041-00707
3. 108
4. Consolidated Gas Supply Corporation
5. Clyde Wimer 10318
6. West Virginia Other A-85772
7. Lewis, WV
8. 4 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19290
2. 47-041-00369
3. 108
4. Consolidated Gas Supply Corporation
5. J K Bruffy 10196
6. West Virginia Other A-85772
7. Lewis, WV
8. 1.5 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19291
2. 47-041-00366
3. 108
4. Consolidated Gas Supply Corporation
5. Ollie G West 10181
6. West Virginia Other A-85772
7. Lewis, WV
8. 1.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19292
2. 47-041-00023
3. 108
4. Consolidated Gas Supply Corporation
5. Sophia Butcher 8353
6. West Virginia Other A-85772
7. Lewis, WV
8. 1.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19293
2. 47-041-00022
3. 108
4. Consolidated Gas Supply Corporation
5. N A Lovett 8269
6. West Virginia Other A-85772
7. Lewis, WV
8. 2.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19294
2. 47-097-00319
3. 108
4. Consolidated Gas Supply Corporation
5. Hyre Brake 9087
6. West Virginia Other A-85772
7. Upshur, WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19295
2. 47-085-03368
3. 108
4. Consolidated Gas Supply Corporation
5. Ellias Connolly 11237
6. West Virginia Other A-85772
7. Ritchie, WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19296
2. 47-041-00330
3. 108
4. Consolidated Gas Supply Corporation
5. J R Jones 10134
6. West Virginia Other A-85772
7. Lewis, WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19297
2. 47-097-00570
3. 108
4. Consolidated Gas Supply Corporation
5. Murl Lee 10187
6. West Virginia Other A-85772
7. Upshur, WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19298
2. 47-097-00555
3. 108
4. Consolidated Gas Supply Corporation
5. Joe Bozic 10171
6. West Virginia Other A-85772
7. Upshur, WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19299
2. 47-097-00693
3. 108
4. Consolidated Gas Supply Corporation
5. H H Sanders 10418
6. West Virginia Other A-85772
7. Upshur, WV
8. 16.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19300
2. 47-097-00668
3. 108
4. Consolidated Gas Supply Corporation
5. Lucille Post 10353
6. West Virginia Other A-85772
7. Upshur, WV
8. 1.5 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19301
2. 47-097-00649
3. 108
4. Consolidated Gas Supply Corporation
5. L Zickafoose 10336
6. West Virginia Other A-85772
7. Upshur, WV
8. 13.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19302

2. 47-097-00640
3. 108
4. Consolidated Gas Supply Corporation
5. O C Ressegger 10308
6. West Virginia Other A-85772
7. Upshur, WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19303
2. 47-041-01995
3. 108
4. Consolidated Gas Supply Corporation
5. Aldo McKinley 8208
6. West Virginia Other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19304
2. 47-097-00906
3. 108
4. Consolidated Gas Supply Corporation
5. Ethel Murphy 10753
6. West Virginia Other A-85772
7. Upshur, WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19305
2. 47-097-00820
3. 108
4. Consolidated Gas Supply Corporation
5. S R Harrison Jr 10531
6. West Virginia Other A-85772
7. Upshur, WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-19306
2. 47-097-00347
3. 108
4. Consolidated Gas Supply Corporation
5. Rachel Dawson 9235
6. West Virginia Other A-85772
7. Upshur, WV
8. 9.0 million cubic feet
9. September 5, 1979
10. General System Purchasers

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date Received at FERC
10. Purchaser(s)
1. 79-19307/NM 2122-79
2. 30-039-07144-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #38
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 5.5 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19308/NM 2217-79
2. 30-039-07010-0000-0
3. 108
4. El Paso Natural Gas Company

5. Rincon Unit #63
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.1 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19309/NM 2218-79
2. 30-045-06094-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #52
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 9.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19310/NM 2219-79
2. 30-045-06251-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #42
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 4.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19311/NM 2220-79
2. 30-045-05962-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #64
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 14.6 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19312/NM 2221-79
2. 30-045-06351-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #55
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 4.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19313/NM 2222-79
2. 30-039-05860-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #43
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.2 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19314/NM 2223-79
2. 30-039-06865-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 27-4 Unit 17 PC & MV
6. Tapacito-Pictured Cliffs Gas & Bl
7. Rio Arriba, NM
8. 14.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19315/NM 2241-79
2. 30-039-06495-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #16
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.5 million cubic feet
9. September 5, 1979

10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-19316/NM-2242-79
2. 30-039-06498-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G No. 15
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-19317/NM-2243-79
2. 30-039-06372-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G No. 4
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-19318/NM-2244-79
2. 30-039-06396-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G No. 8
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.4 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-19319/NM-2245-79
2. 30-039-06397-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G No. 7
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.9 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-19320/NM-2152-79
2. 30-045-11497-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-9 Unit No. 56
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 7.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19321/NM-2153-79
2. 30-039-05672-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 8
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19322/NM-2154-79
2. 30-039-06982-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit No. 92
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 19.7 million cubic feet
9. September 5, 1979

10. El Paso Natural Gas Company
1. 79-19323/NM-2155-79
2. 30-039-05631-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19324/NM-2156-79
2. 30-039-07004-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 109
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19325/NM-2157-79
2. 30-039-07027-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 106
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 11.3 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19326/NM-2158-79
2. 30-039-20256-0000-0
3. 108
4. El Paso Natural Gas Company
5. Klein No. 12
6. Otero-Chacra Gas
7. Rio Arriba, NM
8. 16.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19327/NM-2159-79
2. 30-045-20672-0000-0
3. 108
4. El Paso Natural Gas Company
5. Grambling C No. 8
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 14.2 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19328/NM-2160-79
2. 30-045-20275-0000-0
3. 108
4. El Paso Natural Gas Company
5. Storey No. 6
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 6.9 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19329/NM-2162-79
2. 30-039-20687-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27-4 Unit No. 66
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19330/NM-2302-79
2. 30-045-11314-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 32-9 Unit No. 27
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 18.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19331/NM-2314-79
2. 30-045-21419-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit NP No. 253
6. Angels Peak-Gallup Gas
7. San Juan, NM
8. 7.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19332/NM-2316-79
2. 30-045-05783-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit NP No. 111 GL
6. Angels Peak-Gallup Gas
7. San Juan, NM
8. 9.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19333/NM-2260-79
2. 30-039-05880-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 54
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19334/NM-2293-79
2. 30-045-05364-0000-0
3. 108
4. American Petrofina Company of Texas
5. Foster Federal No. 1
6. Ballard Pictured Cliffs
7. San Juan, NM
8. 7.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19335/NM-2296-79
2. 30-045-07816-0000-0
3. 108
4. William C Russell
5. Russell No. 1 Viles
6. Fulcher Kutz Pictured Cliffs
7. San Juan, NM
8. 14.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19336/NM-2297-79
2. 30-045-00000-0000-0
3. 108
4. William C Russell
5. Russell No. 39 Marron
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 15.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19337/NM-2298-79
2. 30-039-07317-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit No. 19
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 17.2 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19338/NM-2299-79
2. 30-045-05952-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit No. 29
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 5.1 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19339/NM-2301-79
2. 30-039-06683-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 51
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.3 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19340/NM-2246-79
2. 30-039-05883-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla E No. 2
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19341/NM-2247-79
2. 30-039-06432-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J No. 5
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.6 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-19342/NM-2248-79
2. 30-039-06892-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 122
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 15.3 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19343/NM-2249-79
2. 30-039-06949-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 121
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19344/NM-2250-79
2. 30-039-06948-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 112
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.8 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19345/NM-2251-79

2. 30-039-07037-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 123
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 18.6 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19346/NM-2252-79
2. 30-039-06693-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #101
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 18.3 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19347/NM-2253-79
2. 30-045-11450-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-9 Unit #62
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 2.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19348/NM-2254-79
2. 30-039-06117-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #32
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19349/NM-2255-79
2. 30-045-05999-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #14
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 8.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19350/NM-2256-79
2. 30-039-05852-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #45
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.9 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19351/NM-2257-79
2. 30-039-05359-0000-0
3. 108
4. El Paso Natural Gas Company
5. Lindrith Unit #36
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19352/NM-2258-79
2. 30-039-07149-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit #43
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19353/NM-2203-79
2. 30-045-06153-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #33
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19354/NM-2305-79
2. 30-039-07327-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-4 Unit #16
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19355/NM-2304-79
2. 30-045-06102-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #28
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 1.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19356/NM-2215-79
2. 30-045-11471-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-9 Unit #76
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 4.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19357/NM-2216-79
2. 30-039-06995-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #64
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.7 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19358/NM-2259-79
2. 30-039-07432-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-5 Unit #31
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 21.5 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19359/NM-2212-79
2. 30-039-60110-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #82
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19360/NM-2213-79
2. 30-039-05536-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #113
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19361/NM-2214-79
2. 30-039-06912-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 27-5 Unit #32 PC & MV
6. Tapacito PC & Blanco MV Gas
7. Rio Arriba, NM
8. 16.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-19362/NM-2263-79
2. 30-039-20603-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit #174
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 16.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19363/NM-2164-79
2. 30-039-20819-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27-5 Unit #180
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.8 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-19364/NM-2209-79
2. 30-039-07319-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-4 Unit #14
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 15.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19365/NM-2210-79
2. 30-039-60052-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #16
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19366/NM-2211-79
2. 30-039-06189-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #67
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.9 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-19367/NM-2306-79
2. 30-039-60091-0000-0
3. 108
4. El Paso Natural Gas Company

5. Rincon Unit #75
 6. Blanco South-Pictured Cliffs Gas
 7. Rio Arriba, NM
 8. 9.9 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19368/NM-2307-79
 2. 30-045-06286-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Huerfano Unit #41
 6. Fulcher Kutz-Pictured Cliffs Gas
 7. San Juan, NM
 8. 5.8 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19369/NM-2308-79
 2. 30-039-06953-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. San Juan 28-7 Unit #64
 6. Blanco South-Pictured Cliffs Gas
 7. Rio Arriba, NM
 8. 4.0 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19370/NM-2309-79
 2. 30-039-06956-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Rincon Unit #58
 6. Blanco South-Pictured Cliffs Gas
 7. Rio Arriba, NM
 8. 16.4 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19371/NM-2310-79
 2. 30-039-06864-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Rincon Unit #62
 6. Blanco South-Pictured Cliffs Gas
 7. Rio Arriba, NM
 8. 14.2 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19372/NM-2312-79
 2. 30-039-07033-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Rincon Unit #86
 6. Blanco South-Pictured Cliffs Gas
 7. Rio Arriba, NM
 8. 11.0 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19373/NM-2313-79
 2. 30-039-06924-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Rincon Unit #60
 6. Blanco South-Pictured Cliffs Gas
 7. Rio Arriba, NM
 8. 15.7 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19374/NM-2315-79
 2. 30-045-21408-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Huerfano Unit NP #257
 6. Angels Peak—Gallup Gas
 7. San Juan, NM
 8. 2.0 million cubic feet
 9. September 5, 1979

10. El Paso Natural Gas Company
 1. 79-19375/NM-2317-79
 2. 30-045-06107-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Huerfano Unit #26
 6. Ballard-Pictured Cliffs Gas
 7. San Juan, NM
 8. 8.0 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19376/NM2319-79
 2. 30-045-06111-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Huerfano Unit #27
 6. Ballard-Pictured Cliffs Gas
 7. San Juan, NM
 8. 10.2 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19377/NM2320-79
 2. 30-045-06100-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Huerfano Unit #29
 6. Ballard-Pictured Cliffs Gas
 7. San Juan, NM
 8. 2.6 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19378/NM2073-79
 2. 30-039-07439-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. SJ 28-5 Unit #16
 6. Blanco-Mesaverde Gas
 7. Rio Arriba, NM
 8. 17.5 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19379/NM2077-79
 2. 30-039-06114-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Canyon Largo Unit #12
 6. Blanco South-Pictured Cliffs Gas
 7. Rio Arriba, NM
 8. 9.9 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19380/NM2078-79
 2. 30-039-07357-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. SJ 28-4 Unit #13
 6. Blanco-Mesaverde Gas
 7. Rio Arriba, NM
 8. 12.0 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19381/NM2082-79
 2. 30-045-20915-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. Nageezi 1 GI
 6. Duffers Point Gallup-Dakota
 7. San Juan, NM
 8. 2.0 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company
 1. 79-19382/NM2084-79
 2. 30-045-20309-0000-0
 3. 108

4. El Paso Natural Gas Company
 5. Huerfano Unit #182
 6. Basin-Dakota Gas
 7. San Juan, NM
 8. 11.0 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company Northwest
 Pipeline Corp Southern Union Gathering Co
 1. 79-19383/NM2151-79
 2. 30-039-07462-0000-0
 3. 108
 4. El Paso Natural Gas Company
 5. San Juan 28-4 Unit #21
 6. Blanco-Mesaverde Gas
 7. Rio Arriba, NM
 8. 5.8 million cubic feet
 9. September 5, 1979
 10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the **Federal Register**.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
 Secretary.

[FR Doc. 79-30703 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. G-7007, et. al.]

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

September 25, 1979.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party

to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the

Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-7007, D, Sept. 10, 1979.....	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Cities Service Gas Co., Hugoton and Panoma Gas Fields, Grant and Haskell Counties, Kans.	(¹)	
C179-409, A, Apr. 16, 1979.....	The Louisiana Land and Exploration Co., 225 Baronne Street, New Orleans, La 70160.	Transco Gas Supply Co., Block 272, Ship Shoal Area, Offshore, La.	(²)	14.73

¹ Per request from the Department of Energy in their letter of February 12, 1979, to replace its use of fuel oil with gas at Hickok Plant as part of a national effort to reduce oil imports and short-supply pressures on fuel oil.

² Applicant is filing under Gas Purchase Contract dated Apr. 12, 1979.

Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession.

[FR Doc. 79-30731 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1333-1]

Section 110(f) Energy Emergencies; Notice of Open Meetings

AGENCY: Environmental Protection Agency.

ACTION: Notice of Open Meetings Regarding Section 110(f) Energy Emergencies and the Availability of Low Sulfur Residual Fuel Oil.

SUMMARY: Under Section 110(f) of the Clean Air Act a Governor, following a declaration of a regional or national energy emergency by the President, may suspend for any source any applicable State Implementation Plan provision, e.g., requirements to burn low-sulfur residual fuel oil. The role of EPA in the Section 110(f) process is to recommend to the President what action may be taken on declaring an emergency and to review a governor's temporary emergency suspension for compliance with any terms of the President's declaration and statutory requirements. EPA will be holding open meetings to discuss low sulfur fuel oil availability in the near term. Separate meetings will be held with invited parties representing

state energy and environmental agencies, utilities, the fuel oil supply and marketing industry, and environmental and other interested parties.

The meetings will be informal round-table discussions involving selected issues such as fuel oil availability, environmental impacts, and State Implementation Plan suspensions under Section 110(f) of the Clean Air Act. A transcript of the proceedings will be made. The meetings are open to the public but discussion will be limited to the participants.

Although certain parties are being specifically invited other interested parties may request participation. The letter of invitation and attachments are set forth below.

Letter of Invitation

Dear:

Current reporting figures indicate that there will be adequate supplies of fuel oil this coming winter. However, in past years there have been situations where fuel oil of the precise quality to meet environmental requirements either was not or appeared not to be available in sufficient quantities to meet immediate needs in particular areas. Some of these situations gave rise to applications for Presidential energy emergency declarations under Section 100(f) of the Clean Air Act.

In the past the information to support the President's action in response to Section 110(f) applications was drawn from hearings held separately on a state-by-state basis. It is EPA's belief that the factual issues involved

in such hearings might have been more effectively resolved had there been inquiries into the supply picture on a broader geographic basis.

EPA is not anticipating that requests for Section 110(f) action will be necessary this winter. However, to improve EPA's ability to act promptly in providing recommendations to the President should any Section 110(f) applications be submitted, EPA intends to gather information regarding supply and demand forecasts for the lower sulfur fuel oils which might be in issue in Section 110(f) applications. Therefore, EPA is scheduling meetings with State energy and environment offices, utilities, the fuel oil marketing and supply industry, and other interested parties. You are invited to send a representative to a meeting scheduled to begin at 9:00 a.m., October 1, 1979 at EPA headquarters, Room 3906, 401 M Street, S.W., Washington, D.C. 20460.

The meeting will be a staff-level informal discussion and a transcript will be made of the proceedings. Because EPA is in need of certain information the discussions will center around the attached list of questions and issues. We would appreciate it if your representative is prepared to answer these questions. Further, a 5-10 minute opening statement from your representative would be helpful. Although informal, the meetings will be open to the public. It is requested that your representative furnish at the meeting copies of the opening statement and any other documents to which you wish to refer.

Should you have any questions concerning the attached list or any matter related to the meetings, please contact Paul Stolpman, (202) 426-2482. Please indicate to Mr. Stolpman,

prior to October 19 whether you plan to send a representative. Due to the space constraints of a round-table format, please limit the number of participants you choose to send. Additional personnel such as technical back-up, may attend but will be seated with participants only on a space available basis.

Sincerely yours,

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

Issues and Questions for Discussion: Meeting with State Energy and Environmental Officials

1. What steps or contingency plans have been taken in preparing for a winter energy emergency related to a shortage in low-sulfur residual or distillate fuel oils?

A. Have you identified, and on what basis, powerplants or other sources which would be likely candidates for a 110(f) SIP suspension? For any such source what would be the SIP requirements which would have to be suspended and what would be the emissions and air quality impact (at various sulfur levels) of the use of a nonconforming fuel?

B. For any powerplant which may request a 110(f) suspension and which may have a significant energy or environmental impact, have you examined alternative means of meeting an energy emergency? For example, switching to natural gas, wheeling of power, voltage reductions, conservation efforts either by the source or the public.

C. In the burning of coal as the nonconforming fuel, have there surfaced any impediments to the use of coal, such as neighborhood opposition to coal burning or lead time necessary to complete a coal conversion, which may prevent or affect the timing of a coal conversion during a 110(f) emergency? Prior to considering a 110(f) suspension did you consider action under Section 113(d)(5)?

2. What is the current and potential stock situation in your State for residual and distillate oil? Do you have any estimate of the secondary and tertiary stock levels? How do they compare to historical levels?

3. Have you examined the impact of the price differential between conforming and nonconforming fuel on unemployment and residential energy supplies?

4. Effective processing of 110(f) petitions on an expedited basis required a coordinated effort between EPA, DOE and the States. Are there any procedures, aside from the current NESCAUM effort, which you might recommend which would make the 110(f) process more efficient?

Issues and Questions for Discussion: Meeting With Utilities

1. Prior to any SIP suspension under Section 110(f) the President must first declare that an energy emergency exists of such severity that a temporary emergency SIP suspension may be necessary and that other means of responding will be inadequate.

A. What is the current status of your present and near term supply situation for conforming residual fuel oil? Responses to this question should focus on current and projected stock levels of conforming fuel oil, the volume and price of recent spot purchases and the contract price you pay, the current status of your supply contracts and whether you are on allocations by your supplier (including the supplier's reasons for allocating supplies). In addition, you should be prepared to discuss the attempts made to obtain an adequate supply of conforming oil from other than your current supplier.

B. What other means have been attempted or examined in response to any actual or projected shortfall in conforming oil? For example, power voltage reductions, conservation efforts, might be considered as alternatives. Further, switching to natural gas is another means of reducing a shortfall without requiring a SIP suspension. Are all natural gas capable facilities using or undergoing a switch to natural gas?

C. In some cases increased conforming oil supplies may be available if fuel oil specifications other than sulfur limits, such as viscosity or pour point, are relaxed. Have these possibilities been examined within your utility and with suppliers?

2. The Administration's position is that price may be a factor in granting SIP suspensions provided that the price of conforming oil actually causes or is projected to cause the impact of either unemployment or loss of necessary energy supplies to residences.

A. In the past year has your company refused to purchase offered conforming oil? At what price?

B. Have you made any estimates on the impact of the price differential between conforming and nonconforming residual fuel oil on any of your customers? How would this differential and the resultant impact change if you could also change pour point or viscosity specifications?

3. Identify any powerplants which you have identified as likely candidates for a 110(f) SIP suspension to burn nonconforming fuel oil or coal. (In the case of coal, have you also considered action under Section 113(d)(5).) For any such powerplants:

A. What SIP provisions would have to be suspended and what would be the operating conditions after suspension? For example, SO₂ emissions limitation as specified by the SIP, and resultant SO₂ emissions on burning nonconforming fuel oil.

B. Detail any air quality impact analyses on the use of a nonconforming fuel which you may have performed for any 110(f) SIP suspension candidate.

Issues and Questions for Discussion: Meeting With Refiners/Distributors

I. Refiners

1. Did your crude supply change since last year. If so, did it affect your ability to produce low-sulfur resid? If so, why and how significant was this change? Could you have purchased more low-sulfur crude oils?

2. During the September 1978 to present period, could you have produced more low-sulfur residual fuel (1%, 0.5%, 0.3%) through (i) desulfurization, (ii) blending more distillate, or (iii) buying more low sulfur crude oil? If so, how much more (in MB/D)?

A. If you could have produced more low-sulfur residual fuel, why didn't you produce it?

B. What would be the cost of an additional incremental amount of low-sulfur resid? In dollars? In loss of gasoline or distillate production?

3. Have you placed any customers on allocations of low sulfur resid or distillate or have you indicated any future allocations? If so, what efforts have you made to obtain low-sulfur resid or distillate for them? What was your reason for the allocation?

4. How much low-sulfur residual fuel did you sell in the spot markets (i.e., New York Harbor, Rotterdam, etc.) by month between September 1978 and present? Will this trend continue through this winter?

5. If you have a Mediterranean or Caribbean-based refinery, how much low-sulfur resid and how much distillate did you ship to Europe by month between September 1977 and present? Can we assume that this will be the winter trend? For such refinery, what was your production volume of 1.0%, 0.5%, and 0.3% sulfur resid from September 1977 to present.

6. Did you purchase any low-sulfur resid for resale?

7. What are your current and projected stock levels for low sulfur resid and distillate?

A. Has there been any change from your historical practices in deliveries to secondary and tertiary storage?

B. Assuming adequate primary stocks do you anticipate any distributional problems in the coming winter?

8. In the low-sulfur resid that you currently produce, is there any distillate, vacuum gasoil, or other fraction which may be removed and processed into home heating oil? What impact would this have on the viscosity and/or pour point properties of the resid? Of the distillate? Would the remaining resid be marketable (acknowledging that it would be of a higher sulfur content and that utilities have some flexibility and may be willing to ease viscosity and/or pour point specifications)? Would it be marketable as bunker fuel?

II. Distributors

1. What is your current stock situation for distillate and low-sulfur resid? How does it compare to past years?

2. Have you been placed on allocations by any supplier? If so, what steps have you taken to make up the lost supply?

3. Have you placed any customers on allocations? If so, to what level.

4. What has been your historical spot market/contractual supply ratio and has it changed?

5. Do you blend distillate or other light petroleum fractions with high sulfur resid in order to meet the sulfur, viscosity and/or pour point specifications of any of your customers?

Issues and Questions for Discussion: Meeting With Environmental and Other Interest Groups

Attached are lists of questions and issues being distributed to refiners, distributors, utilities and state energy and environmental agencies. The questions and issues will be discussed at a series of Section 110(f) meetings to be held by EPA. These lists represent the broad range of questions and issues which will be open for discussion at the Section 110(f) meeting to be held with representatives of your organization and other interested parties.

ADDRESS: Requests for participation must be made in writing not later than October 17, 1979 to: Director, Office of Policy Analysis (ANR-444) Office of Air, Noise and Radiation, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

MEETINGS TIME AND PLACE: The meeting with the indicated representatives will be held on the following dates, utilities, October 24; state environmental and energy agencies, October 29; fuel oil supply and marketing industry, October 31; and environmental and other interested parties, November 5. All meetings will be held at EPA Headquarters, 401 M Street, SW., Washington, D.C. 20460, Room 3906. The meetings will begin at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT: Paul Stolpman, Director, Office of Policy Analysis (ANR-444), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 426-2482.

Dated: September 28, 1979.

David G. Hawkins,
Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 79-30785 Filed 10-3-79; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

Atlantic City Television Corp et al.; Order

Adopted: September 14, 1979.

Released: September 28, 1979.

By the Chief, Broadcast Bureau.

In the matter of applications of Atlantic City Television Corp.; Atlantic City, New Jersey; (BC Docket No. 79-242; File No. BPCT-5109), World's Playground Broadcasting System, Inc.; Atlantic City, New Jersey, for construction permit for a new television broadcast station (BC Docket No. 79-243; File No. BPCT-5157)

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications, filed by Atlantic City Television Corp. (Atlantic) and World's Playground Broadcasting System, Inc. (World) for a new commercial television station on channel 53, Atlantic City, New Jersey.

2. World proposes a tower height of 500 feet above ground level (AGL). The Federal Aviation Administration has rejected that proposal as exceeding obstruction standards and presumably as constituting a hazard to air navigation (Acknowledgment 78-AEA-102-OE, March 22, 1978). The FAA has indicated that it would approve a tower height at that location not exceeding 367 feet AGL. The applicant, however, has not amended its application to reflect a change in tower height. Therefore, an air safety issue will be specified.

3. Except as indicated in the issues specified below, the Commission finds Atlantic and World legally, financially, technically and otherwise qualified to operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that grant of the applications will serve the public interest, convenience and necessity. The applications must, therefore, be designated for hearing in a consolidated proceeding on the issues set out below.

4. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the tower height and location proposed by World would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. It is further ordered, That the Federal Aviation Administration is made a party respondent in respect to Issue 1, above.

6. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-30661 Filed 10-4-79; 8:45 am]

BILLING CODE 6712-01-M

[FCC 79-582]

Commission Releases 1978 Television Financial Data to House and Senate Subcommittees

September 28, 1979.

In an exchange of correspondence, released September 28, 1979, the Commission agreed to provide both the House and Senate Subcommittees on Communication information from the 1978 FCC Form 324 of each commercial television licensee. The Commission advised the Subcommittees that the 324 Forms contain commercially sensitive financial information and that the individual broadcaster and individual

station data are privileged and confidential and not routinely available to the public. The Commission requested that the Subcommittees treat the information accordingly.

Action by the Commission September 17, 1979. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, Brown and Jones.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-30766 Filed 10-3-79; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 79-247, 79-248; File Nos. BR-790131VB, BRH-790 131VC; FCC 79-585]

**DeWitt Broadcasting Company, Inc.;
Order and Apparent Liability
Designating Applications for
Consolidated Hearing on Stated Issues**

Adopted: September 25, 1979.

Released: September 27, 1979.

In the matter of applications of DeWitt Broadcasting Company, Inc., Radio Stations KDEW-AM-FM DeWitt, Arkansas, BC Docket No. 79-247, File No. BR-790131VB, BC Docket No. 79-248, File No. BRH-790131VC, for renewal of licenses

1. The Commission has before it for consideration the above-captioned applications and its inquiry into the operation by DeWitt Broadcasting Company, Inc., of Stations KDEW-AM-FM, DeWitt, Arkansas, which are licensed to DeWitt Broadcasting Company, Inc.

2. Information before the Commission raises serious questions as to whether the captioned applicant possesses the qualifications to be or to remain a licensee of the captioned stations. In view of these questions, the commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. While it eschews both the role of national arbiter of the "truth" and the censor's role, the commission has repeatedly expressed concern over a licensee's responsibility to select programming to serve the public rather than its own private interests. Accordingly, we have stated that where there are allegations of deliberate distortion, slanting or suppression of news by a licensee, supported by extrinsic evidence from those with personal knowledge, serious questions are raised as to the integrity of the licensee's service to the public. *Letter to Mrs. J. R. Paul*, 26 FCC 2d 591 (1969);

The Selling of the Pentagon, 30 FCC 2d 150, 152 (1971). See also *Letter to ABC, CBS, NBC*, 16 FCC 2d 650 (1969); *Editorializing by Broadcasting Licensees*, 13 FCC 1246 (1946).

4. Accordingly, it is ordered, that the captioned applications are designated for a consolidated hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent order, upon the following issues:

(a) To determine whether, and if so the extent to which, the licensee, or any of its employees or principals, broadcast or ordered the broadcast of slanted, distorted or false news programming.

(b) To determine whether the licensee, or any of its employees or principals, broadcast or ordered the broadcast of news programming selected or edited in a manner designed to serve the licensee's or its principals' private, rather than the public, interest.

(c) To determine whether, and if so the extent to which, the licensee has complied with the Fairness Doctrine and Section 315 of the Communications Act of 1934, as amended, by affording a reasonable opportunity for discussion of conflicting views on controversial issues of public importance during its license period.

(d) To determine whether, and if so the extent to which, the licensee willfully and/or repeatedly operated KDEW-FM in violation of § 73.1740(a)(1) of the Commission's Rules regarding the hours of broadcast operation.

(e) To determine whether, and if so the extent to which, the licensee has made misrepresentations to, or has been lacking in candor with, the Commission.

(f) To determine whether, in light of the evidence adduced under the preceding issues, the applicant possesses the requisite qualifications to be or remain a licensee of the Commission, and whether a grant of the captioned applications would serve the public interest, convenience and necessity.

5. It is further ordered, that the Chief, Broadcast Bureau, is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to Issues (a), (b), (c), (d) and (e).

6. It is further ordered that if it is determined that the hearing record does not warrant an Order denying the captioned applications for renewal of license for Stations KDEW-AM-FM, it shall also be determined whether the applicant has willfully or repeatedly violated § 73.1740(a)(1) of the Commission's rules or Section 315 of the Communications Act of 1934, as amended. If so, it shall also be

determined whether an Order for Forfeiture pursuant to Section 503(b) of the Communications Act of 1934, as amended, in the amount of \$20,000 or some lesser amount, should be issued for violations which occurred within the statutory period preceding the issuance of the Bill of Particulars in this matter.

7. It is further ordered, that this document constitutes a Notice of Apparent Liability for forfeiture for violation of § 73.1740(a)(1) of the Commission's Rules and Section 315 of the Communications Act of 1934, as amended. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come with the purview of Section 503(b) of the Communications Act of 1934, as amended, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that the inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgement is, of course, to be made on the facts of each case.

8. It is further ordered, that the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through and including (e) and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its applications would serve the public interest, convenience and necessity.

9. It is further ordered, that to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this Order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. It is further ordered, that the applicant herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

11. It is further ordered, that the Secretary of the Commission send a copy of this Order by Certified Mail, Return Receipt Requested to DeWitt Broadcasting Company, Inc., licensee of

Radio Stations KDEW-AM-FM, DeWitt, Arkansas.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-30767 Filed 10-3-79; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee; Amateur Radio Services Subcommittee; Meeting

September 28, 1979.

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Amateur Radio Services Subcommittee of the National Industry Advisory Committee to be held Monday, October 22, 1979. The Subcommittee will meet at the Federal Communications Commission Annex Building, Room A-110, 1229 20th Street, NW., Washington, D.C. at 10:00 a.m.

Purpose: To consider emergency communications matters.

Agenda: As follows.

Items: 1. Chairman's opening remarks.

a. Consideration of additional data to Minutes of June 25, 1979 meeting.

b. Introduction of new members: Mr. Charles R. Dunn, K7RMG; Mr. Rafael M. Estevez, WA4ZZG.

2. FCC status report on a local emergency support plan developed in Tacoma, Washington, and a state plan for Emergency Broadcast System (EBS) support developed in Connecticut. Presentation by Mr. Herbert J. Neumann, Executive Secretary, NIAC.

3. Report on Electromagnetic Pulse (EMP), Part 2. By Mr. G. "Don" Meserve, WQMG.

4. Report on Emergency Communications and Mars and EBS. By Mr. Christopher Payne, W3IRC.

5. Report on Emergency Plans filed with ARRL. By Mr. John Lindholm, K1XX.

6. Report on RACES. By Mr. John Obradovich, W3IS.

7. Report on a study of how local government officials have been contracted regard Amateur Radio and Emergency Communications. By Mr. John Obradovich, W3IS.

8. Report on meetings with the FCC's Personal Radio Branch and the Broadcast Facilities Division regarding Amateur Radio retransmissions by EBS stations and related recommendations for a proposed rule making. By Christopher Payne, W3IRC.

9. Report on "formal filing" in support of RM-3457 regard NOAA weather retransmission by Amateur Radio. By Mr. John Abradovich, W3IS.

10. Miscellaneous committee reports.

11. Old business. Rebroadcast of amateur transmission during EBS operations.

12. New business. Emergency communications planning guide.

13. Federal agency and public comments.

14. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632-7232.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-30765 Filed 10-3-79; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1195]

Petitions for Reconsideration of Actions in Rulemaking Proceedings Filed

September 28, 1979.

Docket or RM No.	Rule No.	Subject	Date received
20718..... 18.....		Overall revision of Part 18 governing Industrial, Scientific, and Medical equipment (Filed by Joseph R. Marcus, Attorney for Roper Corporation)	August 14, 1979

NOTE.—Oppositions to petitions for reconsideration must be filed on or before October 19, 1979. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-30763 Filed 10-3-79; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 79-257, 79-258; File Nos. 20231-CD-P-76; 20718-CD-P-76]

Radio Communications, Inc. and American Radio-Telephone Service, Inc.; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted September 27, 1979.

Released: October 1, 1979.

In re applications of Radio Communications, Inc. for a construction permit to establish a new two-way base

station to operate on frequency 152.18 MHz in the Domestic Public Land Mobile Radio Service at Frederick, Maryland, CC Docket No. 79-257, File No. 20231-CD-P-76; American Radio-Telephone Service, Inc., for a construction permit to establish an additional location for Station KGA249 to operate on frequency 152.18 MHz in the Domestic Public Land Mobile Radio Service at Winfield, Maryland, CC Docket No. 79-258, File No. 20718-CD-P-76.

1. Presently before the Chief, Common Carrier Bureau, is the application of

Radio Communications, Inc. (RCI), File No. 20231-CD-P-76, for a Construction Permit to establish a new two-way base station to operate on frequency 152.18 MHz¹ in the Domestic Public Land Mobile Radio Service (DPLMRS) at Frederick, Maryland, and the application of American Radio-Telephone Service, Inc. (ARTS), File No. 20718-CD-P-76, to establish an additional location for DPLMRS Station KGA249 to operate on frequency 152.18

¹ The associated paired mobile frequency is 158.64 MHz.

MHz² at Winfield, Maryland. Both RCI and ARTS have filed petitions to dismiss or deny against each other's application. Responsive pleadings have been filed thereto.

2. Because these applications seek to establish service on the same frequencies within overlapping service areas, they are electrically mutually exclusive. Consequently, a comparative hearing must be held to determine which applicant would better serve the public interest. *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945).

3. Each party raises the issue of whether the opposing party has the proper State certification for its proposed facilities. However, we do not need to decide this issue because § 21.13(f) of the rules has been amended to no longer require DPLMRS applicants to submit evidence of prior state certification. See *Regulatory Policies and Procedures in the Domestic Public Land Mobile Radio Service*, Docket 20870, *First Report and Order*, 69 FCC 2d 398 (1978).³ As a result of this rule change, state certification is no longer a prerequisite to granting Construction Permits and Licenses in the DPLMRS. We point out that our rules specifically require permittees and licensees to comply with State law concerning construction and operation of their facilities.

4. We find that both applicants are legally, technically, financially and otherwise qualified to construct and operate their proposed facilities.

5. Accordingly, it is ordered, That the petitions to deny of Radio Communications, Inc. and American Radio-Telephone Service, Inc., are denied, and That pursuant to Sections 309 (d) and (e) of the Communications Act of 1934, as amended,⁴ the above-referenced applications of Radio Communications, Inc., File No. 20231-CD-P-76, and American Radio-Telephone Service, Inc., File No. 20718-CD-P-76, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service

proposed by each applicant, including the rates, charges, maintenance personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 37 dBu contours, based upon the standards set forth in § 21.504(a) of the Commission's rules,⁵ and to determine the need for the proposed services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience, and necessity.

6. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

7. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

8. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Philip L. Verveer,
Chief, Common Carrier Bureau.

[FR Doc. 79-30768 Filed 10-3-79; 8:45 am]
BILLING CODE 6712-01-M

**Order Reopening Comment Period:
Western Union Telegraph Company,
Tariff F.C.C. No. 271, Facilities For Use
by United States Postal Service,
Transmittal No. 7467**

October 1, 1979.

In accordance with the Commission's decision in *Graphnet Systems, Incorporated*, Docket No. 79-6, released on September 4, 1979 (FCC: 79-465), the Chief, Common Carrier Bureau has ordered the reopening of the comment period on the pending application for review of the Bureau Chief's rejection of Western Union Telegraph Company's proposed tariff in *Western Union Telegraph Company, Tariff FCC No. 271*,

⁵ Section 21.504(a) describes a field strength contour of 37 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 152-162 MHz band. Propagation data set forth in § 21.504(b) are the proper bases for establishing the location of service contours F (50, 50) for the facilities involved in this proceeding.

Transmittal No. 7467, adopted and released on April 6, 1979.

Comments are requested from all interested members of the public with respect to the following question: What legal and policy considerations should the Commission take into account in determining whether the inter-carrier relationship between Western Union and the Postal Service for the provision of ECOM service should be governed by contract or tariff?

Nine copies of all comments shall be submitted on or before October 31, 1979, and reply comments may be filed on or before November 16, 1979, with the Federal Communications Commission, Washington, D.C., 20554. Comments shall be made available for public inspection at the Commission's Tariff Division of the Common Carrier Bureau in Washington, D.C.

For additional information, contact Anthony M. Alessi (202) 632-6312.

Federal Communications Commission,
William J. Tricarico,
Secretary.

[FR Doc. 79-30764 Filed 10-3-79; 8:45 am]
BILLING CODE 6712-01-M

[CC Docket No. 79-187; FCC 79-561]

**Inquiry Concerning AT&T'S Earnings
on Interstate and Foreign Services
During 1978**

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: This notice requests comments on the measurement of AT&T's earned rate of return, and on the action, if any, which the Federal Communications Commission should take when a common carrier (AT&T) exceeds the rate of return which was prescribed pursuant to Section 205(a) of the Communications Act of 1934, as amended. Comments are also requested on a petition for the enforcement of the accounting order in Docket No. 20732, 58 F.C.C. 2d 1 (1976), which was filed by the National Citizens Committee for Broadcasting, the Consumer Federation of America, and the Missouri Public Interest Research Group.

DATES: Comments must be received on or before November 10, 1979. Reply comments must be received on or before December 10, 1979.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kent Nilsson, Common Carrier Bureau 202-632-9342.

Adopted: September 18, 1979.

²Id.

³Section 21.13(f) states in pertinent part:

(2) In the Domestic Public Land Mobile Radio Service applicants are not required to file State certificates. Permittees and Licensees are required to abide by all State requirements of certification whether as to construction or operation. In the case of a construction permit grant, the permittee must complete construction in accordance with § 21.43 of the rules. In the case of a license grant, the licensee must have all requisite State authority, and be in operation within 240 days of the date of the license grant, or the license will automatically expire and must be submitted for cancellation.

⁴47 U.S.C. 309 (d), (e).

Released: October 1, 1979.

By the Commission: Commissioner Brown concurring in part and dissenting in part and issuing a statement.

In the matter of AT&T's Earnings on Interstate and Foreign Services During 1978, CC Docket No. 79-187.

I. Background

1. In our decision in Docket 20376, 57 FCC 2d 960 (February 5, 1976), this Commission, after a full hearing, prescribed the fair rate of return for the American Telephone and Telegraph Company and the affiliated Bell System Operating Companies (AT&T) at 9.5%, and stated:

"As in our decisions in 1967 and 1972 on rate of return, we believe that a range of rate of return should be established in order to provide an incentive to increase productivity and efficiency. In both of these earlier proceedings, the range was set at .5 percent above the prescribed rate of return. From the record evidence, our analysis of present economic conditions, and the testimony of the parties at oral argument, we believe this range is appropriate here. This is also consistent with the finding of the ALJ as to rate of return, which we affirm, that AT&T should be permitted 'a level or range of interstate earnings not to exceed 10% (FCC 75D-53 at page 34).' Accordingly, we shall not require any downward adjustment of AT&T's overall interstate rates provided its overall rate of return does not exceed 10 percent." 57 FCC 2d at 973.

2. On January 22, 1979, AT&T issued a "Bell System Interstate Summary of Financial and Operating Data" report (Interstate Monthly Report No. 1) which stated that the ratio of net earnings to average net investment for 1978 was 10.22%. If the ratemaking principles adopted for "interest during construction" (IDC) and "plant under construction" (PUC) in Docket 19129 Phase II, 64 F.C.C. 2d 1, as clarified by this Commission upon reconsideration, 67 F.C.C. 2d 1429 (1978), were applied to 1978, the earned rate of return for AT&T for 1978 would have been 10.02%.¹ However, on June 1, 1979, the Commission issued its further reconsideration of its decision in Docket 19129 and found that any change in the ratemaking treatment of IDC and PUC ordered in that docket would not be effective until January 1, 1979. F.C.C. 79-315 (Mimeo. No. 13963). On June 29, 1979, AT&T filed with this Commission its "1978 Annual FDC Report". That report stated that the Bell System's "earnings ratio" on "total interstate services" was 10.1% for the calendar year ending on December 31, 1978. In

addition, the "1978 Annual FDC Report", employing specific cost allocations which have not been adopted by this Commission,² includes a table of earnings ratios by line of service (e.g. message telecommunications service, TELPAK, etc.) which purports to show the actual rate of return which was earned by AT&T during 1978 for each of those services.³ The approximate revenues in excess of ten percent for 1978 were \$9 million under the 10.02% calculation, \$45 million under the 10.1% measurement, and \$99 million under the 10.22% figure reported in the Interstate Monthly Report No. 1.

II. Issues

3. At issue in this proceeding are five questions. First, for the purpose of reviewing the level of AT&T's earnings, is it most appropriate to examine AT&T's earned rate of return on a calendar year basis ending on December 31, or is some other time interval more appropriate?⁴ Second, if a time interval other than a calendar year should be adopted, what criteria should guide this Commission in the adoption of such a time interval, and, for the purpose of determining whether AT&T has exceeded the rate of return which was prescribed in Docket No. 20376, what should that time interval be? Third, given the measurements of AT&T's rate of return which have been noted in paragraph 2, *supra*, and the appendix to this notice, what measurement of AT&T's earned rate of return on interstate and foreign services should be adopted by this Commission? Fourth, has AT&T exceeded the rate of return which was prescribed in Docket 20376, and if so, by what amount? Fifth, what action should this Commission take, if any, when the earned rate of return of a common carrier exceeds the rate of

return which has been lawfully prescribed pursuant to Section 205(a) of the Communications Act of 1934? To stimulate the thinking of parties on the last question, we indicate below some preliminary views on alternative approaches which might be taken with respect to earnings which may be deemed to have been in excess of those permitted in Docket 20376. In this regard, we not only request comments on the specific alternatives discussed herein, but we also request the submission of any additional information or alternatives which parties consider to be relevant to this inquiry.⁵

III. Alternatives

4. Because tariffed charges for interstate and foreign services incorporate, as a cost element, the prescribed rate of return, should the rate of return prescription be viewed solely as a "target" earnings rate which individual tariffs would be designed to achieve? If so, should this Commission prescribe tariffs whenever the earned rate of return varied from the prescribed rate of return? In the alternative, should the prescribed rate of return be construed as an initial rate "targeting" device, and thenceforth as a "trigger mechanism" which would result in Commission review of the tariffs and earnings of a common carrier whenever that carrier's earnings exceeded the prescribed rate of return? If the rate of return prescription should be viewed in that manner, what criteria should guide this Commission in its review of a carrier's earned rate of return?

5. AT&T has stated in presentations to the Commission's staff that economic and technological obsolescence have resulted in an underdepreciation of AT&T's assets. Should AT&T's revenues, which resulted in earnings

¹We have heretofore expressed our concerns with respect to the implementation by AT&T of the costing methodology which we adopted in Docket 18128, 61 F.C.C. 2d 587 (1976). Those concerns have been expressed recently in a series of tariff rejection orders. See *AT&T Company* (DDS), 67 F.C.C. 2d 1195 (1978); *recon.*, 70 F.C.C. 2d 616 (1979); *AT&T Company* (Series 7000), 67 F.C.C. 2d 1134 (1978); *recon.*, 70 F.C.C. 2d 2031 (1979); *AT&T Company Long Lines Department* (WATS), 66 F.C.C. 2d 9 (1977); *recon.*, 69 F.C.C. 2d 1672 (1978).

²Included as an appendix to this notice are the rates of return by line of service which AT&T reported in its "1978 Annual FDC Report".

³The most appropriate time interval may be at the conclusion of the calendar year because AT&T submits to an independent audit at the end of each year. The quantitative significance of alternative time intervals may, in part, be assessed from the monthly earned rate of return figures which have been filed with the Commission by AT&T in its "Interstate Monthly Report No. 1". The monthly earnings ratio figures which AT&T has supplied to this Commission for interstate and foreign services from January, 1962 through May, 1979 are included in the appendix to this notice.

⁴On July 20, 1979, the National Citizens Committee for Broadcasting, the Consumer Federation of America, and the Missouri Public Interest Research Group filed a "Petition For Enforcement of Accounting". Those petitioners requested that this Commission determine the amount of excess revenues which AT&T has received, order those revenues to be placed in an interest bearing escrow account (or, in the alternative, receive from AT&T written assurance that the amount of the overage will be repaid with interest), and enforce the accounting order in Docket 20732, 58 F.C.C. 2d 1 (1976). Because the issues which the petitioners raise are pertinent to this inquiry, we have decided to include their petition in the record of this proceeding. Accordingly, comments in this docket are also requested which focus upon the "Petition For Enforcement of Accounting". The "Petition for Enforcement of Accounting", AT&T's "Opposition" thereto (filed August 2, 1979), and the Petitioners' "Reply" (filed August 10, 1979) are available for inspection under CC Docket No. 79-187 in the Docket Reference Room of the Commission's offices at 1919 M Street, NW., Washington, D.C.

¹Letter from Mr. William Stump, Assistant Vice President of AT&T, to the Chief of the Common Carrier Bureau, dated January 19, 1979.

above the rate of return prescribed in Docket 20376, be credited to AT&T's accumulated depreciation reserve for telephone plant? If such an accumulated depreciation reserve credit were to be made, to which accounting period (year) should the adjustment apply? In the light of the decision of the United States Court of Appeals for the District of Columbia Circuit in *Williams v. Washington Metropolitan Area Transit Com'n*, 415 F.2d 922, 952-957 (D.C. Cir. en banc, 1968), cert. denied, 393 U.S. 1081 (1969), what procedures should be utilized to yield such a result?

6. Should a higher than prescribed rate of return for 1978 be allowed to AT&T on a retrospective basis? If so, do the materials submitted by AT&T in its March 8, 1979 Petition for Determination of Fair Rate of Return (CC Docket 79-63) or in other AT&T filings before this Commission constitute an adequate basis for a retroactive prescription?

7. From a policy perspective, should a rate of return prescription, entered pursuant to a hearing under Section 205(a) of the Communications Act of 1934, provide an upper limit to the earnings of a common carrier with any excess revenues being returned to ratepayers? If the prescribed rate of return in Docket 20376 should be viewed as the prescription of a ceiling on the rate of return which AT&T may earn, should this Commission order a refund of the excess revenues which were collected? ⁶ If such a refund were to be ordered, what would be the most inexpensive method for distributing the refund? The Common Carrier Bureau has suggested that the lowest transactions costs for effectuating such a refund may be through requiring a credit to each customer's bill.⁷ On the

other hand, it may be more efficient to distribute the refund through the device of requiring a temporary discount for each class of interstate and foreign service. In this regard, we seek estimates of the transactions costs of effecting refunds under alternative refund approaches, and we encourage participants to recommend less expensive methods by which refunds could be made. In addition, we note that AT&T's "1978 Annual FDC Report" indicated that different rates of return have been earned on interstate and foreign services during 1978. Although we have not approved the specific cost allocations which were the basis for the rates of return by line of service which were reported by AT&T, fundamental concepts of equity require that we request comments on three related questions. First, should the Docket 20376 rate of return prescription for AT&T as an entity now be construed as prescribing a rate of return for each individual interstate and foreign service which AT&T has supplied since the effective date of that prescription? Second, which specific service categories (e.g. MTS, Private Line Telephone Channels, etc.), if any, have exhibited excessive earnings? Third, if any corrective action is indicated (e.g. refunds, rate reductions, etc.) should it not be limited to the customers of those service categories which had earned rates of return which exceeded the overall rate of return prescription in Docket 20376?

8. If the comments in response to this notice should show that AT&T has received excess revenues and should further show that it would not be feasible to directly return any excess revenues to individual ratepayers, and equitable alternative remedy may be the establishment, within AT&T's accounts, of the amount equal to the excess revenues which would then be used for the benefit of ratepayers in pending or future rule making proceedings. Such an account would be administered solely at the discretion of the F.C.C. for the benefit of ratepayers. Possible uses of such a fund might include: application of the amount of the fund to future AT&T earnings short-falls, so that

compensatory rate increases could be avoided (or delayed); or reimbursement of certain costs incurred by rate-payers in presenting information needed by the Commission in pending or future rulemaking proceedings. A remedy fashioned in this manner would be analogous to the relief granted by the United States Court of Appeals for the District of Columbia Circuit in *Bebchick v. Public Utilities Commission*, 318 F.2d 187 (D.C. Cir. en banc, 1963), cert. denied 373 U.S. 913, and reaffirmed in *Williams v. Washington Metropolitan Area Transit Commission*, supra at 956-957.

9. Accordingly, it is hereby ordered, Pursuant to Sections 1, 4(i)-(j), 204, and 205 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)-(j), 204, and 205, that interested parties may file comments on the issues discussed herein on or before November 10, 1979. Reply comments may be filed on or before December 10, 1979. Pursuant to the procedures set forth in § 1.51(c)(1), an original and nine (9) copies of all filings shall be furnished to the Commission. All comments received in response to this Notice will be made available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

10. It is further ordered, That the Secretary shall cause this Notice of Inquiry to be published in the *Federal Register*.

Federal Communications Commission,*
William J. Tricarico,
Secretary.

BILLING CODE 6712-01-M

*See attached Statement of Commissioner Tyrone Brown.

⁶ In Docket 20732, 58 FCC 2d 1 (1976), the Federal Communications Commission suspended the tariff revisions which AT&T filed to implement the prescription in Docket 20376, instituted an investigation into the lawfulness of those tariff revisions, ordered that the investigation be held in abeyance, and imposed an accounting order on AT&T for the classes of service for which the tariff revisions were filed. See 58 FCC 2d at 5. By separate Memorandum Opinion and Order, FCC 77-310 (adopted on May 4, 1977; released May 9, 1977), we stated that the accounting order in Docket 20732 has not been modified as a consequence of our decision in the *Phase II Final Decision and Order in Docket 19129*, 64 F.C.C. 2d 1 (1977), and stated that the accounting ordered in Docket 20732 shall continue until further order by this Commission. The Memorandum Opinion and Order of May 4, 1977, F.C.C. 77-310, was served upon AT&T on May 9, 1977, and continues in effect pursuant to Section 408 of the Communications Act.

⁷ A refund credit to each customer's bill, which would be based upon future usage, would only appear to require simple modifications to the computer programming instructions for customer billing. Presumably those modifications could be accomplished at minimal expense. Methods for effecting a refund on the basis of future usage would

not address the fact that future users of AT&T's services may not be the same users who may have paid excessive charges in the past. See generally, *Democratic Cent. Com. of D.C. v. Washington Met. A.T. Com'n*, 436 F.2d 233, 236, n. 10 (D.C. Cir., 1970). On the other hand, a refund credit which was based upon the actual usage by each individual customer during some prior period would appear to require extensive, and possibly expensive, searches of customer billing records. However in either case, it may not now be possible to provide refunds to all prior users of AT&T's services who have moved or changed their names.

Appendix

AT&T's Reported Rates of Return
by Line of Service*

Bell System Interstate Services

Fully Distributed Cost Method 7
Summary of Net Operating Earnings, Net Investment,
and Earnings Ratios

Year Ended December 31, 1978

	Net Operating Earnings (millions)	Net Investment (millions)	Earnings Ratio
(1) Message Telecommunications Service (MTS) Domestic, Offshore, Canada and Mexico	\$1,444	\$16,616	8.7 **
(2) MTS Overseas/International	135	585	23.0 **
(3) Outward Wide Area Telecommunications Service	390	2,325	16.8
(4) Inward Wide Area Telecommunications Service	153	1,323	11.6
(5) Private Line Telephone Channels	132	797	16.6
(6) Private Line Telephone Other	20	377	5.2
(7) Private Line Telegraph Channels	1.6	53	3.1
(8) Private Line Telegraph Other	1.8	31	5.9
(9) TELPAK	87	953	9.1
(10) Television Program Transmission Commercial	11	125	8.5
(11) Television Program Transmission Other	-1.3	29	-4.4
(12) Audio/Program Transmission Commercial	4.6	55	8.3
(13) Audio/Program Transmission Other	-0.2	4.5	-4.4
(14) DATAPHONE Digital Service	4.7	74	6.3
(15) Private Line Overseas/International	0.4	1.8	20.4
(16) Other	11	97	11.3
(17) Facilities for Other Common Carriers	-1.4	267	-0.5
Total Interstate Services	2,392	23,715	10.1+

*/ Source: 1978 Annual FDC Report by AT&T.

**/ The earnings ratio for these two categories combined is 9.2 percent.

+/ Reflects the inclusion of investments, expenses, and revenues related to Facilities for Other Common Carriers (See Volume 2).

Appendix
-Continued-

Monthly Percentage of Bell System Interstate and Foreign
Net Earnings to Average Net Plant (Annual Basis)
May, 1979 - January, 1962*

	<u>1979</u>	<u>1978</u>	<u>1977</u>	<u>1976</u>	<u>1975</u>	<u>1974</u>	<u>1973</u>	<u>1972</u>
Dec.	-	9.15	9.76	9.48	9.23	7.35	8.39	8.11
Nov.	-	9.93	9.63	8.71	8.79	7.97	9.60	7.98
Oct.	-	9.86	9.23	8.32	9.19	8.33	8.43	8.18
Sept.	-	10.20	9.27	9.14	8.57	8.16	7.60	7.43
Aug.	-	10.46	10.20	9.46	8.67	8.90	9.33	8.05
July	-	10.53	9.58	9.94	9.58	8.85	8.46	7.37
June	-	10.77	9.97	9.85	9.50	8.35	8.58	8.21
May	10.47	9.97	8.94	8.81	9.25	9.59	8.86	7.95
April	10.66	10.65	9.43	9.87	9.91	9.32	8.59	7.75
March	10.94	10.77	10.61	10.75	8.60	8.76	9.12	8.16
Feb.	10.01	9.65	8.98	8.03	6.98	8.15	8.35	7.39
Jan.	11.03	10.82	9.50	8.60	7.64	8.65	8.26	7.13

*/ Source: Bell System Interstate Summary of Financial and Operating Data, Monthly Report No. 1.

Appendix
-Continued-

Monthly Percentage of Bell System Interstate and Foreign
Net Earnings to Average Net Plant (Annual Basis)
May, 1979 - January, 1962

	<u>1971</u>	<u>1970</u>	<u>1969</u>	<u>1968</u>	<u>1967</u>	<u>1966</u>	<u>1965</u>
Dec.	8.03	8.45	8.80	8.18	6.57	8.53	7.06
Nov.	7.56	7.20	7.84	7.97	8.06	8.28	7.72
Oct.	7.16	7.33	8.09	7.55	8.68	8.04	8.07
Sept.	7.11	7.00	7.81	7.60	8.20	8.20	8.09
Aug.	7.69	6.98	7.92	7.76	8.74	9.00	7.99
July	7.06	7.92	7.77	7.69	7.75	7.87	7.43
June	8.60	7.39	7.96	7.16	8.36	8.84	7.60
May	8.16	7.39	8.35	7.40	8.48	8.08	7.20
April	8.58	8.00	8.45	7.11	7.73	7.80	8.19
March	9.60	8.71	8.71	7.84	8.71	8.68	8.22
Feb.	7.89	6.72	7.64	7.27	7.21	7.15	6.52
Jan.	6.97	7.14	8.49	7.48	8.14	7.72	8.24

	<u>1964</u>	<u>1963</u>	<u>1962</u>
Dec.	7.97	6.91	7.21
Nov.	8.15	7.32	7.07
Oct.	8.11	7.55	7.09
Sept.	7.66	7.08	6.76
Aug.	7.54	7.44	7.57
July	7.01	7.33	6.65
June	8.02	6.64	6.90
May	7.36	7.80	7.28
April	7.62	7.49	7.55
March	7.74	7.54	8.22
Feb.	7.02	6.61	7.03
Jan.	7.44	7.32	7.96

Statement of Commissioner Tyrone Brown, Concurring in Part, Dissenting in Part

In Re: (1) AT&T's Request for Immediate Increase in Its Rate of Return.

(2) Disposition of AT&T's 1978 Excess Earnings.

(3) Modification of AT&T's Rate of Return.

In 1976, after a lengthy proceeding, the Commission authorized AT&T to earn a rate of 9.5 percent on its interstate and foreign investment. In addition, we indicated that revision of AT&T's rates would not be triggered if its rate of return did not exceed 10 percent. This additional .5 percent was not considered a part of the authorized rate of return; i.e., rates charged for AT&T services were to be targeted to achieve an overall 9.5 percent rate of return. Rather, the additional .5 percent was described as an incentive for increased productivity and efficiency.

Of course the Commission has no way of determining whether AT&T's earnings above 9.5 percent since 1976 were attributable to increased productivity and efficiency. We never intended to make such a determination. As a practical matter, provision for the extra .5 percent was simply a concession to the fact that rate-making is not an exact science. Accordingly, earnings which exceeded the authorized rate by not more than 5.26 percent were not to be treated as substantial enough to warrant Commission action. I have described the additional .5 percent above the authorized rate as a "fudge factor." I believe it is a useful device.

In the latter part of 1978, it came to the attention of the Commission that AT&T's earnings appeared to exceed both the authorized rate of return and the described "fudge factor." In 1978 AT&T's rate of return may have been as high as 10.22 percent and it may have charged its customers as much as \$100 million more than our 1976 prescription permitted, even taking into account the "fudge factor."

AT&T's response to staff inquiries concerning the apparent overage was to file a request for an increase in its authorized rate of return and for an interim increase in that rate pending completion of a hearing (required by law) on the permanent increase. As justification for the increase, AT&T cites increased cost of capital due to inflation. The issues presented are quite straightforward:

(1) Given that AT&T in 1978 exceeded both the permitted rate of return and the "fudge factor," what should this

Commission do about the excess earnings?

(2) Should AT&T's rate of return be revised upward on an interim basis?

(3) Should AT&T's rate of return be revised upward on a permanent basis to take account of alleged increases in the cost of capital?

On the last point, the Commission correctly has ordered a hearing into the need for an adjustment in AT&T's rate of return. AT&T has presented evidence, impressive on its face, that changed economic circumstances have increased its costs for both debt and equity capital. However, that evidence has not been tested and we cannot grant a permanent increase until a full record is made in a hearing. Considering that the hearing apparently can be limited solely to the cost-of-capital question, I hope and expect that the proceeding can be completed on an expeditious basis.

On the second issue—the question whether AT&T is entitled to an interim rate increase—I agree with the Commission's rejection of the Company's request. Interim relief of the sort requested by AT&T, without the benefit of a hearing, should be granted only if the Company's financial posture would otherwise be impaired or under other extraordinary circumstances. That is not the case here. What I disagree with on the interim increase issue is the Commission's decision to, in effect, grant a limited interim increase in AT&T's rate of return under the guise of a promise not to require refunds if AT&T's earnings during this interim period do not exceed the rate of return that we ultimately authorize at the completion of the permanent rate case we order today. I concede that the granting or withholding of refunds is a matter within the discretion of the Commission. However, we do not now have before us a record sufficient to determine whether a permanent increase is in order. I fail to see how we can nonetheless determine at this early stage that under no circumstances will we decide at a future date, on the basis of a fuller record, that refunds are in order. Lacking a full record, I would not at this point commit the Commission to a particular course. Therefore, I dissent to the portion of the designation order which puts the commission on record as making such a commitment.

I also dissent to the Commission's issuance of the Notice of Inquiry with respect to the handling of AT&T's apparent excessive earnings during 1978. In my judgment, this Notice of Inquiry is merely a means of putting off the decision whether or not to require AT&T to disgorge the excessive earnings. Absent the "fudge factor"

which I described above, I believe a case could be made that the Commission should not be concerned with earnings that are close to but exceed the authorized rate. Here, AT&T has had the advantage of the authorized rate, the "fudge factor," and some as yet undetermined overage above both.

I would require AT&T to return the overage to its customers, not as a penalty to AT&T, but because the funds rightfully belong to the customers. With respect to the overage, the only matters I would inquire into at this point are the amount of the overcharges and the procedure by which AT&T would be required to make refunds.

[FR Doc. 79-30862 Filed 10-3-79; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 79-245; FCC 79-562]

Inquiry Concerning American Telephone & Telegraph Co.'s Manual and Procedures for the Allocation of Costs

AGENCY: Federal Communications Commission.

SUMMARY: The Notice of Inquiry requests comments on AT&T's existing cost Manual and what must be done to develop and prescribe the costing procedures that must be followed by AT&T in the future.

DATES: Comments must be received on or before December 4, 1979. Reply comments must be received on or before January 3, 1980.

ADDRESSES: Federal Communications Commission.

FOR FURTHER INFORMATION CONTACT: Leon M. Kestenbaum, Common Carrier Bureau, 202-632-4890.

Adopted: September 18, 1979.

Released: September 28, 1979.

By the Commission: Commissioners Lee and Quello absent.

In the matter of American Telephone & Telegraph Co., manual and procedures for the allocation of costs, CC Docket No. 79-245.

1. This proceeding is designed to develop and prescribe specific procedures to be followed by AT&T in allocating costs among its various services. Although AT&T has developed interim cost allocation manuals which it has used as the basis for filing cost information in June and July 1977, July 1978 and June 1979, we believe, for the reasons discussed below, that cost allocation procedures, as well as the service categories to which costs are assigned, must ultimately be prescribed by the Commission to assure more effective regulatory control for the

future. A brief statement of the background leading to this proceeding may prove helpful in understanding the goals which we seek to achieve.

2. Over the last decade, the FCC has conducted rulemaking proceedings to determine entry policies consistent with the public interest in markets for various telecommunications services. The "Above 890" decision (27 FCC 359), the *Domsat* decision (35 FCC 2d 844 and 22 FCC 2d 86), the *Specialized Common Carrier Decision* (29 FCC 870), the *Resale and Shared Use* decision (60 FCC 2d 310), and the *Other Common Carrier Interconnection* decision (47 FCC 2d 660), point toward a general finding that competitive markets with minimal barriers to entry are in the public interest. In general, competitive market structures promote economic efficiency and encourage the rapid introduction and diffusion of new types and qualities of products and services. In particular the market for digital communications networks seems destined for rapid growth in the 1980's. Firms new to the telecommunications industry are planning cheaper, faster, and more flexible data communications services than are presently available. For example, Xerox, SBS and Western Union have recently filed petitions seeking to provide new services. We firmly believe new entrants will provide data communications users with diversity of service and other benefits that a market environment of competing vendors can provide.

3. The regulatory trend toward more competitive telecommunications markets seems well established. Nevertheless, competitive markets for diverse telecommunications services remain in their infancy. Dominant carriers still possess sufficient market power to cross-subsidize among services and users. Such cross-subsidization might nullify or otherwise restrain the emergence of fully-developed competitive telecommunications markets. Consequently, the implementation of Commission-approved costing principles for dominant carriers generally, and AT&T in particular, is crucial to the promotion and further development of sustainable, competitive telecommunication markets of the future.

Background

1. In our Decision in Docket 18128,¹ we attempted "... to establish basic principles and standards of general

¹ 61 FCC 2d 587 (1976), reconsideration 64 FCC 2d 971 (1977), further reconsideration 67 FCC 2d 1441 (1978). For a history of the proceedings in Docket 18128, see 61 FCC 2d 591-595.

applicability for determining cost of service and corresponding rate levels, by service category." 64 FCC 2d 972. Of the various cost methodologies of record, we concluded that Fully Distributed Cost (FDC) Method 7 which relied upon the principle of "historical cost causation" to allocate costs among the different AT&T services was most consistent with our mandate to ensure just, reasonable and nondiscriminatory rates. We also found that the experienced use data provided by FDC Method 1 would be useful as a tracking mechanism to test the accuracy of cost patterns determined under FDC Method 7. In order to correct certain infirmities in both FDC Method 1 and FDC Method 7, AT&T was directed, after consulting with the Staff of the Common Carrier Bureau, to revise these cost allocation methodologies. The revisions were to be completed within three months and AT&T was directed to file new rates for all of its services based upon a revised Method 7 analysis within eight months of the Decision.

2. Pursuant to our directive, the Chief, Common Carrier Bureau, appointed a Cost Analysis Task Force to consult with AT&T on the revisions to FDC Methods 1 and 7. Consultations took place in November and December 1976 and January 1977. As a result of these consultations, AT&T prepared a Fully Distributed Cost Implementation Manual (January manual) which was to be used as the basis for its rate revisions to be filed within eight months of our Decision in Docket 18128. By Order, FCC 77-110, released February 14, 1977, the Commission accepted the January 10, 1977 Task Force report which summarized the contents of the January manual. In accepting that report we stated:

The burden of justifying rates and costing techniques remains with Bell in accordance with statutory and legal standards. The results of the consultative process are thus not binding on the Commission or on the staff elements charged with rate evaluation and hearings; rights and remedies related to the rates filed in compliance with our Docket 18128 Decision are subject to the Act and our Rules and Regulations. FCC 77-110 at n. 1.

The January manual was used by AT&T as the basis for the filing in June and July, 1977 of the cost studies and support data.

4. Between January and August, 1977, further consultations were held between the Cost Analysis Task Force and AT&T as the basis for the 1977 and 1978 updates of its central submission filed in July, 1978 and June 1979, respectively. On August 3, 1977, the Task Force submitted to the Commission its final report wherein it summarized some of

the areas of refinement in the August manual as well as noting several unresolved issues and making certain recommendations. This report was accepted by the Commission by Order, released November 15, 1977, 66 FCC 2d 914, on the same terms as the previous report, i.e., that the results of the consultative process were not binding on the Commission or the Staff elements charged with the responsibility for rate evaluation. We also stated:

It appears that the next step should be the institution of proposed rulemaking looking toward the adoption of a fully distributed cost implementation manual. We shall expect the staff to submit promptly for our consideration a notice of proposed rulemaking on such a manual which shall include, as appropriate, the unresolved issues indicated in the final report, and such other proposed rulemakings or modifications to ongoing rulemakings as may appear warranted in light of the staff recommendations in other areas.

Purpose of this Proceeding

5. We continue to believe, as stated in our Order accepting the final report of the Task Force, that it is appropriate and necessary for the Commission to prescribe a set of rules and procedures to be followed in allocating costs of service in accordance with the broad principles of Docket 18128. Although we have addressed the specific applicability of the requirements of Docket 18128 in the context of earlier cases,² we have not yet ruled on whether AT&T's manuals as a whole adequately implement the principles of Docket 18128 or whether those manuals produce cost information which is satisfactory for regulatory purposes. See, e.g., FCC 78-806, 66 FCC 2d 1672, 1680-81 and n. 9.

6. We recognize that many of the questions raised concerning AT&T's approach to cost allocation and the consistency of this approach to cost allocation and the consistency of this approach with the guidelines of Docket 18128 have recently been litigated in an adjudicatory proceeding (Docket 20814) involving AT&T's Multischedule Private Line (MPL) tariff.³ In a preliminary Order in the MPL docket (Order FCC 78-118, 67 FCC 2d 693), we enumerated "specific areas" which warrant investigation to determine compliance with the requirements in Docket 18128. The areas of concern mentioned in our

² See, e.g., Commission orders concerning WATS, 66 FCC 2d 9, 51-56 (1977), recon. 69 FCC 2d 1672 (1978); 67 FCC 2d 1134, 1179-1187 (1977); 70 FCC 2d 2031, paras. 16-28; DDS, 67 FCC 2d 1195, 1229-1230 (1978), recon. 70 FCC 2d 616, 630-633 (1979).

³ The initial decision in the MPL case was released on March 19, 1979. Exceptions were filed by AT&T and other parties on April 27, 1979.

Order included AT&T's fixed facilities datum; the demand translation process; the "basic service philosophy"; the implementation of AT&T's concept of Facilities Available For Future Growth (FAFFG); allocation of expenses; forecasting; the need for experienced use data as a check on cost causation assignments; full cost rates and the waiver process. However, in the *MPL* case these areas of concern were to be considered from the standpoint of *MPL* service. While it was obviously necessary to cover considerable ground in order to accomplish this goal, a determination of the lawfulness of AT&T's *MPL* tariff remains the ultimate objective of the *MPL* proceeding. Thus, we noted in Order 78-118 that we would examine "AT&T's support material for the *MPL* tariff and other material related thereto" to determine "general methodological compliance with the guidelines established in our Docket 18128 Decision * * * ." (67 FCC 2d at p. 701.) At the same time we explained that

We are not addressing the lawfulness of AT&T's cost allocation manual, *per se*, rather we are interested in the extent to which specific *MPL* and Central Submission overall cost allocations and studies comply with our Docket No. 18128 Decision. 67 FCC 2d at p. 701.

7. Our objective in this proceeding is broader. In the inquiry we are instituting here we will consider the lawfulness, *per se*, of AT&T's cost allocation manual and attempt, after receiving comments from the parties, to prescribe cost allocation procedures for all of AT&T's major service categories, including, of course, *MPL*. We look forward to receiving comments from a broad range of AT&T's customers and competitors, including parties who were not specifically interested in *MPL* or in the *MPL* proceeding. We believe that although comments and suggestions were taken from non-participants at various stages of the implementation process, it would nevertheless be appropriate to afford interested parties a further opportunity to provide input into the implementation process and the formulation of a cost allocation manual. This Notice of Inquiry will provide the forum for all interested parties to express their views and enable the Commission to establish an adequate record for the prescription of cost allocation procedures.

8. We wish to make it clear, however, that we intend to take full advantage of the overlap between this proceeding and the *MPL* case itself. We intend to carefully scrutinize the record evidence received in the *MPL* case insofar as such evidence may be relevant to this

proceeding.⁴ Hopefully, the adjudicatory process of the *MPL* case will provide insight which will prove useful in resolving the problems we face in prescribing a cost allocation manual for AT&T.

9. In this Order we request the parties to first comment upon a number of general cost allocation questions and then address more specific problems in several areas which appear to us to be particularly troublesome. In commenting on the Manual, the parties are, of course, free to point out that certain problems may arise because of defects in Method 7 itself and that those problems cannot be resolved through the manual implementation process.

10. After reading and reviewing the comments received, the record in the *MPL* case, and any other relevant information of record available to the public, we will issue a Notice of Proposed Rulemaking setting forth a proposed cost allocation manual for AT&T. We will then permit the parties to comment on the proposed manual, and, after reviewing those comments issue our final prescription for an AT&T cost allocation manual.

The Cost Allocation Process

11. AT&T's Central Submission relies upon a series of separate, or at least separable, major steps to distribute costs to the various service categories. Briefly, the methodology utilized by AT&T in its Central Submission requires (1) that experienced relative use be determined by service; (2) that unit costs for the facilities in place assigned to each service be ascertained; and (3) that these unit costs be multiplied by facilities in place to obtain the costs associated with each major service category. The costs for all services obtained through this process are compared (for each plant category) to the total interstate costs obtained from separations and then adjusted through a "trial balance" process.

12. We would like the parties to comment upon the validity of the overall procedures set forth in the existing cost manuals and used by AT&T to allocate its costs. In particular, the parties might address whether the inherent complexity of AT&T's cost allocation process—when considered as a whole—makes it inconsistent with the Commission's regulatory objectives including the primary objective of "carrier accountability." See 61 FCC 2d

⁴ We will, of course, carefully review the manual proposed by the Administration Law Judge in the *MPL* case as well as exceptions taken thereto by the parties.

at 610.⁵ If the general cost allocation procedures employed by AT&T are thought to be unworkable, it would be helpful if alternative procedures could be suggested.

13. We would also like the parties to comment on the various individual steps in the AT&T cost allocation process as set forth below.⁶

I. The AT&T Data Bases and Their Sources

14. The parties should first address the problems, if any, which stem from the collection and presentation of underlying cost data. We believe this to be a particularly important area. Although assembling cost data may be difficult and expensive, the underlying procedures must nevertheless be developed with care. No cost analysis is better than the data upon which it relies.

15. In its Central Submission, AT&T has introduced a number of different data bases for different plant elements, different services and different time periods. Some of these data bases are described more fully than others, some have been updated, some have not.

16. The parties should address the following questions:

A. Whether the information provided by AT&T concerning its data collection processes is sufficient to enable the Commission to meet its regulatory objectives as enunciated in Docket 18128 and to enable AT&T's customers and competitors to comment meaningfully upon what has been done. Specifically, the parties should discuss:

1. Whether AT&T has adequately described or even identified all of the data bases which underlie its central submission.

2. Whether AT&T has adequately explained the purposes and objectives—regulatory or otherwise—which it considered in setting up its various data bases.

3. Whether AT&T has adequately explained the uses—regulatory or otherwise—to which the various data bases have been put.

4. Whether AT&T has adequately described the assumptions, formulae, programs, etc. underlying its various data bases.

⁵ The other major statutory objectives set forth by the Commission in Docket 18128 are equity or the avoidance of undue discrimination; the encouragement of innovation and efficiency; and clarification of market rules. See 61 FCC 2d at 610-615, paras. 77-96.

⁶ We recognize that some of the questions raised herein rely upon information within the exclusive possession of AT&T or, for other reasons, might best be addressed by AT&T. Apart from AT&T, we do not require or expect that each party filing comments will attempt to address each and every question raised.

5. Whether AT&T has adequately described the interrelationships of its various data bases.

6. Whether AT&T's data bases enable it to determine experienced relative use, unit costs and costs by service category with sufficient precision to meet the Commission's regulatory objectives as enunciated in Docket 18128.

7. Whether the data used by AT&T in its central submission are sufficiently current to enable the Commission to meet its regulatory objectives.

8. Whether the data bases relied upon by AT&T in preparing its central submission represent the best information available.

B. If AT&T's data submissions are inadequate in any respect, what additional information should AT&T be required to provide in the future? For example,

1. Should AT&T be required to provide the following information for basic plant, financial, accounting, traffic or other records⁷ prepared (either at regular or less than regular intervals) in the ordinary course of business?

a. The name or means of denominating the basic record system; its major subdivisions and any adjuncts to the basic record system.

b. A description of the data contained in each basic record system, which would include, for example, the items of information has been gathered, and the form in which it is kept (e.g., microfiche, microfilm, computer tape).

c. The purpose or purposes for which the basic record system is kept.

d. How the basic record system is applied to meet the purpose or purposes for which it is kept (e.g., is the information used directly, is it reworked or "translated" in some fashion, are samples taken?).

e. Whether the information in the basic record system is used as a source for special studies or derived data bases. If so, what information is used and how is it used?

2. Should AT&T be required to provide all special studies or data bases derived (either directly or indirectly) from the basic record systems referred to in 1, above?

3. Should AT&T be required to provide the following information for each special study or data base provided in 2, above?

a. The source of the information which is found in the data base, i.e., the origin of each data base, beginning with the Company's basic record systems. If the

⁷Examples of such basic records would include the Company's books of account, continuing property records (CPRs), trunking records, centralized message data system (CMDS) records and billing records.

information comes from Company records which are prepared on a recurring basis, the date of the record from which the data in the data base have been taken.

b. The procedures used to extract the data from their sources (e.g., census, sample).

c. The design criteria of the data base, including overall precision at given confidence levels (e.g., 85 per cent). If the data base is stratified, the design criteria of each stratum.

d. How the data base is organized, how it is accessed and how the various parts of the data base relate to each other.

e. What the data are used for and how the various parts of the data base are applied to accomplish the purpose for which the data base is used.

C. What procedures should be required for updating AT&T's data bases and how frequently should such updating be required, i.e., what standards should be adopted to ensure that stale data are not employed by AT&T in future submissions?

D. What limitations, if any, should be placed upon AT&T in making methodological changes in its data bases, in the sampling procedures used, etc. in order to ensure necessary continuity of data gathering and methods of data analysis?

E. Should AT&T be required to attempt a substantial consolidation of its existing data bases?

F. What can be done to make AT&T's data more accessible to the Commission or other parties? Should the Commission require that AT&T data be submitted in the form of computer tapes so that the Commission itself can "run" these tapes, perform studies using Bell data or attempt to replicate the studies that Bell itself has done?

II. Experienced Relative Use

17. AT&T determined its experienced relative use for individual service categories by the use of billing records, market-to-plant translator data (e.g., REDCAP) and plant assignment records. For MTS and WATS, market quantities were obtained and expressed as the number of message units of use. For private lines, the number of billing sections were counted in each of ten airline mileage bands and considered together with billing records for station terminals. Market quantities for other services were obtained from various special analyses. Parties should address the following issues:

A. Whether AT&T has explained the process used to determine experienced relative use for the various service categories in sufficient detail to enable

the Commission to meet its regulatory objectives and to enable AT&T's customers and competitors to meaningfully evaluate what has been done. If not, what additional information should be required and for what services?

B. Whether the processes used by AT&T to obtain experienced relative use are sufficiently precise to enable the Commission to meet its regulatory objectives. If not, what changes should be made and what alternative approaches should be utilized?

III. Unit Costs

18. AT&T has obtained unit investment costs for all facilities and equipment used to provide interstate exchange and private line services. Various data bases, particularly REDCAP (Real Exact Detailed Circuit Analysis Plan), IXL (Long Lines Interexchange Line Study), and FELTCAP (Fully Embedded Local Transmission Circuit Analysis Plan) and a number of special studies (see Volume 35 of the 1977 central submission), were used for this purpose. In developing unit costs, AT&T employed a series of at least 14 separate "translators"⁸ which were derived from REDCAP. Using the translators, a series of graphs of certain Company data were then drawn displaying the translated data (on the vertical axis) as a function of the input (REDCAP) parameter (on the horizontal axis). If a graph were to be drawn through these points, one would obtain an "unsmoothed" curve. However, AT&T subjected 11 of these curves to a fitting process which it calls "smoothing". AT&T's smoothing process appears to be heavily dependent upon Company judgment as to how the curve should look. We would like the parties to consider:

A. Whether AT&T has explained the development of unit investment costs for the various services in sufficient detail to enable the Commission to meet its regulatory objectives and to enable AT&T's customers and competitors to meaningfully evaluate what has been done. If not, what information should be required and for what services?

B. Whether it would be possible or desirable to obtain interstate investment for each major service category without developing unit costs.

C. Whether the sum of the unit costs times the total number of units of all the equipment in an account will exactly equal the embedded investment in that

⁸These translators are simply aids to calculation employed by AT&T to estimate various plant quantities in relation to line haul. They are not related in any way to the demand translation process described in the AT&T manuals.

account as shown on the books. If not, what are the causes of the differences and how are they reconciled in the cost studies?

D. Whether the procedures used by AT&T in developing its unit costs are appropriate for regulatory purposes. For example,

1. Has AT&T properly used its series of "translators" in computing unit costs?

2. Would it be possible or desirable to eliminate the translation step in the development of unit costs? If this is not possible or desirable, should the "refinement" provided by smoothing be eliminated and is AT&T's use of "smoothing" here an acceptable procedure?

3. Do the unit costs developed by AT&T reflect the cost of interstate facilities only?

4. Has AT&T improperly disregarded important criteria (e.g. length of haul) in developing its unit costs and, if so, what impact does this have and how should it be remedied?

E. Whether AT&T has developed or should be required to develop unit costs separately for the facilities of Long Lines and the Bell Operating Companies. If separate unit costs are required, should these costs be weighted or otherwise appropriately combined or should the unit costs for Long Lines be relied upon as a surrogate for all costs?

F. Whether the unit cost information presented by AT&T is sufficiently current for the Commission's regulatory purposes. If not, what steps should be taken and how should such information be updated? In this same vein, the parties might also consider the problem of "staleness" of cost information generally and comment upon possible requirements for the routine updating of cost data on a basis which would allow the Commission to make historical comparisons to earlier data in a consistent manner.

G. Whether AT&T has ascertained its unit investment costs with sufficient precision to enable the Commission to meet its regulatory objectives.

H. Whether the Commission can realistically be expected to audit or otherwise oversee AT&T's processes for obtaining unit costs.

IV. The Trial Balance Process

19. Since AT&T's interstate rate base is determined through the separations process and the use of a Separations Manual (adopted as Part 67 of the Commission's Rules and Regulations), AT&T deemed it necessary to reconcile the costs for the various services categories obtained from its central submission studies with the total plant assigned interstate by separations. For

each plant category, AT&T compared the amounts obtained by building up unit costs with the amounts obtained through the separations process. Any variance from interstate separations costs was distributed proportionally to the different plant categories of the 17 basic service categories. This procedure is referred to in the central submission (see, 1977 central submission, Volume 18, A-8, A-66 and A-89) as the "trial balance" process. Parties should address:

A. Whether AT&T has explained the "trial balance" process with sufficient clarity to enable the Commission to meet its regulatory objectives and to enable AT&T's customers and competitors to comment meaningfully on what has been done.

B. Whether the procedures employed by AT&T in the "trial balance" process are valid.

C. Whether the "trial balance" process is applied at the most appropriate point in AT&T's cost study. If not, should the balance be drawn using less aggregated or more aggregated data? For example, should the trial balance be drawn at whatever level a discrepancy appears between accounting data derived from separations or should it be a last step, after all other allocations have been made?

D. What fraction of the trial balance adjustment results from each of the following?

1. The use of Long Lines costs for Associated Company plant.

2. The use of Associated Company costs for all services for Associated Company interstate services.

3. The use of unit costs which do not sum to total book costs for all services.

If there are other major factors which account for the differences between unit cost calculations and accounting costs, describe them and specify their fraction of the total trial balance.

E. Whether any imprecision created by the use of the "trial balance" process renders AT&T's entire costing methodology—as set out in its central submission—inadequate to meet the Commission's regulatory objectives.

F. Since the division of revenues results are used as a check on the cost allocation process, would it be logical to obtain unit costs directly from the DR process instead of using separate special studies? If the present DR procedures are inadequate for this purpose, could they be expanded to yield cost of service information which could be used by AT&T to comply with Method 7?

V. Facilities Available for Future Growth

20. In our Final Decision in Docket 18128, we contemplated that AT&T would identify unused capacity on an "historical cost causation" basis by analyzing its 1964 Seven-Way Cost Study and then assigning plant added since that time cumulatively. Thus, for all plant investment subsequent to 1964, we believed that AT&T could use its existing records to determine—for each amount invested—the precise services forecasted or intended to be provided with this plant investment. Unfortunately, it was not possible to carry out this approach. During the Docket 18128 implementation meetings, AT&T informed the Staff that the necessary cost records simply did not exist.

21. As a surrogate, AT&T has allocated unused interexchange circuit (IXC) plant on the basis of a three year forecast of growth by service. The base year for this forecast is 1975. Although unused capacity exists in all or most plant categories, AT&T identifies Facilities Available for Future Growth (FAFFG) only for the Long Lines owned High Capacity High Frequency Line (HCHFL) portion of IXC and associated investments (land, building, terminal equipment, etc.).

22. To determine FAFFG, AT&T first develops the investment for the primary microwave radio technologies (TD-2, TD-3, TH-1, TH-3, TD Associated with TH) and for the four coaxial cable technologies (L1, L3, L4, L5), which represent the HCHFL portion of IXC plant. This investment is then divided between video and non-video investment. The non-video investment is further divided between "variable" costs and "getting started" costs. Finally, the "getting started" costs are divided between costs associated with "current use" and costs associated with FAFFG. This final cost segregation is made by applying the FAFFG factor for each span to the total getting started costs for each span.⁹

23. The FAFFG factor applied to "getting started" costs to determine FAFFG investment is computed on the basis of potential span capacity rather than current or actual capacity. AT&T

⁹A span is a continuous communication path of constant cross section that connects two terminals or junction locations on the network. No circuits may enter or exit except at the span endpoints. Each span possesses the same complement of circuits and equipment and the same radio or coaxial cable technology throughout its length. It is important to note that the costs are developed on a span by span basis. Thus, there is not a single FAFFG factor but multiple FAFFG factors.

determines potential span capacity in three stages.

24. The number of potential mastergroups per span is developed. In making this computation it is assumed that all existing plant will be upgraded with existing technology even if particular facilities have not been so upgraded and even if there are no current plans for upgrading. For example, the number of mastergroups per radio channel on a TD-2 microwave span is 2. Rather than use this figure AT&T assumes "all TD-2 radio will be expanded with TD-2C"—a newer technology which is presently available—which has 2.5 mastergroups per radio channel.

25. The potential mastergroups per span are multiplied by the potential number of usable circuits per mastergroup. Although 600 circuits can theoretically be derived from each mastergroup, AT&T asserts that only 429 are usable in revenue service. This product (potential mastergroups $\times$ 429) yields the potential circuit capacity of the span.

26. The potential circuit capacity of the span, in turn, is multiplied by the Long Lines span-ownership fraction (i.e., that portion of the span which is owned by Long Lines) to yield the potential revenue producing span capacity available to Long Lines.

27. A FAFFG "factor" is then developed by subtracting 1975 revenue producing circuits from potential revenue producing circuit capacity and dividing by potential revenue producing circuit capacity (i.e. $\text{FAFFG} = (\text{Potential Revenue Producing Circuit Capacity}) - (\text{1975 Revenue Producing Circuits}) \div (\text{Potential Revenue Producing Circuit Capacity})$). Once the FAFFG formula is developed for each span, it is applied to the span "getting started" costs for non-video HCHFL lines. The FAFFG investment for each span is then summed to derive the total FAFFG Investment. Under AT&T's present cost manual, FAFFG is distributed to the various service categories based upon successive 3-year forecasts.

28. The parties might address the following questions:

A. Whether the FAFFG concept as developed and implemented by AT&T is consistent with the requirements of Docket 18128 and otherwise valid. For example, the parties might consider:

1. Whether the concept of FAFFG is consistent with the idea of including in a common carrier's base only those plant items which are "used and useful."

2. Whether the concept of FAFFG is consistent with standard economic concepts of "excess capacity." Should it be?

3. Whether a three year forecast horizon is appropriate for allocating FAFFG to services. A portion of FAFFG plant is apparently capable of extensive service (i.e., from 15 to 40 years).

B. Whether FAFFG costs should be assigned to declining or discontinued services?

C. Whether FAFFG costs should be assigned to new services as they become available in the future, if such services can be provided on existing plant?

D. Whether FAFFG costs should be assigned to services such as DDS which utilize allegedly previously unusable plant or facilities?

E. Whether there is any acceptable alternative to FAFFG for the distribution of unused plant?

F. Whether it is proper to identify FAFFG only for the HCHFL portion of non-video IXC plant owned by AT&T Long Lines?

G. Whether AT&T has properly determined and properly supported its assumption that there are only 429 potential revenue producing circuits in each mastergroup.

H. Whether it is appropriate to assume that all plant will be upgraded to its maximum capacity regardless of potential need at specific locations?

I. Whether AT&T has properly determined the potential capacity of its facilities. For example, is it appropriate to assume that the potential capacity of a microwave route is based on the maximum number of the most advanced transmitters that can be used on microwave stations along the route?

VI. Forecasting

29. AT&T uses forecasts to allocate unused plant capacity (FAFFG), plant under construction (PUC) and plant held for future use (PHFU). AT&T also uses forecasts in its annual update of its facilities datum. In general, three kinds of forecasting techniques are relied upon by AT&T: curvilinear series, Box-Jenkins techniques and econometric models.

30. A curvilinear model is the mathematical relationship of a desired parameter to the independent variable time. In curvilinear models, an appropriate curve function is fit to a set of points (data) over a period of time. Forecasts can then be obtained by inserting the desired future time into the equation. In curvilinear modeling, once the appropriate function is fitted to a set of points it fixes future values for all time, i.e., there is no possibility that changing conditions can be accommodated without changing the mode itself.

31. In Box-Jenkins techniques the dependent variable is related to its own

values at past times. Where Box-Jenkins effectively differs from curvilinear modeling is in its diminishing reliance upon distant past data observations. In Box-Jenkins the model is usually dependent only on the near term. It is almost always possible to model a linear stationary (characteristics random but fixed in time) process. However, many processes exhibit non-linear or, even more important, non-stationary behavior. The essence of the Box-Jenkins idea is that for many of these non-stationary processes there may exist derivatives of the function which are stationary.¹⁰ Similarly, stationary functions may sometimes be obtained by examining differences in relation to time between the present value and a selected past value. Box-Jenkins use this comparison idea (auto-regression) as well as a similar technique (moving average) to express a future value as a weighted function of differences between present values and past achieved values. These techniques (also known collectively as Auto-Regressive Integrated Moving Average (ARIMA)) allow forecasting of future values in a less rigid manner than curvilinear modeling. Box-Jenkins, by decreasing reliance upon distant past values, in effect, enables the model "to learn from experience" by incorporating new data.

32. Econometric modeling (here used synonymously with multiple regression modeling) attempts to establish a relationship between a "dependent" variable and a number of independent variables, where the independent variables are various factors which appear to have an effect on the dependent variable. If correctly done, this technique is useful in quantifying the effects of the various independent variables on the dependent variable, even in the presence of random disturbances (so-called "white noise"), and is the only technique which attempts to show cause and effect or relate the effects of various inputs (e.g., price, competition) to the desired parameter.

33. The parties might address the following questions in their comments:

A. Whether AT&T's three forecasting techniques are appropriate to provide the "reliable information" necessary to project future demand for its individual categories of services accurately.

B. What are the advantages and disadvantages of the various forecasting techniques AT&T employs, and how can the Commission determine whether the

¹⁰ In mathematical terms even though the function $y = f(t)$ is not stationary, it is possible that $d^n f(t) / dt^n = f'(t)$ is stationary where n is a finite integer.

most appropriate technique has been used in each instance.

C. What, if any, superior alternative forecasting techniques are available to project future demand for AT&T's various categories of service?

D. Whether AT&T has used its various forecasting techniques in a consistent manner.

E. Whether AT&T has provided all relevant information in its 1977 central submission necessary to determine the reasonableness of its demand models and any judgmental adjustment made to those models.

F. Whether AT&T's Long Distance Interstate (LDI) demand model, which disaggregated MTS message forecasts into a number of market segments is valid both statistically and logically.

G. What data should AT&T provide to demonstrate the cross-elastic effects of a change in rates for a given service?

H. Since AT&T provides services subject to differing degrees of competition, it might be suggested that AT&T has a natural incentive to forecast in a manner which increases the costs allocated to its less competitive services and decreases the costs allocated to its more competitive services. What can be done to counteract or neutralize this "incentive" and how can the Commission provide positive incentives to AT&T to forecast accurately? For example, should disallowances be made if AT&T's forecasts prove to be in error or prove to be in error by a certain percentage? Should the authorization of new facilities under Sections 214 and 309 of the Act be tied to the accuracy of AT&T's forecasts?

VII. Adjustment of the Datum

34. In our Decision in Docket 18128, we directed AT&T to allocate its facilities investment to the various service categories based on historical cost causation. We recognized that the use of FDC-7 for establishing this datum of facilities investment would include projections of future facilities use. Accordingly, AT&T was put on notice that any variance from such projections will ultimately have to be reconciled. It was also recognized that conditions may change and that modifications in the shares of plant allocated to a service may be necessary. Thus, we stated that we would periodically compare Method 1—relative use based assignments of plant—to historical causation (Method 7) assignments for evidence of "gross imbalance" and made it clear that the comparison of the distribution of costs under Method 1 and Method 7 could "indicate the need for a reassignment of plant to reflect varying growth rates of Bell's services and other demand

factors." While we indicated that carriers and other parties would be afforded the opportunity to submit other evidence—aside from Method 1 comparisons—to support proposed assignment revisions, we reserved to ourselves the final responsibility for determining the validity of plant assignments after each periodic evaluation.

35. We anticipate that such adjustments to the datum may occur on a periodic basis or may be initiated by AT&T to support a particular rate change or tariff filing. We have already made it clear that AT&T will be required to fully support any datum change and have held that failure to justify datum shifts which are used to support a rate change violates our Docket 18128 Decision and could subject a tariff filing to rejection. See, e.g., *AT&T, Series 7000*, 67 FCC 2d 1134 (1978); recon denied, 70 FCC 2d 2031, 2042 (1979). Nevertheless, for the most part, the guidelines and procedures to be followed in this reconciliation process remain to be defined. (See AT&T Manual, August 1977, V-I.) Therefore, we seek in this proceeding suggestions as to what factors should be considered in the reconciliation process as well as the mechanism for evaluating those factors and implementing a reassignment of plant when necessary.

36. The parties might consider the following questions in their comments:

A. Should a reevaluation of plant assignments to services automatically take place at regular intervals as anticipated in Docket 18128? If so, what should those intervals be and how should such a periodic review best be implemented?

B. What time frames should be established for formally proposing adjustments to the datum; for reassigning plant; for receiving Commission approval of any changes; for the entire reconciliation process?

C. Are the procedures contained in AT&T's August, 1977 Manual (Section V-I) satisfactory? If not, what changes should be made?

D. Are there circumstances which should cause a reevaluation of the plant assignments at times other than regular intervals, i.e., to support a particular tariff filing? For example, should the introduction of a new service or the demise of an old service or a significant change in demand for a service be cause for a reevaluation?

E. To what extent and at what intervals should changes in the datum be considered if induced by

1. Separations adjustments, or

2. Interim construction program changes coupled with revised demand forecasts?

F. If a datum change is proposed by the carrier, what factors should be considered by the Commission in ruling on the carrier's request for reevaluation?

G. If a datum change is proposed by a party other than the carrier, what factors should be considered by the Commission in ruling on that party's request?

H. When an evaluation of plant assignments is made, i.e., a comparison of Method 7 assignments with Method 1 assignments, what factors should the Commission consider as evidence of "gross imbalance"?

I. What unit(s) of comparison should be considered to determine whether a "gross imbalance" exists?

J. Should the Commission prescribe in advance a "trigger mechanism" or definition of "gross imbalance" which would automatically signal the need for a reassignment of plant? If so, how would the trigger operate and what circumstances would be sufficient to activate it?

K. When it is determined that there is a "gross imbalance," should that automatically require a reassignment of plant?

L. What alternatives to reassignment of plant are available in the event a "gross imbalance" is found to exist?

M. If the datum is adjusted as a result of a "gross imbalance," should the plant be reassigned to coincide with experienced use under Method 1 or should it be reassigned according to some other standard? If another standard is to be used, what options are available?

N. If the costs in the datum are revised pursuant to the reconciliation process, what action, if any, should be taken to reflect these cost changes in the rate level and structure for the various services?

O. If technological improvements in a service change its facility characteristics, how should any necessary change in investments be accomplished?

P. If a reassignment of plant is required, how should associated depreciation reserves be assigned in view of the lag inherent in the reconciliation process?

viii. Service Categories

37. Our decision in Docket 18128 required that facilities be assigned to services. However, we did not define that services to which facilities were to be assigned nor did we prescribe any guidelines for defining services. During the implementation process following

our decision, relatively little attention was directed toward the definition of services. Initially, AT&T proposed 14 service categories. This breakdown was later amended to 16 categories and a seventeenth category was defined by AT&T in its 1977 and 1978 central submissions. In Docket 20814 the Administrative Law Judge recommended that this be expanded to 23 services. We would like the parties to address the following questions concerning service categories:

A. Should service categories be prescribed in the first instance by the Commission or be carrier initiated?

B. How should redefined services be treated in the cost allocation process? ¹¹

C. What are the key factors which should be considered in defining or redefining separate service categories?

D. Are the existing service categories sufficiently homogeneous and otherwise appropriate for regulatory purposes?

E. Should more service categories be added or should some be deleted or consolidated? If so, what service categories should be affected and what are the reasons for the changes?

F. Would the Commission be able to accomplish the major objectives of Docket 18128 simply by allocating costs to two categories: competitive and non-competitive?

G. What level of disaggregation within service categories does the Commission need for decision-making? Is it necessary to further disaggregate service categories in light of information which may be reported under a revised Uniform System of Accounts?

H. Should service categories be defined in a different manner, e.g., by service element or by equipment or facilities components?

I. How and when should:

1. New service offerings be added, or

2. Discontinued services be removed from the cost allocation process?

IX. Expenses

38. In prescribing a manual, we must evaluate and modify where appropriate AT&T's development of expenses and their allocation to the various categories of service. Important questions remain concerning whether AT&T has accomplished the maximum possible direct attribution of expenses to service categories. Additionally, a large portion of expenses, particularly general overheads, maintenance and depreciation, had been allocated to the

various service categories on the basis of the related interstate investment for those services. In its 1977 central submission AT&T attempted to assign directly a greater portion of its expenses. These efforts were assertedly based upon a number of special studies developed in accordance with the requirements of Docket 18128. We would like the parties to comment generally on the acceptability of these efforts, the validity of the special studies undertaken by AT&T, and possible alternative methods to allocate unattributable expenses to the various services. In addition, we would like the parties to address the following questions:

A. Would it be appropriate to require AT&T to separate fixed and variable costs in the data provided with the central submission?

B. Should particular maintenance expenses be allocated to services on the same basis as the related investment, or might other methods be more appropriate?

X. Procedures for Updating or Changing the Manual

39. Communications is now in a state of rapidly changing technology. New services are being created and old services are being provided in new ways. Regulation must adapt itself to these industry changes. Any manual prescribed for AT&T will of course have to be modified from time to time to reflect industry changes, to reflect improved data retrieval and, hopefully, to reflect increased knowledge of the cost allocation process gained through experience. The parties might address the question of what procedures should be devised by the Commission to permit revisions to the existing manual. These procedures must of course be rigorous enough to be consistent with the Commission's goals of accountability and the need for tracking, but yet flexible enough to allow innovation, permit improvements and reflect the changing situation. The parties should address the question of what procedures can be utilized to accomplish these contrasting needs.

40. AT&T and any other interested parties should file their comments in response to the questions and issues set forth herein, on or before December 4, 1979.

Reply comments will be due on or before January 3, 1980. It is our firm intention to adhere to these dates and we will allow extensions of time only upon an extremely strong showing of cause for any requested extension. Pursuant to the procedures set forth in § 1.51 of the Commission's rules an

original and nine copies of all filings shall be furnished to the Commission. All materials received in response hereto will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

41. Authority for this Notice of Inquiry is contained in Sections 1, 4(i) and (j), 201-205, and 403 of the Communications Act.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 79-30683 Filed 10-3-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Mississippi; Amendment to Notice of Major Disaster Declaration

[FEMA-599-DR]

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Mississippi (FEMA-599-DR), dated September 13, 1979.

DATED: September 24, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: The Notice of a major disaster for the State of Mississippi dated September 13, 1979, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 13, 1979.

The following Counties for Individual Assistance only:

Jasper Lamar
(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

William H. Wilcox,
Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30746 Filed 10-3-79; 8:45 am]

BILLING CODE 6716-02-M

FEDERAL RESERVE SYSTEM

America Corp.; Formation of Bank Holding Company

America Corporation, Morgan City, Louisiana, has applied for the Board's

¹¹ As used herein the term "redefined service" means a service which includes part of the investment and expenses which previously had been assigned to another service or services. An example of this would be AT&T's Multischedule Private Line (MPL) service

approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 45 percent or more of the voting shares of America Bank in Louisiana, Morgan City, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-30721 Filed 10-3-79; 8:45 am]

BILLING CODE 6210-01-M

Astoria Investment Co.; Formation of Bank Holding Company

Astoria Investment Company, Quincy, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Farmers State Bank of Astoria, Astoria, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1979.

Griffith L. Garwood
Deputy Secretary of the Board.

[FR Doc. 79-30719 Filed 10-3-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than October 26, 1979.

A. Federal Reserve Bank of San Francisco, 400 Sansome Street, San Francisco, California 94120:

1. Wells Fargo & Company, San Francisco, California (insurance activities; California): to act through its subsidiary, Wells Fargo Insurance Services, as agent for the sale of credit life and disability insurance, including mortgage redemption insurance directly related to extensions of credit by it or its subsidiaries. These activities would be conducted from its offices in San Francisco, Los Angeles, Oakland, Palo

Alto, Pleasant Hill, San Diego and Stockton, California, serving California.

2. Bankamerica Corporation, San Francisco, California (finance company and insurance activities; Ohio): to engage, through its indirect subsidiaries, FinanceAmerica Corporation of Ohio and FinanceAmerica Discount Company of Ohio, in the activity of making or acquiring for their own account extensions of credit such as would be made or acquired by a finance company, and servicing loans and other extensions of credit. FinanceAmerica Corporation of Ohio will engage in making consumer installment loans, loans to small businesses, and purchasing installment sales finance contracts. FinanceAmerica Discount Company of Ohio will engage in making loans secured by real property or secured by a combination of real and personal property. In connection with the extensions of credit made or acquired by these corporations, both corporations will offer credit related life insurance. FinanceAmerica Corporation of Ohio will also offer credit related accident and disability insurance and credit related property insurance. These activities will be conducted at an office in Westerville, Ohio, serving the counties of Licking, Know, Morrow, Delaware and Franklin in the State of Ohio.

C. Federal Reserve Bank of Philadelphia, 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Philadelphia National Corporation, Philadelphia, Pennsylvania (mortgage lending activities; Virginia, West Virginia): to engage, through its subsidiary, Colonial Mortgage Service Company Associates, Inc., in the origination of residential mortgage loans. This activity would be conducted from an office in Manassas, Virginia, serving Virginia.

2. Philadelphia National Corporation, Philadelphia, Pennsylvania (mortgage lending activities; Virginia, West Virginia): to engage, through its subsidiary, Colonial Mortgage Service loans. This activity would be conducted from an office in Frederick, Maryland, serving Virginia and West Virginia.

D. Federal Reserve Bank of Atlanta, 104 Marietta Street, N.W., Atlanta, Georgia 30303.

First Capital Corporation, Jackson, Mississippi (insurance and leasing activities; Mississippi): to engage, through its subsidiary, F. S. Corporation in making or acquiring, or servicing for its own account or for the account of others, loans and other extensions of credit; acting as an advisor in leasing personal property; acting as agent for the sale of credit life, accident and

health insurance, and physical damage insurance for dealer paper purchased by the First National Bank of Jackson, a subsidiary of Applicant, and selling credit life insurance in connection with the direct extension of credit by the First National Bank of Jackson. These activities would be conducted from the offices of the Applicant's banking subsidiary in Jackson, Mississippi, and at the offices of F. S. Corporation in Jackson, Greenwood, Greenville, McComb, and Tylertown, Mississippi, serving Hinds, Rankin, Washington, Leflore, Pike and Waltham Counties, Mississippi.

E. Other Federal Reserve Banks:
None.

Board of Governors of the Federal Reserve System, September 27, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30713 Filed 10-3-79; 8:45 am]

BILLING CODE 6210-01-M

**Commerce Bancshares, Inc.;
Acquisition of Bank**

Commerce Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Spanish Lake Bank and Trust Company, Spanish Lake, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30724 Filed 10-3-79; 8:45 am]

BILLING CODE 6210-01-M

**Commerce Bancshares, Inc.;
Acquisition of Bank**

Commerce Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12

U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The American Security Bank of Pacific, Pacific, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-36725 Filed 10-3-79; 8:45 am]

BILLING CODE 6210-01-M

**Empire Bancshares, Inc.; Formation of
Bank Holding Company**

Empire Bancshares, Inc., Cottonwood, Minnesota, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 84.27 per cent of the voting shares of Empire State Bank, Cottonwood, Minnesota. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30718 Filed 10-3-79; 8:45 am]

BILLING CODE 6210-01-M

**Indiana Bancorp, Inc.; Formation of
Bank Holding Company**

Indiana Bancorp, Inc., Fort Wayne, Indiana, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Indiana Bank and Trust Company of Fort Wayne, Fort Wayne, Indiana. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30720 Filed 10-3-79; 8:45 am]

BILLING CODE 6210-01-M

**Pembina County Bankshares, Ltd.;
Formation of Bank Holding Company**

Pembina County Bankshares, Ltd., Cavalier, North Dakota, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99 percent or more of the voting shares of Citizens State Bank of Pembina County, Cavalier, North Dakota. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and

summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 25, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30723 Filed 10-3-79; 8:45 am]

BILLING CODE 6210-01-M

Rose Hill Bancorp; Formation of Bank Holding Company

Rose Hill Bancorp, Rose Hill, Kansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.2 percent of the voting shares of The Rose Hill State Bank, Rose Hill, Kansas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 25, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 25, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30722 Filed 10-3-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Opening of Nixon White House Photo Collection

Notice is hereby given that, in accordance with section 104(a)(6) of Title I of the Presidential Recordings and Materials Preservation Act (Public Law 93-526) and § 105-63.401(b) of the GSA implementing regulations (41 CFR 105-63.401(b)), this agency has identified, inventoried, and prepared for public access an integral file segment of audiovisual materials in the custody of the National Archives and Records Service. This material is deemed to have general historical interest, but is not

related to the abuses of governmental power popularly identified under the generic term of "Watergate."

The Nixon White House Photo Office Collection, which documents the Nixon administration from January 20, 1969, to August 9, 1974, consists of 378 cubic feet of photographic material made or received by the White House Photo Office and the White House Communications Agency Photographic Laboratory. The collection is divided into four major series:

1. Negative File (1969-74) consists of 14,826 negative rolls of photographic film totalling approximately 371,000 negatives.

2. Master Print File (1969-74) comprises about 6,500 8x10 and 5x7 finished prints selected by the White House Photo Office for aesthetic or technical reasons and arranged by general subject categories.

3. Master Contact Sheet File (1969-74) includes approximately 22,000 contact sheets, with some duplication, in 145 binders arranged chronologically by roll number.

4. Transparency File (1969-74) contains approximately 2,000 35mm color slides. There is no finding aid.

Public access to some of the items in the collection is subject to restrictions as outlined in § 105-63.402 of the implementing regulations.

Any person who believes it necessary to bar public access to all or portions of the above audiovisual materials to protect his rights or privileges shall notify the Administrator of General Services in writing of his intention and the claimed right or privilege involved. The petition to the Administrator should be made in accordance with section 105-63.401-1 and should be sent to the Administrator, General Services Administration, Washington, D.C. 20405, and should be postmarked on or before November 1, 1979. Envelopes should be clearly marked "Presidential Materials Public Access Appeal."

Dated: October 2, 1979.

James E. O'Neill,

Acting Archivist of the United States.

[FR Doc. 79-31037 Filed 10-3-79; 9:34 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Minority Advisory Committee; 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.

Minority Advisory Committee, ADAMHA. October 18-19, 9:00 a.m.—Open Meeting. John Marshall Multi-Purpose Center, Airport Marina Hotel, 1500 Walter, S.E., Albuquerque, New Mexico. Contact Ernest F. Hurst, Room 13C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3838.

Purpose: The Minority Advisory Committee, ADAMHA advises the Secretary of Health, Education, and Welfare, and the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, on needs, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Administrator, ADAMHA, on these matters which relate to the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health.

Agenda: On October 18, the Committee will meet with the ADAMHA Budget Officer. Other agenda items include: a review and preliminary critique of the Second National Conference on Minority Group Alcohol, Drug Abuse, and Mental Health Issues; and discussion of the work-plan for Phase II of the Racial Minority Manpower Development and Training Report. The remainder of the meeting will include a meeting with the New Mexico Health Coalition; special reports from the Committee members; discussion of the 1980-81 work-plan. Agenda items are subject to change as priorities dictate.

Mr. James C. Helsing, Deputy Director, Office of Public Affairs, ADAMHA, will furnish on request, summaries of the meeting and a roster of the Committee members. Mr. Helsing is located in Room 6C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3783.

Dated: September 28, 1979.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 79-30854 Filed 10-3-79; 8:45 am]

BILLING CODE 4110-88-M

Center for Disease Control**Safety and Occupational Health Study Section; Meeting**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Safety and Occupational Health Study Section.

Date: November 7-8-9, 1979.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Time: 9 a.m.

Type of Meeting: Open: 9 a.m. to 10:30 a.m. on November 7, 1979. Closed: Remainder of meeting.

Contact Person: Harvey P. Stein, Ph.D., Executive Secretary, 5600 Fishers Lane, Parklawn Building, Room 8-63, Rockville, Maryland 20857, Telephone: 301-443-4493.

Purpose: The committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.

Agenda: Agenda items for the open portion of the meeting will include consideration of minutes of previous meeting; administrative and staff reports; update on OSHA training and education programs; discussion of cooperative agreements and new grant activities, as well as research and training areas in need of special emphasis. Beginning at 10:30 a.m., November 7, 1979, through adjournment on November 9, 1979, the Study Section will be performing the initial review of research grant and training grant applications for Federal Assistance, and will not be open to the public, in accordance with the provisions set forth in Section 552b(c)(6), Title 5 U.S. Code, and the Determination of the Director, Center for Disease Control, pursuant to Pub. L. 92-463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 27, 1979.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 79-30770 Filed 10-3-79, 8:45 am]

BILLING CODE 4110-87-M

Office of Education, Health Care Financing Administration**Position Statement on Access to Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services Through Schools**

AGENCIES: Office of Education (OE) and the Health Care Financing Administration (HCFA), HEW.

ACTION: Notice—Position Statement.

SUMMARY: It is the position of the U.S. Office of Education and the Health Care Financing Administration that all school-aged Medicaid eligible children should receive services available under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program (title XIX, Social Security Act).

This statement was developed jointly by the U.S. Office of Education and the Health Care Financing Administration to reflect the policy of both agencies to provide access to EPSDT services through schools whenever possible.

FOR FURTHER INFORMATION, CONTACT: Robert Heneson-Walling, Office of the Deputy Commissioner, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education, and Welfare, Room 4117, Donohoe Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202, 202-245-2727.

Mary Tierney, Director, Office of Special Programs, Health Care Financing Administration, U.S. Department of Health, Education, and Welfare, Room 1G3, Dogwood West Building, 6401 Security Boulevard, Baltimore, Maryland 21235, 301-597-1155 or Federal Regional Offices listed in Appendix to this notice.

SUPPLEMENTARY INFORMATION:**Background**

The health of all children is a major concern to parents, health providers, and educators. It is generally accepted that the early identification, diagnosis, and treatment of health problems can improve the health of children and their performance in school, can reduce school-associated costs due to illnesses and absences, and, for handicapped children or others with serious anomalies, can diminish the probability of the development of secondary handicapping conditions. Studies such

as the Office of Child Health Affairs study, the National Nutrition Survey, the National Center for Health Statistics study, and others show that Medicaid-eligible children have more health impairments than the average child. For example, they:

- Suffer 23 percent more hearing impairment;
- Do not grow as tall as other children;
- Are more likely to have low hemoglobin values during their years of growth;
- Suffer a higher incidence of impetigo, gastrointestinal diseases, parasitic diseases, and urinary tract infections, and those in urban areas are more often the victims of lead paint poisoning, and insect and rodent bites.

These children are more likely to have twice as many hospital stays, more days in bed both in the hospital and at home, and more days lost from school than the average child, as well as more impairment from chronic disease.

EPSDT is a program exclusively for children who are Medicaid eligible. Medicaid providers are engaged in screening children, and referring them for follow-up diagnosis, treatment, and/or providing continuing care. Statistical reports from State Medicaid agencies show that among the children screened through the program, 45 percent require follow-up referrals for an average of over two conditions:

- 50 percent are found to be inadequately immunized.
- 25 percent are found to have severe dental problems.
- 10 percent have vision problems.
- 12 percent have low hemoglobins.
- 8 percent suffer from upper-respiratory problems.
- 7 percent suffer from genitourinary infections.
- 9 percent in urban areas have elevated blood lead levels.
- 3 percent have hearing problems.

Roughly 50 percent of the screening referrals were for conditions other than vision, hearing, dental, and lead poisoning problems. Children with previously undetected conditions as severe as cancer, epilepsy, and congenital defects are coming to medical attention through EPSDT and are being started on their way to treatment. EPSDT, by offering care that is not readily available to poor children, is identifying conditions not being detected otherwise. Some needy children simply are not getting any health care and others are not getting adequate care.

The legislation for EPSDT was passed by Congress in 1967 as an amendment to Title XIX of the Social Security act. In

1974 only 1.3 million of the 12 to 13 million eligible children were screened. Since that time the number of children screened annually has remained a relatively small part of those eligible though the number increases slightly each year.

The current emphasis of the EPSDT program is to assure that all Medicaid-eligible children have the opportunity for continuing health care services, and that conditions identified through screening and diagnosis receive appropriate treatment and followup.

During the 10-year history of the program, EPSDT has developed interagency relationships with other Federal programs which identify and refer children for EPSDT health care and related services, or in some cases, have become certified providers for EPSDT and deliver health services to eligible children. Some State and local education agencies have also become involved either as a source of referrals or as "providers." There is, however, considerable opportunity to improve the health/education service collaboration.

The U.S. Office of Education and the Health Care Financing Administration have developed plans to encourage the schools and other recipients of OE funds to become partners with EPSDT in finding and referring these children to appropriate health services.

Assumptions

The delivery of appropriate health services to children not receiving services or receiving inadequate services, supports the Office of Education goals of access, excellence, and equity in education. The following assumptions form the basis of this policy statement:

1. Children receiving appropriate health services are more likely to succeed in the schools and to achieve full participation in our society.
2. Because of their unique continuity of contact with children, youth and their parents, the schools offer an important focal point from which to refer children and youth to EPSDT services. This is especially true for teenagers, who traditionally have been the most difficult to serve.
3. Because of the health services available in some school systems and the requirements of the Education for the Handicapped Act for school systems to serve handicapped children, schools may be a primary location for delivery of EPSDT health care services in health care provider shortage areas.
4. The improved use of EPSDT services by school-aged children would reduce long-term health costs to the community; fill service gaps for children not

receiving ongoing primary health care; lead to improved educational outcomes; reduce interruptions in the educational process; extend the range of service to handicapped children; and reduce school-associated costs due to children's illnesses and absences.

Implementation of the Initiative

To assure that Medicaid-eligible children receive services available under the Early and Periodic Screening, Diagnosis and Treatment program, the Health Care Financing Administration and the U.S. Office of Education will:

1. Develop the necessary Federal interagency agreements needed to implement this initiative.
2. Develop policy guidance materials and instructions for the schools which explain how to refer children to Medicaid providers and how, in some cases, schools may become certified providers of outreach and screening services.
3. Disseminate this information to State Medicaid agencies, State education agencies, and other interested parties.
4. Encourage school districts with large numbers of Medicaid-eligible children to seek certification as providers of EPSDT services.
5. Provide technical assistance, through the Federal regional offices, to States or schools wishing to develop comprehensive referral strategies or seeking to become certified as providers.
6. Provide information and resolve policy issues for State Medicaid agencies and education agencies.
7. Encourage the development of demonstrations of education/Medicaid collaboration through appropriate discretionary grant programs.

The above strategies will have the full participation of the following HCFA and OE programs:

- Health Care Financing Administration, Office of Child Health: Early and Periodic Screening, Diagnosis and Treatment Program.
- U.S. Office of Education, Bureau of Education for the Handicapped: Part B—Division of Assistance to the States; Media Services—Regional Resource Centers, Handicapped Children's Early Education Program.
- Bureau of Elementary and Secondary Education, Health and Nutrition Projects: Title IV—C Projects; Migrant Programs; Title I; Follow Through.
- Bureau of Higher and Continuing Education: Upward Bound; Talent Search; Educational Opportunity Centers.
- Bureau of Occupational and Adult Education, Division of Vocational Education.
- Office of Regional Programs, Assistant Commissioner for Regional Programs.

Dated: July 31, 1979.

Mary F. Berry

Acting Commissioner of Education.

Leonard Schaeffer,

Administrator, Health Care Financing Administration.

Appendix—HEW Regional Offices

Regional EPSDT Coordinators, HCFA

Regional Commissioners for Educational Programs, OE

Region I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Marla Kahn, John F. Kennedy Federal Bldg., Boston, Massachusetts 02203, 617-223-5347 or 5348.

Dr. Thomas J. Burns, John F. Kennedy Federal Bldg., Boston, Massachusetts 02203, 617-223-7500.

Region II—New Jersey, New York, Puerto Rico, Virgin Islands, Canal Zone

Karen Alexander, Room 3842, 26 Federal Plaza, New York, New York 10007, 212-264-3657.

Dr. William D. Green, 26 Federal Plaza, New York, New York 10007, 212-264-4370.

Region III—Delaware, Maryland, Pennsylvania, Virginia, Washington, D.C.

Betty Wheeler, 3rd Floor, Post Office Box 7760, 36th and Market Streets, Philadelphia, Pennsylvania 19101, 215-596-1322.

Dr. Albert C. Crambert, 3535 Market Street, Philadelphia, Pennsylvania 19108, 215-596-1001.

Region IV—Alabama, Florida, Georgia,

Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Allie Saxon, 101 Marietta Tower, 6th Floor, Atlanta, Georgia 30323, 404-221-2081.

Dr. William L. Lewis, 101 Marietta Tower, Atlanta, Georgia 30323, 404-221-2063.

Region V—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Jonathan Nachsin, Room A-835, 175 W. Jackson, Chicago, Illinois 60604, 312-353-3702.

Dr. Juliette Noone Lester, 300 South Wacker Drive, Chicago, Illinois 60606, 312-353-5215.

Region VI—Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Betty Collins, 1200 Main Tower, 24th Floor, Dallas, Texas 75202, 214-767-6481.

Mr. Edward J. Baca, 1200 Main Tower, Dallas, Texas 75202, 214-767-3626.

Region VII—Iowa, Kansas, Missouri, Nebraska

Judy D'Ambrosio, 5th Floor, Federal Office Building, 601 East 12th Street, Kansas City, Missouri 64106, 816-374-3763.

Dr. Harold Blackburn, Eleven Oak Building, 324 East 11th Street, Kansas City, Missouri 64106, 816-374-2276.

Region VIII—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Lauren Smith, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294, 303-837-2681 or 2682.

Dr. John Runkel, Federal Regional Office Bldg., 1961 Stout Street, Denver, Colorado 80202, 303-837-3544.

Region IX—Arizona, California, Hawaii, Nevada, American Samoa, Trust Territory of the Pacific, Guam, Wake Islands

Karyn Sheridan/Sara Purcell, 100 Van Ness, 14th Floor, San Francisco, California 94102, 415-556-4946.

Dr. Caroline Gillin, 50 United Nations Building, San Francisco, California 94102, 415-556-4920.

Region X—Alaska, Idaho, Oregon, Washington

William Collins, Arcade Plaza Building, MS 505, 1321 Second Avenue, Seattle, Washington 98101, 206-442-0506.

Mr. Allen Apodaca, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101, 206-442-0460.

Central Office Contact

Regional Liaison Unit, Office of Education, U.S. Department of Health, Education, and Welfare, 400 Maryland Avenue, S.W., Washington, D.C. 20202, 202-245-6996.

[FR Doc. 79-30807 Filed 10-3-79; 8:45 am]

BILLING CODE 4110-35-M

National Advisory Council on Bilingual Education; Meeting

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Bilingual Education. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: Committee meetings: October 14, 1979, 4:00 p.m. Full Council meeting: October 15 and 16, 1979, 9:00 a.m. to 5:00 p.m.

ADDRESS: October 14, 1979, Committee Meetings will be held at the Channel Inn Hotel, 650 Water Street, SW., Washington, D.C. October 15, 1979, Full Council Meeting will be held in Federal Office Building #6, Room 3000, 400 Maryland Avenue, SW., Washington, D.C. October 16, 1979, Full Council Meeting will be held in the Federal Office Building #6, Room 3000, 400 Maryland Avenue, SW., Washington, D.C. For further information contact: Gloria Becerra, Office of Bilingual Education, Reporters Building, Room 421, Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202, (202-447-9227)

The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 880b-11) to advise the Secretary of Health, Education, and

Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

The meetings on October 15 and 16, 1979 will be open to the public beginning at 9:00 a.m.

October 15, 1979: A meeting of the Full Council on the following subjects is scheduled from 9:00 a.m. until 5:00 p.m. The proposed agenda includes the following:

Swearing in of New Members

Business Meeting

- a. Call to Order.
- b. Approval of Minutes.
- c. Chairperson Reports.
- d. Committee Reports.
- e. Ad Hoc Reports.
- f. OBE Director's Report.
- g. Council Orientation (New Members).

October 16, 1979: The proposed agenda includes the following:

Old Business:

Action Items.

New Business:

Action Items.

Agenda.

Public Participation.

Adjournment.

Records will be kept of all Council proceedings and shall be available for public inspection after approval, by the Full Council, of said records has been obtained. These records will be available in Room 421, Reporters Building, 300 7th Street, SW., Washington, D.C. Written requests for such records should be sent to 400 Maryland Avenue, SW., Reporters Building, Room 421, Washington, D.C. 20202.

In the event that the proposed agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Signed at Washington, D.C. on September 20, 1979.

Josué M. González,

Director, Office of Bilingual Education.

[FR Doc. 79-30664 Filed 10-3-79; 8:45 am]

BILLING CODE 4110-89-M

National Institutes of Health

Review Papers on Health Effects of Radiation Exposure; Meeting

At his press conference on February 27, 1979, the Secretary, HEW, indicated that the Director, NIH, would request outside scientific experts to review the previously unpublished HEW papers on health effects of radiation exposure which may have been associated with the atmospheric testing of nuclear

weapons and recommend any additional research needs identified in this review.

Notice is hereby given of the fourth meeting of the scientific experts to review the content of HEW papers, October 11, 1979, at J.R.B. Associates, 8400 Westpark Drive, McLean, Virginia. The entire meeting will be open to the public from 8:00 a.m. to 5:00 p.m. Attendance by the public will be limited to space available.

Dr. Victor H. Zeve, Special Assistant, Office of the Director, National Cancer Institute, Building 31, Room 10A34, Bethesda, Maryland 20205 (301/496-5515) will provide additional information.

Dated: October 1, 1979.

Suzanne L. Freneau,

Committee Management Officer, NIH.

[FR Doc. 79-30860 Filed 10-3-79; 8:45 am]

BILLING CODE 4110-88-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

Intent To Prepare Draft Environmental Impact Statement, (DEIS), Rossmore-Leisure World, Montgomery County, Md.

The proposed development could receive mortgage insurance for individual buildings. Comments are invited until October 19, 1979, regarding significant environmental issues that should be addressed in the DEIS. The DEIS will analyze the impact of constructing the balance of 2272 units of the over-all development. At completion, the development will have approximately 4768 units on 583 acres.

Comments should be addressed to: T. C. Chisholm, Area Manager, D.C. Area Office, HUD, 1875 Connecticut Avenue, NW., Washington, D.C. 20009.

Michael C. Hammond,

Deputy Area Manager.

[FR Doc. 79-30562 Filed 10-3-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 22309]

Alabama; Proposed Withdrawal and Reservation of Lands

The U.S. Department of Agriculture on August 24, 1979, filed application, Serial No. ES 22309, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining laws for National Forest purposes, subject to valid existing rights:

Huntsville Meridian, Alabama

T. 17 S., R. 8 E.

Sec. 34, NE¼, S½NW¼, SW¼.

The land described contains 399.38 acres, in Cleburne County, Alabama.

These lands will become part of Talladega National Forest, and will be administered in accordance with applicable laws and regulations for national forests.

Until November 13, 1979 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 authorized 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 Director, Eastern States, Bureau of Land Management, 350 South Pickett St., Alexandria, VA 22304, on or before November 13, 1979. Notice of the public hearing will be published in the *Federal Register* giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

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 lands and their 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, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands 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 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. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with this proposed withdrawal should be addressed to the Director, Eastern States, Bureau of Land Management, Department of the Interior, 350 South Pickett Street, Alexandria, Virginia 22304.

David P. Lodzinski,

Acting Director, Eastern States.

[FR Doc. 79-30772 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

Chief, Mining Section Division of Technical Services, New Mexico State Office; Redelegation of Authority

September 26, 1979.

1. The redelegation of authority promulgated in the February 5, 1972, *Federal Register* (37 FR 2793) to the Chief, Branch of Lands and Minerals Operations, is hereby revoked.

2. Pursuant to the authority contained in Part I, § 1.1(a) of Bureau Order No. 701 of July 23, 1964, as amended, I hereby redelegate to the Chief, Mining Section in the Division of Technical Services, authority to take action on the matters listed in Part II-A, paragraphs 2.6(b), (d), (e), (f), (g), (i), (j), (k), and (l), of Bureau Order No. 701 of July 23, 1964, as amended.

3. The Chief, Division of Technical Services may, in his discretion, personally exercise any authority hereby delegated to the Chief, Mining Section.

4. The Chief, Mining Section may redelegate the authority vested in her by this delegation to any qualified employee under her jurisdiction. Any order of redelegation must be approved by the State Director and published in the *Federal Register*.

5. The Chief, Mining Section may, by written order, designate any qualified employee of the Section to perform the functions of her position in her absence. Such order will be approved by the Chief, Division of Technical Service.

6. Effective date. This redelegation will become effective October 9, 1979.

Billy M. Brady,

Acting State Director.

[FR Doc. 79-30778 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

[28691]

Colorado; Right-of-way Application

September 8, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Mountain Fuel Resources, Inc., 36 S. State St., Suite 1540, Salt Lake City, Utah 84111, has applied for a right of way of a 6½" o.d. natural gas pipeline approximately 2.04 miles long, across the following public lands:

Sixth Principal Meridian, Rio Blanco County, Colo.

T. 2 S., R. 95 W.

Sec. 21: SW¼;

Sec. 28: NW¼;

Sec. 29: NE¼, NE¼SE¼, SW¼.

The natural gas line will provide a will hookup and transmission line for natural gas in areas through which the pipeline will pass.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Mountain Fuel Resources, Inc.

Any comment, claim or objections must be filed with the chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79-30668 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 25122 BA, BB, BC]

Colorado; Right-of-way Application for Pipeline

September 27, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 440), as amended (30 U.S.C. 185), Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110 has applied for a right-of-way, #77263, #78726, #78884, #78888, #79358, #79181, #79359, for approximately 3.412

miles of natural gas pipeline to collect and deliver gas through its Foundation Creek Gathering System on the following public land:

Sixth Principal Meridian, Rio Blanco County, Colo.

T. 4 S., R. 102 W.

Sec. 11: S½SE¼;

Sec. 14: NW¼NE¼, E½W½;

Sec. 23: E½NW¼, SW¼NE¼.

T. 3 S., R. 101 W.

Sec. 27: SW¼SE¼, SE¼SW¼;

Sec. 34: NE¼NW¼, W½NW¼;

Sec. 33: SE¼NE¼;

Sec. 32: NW¼SW¼, S½SW¼,

SW¼SW¼SE¼;

Sec. 31: N½SE¼, SW¼SE¼.

T. 4 S., R. 101 W.

Sec. 5: Lot 6, SW¼NE¼.

The above-named gathering system will enable the applicant to collect and deliver natural gas. The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79-30669 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 28659]

Colorado; Right-of-Way Application for Natural Gas Pipeline; Panhandle Eastern Pipeline Co.

In anticipation of future production of natural gas from wells yet to be drilled, Panhandle Eastern Pipeline Company, P.O. Box 127, Brighton, Colorado 80601 has applied for a rights-of-ways for 6" o.d. and 10" buried natural gas pipelines. Said pipelines, approximately three (3) miles long, are applied for pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as

amended (30 U.S.C. 185) across the following Public Lands:

Sixth Principal Meridian, Moffat County, Colo.

T. 12 N., R. 95 W.,

Sec. 16: S½SW¼;

Sec. 17: All;

Sec. 19: E½NE¼;

Sec. 20: N½;

Sec. 21: NW¼NW¼.

This application will only be granted as production becomes a fact from wells yet to be drilled.

This system will enable this applicant to gather and supply natural gas for its customer, Mountain Fuel Supply Company.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Panhandle Eastern Pipeline Company.

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,

Leader, Craig Team, Branch of Adjudication

[FR Doc. 79-30670 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 27444-e]

Colorado; Pipeline Application; Northwest Pipeline Corp.

September 28, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a 4½ and 6½ inch o.d. natural gas pipeline, approximately 1.5 miles long, across the following public lands in Garfield County:

Sixth Principal Meridian, Colorado

T. 7 S., R. 104 W.,

Sec. 19: W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 30: NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The proposed lateral pipeline will enable the applicant to convey natural gas from the Palmer Oil Federal wells No. 30-3 and No. 18-16 to their main gathering lines.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objection must be filed with the Team Leader, Canon City-Grand Junction, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, CO 80202, as promptly as possible after publication of this notice.

Rodney A. Roberts,
Leader, Canon City-Grand Junction Team,
Branch of Adjudication.

[FR Doc. 79-30773 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

Lewistown District Grazing Advisory Board; Meeting

September 26, 1979.

In accordance with Section 403 of Pub. L. 94-579, the Federal Land Policy and Management Act, notice is given of the following Board meeting.

Name: Lewistown District Grazing Advisory Board.

Date: November 15 and 16, 1979.

Place: Lewistown District Office; Airport Road, Lewistown, Montana 59457.

Time: 1:00 p.m. to 4:30 p.m., November 15; 8:00 a.m. to 12 noon, November 16.

Proposed Agenda:

November 15, 1979—1:00 p.m. to 4:30 p.m.—Implementation of the Missouri Breaks Livestock Grazing Management Program.

November 16, 1979—8:00 a.m. to 11:30 a.m.—Fiscal year 1980 Range Betterment Program; 11:30 a.m. to 12:00 noon—Agenda, time and place of next meeting.

A public comment period will be provided at the end of each agenda item.

This meeting of the Board shall serve to offer advice and make recommendations regarding commercial livestock grazing in the development of allotment management plans (AMP's) and the utilization of range-betterment funds with respect to commercial livestock grazing within the Lewistown District.

Alan L. Kesterke,

Acting District Manager.

[FR Doc. 79-30774 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

Montana; Big Horn Planning Unit Off-Road Vehicle Closure

September 25, 1979.

Notice is hereby given that 92,000 acres of public lands will be designated as open, closed or restricted to ORV in the Pryor Mountain area pursuant to 43 CFR, Part 8342.1 and Executive Order 11644. The area affected by this designation is located approximately 60 miles south of Billings, Montana, in Carbon County.

The following public lands are closed to all ORV use:

- T. 8 S., R. 28 E., all public land Sections.
- T. 9 S., R. 28 E., all public land Sections.
- T. 9 S., R. 27 E., all public land Sections.
- T. 9 S., R. 26 E., Sections 14, 15, 22, 23, 25, 26, 27, 34, 35; also all public lands north of the Gyp Springs Road.
- T. 8 S., R. 26 E., Sections 31-32 and all public lands east of the Pryor Gap Road.
- T. 7 S., R. 26 E., public lands in Sections 27, 28, 32, 33, and 34.
- T. 58 N., R. 95 W., all public lands north of Crooked Creek County Road which includes part of Sections 19, 20, 23, 26, 29, 33, 34, 35 and all of Sections 21, 22, 27, and 28.

The following roads are designated open within the Big Horn Planning Unit:

- Sikes Ridge Road starting at T. 58 N., R. 95 W., Section 23, meandering north for approximately 12 miles to T. 8 N., R. 28 E., Section 17.
- Turkey Flat Spur Road starting at T. 58 N., R. 95 W., Section 22, meandering NW for approximately 1½ miles to T. 9 S., R. 28 E., Section 32.
- Tillett Ridge-Burnt Timber Ridge Road, starting in Section 25, T. 9 S., R. 27 E., meandering north for approximately 10 miles proceeding through the Custer National Forest.
- Gyp Springs Road starting at T. 10 S., R. 27 E., Section 4, meandering NW for approximately 5 miles to T. 9 S., R. 26 E., Section 15.
- Crooked Creek Road from T. 9 S., R. 27 E., Section 33, meandering North for approximately 13 miles through the Custer National Forest.
- Helt Road from T. 9 S., R. 27 E., Section 33, meandering NW then SW for

approximately 8 miles to the junction of the Gyp Springs Road.

Pryor Mountain Road, starting in T. 9 S., R. 27 E., Section 17, meandering north for approximately 3 miles through the Custer National Forest.

Horsehaven Road starting in T. 9 S., R. 26 E., Section 10, meandering northeast then southeast for approximately 6 miles to T. 9 S., R. 27 E., Section 18.

Bear Canyon Road from T. 9 S., R. 26 E., Section 8, meandering northeast for approximately 3 miles through the Custer National Forest.

Stockman Trail from T. 9 S., R. 26 E., Section 6, meandering north for approximately 2 miles through the Custer National Forest.

The remainder of the public lands in the Big Horn Planning Unit are designated open to ORV use. Maps of the ORV designations will be available November 15, 1979, from either the Lewistown District Office, Lewistown, Montana, or the Billings Resource Area Office, Billings Montana.

Kannon Richards,

Acting State Director.

[FR Doc. 79-30871 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38263, 38264, 38265]

New Mexico; Applications

September 26, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

- T. 24 N., R. 6 W.,
Sec. 12, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 27 N., R. 7 W.,
Sec. 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 29 N., R. 9 W.,
Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$.

These pipelines will convey natural gas across 0.683 of a mile of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management,

P.O. Box 6770, Albuquerque, New Mexico 87107.

Michael T. Solan,

Chief, Division of Technical Services.

[FR Doc. 79-30775 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38262]

New Mexico; Application

September 28, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 31 N., R. 11 W.,

Sec. 30, NE¼SW¼.

This pipeline will convey natural gas across 0.100 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Michael T. Solan,

Chief, Division of Technical Services.

[FR Doc. 79-30776 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38266]

New Mexico; Application

September 26, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 18 S., R. 31 E.,

Sec. 35, W¼SW¼.

This pipeline will convey natural gas across 0.272 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be

approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Michael T. Solan,

Chief, Division of Technical Services.

[FR Doc. 79-30777 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38373]

New Mexico; Application

September 26, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for one 4-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 25 E.,

Sec. 11, E½SW¼ and SW¼SE¼.

This pipeline will convey natural gas across 0.478 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Michael T. Solan,

Chief, Division of Technical Services.

[FR Doc. 79-30779 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

Public Land Sale Notices Amended; Continuing Sales Dates Set

Notices of realty action published Nov. 9, 1978 (43 FR 52293) and Mar. 28, 1979 (44 FR 18564) announced the classification of certain public lands in Las Vegas, Nevada for disposal by sale. The notice also set dates and locations for the auctions: Dec. 13, 1978, and June 27 and Sept. 17, 1979 in the Las Vegas Convention Center. Thirty-seven parcels remain unsold after the last sale. These parcels will be reoffered to the public, under the terms and procedures stated in the Mar. 28 notice, on the third Wednesday of each month, beginning on Oct. 17, at 10 a.m. in the Las Vegas

District Office, 4765 W. Vegas Drive, Las Vegas, Nevada. The monthly offering will continue until all parcels are sold or the appraisals become obsolete.

Dated: September 25, 1979.

Roger J. McCormack,

Acting State Director, Nevada.

[FR Doc. 79-30780 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; Alaska Regional Technical Working Group Committee; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-643.

The Alaska Regional Technical Working Group Committee of the National OCS Advisory Board will hold its organizational meeting on November 6 and 7, 1979, beginning at 9:00 a.m. both days, in the lower level conference room of the Michael Building, 620 East 10th Avenue, Anchorage, Alaska.

The meeting is intended to be an orientation meeting and will cover the following principal subjects:

1. Administrative procedures of the OCS leasing process.
2. The functions and responsibilities of the technical working group.
3. The phases of the intergovernmental planning program for OCS oil and gas leasing, transportation, and related facilities.

The meeting is open to the public. Public attendance may be limited by the space available. Minutes of the meeting will be available at the Alaska OCS Office, 620 East 10th Avenue, Anchorage, Alaska, for public inspection and copying six weeks after the meeting.

For further information, contact Gordy Euler at the Alaska OCS Office, (907) 276-2955.

Dated: September 28, 1979.

Robert J. Brock,

Acting Manager, Alaska OCS Office.

[FR Doc. 79-30771 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

[U-43879]

Utah; Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for natural gas pipeline right-of-way (2.927 miles of 6½-inch pipe and 1.149 miles of 4½-inch pipe) across the following lands:

Salt Lake Meridian, Utah

T. 21 S., R. 22 E.,

Secs. 1, 12, 13, 18 and 19.

T. 21 S., R. 23 E.,
Secs. 6, 13 and 19

The needed right-of-way is a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

Dell T. Waddoups,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-30673 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

Utah; Announcement of Initial Wilderness Inventory Decisions in Effect

AGENCY: Bureau of Land Management.
ACTION: Notice.

SUMMARY: This notice announces that on September 12, 1979, final decisions became effective on the Initial Wilderness Inventory findings within the State of Utah, except for the following units on which formal protests were filed: UT-040-143, 132, 078, 079, 248, 076, 077, 223, 245, 246, 247, 254, 041B, 041C; UT-060-164, 178 and 179. These units will remain under interim management restrictions with the effective date of the final decision deferred until the BLM Utah State Director issues decisions on the protests.

All other lands in the Initial Inventory not identified to be intensively inventoried have been dropped from further wilderness review and restrictions imposed by Section 603(c) of the Federal Land and Policy Management Act.

Dated: September 26, 1979.

William G. Leavell,
Associate State Director.

[FR Doc. 79-30672 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

Nevada Bureau of Land Management Issues Final Decision on Special Wilderness Inventory in Elko County

Bureau of Land Management State Director Ed Spang has approved the release of 62,720 acres of public lands in

Elko County from further wilderness consideration because the areas involved lack wilderness characteristics specified by Congress. Unless there are public protests, the decision will be implemented Oct. 29, 1979.

The two areas involved, known as the Dolly Varden Unit (NV-010-040) and the Victoria Unit (NV-010-043) are located in Southeastern Elko County, Nevada. Spang's decision is based upon a special inventory project and a majority public concurrence that the area contains numerous man-made intrusions, such as roads, mining pits, shafts, powerlines, and grazing improvements projects that substantially impact the area's naturalness. Outstanding opportunities for solitude and primitive and unconfined types of recreation were also found to be lacking in both units.

The Bureau's recommendations were released for public comment on August 26, 1979. A 30-day comment period followed, during which 14 comments were received on the Dolly Varden Unit and 16 comments were received on the Victoria Unit. Of the 14 received on the Dolly Varden Unit, nine agreed with the Bureau's findings concerning intrusions and five disagreed, generally stating that the area should be considered for wilderness designation because there is a need for more protection of public land areas as wilderness. Of the 16 comments received on the Victoria Unit, 11 concurred with the Bureau's findings and five said the area should be considered for wilderness designation because there is a general need for more wilderness.

Based upon the findings of the Bureau's special inventory requested by Day Mines, Inc., which wants to expand a copper mine in the area, and after careful consideration of all public comments received, Spang said the decision to release the two units from further wilderness consideration will become final Oct. 29, 1979, unless there are public objections.

Further information on the two units can be obtained from the Bureau of Land Management, 300 Booth Street, Room 3008 Federal Building, Reno, Nevada 89509 or the Elko District Office, 2002 Idaho Street, Elko, Nevada 89801.

Dated: September 27, 1979.

E. R. Evatz,
Acting State Director, Nevada.

[FR Doc. 79-30781 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

Proposed Decision on the Intensive Wilderness Inventory of Selected Areas in Oregon and Announcement of Public Meetings

Authority

This proposed decision is issued under the authority of Section 603 of the Federal Land Policy and Management Act of October 21, 1976, and in accordance with the guidelines in the "Wilderness Inventory Handbook," issued by the U.S. Department of the Interior, Bureau of Land Management, on September 27, 1978.

Background

The final decision on the initial wilderness inventory of BLM-administered public lands in Oregon and Washington was announced on August 29, 1979. All inventory units *not* eliminated from wilderness review by that decision are being intensively inventoried. The purpose of the intensive inventory is to determine which additional areas should be eliminated from future wilderness review and which should be designated as wilderness study areas.

In Oregon, 30 intensive inventory units have been reviewed on an accelerated schedule. Thirteen of them are in the Drewsey area of the Burns District where range improvement projects are proposed for next year. An early determination of the wilderness characteristics of the 13 units will enable BLM to determine which improvement projects can be carried out. If wilderness values are identified, no actions which would impair those values will be implemented.

Sixteen of the selected units contain BLM lands which have been identified for possible exchanges with the state or private parties. The intensive inventory of these units has been accelerated so BLM can determine which exchange negotiations can proceed. BLM lands in wilderness study areas will not be considered for exchange.

One inventory unit in the Prineville District adjoins a Forest Service RARE II area that has been designated for "further planning." The Forest Service issued a draft environmental statement on that area in August. By accelerating the inventory of the BLM land, BLM's proposed decision will be available to the public before the end of the review period for the draft EIS.

Proposed Decision

Twenty two intensive inventory units and portions of 8 other units have been

found to lack wilderness characteristics. It is proposed that these areas be eliminated from further wilderness review. This decision, if finalized, would release these lands from the interim management restrictions imposed by Section 603(c) of the Federal Land Policy and Management Act.

Portions of 8 inventory units are proposed to be wilderness study areas (WSAs). The identification of these areas as WSAs would retain them under the constraints of the interim management guidelines until a final determination of their status by Congress.

A report and a map describing this proposed decision may be obtained from the Public Affairs Room, BLM—Oregon State Office, P.O. Box 2965, Portland, Oregon 97208. Larger scale maps are also available on request from the State Office or the District Offices which administer the particular inventory units. In addition, the intensive inventory files may be reviewed at either the Oregon State Office or the appropriate District Office.

A period for public review and comment on this proposed decision will run from this date until January 4, 1980. To facilitate public review and comment, six public meetings will be held:

Lakeview—November 6, 1979, 7:00 p.m., Lakeview District Office, 1000 Ninth Street South.

Fields—November 7, 1979, 7:00 p.m., Fields School.

Prineville—November 7, 1979, 2:00 and 7:00 p.m., Prineville District Office, 185 East Fourth Street.

Burns—November 8, 1979, 7:00 p.m., Burns District Office, 74 South Alvord Street.

Eugene—November 27, 1979, 3:00 and 7:00 p.m., Lane County Extension Hall, 950 West 13th Street.

Portland—November 29, 1979, 1:30 p.m. and 7:30 p.m., Oregon State Office, 729 NE Oregon Street.

Comments may be presented orally at the meetings, or written comments may be submitted at the meetings or by mail to the District Office which administers the unit in question. District Office addresses are:

Lakeview District Office; Art Gerity, District Manager, P.O. Box 151, Lakeview, OR 97630.

Burns District Office; Christian Vosler, District Manager, 74 South Alvord Street, Burns, OR 97720.

Vale District Office; Pearl Parker, District Manager, P.O. Box 700, Vale, OR 97918.

Prineville District Office; Paul Arrasmith, District Manager, P.O. Box 550, Prineville, OR 97754.

All comments will be considered when the proposed decision is reviewed and evaluated. A final decision on the intensive wilderness inventory of these 30 selected areas in Oregon will be announced early next spring.

Muri W. Storms,
State Director.

[FR Doc. 79-30093 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

[W-69202]

Wyoming; Notice of Application

September 25, 1979.

Notice is hereby given that pursuant to sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Panhandle Eastern Pipe Line Company of Brighton, Colorado, filed an application for a right-of-way to construct, operate, maintain, repair and remove a gas gathering system consisting of two 4" buried pipelines and related facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 20 N., R. 105 W.,

Sec. 8, NW¼SW¼;

Sec. 18, E½NE¼ and N½SE¼.

The proposed gathering system pipelines will transport natural gas from the Davis Dines #1 well located in the NW¼SE¼ of Section 7 and the Davis Dines #2 well located in the SE¼ of Section 18 to a point of connection with Stauffer Chemical Company of Wyoming's existing pipeline located in the SW¼ of Section 8, all within T. 20 N., R. 105 W., Sweetwater County, Wyoming. The related facilities to be constructed entirely within the proposed 50' right-of-way width are dehydration, launching and receiving equipment, and associated valve settings.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-30782 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-84-M

Utah; Announcement of Wilderness Proposed Decisions and Public Comment Period on Units in Utah's Overthrust Belt

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces the BLM Utah State Director's proposed decision and start of a 45-day public comment period concerning a special accelerated intensive wilderness inventory on lands in southwestern Utah known as the "Overthrust Belt." Units involved in this special inventory are: UT-040-136, 269, 270, 271, 278, 273, and two interstate units with Nevada UT-040-123, (NV-050-0166) and UT-040-124, (NV-050-0143). None of these units were found to possess the wilderness characteristics needed for Wilderness Study Area (WSA) status, therefore, none are being proposed as WSA's.

During a 45-day public comment period (October 5, 1979 through November 18, 1979), the public is invited to review and provide written comments on this proposed decision. Complete files are available for review at the Utah BLM State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah; and the Cedar City BLM District Office, 1579 North Main, Cedar City, Utah.

Maps and a summary of the inventory findings can be obtained from the Cedar City District Office. Comments should be addressed to: District Manager, Cedar City BLM District, P.O. Box 724, Cedar City, Utah 84720.

FOR FURTHER INFORMATION CONTACT: Lawrence Royer, Cedar City BLM District Office, 801-586-2401.

Dated: September 28, 1979.

Gary J. Wicks,
State Director.

[FR Doc. 79-31010 Filed 10-3-79; 6:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Consent Judgment In United States v. Andrew Carlson & Sons, Inc., Et Al., And Competitive Impact Statement Therein

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Eastern District of New York in *United States v.*

Andrew Carlson & Sons, Inc., et al., Civil No. 76 C 349.

The complaint alleges that beginning at least as early as 1963, the defendants and unnamed coconspirators conspired to raise, fix, and stabilize the prices and to set the maximum discounts on precast concrete products in Nassau and Suffolk Counties in the State of New York in violation of section 1 of the Sherman Act.

The proposed judgment would enjoin each of the defendants for a period of ten years from entering into any agreement or arrangement with any other person to fix, determine, establish, maintain, raise, stabilize or adhere to prices, discounts, and delivery charges for the sale of precast concrete products.

The proposed judgment would also enjoin each defendant from communicating or exchanging certain information which would violate the antitrust laws or which would facilitate anticompetitive activity. Each defendant may, however, communicate the information necessary to the *bona fide* purchase or sale of precast concrete products between a defendant and any other defendant or any other manufacturer of precast concrete products.

Public comment is invited within the statutory 60 day time period. Such comment and response thereto will be published in the *Federal Register* and filed with the Court. Comments should be directed to Ralph T. Giordano, Antitrust Division, 26 Federal Plaza, Room 3630, New York, New York 10007.

Dated: September 20, 1979

Joseph H. Widmar,
Director of Operations.

United States District Court, Eastern District of New York

United States of America, plaintiff, v. Andrew Carlson & Sons, Inc.; W. D. Boccard & Sons, Inc.; and Carbo Industries, Inc., defendants.

Civil Action No. 76 C 349 (ERN).

Filed: September 20, 1979.

Entered:

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendants and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to the Plaintiff and Defendants in this or any other proceeding.

For the Plaintiff:

John H. Shenefield,
Assistant Attorney General.
Joseph H. Widmar,
Charles F. B. McAleer,
Ralph T. Giordano,
Attorneys, Department of Justice.
Samuel London,
Gary A. Kimmelman,
Attorneys, Department of Justice.

For the Defendants:

Whitman & Ransom,
By Duggald C. Brown, A Member of the Firm.
Attorneys for Andrew Carlson & Sons, Inc.
Henry J. Boitel, Esq.,
Attorney for W. D. Boccard & Sons, Inc.
Kalb, Rosenfeld & Essig, P.C.,
By Harold Kalb, A Member of the Firm.
Attorneys for Carbo Industries, Inc.

United States District Court Eastern District of New York

United States of America, plaintiff, v. Andrew Carlson & Sons, Inc.; W. D. Boccard & Sons, Inc.; and Carbo Industries, Inc., defendants.

Civil Action No. 76 C 349.

Filed: September 20, 1979.

Entered:

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on February 24, 1976, and defendants, by their respective attorneys having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or admission by any party consenting hereto with respect to any such issue,

Now, therefore, before the taking of any testimony and without adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby, ordered, adjudged and decreed as follows:

I

This Court has jurisdiction over the subject matter herein and the parties hereto. The complaint states a claim against the defendants upon which relief may be granted under Section 1 of the Sherman Act, 15, U.S.C. § 1.

II

As used in the Final Judgment:

(A) "Precast Concrete Products" means cylindrical structures such as drainage rings, storm water rings, solid rings and their related products such as flat slabs, domes, tops, footings, baffle walls and bottom slabs, all of which are used for the subsurface disposal of storm water and sanitary waste; and

(B) "Discount" means any percentage or other reduction from the regular or list prices charged by any of the defendant corporations.

III

The provisions of this Final Judgment shall apply to each defendant, its officers, directors, agents and employees and to each defendant's subsidiaries, affiliates, successors and assigns, and to each of their respective officers, directors, agents and employees, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Each defendant is enjoined and restrained from directly or indirectly entering into, adhering to, maintaining, enforcing or claiming any right under any contract, agreement, combination, understanding, plan or program with any other person, directly or indirectly, to:

(A) Fix, determine, establish, maintain, raise, stabilize, or adhere to prices, discounts or other terms or conditions for the sale of precast concrete products to any third person; or

(B) Fix, determine, establish, maintain, raise, stabilize, or adhere to any charge for the delivery of precast concrete products to any third person.

Each defendant is enjoined and restrained from:

(A) Communicating to or exchanging with any other person engaged in the manufacture, distribution, or sale of precast concrete products, any information concerning any actual or proposed price, price change, discount, delivery charge, or other term or condition of sale at which precast concrete products are to be, or have been sold by said defendant;

(B) Requesting or receiving from any other person engaged in the manufacture, distribution, or sale of precast concrete products information of a type which said defendant could not communicate to such other manufacturer or distributor of precast concrete products without violating paragraph (A) of this Section V.

VI

Each defendant is ordered and directed:

(A) Within sixty (60) days from the entry of the Final Judgment to (1) deliver a copy of this Final Judgment to each of its officers, directors, agents and employees who have any responsibility for establishing prices, discounts or other terms or conditions for the sale of precast concrete products by such defendant, and (2) obtain a written statement from each such person evidencing his receipt of the Final Judgment, such statement to be retained in the files of the President of each defendant;

(B) To deliver a copy of this Final Judgment to each successor officer and director, and each successor employee having any responsibility for the sale of precast concrete products by such defendant;

(C) Within sixty (60) days from the entry of the Final Judgment to have its attorney explain the provisions of the Final Judgment to each of its officers, directors, agents and

employees who have any responsibility for establishing prices, discounts or other terms or conditions for the sale of precast concrete products; and

(D) Within ninety (90) days after the entry of this Final Judgment, to file with this Court and to mail to the plaintiff an affidavit setting forth the fact and manner of compliance with paragraph (A) of this Section VI.

VII

(A) For the purpose of determining or securing compliance with this Final Judgment, any duly authorized representative of the Department of Justice shall, on written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(1) Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, partners or employees of such defendant, who may have counsel present, regarding any such matters.

(B) A defendant upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division shall submit such reports in writing with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means provided in this Section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purposes of securing compliance with this Final Judgment, or as otherwise required by law.

If at any time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents which is of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which the defendant is not a party.

VIII

Nothing contained in this Final Judgment shall apply to any necessary negotiation or communication between a defendant and any other defendant or any other manufacturer or seller of precast concrete products or any of their agents, brokers, distributors or representatives whose sole purpose is a

proposed or actual bona fide purchase or sale.

IX

Jurisdiction of this action is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof, and for the enforcement of compliance therewith, and for the punishment of violations thereof.

X

This Final Judgment will expire on the Tenth Anniversary of the date of its entry.

XI

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge

United States District Court Eastern District of New York

United States of America, plaintiff, v. Andrew Carlson & Sons, Inc.; W.D. Boccia & Sons, Inc.; and Carbro Industries, Inc., defendants.

Civil Action No. 76 C 349.

Filed: September 20, 1979.

The United States of America, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature of the Proceedings

On February 24, 1976 the Government filed a civil antitrust action under Section 4 of the Sherman Act (15 U.S.C. § 4) alleging that the above named defendants had combined and conspired in violation of Section 1 of the Sherman Act (15 U.S.C. Section 1) from at least as early as 1963 to fix, raise, maintain and establish the prices on precast concrete products and to fix and maintain maximum discounts given by the defendants to purchasers of precast concrete products.

Entry by the court of the proposed Final Judgment will terminate this action. However, the court will retain jurisdiction over the matter for ten (10) years for possible further proceedings which may be needed to interpret, modify, or enforce the judgment or to punish violations of any of the provisions thereof.

II

Description of the Practices Involved in the Alleged Violation

The defendants were all manufacturers of precast concrete products located in Nassau and Suffolk Counties, New York. Precast concrete products are cylindrical structures such as drainage rings, storm water rings, solid rings and their related products all of which are used for the subsurface disposal of storm water and sanitary waste. According to

the complaint, the defendants' combined precast concrete product sales of approximately \$6 million in 1974 constituted at least 75% of all precast concrete products sales in Nassau and Suffolk Counties.

In forming and effectuating the combination and conspiracy alleged in the complaint, the defendants communicated to one another at meetings, in telephone conversations and on other occasions; agreed upon the prices to be included in their list prices; and agreed on the maximum discounts they would give to their customers. The evidence produced at trial would show that as a result of the conspiracy, the prices on precast concrete products have been fixed, raised, and maintained at artificial and noncompetitive levels and that the purchasers of precast concrete products have been deprived of free and open competition; and competition in the sale of precast concrete products has been restrained.

III

Explanation of the Proposed Final Judgment

The Government and the defendants have stipulated that the proposed Final Judgment may be entered by the court at any time after compliance with the Antitrust Procedures and Penalties Act. This stipulation provides that there has been no determination by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed judgment is conditioned upon a determination by the court that the proposed judgment is in the public interest.

A. *Prohibited Conduct.*—The proposed judgment prohibits each defendant from adhering to, maintaining, enforcing, or entering into, directly or indirectly, any contract, agreement, combination, understanding, plan or program with any other person to fix, determine, establish, maintain, raise, stabilize, or adhere to prices, discounts or other terms or conditions for the sale of precast concrete products; or to fix, determine, establish, maintain, raise, stabilize, or adhere to any charge for the delivery of precast concrete products to any third person.

Each defendant is also enjoined from communicating or exchanging with any other person engaged in the manufacture, distribution or sale of precast concrete products, any information concerning any actual or proposed price, price change, discount, delivery charge, or other term or condition of sale at which precast concrete products are to be or have been sold by said defendant. Additionally, each defendant is also enjoined from requesting or receiving from any other person engaged in the manufacture, distribution, or sale of precast concrete products, information of the type which said defendant could not communicate to such other manufacturer or distributor of precast concrete products without violating paragraph (A) of Section V of the Final Judgment.

Each defendant can, however, communicate such information as is necessary to the bona fide purchase or sale of precast concrete products between a defendant and any other defendant or any other manufacturer or seller of precast

concrete products or any of their agents, brokers, distributors, or representatives.

Each defendant is ordered within 60 days of the entry of the Final Judgment to have its attorney explain the provisions of the Final Judgment to each of its officers, directors, agents and employees who have any responsibility for establishing prices, discounts or other terms or conditions for the sale of precast concrete products.

B. Scope of the Proposed Judgment.—The proposed Judgment applies to each defendant, its officers, directors, agents and employees and to each defendant's subsidiaries, affiliates, successors, and assigns and to those persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

The defendants are bound by the prohibition of the proposed Judgment for ten (10) years from the date of its entry.

C. Competitive Effects of the Proposed Judgment.—The provisions of the proposed Final Judgment are designed to prevent any recurrence of the illegal conduct alleged in the complaint and contain all of the relief sought in the complaint. The proposed Judgment should ensure that no future agreements or combinations between or among the defendants to fix, raise, maintain, or stabilize the price and maximum discounts of precast concrete products will be arranged.

The proposed Judgment provides methods for determining the defendants' compliance with the terms of the Judgment. The Antitrust Division, through duly authorized representatives, may interview officers, employees and agents of each defendant regarding its compliance with the Judgment. Representatives of the Division are also given access, upon reasonable notice, to examine each defendant's records for possible violations of the Judgment and to request defendants to submit reports on matters contained in the Judgment.

Accordingly, the Government believes that the public interest is best served by the entry of the proposed Judgment. Further litigation would not result in any additional relief.

IV

Alternative Remedies Considered by the Antitrust Division

The defendants initially proposed a Final Judgment which the Government concluded did not ensure that the conspiracy charged in the complaint would not continue or recur. The Government offered a counter-proposal from which the Final Judgment was negotiated.

The primary point of difference that was ultimately compromised between the parties related to the injunction prohibiting the defendants from purchasing from one, another. The defendants drafted a proviso which authorized necessary negotiations or communications between a defendant and any other defendant or any other manufacturer or seller of precast concrete products whose sole purpose is a proposed or actual *bona fide* purchase or sale. The Government agreed to this modification since the conduct contemplated is lawful and does not increase the risk of recurrence of the illegal acts alleged in the complaint.

V

Remedies Available to Potential Private Litigation

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the Antitrust laws may bring suit in the Federal Court to recover three times the damage such person has suffered as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any such private actions. Under the provisions of Section 5 of the Clayton Act (15 U.S.C. § 16(a)), this Final Judgment has no *prima facie* effect in any lawsuits which may be pending or hereinafter brought against the defendants.

VI

Procedures Available for Modifications of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Judgment should be modified may submit written comments to Ralph T. Giordano, Antitrust Division, U.S. Department of Justice, Room 3630, 26 Federal Plaza, New York, New York 10007, within the sixty-day period provided by the Act. These comments and the Government's response to them, will be filed with the Court and published in the Federal Register. All comments received will be given due consideration by the Government, which remains free to withdraw its consent to the proposed Judgment at any time prior to its entry, if it should determine that some modification of it is necessary. The proposed Judgment provides that the Court retains jurisdiction over this action, and that the parties may apply to the Court for such order as may be necessary or appropriate for its modification, interpretation or enforcement.

VII

Alternatives to the Proposed Final Judgment

The alternative to the proposed Judgment is a full trial on the merits. The Government considers the proposed Final Judgment to be of sufficient scope and effectiveness to make litigation on the issues unnecessary, as the Judgment provides full relief against the violations charged in the Complaint.

VIII

Other Materials

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16) were considered in formulating this proposed Judgment. Consequently, none are submitted pursuant to such Section 2(b).

Dated: New York, New York, September 20, 1979.

Samuel London,

Gary A. Kimmelman,

Attorneys, Department of Justice, Antitrust Division, Room 3630, 26 Federal Plaza, New York, New York 10007.

[FR Doc. 79-30682 Filed 10-3-79; 8:45 am]

BILLING CODE 4410-01-M

United States v. Beneficial Corp., HLG Inc., Beatrice Foods Co., Southwestern Investment Co.; Proposed Consent Judgment and Competitive Impact Statement

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), a proposed consent judgment and a competitive impact statement (CIS) as set out below have been filed with the U.S. District Court for the Northern District of Illinois in *United States v. Beneficial Corporation, HLG Inc., Beatrice Foods Co., and Southwestern Investment Co.*, Civil Action No. 79C3550, filed August 29, 1979. The complaint in this case alleged that the proposed acquisition by Beneficial of Southwestern would violate Section 7 of the Clayton Act by substantially lessening competition in making direct cash loans. These are loans made to individuals by finance companies under regulations of the various states, and are repayable generally on an equal periodic basis. The proposed judgment allows Beneficial to acquire Southwestern Investment Co., but requires Beneficial to divest 26 offices located in five states out of Southwestern's 127 offices in 10 states. The CIS describes the terms of the judgment and the background of the action. Public comment is invited within the statutory sixty (60) day waiting period. These comments and the Department of Justice's responses thereto will be published in the Federal Register and filed with the Court. Comments should be directed to Kenneth C. Anderson, Chief, Special Regulated Industries Section, Antitrust Division, Department of Justice, Safeway Building, Room 504, Washington, D.C. 20530.

Dated: September 24, 1979.

Joseph H. Widmar,

Director of Operations.

U.S. District Court, Northern District of Illinois, Eastern Division

United States of America, Plaintiff, v. Beneficial Corporation; HLG Inc.; Beatrice Foods Co.; and Southwestern Investment Co. Defendants.

Civil Action No. 79C 3550.

Filed: September 24, 1979.

Stipulation

It is stipulated by and between the undersigned parties, plaintiff, United States of America, and defendants, Beneficial Corporation; HLG Inc.; Beatrice Foods Co.; and Southwestern Investment Co. by their respective attorneys, that:

1. The parties consent that a final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements

of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16] and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. Defendants will not consummate the acquisition of the stock or of any assets of Southwestern Investment Co. by Beneficial Corporation from Beatrice Foods Co. until the proposed final judgment hereto attached has been entered by the Court.

3. In the event plaintiff withdraws its consent or if the proposed final judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff and defendants in this or any other proceedings.

Dated: September 24, 1979.

For the Plaintiff: John H. Shenefield, Assistant Attorney General, Donald L. Flexner, Joseph H. Widmar, Kenneth C. Anderson, Seymour H. Dussman, James H. Phillips, Gordon G. Stoner, Attorneys, Department of Justice, Antitrust Division, Washington, D.C. 20530.

For the Defendants: Dawson, Riddell, Taylor, Davis & Holroyd, by L. J. Holroyd, Esquire, Counsel for Beneficial Corporation and HLG Inc. Of Counsel, Dewey, Ballantine, Bushby, Palmer & Wood, by Edward N. Sherry, Esquire, Robert C. Myers, Esquire, Winston & Strawn, by Richard William Austin, Esquire, Counsel for Beatrice Foods Co., and Southwestern Investment Co.

U.S. District Court, Northern District of Illinois, Eastern Division

United States of America, Plaintiff, v. Beneficial Corporation; HLG Inc; Beatrice Foods Co.; and Southwestern Investment Co., Defendants.

Civil Action No. 79C 3550.

Filed: September 24, 1979.

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on August 29, 1979, and the plaintiff and the defendants, Beneficial Corporation, HLG Inc., Beatrice Foods Co., and Southwestern Investment Co., by their respective attorneys, having consented to the making and entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any such issue;

Now, Therefore, before any testimony has been taken and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby,

Ordered, Adjudged, and Decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The complaint states a claim upon which relief may be granted against the defendants under Section 7 of the Clayton Act, 15 U.S.C. § 18.

II

As used in this Final Judgment:

(A) "Beneficial" shall mean Beneficial Corporation and HLG Inc.

(B) "Southwestern" shall mean Southwestern Investment Co., a subsidiary of Beatrice Foods Co.

(C) "Office" shall mean, with respect to each of the Southwestern offices listed in Appendix A, all receivables and customer lists, and, at the option of the buyer, leases, leasehold improvements, furniture, fixtures, office equipment, supplies and other material located or used in such office.

(D) "Receivables" shall mean all indebtedness and promises to pay for direct cash loans to individual customers, and, if the buyer of an office elects, "receivables" shall also include all installment notes purchased from dealers arising from the retail or wholesale sale of goods or from the rendering of services, in each case with all documents, information, and collateral related thereto. The term "receivables" shall not include notes secured by first mortgages on real estate, contracts for the leasing of equipment, or contracts of insurance.

(E) "Customer Lists" shall mean all lists of present and potential customers for direct cash loans, but shall not include the identity of potential customers generated from the purchase of installment notes from dealers arising out of the retail or wholesale sale of goods or from the rendering of services, unless the buyer of an office elects to purchase such receivables.

III

(A) This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

(B) Beneficial shall require, as a condition of the sale or other disposition of all, or substantially all, of its finance company business, that the acquiring party agree to be bound by the provisions of this Final Judgment and that such agreement be filed with the Court and be served upon the plaintiff.

IV

Beneficial is ordered and directed to divest itself of each Southwestern office listed in Appendix A of this Final Judgment.

(A) Beneficial shall enter into a contract for the sale of each such office within six months from the date of entry of this Final Judgment.

(B) Beneficial shall consummate the sale of each such office within one year from the date it enters into the contract for sale required by paragraph (A).

(C) Beneficial shall not reacquire any of the offices sold pursuant to this Final Judgment; except, that Beneficial may acquire and enforce any bona fide security interest on any or all of the offices divested given to secure payment of any unpaid portion of the purchase price or performance of any term of the contracts required by paragraph (A) of this Section IV. If Beneficial reacquires any office pursuant to this paragraph (C) it shall promptly notify the plaintiff. Any office so

reacquired shall be divested within one year of such reacquisition in accordance with the provisions of this Final Judgment.

V

(A) Beneficial shall promptly submit to plaintiff a copy of each contract required by paragraph (A) of Section IV.

(B) Following the receipt of such contract, plaintiff shall have 30 days within which to object to the proposed sale by written notice to Beneficial, unless within 10 days plaintiff requests additional information regarding the proposed sale, in which case plaintiff shall have 30 days following the receipt of the information requested to object. If plaintiff does not object to the proposed sale, it may be consummated. If plaintiff does object, the proposed sale shall not be consummated until Beneficial obtains the Court's approval of the sale or until plaintiff withdraws its objection.

(C) If plaintiff objects to the proposed sale of any office listed in Appendix A, Beneficial shall have six months from the date of the objection, or, if the Court sustains the objection, from the date of the Court's ruling, within which to enter into another contract of sale with a different purchaser.

VI

(A) If at the end of six months from the date of entry of this Final Judgment the contract of sale required by paragraph (A) of Section IV has not been entered into by Beneficial for any office, this Court shall upon application of the plaintiff appoint a trustee for the purpose of selling that office in accordance with the provisions of this Final Judgment.

(B) If any contract of sale required by paragraph (A) of Section IV has not been consummated within one year from the date it was entered into, this Court shall upon application of the plaintiff appoint a trustee for the purpose of selling the office or offices subject to that contract in accordance with the provisions of this Final Judgment.

(C) The trustee shall have full power and authority to dispose of any office, at whatever price and terms obtainable, subject to the approval of this Court. The trustee shall serve at the cost and expense of Beneficial, on such terms and conditions as this Court may set, and shall account for all monies derived from the disposal of the offices and all expenses so incurred. After approval by this Court of the trustee's account, including fees for his services, all remaining monies shall be paid to Beneficial, and the trust shall be terminated. Each sale by the trustee shall be in accordance with the provisions of this Final Judgment.

VII

(A) Beneficial is ordered and directed to maintain the Southwestern offices listed in Appendix A as separate, going businesses and to continue normal business operations under the "Southwestern" name pending their sale. Beneficial shall provide such financial, business, promotion and management assistance necessary to maintain such offices as separate, going businesses.

(B) Beneficial is enjoined from knowingly taking any action which would reduce the amount of receivables in any office listed in Appendix A outstanding on the date this

Final Judgment is submitted to the Court except that nothing in this paragraph shall prevent Beneficial from continuing normal operations at any of its other consumer finance offices. Beneficial is enjoined from hiring any office manager or other employee of any of the Southwestern offices listed in Appendix A for a period of six months from the sale of that office.

(C) Beneficial is ordered and directed to provide to plaintiff within 15 days from the date this Final Judgment is entered a tabulation showing the amount of receivables outstanding at each office listed in Appendix A on the last business day of the preceding month. Beneficial is further ordered and directed to provide to plaintiff a tabulation showing the amount of receivables outstanding at each office listed in Appendix A on the last business day of each month after this Final Judgment is entered until the sale of the office is accomplished. Beneficial shall provide such tabulation to plaintiff within 15 days from the date for which the tabulation is made.

VIII

Beneficial is ordered and directed to compile a record, to be provided to the plaintiff starting five days after entry of this Final Judgment and every sixty days thereafter until the sales required by Section IV are accomplished, of its efforts to sell each office listed in Appendix A, including identification of any person or persons to whom the office is or has been offered, the terms and conditions of each offer to sell, the identification of any person or persons expressing interest in acquiring each office, and the terms and conditions of each offer to purchase.

IX

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matter.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in Sections VIII and IX

shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure", then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

X

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XI

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

Appendix A—Offices of Southwestern Investment Company

Kansas

Leavenworth, 331 Delaware, 66048.
Junction City, 111 West 7th St., 66441.

New Mexico

Albuquerque, 4711 Lomas Blvd. NE, 87103.
Alamogordo, 702 Tenth Street, 88310.
Artesia, 212 South 4th, 88210.
Carlsbad, 213 North Canyon, 88220.
Clovis, 800 Mitchell, 88101.
Farmington, 634 W. Main Street, 87401.
Farmington, 3030 E. Main St., A-4, 87401.
Hobbs, 324 North Turner, 88240.
Lovington, 819 South Main, 88260.

Oklahoma

Bartlesville, 1200 SE Frank Phillips.

South Dakota

Brookings, 1453 6th Street, 57006.
Huron, 1835 Dakota Ave. S., Box 35, 57350.
Madison, 122 West Center St., 57042.
Rapid City, 520 6th Street, 57701.
Sioux Falls, 2808 West 41st St., 57101.

Texas

Amarillo, 905 Taylor, 79105.
Amarillo, 832 Martin Rd., 79107.
Borger, 924 N. Main Street, 79007.
Corpus Christi, 4518 Autotown Drive, 78412.

Houston 1116 N. Shepherd, 77009.
Kingsville, 429 East Kleberg, 78363.
Midland, 1101 N. Midkiff St., 79701.
San Antonio, 1010 SW Military Drive, 78221.
San Antonio, 225 East Elmira, 78293.

U.S. District Court, Northern District of Illinois, Eastern Division

United States of America, Plaintiff, v. Beneficial Corporation; HLG Inc.; Beatrice Foods Co.; and Southwestern Investment Co., Defendants.

Civil Action No. 79C 3550.

Filed: September 24, 1979.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (d)-(h), P.L. 93-528 (December 21, 1974)) the United States of America hereby files this Competitive Impact Statement relating to the proposed Final Judgment in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

This is a civil action by the United States against Beneficial Corporation, HLG Inc., Beatrice Foods Co., and Southwestern Investment Co. The complaint, which was filed on August 29, 1979, alleged that the proposed acquisition by Beneficial, through HLG, of all of the stock of Southwestern from the Beatrice Foods Co. would violate Section 7 of the Clayton Act because competition among finance companies in the making of direct cash loans would be lessened. The case was brought to enjoin Beneficial from acquiring Southwestern from Beatrice Foods Co.

II

The Nature of the Alleged Violation

Finance companies are engaged primarily in the business of making direct cash loans and purchasing retail installment loans. Finance companies make direct cash loans to individuals, usually for noncommercial purposes and usually repayable in equal periodic installments. Finance companies which grant direct cash loans are licensed, regulated and supervised by agencies of the states in which they operate. As of September 30, 1978, the total amount of direct cash loans outstanding made by finance companies in the United States totaled \$23.569 billion.

Beneficial is the fourth largest independent finance company¹ in the United States, with total capital funds of \$986.5 million as of December 31, 1978. It operates more than 1900 offices in 49 states, Puerto Rico, Canada, Australia, Japan, West Germany, and the United Kingdom. As of December 31, 1978, Beneficial had total direct cash loans outstanding of approximately \$3.199 billion.

Southwestern is the twenty-fourth largest independent finance company in the United States, with total capital funds of \$87.8 million as of December 31, 1978. It operates 127 offices in 10 states. As of December 31,

¹An independent finance company is a finance company other than one whose principal activity consists of financing the purchase of products or services sold by an affiliated company.

1978, Southwestern had total direct cash loans outstanding of approximately \$102 million.

The line of commerce involved in this transaction is the making of direct cash loans by finance companies. Finance companies are the only type of business entity whose primary purpose is the making of direct cash loans to individuals. While other financial institutions such as commercial banks, savings and loan associations, and credit unions make some personal loans to consumers, these institutions primarily engage in other financial activities. All of them, unlike finance companies, are depository institutions; that is, they accept demand and/or savings deposits which serve as a major source of their funds. Commercial banks engage in a full range of financial activities, including lending to business entities. Savings and loan associations primarily grant first mortgages for the purchase of residential properties. Credit unions are limited to lending to their own members, all of whom must have a common affiliation which is usually based on employment. All of these institutions charge lower interest rates for direct cash loans than finance companies. Interest rates are often regulated by state statutes which almost universally permit finance companies to charge the highest rate of interest of any lender. As a result, finance companies are uniquely capable of lending to high risk consumers and making direct cash loans to individuals who do not have alternative sources of credit. Thus, for a substantial group of customers, finance companies do not face competition from other financial institutions.

Finance companies conduct their direct cash loan business through offices located in particular communities. While the size of the area served by a particular office will vary depending upon population and geographic characteristics, generally a particular city is a reasonable approximation of the geographic area served by a finance company.

The complaint alleged that the effect of the proposed acquisition of Southwestern by Beneficial, through HLG, may be substantially to lessen competition and to tend to create a monopoly in the granting of direct cash loans in various communities located in the states of Kansas, New Mexico, and Texas in violation of Section 7 of the Clayton Act. In each of more than 25 communities Beneficial and Southwestern have 10 percent or more of the finance company offices. The cities of Albuquerque, New Mexico; Abilene and Lubbock, Texas; and Leavenworth, Kansas are among those communities. In addition, in the state of New Mexico, as of December 31, 1978, Beneficial had approximately 21 percent of the outstanding direct cash loans made by all finance companies in New Mexico, and Southwestern had approximately 8.3 percent for a combined total of approximately 29.3 percent. In Kansas and Texas, Beneficial and Capital have a combined total in excess of 16 percent of the outstanding direct cash loans made by all finance companies in the state.

III

Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that a Final Judgment, in the form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. That stipulation provides that there has been no admission by any party with respect to any issue of law or fact. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the Final Judgment is conditioned upon a determination by the Court that it is in the public interest.

Section IV of the proposed Final Judgment orders Beneficial to divest itself of each Southwestern office listed in Appendix A of the Final Judgment. The Southwestern offices to be divested also are listed in Appendix A of this Competitive Impact Statement. Beneficial is required to sell all the receivables (i.e., the direct cash loans to individuals), and customer lists and, at the purchaser's option, all installment notes purchased from dealers arising from retail or wholesale sales, leases, and leasehold improvements for Southwestern office listed in Appendix A. The Final Judgment would require Beneficial to divest itself of 26 Southwestern offices in 23 communities in five states.

Section IV (A) requires Beneficial to enter into a contract for sale of each office to be divested within six months from the date of entry of this Final Judgment. Section IV (B) requires Beneficial to consummate the sale of each office within one year from the date it enters into the contract for sale required by Section IV (A). Beneficial may not reacquire any of the Southwestern offices divested pursuant to the Final Judgment, except by enforcing a valid security interest in a Southwestern office obtained to insure payment from the purchaser. Any office reacquired in this manner must be divested within one year in accordance with the Final Judgment.

Section V of the proposed Final Judgment gives the government the right to object to the proposed sale of any of the Southwestern offices to be divested. If the government does object, Beneficial has six months from the date of the objection, or, if the Court sustains the objection, from the date of the Court's ruling, within which to enter into another contract of sale with a different purchaser.

Section VI of the proposed Final Judgment provides for the Court, upon the government's request, to appoint a trustee to sell each Southwestern office to be divested for which Beneficial has not entered into a contract of sale within six months of the entry of the Final Judgment or if any such contract of sale has not been consummated with one year from the date it was entered into. The trustee has the authority to dispose of any office, at whatever price and terms obtainable, subject to the approval of the Court.

Section VII of the proposed Final Judgment orders Beneficial to maintain the Southwestern offices to be divested as separate, going businesses and to continue normal business operations under the

"Southwestern" name until each office is sold. Beneficial is also required to provide the financial, business, promotion and management assistance necessary to maintain the Southwestern offices to be divested as separate, going businesses. In addition, Beneficial may not knowingly take any action which would reduce the amount of receivables in any Southwestern office to be divested on the date this Final Judgment is submitted to the Court, except that Beneficial may continue normal operations at any of its other consumer finance offices. Beneficial is also prohibited from hiring any office manager or other employee of any of the Southwestern offices to be divested for a period of six months from the date of sale. Section VII (C) requires Beneficial to provide the government with a monthly tabulation showing the amount of receivables outstanding at each Southwestern office to be divested.

Section VIII of the proposed Final Judgment requires Beneficial to provide the government, on a periodic basis, with a record of its efforts to sell each Southwestern office to be divested.

Section III of the proposed Final Judgment expressly provides that its terms apply to each defendant, its Board of Directors, its officers, agents and employees, its subsidiaries, affiliates, successors, and assigns, and to all other persons in active concert or participation with any of them who receive notice of this Final Judgment by personal service or otherwise.

Under Section IX of the proposed Final Judgment, the Department of Justice would have access upon reasonable notice to the records and personnel of the defendants in order to determine the defendants' compliance with the provisions of the Final Judgment. Under Section X of the proposed Final Judgment, jurisdiction is retained by the Court for the purpose of enabling any party to apply for such orders or directions as may be necessary to carry out the Final Judgment, for modification of any of its provisions, or for punishment of violations of its provisions.

IV

Remedies to Private Plaintiffs

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust action.

Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16 (a)), the proposed Final Judgment may not be used as *prima facie* evidence in any subsequent private lawsuit which may be brought against the defendants since it is a consent judgment that will be entered before any testimony has been taken.

V

Procedures Available for Modifications of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Kenneth C. Anderson, Chief, special Regulated Industries Section, Department of Justice, Safeway Building, Room 504, Washington, D.C., 20530, within the 60-day period provided by the Act. These comments and responses to them will be filed with the Court and published in the *Federal Register*. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification of the Final Judgment is necessary.

VI

Alternatives to the Proposed Final Judgment

The proposed Final Judgment requires Beneficial to divest 26 Southwestern offices in 23 communities in five states. The divestiture of these Southwestern offices will eliminate the anticompetitive effects of the proposed acquisition of Southwestern by Beneficial in each of the relevant geographic markets where both Beneficial and Southwestern are substantial competitors in the making of direct cash loans to individuals. Since the relief obtained in the final judgment eliminates the anticompetitive effects of the proposed acquisition in each geographic market, it is substantially similar to the relief the Department of Justice would expect to obtain after a trial on the merits. Although most provisions of the proposed judgment were revised and refined in the course of the negotiations, no relief substantially different in kind was considered by the government.

VII

Determinative Documents

There are no materials or documents which the government considered determinative in formulating this proposed Final Judgment. Therefore none are being filed along with this Competitive Impact Statement.

Seymour H. Dussman, James H. Phillips,
Gordon G. Stoner, Attorneys,
Department of Justice.

Dated: September 24, 1979.

Appendix A.—Offices Of Southwestern Investment Company*Kansas*

Leavenworth, 331 Delaware, 66048.
Junction City, 111 West 7th St., 66441.

New Mexico

Albuquerque, 4711 Lomas Blvd. NE, 87103.
Alamogordo, 702 Tenth Street, 88310.
Artesia, 212 South 4th, 88210.
Carlsbad, 213 North Canyon, 88220.
Clovis, 800 Mitchell, 88101.
Farmington, 634 W. Main Street, 87401.
Farmington, 3030 E. Main St., A-4, 87401.
Hobbs, 324 North Turner, 88240.
Lovington, 819 South Main, 88260.

Oklahoma

Bartlesville, 1200 SE Frank Phillips.

South Dakota

Brookings, 1453 6th Street, 57006.
Huron, 1835 Dakota Ave. S., Box 35, 57350.
Madison, 122 West Center St., 57042.
Rapid City, 520 6th Street, 57701.
Sioux Falls, 2808 West 41st St., 57101.

Texas

Amarillo, 905 Taylor, 79105.
Amarillo, 832 Martin Rd., 79107.
Borger, 924 N. Main Street, 79007.
Corpus Christi, 4518 Autotown Drive, 78412.
Houston, 1116 N. Shepherd, 77009.
Kingsville, 429 East Kleberg, 78363.
Midland, 1101 N. Midkiff St., 79701.
San Antonio, 1010 SW., Military Drive, 78221.
San Antonio, 225 East Elmira, 78293.

[FR Doc. 79-30891 Filed 10-3-79; 8:45 am]

BILLING CODE 4410-01-M

United States v. Beneficial Corporation, Beneficial Finance Co. of Ohio, The Continental Corporation, The Buckeye Union Insurance Co., Capital Financial Services, Inc.; Proposed Consent Judgment and Competitive Impact Statement

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), a proposed consent judgment and a competitive impact statement (CIS) as set out below have been filed with the U.S. District Court for the Northern District of Illinois in *United States v. Beneficial Corporation, Beneficial Finance Co. of Ohio, The Continental Corporation, The Buckeye Union Insurance Co., and Capital Financial Services Inc.*, Civil Action No. 79C3551, filed August 29, 1979. The complaint in this case alleged that the proposed acquisition by Beneficial of Capital would violate Section 7 of the Clayton Act by substantially lessening competition in making direct cash loans. These are loans made to individuals by finance companies under regulations of the various states, and are repayable generally on an equal periodic basis. The proposed judgment allows Beneficial to acquire Capital Financial Services Inc., but requires Beneficial to divest 112 offices located in seven states out of Capital's 336 offices in 17 states. The CIS describes the terms of the judgment and the background of the action. Public comment is invited within the statutory sixty (60) day waiting period. These comments and the Department of Justice's responses thereto will be published in the *Federal Register* and filed with the Court. Comments should be directed to Kenneth C. Anderson, Chief, Special Regulated Industries Section, Antitrust Division, Department of Justice,

Safeway Building, Room 504,
Washington, D.C. 20530.

Dated: September 24, 1979.

Joseph H. Widmar,
Director of Operations.

U.S. District Court, Northern District of Illinois, Eastern Division

United States of America, Plaintiff, v. Beneficial Corporation; Beneficial Finance Co. of Ohio; The Continental Corporation; The Buckeye Union Insurance Co., and Capital Financial Services Inc., Defendants.

Civil Action No. 79C 3551.

Filed: September 24, 1979.

Stipulation

It is stipulated by and between the undersigned parties, plaintiff, United States of America, and defendants, Beneficial Corporation; Beneficial Finance Co. of Ohio; The Continental Corporation; The Buckeye Union Insurance Co.; and Capital Financial Services Inc., by their respective attorneys, that:

1. The parties consent that a final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16] and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. Defendants will not consummate the acquisition of the stock or of any assets of Capital Financial Services Inc. by Beneficial Corporation from Continental Corporation until the proposed final judgment hereto attached has been entered by the Court.

3. In the event plaintiff withdraws its consent or if the proposed final judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff and defendants in this or any other proceeding.

Dated: September 24, 1979

For the Plaintiff: John H. Shenefield

Assistant Attorney General; Donald L. Flexner, Joseph H. Widmar, Kenneth C. Anderson, Seymour H. Dussman, James H. Phillips, Gordon G. Stoner, Attorneys, Department of Justice, Antitrust Division, Washington, D.C. 20530.

For the Defendants: Dawson, Riddell,

Taylor, Davis & Holroyd, by L. J. Holroyd, Esquire Counsel for Beneficial Corporation and Beneficial Finance Co. of Ohio, Of Counsel Dewey, Ballantine, Bushby, Palmer & Wood, by Edward N. Sherry, Esquire Robert C. Myers, Esquire Arnold & Porter, by Steven P. Lockman, Esquire Counsel for The Continental Corporation, The Buckeye Union Insurance Co., and Capital Financial Services Inc.

**U.S. District Court, Northern District of Ill.,
Eastern Division**

*United States of America, Plaintiff, v.
Beneficial Corp.; Beneficial Finance Co. of
Ohio; The Continental Corp.; The Buckeye
Union Insurance Co.; and Capital Financial
Services Inc., Defendants.*

Civil Action No. 79C 3551.

Filed: September 24, 1979.

Plaintiff, United States of America, having filed its complaint herein on August 29, 1979, and the plaintiff and the defendants, Beneficial Corporation, Beneficial Finance Co. of Ohio, The Continental Corporation, The Buckeye Union Insurance Co., and Capital Financial Services Inc., by their respective attorneys, having consented to the making and entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any such issue;

Now, therefore, before any testimony has been taken and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby, Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The complaint states a claim upon which relief may be granted against the defendants under Section 7 of the Clayton Act, 15 U.S.C. § 18.

II

As used in this Final Judgment:

(A) "Beneficial" shall mean Beneficial Corporation and Beneficial Finance Co. of Ohio.

(B) "Capital" shall mean Capital Financial Services Inc., a subsidiary of The Continental Corporation.

(C) "Office" shall mean, with respect to each of the Capital offices listed in Appendix A, all receivables and customer lists, and, at the option of the buyer, leases, leasehold improvements, furniture, fixtures, office equipment, supplies and other material located or used in such office.

(D) "Receivables" shall mean all indebtedness and promises to pay for direct cash loans to individual customers, and, if the buyer of an office elects, "receivables" shall also include all installment notes purchased from dealers arising from the retail or wholesale sale of goods or from the rendering of services, in each case with all documents, information, and collateral related thereto. The term "receivables" shall not include notes secured by first mortgages on real estate, contracts for the leasing of equipment, or contracts of insurance.

(E) "Customer Lists" shall mean all lists of present and potential customers for direct cash loans, but shall not include the identity of potential customers generated from the purchase of installment notes from dealers arising out of the retail or wholesale sale of goods or from the rendering of services, unless the buyer of an office elects to purchase such receivables.

III

(A) This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

(B) Beneficial shall require, as a condition of the sale or other disposition of all, or substantially all, of its finance company business, that the acquiring party agree to be bound by the provisions of this Final Judgment and that such agreement be filed with the Court and be served upon the plaintiff.

IV

Beneficial is ordered and directed to divest itself of each Capital office listed in Appendix A of this Final Judgment.

(A) Beneficial shall enter into a contract for the sale of each such office within six months from the date of entry of this Final Judgment.

(B) Beneficial shall consummate the sale of each such office within one year from the date it enters into the contract for sale required by paragraph (A).

(C) Beneficial shall not reacquire any of the offices sold pursuant to this Final Judgment; except, that Beneficial may acquire and enforce any bona fide security interest on any or all of the offices divested given to secure payment of any unpaid portion of the purchase price or performance of any term of the contracts required by paragraph (A) of this Section IV. If Beneficial reacquires any office pursuant to this paragraph (C) it shall promptly notify the plaintiff. Any office so reacquired shall be divested within one year of such reacquisition in accordance with the provisions of this Final Judgment.

V

(A) Beneficial shall promptly submit to plaintiff a copy of each contract required by paragraph (A) of Section IV.

(B) Following the receipt of such contract, plaintiff shall have 30 days within which to object to the proposed sale by written notice to Beneficial, unless within 10 days plaintiff requests additional information regarding the proposed sale, in which case plaintiff shall have 30 days following the receipt of the information requested to object. If plaintiff does not object to the proposed sale, it may be consummated. If plaintiff does object, the proposed sale shall not be consummated until Beneficial obtains the Court's approval of the sale or until plaintiff withdraws its objection.

(C) If plaintiff objects to the proposed sale of any office listed in Appendix A, Beneficial shall have six months from the date of the objection, or, if the Court sustains the objection, from the date of the Court's ruling, within which to enter into another contract of sale with a different purchaser.

VI

(A) If at the end of six months from the date of entry of this Final Judgment the contract of sale required by paragraph (A) of Section IV has not been entered into by Beneficial for any office, this Court shall upon application of the plaintiff appoint a trustee for the purpose of selling that office in

accordance with the provisions of this Final Judgment.

(B) If any contract of sale required by paragraph (A) of Section IV has not been consummated within one year from the date it was entered into, this Court shall upon application of the plaintiff appoint a trustee for the purpose of selling the office or offices subject to that contract in accordance with the provisions of this Final Judgment.

(C) The trustee shall have full power and authority to dispose of any office, at whatever price and terms obtainable, subject to the approval of this Court. The trustee shall serve at the cost and expense of Beneficial, on such terms and conditions as this Court may set, and shall account for all monies derived from the disposal of the offices and all expenses so incurred. After approval by this Court of the trustee's account, including fees for his services, all remaining monies shall be paid to Beneficial and the trust shall be terminated. Each sale by the trustee shall be in accordance with the provisions of this Final Judgment.

(A) Beneficial is ordered and directed to maintain the Capital offices listed in Appendix A as separate, going businesses and to continue normal business operations under the "Capital" name pending their sale. Beneficial shall provide such financial, business, promotion and management assistance necessary to maintain such offices as separate, going businesses.

(B) Beneficial is enjoined from knowingly taking any action which would reduce the amount of receivables in any office listed in Appendix A outstanding on the date this Final Judgment is submitted to the Court except that nothing in this paragraph shall prevent Beneficial from continuing normal operations at any of its other consumer finance offices. Beneficial is enjoined from hiring any office manager or other employee of any of the Capital offices listed in Appendix A for a period of six months from the sale of that office.

(C) Beneficial is ordered and directed to provide to plaintiff within 15 days from the date this Final Judgment is entered a tabulation showing the amount of receivables outstanding at each office listed in Appendix A on the last business day of the preceding month. Beneficial is further ordered and directed to provide to plaintiff a tabulation showing the amount of receivables outstanding at each office listed in Appendix A on the last business day of each month after this Final Judgment is entered until the sale of the office is accomplished. Beneficial shall provide such tabulation to plaintiff within 15 days from the date for which the tabulation is made.

VIII

Beneficial is ordered and directed to compile a record, to be provided to the plaintiff starting five days after entry of this Final Judgment and every sixty days thereafter until the sales required by Section IV are accomplished, of its efforts to sell each

office listed in Appendix A, including identification of any person or persons to whom the office is or has been offered, the terms and conditions of each offer to sell, the identification of any person or persons expressing interest in acquiring each office, and the terms and conditions of each offer to purchase.

IX

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in Sections VIII and IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

X

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the

construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XI

Entry of this Final Judgment is in the public interest.

Dated: — U.S. District Judge —

Offices of Capital Financial Services, Inc.

IDAHO

Moscow, 118 E. Third St., 83843.
Idaho Falls, 692 E. Anderson, 83401.
Boise, 1317 W. Idaho St., 83707.
Boise, 5 Mile Plaza, 10418 Overland Road, 83705.
Nampa, 213 11th Ave., South, 83651.
Payette, 39 S. 8th St., 83661.
(6 Offices).

MICHIGAN

Detroit, 19700 W. 7 Mile Road, 48219.
Flint, G4296 Corunna Road, 48504.
Saginaw, 3057 Bay Plaza, 4807 Bay Road, 48608.
Battle Creek, 4 E. Michigan Mall, 49017.
(4 Offices).

NEW YORK

Corning, 20 Denison Pkwy, W., 14830.
Cortland, 28 N. Main St., 13045.
Canandaigua, 123 S. Main St., 14424.
Glen Falls, 164 Glen St., 12801.
Middletown, 26 North Street, 10940.
Newburgh, 380 Broadway, 12550.
Oswego, Midtown Shpg. Center, 13126.
Rochester, 1694 Penfield Road, 14625.
Rome, 110 W. Liberty St., 13440.
Seneca Falls, 102 Fall Street, 13148.
Shrub Oak, Shrub Oak Shopping Center, 1342 E. Main St., 10588.
Syracuse, Storeroom A Valley Plaza Shpg. Ctr., 4141 S. Salina Street, 13205.
(12 Offices).

OHIO

Ashtabula, 4702 Main St., 44004.
Findlay, 321 S. Main St., 45840.
Canton, 401 Tuscarawas St., West, 44702.
North Canton, 792 North Main St., 44720.
Alliance, 2115 W. State St., 44601.
Massillon, 46 N. Erie St., 44648.
Orrville, 116 E. Market St., 44667.
Kettering, Woodlane Plaza Shopping Ctr., 3024 Woodman Dr., 45420.
Miamisburg, 45 S. Main St., 45342.
Youngstown, 6949 Market St., 44512.
Newark, 17 W. Main St., 43055.
Hamilton, 633 High Street, 45012.
Hamilton-Plaza, Hamilton Plaza Shopping Center, 2550 Dixie Highway, 45012.
Springfield, 72 W. Main St., 45501.
Reynoldsburg, 1812 Brice Road, 43068.
Steubenville, 123 S. Fourth St., 43952.
Lorain, 42783 N. Ridge Road, 44055.
London, 167 W. High St., 43140.
Zanesville, 36 N. Fourth St., 43701.
Fostoria, 111 Main St., 44830.
Hilliard, 3636 Main St., 43026.
Grove City, 3076 Southwest Blvd., 43123.

Cleveland

Euclid, 22504 Lake Shore Blvd., 44123.
Fairview Park, Fairview Shopping Center, 21895 Lorain Ave., 44126.

Maple Heights, 5304 Warrensville Center Road, 44137.
Painesville, 1472 Mentor Ave., 44077.
Parma, 5333 Ridge Road, 44129.
Parma Heights, 6769 W. 130th St., 44130.

Akron

Akron-Square, Akron Square Shopping Center, 1615 S. Arlington St., 44306.
Akron-Chapel Hill, Ste. 101, 1717 Brittain Rd., 44310.
Akron-W Market, 1650 W. Market St., 44313.
Barberton, 155 Wooster Road, N, 44203.
Kent, 1108 S. Water St., 44240.

Toledo

Bowling Green, 153 E. Wooster St., 43402.
Maumee, 127 W. Wayne St., 43537.
Toledo-Byrne Road, 1560 S. Byrne Road, 43614.
Toledo-West, 2503 Sylvania Ave., 43613.

Cincinnati

Batavia, 503 W. Main St., 45103.
Cincinnati-Delhi, 4950 Delhi Road, 45238.
Cincinnati, 6259 Glenway Ave., 45211.
Cincinnati-Cherry Grove, 88 Cherry Grove Plaza, 45230.
Cincinnati-Colerain, 9806 Colerain Ave., 45239.
Cincinnati-Kenwood, 7525 Road.
Cincinnati-Springfield Pike, 11622 Springfield Pike, 45246.
Loveland, 400 Loveland Madeira Rd., 4514.
Milford, Milford Shopping Center, 963 Lila Ave., 45150.
Northwood, 2912 Woodville Road, 43616.

Columbus

Columbus-S. High, 1286 S. High St., 43206.
Columbus-Arlington, 5025 Arlington Centre Blvd., Ste. 100, 43220.
Columbus-Graceland, Graceland Shoppers Mart, 5055-59 N. High St., 43214.
Columbus-Revolving, 5025 Arlington Centre Blvd., Ste. 275, 43220.
Columbus-Great Western, Great Western Shprs. Mart, 3425 South Blvd., 43204.
(52 Offices)

OREGON

Salem Candalaria, 2655 Commercial St., SE, 97302.
Salem, 455 High St., NE, 97308.
Salem-Keizer, 4780 River Road, N., 97303.

Portland

Portland-4th Ave., 512 S. W. 4th Ave., 97204.
Portland-82nd Ave., 326 SE 82nd Ave., 97266.
Portland-Rockwood, 18615 E. Burnside St., 97233.
Portland-Barbur Blvd., 8201 S. W. Barbur Blvd. 97223.
Portland-Weatherly, 502 S.E. Morrison St., 97214.
Portland-St. Jones, 8523 N. Lombard St., 97203.
Portland-Walnut Park, 5305 NE Union Ave., 97211.
Bend, 1199 N.W. Wall St., 97701.
Albany, 208 W. 2nd Ave., 97321.
Eugene, 804 Olive St., 97401.
Corvallis, 310 SW 2nd St., 97330.
Milwaukie, 10817 SE Main St., 97222.
Baker, 1932 First St., 97814.
Redmond, 425 S. Sixth St., 97756.
Hillsboro, 333 SE Third St., 97123.

Gresham, 439 Powell Blvd., 97030.
(19 Offices).

PENNSYLVANIA

Jeannette, 513 Clay Avenue, 15644.
Hanover, 24 Baltimore St., 17331.
Baden, Penn Northern Lights, Shpr. City,
Inc., 1677 State Street, W., 15005.
Lower Burrell, Stewart Plaza, 2879 Leechburg
Road, 15068.
Tyrone, Washington Ave. at Third St., 16686.
(5 Offices).

WASHINGTON

Seattle-Lake City, 12708 Lake City Way, N.E.
98125.
Seattle-Westlake, 536 Westlake Ave., N.
98109.
Seattle-Westwood, 9155 Westwood Village
Court, SW, 98126.
Auburn, 104 E. Main St., 98002.
Bellingham, 1409 Cornwall Ave., 98225.
Ellensburg, 405 N. Pearl St., 98926.
Kirkland, 128 Central Way, 98033.
Port Angeles, 120 W. First St., 98362.
Puyallup, 2705 E. Main, 98371.
Tacoma-Broadway, 922 Broadway, 98402.
Vancouver, 1306 Main St., 98666.
Wenatchee, 113 Palouse St., 98801.
(12 Offices).

U.S. District Court, Northern District of Ill., Eastern Division

*United States of America, Plaintiff, v.
Beneficial Corp.; Beneficial Finance Co. of
Ohio; The Continental Corp.; The Buckeye
Union Insurance Co.; and Capital Financial
Services Inc.; Defendants.*

Civil Action No. 79C 3551.

Filed: September 24, 1979.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust
Procedures and Penalties Act (15 U.S.C. 16
(d)-(h), P.L. 93-528 (December 21, 1974)) the
United States of America hereby files this
Competitive Impact Statement relating to the
proposed Final Judgment in this civil antitrust
proceeding.

I

Nature and Purpose of the Proceeding

This is a civil action by the United States
against Beneficial Corporation, Beneficial
Finance Co. of Ohio, The Continental
Corporation, The Buckeye Union Insurance
Co., and Capital Financial Services Inc. The
complaint, which was filed on August 29,
1979, alleged that the proposed acquisition by
Beneficial, through Beneficial-Ohio, of all of
the stock of Capital from the Continental
Corporation and Buckeye Union Insurance
Co. would violate Section 7 of the Clayton
Act because competition among finance
companies in the making of direct cash loans
would be lessened. The case was brought to
enjoin Beneficial from acquiring Capital from
Continental Corporation.

II

The Nature of the Alleged Violation

Finance companies are engaged primarily
in the business of making direct cash loans
and purchasing retail installment loans.
Finance companies make direct cash loans to
individuals, usually for noncommercial

purposes and usually repayable in equal
periodic installments. Finance companies
which grant direct cash loans are licensed,
regulated and supervised by agencies of the
states in which they operate. As of
September 30, 1978, the total amount of direct
cash loans outstanding made by finance
companies in the United States totaled
\$23.569 billion.

Beneficial is the fourth largest independent
finance company¹ in the United States, with
total capital funds of \$986.5 million as of
December 31, 1978. It operates more than
1900 offices in 49 states, Puerto Rico, Canada,
Australia, Japan, West Germany, and the
United Kingdom. As of December 31, 1978,
Beneficial has total direct cash loans
outstanding approximately \$3.199 billion.

Capital is the twenty-first largest
independent finance company in the United
States, with total capital funds of \$114 million
as of December 31, 1978. It operates 336
offices in 17 states. As of December 31, 1978,
Capital had total direct cash loans
outstanding of approximately \$341 million.

The line of commerce involved in this
transaction is the making of direct cash loans
by finance companies. Finance companies
are the only type of business entity whose
primary purpose is the making of direct cash
loans to individuals. While other financial
institutions such as commercial banks,
savings and loan associations, and credit
unions make some personal loans to
consumers, these institutions primarily
engage in other financial activities. All of
them, unlike finance companies, are
depository institutions; that is, they accept
demand and/or savings deposits which serve
as a major source of their funds. Commercial
banks engage in a full range of financial
activities, including lending to business
entities. Savings and loan associations
primarily grant first mortgages for the
purchase of residential properties. Credit
unions are limited to lending to their own
members, all of whom must have a common
affiliation which is usually based on
employment. All of these institutions charge
lower interest rates for direct cash loans than
finance companies. Interest rates are often
regulated by state statutes which almost
universally permit finance companies to
charge the highest rate of interest of any
lender. As a result, finance companies are
uniquely capable of lending to high risk
consumers and making direct cash loans to
individuals who do not have alternative
sources of credit. Thus, for a substantial
group of customers, finance companies do not
face competition from other financial
institutions.

Finance companies conduct their direct
cash loan business through offices located in
particular communities. While the size of the
area served by a particular office will vary
depending upon population and geographic
characteristics, generally a particular city is a
reasonable approximation of the geographic
area served by a finance company.

The complaint alleged that the effect of the
proposed acquisition of Capital by Beneficial,

¹ An independent finance company is a finance
company other than one whose principal activity
consists of financing the purchase of products or
services sold by an affiliated company.

through Beneficial-Ohio, may be substantially
to lessen competition and to tend to create a
monopoly in the granting of direct cash loans
in various communities located in the states
of Idaho, Michigan, New York, Ohio, Oregon,
Pennsylvania, and Washington in violation of
Section 7 of the Clayton Act. In each of more
than 50 communities Beneficial and Capital
have 20 percent or more of the finance
company offices. The cities of Columbus,
Ohio; Rochester and Rome, New York; and
Flint, Michigan are among those communities.
In a number of additional communities
Beneficial and Capital combined have 10
percent or more of the finance company
offices. The cities of Akron, Canton,
Cincinnati, Dayton and Toledo, Ohio;
Portland, Oregon; and Seattle and Tacoma,
Washington are among those communities. In
addition, in the state of Ohio, as of December
31, 1977, Beneficial had approximately 9.1
percent of the outstanding direct cash loans
made by all finance companies in Ohio, and
Capital had approximately 11.7 percent for a
combined total of approximately 20.8 percent.
In Idaho, Michigan, New York, Pennsylvania,
Oregon and Washington, Beneficial and
Capital have a combined total in excess of 16
percent of the outstanding direct cash loans
made by all finance companies in the state.

III

Explanation of the Proposed Final Judgment

The United States and the defendants have
stipulated that a Final Judgment, in the form
negotiated by the parties, may be entered by
the Court at any time after compliance with
the Antitrust Procedures and Penalties Act,
provided that the United States has not
withdrawn its consent. That stipulation
provides that there has been no admission by
any party with respect to any issue of law or
fact. Under the provisions of Section 2(e) of
the Antitrust Procedures and Penalties Act,
entry of the Final Judgment is conditioned
upon a determination by the Court that it is in
the public interest.

Section IV of the proposed Final Judgment
orders Beneficial to divest itself of each
Capital office listed in Appendix A of the
Final Judgment. The Capital offices to be
divested also are listed in Appendix A of this
Competitive Impact Statement. Beneficial is
required to sell all the receivables (i.e., the
direct cash loans to individuals), and
customer lists and, at the purchaser's option,
all installment notes purchased from dealers
arising from retail or wholesale sales, leases,
and leasehold improvements for each Capital
office listed in Appendix A. The Final
Judgment would require Beneficial to divest
itself of 112 Capital offices in 85 communities
in seven states.

Section IV(A) requires Beneficial to enter
into a contract for sale of each office to be
divested within six months from the date of
entry of this Final Judgment. Section IV(B)
requires Beneficial to consummate the sale of
each office within one year from the date it
enters into the contract for sale required by
Section IV(A). Beneficial may not reacquire
any of the Capital offices divested pursuant
to the Final Judgment, except by enforcing a
valid security interest in a Capital office
obtained to insure payment from the
purchaser. Any office reacquired in this

manner must be divested within one year in accordance with the Final Judgment.

Section V of the proposed Final Judgment gives the government the right to object to the proposed sale of any of the Capital offices to be divested. If the government does object, Beneficial has six months from the date of the objection, or, if the Court sustains the objection, from the date of the Court's ruling, within which to enter into another contract of sale with a different purchaser.

Section VI of the proposed Final Judgment provides for the Court, upon the government's request, to appoint a trustee to sell each Capital office to be divested for which Beneficial has not entered into a contract of sale within six months of the entry of the Final Judgment or if any such contract of sale has not been consummated within one year from the date it was entered into. The trustee has the authority to dispose of any office, at whatever price and terms obtainable, subject to the approval of the Court.

Section VII of the proposed Final Judgment orders Beneficial to maintain the Capital offices to be divested as separate, going businesses and to continue normal business operations under the "Capital" name until each office is sold. Beneficial is also required to provide the financial, business, promotion and management assistance necessary to maintain the Capital offices to be divested as separate, going businesses. In addition, Beneficial may not knowingly take any action which would reduce the amount of receivables in any Capital office to be divested on the date this Final Judgment is submitted to the Court, except that Beneficial may continue normal operations at any of its other consumer finance offices. Beneficial is also prohibited from hiring any office manager or other employee of any of the Capital offices to be divested for a period of six months from the date of sale. Section VII (C) requires Beneficial to provide the government with a monthly tabulation showing the amount of receivables outstanding at each Capital office to be divested.

Section VIII of the proposed Final Judgment requires Beneficial to provide the government, on a periodic basis, with a record of its efforts to sell each Capital office to be divested.

Section III of the proposed Final Judgment expressly provides that its terms apply to each defendant, its Board of Directors, its officers, agents and employees, its subsidiaries, affiliates, successors, and assigns, and to all other persons in active concert or participation with any of them who receive notice of this Final Judgment by personal service or otherwise.

Under Section IX of the proposed Final Judgment, the Department of Justice would have access upon reasonable notice to the records and personnel of the defendants in order to determine the defendants' compliance with the provisions of the Final Judgment. Under Section X of the proposed Final Judgment, jurisdiction is retained by the Court for the purpose of enabling any party to apply for such orders or directions as may be necessary to carry out the Final Judgment, for modification of any of its provisions, or for punishment of violations of its provisions.

IV

Remedies to Private Plaintiffs

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust action.

Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16 (a)), the proposed Final Judgment may not be used as *prima facie* evidence in any subsequent private lawsuit which may be brought against the defendants since it is a consent judgment that will be entered before any testimony has been taken.

V

Procedures Available for Modifications of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Kenneth C. Anderson, Chief, Special Regulated Industries Section, Department of Justice, Safeway Building, Room 504, Washington, D.C., 20530, within the 60-day period provided by the Act. These comments and responses to them will be filed with the Court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification of the Final Judgment is necessary.

VI

Alternatives to the Proposed Final Judgment

The proposed Final Judgment requires Beneficial to divest 112 Capital offices in 85 communities in seven states. The divestiture of these Capital offices will eliminate the anticompetitive effects of the proposed acquisition of Capital by Beneficial in each of the relevant geographic markets where both Beneficial and Capital are substantial competitors in the making of direct cash loans to individuals. Since the relief obtained in the Final Judgment eliminates the anticompetitive effects of the proposed acquisition in each geographic market, it is substantially similar to the relief the Department of Justice would expect to obtain after a trial on the merits. Although most provisions of the proposed judgment were revised and refined in the course of the negotiations, no relief substantially different in kind was considered by the government.

VII

Determinative Documents

There are no materials or documents which the government considered determinative in formulating this proposed Final Judgment. Therefore none are being filed along with this Competitive Impact Statement.

Dated: September 24, 1979.

Seymour H. Dussman

James H. Phillips

Gordon G. Stoner

Attorneys, Department of Justice

Offices of Capital Financial Services, Inc.

IDAHO

Moscow, 118 E. Third St., 83843.

Idaho Falls, 692 E. Anderson, 83401.

Boise, 1317 W. Idaho St., 83707.

Boise, 5 Mile Plaza, 10418 Overland Road, 83705.

Nampa, 213 11th Ave., South, 83651.

Payette, 39 S. 8th St., 83661.

(6 Offices).

MICHIGAN

Detroit, 19700 W. 7 Mile Road, 48219.

Flint, G4296 Corunna Road, 48504.

Saginaw, 3057 Bay Plaza, 4607 Bay Road, 48608.

Battle Creek, 4 E. Michigan Mall, 49017.

(4 Offices).

NEW YORK

Corning, 20 Denison Pkwy. W. 14830.

Cortland, 28 N. Main St., 13045.

Canandaigua, 123 S. Main St., 14424.

Glens Falls, 164 Glen St., 12801.

Middletown, 26 North Street, 10940.

Newburgh, 380 Broadway, 12550.

Oswego, Midtown Shpg. Center, 13126.

Rochester, 1694 Penfield Road, 14625.

Rome, 110 W. Liberty St., 13440.

Seneca Falls, 102 Fall Street, 13148.

Shrub Oak, Shrub Oak Shopping Center, 1342 E. Main St., 10588.

Syracuse, Storeroom A Valley Plaza Shpg. Ctr., 4141 S. Salina Street, 13205.

(12 Offices).

OHIO

Ashtabula, 4702 Main St., 44004.

Findlay, 321 S. Main St., 45840.

Canton, 401 Tuscarawas St., West 44702.

North Canton, 792 North Main St., 44720.

Alliance, 2115 W. State St., 44601.

Massillon, 46 N. Erie St., 44646.

Orrville, 116 E. Market St., 44667.

Kettering, Woodlane Plaza Shopping Ctr., 3024 Woodman Dr., 45420.

Miamisburg, 45 S. Main St., 45342.

Youngstown, 6949 Market St., 44512.

Newark, 17 W. Main St., 43055.

Hamilton, 633 High Street, 45012.

Hamilton-Plaza, Hamilton Plaza Shopping Center, 2550 Dixie Highway, 45012.

Springfield, 72 W. Main St., 45501.

Reynoldsburg, 1812 Brice Road, 43068.

Steubenville, 123 S. Fourth St., 43952.

Lorain, 42783 N. Ridge Road, 44055.

London, 167 W. High St., 43140.

Zanesville, 36 N. Fourth St., 43701.

Fostoria, 111 Main St., 44830.

Hilliard, 3636 Main St., 43026.

Grove City, 3076 Southwest Blvd., 43123.

Cleveland

Euclid, 22504 Lake Shore Blvd. 44123.

Fairview Park, Fairview Shopping Center, 21895 Lorain Ave., 44126.

Maple Heights, 5304 Warrensville Center Road, 44137.

Painesville, 1472 Mentor Ave., 44077.

Parma, 5333 Ridge Road, 44129.
Parma Heights, 6769 W. 130th St., 44130.

Akron

Akron-Square, Akron Square Shopping Center, 1615 S. Arlington St., 44306.
Akron-Chapel Hill, Ste. 101, 1717 Brittain Rd., 44310.
Akron-W Market, 1650 W. Market St., 44313.
Barberton, 155 Wooster Road, N. 44203.
Kent, 1108 S. Water St., 44240.

Toledo

Bowling Green, 153 E. Wooster St., 43402.
Maumee, 127 W. Wayne St., 43537.
Toledo-Byrne Road, 1560 S. Byrne Road, 43614.
Toledo-West, 2503 Sylvania Ave., 43613.

Cincinnati

Batavia, 503 W. Main St., 45103.
Cincinnati-Delhi, 4950 Delhi Road, 45238.
Cincinnati, 6259 Glenway Ave., 45211.
Cincinnati-Cherry Grove, 88 Cherry Grove Plaza, 45230.
Cincinnati-Colerain, 9806 Colerain Ave., 45239.
Cincinnati-Kenwood, 7525 Kenwood Road.
Cincinnati-Springfield Pike, 11622 Springfield Pike, 45246.
Loveland, 400 Loveland Madeira Rd., 4514.
Milford, Milford Shopping Center, 963 Lila Ave., 45150.
Northwood, 2912 Woodville Road, 43616.

Columbus

Columbus-S. High, 1286 S. High St. 43206.
Columbus-Arlington, 5025 Arlington Centre Blvd., Ste. 100, 43220.
Columbus-Graceland, Graceland Shoppers Mart, 5055-59 N. High St., 43214.
Columbus-Revolving, 5025 Arlington Centre Blvd., Ste. 275, 43220.
Columbus-Great Western, Great Western Shprs. Mart, 3425 South Blvd., 43204.
(52 Offices).

OREGON

Salem-Candalaria, 2655 Commercial St., SE 97302.
Salem, 455 High St., NE, 97308.
Salem-Keizer, 4780 River Road, N., 97303.

Portland

Portland-4th Ave., 512 S. W. 4th Ave., 97204.
Portland-82nd Ave., 326 SE 82nd Ave., 97266.
Portland-Rockwood, 18615 E. Burnside St., 97233.
Portland-Barbur Blvd., 8201 S. W. Barbur Blvd. 97223.
Portland-Weatherly, 502 S.E. Morrison St., 97214.
Portland-St. Jones, 8523 N. Lombard St., 97203.
Portland-Walnut Park, 5305 NE Union Ave., 97211.
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Eugene, 804 Olive St., 97401.
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Lower Burrell, Stewart Plaza, 2879 Leechburg Road, 15068.
Tyrone, Washington Ave. at Third St., 16686.
(5 Offices).

WASHINGTON

Seattle-Lake City, 12708 Lake City Way, N.E. 98125.
Seattle-Westlake, 536 Westlake Ave., N. 98109.
Seattle-Westwood, 9155 Westwood Village Court, SW, 98126.
Auburn, 104 E. Main St., 98002.
Bellingham, 1409 Cornwall Ave., 98225.
Ellensburg, 405 N. Pearl St., 98926.
Kirkland, 128 Central Way, 98033.
Port Angeles, 120 W. First St., 98362.
Puyallup, 2705 E. Main, 98371.
Tacoma-Broadway, 922 Broadway, 98402.
Vancouver, 1306 Main St., 98666.
Wenatchee, 113 Palouse St., 98801.
(12 Offices).

[FR Doc. 79-30690 Filed 10-3-79; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL COMMISSION ON AIR QUALITY

Room Change; Meeting

The National Commission on Air Quality hereby gives notice that its meeting scheduled for October 5, 1979, will now be held in Room 1114 of the Dirksen Senate Office Building rather than Room 4200 as earlier indicated in the Federal Register notice of September 7, 1979. The meeting is to begin as scheduled at 9:30 a.m.

Questions about the meeting should be directed to Mr. Morris A. Ward at (202) 245-6355.

National Commission on Air Quality.

William H. Lewis, Jr.,

Director.

[FR Doc. 79-30634 Filed 10-3-79; 8:45 am]

BILLING CODE 6820-98-M

NATIONAL COMMUNICATIONS SYSTEM

Telecommunications: Security Requirements for Use of the Data Encryption Standard; Proposed Federal Standard 1027

The Administrator of the General Services Administration (GSA) is responsible under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the National Communications System (NCS) was designated by the Administrator, GSA,

as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communications interface. Further information on the NCS can be found in DoD Directive 5100.41, "Arrangements for Discharge of Executive Agent Responsibilities for the NCS," and in an NCS Information Brochure available upon request from the National Communications System.

The purpose of this notice is to solicit comment on the September 4, 1979, draft of proposed Federal Standard 1027. Copies of this standard may be obtained from the Office of Technology and Standards, National Communications System, Washington, D.C. 20305. This proposed Federal standard has been developed for the Federal Telecommunication Standards Committee (chaired by the NCS) by the Communications Security Organization of the National Security Agency. It is the first in a family of standards on encryption being developed under the authority of the Federal Telecommunication Standards Program. An earlier draft of this Standard was announced as being available to the public in the January 8, 1979, Federal Register.

The primary purpose of proposed Federal Standard 1027 is to specify minimum physical, electrical and operational security requirements which must be satisfied when implementing the Data Encryption Standard (DES) algorithm, specified by Federal Information Processing Standards Publication 46, in U.S. Government Telecommunications and related applications. The DES specifies the standard algorithm to be used in the cryptographic protection of certain U.S. Government information.

Prior to formal coordination and adoption of proposed Federal Standard 1027, it is considered essential that proper consideration be given to the needs and views of industry, the public, and State and local government. Interested parties may submit their comments to the Office of Technology and Standards, National Communications System, Washington, D.C. 20305. All comments should be submitted within 90 days of the date of this Notice. Telephone inquiries should be directed to Mr. Robert M. Fenichel, telephone (202) 692-2124.

October 1, 1979.

Joseph Rose,
Deputy Manager, NCS.

[FR Doc. 79-30745 Filed 10-3-79; 8:45 am]

BILLING CODE 3610-05-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Advisory Committee; Meetings

October 1, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

1.

Date: October 22, 1979.

Time: 9 a.m. to 5:30 p.m.

Room: 1134

Purpose: To review applications to the Research Materials Program for translations projects in Slavic languages beginning April 1, 1980.

2.

Date: October 26, 1979.

Time: 9 a.m. to 5:30 p.m.

Room: 1134.

Purpose: To review applications to the Research Materials Program for translations projects in Classics languages beginning April 1, 1980.

3.

Date: October 29, 1979.

Time: 9 a.m. to 5:30 p.m.

Room: 1134.

Purpose: To review applications to the Research Materials Program for translations projects in Germanic languages beginning April 1, 1980.

4.

Date: November 1 and 2, 1979.

Time: 9 a.m. to 5:30 p.m.

Room: 807.

Purpose: To review applications in State and Local History that have been submitted to the General Research Program of the National Endowment for the Humanities for projects beginning March 1, 1980.

5.

Date: November 1 and 2, 1979.

Time: 9 a.m. to 5:30 p.m.

Room: 314.

Purpose: To review Research Conferences Program proposals submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

6.

Date: November 2 and 3, 1979.

Time: 9 a.m. to 5:30 p.m.

Room: 1134.

Purpose: To review applications to the Research Materials Program for translations projects in Asian languages beginning April 1, 1980.

7.

Date: November 8 and 9, 1979.

Time: 9 a.m. to 5:30 p.m.

Room: 1134.

Purpose: To review applications to the Research Materials Program for translations projects in Romance languages beginning April 1, 1980.

Because the proposed meetings will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1979, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close these meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

If you desire more specific information, contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call 202-724-0367.

Stephen J. McCleary,
Advisory Committee, Management Officer.

[FR Doc. 79-30824 Filed 10-3-79; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-40]

Accident Reports, Safety Recommendation Letters and Responses; Availability

Reports

Highway Accident Report: Ford Courier Pickup Truck, Fixed-Object Collision, Patuxent Road near Crofton, Maryland, April 23, 1979.—The National Transportation Safety Board on September 26 released its formal report, No. NTSB-HAR-79-6, on the investigation of this accident which cost the lives of 10 teenagers and serious injury to another. The driver of the compact pickup truck was injured slightly. The truck was traveling between 64 and 78 mph along a winding country road near Crofton when it failed to negotiate a curve to the left. The truck ran off the right side of the road and struck three trees located about 7 feet from the edge of the pavement.

The Safety Board determined that the probable cause of this accident was high speed, reckless driving of a vehicle by a driver who was under the influence of alcohol and marijuana. Contributing to the severe consequences of the accident was the presence of passengers in the

open bed of the pickup truck, an area that offered no crash protection.

In a recommendation, No. H-79-40, issued September 21 to the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO)—whose function is to develop uniform traffic laws—the Safety Board noted that NCUTLO has considered a model law that would have prohibited riding in any area of any vehicle where passenger seats and belts were not provided. The model law was not adopted by NCUTLO, however, primarily because it would also have encompassed passengers who occupy a standard seat in some work-related vehicles and it could not be readily enforced in respect to vans, campers, and other enclosed vehicles. But, as a result of its investigation, the Board recommended that NCUTLO now establish model guidelines for prohibiting passengers from riding in open-cargo areas of vehicles that are not being used for work-related purposes. (See also 44 FR 55674, September 27, 1979.)

Special Investigation Report: Results of a Survey on Occupational Training in the Railroad Industry.—This report, No. NTSB-SIR-79-1, is a brief factual description of the training the majority of the Class I Railroads provide employees working in operations, maintenance, and inspections. The report is based on information provided to the Safety Board by 28 of the Class I Railroads, the railroad unions, the Federal Railroad Administration, the Department of Labor, and the Interstate Commerce Commission in response to questions on the subject of training. Copies of the report were made available September 24.

Railroad Accident Reports: Brief Format, Issue Number 2—1978.—The second issue of reports of 1978 railroad accidents was released by the Safety Board on September 25. The 134-page volume contains in brief format the basic facts, conditions, circumstances, and probable cause(s) of 125 rail accidents. Each involved a fatality, a passenger train operation, or substantial property damage. The volume, No. NTSB-RAB-79-2, may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Note.—The brief reports in this publication contain essential information; more detailed data may be obtained from the original factual reports on file in the Washington office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 7 cents per page for printed matter, \$1 per page for black-and-white photographs, and \$1.50 per page for color photographs, plus postage.

Requests should be directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Safety Recommendation Letters

To National Highway Traffic Safety Administration, Recommendations H-79-41 through 45.—About 3:05 a.m. last May 6, a 1976 Dodge van eastbound on State Route 2 in Willowick, Ohio, crossed the median and collided with a westbound 1971 Ford LTD. The van then proceeded a short distance and collided with a westbound 1976 Oldsmobile. In this collision, gasoline spilled from a ruptured fuel tank, and the van and the Oldsmobile were engulfed in flames. Five of the six occupants in the Ford were killed instantly; the sixth occupant died 7 days later. The van driver was ejected from his vehicle and injured seriously; the two occupants of the Oldsmobile escaped with minor injuries.

Investigation showed that at impact the van's front bumper, the bottom edge of which was 19 inches above the ground, overrode the top of the Ford's front bumper, the top edge of which was 22 inches above the ground. As a result, the Ford's bumper separated from its attachments. The Safety Board believes that the bottom surface of the van's fuel tank was punctured by the distorted front bumper of the Ford. The shape of the hole in the fuel tank matched the distorted end of the Ford's bumper; the bumper was found under the rear axle differential housing, and the bumper had been discolored by the heat of the fire. Since the fuel tank was located in back of the rear axle, it was protected from other components that conceivably could have caused fuel tank rupture. The fact that the Ford did not ignite indicated that the van's fuel tank was not punctured until the final stages of the van and Oldsmobile movement.

The Board notes that on June 11, 1979, NHTSA issued an Advance Notice of Proposed Rulemaking seeking comments on the merits of amending Federal Motor Vehicle Safety Standard No. 301-75, Fuel System Integrity. The ANPRM discusses possible requirements needed to insure the integrity of nonmetallic fuel tanks, such as plastic tanks, particularly when exposed to fire. The advantages of plastic fuel tanks are (1) weight saving, (2) elimination of rust problems, (3) flexibility, and (4) impact and puncture resistance capability. One of the Board's concerns with the current standard is that the individual components of the fuel system, such as fuel tanks, are not included in the standard. The Board urges NHTSA to expedite this ANPRM with particular emphasis on resistance to puncture capabilities.

In view of its findings, the Safety Board on September 26 recommended that NHTSA:

Expedite the development of a Federal Motor Vehicle Safety Standard on motor vehicle fuel systems to include a performance standard for nonmetallic fuel tanks. (H-79-41)

Include a definition of a fuel system in the contemplated revision of Federal Motor Vehicle Safety Standard 301-75, Fuel System Integrity. (H-79-42)

Include performance requirements for each of the components of the fuel system in the contemplated revision of Federal Motor Vehicle Safety Standard 301-75. (H-79-43)

Include requirements for rearend impact tests with both vehicles in a braking attitude in the contemplated revision of Federal Motor Vehicle Safety Standard 301-75. (H-79-44)

Include the requirement for rearend collision tests at angles from straight rearend to 90° in the contemplated revision of Federal Motor Vehicle Safety Standard 301-75. (H-79-45)

To Ohio Department of Transportation, Recommendations H-79-46 and 47.—The Safety Board further noted in investigating the Willowick accident that at the accident site, the roadway is a six-lane, divided highway, separated by a 36-foot grass median. The road is straight with a 2 percent downgrade for eastbound traffic. The speed limit is 55 mph. Investigation also indicated that the nearby segment of State Route 2 in Willoughby, where the median width is 60 feet, has had a significant incidence of accidents. State Route 2 passes through Wickliffe, Willowick, Eastlake, and Willoughby, with an average daily traffic volume of 65,760, 63,300, 47,030, and 54,000, respectively. The Board believes that accidents of the same type could be prevented on these segments of highway if median barriers were installed. Accordingly, also on September 26, the Safety Board recommended that the Ohio Department of Transportation:

Install a median barrier in the 36-foot median of State Route 2 within Wickliffe, Willowick, and Eastlake. (H-79-46)

Conduct an engineering study of the 60-foot median segment of State Route 2 through Willoughby and install median barriers in those locations where there is an adverse history of across-the-median accidents which would warrant such installations. (H-79-47)

Each of the above recommendations to NHTSA and the State of Ohio is designated "Class II, Priority Action." Copies of the Board's formal investigation report on this accident are expected to be available to the public in the very near future.

Responses to Safety Recommendations Aviation

A-77-70 and 71.—The Federal Aviation Administration on September 24 advised the Safety Board that until FAA's regional survey of shoulder harnesses in all small airplanes on the U. S. Civil Aviation Register is completed, FAA is not in a position to make any conclusions or a cost-effectiveness assessment of a retrofit requirement. This was in response to the Board's inquiry of June 5, predicated on information provided in FAA's response letter of last February 15. (See 44 FR 17607, March 22, 1979.)

A-79-53 and 54.—On September 25 FAA responded to recommendations issued June 27 following Board investigation of two accidents involving Hiller UH-12EJ3 helicopters in which the mechanical flight control system malfunctioned. (See 44 FR 39319, July 5, 1979.)

Recommendation a-79-53 asked FAA to issue an Airworthiness Directive (AD) requiring compliance with Hiller Service Letter 30-2, dated October 2, 1978. FAA notes that the solid shank rod end HPP-RR-64 or -65, which designate upper and lower parts (designated HPP-RE-65 in the Board's recommendation letter) is a design improvement recommended by the manufacturer. FAA states, "Your analysis, upon which this recommendation is based, states that 'A review of manufacturing specifications indicated that hollow shank rod ends do not meet the design requirements for installation with cyclic isolation link PN 3001-35.' This, in our initial contact with the manufacturer, was not substantiated and we ask that you furnish us with the basis for this finding."

FAA notes that Hiller Aviation issued Service Letter 30-2, dated October 2, 1978, subsequent to the subject accident; the letter recommended that all owners/operators inspect all aircraft to verify that solid shank rod end assemblies were installed and remove all hollow shank rod ends from the spare parts inventory. FAA says Hiller now states that "the hollow shank rod ends are structurally adequate for the normal loads in this system." FAA has been advised by Hiller that, with reference to the accident upon which this recommendation is based, "the ultimate failure of the particular rod end was through the shank. Also, further information indicated that the ball was frozen in the housing which could cause high bending loads in the rod end shanks." FAA is, therefore, assessing the criticality of the change in design and whether requiring installation of the solid part will contribute to safety. FAA

also is investigating the contribution of bearing lubrication to the rod failure and will consider requiring periodic lubrication. Further, FAA says that if it determines not to issue an AD requiring the installation of the solid shank rod end, the issue of improperly marked hollow shank rod ends will be investigated and, if necessary, an AD will be issued to preclude installation of hollow shank rod ends which, because of improper marking, appear to be in compliance with the manufacturer's recommendation.

With reference to A-79-54, which recommended that FAA establish a retirement time for components of the UH-12 model helicopter's mechanical flight control system which are subjected to constant vibratory stresses, FAA says that the components of the UH-12 model helicopter's mechanical flight control system were established as having "infinite life" during the type certification program. FAA says it is not reasonable to establish a retirement time limit for these components unless the substantiation data used as the basis for the initial certification is shown to be unconservative. FAA states, "Further, the recommendation may be overly broad since it does not distinguish between the several components of the mechanical flight control system, nor does it specify the significance or magnitude of 'constant vibratory stresses' as they may relate to such components. These are presumably factors assessed in the application of regulatory criteria, e.g., 14 CFR 25.571, which must be reevaluated in respect to your findings." FAA inquires as to whether the Safety Board's finding is that the failure of the shank rod end was preceded by, and caused by, the bearing seizure and asks what evidence there is to support the conclusion that the certification substantiation is invalid.

FAA states that in the circumstances of the subject accident, where the service loads may have been increased by a ball frozen in its housing, the action being assessed in response to recommendation A-79-53 should constitute a reasonable engineering approach. The alternative would require, in essence, a recertification of this system in accordance with standards not yet established, according to FAA.

Highway

H-78-10.—Letter of September 18 from National Highway Traffic Safety Administration is in response to the Safety Board's February 7 letter commenting on NHTSA's response forwarded last November 3. (See 43 FR 53022, November 24, 1978.) The

recommendation resulted from investigation of the tractor-semitrailer rear end collision with a schoolbus near Rustburg, Va., March 8, 1977, and asked NHTSA to modify Federal Motor Vehicle Safety Standard No. 217 to provide for additional emergency exit points to facilitate escape from and access to schoolbuses regardless of the vehicle's attitude following a collision or overturn, such exits to be in addition to the current options under standard 217.

The Safety Board's February 7 letter indicates acceptance of NHTSA's suggestion that the pop-out windshield fulfills the requirement for a viable means of escape from schoolbuses in emergency situations, but expresses concern that events in the Rustburg accident emphasize the need for increased awareness of the windshield option. The Board notes that in the Rustburg accident all marked exits were blocked or otherwise unusable; those in the bus did not attempt to evacuate through the windshield, and those immediately on the scene did not attempt rescue through the windshield. After access was gained through the rear, a portion of the push-out windshield was pried open with a crowbar and rescue was effected. The Board believes that this illustrates that if the nonrequired push-out windshield, which has been in use for two decades, is to be considered as an escape/rescue point, a great deal of training for drivers and schoolbus occupants, and education for the general public, is necessary to insure the immediate use of this device at an emergency scene. The Board asked for NHTSA's assurance, before closing this recommendation, that the pop-out windshield exit route will be made generally known through training, marking, or both, as a means of escape and evacuation from buses during an emergency.

In response, NHTSA said it would take steps to include this information in its schoolbus driver training program and advise all school districts of this important safety feature. NHTSA will also be sure that similar information is included in emergency rescue materials. Regarding the Board's suggestion that these windshields be marked as an emergency escape route, NHTSA believes that such a marking with directions for "pushing out" could well be counterproductive in that vandals and pranksters might misuse such information. Since schoolbuses have had push-out windows for 20 years and their existence is generally well known to users, NHTSA believes that the best course is to reemphasize this escape option in educational programs

involving schoolbus owners, drivers, law-enforcement agencies, and emergency crews.

H-79-7.—The Federal Highway Administration on September 19 responded to a recommendation issued last March 6 following investigation of the head-on collision of a van and a truck near Scipio, Utah, August 26, 1977. The recommendation called on FHWA to evaluate procedures used in skid-resistance inventory programs. (44 FR 15815, March 15, 1979.)

FHWA notes that the Safety Board used several complementary tests and procedures in evaluating the pavement involved in the accident near Scipio. Since the only test applicable to an inventory program were the MuMeter and the locked-wheel skid tester, and the only procedural difference from normal inventory testing was the evaluation of the right-wheel track, FHWA's response addresses only the issue of right-versus left-wheel track friction testing.

FHWA states that the American Society for Testing and Materials (ASTM) has a "Standard Test Method for Skid Resistance of Paved Surfaces Using a Full-Scale Tire" (Designation E-274) which contains the following provision:

7.4 Lateral Positioning of Test Vehicle on Highway.—Normally, testing shall be done in the center of the left-wheel track of a traffic lane of a highway. A skid number for a highway surface may be quoted without qualification, only if the test vehicle was so positioned during the test.

FHWA says it uses this voluntary consensus standard in administering the Federal-aid highway program. FHWA notes that several State highway agencies have studied the question of which wheel track, if either, is consistently lower in friction properties, and the various researchers have made conflicting conclusions: (a) the left-wheel track is lower, (b) the right-wheel track is lower, and (c) there is no consistent significant difference. FHWA notes that while it would be theoretically desirable to routinely test both wheel tracks, such a procedure would double the work involved in inventories, and considering the costs and inherent problems in skid data collection and interpretation, FHWA believes such a procedure is impractical for an inventory.

Consideration of these factors leads FHWA to the following conclusions:

1. Inventory friction testing should be in accordance with ASTM standards which, by convention, accepts the left wheel track as "normal" or preferred.
2. Site investigation, for example to evaluate a suspected high hazard location,

should include tests in all appropriate lanes and wheel tracks to fully evaluate the variability as well as mean levels of friction. Such practice is not at variance with ASTM E-274, but merely constitutes a special case which must be noted when reporting data.

Pipeline

P-77-6 through 8 and P-77-38 through 40.—On September 19 the Pennsylvania Gas and Water Company replied to the Safety Board's December 15, 1978, letter which advised that as a result of reviewing the Company's December 15, 1977, and January 16, 1978, responses (43 FR 21523, May 18, 1978), these recommendations had been closed out. These recommendations were issued as a result of investigation of the January 25, 1977, pipeline explosion near Williamsport, Pa. The Board's last letter asked to be informed if Penn Gas had developed a program for public distribution of information on natural gas. The Board also noted that the intent of recommendation P-77-40 was to have all high-pressure shutoff valves available for emergency use identified on the gas main atlases; the Board did not intend for Penn Gas to make special excavations to verify the location of those which are buried.

Penn Gas reports that it has carefully studied various means for distribution of information to the public throughout its widely scattered service area and concluded that maximum coverage could be attained, most economically, by inserting information into billings to its water customers and by a mass mailing to all addresses in areas where gas service only is provided. Commencing with the August quarterly billings to water customers, Penn Gas inserted a bill stuffer with an encapsulated odorant sample. This program will continue for three months until all water customers have received a stuffer. Nearly 128,000 residences will be covered by this means, Penn Gas reports.

In mid-September, Penn Gas distributed, through a local mailing service, nearly 81,000 of the stuffers to all addresses in areas in which the Company does not provide service. In total, nearly 209,000 of the stuffers will be distributed directly to the homes in the gas service area. Extra copies of the stuffers were purchased for use in the school program, for distribution at public meetings and to be available to the public at Penn Gas offices throughout the service area. In conjunction with the general distribution of the stuffers, Penn Gas has issued releases to the newspapers and radio stations in its service area and has purchased radio time and newspaper

space to announce distribution of the stuffer and explain what to do in the event a similar odor is detected. These notices will be repeated during September and October to coincide with distribution of the stuffers included with water billings. Throughout the year, Penn Gas includes in billings to gas and water customers information regarding safety and the services as a constant reminder to be alert and report any unusual conditions immediately.

Penn Gas notes that one of its most serious concerns in regard to public safety is the significant amount of construction work involving sewers, storm drains, curbing and roadways in its service area which has resulted in many instances of damage to Penn Gas facilities and requires immediate response by its crews to avoid endangerment of the public. To reduce the damage incidents, Penn Gas has recently supplemented its inspection and markout crews and has recently contracted to become a member of the Pennsylvania One-Call System, Inc., which will enable contractors to call one telephone number to obtain field markout of facilities.

With reference to recommendation P-77-40, Penn Gas has undertaken to identify and verify the location of all valves installed that were intended to be used for emergency shutoff. Field verification of the valves will be conducted by inspection personnel during periods when there are no construction activities in progress. Once verified, the location of these valves will be identified in records made available to field personnel for their use in locating these valves if the need for their use should arise.

Railroad

R-77-14 through 17.—In furtherance of its previous response of April 18, 1978 (43 FR 24919, June 8, 1978), the Chicago Transit Authority (CTA) on September 14, 1979, forwarded to the Safety Board its third supplemental report of actions taken to reduce the possibility of future accidents and otherwise improve operational safety. The subject recommendations were issued following investigation of the February 4, 1977, collision of two CTA trains on the Chicago, Ill., elevated rail structure.

On December 1, 1978, the Safety Board advised CTA that recommendation R-77-14, calling for a systematic review of the operating rules so that all employees will clearly understand the rules and any changes and comply with them, and recommendation R-77-16, calling for operation of trains on an absolute block, had been appropriately addressed and

were being classified as "Closed—Acceptable Action."

Note.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of recommendation letters issued by the Board, response letters and related correspondence are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172, (49 U.S.C. 1903, 1907)).)

Margaret L. Fisher,

Federal Register Liaison Officer.

September 28, 1979.

[FR Doc. 79-30741 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-58-M

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974; Systems of Records; Annual Publication

The Privacy Act of 1974 (5 U.S.C. 552(a)(e)(4)) requires agencies to publish annually in the *Federal Register* a notice of the existence and character of their systems of records. The Small Business Administration last published the full text of its systems in Volume II of Privacy Act Issuance—1977 Compilation (42 FR 48785, September 23, 1977). This was further amended by an Incorporation by Reference published at 43 FR 45968 on October 4, 1978. Since last year's publication, the system numbered SBA 030 has been amended to include an additional category of records. This addition was proposed at 44 FR 34230 on June 14, 1979, and is being adopted in final form as printed. For the convenience of the public, the system as adopted is printed below in its entirety.

The full text of the systems of records also appears in Privacy Act Issuances, 1978 Compilation, Volume IV, page 773. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20412. The price of the volume is \$10.50.

Dated: September 25, 1979.

William H. Mauk, Jr.,
Acting Administrator.

SBA030

SYSTEM NAME:

Automated Personnel History—
SBA030

SYSTEM LOCATION:

SBA Central Office. See Appendix A for address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Current status of all SBA employees including all data pertinent to that status. This system includes name, Social Security number, grade and salary title, organization, education, veterans preference, competitive level, date of birth, handicap code, health benefits, etc. For disaster employees, this system additionally includes disaster type and identification, disaster experience, performance rating, and home telephone number. This system includes all personnel actions affecting active SBA employees since May 1972, and also those of separated employees since that date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A number of records in this system are sent as a required report to the Office of Personnel Management. The General Accounting Office is also given information from this system for audit purposes.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

This system of records is maintained on magnetic tape.

RETRIEVABILITY:

Records in this system can be retrieved by the employee's name or Social Security number.

SAFEGUARDS:

Physical Security—authorized personnel only.

RETENTION AND DISPOSAL:

These records form a permanent data bank for the Office of Personnel and are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

SF 171 and any other forms an employee completes when coming on-board; Personnel actions as recorded on SBA Form 52; Requests for personnel actions; Mass Change Formats; and Award Key punch Formats.

[FR Doc. 79-30830 Filed 10-3-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 79-071]

National Plan for Navigation: Implementation of Loran-C; Radionavigation System; Great Lakes Chain

ACTION: Notice of Repetition Rate for Great Lakes Chain.

SUMMARY: This announcement gives notice that rate 8970 has been selected for use on the Great Lakes Loran-C Chain, which is scheduled to become operational in February 1980. The Coast Guard analyzed and tested several repetition rates between 8930 and 8990 to determine a rate that would minimize cross rate interference between the Great Lakes Loran-C Chain and the

existing Northeast U.S. Chain (9960) and Southeast U.S. Chain (7980) and determined that rate 8970 met the necessary factors.

ADDRESSES: Comments are available for examination at the Marine Safety Council (G-CMC/TP24), Room 2418, 2100 Second St., S.W., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

CDR BRENT C. MILLS, Project Officer, Office of Marine Environment and Systems (G-WAN-2/TP14), Room 1413A, 2100 Second St., S.W., Washington, DC 20590, (202) 472-5857.

SUPPLEMENTARY INFORMATION: The Coast Guard announced in the August 6, 1979 issue of the Federal Register (44 FR 46014) that the planned repetition rate for the Great Lakes Loran-C Chain would be changed and solicited public comment as to which of the many possible rates would be most equitable for owners and manufacturers of older receivers. Letters of comment were received from thirteen Loran-C receiver manufacturers. Five manufacturers indicated that use of the previously planned rate for the Great Lake Chain (9930) would affect adversely performance of their equipment because of the operation of the Northeast U.S. Chain on rate 9960. One manufacturer requested that the Coast Guard reconsider its decision to use a rate other than one between 7930 and 7990 or 9930 and 9990 for the Great Lakes Chain. The necessity of using a rate between 8130 and 9810 was discussed in the notice of the Great Lakes Loran-C rate change, [44 FR 46014].

Comments were received from four manufacturers of older generation receivers who indicated that their equipment could accommodate a rate between 8930 and 8990 with little or no modification. They indicated that use of any other rate would require major modification at a considerable expense to equipment owners. These manufacturers indicated that approximately 6000 of these receivers are in use. One other manufacturer indicated that his equipment would operate on any rate but that one model receiver had to have the rates preset prior to shipment from the factory. He requested a prompt decision and announcement.

Another manufacturer suggested testing of various possible rates after construction of the transmitting station was complete. This would require extensive data collection to determine that single rate that produced an absolute minimum of interference with other existing rates. This lengthy process would not only postpone

operation of the chain, it would delay seriously the production of Loran-C charts and tables for this new chain.

One manufacturer suggested use of rate 8930 to minimize confusion to Loran-C users who had expected rate 9930 to be used. Rate 8930 was tested and it was determined that it would cause significant interference to rate 7980.

One manufacturer suggested use of rate 8950 to optimize operational Loran-C timing and receiving equipment the firm manufactures for Defense Department applications. This manufacturer indicated that if this were not possible, their equipment could accommodate any rate. Coast Guard Loran-C transmitting station equipment can not operate on rate 8950 without extensive modification, and use of this rate would delay operation of the Great Lakes Chain considerably.

In consideration of these comments, the Coast Guard evaluated and tested several rates between 8930 and 8990. Rate 8970 was determined to be acceptable for the Great Lakes Loran-C Chain because it meets the three factors published in the notice of August 6, 1979.

Dated: September 28, 1979.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine, Environment and Systems.

[FR Doc. 79-30826 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-14-M

[CGD 79-135]

Ship Structure Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Ship Structure Committee to be held Wednesday, October 24, 1979 at 10:00 A.M. in the Technical Committee Room, Second Floor, American Bureau of Shipping, 65 Broadway, New York, N.Y. The agenda for this meeting is as follows: The Committee will conduct its regular business and will discuss the marine structural research programs and needs of the member agencies.

Attendance is open to the interested public. With the approval of the chairman, members of the public may present oral statements at the hearing. Persons to attend and persons wishing to present oral statements at the meeting should notify LCDR T. H. Robinson, USCG, Secretary, Ship structure Committee, U.S. Coast Guard Headquarters, Washington, D.C. 20590 (202) 426-2205 not later than the day before the meeting. Any member of the

public may present a written statement to the Committee at any time.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

September 21, 1979.

[FR Doc. 79-30830 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-14-M

National Highway Traffic Safety Administration

[Docket No. 79-15; Notice 2]

Heavy Duty Truck Safety

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for filing comments pertaining to heavy duty truck safety. On August 2, 1979, the NHTSA published a notice announcing a public meeting and soliciting comments on issues related to heavy duty truck safety. The public meeting which was held on September 10 and 11, revealed many areas of concern related to truck safety. Additional comments have been submitted to our docket by other persons and organizations raising still more safety issues. In order to provide ample time for all interested persons to submit comments on these very complex issues, the agency has decided to extend the comment closing date until October 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Anees A. Adil, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2720).

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on September 28, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-30829 Filed 9-28-79; 4:09 pm]

BILLING CODE 4910-59-M

National Highway Safety Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I), notice is hereby given of a meeting of the National Highway Safety Advisory Committee to be held on October 23, 24 and 25, 1979.

The meetings will start at 9:00 a.m. on all three days and will be held at the DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C.

On October 23 and 24 the following task forces will meet: Driver vs. Highway Task Force, Vehicle Mix Task Force, Driver Licensing Task Force, "55" Task Force. The full Committee will meet on October 25.

Attendance is open to the interested public, but limited to the space available. With the approval of the Chairperson, members of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5221, 400 Seventh Street, SW, Washington, DC 20590, telephone 202-426-2872.

Issued in Washington D.C. on September 26, 1979.

Wm. H. March,

Executive Secretary.

[FR Doc. 79-30398 Filed 10-3-79; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

[521192]

Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 Tire Protection Chains; Tariff Classification Under the Tariff Provisions for Chain and Chains of Base Metal Not Coated or Plated With Precious Metal; Change of Practice Considered; 19 CFR Part 177

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

ACTION: Proposed change of practice.

SUMMARY: This document gives notice that the Customs Service is reviewing the current uniform and established practice of classifying the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 tire protection chains manufactured by Erlau of West Germany under the provisions for chain and chains, and parts thereof, all the foregoing of base metal not coated or plated with precious metal, of iron or steel, the links of which are of stock essentially round in cross section, in items 652.24 through 652.33, Tariff Schedules of the United States (TSUS), depending upon the diameter of the link stock. The Customs Service proposes to classify the above enumerated tire protection chains under the provision for chain and chains, and parts thereof, all the foregoing of base metal not coated or plated with precious metal, of iron or steel, other, in item 652.35, TSUS.

DATES: Comments (preferably in triplicate) must be received on or before: November 5, 1979.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Leonard Emmert, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202)-566-8181.

SUPPLEMENTARY INFORMATION:

Background

Under a uniform and established practice, the Customs Service classifies the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 tire protection chains manufactured by Erlau of West Germany under the provisions for chain and chains, and parts thereof, all the foregoing of base metal not coated or plated with precious metal, of iron or steel, the links of which are of stock essentially round in cross section, in items 652.24 through 652.33, Tariff Schedules of the United States (TSUS), depending upon the diameter of the link stock. Each of the above enumerated Erlau tire protection chains consists of a chain mesh having two distinct link types. One is a welded ring or link of stock essentially round in cross section with a uniformly measureable diameter. The other link is a forged steel wear link which is the essential tire protection element. The forged wear link is not essentially round in diameter, but predominates over the round link in area and weight. It is the considered position of Customs that classification of the subject tire protection chains under the provision for chain or chains with links of stock essentially round in cross section in items 652.24 through 652.33, TSUS, should be precluded.

Proposed Change of Practice

The Customs Service is considering a change in the practice of classifying the Rock Super X-11, Rock Super X-15, Traction Super X-11, Traction Super X-15 tire protection chains under the provisions for chain or chain with links of stock essentially round in cross section in items 652.24 through 652.33, TSUS. The Customs Service proposes to classify the above enumerated tire protection chains under the provision for chain or chains, other, in item 652.35, TSUS.

Authority

Inasmuch as the proposed change of practice will affect the assessed duties on the subject tire protection chains, the Customs Service is giving this notice and opportunity for comment in accordance with section 315(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1315(d)), and § 177.10(c)(1) of the Customs Regulations (19 CFR 177.10(c)(1)).

Consideration will be given to any comments submitted in writing to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Legal Publications Division, Headquarters, Room 2335, U.S. Customs Service, 1301 Constitutional Avenue, NW., Washington, D.C. 20229.

Drafting Information

The principal author of this notice was Harold I. Loring, Regulations and Legal Publications Division, U.S. Customs Service. However, personnel from other offices of the U.S. Customs Service participated in developing this notice, both on matters of style and substance.

William T. Archey,

Acting Commissioner of Customs.

Approved: September 11, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 79-30769 Filed 10-3-79; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

Sodium Acetate From Canada; Antidumping: Withholding of Appraisal Notice and Determination of Sales at Less Than Fair Value

AGENCY: United States Treasury Department.

ACTION: Withholding of Appraisal and Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that sodium acetate from Canada is being sold at less than fair value under the Antidumping Act, 1921. (Sales at less than fair value generally occur when the price of merchandise for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries). Appraisements of entries of this merchandise will be suspended for 3 months. This case is being referred to

the United States International Trade Commission for a determination whether an industry in the United States is being or is likely to be injured by reason of such imports.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Michael Ready, Trade Analysis Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202) 566-5492.

SUPPLEMENTARY INFORMATION: On March 5, 1979, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from the Niacet Corporation of Niagara Falls, New York, alleging that sodium acetate from Canada is being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) ("the Act"). On the basis of this information, an "Antidumping Proceeding Notice" was published in the *Federal Register* on March 29, 1979 (44 F.R. 18782).

Sodium acetate is a chemical used as a dye intermediate, in kidney dialysis, in the production of detergents and in various other applications. For purposes of this investigation "sodium acetate" means sodium acetate classified under item number 426.8600 of the Tariff Schedules of the United States Annotated.

Determination of Sales at Less Than Fair Value

I hereby determine that, for the reasons stated below, sodium acetate from Canada is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of Reasons on Which This Determination Is Based

The reasons and bases for the above determinations are as follows:

a. *Scope of Investigation.* All imports of the subject merchandise from Canada are manufactured by McArthur Chemical Company Division of Van Waters and Rogers, Limited. Therefore, the investigation was limited to this manufacturer.

b. *Basis of Comparison.* For purposes of this determination, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since export sales to the United States were made to unrelated customers. Home market price, as defined in § 153.2, Customs

Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide an adequate basis for comparison.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports and home market sales during the period September 1, 1978, through February 28, 1979.

c. *Purchase Price.* For purposes of this determination, the purchase price has been calculated on the basis of the ex-factory price to the United States. No adjustments to this price were claimed or made.

d. *Home Market Price.* For purposes of this determination, the home market price has been calculated on the basis of the delivered price to unrelated purchasers with an adjustment for freight. The adjustment for freight represents the cost of transferring the merchandise from the point of shipment to the point of delivery.

A claim was made for an adjustment based on service expenses in the home market under § 153.10, Customs Regulations (19 CFR 153.10). This claim was rejected because no documentation was provided to substantiate the estimated amount claimed.

McArthur requested that rather than using sales to an unrelated end-user in Canada as a basis for fair value, its sales of sodium acetate to related home market distributors should be used. Under § 153.13(b), Customs Regulations (19 CFR 153.13(b)), the Treasury does not use related party transactions as a basis for establishing fair value, unless it can be shown that the prices charged to the related party were representative of those charged in arms' length transactions. McArthur has been unable to demonstrate this. Under § 153.15, Customs Regulations (19 CFR 153.15), when there are no acceptable sales in the foreign market at the level of trade at which sales to the United States are made, an adjustment could be made if cost differences to the seller could be demonstrated to result from the differences in the two levels of trade involved. No quantification was possible and therefore no adjustment was granted. Accordingly fair value comparisons were made using the price charged in Canada to an unrelated end user and an unrelated distributor in the United States.

e. *Results of Fair Value Comparisons.* Using the above criteria, comparisons were made on 100 percent of McArthur's sales of sodium acetate to the United States during the period under consideration. These comparisons indicate that the purchase price was

34.75 percent lower than the home market price of such or similar merchandise in all cases.

The Secretary has provided an opportunity to known interested parties to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40). No such views were presented.

Based on the reasons noted above, Customs officers are being directed to withhold appraisement of sodium acetate from Canada in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisement notice, which is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective October 4, 1979. It shall cease to be effective at the expiration of three months from the date of this publication unless previously revoked.

The United States International Trade Commission is being advised of this determination.

This determination is published pursuant to section 201(b) of the Act (19 U.S.C. 160(b)).

Robert H. Mundheim,
General Counsel of the Treasury.
September 27, 1979.

[FR Doc. 79-30786 Filed 10-3-79; 8:45 am]
BILLING CODE 4810-22-M

[Dept. Circ.; Public Debt Series—No. 23-79]

Treasury Bonds of 1994

October 1, 1979.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$1,500,000,000 of United States securities, designated Treasury Bonds of 1994 (CUSIP No. 912810 CJ 5). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated October 16, 1979, and will bear interest from that date, payable on a semiannual basis on May 15, 1980, and each subsequent 6 months on November 15 and May 15, until the principal becomes payable. They will mature November 15,

1994, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, October 9, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, October 8, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that

such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 96.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to

the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Tuesday, October 16, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, October 12, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Thursday, October 11, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are

requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 79-20923 Filed 10-2-79; 2:01 pm]

BILLING CODE 4810-40-M

INTERSTATE COMMERCE COMMISSION

Fourth Section Application for Relief

September 28, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of this notice.

FSA No. 43746, Sea-Land Service, Inc., No. 107, intermodal rates on general commodities, in containers, from ports in Japan and Korea to rail carrier's terminal at Baton Rouge, LA, via Long Beach and Oakland, CA, in Trans-Pacific Freight Conference of Japan/Korea Eastbound Intermodal Tariff No. 2, ICC TPC 111, effective October 25, 1979. Grounds for relief—water competition.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-30709 Filed 10-3-79; 8:45 am]

BILLING CODE 7035-01-M

[Seventieth Revised Exemption No. 90]

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

September 28, 1979.

To all railroads: *It appearing*, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owner would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC RER 6410-B, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

Aberdeen and Rockfish Railroad Company
Reporting Marks: AR
Ann Arbor Railroad System, Michigan
Interstate Railroad Company, Operator
Reporting Marks: AA
Apalachicola Northern Railroad Company
Reporting Marks: AN
Atlanta & Saint Andrews Bay Railway
Company
Reporting Marks: ASAB
Bath and Hammondsport Railroad Company
Reporting Marks: BH
Berlin Mills Railway Inc.
Reporting Marks: BMS
Cadiz Railroad Company
Reporting Marks: CAD
Camino, Placerville & Lake Tahoe Railroad
Company
Reporting Marks: CPLT
City of Prineville
Reporting Marks: COP
The Clarendon and Pittsford Railroad
Company
Reporting Marks: CLP
Columbus and Greenville Railway Company
Reporting Marks: CAGY
*Delta Valley & Southern Railway Company
Reporting Marks: DVS
Duluth, Missabe and Iron Range Railway
Company
Reporting Marks: DMIR
East Camden & Highland Railroad Company
Reporting Marks: EACH
East St. Louis Junction Railroad Company
Reporting Marks: ESLJ
Galveston Wharves
Reporting Marks: GWF
Genesee and Wyoming Railway Company
Reporting Marks: GNWR
Greenville and Northern Railway Company

Reporting Marks: GRN
The Hutchinson and Northern Railway
Company
Reporting Marks: HN
*Helena Southwestern Railroad Company
Reporting Marks: HSW
Illinois Terminal Railroad Company
Reporting Marks: ITC
Indiana Eastern Railroad and Transportation,
Inc. d.b.a. The Hoosier Connection
Reporting Marks: HOSC
Lake Erie, Franklin & Clarion Railroad
Company
Reporting Marks: LEF
Lake Superior & Ishpeming Railroad
Company
Reporting Marks: LSI
Lenawee County Railroad Company, Inc.
Reporting Marks: LCRC
Longview, Portland & Northern Railway
Company
Reporting Marks: LPN
Louisiana Midland Railway Company
Reporting Marks: LOAM
Louisville and Wadley Railway Company
Reporting Marks: LW
Louisville, New Albany & Corydon Railroad
Company
Reporting Marks: LNAC
Manufacturers Railway Company
Reporting Marks: MRS
Maryland and Delaware Railroad Company
Reporting Marks: MDDE
Middletown and New Jersey Railway
Company, Inc.
Reporting Marks: MNJ
Missouri-Kansas-Texas Railroad Company
Reporting Marks: MKT-BKTY
Moscow, Camden & San Augustine Railroad
Reporting Marks: MCSA
New Hope and Ivyland Railroad Company
Reporting Marks: NHIR
New Orleans Public Belt Railroad
Reporting Marks: NOPB
New York, Susquehanna and Western
Railroad Company
Reporting Marks: NYSW
Ocatararo Railway, Inc.
Reporting Marks: OCTR
Oregon & Northwestern Railroad Co.
Reporting Marks: ONW
Pearl River Valley Railroad Company
Reporting Marks: PRV
Peninsula Terminal Company
Reporting Marks: PT
Port Huron and Detroit Railroad Company
Reporting Marks: PHD
Port of Tillamook Bay Railroad
Reporting Marks: POTB
Providence And Worcester Company
Reporting Marks: PW
Raritan River Rail Road Company
Reporting Marks: RR
Sacramento Northern Railway
Reporting Marks: SN
St. Lawrence Railroad
Reporting Marks: NSL
St. Marys Railroad Company
Reporting Marks: SM
Savannah State Docks Railroad Company
Reporting Marks: SSDK
Sierra Railroad Company
Reporting Marks: SERA
*Southern Pacific Transportation Company
Reporting Marks: SP
Terminal Railway, Alabama State Docks

Reporting Marks: TASD
 The Texas Mexican Railroad Company
 Reporting Marks: TM
 Tidewater Southern Railway Company
 Reporting Marks: TS
 Toledo, Peoria & Western Railroad Company
 Reporting Marks: TPW
 Union Railroad of Oregon
 Reporting Marks: UO
 Vermont Railway, Inc.
 Reporting Marks: VTR
 *Virginia & Maryland Railroad
 Reporting Marks: VAMD
 Wabash Valley Railroad Company
 Reporting Marks: WVRC
 WCTU Railway Company
 Reporting Marks: WCTR
 Youngstown & Southern Railway Company
 Reporting Marks: YS
 Yreka Western Railroad Company
 Reporting Marks: YW

Effective September 15, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., September 12, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79-30710 Filed 10-3-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's Rules of Practice (49 CFR § 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed.

Protests not in reasonable compliance with the requirements of the rules may

be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations

are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Volume No. 156

Decided: August 29, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman

MC 63417 (Sub-177F), filed October 11, 1978, and previously noticed in the *Federal Register* issue of January 11, 1979. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as above). To operate as a *common carrier*, by motor vehicles, in interstate or foreign commerce, over irregular routes, transporting *vacuum cleaners, vacuum cleaner parts and attachments, brushes, cleaning compounds, castings, steel rods, and plastic articles (except commodities in bulk)*, (a) from Lea, MI, Belleville, Columbus, Green Springs, Fremont, and Marysville, OH, and points in Cuyahoga, Lorain, Medina, and Summit Counties, OH, to the facilities of the Kirby Company, at Andrews, TX, to Orlando, FL. (Hearing Site: Roanoke, VA, or Washington DC.)

Note.—This republication is to include vacuum cleaners in the commodity description.

MC 98327 (Sub-31F), filed August 28, 1978, previously noticed in the *Federal*

Register issues of November 14, 1978, and July 6, 1979. Applicant: SYSTEM 99, a corporation, 8201 Edgewater Drive, Oakland, CA 94621. Representative: Michael J. O'Neill (same address as applicant). To operate as a *common carrier*, by motor vehicles, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Arcata, CA, and junction Interstate Hwy 5 and OR Hwy 58 near Eugene, OR; from Arcata over U.S. Hwy 101 to junction U.S. Hwy 199, then over U.S. Hwy 199 to junction OR Hwy 99, then over OR Hwy 99 to junction Interstate Hwy 5, then over Interstate Hwy 5 to junction OR Hwy 58, and return over the same route, and (2) between Portland, OR, and Eugene, OR, over Interstate Hwy 5, serving no intermediate points in (1) and (2) above, as alternate routes for operating convenience only. (Hearing site: San Francisco, CA, or Portland, OR.)

Note.—This republication is to remove "and serving the termini for purposes of joinder only" from the territorial description.

MC 99597 (Sub-2F), filed November 2, 1978, and previously noticed in the *Federal Register* issue of March 27, 1979. Applicant: CLEVELAND FREIGHT LINES, INC., 17877 St. Clair Avenue, Cleveland, OH 44110. Representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicles, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in OH. Condition: As already requested by applicants, issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of Certificate of Registration MC 99597 (Sub-1), issued June 16, 1965. (Hearing site: Cleveland, OH.)

Note.—Applicant states that the purpose of this application is to convert its Certificate of Registration in No. MC 99597 Sub-1, to a certificate of public convenience and necessity. This republication is to include OH in the territorial description.

MC 109847 (Sub-28F), filed February 12, 1979, and previously published in the *Federal Register* issue of July 6, 1979. Applicant: BOSS-LINCO LINES, INC., 3909 Genesee Street, Cheektowaga, NY 14225. Representative: Harold G. Hernly, Jr., 110 South Columbus Street, Alexandria, VA 22314. To operate as a *Common carrier*, by motor vehicle, in

interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk, and those requiring special equipment), (1) between Marietta, OH, and Washington, DC; from Marietta, over Interstate Hwy 77 to junction U.S. Hwy 50, then over U.S. Hwy 50 to Washington and return over the same route, serving all intermediate points in WV, and serving junction Interstate Hwy 81 and U.S. Hwy 50 at Winchester, VA, for purposes of joinder only, (2) between junction Interstate Hwy 81 and U.S. Hwy 50 at Winchester, VA, and Baltimore, MD; from junction Interstate Hwy 81 and U.S. Hwy 50, over VA Hwy 7 to junction U.S. Hwy 340, then over U.S. Hwy 340 to junction U.S. Hwy 15, then over U.S. Hwy 15 to junction Interstate Hwy 70N at Frederick, MD, then over Interstate Hwy 70N to Baltimore, and return over the same route, (3) between Pittsburgh, PA, and Philadelphia, PA; from Pittsburgh over U.S. Hwy 22 to junction Interstate Hwy 76, then over Interstate Hwy 76 to Philadelphia, and return over the same route, serving junction Interstate Hwys 76 and 70 at Breezewood, PA, and junction Interstate Hwys 76 and 81 for purposes of joinder only, (4) between junction Interstate Hwys 76 and 70 at Breezewood, PA, and Baltimore, MD; from junction Interstate Hwy 76 and 70 over Interstate Hwy 70 to Frederick, MD, then over Interstate Hwy 70N to Baltimore, and return over the same route, (5) between junction Interstate Hwys 76 and 70 at Breezewood, PA, and Washington, DC; from junction Interstate Hwy 76 and 70 at Breezewood over Interstate Hwy 70 to Frederick, MD, then over Interstate Hwy 70S to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction U.S. Hwy 2, then over U.S. Hwy 1 to Washington, and return over the same route, and (6) between junction U.S. Hwy 50 and Interstate Hwy 81 at Winchester, VA, and Newark, NJ, from junction U.S. Hwy 50 and Interstate Hwy 81 over Interstate Hwy 81 to junction Interstate Hwy 78 at or near Hamlin, PA, then over Interstate Hwy 78 to Elizabeth, NJ, then over U.S. Hwy 22 to Newark, return over the same route, serving the intermediate points of Allentown, Bethlehem, and Easton, PA, and serving junction Interstate Hwys 81 and 76 at Harrisburg, PA, for the purpose of joinder only. Conditions: (1) The regular route authority granted here shall not be severable, by sale or otherwise, from applicant's retained irregular route authority in certificate

MC 109847 (Sub-25). (2) Applicant must request, in writing, the imposition of restrictions in its irregular route authority in certificate MC 109847 (Sub-25) precluding service between any two points authorized to be served here pursuant to regular route authority. (Hearing site: Pittsburgh or Philadelphia, PA.)

Notes.—(1) The purpose of this application is to convert a portion of applicant's existing irregular route authority in certificate MC 109847 (Sub-25) to regular route authority. (2) Applicant indicates its intention to tack with existing authority. (3) This republication is for the purposes of showing in part (1) Hwy 77 and to indicate applicants intention to tack the sought rights with its existing authorities.

Volume No. 170

Decided: Sept. 7, 1979

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 140118 (Sub-12F), filed November 13, 1978, previously published in *Federal Register* issue of December 21, 1978. Applicant: S.T.L. TRANSPORT, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting (1) (a) *paper, paperboard, or pulpboard boxes, pails, and trays*, and (b) *cellulose film or foil and plastic film or foil*, when moving in mixed loads with the commodities in (1)(a) above, (except commodities in bulk), from Newark, NY, to points in AL, AZ, AR, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MI, MN, MS, MO, MT, NE, NV, NH, NM, NC, ND, OK, OR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and DC; and (2) *Materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), in the reverse direction, under continuing contracts in (1) and (2) above with Fold-Pak Corp., of Newark, NY. (Hearing site: Rochester or Syracuse, NY.)

Note.—Dual operations are involved in this proceeding. This republication shows NC in Lieu of MC as previously published.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-30706 Filed 10-3-79; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29121]

Railgon Co. and Trailer Train Co.; Pooling Agreement; Correction: Notice

The document published on September 14, 1979, in FR Doc. 79-8573, at page 53603 was incorrect. The correct document was published on September

10, 1979, in FR Doc. 79-28094, at page 52786.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-30706 Filed 10-3-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected*. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by

the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s, unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the

issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 147

Decided: Sept. 5, 1979.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 5470 (Sub-188F), filed May 2, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th St., N.W., Washington, DC 20006. Transporting *petroleum fuel oil flue dust*, in bulk, in dump vehicles, from Oswego, NY, and Portsmouth, Strasburg, and Yorktown, VA, to Bellaire, OH, and Freeport and West Elizabeth, PA. (Hearing site: Washington, DC, or New York, NY.)

MC 82841 (Sub-254F), filed April 17, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting (1) *building board, wallboard, and insulating board*, and (2) *materials and supplies* used in the installation of the commodities in (1) above, (except commodities in bulk), from the facilities of Armstrong Cork Company, at or near Macon, GA, to points in AZ, CA, CO, ID, IL, IN, IA, KS,

MI, MN, MO, MT, NE, NV, NJ, NY, ND, OH, OR, PA, SD, UT, WA, WV, WI, and WY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 94201 (Sub-171F), filed April 17, 1979. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *iron and steel articles*, between points in OH, on the one hand, on the other, points in NC. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 94201 (Sub-174F), filed May 3, 1979. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *iron and steel articles*, from (1) the facilities of Allegheny Ludlum Steel Corp., at or near Breckenridge, PA, and (2) the facilities of United States Steel Corp., Irwin Works, at or near Pittsburgh, PA, to the facilities of Arvin Industries, Inc., at or near Columbus, Franklin, Greenwood, and North Vernon, IN. (Hearing site: Washington, DC, or Louisville, KY.)

MC 111170 (Sub-255F), filed April 19, 1979. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood, Fort Smith, AR 72902. Transporting *liquid chemicals*, in bulk, in tank vehicles, from El Dorado, AR, to Viterbo (Jefferson County), TX. (Hearing site: Little Rock, AR, or Memphis, TN.)

MC 111170 (Sub-256F), filed April 19, 1979. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood, Fort Smith, AR 72902. Transporting *petroleum products, vehicle body sealers, and sound deadening compounds*, in bulk, in tank vehicles, from points in Warren County, MS, to points in AR, LA, and TX, restricted to the transportation of traffic originating at the facilities of Quaker State Oil Refining Corp., at points in Warren County, MS. (Hearing site: Jackson, MS, or Memphis, TN.)

MC 111941 (Sub-32F), filed April 23, 1979. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, IN 46943. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *iron and steel articles*, from the facilities of Bethlehem Steel Corporation, at Burns Harbor, IN, to

points in IL, restricted to the transportation of traffic originating at the facilities of the Bethlehem Steel Corporation. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 112520 (Sub-368F), filed April 20, 1979. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant). Transporting *pulpmill liquids*, in bulk, in tank vehicles, from Nekoosa, WI, to Panama City, FL. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 113651 (Sub-303F), filed April 23, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggins Road, Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). Transporting *foodstuffs*, from Lawton, MI, to points in AL, MS, LA, TX, AR, MO, KS, IA, NE, WI, MN, and OK. (Hearing site: Buffalo, NY, or Washington, DC.)

MC 115570 (Sub-23F), filed May 3, 1979. Applicant: WALTER A. JUNG, INC., 3818 S.W. 84th St., Tacoma, WA 98491. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, pulp, and such commodities* as are dealt in or used by manufacturers, distributors, or converters of cellulose materials and cellulose products, from Anderson, Pomona, and Ripon, CA, to points in CO, ID, MT, OR, UT, and WA, under continuing contract(s) with Simpson Paper Company, of Anderson, CA. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 115821 (Sub-43F), filed April 23, 1979. Applicant: FRANK BEELMAN, d.b.a., BEELMAN TRUCK CO., St. Livory, IL 62282. Representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *fertilizer and fertilizer ingredients*, from Walnut Ridge, AR, to points in AL, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, NE, OK, TN, and TX. (Hearing site: St. Louis, MO.)

MC 117820 (Sub-30F), filed April 20, 1979. Applicant: AURELIA TRUCKING CO., a Corporation, 2121 Petit Avenue, Port Huron, MI 48060. Representative: Robert D. Schuler, 100 West Long Lake Road—Suite 102, Bloomfield Hills, MI 48013. Transporting *plastic pellets*, in containers, from the facilities of Federal Plastics, Inc., at Cranford, NJ, to points in MI and OH, restricted to the transportation of traffic originating at the named origin and destined to the

indicated destinations. (Hearing site: Lansing, MI, or Washington, DC.)

MC 117940 (Sub-331F), filed April 18, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *duct and duct fittings*, (except commodities requiring special equipment), from the facilities of Gary Steel Products, Inc., at Gary, IN, to points in IA, IL, KY, MI, MN, MO, NE, OH, PA, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago IL.)

MC 119700 (Sub-56F), filed May 3, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Ave., Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *wood fencing, wood timbers, wood shavings, and wood posts*, from Gladstone, MI to points in AR, IA, IL, IN, KY, MO, OH, OK, and TX. (Hearing site: St. Paul, MN.)

MC 124170 (Sub-125F), filed May 3, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Oak Brook, IL 60521. Transporting *such commodities* as are dealt in by chain grocery and food business houses, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in AL, AR, AZ, CT, CA, IA, IL, IN, KS, KY, MD, MA, MI, MN, MO, MS, NC, NE, NY, NJ, OH, PA, TN, TX, UT, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Chicago, IL, or Washington, DC.)

MC 124170 (Sub-126F), filed May 3, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Transporting (1) *bananas*, and (2) *agricultural commodities* which are otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6) [formerly Section 203(b)(6) of the Interstate Commerce Act], when moving in mixed load with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TX, and WI, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles or San Francisco, CA.)

MC 124711 (Sub-89F), filed May 3, 1979. Applicant: BECKER

CORPORATION P.O. Box 1050, El Dorado, KS 67042. Representative: Norman A. Cooper, (Same address as applicant). Transporting *liquid tallow*, in bulk, from St. Joseph, MO, to points in IA, KS, OH, OK, TN, and TX. (Hearing site: Kansas City MO, or Wichita, KS.)

MC 124821 (Sub-43F), filed April 17, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting *construction materials*, from the facilities of Celotex Corporation, at Sunbury, PA, to points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, MI, MS, NC, NJ, NY, OH, RI, SC, TN, VA, and DC. (Hearing site: Harrisburg, PA.)

MC 126930 (Sub-21F), filed April 23, 1979. Applicant: BRAZOS TRANSPORT CO., a Corporation, 339 East 34th Street, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236 Lubbock, TX 79408. Transporting *finished paper, paper products, and waste or scrap paper*, between points in MO, KS, IL, AR, LA, TX, MS, TN, IA, CO, OK, NE, and MN. (Hearing site: Lubbock or Dallas, TX.)

MC 127840 (Sub-95F), filed April 20, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Transporting *animal fats, animal oils, and vegetable oils*, in bulk, in tank vehicles, between the facilities of Swift & Co., at or near (a) Ft. Worth, TX, and (b) Chattanooga, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 127840 (Sub-99F), filed April 20, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. Transporting *chemicals*, in bulk, in tank vehicles, from the facilities of Jefferson Chemical Company, Inc., at or near Austin, Youens, and Port Neches, TX, to points in IL, KY, MO, OH, IN, IA, NE, ND, SD, WI, MN, OK, KS, and CO. (Hearing site: Chicago, IL.)

MC 135221 (Sub-13F), filed April 17, 1979. Applicant: DICK SIMON TRUCKING, INC., 5140 South 2050 East, P.O. Box 26724, Salt Lake City, UT 84125. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005. Transporting *doors*, from Vancouver and McCleary, WA, to points in UT. (Hearing site: Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 135861 (Sub-50F), filed April 17, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *reproduction paper*, in vehicles equipped with mechanical refrigeration, from Johnson City, NY, to points in TX, under continuing contract(s) with Azon Corporation, of Johnson City, NY. (Hearing site: Dallas, TX, or Washington, DC.)

MC 136511 (Sub-48F), filed May 2, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *confectionery*, from the facilities of E. J. Brach & Sons, at or near Chicago, IL, to points in GA, MD, NJ, NM, NY, OH, PA, TX, and VA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 138001 (Sub-4F), filed April 23, 1979. Applicant: WILLIAM SCHMIDT, d.b.a. A.I.D.S., P.O. Box No. 313, Rutherford, NJ 07070. Representative: Larsh B. Mewhinney, 555 Madison Avenue, New York, NY 10022. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper cup covers*, from New York, NY, to Minster, OH, Hialeah, FL, and Ft. Worth, TX, under continuing contract(s) with Seal Kap Packaging, Inc., of Long Island City, NY. (Hearing site: New York, NY.)

MC 138420 (Sub-37F), filed April 18, 1979. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *foodstuffs* (except in bulk, in tank vehicles, (1) from points in WI to Arlington and Ortonville, MN, (2) from Arlington and Ortonville, MN, to points in IN, KY, MI, MO, OH, WI, and those in IL on and south of U.S. Hwy 136, and (3) from Bloomer, WI, to points in IN, KY, MI, MN, MO, OH, and those in IL on and south of U.S. Hwy 136. (Hearing site: Madison, WI, or Minneapolis, MN.)

MC 14281 (Sub-7F), filed May 3, 1979. Applicant: LIBERTY CONTRACT CARRIER, INC., P.O. Box 1104, Nashville, TN 37202. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes,

transporting (1) *such commodities* as are dealt in by department stores (except commodities in bulk), and (2) *newspaper supplements*, in mixed loads with the commodities in (1) above, between points in AL, AR, GA, KY, MS, MO, SC, and TN, under continuing contract(s) with Kuhn's Big-K Corp., of Nashville, TN. (Hearing site: Washington, DC, or Nashville, TN.)

MC 142831 (Sub-17F), filed April 17, 1979. Applicant: HAMRIC TRANSPORTATION, INC., P.O. Box 1124, Grand Prairie, TX 75050. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. Transporting *such commodities* as are dealt in or used by agricultural equipment and industrial equipment dealers and manufacturers, (except commodities in bulk), between Racine, WI, and Burlington, IA, on the one hand, and, on the other, points in KS, LA, MS, OK, and TX. (Hearing site: Racine, WI, or Dallas, TX.)

MC 142831 (Sub-19F), filed April 17, 1979. Applicant: HAMRIC TRANSPORTATION, INC., 3318 E. Jefferson St., Grand Prairie, TX 75051. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting *metal tubing*, (1) from Allenport and Beaver Falls, PA, Alliance, Lorain, Canton, and Shelby, OH, Milwaukee, WI, Elkhart and Gary, IN, Chicago and Fairbury, IL, Houston, TX, and Phoenix, AZ, to the facilities of Kilsby Tubesupply, at (a) Tulsa, OK, (b) Denver, CO, (c) Grand Prairie and Houston, TX, (d) Portland, OR, (e) Los Angeles and San Leandro, CA, (f) Seattle, WA, (g) Charlotte, NC, (h) Little Rock, AR, (i) New Orleans, LA, (j) Wichita, KS, and (k) Birmingham, AL, and (2) between the facilities of Kilsby Tubesupply, at points named in (1) above, restricted (a) in (1) above to the transportation of traffic destined to the indicated destinations, and in (2) above to the transportation of traffic originating at and destined to the named points. (Hearing site: Dallas, TX.)

MC 143110 (Sub-8F), filed May 3, 1979. Applicant: K & B EXPRESS, INC., P.O. Box 801, Union, NJ 07083. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08817. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper*, from Housatonic, MA to points in the United States (except AK, CT, HI, MA, ME, NH, NY, RI, and VT), under continuing contract(s) with Rising Paper Company, of Housatonic, MA. (Hearing site: New York, NY, or Newark, NJ.)

MC 143701 (Sub-11F), filed April 18, 1979. Applicant: HODGES FREIGHT LINES, INC., 5733 Airline Highway OFC 805, Metairie, LA 70003. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. Transporting *such commodities* as are dealt in by grocery and food business houses, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of Inland Storage Distribution Center, at or near Kansas City, KS, on the one hand, and, on the other, points in the United States (except AK, HI, and KS), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Kansas City, MO, or Wichita, KS.)

MC 144140 (Sub-33F), filed May 3, 1979. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting *floor covering and adhesives* (except commodities in bulk), from the facilities of Armstrong Cork Co., at Jackson, MS, to points in AL, GA, and TN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Jackson, MS, or Harrisburg, PA.)

Note.—Dual operations may be involved.

MC 144630 (Sub-17F), filed April 18, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *Such commodities as are sold, or used, by mail order houses*, from Deerfield, Glenview, and Morton Grove, IL, to Monrovia and Pasadena, CA, Billings, MT, and Cheyenne, WY; and (2) *crude ground talc*, from Grand Island, NE, to Deerfield, Glenview, and Morton Grove, IL, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities used by Avon Products, Inc. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 144630 (Sub-18F), filed April 20, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *bananas*, from Charleston, SC, and Tampa, FL, to points in IL, IN, KY, MI, OH, and TN. (Hearing site: Miami, FL.)

MC 145580 (Sub-1F), filed April 18, 1979. Applicant: GAINER'S TOWING, INC., 4321 S.E. Hawthorne Blvd., Portland, OR 97215. Representative: Richard J. Spielman, 895 N.E. 90th, Portland, OR 97220. Transporting *mobile offices, restrooms, and storage trailers*,

in truckaway service, (1) between Brooks and Portland, OR, on the one hand, and, on the other, points in CA, ID, MT, and WA, and (2) between Vancouver, WA, on the one hand, and, on the other, points in CA, ID, MT, and OR. (Hearing site: Portland, OR.)

MC 146361 (Sub-2F), filed April 23, 1979. Applicant: WOLTER TRUCK LINES, INC., RD 1, Box 197, Greenwood, DE 19950. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, DC 20005. Transporting *dry fertilizer and fertilizer ingredients*, in bulk, in dump vehicles, from Hopewell, VA, to points in DE, MD, NJ, PA, VA, WV, and NC. (Hearing site: Washington, DC.)

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Decided: August 28, 1979.

By the Commission, Review Board Number 1, Members Boyle, Eaton, and Liberman.

MC 531 (Sub-402F), filed April 26, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *liquid synthetic plastics*, in bulk, in tank vehicles, from Columbus, OH, to Hayward, CA. (Hearing site: San Francisco, CA.)

MC 531 (Sub-404F), filed April 26, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *chemicals*, in bulk, in tank vehicles, from Lake Charles, LA, to points in AL, AR, DE, FL, GA, MD, NJ, NY, OK, PA, TN, TX, VA, and WV. (Hearing site: Houston, TX.)

MC 730 (Sub-436F), filed April 26, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada corporation, P.O. Box 8804, Walnut Creek, CA 94596. Representative: R. N. Cooledge (same address as applicant). Transporting *petroleum products*, in bulk, in tank vehicles, from Bakersfield, CA, to points in NV. (Hearing site: Salt Lake City, UT.)

MC 5470 (Sub-187F), filed April 25, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Trotano, 918 16th N.W., Washington, DC 20006. Transporting *coke*, in dump vehicles, from Baltimore, MD to Niagara Falls, NY, and St. Marys, PA. (Hearing site: Washington, DC, or Buffalo, NY.)

MC 22311 (Sub-12F), filed April 27, 1979. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Marvin Mickow (same address as applicant). Transporting

building materials (except commodities in bulk), from the facilities of Bird & Son, Inc., at Chicago, IL, to points in AR, IN, IA, KS, KY, MO, MI, MN, NE, OH, PA, WV, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 23441 (Sub-22F), filed April 30, 1979. Applicant: LAY TRUCKING COMPANY, INC., 104 Hawthorne Street, LaPorte, IN 46350. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *wheels, rims, hubs and spindles* from Quincy and Mendota, IL, to Detroit and Romeo, MI. (Hearing site: Detroit, MI, or Washington, DC.)

MC 34631 (Sub-6F), filed April 19, 1979. Applicant: A. ARNOLD & SON TRANSFER & STORAGE CO., INC., 2600 W. Broadway, Louisville, KY 40211. Representative: Charles W. Arnold (same as applicant address). Transporting *used household goods*, as defined by the Commission, between points in the United States (except AK, HI, ID, MT, ND, OR, SD, and WA). (Hearing site: Louisville, KY, or Washington, DC.)

MC 41951 (Sub-40F), filed April 24, 1979. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. Transporting *canned goods*, from Cheriton and Hopewell, VA, points in DE, and points in Worcester, Wicomico, Somerset, Dorchester, Caroline, Talbot, and Queen Anne Counties, MD, to points in DE, MD, and DC. (Hearing site: Washington, DC.)

Note.—The purpose of this application is to substitute a single-line service for the interline service now being performed. Applicant states it can and does intend to tack this authority with existing certificates of public convenience and necessity.

MC 41951 (Sub-41F), filed April 24, 1979. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. Transporting *canned goods*, from points in Kent and Sussex Counties, DE, Queen Anne, Talbot, Dorchester, Caroline, Wicomico, Somerset, and Worcester Counties, MD, and Accomack and Northampton Counties, VA, and Winchester, VA, to points in AL, FL, GA, NC, SC, and VA. (Hearing site: Washington, DC.)

MC 52460 (Sub-243F), filed April 25, 1979. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601

Northwest Expressway, Oklahoma City, OK 73112. Transporting *such commodities as are dealt in or used by automotive supply and household appliance stores*, between points in AL, AR, FL, GA, KS, LA, MO, MS, NC, OK, SC, TN, and TX, restricted to the transportation of traffic destined to the facilities of Western Auto Supply Co., Inc. (Hearing site: Kansas City, MO.)

MC 59531 (Sub-114F), filed April 30, 1979. Applicant: AUTO CONVOY CO., 3020 South Haskell, Dallas, TX 75223. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Transporting *motor vehicles*, (except trailers), in secondary movements, in truckaway service, from Port Allen and Baton Rouge, LA, to points in KS, MO, NE, and OK. (Hearing site: Washington, DC.)

MC 67450 (Sub-84F), filed April 25, 1979. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *malt beverages* (except commodities in bulk), from Evansville, IN, Newport, KY, LaCrosse, WI, and St. Paul, MN, to points in IL, IN, MN, and WI (Hearing site: Chicago, IL, or St Paul, MN.)

MC 82841 (Sub-275F), filed May 7, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "T" St., Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting *portable hog feeding units*, from Borger, TX, to points in AL, AR, GA, FL, KY, LA, MD, MS, NC, ND, OK, SC, SD, TN, VA, and WV. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 82841 (Sub-258F), filed May 7, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "T" St., Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting *irrigation systems*, from Denver and Aurora, CO, and Tifton and Atlanta, GA, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 85811 (Sub-12F), filed April 24, 1979. Applicant: AMSCO TRANSPORTATION, INC., 10560 Mykawa Road, P.O. Box 33280, Houston, TX 77033. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *iron and steel articles*, from points in KS and MO, to points in AR, LA, NM, OK, and TX. (Hearing site: Kansas City, MO.)

MC 95540 (Sub-1104F), filed April 26, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *frozen foods*, between the facilities of Louisville, Freezer Center, at or near Louisville, KY, on the one hand, and, on the other, points in FL, GA, and AL. (Hearing site: Louisville, KY, or Washington, DC.)

MC 95540 (Sub-1105F), filed April 26, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *such commodities as are dealt in by mail order, grocery, and food business houses* (except commodities in bulk, in tank vehicles), from points in MN and WI, to points in AL, CA, FL, GA, LA, MS, NC, SC, TN, TX, and VA. (Hearing site: Milwaukee, WI, or Washington, DC.)

MC 95540 (Sub-1106F), filed April 27, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: (same address as applicant). Transporting *chemicals, cleaning, scouring and washing compounds, liquid plastic, defoaming compounds, ink, plastic sheeting, laminating machinery, and parts for laminating machinery* from points in IN, IL, TX, NY, NJ, MA, MS and VA. (Hearing site: Los Angeles, CA; Washington, DC; Tampa, FL.)

MC 104430 (Sub-57F), filed May 1, 1979. Applicant: CAPITAL TRANSPORT CO., INC., P.O. Box 408, Highway 24 West, McComb, MS 39648. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from Montgomery, AL, to points in MS. (Hearing site: Jackson, MS, Fort Worth, TX, or Washington, DC.)

MC 108341 (Sub-144F), filed April 26, 1979. Applicant: MOSS TRUCKING COMPANY, INC. 3027 N. Tryon St., P.O. 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *environmental control equipment, and parts for environmental control equipment*, and (2) *materials, equipment, and supplies* used in the distribution and manufacture of the commodities in (1) above, (except commodities in bulk), between Charlotte, NC, on the one hand, and, on the other, those points in the United

States in and east of MN, IA, MO, AR, and LA. (Hearing site: Charlotte NC or Washington, DC.)

MC 108341 (Sub-151F), filed May 3, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting *iron and steel articles*, from the facilities of AZCO Steel Company, at or near Harrison and Saddle Brook, NJ, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: New York, NY, or Washington, DC.)

MC 109490 (Sub-13F), filed May 2, 1979. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 43, Union Center, WI 53962. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting (1) *such commodities as are dealt in by manufacturers or distributors of* (a) dry cell batteries, (b) flashlights, (c) lanterns, and (d) lighting fixtures, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of ESB Incorporated, Ray-O-Vac-Division. (Hearing site: Madison, WI, or Chicago, IL.)

MC 117820 (Sub-31F), filed April 30, 1979. Applicant: AURELIA TRUCKING CO., a corporation, 2121 Petit Ave., Port Huron, MI 48060. Representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Transporting *such commodities as are dealt in by chain grocery and food business houses*, (except commodities in bulk, in tank vehicles) equipped with mechanical refrigeration, between points in IL, IN, MA, MI, MN, NC, NY, OH, PA, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC or Chicago, IL.)

MC 117940 (Sub-327F), filed April 16, 1979. Applicant: NATIONWIDE CARRIERS, INC. P.O. Box 104, Maple Plain, MN 55359. Representative: Allan Timmerman, 5300 Highway 12, Maple Plain, MN 55349. Transporting *such commodities as are dealt in or used by automotive supply and household appliance stores*, (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and those requiring the use of special equipment), between those

points in the United States in and east of MN, IA, MO, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Western Auto Supply Company. (Hearing site: Kansas City, MO.)

MC 117940 (Sub-333F), filed April 25, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *foodstuffs* (except commodities in bulk), from the facilities of Big Stone, Inc., at (a) Arlington and Ortonville, MN, and (b) Bloomer, WI, to points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MN, MO, MT, NE, NM, NC, ND, OK, SC, SD, TN, TX, and WI, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Minneapolis or St. Paul MN.)

MC 119630 (Sub-23F), filed May 4, 1979. Applicant: VAN TASSEL, INC., 5th and Grand, Pittsburg, KS 66762. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *plastic pipe*, from Booneville, MS, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 115841 (Sub-708F), filed May 3, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Part Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting *margarine, shortening, salad oil, bacon bits, powdered milk, and butter*, (except commodities in bulk), from Fort Worth, TX, to points in AL, AR, FL, GA, LA, MS, and TN. (Hearing site: Fort Worth, TX, or Washington, DC.)

MC 121060 (Sub-104F), filed April 26, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *refractories*, from the facilities of Corhart Refractories Co., Division of Corning Glass Works, at Pascagoula, MS, to points in IL, IN, MI, OH, and PA. (Hearing site: New Orleans, LA.)

MC 127840 (Sub-96F), filed April 30, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *petroleum, petroleum products, and chemicals*, between the facilities of

Calgon Corp., at or near Pasadena, TX, on the one hand, and, on the other, points in the United States (except AK, HI, and TX). (Hearing site: Chicago, IL.)

MC 127840 (Sub-98F), filed April 30, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *plastic pellets*, from Denver, CO, to points in CO and UT. (Hearing site: Chicago, IL.)

MC 129790 (Sub-11F), filed April 23, 1979. Applicant: JOSEPH A. BECKER, d.b.a. BECKER HI-WAY FRATE, 121 Adams Street, Albert Lea, MN 56007. Representative: Robert S. Lee, 100 First National Bank, Minneapolis, MN 55402. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from Clifton, NJ, to points in IL, IN, IA, MI, MN, NE, OH, and WI, under continuing contract(s) with Globe Products, Co., Inc., of Clifton, NJ. (Hearing site: Minneapolis, MN.)

MC 133330 (Sub-18F), filed May 4, 1979. Applicant: HALVOR LINES, INC., P.O. Box 6087, Duluth, MN 55806. Representative: William D. Vinje (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (except in bulk), (1) from the facilities of Jenos, Inc., at (a) Duluth, MN, and (b) Superior, WI, to points in CO, CT, DE, IN, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VT, and DC, and (2) from the facilities of Jenos, Inc., at Sodus, MI, to points in CO and NE, under continuing contract(s) with Jenos, Inc., of Duluth, MN. (Hearing site: Duluth or Minneapolis, MN.)

MC 134131 (Sub-9F), filed April 30, 1979. Applicant: R. & S. TRANSIT, INC., 1323 W. Locust, Springfield, MO 65803. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *meats, meat products, and meat byproducts and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides, and commodities in bulk), from the facilities of (1) Foremost Packing Company, at or near East Moline, IL, (2) Kohrs Cold Storage, at or near Davenport, IA, and, (3) Clinton Packing Company, at or near Clinton, MO, to Stockton, CA. (Hearing site: Kansas City, MO.)

MC 134601 (Sub-11F), filed May 4, 1979. Applicant: GOOSE CREEK TRANSPORT, INC., R.D. #1, Ashville, NY 14710. Representative: Ronald W.

Malin, Bankers Trust Building, Jamestown, NY 14701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (except frozen commodities and commodities in bulk), from Dunkirk, NY, to points in CO, IL, IA, KS, MO, NE, OK, and TX, under continuing contract(s) with Cliffstar Corporation, of Dunkirk, NY. (Hearing site: Buffalo, NY.)

MC 134940 (Sub-7F), filed May 7, 1979. Applicant: VERNON KUFUHL, d.b.a. KUFUHL TRUCKING, 4704 North 32nd Ave., Wausau, WI 54401. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers, converters, and printers of paper products, (except commodities in bulk), (a) between the facilities of Georgia Pacific Corporation, at or near Gary, IN, on the one hand, and, on the other, points in MN and WI, (b) between the facilities of Georgia Pacific Corporation, at or near Taylorville, IL, on the one hand, and, on the other, points in MN, WI, MI, and IN, and (c) between the facilities of Georgia Pacific Corporation, at or near Tomahawk, WI, on the one hand, and, on the other, points in MN, WI, IA, MO, IL, MI, IN, KY, OH, VA, WV, MD, PA, DE, NY, NJ, RI, CT, MA, VT, NH, ME, and DC, under continuing contract(s) with Georgia Pacific Corporation. (Hearing site: Madison or Milwaukee, WI.)

MC 135070 (Sub-47F), filed April 26, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Amarillo, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Amarillo or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-48F), filed April 30, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foodstuffs*, from the facilities of Fearn International, Inc., at or near Chicago, IL, to those points in the United States in and east of MT, WY, CO, and NM (except KY, TN, MS,

AL, GA, NC, SC, and FL). (Hearing site: Chicago, IL, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-49F), filed April 30, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120.

Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *frozen foods*, (except in bulk), from the facilities of Rich Products Corp., at or near Appleton and Green Bay, WI, to points in CA. (Hearing site: Buffalo, NY, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-50F), filed April 30, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *meats, meat products and meat by products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near Montgomery, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Chicago, IL, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-51F), filed April 30, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501.

Transporting *foodstuffs*, from the facilities of Fearn International, Inc., at or near Los Angeles, CA, to points in OR, WA, ID, UT, NM, AZ, and TX. (Hearing site: Chicago, IL, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-57F), filed May 7, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foodstuffs*, (except in bulk), from the facilities used by Foodways National, Inc., at or near (a) Wethersfield and Hartford, CT, and (b) New Paltz, NY, to points in CA, KS, and TX. (Hearing site: Hartford, CT or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135231 (Sub-31F), filed May 4, 1979. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 East, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118.

Transporting *wallboard, fibreboard, pulpboard, and strawboard*, from International Falls, MN, to points in IA, IL, IN, KS, MI, MN, NY, OH, and PA. (Hearing site: St. Paul, MN.)

Note.—Dual operations may be involved.

MC 135861 (Sub-49F), filed April 17, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *food products*, in vehicles equipped with mechanical refrigeration, from Thornton, IL, to points in OK and TX, under continuing contract(s) with Specialty Brands, Inc., of South San Francisco, CA. (Hearing site: Dallas, TX, or San Francisco, CA.)

MC 136511 (Sub-47F), filed April 30, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh, St. NW, Washington, DC 20001. Transporting *such commodities* as are dealt in by chain grocery and food business houses, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, AZ, CT, FL, GA, IA, ID, IL, IN, KS, KY, MA, MD, MI, MN, MO, MS, NC, NE, NJ, NY, OH, PA, SC, TN, TX, UT, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc., of Chicago, IL. (Hearing site: Washington, DC, or Chicago, IL.)

MC 138941 (Sub-33F), filed April 26, 1979. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, CA 91766. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wrapping paper*, from the facilities of Northern Packing Co., at or near Rochester, NY, to points in CA, CO, IA, OH, and TN, under continuing contract(s) with Northern Packing Co., of Rochester, NY. (Hearing site: New York, NY or Washington, DC.)

MC 140241 (Sub-51F), filed April 30, 1979. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. Transporting *building materials* (except commodities in bulk), from the facilities of Bird & Son, Inc., at or near Shreveport, LA, to points in CO, KS, MO, OK, and TX. (Hearing site: New Orleans, LA or Kansas City, MO.)

MC 142920 (Sub-3F), filed April 27, 1979. Applicant: OLIVER TRUCKING CORP., 2203 West Oliver Avenue, Indianapolis, IN 46221. Representative: Morton E. Kiel, suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of audio, communications, educational, and entertainment equipment and materials, (except commodities in bulk), (1) between points in CT, NY, NJ, and PA, on the one hand, and, on the other, points in IN, IL, and CA, (2) between points in IN and IL, on the one hand, and, on the other, points in CA, and (3) between points in IN, on the one hand, and, on the other, points in IL, under continuing contract(s) with MCA Distributing Corp., of Universal City, CA. (Hearing site: New York, NY.)

MC 143570 (Sub-12F), filed May 1, 1979. Applicant: D & G TRUCKING, INC., 4420 East Overland Road, Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *chemicals* (except liquid commodities in bulk, in tank vehicles), (1) from points in CA, NV, and UT, Lincoln, Sweetwater, and Uinta counties, WY, and Billings, MT, to points in OR and WA, (2) from points in CA and UT, and Billings, MT, to those points in ID on or south of the southern boundary line of Idaho County, (3) between points in ID on or south of the southern boundary line in Idaho County, on the one hand, and, on the other, points in OR and WA, (4) from points in ID on or south of the southern boundary line of Idaho County to points in NV, (5) from points in ID on or south of the southern boundary line of Idaho County and points in Davis, Weber, Salt Lake, Tooele, and Grand Counties, UT, to points in CA, (6) from points in CA to points in CA to points in UT, and (7) from the port of entry on the international boundary line between the United States and Canada at Porthill, ID, to points in OR and WA, and those points in ID on or south of the southern boundary line of Idaho County restricted in (7) to the transportation of traffic moving in foreign commerce only. (Hearing site: Boise, ID or Portland, OR.)

MC 145220 (Sub-9F), filed April 27, 1979. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *crude peanut oil*, in bulk, in tank vehicles from Hershey, PA, to Graceville, FL, and New Orleans, and

St. Rose, LA. (Hearing site: Atlanta, GA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145341 (Sub-5F), filed April 30, 1979. Applicant: NORTH CENTRAL DISTRIBUTING CO., Box 5453, University Station, Fargo, ND 58105. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. To operate as a *common carrier*, by motor vehicle in foreign commerce only, over irregular routes, transporting *crushed vehicles and scrap metal*, from points in MN and ND, to ports of entry on the international boundary line between the U.S. and Canada at points in MN and ND. (Hearing site: Fargo, ND.)

MC 145441 (Sub-35F), filed April 16, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey, P.O. Box 5130, North Little Rock, AR 72119. Transporting (1) *gloves, pottery, candles, printed forms and cartons, glass and glassware, television and cathode ray tubes, aluminum kitchenware, rubber and plastic articles, foodstuffs, and automotive accessories and parts*, (except commodities in bulk), from the facilities used by Lancaster Colony Corporation, Abco Industries, August Barr Incorporated, Barr Incorporated, Barr Southwest, Candle-Lite, Inc., Christian & Company, Inc., Colony Printing & Labeling, Inc., Enterprise Aluminum Company, Indiana Glass Company, Jackson Corporation, Koneta Rubber Company, Lancaster Glass Company, Loma Corporation, T. Marzetti Company, National Glove, Inc., The Nelson McCoy Pottery Company, New York Frozen Foods, Inc., Pretty Products, Inc., and Quality Bakery Company, Inc., at points in OH and IN, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, and (2) *materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above* (except commodities in bulk), in the reverse direction. (Hearing site: Columbus, OH; Little Rock, AR.)

Note.—Dual operations may be involved.

MC 145411 (Sub-38F), filed May 4, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey (same address as applicant). Transporting *foodstuffs* (except in bulk), from Ripon, Salinas, Watsonville, and Fullerton, CA, to points in CT, FL, IL, MA, MI, MO, NJ, NY, NC, OH, TN, TX, and WI. (Hearing site: New York, NY, or Little Rock, AR.)

Note.—Dual operations may be involved.

MC 146020 (Sub-2F), filed January 9, 1979, previously published in **Federal Register** issue of April 16, 1979. Applicant: STEVE PAPPAS, d.b.a. PAPPAS BUILDERS SUPPLY, 3475 South 700 West, Murray, UT 84115. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asbestos roofing products, asphalt roofing products, insulation, and vinyl building products*, from Portland, OR, Cody, WY, Denver, CO, and points in CA, to points in UT, under continuing contract(s) with Bird & Son, Inc., of East Walpole, MA. (Hearing site: Salt Lake City, UT, or Washington, DC.)

Note.—This republication shows Cody, WY, Denver, CO, and points in CA, as origin points.

MC 146181 (Sub-3F), filed May 3, 1979. Applicant: NORTHEAST TRANSPORT CO., Division of MS Industries, Inc., P.O. Box 1252, Secaucus, NJ 07094. Representative: Rick A. Rude, 1730 Rhode Island Avenue N.W., Suite 801, Washington, DC 20036. Transporting *such commodities* as are dealt in by manufacturers and wholesalers of (a) waste paper, (b) scrap paper products, (c) paper articles, and (d) publications, between Lyndhurst, NJ, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV, and DC. (Hearing site: Newark, NJ, or Washington, DC.)

Note.—Dual operations may be involved.

MC 146300 (Sub-2F), filed April 26, 1979. Applicant: J-LOR TRUCKING, 15232 Southeast 272nd, Kent, WA 98031. Representative: Michael D. Duppenhaler, 211 South Washington Street, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate and foreign commerce over irregular routes, transporting *wine and malt beverages*, (except commodities in bulk, in tank vehicles), (1) between points in CA, on the one hand, and on the other, Grants Pass, Salem, and Portland, OR, and Seattle, WA, and (2) from Seattle, WA, to Grants Pass, Salem, and Portland, OR, under continuing contract(s) with Henny Hinsdale Wine Imports, of Salem, OR. (Hearing site: Seattle, WA.)

MC 146991 (Sub-2F), filed April 19, 1979. Applicant: SILICA SAND TRANSPORT, INC., Box 208, Routes 47 and 71, Yorkville, IL 60560. Representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, IL 60601. Transporting (1) *sand*, in bags, from the facilities of Ottawa Silica Company, at Ottawa, IL, to points in WI restricted to the transportation of traffic originating

at the named facilities and destined to the indicated destinations, (2) *silica sand*, from the facilities of Wedron Silica Company at or near (a) Wedron, IL, (b) Glen Rose, TX, (c) Sewanee, TN, (d) Emmett, ID, and (e) Lake Majella, CA, to points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at the named facilities and destined to the indicated destination, (3) *sand* (except resin sand), from points in LaSalle County, IL, to points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at the facilities of Ottawa Silica Company and Wedron Silica Company and destined to the indicated destinations, (4) *sands*, from the facilities of Wedron Silica Company at or near (a) Whitehead, SC, and (b) Brentwood, CA, to points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations, (5) *sand and foundry aggregates*, from points in AL, FL, IL (except Oregon), IN (except Michigan City), IA, MI (except Bridgman), MO, NJ, NY, NC, OH, OK, SD, TN, WA, WI (except Berlin and Portage), and WY, to points in IL, IN, IA, and WI, restricted to the transportation of traffic originating at the facilities of Harold G. Bos, d.b.a. Bos Sand Co., and destined to the indicated destinations, (6) *silica sand*, in bulk, in tank vehicles, from the facilities of Morton Chemical Company, Division of Morton Norwich Products, Inc. at or near (a) Calhoun, GA, and (b) Greenville, TN, to Ringwood, IL, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations, (7) *sand*, in bulk, from the facilities of Hardy Sand Co., in (a) Benton County, TN, and (b) Tuscaloosa County, AL, to points in TN, IN, KY, GA, MO, KS, OH, PA, AL, MS, AR, and IL, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destination, (8) *foundry aggregates and additives*, from those points in the U.S. on and east of U.S. Hwy 85 to points in IL, MI, IN, and OH, restricted to the transportation of traffic originating at the facilities of Keener Sand and Clay Co., and destined to the indicated destinations. (Hearing site: Chicago, IL.)

Note.—The purpose of the application is to convert contract carrier authority to that of a common carrier. The permits will be surrendered if the authority sought is granted. Dual operations may be involved.

MC 147160F, filed April 30, 1979. Applicant: SCHILL TRUCKING SERVICE, INC., Route 3, St. Cloud, MN 56301. Representative: Stanley C. Olsen,

Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. Transporting *corn gluten meal and corn gluten feed*, from Cedar Rapids, Keokuk, and Muscatine, IA, and Chicago, IL, to points in MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 147170F, filed April 23, 1979. Applicant: KENNETH DUCKER, d.b.a. K & L TRUCK SERVICE, 19821 Valley Boulevard, Walnut, CA 91789. Representative: Milton W. Flack, 4311 Wilshire Boulevard, No. 300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic materials* (except commodities in bulk), from points in TX, to points in CA, under continuing contract(s) with Bolcof Plastics Inc., of Azusa, CA. (Hearing site: Los Angeles, CA.)

MC 148050F, filed March 6, 1979. Applicant: L & J MOTOR LINES, INC., Route 5, Box 433, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *insulating materials*, from Port Allegany, PA, to points in GA, NC, SC, and VA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 148051F, filed March 1, 1979. Applicant: FELTON PEARSON CO., a corporation, 3358 Moreland Avenue SE., Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *auto body repair tools and products, auto cleaning, polishing, and waxing compounds, polyester resin, resin products, glue, and adhesive compounds* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Dynatron/Bondo Corporation, at or near (a) Atlanta, GA, (b) Anaheim, CA, and (c) Northford, CT, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Dynatron/Bondo Corporation, of Atlanta, GA. (Hearing site: Atlanta, GA.)

Note.—(1) The person or persons who appear to be engaged in common control between applicant and another regulated carrier must either file an application under 49 U.S.C. 11343 (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is necessary. (2) Dual operations may be involved.

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Decided: September 5, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 5227 (Sub-50F), filed April 24, 1979. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *iron and steel articles*, from Chicago, IL, to Marianna, AR. (Hearing site: Minneapolis, MN, or Omaha, NE.)

MC 5227 (Sub-51F), filed April 24, 1979. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *iron and steel articles*, from St. Louis, MO, to Muscatine, IA. (Hearing site: Muscatine, IA, or Omaha, NE.)

MC 11207 (Sub-480F), filed April 26, 1979. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *tanks, and iron and steel articles*, between Cordova, AL, on the one hand, and, on the other, points in DE, IL, IN, MI, PA, VA, and WV. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 11207 (Sub-481F), filed April 26, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *iron and steel articles*, from Fort Lauderdale, Fort Myers, Indiantown, Jacksonville, Miami, Orlando, and Tampa, FL, to points in AL, AR, GA, KY, LA, MS, NC, OK, SC, TN, and TX. (Hearing site: Tampa, FL, or Washington, DC.)

MC 11207 (Sub-482F), filed April 26, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *iron and steel articles*, between Sumiton, AL, on the one hand, and, on the other, points in IL, IN, OH, PA, VA, and WV. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 11207 (Sub-483F), filed April 23, 1979. Applicant: DEATON, INC., P.O. Box 938, Birmingham, AL 35201. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *General commodities* (except commodities in bulk, in tank vehicles), between the facilities of Henderson County Riverport Authority at points in Henderson County, KY, on the one hand, and, on the other, points in TX,

OK, MO, AR, LA, KY, TN, MS, AL, WV, VA, NC, SC, GA and FL. (Hearing site: Louisville, KY, or Evansville, IN.)

MC 11207 (Sub-484F), filed April 30, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting (1) *Containers, container ends, and closures*, (2) *commodities manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers*; and (3) *materials, equipment and supplies used in the manufacture and distribution of containers, container ends and closures* (except commodities in bulk) between points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of National Can Corporation. (Hearing site: Chicago, IL, or Washington, DC.)

MC 11207 (Sub-485F), filed April 26, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *aluminum and aluminum articles; copper and copper articles; zinc, zinc articles, and zinc dust; and waste and scrap materials*, (except commodities in bulk), between the facilities of Southern Zinc at or near East Point, GA, on the one hand, and, on the other, points in AL, FL, LA, OK, SC, and TX. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 11207 (Sub-486F), filed April 25, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. box 938, Birmingham, AL 35201. Representative: Kim D. Mann, suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting (1) *building materials*, and (2) *materials and supplies used in the manufacture of building materials*, (except commodities in bulk), between the facilities of GAF Corporation at or near Dallas, TX, Mobile, AL, Savannah, GA, and Tampa, FL, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, VA, and WV. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 11207 (Sub-487F), filed April 26, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *steel drums*, from Birmingham, AL, to points in IL, IN, MI, PA, and OH. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 11207 (Sub-488F), filed April 30, 1979. Applicant: DEATON, INC., 317

Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *machinery, machinery parts, and accessories for machinery*, from Meridian, MS, to points in AL, AR, IN, FL, GA, KY, LA, NC, OH, SC, TN, TX, VA, and WV. (Hearing site: Jackson, MS, or Washington DC.)

MC 11207 (Sub-489F), filed April 26, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *iron and steel articles*, between Birmingham, AL, on the one hand, and, on the other, points in IL, IN, OH, PA, VA, and WV. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 19157 (Sub-54F), filed April 24, 1979. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R. D. 3, Box 4, Campbell Road, Schenectady, NY 12306. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *general commodities* (except in bulk, in tank vehicles), between the facility of the Henderson County Riverport Authority at points in Henderson County, KY, on the one hand, and, on the other, points in LA and MS. (Hearing site: Louisville, KY or Evansville, IN.)

MC 41406 (Sub-138F), filed April 24, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, IN 46323. Transporting *iron and steel articles, and materials supplies, and equipment*, used in the manufacture of iron and steel articles, between Guntersville, AL, Michigan City, IN, and Carlville, IL, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, and WI. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 41406 (Sub-139F), filed April 24, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, IN 46323. Transporting: (1) *Automobile and truck parts and accessories*, and (2) *materials, supplies and equipment*, used in the manufacture of the commodities named in (1) above, between Fredericksburg, VA, on the one hand, and, on the other points in the United States (except AK and HI).

(Hearing site: Dayton, OH, or Chicago, IL.)

MC 42537 (Sub-61F), filed April 29, 1979. Applicant: CASSENS TRANSPORT COMPANY, P.O. Box 468, Edwardsville, IL. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *Motor vehicles*, in truckaway service, between Belvidere, IL, on the one hand, and, on the other, points in NE and SD. (Hearing site: Detroit, MI.)

MC 59117 (Sub-71F), filed April 26, 1979. Applicant: ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *spent catalyst*, in bulk, in tank trailers, from points in OK, to points in AL, AR, CO, GA, IA, IL, IN, KS, LA, MN, MO, MS, NE, NM, TN, TX, and WI. (Hearing site: Dallas, Tx.)

MC 63417 (Sub-201F), filed April 26, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *plumber goods, vanities, and vanity cabinets*, from Ford City, PA, and Salem, OH, to points in AL, GA, NC, SC, TN, and VA. (Hearing site: Roanoke, VA or Pittsburgh, PA.)

MC 63417 (Sub-202F), filed April 26, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *wooden doors*, from Mobile, AL, to points in FL, GA, IL, IN, MI, NC, SC, and TX. (Hearing site: Roanoke, VA, or Mobile, AL.)

MC 89617 (Sub-21F), filed April 27, 1979. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 1494, Conway, SC 29526. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *building and roofing materials*, (except commodities in bulk), from the facilities of Bird & Son, Inc., at or near Charleston Heights, SC, to points in FL, GA, NC, and VA. (Hearing site: Charleston or Columbia, SC.)

MC 100666 (Sub-458F), filed April 27, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *such commodities as are dealt in or used by agricultural, industrial and construction equipment dealers* (except commodities in bulk), from the facilities of Badger Northland, Inc., at or near

Kaukauna, WI, to points in AL, AR, FL, GA, KS, KY, LA, MS, MO, NM, NC, OK, SC, TN, and TX. (Hearing site: Chicago, IL.)

MC 100666 (Sub-459F), filed April 24, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *asphalt roofing and building and insulating materials*, (except iron and steel articles and commodities in bulk), between the facilities of CertainTeed Corporation at points in Chatham County, GA, on the one hand, and, on the other hand, points in AL and MS. (Hearing site: Atlanta, GA.)

MC 100666 (Sub-461F), filed April 25, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *air conditioning and heating units*, between points in Davidson County, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Nashville, TN.)

MC 100666 (Sub-462F), filed April 25, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *asphalt roofing, building and insulating materials*, (except iron and steel articles and commodities in bulk), between the facilities of CertainTeed Corporation at points in Granville County, NC, on the one hand, and, on the other hand, points in KY, TN and WV. (Hearing site: Atlanta, GA.)

MC 111936 (Sub-17F), filed April 26, 1979. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *wire*, from the facilities of Merit Steel Company, at or near Kouts, IN, to High Point, NC. (Hearing site: Washington, DC, or Charlotte, NC.)

MC 115826 (Sub-450F), filed April 24, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore, 6015 East 58th Ave., Commerce City, CO 80022. Transporting *frozen foods*, from Plover, WI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VT, VA, WV and DC. (Hearing site: Denver, CO.)

MC 115826 (Sub-452F), filed April 24, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore, 6015 East 58th Ave., Commerce City, CO 80022. Transporting *cleaning, washing, buffing and polishing compounds, textile softeners, lubricants, hypochlorite solutions, deodorants, disinfectants, and paints*, (except commodities in bulk), (1) from Joliet, IL to points in ND, SD, WY, CO, CA, MN, NE, IA, KS, TX, NJ, MA, NY, IN, OH and PA, (2) from Avenel, NJ, to points in IL, MI, PA, KS, OH, and IN, (3) from points in CA, to points in AZ and NV, and (4) from Garland, TX, to points in CO, restricted in (1) through (4) above to the transportation of traffic originating at the facilities of Economics Laboratory, Inc., at the named origins and destined to the indicated destinations. (Hearing site: Denver, CO.)

MC 116457 (Sub-42F), filed April 23, 1979. Applicant: GENERAL TRANSPORTATION INCORPORATED, 1804 South 27th Ave., P.O. Box 6484, Phoenix, AZ 85005. Representative: D. Parker Crosby, 1804 South 27th Ave., P.O. Box 6484, Phoenix, AZ 85005. Transporting (1) *prefabricated metal buildings, knocked down*, and (2) *component parts, materials and accessories for prefabricated metal buildings*, from points in Utah County, UT, to points in AZ, NM, CA, NV, ID, OR and WA. (Hearing site: Phoenix, AZ.)

MC 117686 (Sub-264F), filed April 23, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, IA 51102. Transporting *chain saws, snow-throwers, and garden, lawn, turf and golf course care equipment*, from the facilities of the Toro Company at (a) Minneapolis, and Windom, MN, and (b) Tomah, WI, to points in AZ, CA, CO, NV, OK, OR, TX, UT, and WA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Minneapolis, MN, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 118866 (Sub-14F), filed April 24, 1979. Applicant: Paul L. Zamberlan & Sons, Inc., P.O. Box 15, Lewis Run, PA 16738. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005. Transporting *pipe*, from Bradford, PA, to points in ME, NH, VT, MA, CT, RI, NJ, DE, MD, VA, DC, NC, IL, IN, MI, and TN. (Hearing site: Pittsburgh, PA.)

MC 119777 (Sub-370F), filed April 25, 1979. Applicant: LIGON SPECIALIZED

HAULER, INC., Highway 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities* (except commodities in bulk, in tank vehicles), between The Henderson County Riverport Authority Facility at points in Henderson County, KY, on the one hand, and, on the other those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Louisville, KY or Evansville, IN.)

MC 123407 (Sub-569F), filed April 24, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr., Sawyer Center, Route 1, Chesterton, IN 46304. Transporting *montmorillonite clay and lignite coal*, from points in Crook County, WY, and Phillips County, MT, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 125777 (Sub-244F), filed April 25, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Transporting *lime and limestone products*, in bulk, from points in Delaware and Crawford Counties, OH, to points in IN, KY, MI, NY, PA, WV, and Chicago, IL. (Hearing site: Chicago, IL.)

MC 128527 (Sub-131F), filed April 24, 1979. Applicant: MAY TRUCKING COMPANY, a corporation, P.O. Box 400, Payette, ID 83661. Representative: J. Michael Alexander, 136 Wynnewood Professional Bldg., Dallas, TX 75224. Transporting *iron and steel articles*, from points in OR, to points in CA and UT. (Hearing site: Boise, ID, or Portland, OR.)

MC 129387 (Sub-94F), filed April 27, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 1271, Huron, SD 57350. Transporting *such commodities as are dealt in by chain grocery and food business houses*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in AZ, GA, IA, ID, IL, IN, KS, KY, MI, MN, MO, MS, MT, NC, ND, NE, NY, OH, PA, SD, TN, UT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 134477 (Sub-340F), filed April 25, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118.

Transporting *wearing apparel and accessories, materials and supplies used in the distribution of wearing apparel*, from Brooklyn Park, MN, to Philadelphia, PA, and points in NJ and OH. (Hearing site: St. Paul, MN.)

MC 135326 (Sub-15F), filed April 27, 1979. Applicant: SOUTHERN GULF TRANSPORT, INC., 4277 North Market Street, P.O. Box 7959, Shreveport, LA 71107. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Transporting *aluminum sulfate liquid*, from Shreveport, LA, to points in AR, OK, and TX. (Hearing site: Dallas, TX.)

MC 135326 (Sub-16F), filed April 25, 1979. Applicant: SOUTHERN GULF TRANSPORT, INC., 4277 North Market Street, P.O. Box 7959, Shreveport, LA 71107. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Transporting (1) *building and roofing materials*, and (2) *materials and supplies used in the manufacture, distribution, and installation of the commodities described in (1) above*, (except commodities in bulk), between Shreveport, LA, on the one hand, and, on the other, points in AR, OK, and TX. (Hearing site: Dallas, TX.)

MC 135326 (Sub-17F), filed April 24, 1979. Applicant: SOUTHERN GULF TRANSPORT, INC., 4277 North Market Street, P.O. Box 7959, Shreveport, LA 71107. Representative: M. D. Wood, 2500 McCain Place, Suite 103, North Little Rock, AR 72116. Transporting *construction materials, and materials and supplies used in the manufacture and distribution of construction materials*, (except commodities in bulk), from Orleans and Jefferson Parishes, LA, to points in AR, OK, and TX. (Hearing site: Little Rock, AR, or Dallas, TX.)

MC 135797 (Sub-198F), filed April 23, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., P.O. Box 130, Lowell, AR 72745. Transporting *evaporated milk* (except in bulk), from the facilities of Carnation at or near Mt. Vernon, MO, to points in AR, CO, IA, KS, LA, MN, NE, ND, OK, TN, TX, SD, and WI. (Hearing site: Joplin, MO, or Washington, DC.)

MC 135797 (Sub-199F), filed April 25, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., P.O. Box 130, Lowell, AR 72745. Transporting *unbleached flour*, from Cortex, CO, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 135797 (Sub-200F), filed April 25, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., P.O. Box 130, Lowell, AR 72745. Transporting (1) *paper and paper products*, and (2) *materials, supplies and equipment*, used in the manufacture and distribution of paper and paper products (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to facilities used by the Scott Paper Company. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 135797 (Sub-201F), filed April 25, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., P.O. Box 130, Lowell, AR 72745. Transporting *such commodities as are dealt in by wholesale and retail grocery houses* (except commodities in bulk), from Byhalia, MS, to points in GA, IL, IN, KS, LA, MD, MO, NC, OH, SC, TX, VA, and WI, and (2) from Rialto, CA, to points in CO, IA, ID, MS, MT, NM, OK, OR, TX, and WA. (Hearing site: Washington, DC.)

MC 135797 (Sub-204F), filed April 24, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., P.O. Box 130, Lowell, AR 72745. Transporting *foodstuffs*, from points in Washington County, OR, to points in AR, CO, and OK. (Hearing site: Portland, OR, or Washington, DC.)

MC 136077 (Sub-13F), filed April 24, 1979. Applicant: REBER CORPORATION, a corporation, 2216 Old Arch Road, Norristown, PA 19401. Representative: Sheri B. Friedman, 1600 Land Title Building, 100 South Broad Street, Philadelphia, PA 19110. Transporting *lime, limestone, and lime, and limestone products*, from Plymouth Meeting, PA, to those points in NJ north of NJ Hwy 33, and points in NY, VA, and WV. (Hearing site: Philadelphia, PA.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) [formerly Section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary within 20 days after publication.

MC 136786 (Sub-154F), filed April 25, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, IA 50321. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Blvd., Minneapolis, MN 55416. Transporting *such commodities as are dealt in or used by retail stores*

(except commodities in bulk), from Seattle, WA, points in CA, and those points in the United States in and east of MN, IA, IL, KY, TN, and MS, to points in CA, IL, IA, KS, NE, NV, and TX, restricted to the transportation of traffic destined to the facilities of Ardan Wholesale, Inc. (Hearing site: Minneapolis, MN, or Des Moines, IA.)

MC 138157 (Sub-148F), filed April 26, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn, (same address as applicant). Transporting *air conditioners and air conditioning parts, equipment, materials and supplies*, between the facilities of Frigiking Division of Smith Jones, Inc., at or near Dallas, TX, on the one hand, and, on the other, points in the United States (except AK and HI) (except commodities in bulk and commodities which by reason of size or weight require the use of special equipment), restricted to the transportation of traffic originating at or destined to the facilities of Frigiking Division of Smith Jones, Inc., at or near Dallas, TX. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 138256 (Sub-19F), filed April 24, 1979. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal building materials*, from Sacramento, CA, to points in AZ, CO, ID, IL, IA, KS, NM, MT, NE, NV, MN, ND, OK, OR, SD, TX, UT, WA, and WY, under continuing contract(s) with A.S.C. Pacific, Inc. of Tacoma, WA. (Hearing Site: Seattle, WA, or Spokane, WA.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) [formerly Section 5(a) of the Interstate Commerce Act] or submit an affidavit indicating why such approval is unnecessary within 20 days after publication.

MC 138627 (Sub-62F), filed April 27, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting (1) *iron and steel articles* and (2) *materials, equipment, and supplies, used in the manufacture of iron and steel articles* (except commodities in bulk), between the facilities of North Star Steel Co. at Newport, MN, on the one hand, and, on the other, points in the United States

(except AK and HI). (hearing site: St. Paul, MN, or Chicago, IL.)

MC 140827 (Sub-13F), filed April 24, 1979. Applicant: MARKET TRANSPORT, LTD., 33 N. E. Middlefield Road, Portland, OR 97211. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. Transporting *foodstuffs*, from Kennewick and Grandview, WA, to points in OR, CA, AZ, NV, and CO. (Hearing site: Portland, OR, or Seattle, WA.)

MC 145947 (Sub-4F), filed April 24, 1979. Applicant: SHELTON D. SMITH, d.b.a. PROTOCOL TRUCKING CO., a Sole Proprietorship, P.O. Box 40961, Garland, TX 75040. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, TX 75201. To operate as a *contract carrier*, in interstate or foreign commerce, over irregular routes, transporting *drilling bits and oil well drilling tools*, between the facilities of Dresser Industries at Dallas, TX, on the one hand, and, on the other, points in LA, under a continuing contract or contracts with Dresser Industries, of Dallas, TX. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 146187 (Sub-7F), filed April 27, 1979. Applicant: THE TEN WHEELERS, INC., Route 2, Gregory Road, Greenback, TN 37742. Representatives: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401. Transporting (1) *packaged television sets* and (2) *parts for the commodities named in (1) above*, from the facilities of Toshiba America Corporation at Lebanon, TN, to points in CA, IL, LA, NY, PA, and TX. (Hearing site: Nashville or Lebanon, TN.)

MC 146416 (Sub-7F), filed April 29, 1979. Applicant: HERITAGE TRANSPORTATION COMPANY, 155 N. Eucla Ave. (P.O. Box 476), San Dimas, CA 91773. Representatives: R. Y. Schureman, II, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *drugs and toilet preparations*, from Union and Kenilworth, NJ, to points in CA. (Hearing site: Los Angeles, CA.)

MC 146516 (Sub-2F), filed April 25, 1979. Applicant: ALEXANDER TRUCKING, INC., 1209 South Woodland Drive, Dothan, AL 36301. Representatives: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *nonalcoholic beverages* (except in bulk, in tank vehicles), from the facilities of Shasta Beverages at or near Houston, TX, to points in LA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Houston or Dallas, TX.)

MC 146957 (Sub-2F), filed April 24, 1979. Applicant: DACIANO A. SANTOS, an individual, d.b.a. CONNECTICUT AIRPORT SERVICE, 17 Fairfield Avenue, Danbury, CT 06810. Representatives: John E. Fay, Esquire, 630 Oakwood Avenue, West Hartford, CT 06110. Transporting *passengers and their baggage*, in the same vehicle with passengers, between Bethel, Bridgewater, Brookfield, New Fairfield, Newtown, Redding, Ridgefield, Weston, Danbury, Naugatuck, Waterbury, and Bridgeport, CT, on the one hand, and on the other, LaGuardia and John F. Kennedy Airports, NY, and Newark International Airport, NJ. (Hearing site: Hartford or New Haven, CT.)

MC 147136F, filed April 24, 1979. Applicant: TOMORROW TRANSPORTS, INC., 1257 Central Avenue, Hamilton, OH 45011. Representatives: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. Transporting *plastic film and plastic sheeting*, (1) from Augusta, KY, to Los Angeles, CA, Greenwood, SC, Dallas, El Paso, Houston, San Antonio and Waco, TX, and Douglas, AZ, and (2) from Fresno, CA to El Paso, TX. (Hearing site: Columbus, OH, or Washington, DC.)

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Decided: September 12, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 8535 (Sub-83F), filed April 10, 1979, previously published in the FR of August 30, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW., Washington, DC 20036. Transporting (1) *cast iron products*, and (2) *materials and supplies* used in the manufacture and distribution of cast iron products (except commodities in bulk), (a) between Florence, NJ, on the one hand, and, on the other, points in AZ, CA, CO, GA, IL, IN, ID, IA, KS, MI, MN, MO, MT, NE, NV, NM, ND, OK, OR, SC, SD, TN, TX, UT, WA, WI, and WY; (b) between Lynchburg, VA, on the one hand, and, on the other, points in AZ, AR, CA, CO, GA, IL, IN, ID, IA, KS, MI, MN, MO, MT, NE, NV, NM, ND, OK, OR, SC, SD, TN, TX, UT, WA, WI, and WY; and (c) between Council Bluffs, IA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MD, MA, MI, ME, NJ, NY, NH, NC, OH, PA, RI, SC, VA, VT, WV, WI, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Republished to include cast iron products.

MC 10345, (Sub-100F), filed April 30, 1979. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 2400 West St. Joseph Street, P.O. Box 13006, Lansing, MI 48901. Representative: Albert F. Beasley, 311 Investment Building, 1511 K Street, NW., Washington, DC 20005. Transporting *automobiles*, in initial movements, in truckaway service, from Lansing, MI, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Washington, DC.)

MC 13134 (Sub-65F), filed April 30, 1979. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad Street, Suite 1800, Columbus, OH 43215. Transporting *iron and steel articles*, from the facilities of U.S. Steel Corporation, at or near Cleveland, Lorain, and Youngstown, OH, and Braddock, Clairton, Dravosburg, Duquesne, Homestead, Johnstown, McKeesport, McKees Rocks, Pittsburgh and Vandergrift, PA, to points in IL, IN and KY. (Hearing site: Pittsburgh, PA, or Columbus, OH.)

MC 13134 (Sub-66F), filed May 7, 1979. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St. Suite 1800, Columbus, OH 43215. Transporting *iron and steel articles*, (1) from the facilities of Jones & Laughlin Steel Corporation, at Cleveland, OH, to points in IN and KY, and (2) from the facilities of Jones & Laughlin Steel Corporation at Aliquippa and Pittsburgh, PA, to points in IL, IN, and KY. (Hearing site: Pittsburgh, PA, or Columbus, OH.)

MC 13134 (Sub-67F), filed May 8, 1979. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Transporting *refractory clay* (except in bulk), from Anniston, AL, to points in OH. (Hearing site: Columbus, OH.)

MC 19105 (Sub-54F), filed April 24, 1979. Applicant: FORBES TRANSFER COMPANY, INC., P.O. Box 3544, Wilson, NC 27893. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *pipe, pipe fittings, and materials and supplies* used in the installation of pipe and pipe fittings, from the facilities of Charlotte Pipe and Foundry Company, at Charlotte and Bakers, NC, to those points in VA on and east of US Hwy 29, and those points in GA on, north and west of a line commencing at the GA-SC border, thence south on US Hwy 29 to Athens, GA, thence south over US Hwy 129/441 to US Hwy 80, thence west on

US Hwy 80 to the AL-GA State line. (Hearing Site: Charlotte, NC.)

MC 17605 (Sub-4F), filed March 23, 1979, and previously noticed in the FR August 14, 1979. Applicant: RONALD E. WATSON, P.O. Box 217, Ross, OH 45061. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper articles (except commodities in bulk), between St. Louis, MO, and points in IL, IN, MI, OH, WI, and IA, under continuing contract(s) with Champion International Corporation, of Hamilton, OH. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—This republication is to correct the docket number.

MC 19105 (Sub-56F), filed May 4, 1979. Applicant: FORBES TRANSFER COMPANY, INC., P.O. Box 3544, Wilson, NC 27893. Representative: Lawrence E. Lindeman, 425 13th St. and Penn. Ave., NW., Suite 1032, Washington, DC 20004. Transporting *lumber*, (1) from points in SC to points in NC, VA, and MD, and (2) from points in GA to points in SC, NC, VA, and MD. (Hearing site: Charlotte, NC.)

MC 24784 (Sub-25F), filed May 8, 1979. Applicant: BARRY, INC., 463 South Water, Olathe, KS 66061. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO. Transporting *iron and steel articles*, from the facilities of Bull Moose Tube Company, at Gerald, MO, to points in AR, CO, IA, KS, LA, NE, OK and TX. (Hearing site: Kansas City, MO.)

MC 26825 (Sub-33F), filed April 26, 1979. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Mr. J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting *such commodities as are dealt in by retail and discount stores* (except household goods, foodstuffs, commodities in bulk, and those which by reason of size or weight require the use of special equipment), from Seattle, WA, and points in CA, to Omaha, NE. (Hearing site: Omaha, NE.)

MC 56244 (Sub-81F), filed May 7, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Representative: John M. Musselman, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. Transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, at or near Holland, MI, to points in MD, PA on and east of US Hwy 219, and

DC, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 59655 (Sub-20F), filed April 19, 1979. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, container ends and closures, (except commodities in bulk), between those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: New York, NY or Washington, DC.)

MC 60014 (Sub-116F), filed May 4, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *lumber, wood products, plywood, and particleboard*, from the facilities of California Cascade Industries in CA, OR, and WA, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

MC 61825 (Sub-99F), filed May 7, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V.C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting *new furniture and furniture parts*, (1) from South Boston, VA, to points in DE, and those points in PA on, south, and east of a line beginning at the PA-MD State line, and extending along U.S. Hwy 220 to junction Interstate Hwy 76, then along Interstate Hwy 76 to junction PA Hwy 75, then along PA Hwy 75 to junction PA Hwy 274, then along PA Hwy 274 to junction PA Hwy 34, then along PA Hwy 34 to junction U.S. Hwy 209, then along U.S. Hwy 209 to junction PA Hwy 309, then along PA Hwy 309 to junction PA Hwy 222, then along PA Hwy 222 to Allentown, PA, then along the Lehigh River to the Delaware River, those points in NJ on, south and west of a line beginning at Trenton, NJ, and extending along U.S. Hwy 206 to the Mercer-Burlington, NJ County line, then along the Mercer-Burlington County line to the Monmouth-Burlington County line, then along the Monmouth-Burlington County line to the Ocean-Burlington County line, then along the Ocean-Burlington County line to junction U.S. Hwy 9, then along U.S. Hwy 9 to Cape May, NJ, those points in NC on and east of a line beginning at junction the VA-NC State line and U.S. Hwy 52, and extending along U.S. Hwy 52 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction U.S. Hwy 21, then along U.S. Hwy 21 to

the NC-SC State line, and those points in SC on, north, and east of a line beginning at junction of the NC-SC State line and U.S. Hwy 601, and extending along U.S. Hwy 601 to junction SC Hwy 151, then along SC Hwy 151 to junction U.S. Hwy 52, then along U.S. Hwy 52 to junction U.S. Hwy 76, then along U.S. Hwy 76 to junction U.S. Hwy 501, then along U.S. Hwy 501 to the Atlantic Ocean, and (2) from Waynesboro, VA, to points in CT, DE, IN, MA, MD, ME, MI, NH, NJ, NY, RI, VA, VT, WV, and DC, and those points in NC on, north, and east of a line beginning at the junction VA-NC State line and Interstate Hwy 85, and extending along Interstate Hwy 85 to junction U.S. Hwy 70, then along U.S. Hwy 70 to U.S. Hwy 17, then along U.S. Hwy 17 to the Neuse River, then along the Neuse River to the Atlantic Ocean. (Hearing site: Washington, DC.)

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 USC 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 30 days from the date of publication.

MC 73165 (Sub-474F), filed April 19, 1979. Applicant: EAGLE MOTOR LINES, INC., 830—33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *iron and steel articles*, from Perkasi, PA, to points in OH, MI, IL, IN, CO, UT, KS, GA, CA, and WA. (Hearing site: Pittsburgh, PA.)

MC 73165 (Sub-477F), filed May 8, 1979. Applicant: EAGLE MOTOR LINES, INC., 830—33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *plastic pipe*, (2) *fittings and connections for plastic pipe*, and (3) *materials and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, (except commodities in bulk), from the facilities of R & G Sloane Manufacturing Co., Inc., at or near (a) Valley View, OH, and (b) Bakersfield, Sun Valley and Santa Ana, CA, to points in the United States (except AK and HI). Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application under 49 U.S.C. 11343 (formerly section 5(2) of the Interstate Commerce Act) for approval of the common control, or file an affidavit indicating why such approval is unnecessary. (Hearing site: Phoenix, AZ, or San Francisco, CA.)

MC 97275 (Sub-36F), filed May 7, 1979. Applicant: ESTES EXPRESS LINES,

INC., 1405 Gordon Ave., Richmond, VA 23224. Representative: Harry J. Jordan, Suite 502 Solar Bldg., 1000—16th St. N.W., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between South Boston, VA, and Wytheville, VA, from South Boston over VA Hwy 304 to junction U.S. Hwy 58, then over U.S. Hwy 58 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Wytheville, serving all intermediate points except Danville, (2) between Wytheville, VA, and the NC/VA State Line, over U.S. Hwy 21, serving all intermediate points, (3) between Hillsville, VA, and Independence, VA, over U.S. Hwy 58, and also from Hillsville over U.S. Hwy 58 to junction VA Hwy 212, then over VA Hwy 212 to junction U.S. Hwy 58, then over U.S. Hwy 58 to Independence, serving all intermediate points, (4) between Halifax, VA, and the NC/VA State Line, from Halifax over U.S. Hwy 360 to junction U.S. Hwy 29, then over U.S. Hwy 29 to the NC/VA State Line, serving all intermediate points, except Danville, (5) between Chatham, VA, and the NC/VA State Line, over U.S. Hwy 29 serving all intermediate points except Danville, (6) between Bassett, VA, and Price, NC, from Bassett over VA Hwy 57 to junction U.S. Hwy 220, then over U.S. Hwy 220 to Price, serving all intermediate points, (7) between Hillsville, VA, and the NC/VA State Line, over U.S. Hwy 52, serving all intermediate points, (8) between Chatham, VA, and Cruzes Store, VA, over VA Hwy 57, serving all intermediate points, (9) between Chatham, VA, and Halifax, VA, from Chatham over VA Hwy 832 to junction VA Hwy 642, then over VA Hwy 642 to junction U.S. Hwy 501, then over U.S. Hwy 510 to Halifax, serving all intermediate points, (10) between junction Interstate Hwy 81 and the NC/VA State Line, over Interstate Hwy 77, serving all intermediate points, (11) between Charity, VA, and the NC/VA State Line, from Charity over VA Hwy 40 to junction VA Hwy 8, then over VA Hwy 8 to the NC/VA State Line, serving all intermediate points, serving all points in Carroll, Henry, and Patrick Counties, VA, all points on and east of U.S. Hwy 21 and south of Interstate Hwy 81 in Wythe County, VA, all points on and east of U.S. Hwy 21 in Grayson County, VA, all points on and south of VA Hwys 57 and 832 in Pittsylvania County, VA, except Danville, all points on and south of VA Hwys 832 and 642,

and west of U.S. Hwy 501 in Halifax County, VA, all points on and south of U.S. Hwy 11 and VA Hwy 611 in Pulaski County, VA. (Hearing site: Washington, DC, or Richmond, VA.)

MC 105045 (Sub-103F), filed April 27, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Transporting *steel tubing* from the facilities of Bull Moose Tube Company, at Gerald and St. Louis, MO, to points in CA, CO, UT, SD, NE, KS, OK, TX, MN, IA, AR, LA, WI, IL, IN, OH, NY, PA, NJ, KY, TN, NC, SC, GA, MI, AL, MS. (Hearing site: St. Louis, MO.)

MC 106074 (Sub-105F), filed May 7, 1979. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *metal containers, and metal container accessories*, from the facilities of Carnation Company, at Mansfield, TX, to Chattanooga, TN. (Hearing site: Charlotte, NC, or Washington, DC.)

Note.—Dual operations may be involved.

MC 109584 (Sub-194F), filed April 18, 1979. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Transporting *Sodium Hydrosulfide*, in bulk, in tank vehicles, from points in Los Angeles and Orange Counties, CA, to Sahuarita, AZ. (Hearing site: Phoenix, AZ.)

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication.

MC 110525 (Sub-1297F), filed April 30, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Argus Chemical Corp., at Taft, LA, to points in the United States (except AK, HI, and LA). (Hearing site: New Orleans, LA.)

MC 110525 (Sub-1299F), filed April 20, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien 520

East Lancaster Avenue, Downingtown, PA 19335. Transporting *ammonium nitrate fertilizer* in bulk, in tank vehicles, from Donora, PA, to points in KY, MD, OH, VA, and WV. (Hearing site: Wilmington, DE, or Washington, DC.)

MC 112304 (Sub-186F), filed May 4, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: Fred Schmits (same address as applicant). Transporting (1) *iron and steel articles*, between the facilities of Kentucky Electric Steel Co., at Coalton, KY on the one hand, and, on the other, points in the United States (except AK and HI), and (2) *equipment, materials, and supplies*, (except in bulk) used in the manufacture and distribution of the items in (1) above, in the reverse direction, and (3) *iron and steel articles*, from the facilities of Huntington Steel & Supply Co., at Huntington, WV, to points in the United States (except AK and HI). (Hearing site: Washington, DC, or Columbus, OH.)

MC 113434 (Sub-130F), filed April 24, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A-5253 144th Avenue, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Transporting *such commodities* as are dealt in or used by manufacturers of glass containers (except commodities in bulk), (1) between Glenshaw, PA, on the one hand, and, on the other, points in IL, IN, OH, KY, and WV; and (2) between Orangeburg, NY, on the one hand, and, on the other, points in IL, IN, OH, MI, KY, PA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Glenshaw Glass Company. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 113434 (Sub-132F), filed April 24, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A-5253 144th Avenue, Holland, MI 49423. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Transporting (1) *such commodities* as are dealt in by wholesale and retail food and drug business houses, and (2) *materials and supplies* used in the manufacture, sale and distribution of the commodities named in (1) above except commodities in bulk, between the facilities of A. E. Staley Mfg. Co., at or near Chicago, IL, and points in MI. (Hearing site: Chicago, IL or Detroit, MI.)

MC 113434 (Sub-134F), filed May 8, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A-5253 144th Avenue, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal

Building, Detroit, MI 48226. Transporting (1) *charcoal, charcoal briquets, wood chips, and sawdust and wax-impregnated fireplace logs* (except commodities in bulk) (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, between the facilities of The Kingsford Company, at or near Burnside, KY, on the one hand, and, on the other, points in IL, IN, MI, OH, PA, and WI, restricted to the transportation of traffic originating at and destined to the indicated destinations. (Hearing site: Detroit, MI, or Louisville, KY.)

MC 113784 (Sub-80F), filed April 18, 1979. Applicant: LAIDLAW TRANSPORT LIMITED, a Corporation, 65 Guise Street, Hamilton, Ontario, Canada, L8L 4M1. Representative: David A. Sutherland, 1150 Connecticut Avenue, NW, Suite 400, Washington, DC 20036. Transporting (1) *motor vehicle parts, equipment, and accessories*, (2) *equipment, materials and supplies* used in the manufacture of the commodities in (1) above, and (3) *packaging and shipping materials* used in the transportation of (1) and (2), above, between ports of entry on the international boundary line between the United States and Canada, on the Niagara, Detroit and St. Clair Rivers, on the one hand, and, on the other, points in DE, IN, MI, NY, OH and PA. (Hearing site: Buffalo, NY.)

MC 113784 (Sub-82F), filed April 24, 1979. Applicant: LAIDLAW TRANSPORT LIMITED, P.O. Box 3020, Station B, Hamilton, Ontario, Canada. Representative: David A. Sutherland, Fulbright & Jaworski, 1150 Connecticut Ave., NW, Suite 400, Washington, DC 20036. Transporting *general commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between ports of entry on the international boundary line between the United States and Canada, at or near Port Huron, MI, on the one hand, and, on the other, Detroit, MI. (Hearing site: Washington, DC or Buffalo, NY.)

MC 114045 (Sub-541), filed April 25, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as above). Transporting *floor coverings, and materials and supplies* used in the installation of floor coverings, from Lancaster and Landisville, PA, to points in AR, CA, NV, NM, OK, and TX. (Hearing site: Philadelphia, PA.)

MC 115654 (Sub-137F), filed April 27, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 Thirteenth St., NW., Washington, DC 20004. Transporting *dairy products, imitation cream and imitation fruit drinks, ices, frozen desserts, and delicatessen products* except commodities in bulk, in vehicles equipped with mechanical refrigeration, from the facilities utilized by The Kroger Company at or near Nashville, TN, to the facilities of The Kroger Company, in SC. (Hearing site: Nashville, TN or Cincinnati, OH.)

MC 115865 (Sub-2F), filed April 25, 1979. Applicant: QUIMBY TRUCKING, INC., P.O. Box 807, Hermiston, Oregon 97838. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oregon 97210. Transporting *fertilizer*, in bulk, between points in Umatilla, Baker, Malheur, Morrow, Gilliam and Union Counties, OR, on the one hand, and, on the other, points in Klickitat, Yakima, Benton, Grant, Adams, Franklin and Walla Walla Counties, WA. (Hearing site: Hermiston, OR or Pasco, WA.)

MC 116325 (Sub-80F), filed May 8, 1979. Applicant: JENNINGS BOND, d.b.a. BOND ENTERPRISES, P.O. Box 8, Lutesville, MO 63762. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting (1) *lumber, lumber products, poles, and posts*, from points in MO and IL, to those points in the United States in and east of MT, WY, CO, and NM, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), in the reverse direction. (Hearing site: St. Louis, MO or Memphis, TN.)

MC 117685 (Sub-1F), filed April 11, 1979. Applicant: CONSOLIDATED TRUCK SERVICE, INC., 1 Scout Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *doors and frames*, and (2) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of Pioneer Industries, Division of Core Industries, at or near Carlstadt, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin or destined to the indicated destinations. (Hearing site: New York, NY, or Washington, DC.)

Note.—Dual operations may be involved.

MC 118535 (Sub-136F), filed May 7, 1979. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Wilburn L. Williamson, The Oil Center, Suite 615E, 2601 N.W. Expressway, Oklahoma City, OK 73112. Transporting *fertilizer materials*, from Walnut Ridge, AR, to points in CO, IA, KS, MO, NE, NM, OK, and TX. (Hearing site: Kansas City, MO.)

MC 118535 (Sub-137F), filed May 8, 1979. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Wilburn L. Williamson, The Oil Center, Suite 615E, 2601 N.W. Expressway, Oklahoma City, OK 73112. Transporting *lead oxide*, from Terrell, TX to points in CO. (Hearing site: Kansas City, MO.)

MC 119765 (Sub-80F), filed May 7, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha NE 68106. Transporting *such commodities* as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, between points in AL, AR, AZ, GA, IA, ID, IL, IN, KS, KY, MA, MI, MN, MO, MS, MT, NC, ND, NE, NY, OH, PA, SD, TN, TX, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 121664 (Sub-69F), filed April 18, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting *lumber*, (1) from ports of entry on the international boundary line between the United States and Canada, in MI, to points in AR, AL, FL, GA, LA, MS, TN, and TX, and (2) from Camilla, and Thomasville, GA, and Abbeville, and Mt. Vernon, AL, to points in OH, MI, PA, and IN. (Hearing site: Birmingham, AL, or Akron, OH.)

MC 124174 (Sub-151F), filed June 19, 1979. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting *general commodities* (except classes A and B explosives, and commodities in bulk, in tank vehicles), between Laredo, Eagle Pass and Hidalgo, TX, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, and NM

(except points in TX). (Hearing site: Laredo or San Antonio, TX.)

MC 124774 (Sub-111F), filed April 26, 1979. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Spencer, IA, to points in CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, and DC. (Hearing site: Omaha, NE.)

MC 127705 (Sub-78F), filed April 19, 1979. Applicant: KREVDA BROS. EXPRESS, a corporation, P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting in (1) *containers and container accessories*, and (2) *equipment, materials and supplies used in the manufacture, and distribution of commodities* named in (1) above, (except commodities in bulk), between points in PA, OH, IL, IN, WI (except Brown County), and KY, restricted to the transportation of traffic originating at or destined to the facilities of National Can Corporation. (Hearing site: Chicago, IL.)

MC 128205 (Sub-72F), filed April 25, 1979. Applicant: BULK MATIC TRANSPORT COMPANY, a corporation, 12000 South Doty Avenue, Chicago, IL 60628. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *fertilizer*, in bulk, from Erie, Cordova, Chicago, Lemont, Belvidere and Seneca, IL, to points in WI, MI, IN, IL, and IA. (Hearing site: Chicago, IL.)

MC 129124 (Sub-22F), filed April 19, 1979. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: Herbert R. Nurick, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Transporting *coal*, in bulk, in dump vehicles, from points in Elk, Jefferson, and McKean Counties, PA, to points in NY. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 129124 (Sub-23F), filed April 18, 1979. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: Herbert R. Nurick, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Transporting *sand*, from points in Huntingdon County, PA, to points in NY.

(Hearing site: Harrisburg, PA or Washington, DC.)

MC 133095 (Sub-249F), filed April 19, 1979. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 34, Euless, TX 76039. Representative: Marshall Kragen, 1835 K Street, N.W., Suite 600, Washington DC 20006. Transporting *petroleum products*, in containers, from Farmers Valley, New Kensington, and Emlenton, PA and Congo and St. Marys, WV, to points in GA, AL, MS, AR, LA, and TX. (Hearing site: Dallas, TX.)

MC 133655 (Sub-147F), filed April 18, 1979. Applicant: TRANS-NATIONAL TRUCK INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting (1) *Paper and paper products* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between Azusa, Monrovia, Whittier, and Cucamonga, CA, Gainesville, GA, North Brunswick, NJ, Cleveland, Cincinnati, Painesville, and Willoughby, OH, Elmhurst, IN, Philadelphia and Quakertown, PA, Charlotte and Greensboro, NC, and Schererville, IN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 133655 (Sub-148F), filed April 19, 1979. Applicant: TRANS-NATIONAL TRUCK INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting (1) *cellulose materials and products, paper and paper products*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Denver, CO, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NM, OK, TN, and TX. (Hearing site: Chicago, IL.)

MC 134035 (Sub-37F), filed April 27, 1979. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting (1) *Containers and container accessories* (a) from Abilene, Fort Worth and Houston, TX, to points in AR, LA, NM, OK and MS and (b) from Philadelphia, PA to points in AR, LA, OK, MS and TX, and (2) *materials equipment, and supplies* used in the manufacture and distribution of containers and container accessories in the reverse direction. (Hearing site: Dallas, TX.)

MC 134235 (Sub-19F), filed May 7, 1979. Applicant: KUHNLE BROTHERS, INC., P.O. Box 375, Newbury, OH 44065. Representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, NY 14701. Transporting *salt and salt products*, in packages, from Silver Springs, NY, to points in OH. (Hearing site: Buffalo, NY.)

Note.—Dual operations may be involved.

MC 134755 (Sub-180F), filed May 7, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *paper and paper products*, from Orange, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

Note.—Dual operations may be involved.

MC 134755 (Sub-184F), filed April 27, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *tires, tubes, flaps and rubber products* (except commodities in bulk), from Conshohocken, Frazer, Montgomeryville, Norristown, and Royersford, PA, to points in the United States (except NY, CT, AZ, AR, CO, ID, IA, MS, MO, NE, NM, TX, PA, OK, OR, WA, AK, and HI). (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 134755 (Sub-185F), filed May 4, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *such commodities* as are dealt in by chain food business houses, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), between points in AL, AR, AZ, CT, GA, IA, ID, IL, IN, KS, KY, MD, MA, MI, MN, MO, MS, MT, NC, NE, NY, NJ, OH, PA, SD, TN, TX, UT, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 134835 (Sub-2F), filed May 4, 1979. Applicant: WINSTON CARRIERS, INCORPORATED, P.O. Box 347, Double Springs, AL 35553. Representative: E. Stephen Heasley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *buildings, and trailers* designed to be drawn by passenger automobiles, moving on wheeled undercarriages, from Shelby, NC to points in the United States

(including AK but excluding HI), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 135364 (Sub-36F), filed April 18, 1979. Applicant: MORWALL TRUCKING, INC., P.O. Box 76C, R.D. #3, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box 11, McLean, VA 22101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *mops, brooms, brushes, and wooden and plastic articles*, and (2) *materials, equipment, and supplies* used in the manufacturing, sale, and distribution of the commodities named in (1) above (except commodities in bulk) between the facilities of Empire Brushes, Inc., at Greenville, NC, on the one hand, and, on the other, points in CA and those points in the United States in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Empire Brushes, Inc., of Greenville, NC. (Hearing site: Washington, DC.)

MC 135454 (Sub-25F), filed April 27, 1979. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, NY 14580. Representative: Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton, MA 02187. Transporting (1) *malt beverages* from Rochester, NY, to points in MD, DE, PA, OH, NJ, and DC. (Hearing site: Rochester, NY.)

MC 135924 (Sub-9F), filed May 8, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: David Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *Composition board*, from the facilities of Abitibi Corp., at Chicago, IL, to points in IA, MN, NE, ND, SD, and WI. (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 136325 (Sub-6F), filed April 24, 1979. Applicant: CUFURAY, LTD., Route 1, Box 333, Delavan, WI 53115. Representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, WI 53202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal containers and container ends*, and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), between Rochelle, IL, on the one hand, and, on the other, Sleepy Eye and Wells, MN. (3) *canned goods*, between Sleepy Eye and Wells, MN, on the one hand, and, on the other, De Kalb, Mendota, and Rochelle, IL, under continuing contract(s) with Del

Monte Corporation of Rochelle, IL.
(Hearing site: Milwaukee, WI or
Chicago, IL.)

MC 136605 (Sub-98F), filed April 30,
1979. Applicant: DAVIS BROS. DIST.,
INC., P.O. Box 8058, Missoula, MT 59807.
Representative: Allen P. Fleton (same
address as applicant). Transporting
aluminum ingots, from Columbia Falls,
MT, to Terre Haute, IN. (Hearing site:
Louisville, KY, or Billings, MT.)

MC 136605 (Sub-99F), filed April 19,
1979. Applicant: DAVIS BROS. DIST.,
INC., P.O. Box 8058, Missoula, MT 59807.
Representative: Allen P. Fleton P.O. Box
8058, Missoula, MT 59807. Transporting
wood products, from the facilities of
Willamette Industries, at or near
Albany, Bend, and Millersburg, OR, to
points in IL, IN, IA, NE, ND, KS, MO,
MN, MI, SD, and WI. (Hearing site:
Portland, OR.)

MC 138635 (Sub-82F), filed May 8,
1979. Applicant: CAROLINA WESTERN
EXPRESS, INC., Box 3995, Gastonia, NC
28052. Representative: Eric Meierhoefer,
Suite 423, 1511 K St., NW., Washington,
DC 20005. Transporting (1) *textiles and
textile products*, and (2) *materials and
supplies* used in the manufacture,
distribution, and sale of the commodities
named in (1) above, from the facilities of
PRF Corporation, at or near (a) Monroe,
Balfour, Greensboro, and Salisbury, NC,
and (b) Clemson, SC, to Los Angeles, CA
and Loogootee, IN. (Hearing site:
Charlotte, NC.)

Note.—Dual operations may be involved.

MC 138805 (Sub-7F), filed April 25,
1979. Applicant: S & L SERVICES, INC.,
R.D. 1, Milton, PA 17847. Representative:
Terrence D. Jones, 2033 K Street, N.W.,
Washington, DC 20006. Transporting (1)
foodstuffs, (except in bulk), from the
facilities of American Home Foods, at
Milton, PA, to points in DE, MA, MD,
ME, NH, OH, RI, VA, VT, WV, and DC;
and (2) *such commodities* as are used in
the manufacture of foodstuffs, (except
commodities in bulk), in the reverse
direction. (Hearing site: Washington,
DC.)

MC 138824 (Sub-22F), filed April 25,
1979. Applicant: REDWAY CARRIERS,
INC., 5910 49th Street, Kenosha, WI
53140. Representative: Paul J. Maton, 10
S. LaSalle St., Suite 1620, Chicago, IL
60603. To operate as a *contract carrier*,
by motor vehicle, in interstate or foreign
commerce, over irregular routes,
transporting *automotive parts, and
materials and supplies* used in the
manufacture of automobiles, between
points in AR, IL, IN, IA, KY, GA, MI,
MO, OH, PA, TN, and WI, on the one
hand, and, on the other, the facilities of
American Motors Corporation in

Kenosha and Racine Counties, WI,
under continuing contract(s) with
American Motors Corporation, of
Kenosha, WI. (Hearing site: Chicago, IL.)

MC 138875 (Sub-161F), filed April 25,
1979. Applicant: SHOEMAKER
TRUCKING COMPANY, a corporation,
11900 Franklin Road, Boise, ID 83705.
Representative: F. L. Sigloh (same
address as applicant). Transporting (1)
materials and supplies used in the
manufacture, distribution and
installation of mobile homes, campers,
recreational vehicles, and (2) *building
supplies*, (except commodities in bulk),
between points in CA, on the one hand,
and, on the other, points in OR and WA,
restricted to the transportation of traffic
originating at the named origins or
destined to the destinations. (Hearing
site: Chicago, IL, or Washington, DC.)

MC 139254 (Sub-19F), filed April 26,
1979. Applicant: BROOKS
TRANSPORTATION, INC., 3830 Kelley
Avenue, Cleveland OH 44114.
Representative: John P. McMahon, 100
East Broad Street, Columbus, OH 43215.
To operate as a *contract carrier*, by
motor vehicle, over irregular routes,
transporting *synthetic rubber* (except
commodities in bulk), from East
Camden, AR, to points in the United
States in and east of MN, IA, MO, AR,
and LA, under continuing contract(s)
with The B. F. Goodrich Company,
Chemical Division of Cleveland, OH.
(Hearing site: Columbus, OH.)

Note.—The person or persons who appear
to be engaged in common control of applicant
and another regulated carrier must either file
an application under 49 U.S.C. 11343(a)
(formerly Section 5(2) of the Interstate
Commerce Act), or submit an affidavit
indicating why such approval is unnecessary.
Affidavits are due 20 days from the date of
publication. Dual operations may be
involved.

MC 139495 (Sub-438F), filed April 24,
1979. Applicant: NATIONAL
CARRIERS, INC., 1501 East 8th Street,
P.O. Box 1358, Liberal, KS 67901.
Representative: Herbert Alan Dubin,
1320 Fenwick Lane, Silver Spring, MD
20910. Transporting (1) *pet supplies,
carpet, rug, and floor polishers;
scrubbers, shampooers, cleaning and
washing compounds; vacuums, vacuum
bags, and belts* (except commodities in
bulk, in tank vehicles), from the facilities
of Hartz Mountain Corporation, at or
near Bloomfield, Harrison and Jersey
City, NJ, to points in the United States
(except AK and HI) and (2) *clay* except
commodities in bulk, from the facilities
of Hartz Mountain Corporation, at or
near Wrens, GA, to points in the United
States, (except AK, HI, IL, KS, KY, MI,
MO, TX, and WI). (Hearing site:
Washington, DC.)

MC 139495 (Sub-439F), filed April 30,
1979. Applicant: NATIONAL
CARRIERS, INC., 1501 East 8th Street,
P.O. Box 1358, Liberal, KS 67901.
Representative: Herbert Alan Dubin,
1320 Fenwick Lane, Silver Spring, MD
20910. Transporting *water treatment
compounds, chemicals, cleaning
compounds, and activated carbons*
(except commodities in bulk), from the
facilities of Calgon Corporation, at or
near (a) Hawthorne, NJ, (b) Catlettsburg,
KY, (c) Huntington, WV, (d) St. Louis,
MO, and (e) Pittsburgh, PA, to points in
the United States (except AK and HI).
(Hearing site: Washington, DC.)

MC 139495 (Sub-444F), filed May 4,
1979. Applicant: NATIONAL
CARRIERS, INC., 1501 East 8th Street,
P.O. Box 1358, Liberal, KS 67901.
Representative: Herbert Alan Dubin,
1320 Fenwick Lane, Silver Spring, MD
20910. Transporting (1) *canned and
bottled foodstuffs, drinks, drink mixes,
and mouthwashes*, and (2) *such
commodities* as are dealt in by
department, drug, and variety stores,
(except commodities in bulk, in tank
vehicles), from Byhalia, MS, to points in
the United States (except AK and HI).
(Hearing site: Washington, DC.)

MC 139555 (Sub-3F), filed May 4, 1979.
Applicant: MODULAR
TRANSPORTATION CO., a corporation,
P.O. Box 1822, Grand Rapids, MI 49501.
Representative: William D. Parsley, 1200
Bank of Lansing Bldg., Lansing, MI
48933. Transporting (1) *gypsum, gypsum
products, and building materials*, and (2)
materials, equipment, and supplies used
in the manufacture, installation, and
distribution of the commodities named
in (1) above, between points in the
United States (except AK and HI),
restricted to the transportation of traffic
originating at or destined to the facilities
of Georgia-Pacific Corporation—
Gypsum Division. (Hearing site: Lansing
or Grand Rapids, MI.)

MC 139805 (Sub-3F), filed April 30,
1979. Applicant: B. MOTOR FREIGHT
INC., 451 Old Airport Rd., New Castle,
DE 19720. Representative: Dennis N.
Barnes, 1800 M St., NW., Washington,
DC 20036. To operate as a *contract
carrier*, by motor vehicle, in interstate or
foreign commerce, over irregular routes,
transporting *general commodities*
(except those of unusual value, classes
A and B explosives, household goods as
defined by the Commission,
commodities in bulk, and those requiring
special equipment), between points in
PA, NJ, TX, TN, DE, GA, and VA, under
continuing contract(s) with E. I. DuPont
de Nemours & Co., of Newark, DE.
(Hearing site: Wilmington, DE.)

MC 140024 (Sub-144F), filed April 23, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *foodstuffs* (except commodities in bulk), in mechanically refrigerated vehicles, from Brockport and Holley, NY, to points in IL, IN, IA, MI, OH, and PA. (Hearing site: Denver, CO, or Rochester, NY.)

Note.—Those persons in common control of Transpo International, Inc., and J. B. Montgomery, Inc., a Delaware Corporation, must file (1) an affidavit explaining why the affiliation need not receive Interstate Commerce Commission approval, or (2) an application under 49 U.S.C. 11343 within 30 days after this publication, or the sought authority stands denied.

MC 140024 (Sub-149F), filed May 7, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don Bryce (same address as applicant). Transporting (1) *television sets, recorders and players, and audio equipment*, and (2) *accessories, components, and parts* for the commodities in (1) above, from the facilities of RCA Corporation, at Bloomington and Indianapolis, IN, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named facilities. (Hearing site: Denver, CO, or Indianapolis, IN.)

MC 140635 (Sub-15F), filed April 24, 1979. Applicant: ADAMS LINES, INC., 2619 N. Street, Omaha, NE 68107. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. Transporting *meats, meat products, meat byproducts and articles distributed by meat-packinghouses*, as described in Section A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (Except hides and commodities in bulk, in tank vehicles) from the facilities of Palamera Beef Corp., at or near Omaha, NE, to points in CT, DE, FL, GA, IL, IN, IA, ME, MD, MA, MI, MN, NH, NJ, NY, OH, PA, RI, TN, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations, except traffic moving in foreign commerce. (Hearing site: Omaha, NE.)

MC 140665 (Sub-53F), filed May 4, 1979. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting (1) *chemicals, petroleum oil, petroleum additives, and treating compounds* and (2) *materials and supplies* used in the production and distribution of the

commodities named in (1) above, (except commodities in bulk), (a) from points in Harris County, TX, to points in CA, OR, and OH, and (b) from Painesville, OH, to points in CA, OR, and TX. (Hearing site: Washington, DC, or Columbus, OH.)

MC 141774 (Sub-21F), filed April 25, 1979. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *crude or ground clay, floor sweeping compounds and absorbents*, (except any commodities in bulk, in tank vehicles), from the facilities of Oil-Dri Corporation of America, at Ochlocknee, GA, to points in FL. (Hearing site: Atlanta, GA, or Pensacola, FL.)

Note.—Dual operations are involved.

MC 141804 (Sub-208F), filed April 20, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, ON, Canada 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by bakeries and restaurants, and (2) *office supplies, uniforms, and cleaning supplies*, from points in Los Angeles and Orange Counties, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles or San Francisco, CA.)

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 30 days from the date of publication.

MC 141804 (Sub-209F), filed April 20, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, ON, Canada 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *billiard, game tables, shuffleboards, and pinball machines*, and (2) *accessories* for the commodities named in (1) above, from Marion and Abingdon, VA, to points in WA, OR, ID, CA, NV, and AZ. (Hearing site: Los Angeles or San Francisco, CA.)

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 30 days from the date of publication.

MC 141804 (Sub-211F), filed April 25, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL,

INC., P.O. Box 3488, ON, Canada 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *printed forms, printing paper, carbon paper, and (2) machinery, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Vanier Graphics Corporation. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141914 (Sub-55F), filed April 23, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108-A, Big Cabin, OK 74332. Representative: Kathrena J. Franks, Route 1, Box 108-A, Big Cabin, OK 74332. Transporting: (1) *fruit juice concentrates and fruit juices*, frozen or chilled, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Ontario, CA, to points in OH, MN, IA, MO, MI, GA, AL, MA, MD, VA, NC, LA, and TX. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-210F), filed April 23, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. Transporting *washing and cleaning compounds, soap, toilet preparations, syrup, margarine, dessert topping, and fabric softener*, between points in CA, on the one hand, and, on the other hand, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Lever Brothers Company. (Hearing site: Los Angeles or San Francisco, CA.)

MC 142715 (Sub-38F), filed April 20, 1979. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: K.O. Petrick, P.O. Box 141, South St. Paul, MN 55075. Transporting *foodstuffs* (except commodities in bulk), (1) from La Porte, IN, to points in IA, KS, MN, MO, NE, ND, SD, and WI, and (2) from Milton, PA to La Porte, IN, and Chicago, IL, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: New York, NY, or St. Paul, MN.)

MC 142715 (Sub-39F), filed April 25, 1979. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: K.O. Petrick (same as applicant). Transporting *such commodities as are dealt in by food business houses* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, GA, IA, IL,

IN, KS, KY, MA, MI, MN, MO, MS, NC, ND, NE, NY, OH, PA, SD, TN, TX, VA, VT and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (hearing site: Washington, DC or Chicago, IL.)

MC 142715 (Sub-44F), filed May 4, 1979. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: K.O. Petrick (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between those points in the United States in and east of ND, SD, WY, CO, and NM, restricted to the transportation of traffic originating at or destined to the facilities used by Procter & Gamble Co., Procter & Gamble Manufacturing Co., Procter & Gamble Distributing Co., Procter & Gamble Paper Products Co., The Buckeye Cellulose Corp., The Hewitt Soap Company, The Folger Coffee Co., and D. H. Food Co., all of Cincinnati, OH. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 142835 (Sub-2F), filed May 7, 1979. Applicant: CARSON MOTOR LINES, INC., P.O. Box 909, Lakeland, FL 33802. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting *new furniture*, from the facilities of Thayer Coggin, Inc., at High Point, NC, to points in FL. (Hearing site: Jacksonville, FL, or Washington, DC.)

MC 142864 (Sub-14F), filed April 17, 1979. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting (1) *ice cream confections, ice confections, and dairy products*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, (a) between Dunkirk, NY, and Coshocton, OH, and (b) from Dunkirk, NY, to Detroit, MI, Ft. Wayne, IN, and Pittsburgh, PA. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143605 (Sub-4F), filed April 23, 1979. Applicant: B&M EXPRESS, INC., 500 S. Western, Oklahoma City, OK 73109. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *such merchandise as are dealt in or used by chain grocery and feed businesses, soy products, paste, flour products, and dairy based products*, between the facilities of

Ralston Purina Company, at or near Oklahoma City, OK, on the one hand, and on the other, points in AR, CO, IL, IA, KS, KY, LA, MS, MO, NE, NM, OK, TN, and TX. (Hearing site: Oklahoma, OK.)

Note.—Dual operations may be involved.

MC 143775 (Sub-83F), filed April 18, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke, 6601 West Orangewood, Glendale, AZ 85301. Transporting (1) *Cabinet and security hardware*, and (2) *materials, supplies, and equipment used in the manufacture and distribution of the commodities named in (1) above*, from Grandville, MI, to points in AR, CA, CO, IL, KS, LA, MO, NB, OK, and TX. (Hearing site: Grand Rapids, MI, or Washington, DC.)

Note.—Dual operations are involved.

MC 143775 (Sub-85F), filed April 25, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *paper and paper products*, from points in Portage and Wood Counties, WI, to points in AZ, CA, OR, and WA. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143775 (Sub-86F), filed April 27, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *adhesives; pastes; cleaning, preserving and sealing compounds; solvents; stains; plastic carpeting; and molding*, and (2) *materials, equipment, and supplies* used in the installation and distribution of floor and wall coverings, from the facilities of Roberts Consolidated Industries, at Kalamazoo, MI, and Dayton, OH, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic moving in vehicles equipped with mechanical refrigeration. (Hearing site: Los Angeles, CA or San Francisco, CA.)

Note.—Dual operations are involved.

MC 143775 (Sub-87F), filed April 25, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *paint, varnish, thinners, solvents, and shellacs*; (2) *plastic articles*, and (3) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above, from Vernon, Compton, and San Francisco, CA, Chicago and Wheeling,

IL, Linden and South Plainfield, NJ, Atlanta, GA, Baltimore, MD, Randolph, MA, Seattle, WA, Berkeley, MO, Plymouth, MN, Middleburg Heights, OH, and Cheektowaga, NY, to points in the United States (except AK and HI), restricted (1) to the transportation of traffic originating at the facilities of or utilized by Dutch Boy, Inc. and (2) against the transportation of traffic in bulk. (Hearing site: Chicago, IL, alternate: Washington, DC.)

Note.—Dual operations are involved.

MC 144094 (Sub-2F), filed April 30, 1979. Applicant: ALADDIN, INC., 215 Union Street, Hackensack, NJ 07601. Representative: Edward F. Bowes, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities*, as are dealt in by manufacturers of cleaning and polishing products, (except commodities in bulk), from the facilities of Knomark, Inc., of Jamaica, NY, to La Habra, Montebello, and Santa Fe Springs, CA; Deerfield Beach, Largo, Miami, and Orlando, FL; Atlanta, Forest Park, and Newnan, GA; Chicago, Elk Grove, and North Lake, IL; Fort Wayne, IN; Burlington, IA; Lawrence, KS; Detroit, Plymouth, and Warren, MI; Egandale, Minneapolis, and St. Paul, MN; Sparks, NV; Henderson, NC; Cleveland, and Maple Heights, OH; Memphis, TN; and Dallas, and Garland, TX; under continuing contract(s) with Knomark, Inc., of Jamaica, NY. (Hearing site: New York, NY, or Newark, NJ.)

MC 144345 (Sub-9F), filed April 18, 1979. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Way, Caldwell, ID 83605. Representative: David E. Wishney, Attorney at Law, P.O. Box 837, Boise, ID 83701. Transporting (1) *Windows*, and (2) *materials and supplies used in the manufacture of windows*, from points in Los Angeles and Orange Counties, CA, to the facilities of Hehr International, Inc., at Nampa, ID. (Hearing site: Boise, ID, or Portland, OR.)

MC 145375 (Sub-3F), filed April 26, 1979. Applicant: H. D. EDGAR TRUCKING COMPANY, INC., Route 1, Box 48, Opp, AL 36467. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, DC 20005. Transporting *cleaning and scouring compounds*, (except commodities in bulk), from Greenville, NC, to points in KS, LA, IA, TX, AZ, and CA. (Hearing site: Birmingham, AL.)

MC 145395F, filed April 27, 1979. Applicant: LUCKEY TRUCKING, INC.,

R.R. #5, Streator, IL 61364.

Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *concrete products*, and *materials and supplies* used in the manufacture and installation of concrete products, between Blackstone and Crystal Lake, IL, on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with Pre-Stressed Engineering Company, a Division of Road Materials Corporation, of Blackstone, IL. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 145625 (Sub-4F), filed May 4, 1979. Applicant: DUTCHLAND TRUCKING, INC., 1051 Center Ave., Oostburg, WI 53070. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *such commodities* as are dealt in by auto supply stores (except tires, batteries, and automotive repair parts), from the facilities of Crystal Manufacturing & Packaging, Inc., at or near Melrose Park, IL, to points in WI. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 145664 (Sub-4F), filed April 19, 1979. Applicant: STALBERGER, INC., 223 South 50th Avenue West, Duluth, MN 55806. Representative: John M. LeFevre, 4610 IDS Center, Minneapolis, MN 55402. Transporting *Welded wire fabric*, in rolls and sheets, coiled wire, and *steel grinding balls*, from the facilities of Hallett Wire Products, at or near Duluth, MN, to points in MN, MT, WY, CO, ND, SD, KS, NE, IA, MO, WI, IL, KY, IN, MI, and OH. (Hearing sites: Minneapolis or Duluth, MN.)

MC 146174 (Sub-1F), filed May 8, 1979. Applicant: PD EXPRESS, INC., 817 West Fifth Ave., Columbus, OH 43212. Representative: David H. Rowe (same address as applicant). Transporting *beer* (except in bulk), (1) from Evansville, IN, to Chicago, IL, and (2) from Newport, KY, to Chicago, IL and points in IN. (Hearing site: Columbus, OH, or Washington, DC.)

MC 146504 (Sub-1F), filed March 29, 1979, previously published in the FR issue of August 7, 1979. Applicant: LEO TRUCKING CO., INC., P.O. Drawer F, Poteau, OK 74953. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. Transporting *lime*, *quicklime*, *hydrate*, and *limestone products*, in bulk and in bags, from the facilities of St. Clair Lime Co., at or near Sallisaw and Marble City, OK, to points in AR, KS, LA, and those points in Issaquena, Adams, and Warren Counties, MS, and Cass and Bowie Counties, TX. (Hearing

site: Oklahoma City, OK, or Ft. Smith, AR.)

Note.—This republication includes Adams County, MS as a destination.

MC 146504 (Sub-3F), filed April 30, 1979. Applicant: LEO TRUCKING COMPANY, INC., P.O. Drawer F, Poteau, OK 74953. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. Transporting *coal*, in bulk, from points in OK, to points in AR, KS, MO, OK, and TX. (Hearing site: Tulsa, Oklahoma City, OK.)

MC 146945F, filed April 25, 1979. Applicant: THE BROWN-HUFFSTETTER MATERIAL COMPANY, a Corporation, Garst Avenue at Avenue "B", Greenville, OH 45331. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities* in bulk, in dump trucks, (a) from the facilities of American Aggregates Corporation, at or near Greenville and Phillipsburg, OH, to points in IN, and (b) from the facilities of American Materials Corporation, at or near Fairfield, Hamilton, Harrison, and Middletown, OH, to points in IN and KY, and (2) *precast concrete products*, from the facilities of Permacrete Products Corp., at or near (i) Greenville and Grove City, OH and (ii) South Holland, IL, to those points in the United States on and east of U.S. Hwy 85 under continuing contract(s) with American Aggregates Corporation, American Materials Corporation, and Permacrete Products Corporation, of Greenville, OH. (Hearing site: Columbus, OH.)

MC 147015 (Sub-1F), filed May 7, 1979. Applicant: JAMES P. TAYLOR d.b.a. JAMES TAYLOR TRUCKING, 3718 Gass Lake Rd., Manitowoc, WI 54220. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting (1) *lime and limestone products* (except in bulk, in tank vehicles), from the facilities of Rockwell Lime Company, in Manitowoc County, WI, to points in IL, IN, IA, MI, MN, and MO, and (2) *materials, equipment*, and *supplies* used in the manufacture and distribution of the commodities in (1) above, from points in IL, IN, IA, MI, MN, and MO to the facilities of Rockwell Lime Company, in Manitowoc County, WI. (Hearing site: Madison, WI, or Manitowoc, WI.)

MC 147174F, filed May 4, 1979. Applicant: IDEAL HANGING CORP., 331 Tiffany St., Bronx, NY 10474. Representative: Judson A. Gould, 1627 K St., N.W., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign

commerce, over irregular routes, transporting *garments and fashion accessories*, between the facilities of Ideal Hanging Corp., and Alexander's Department Stores, at or near New York, NY, Paramus, Menlo Park, and Eatontown, NJ, and Milford, CT, under continuing contract(s) with Alexander's Inc., of New York, NY. (Hearing site: Washington, DC.)

MC 1515 (Sub-263F), filed April 26, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant). Transporting *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between Chicago, IL, and DeKalb, IL: From Chicago over Interstate Hwy 90 to junction IL Hwy 5, then over IL Hwy 5 to junction unnumbered highway southeast of DeKalb, then over unnumbered highway to junction IL Hwy 38, then over IL Hwy 38 to DeKalb, and return over the same route, and (2) between Aurora, IL, and junction IL Hwy 5 and IL Hwy 31 north of Aurora, IL: over IL Hwy 31; serving all intermediate points in (1) and (2) above. (Hearing site: Aurora, IL.)

Note.—Common control may be involved.

MC 1515 (Sub-267F), filed April 18, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins Greyhound Tower, Phoenix, AZ 85077. Transporting *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between Rhinelander, WI, and junction WI Hwy 70 and U.S. Hwy 51: From Rhinelander, WI, over WI Hwy 17 to Eagle River, WI, then over WI Hwy 70 to junction U.S. Hwy 51, and return over the same route, serving all intermediate points. (Hearing site: Eagle River, WI.)

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Decided: Sept. 14, 1979.

By the Commission, Review Board Number 2, Members Carleton, Joyce, and Jones.

MC 200 (Sub-350F), filed May 9, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). Transporting *plastic containers*, from the facilities of Hercules Incorporated, at Middletown, DE, to Waseca, MN. (Hearing site: Kansas City, MO.)

MC 531 (Sub-405F), filed May 11, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *vegetable oils*,

in bulk, in tank vehicles, from points in CA, to Fargo, ND. (Hearing site: San Francisco, CA.)

MC 531 (Sub-406F), filed May 11, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *petroleum products, vehicle body sealers, sound deadening compounds, and acoustical control materials*, in bulk, in tank vehicles, from the facilities of Quaker State Oil Refining Corp., in Warren County, MS, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named facilities. (Hearing site: Jackson, MS, or New Orleans, LA.)

MC 16831 (Sub-27F), filed May 11, 1979. Applicant: MID SEVEN TRANSPORTATION COMPANY, a corporation, 2323 Delaware Ave., Des Moines, IA 50317. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of (a) agricultural equipment, (b) industrial equipment, and (c) lawn and leisure products (except commodities in bulk), (1) between the facilities of Deere & Company, in Polk and Wapello Counties, IA, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, and WI, restricted to the transportation of traffic originating at or destined to the named facilities, and (2) between points in IL, IN, KY, MI, OH, and WI, restricted to the transportation of traffic originating at or destined to the facilities dealers of Deere & Company, and further restricted against the transportation of traffic originating at or destined to the facilities of Deere & Company, in (i) Rock Island County, IL, and (ii) Dodge County, WI. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 35320 (Sub-319F), filed May 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities of Scovill Mfg., at or near Clarksville, GA, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 35320 (Sub-320F), filed May 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Independent News Co., Inc., at or near Lawrence, KS, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO, or Washington, DC.)

MC 35320 (Sub-321F), filed May 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosive, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Matthews Machine Co., and its Divisions, Remco, Inc., and Cumberland Valley Metals, at or near Decatur, AL, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

MC 35320 (Sub-322F), filed May 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts for ammunition), serving the facilities of General Electric Co., at or near Decatur, AL, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

MC 35320 (Sub-323F), filed May 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle,

in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts for ammunition over regular routes, serving the facilities of Minerva Wax Paper Co., at or near Minerva, OH, as an off-route point in connection with applicant's otherwise authorized regular-route operations, and (B) over irregular routes, between the facilities of Minerva Wax Paper Co., at or near Minerva, OH, on the one hand, and, on the other, points in CA, OK, TX, OR, and WA. (Hearing site: Akron, OH, or Washington, DC.)

MC 35320 (Sub-324F), filed May 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Metco, Inc., at or near Hartselle, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

MC 35320 (Sub-325F), filed May 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts for ammunition), serving the facilities of Coyne Cylinder Co., at or near Huntsville, AL, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

MC 35320 (Sub-326F), filed May 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual

value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Samsonite Corp., at or near Nogales, AZ, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Phoenix, AZ, or Albuquerque, NM.)

MC 35320 (Sub-327F), filed May 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts for ammunition), serving facilities of IKG Industries, Division of Harsco, at or near (a) Gulfport, MS, (b) Easton, PA, and (c) Charlotte, NC, as off-route points in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Nashville, TN, or Washington, DC.)

MC 42011 (Sub-54F), filed May 11, 1979. Applicant: D. Q. WISE & CO., INC., P.O. Drawer L, Tulsa, OK 74112. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *iron and steel articles*, from the facilities of Colt Industries, Crucible, Inc., at or near Midland, PA, to points in AR, KS, LA, MO, OK, and TX, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Washington, DC.)

MC 48221 (Sub-3F), filed May 10, 1979. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Ave., Omaha, NE 68107. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting (1) *motorcycles, recreational vehicles, generators, lawnmowers, and boat motors*, and (2) *parts and accessories* for the commodities in (1) above, from Chicago, IL, to Omaha, NE. (Hearing site: Omaha, NE.)

MC 57880 (Sub-20F), filed May 10, 1979. Applicant: ASHTON TRUCKING CO., a corporation, 1245 North Hwy 285, Monte Vista, CO 81144. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Transporting *cabinets and cabinet parts*, (1) from Auburn, NE, and San Antonio, TX, to points in Mesa County, CO, and (2) from points in Mesa County, CO, to

Albuquerque, NM. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 59150 (Sub-152F), filed May 11, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose, St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting *iron and steel articles*, between points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA, restricted to the transportation of traffic originating at or destined to the facilities of Row Steel, Inc. (Hearing site: Wilmington, NC, or Jacksonville, FL.)

MC 61401 (Sub-15F), filed May 14, 1979. Applicant: MARX TRUCK LINE, INC., 220 Lewis St., Sioux City, IA 51101. Representative: Robert A. Wichser, P.O. Box 417, Sioux City, IA 51102. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail lumber yards except commodities in bulk), between points in IA, IL, KS, MN, MO, and NE, under continuing contract(s) with Payless Cashways, Inc., of Sioux City, IA. (Hearing site: Omaha, NE, or Washington, DC.)

Note.—Dual operations may be involved.

MC 75840 (Sub-124F), filed May 14, 1979. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *cleaning and buffing compounds*, from the facilities of The Cello Chemical Company, at or near Harve de Grace, MD, to Houston, TX. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 95540 (Sub-1109F), filed May 9, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *chemicals* (except commodities in bulk), between points in NC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Charlotte, NC, or Washington, DC.)

MC 95540 (Sub-1110F), filed May 9, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *bananas*, from Norfolk, VA, to points in the United States (except AK and HI). (Hearing site: Norfolk, VA, or Washington, DC.)

MC 95540 (Sub-1111F), filed May 9, 1979. Applicant: WATKINS MOTOR

LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *such commodities* as are dealt in by chain grocery and food business houses, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in AL, AR, FL, GA, IA, IL, IN, KS, MI, MN, MS, NC, NE, NY, NJ, PA, SC, TN, TX, VA, WI, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Chicago, IL, or Washington, DC.)

MC 95991 (Sub-8F), filed May 11, 1979. Applicant: C. HARRELL, INC., P.O. Box 430, Elmer, NJ 08318. Representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed ingredients*, from the facilities of Paterson Tallow Company, Inc., at or near Jersey City, NJ, to Camp Hill and Mount Joy, PA, under continuing contract(s) with Paterson Tallow Company Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 111310 (Sub-43F), filed May 9, 1979. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting (1) *containers, container ends, and container closures*; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Midland Glass Company, Inc. (Hearing site: Madison, WI, or Cliffwood, NJ.)

MC 112801 (Sub-229F), filed April 25, 1979. Applicant: TRANSPORT SERVICE CO., 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting *hydrochloric acid*, in bulk, in tank vehicles, from Cincinnati, OH, to points in IL, IN, MI, WI, and IA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 113271 (Sub-57F), filed May 7, 1979. Applicant: CHEMICAL TRANSPORT, P.O. Box 2644, Great Falls, MT 59403. Representative: Ray. F. Koby, P.O. Box 2567, Great Falls, MT 59403. Transporting *charcoal briquettes*,

fireplace logs, grill lighters, hickory chips, and lighter fluid (except commodities in bulk), from White City, OR, and Dickinson, ND, to points in AZ, CA, CO, ID, MN, MT, NE, NV, NM, OK, OR, TX, UT, WA, WI, WY, and the ports of entry on the international boundary line between the United States and Canada, in ND. (Hearing site: Dickinson, ND.)

MC 113861 (Sub-74F), filed May 10, 1979. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, TN 38106. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. Transporting petroleum products, in bulk, in tank vehicles, from West Memphis, AR, to points in AL, KY, MS, MO, and TN. (Hearing site: Memphis, TN.)

MC 115730 (Sub-76F), filed May 11, 1979. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 S. W. Sixth St., Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50309. Transporting such commodities as are dealt in or used by manufactures and dealers of (a) agricultural equipment (b) industrial equipment, and (c) lawn care and leisure products, (except commodities in bulk), (1) between the facilities of Deere & Company, in Polk and Wapello Counties, IA, on the one hand, and, on the other, points in CO, KS, MO, and NE, restricted to the transportation of traffic originating at or destined to the named facilities, and (2) between points in CO, KS, MO, and NE, restricted to the transportation of traffic originating at or destined to the facilities of dealers of Deere & Company. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 115841 (Sub-714F), filed May 10, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting cheese and cheese products (except commodities in bulk), from points in OH, to points in AL, AR, FL, GA, LA, MS, NC, NM, OK, SC, TN, and TX. (Hearing site: Columbus, OH, or Washington, DC.)

MC 115931 (Sub-89F), filed May 14, 1979. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting material handling equipment, from the facilities of Rexnord, Inc., Conveyor Division, at or near Clintonville, WI, to points in the United States (including AK, but excluding HI). (Hearing site: Milwaukee, WI.)

MC 117940 (Sub-336F), filed May 8, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting such commodities as are dealt in by chain grocery and food business houses (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in AL, AR, CT, GA, IA, IL, IN, KS, KY, MA, MD, MI, MN, MO, MS, MT, NC, ND, NE, NY, NJ, OH, PA, SD, TN, TX, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 119741 (Sub-182F), filed May 8, 1979. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting meats, meat products and meat byproducts, and articles distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at Cedar Rapids, Cherokee, and Des Moines, IA, to points in CO, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 119741 (Sub-184F), filed May 8, 1979. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting canned and preserved foodstuffs, from the facilities of Heinz USA, Division of H. J. Heinz Company, at or near Iowa City and Muscatine, IA, to Kansas City, MO, and points in KS, MN, NE, ND, and SD, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Pittsburgh, PA.)

MC 120751 (Sub-3F), filed May 8, 1979. Applicant: J. L. CARTAGE & WAREHOUSE, INC., P.O. Box B, LaGrange Park, IL 60525. Representative: William H. Towle, 180 North La Salle St., Chicago, IL 60601. Transporting (1) such commodities as are dealt in or used by manufacturers of heat treating equipment, from Rockford, IL, to points in the United States (except AK and HI), and (2) general commodities (except those of unusual value, classes A and B explosives, and

household goods as defined by the Commission), between Cook, Will, Kendall, Kane, DuPage, and Lake Counties, IL, on the one hand, and, on the other, points in IL. (Hearing site: Chicago, IL.)

Note.—Applicant holds a Certificate of Registration in Part (2) above, in No. MC 120751 (Sub No. 2), which it seeks to convert to a Certificate of Public Convenience and Necessity in conjunction with this application.

MC 123061 (Sub-124F), filed May 8, 1979. Applicant: LEATHAM BROTHERS INC., 46 Orange St., Salt Lake City, UT 84116. Representative: Larry Smart, 419 N.W. 23rd, Portland, OR 97210. Transporting iron and steel articles, between points in CA, OR, WA, and ID. (Hearing site: Portland, OR, or Vancouver, WA.)

MC 124170 (Sub-129F), filed May 11, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Transporting canned and preserved foodstuffs, from the facilities of Heinz USA, Division of H. J. Heinz Company, at or near Pittsburgh, PA, to points in NJ, and those in NY on, south, and east of a line beginning at the CT-NY State line and extending along Interstate Hwy 84 to junction Interstate Hwy 87, then along Interstate Hwy 87 to junction NY Hwy 17, and then along NY Hwy 17 to the NY-NJ State line. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 124211 (Sub-358F), filed May 7, 1979. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Transporting (1) adaptors, bearings, brass articles, bronze articles, bushings, and castings, and (2) accessories for the commodities in (1) above, from Fullerton, CA, St. Louis, MO, Fremont, NE, Toledo, OH, and Houston, TX, to points in the United States (except AK and HI). (Hearing site: Cleveland, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 124211 (Sub-360F), filed May 14, 1979. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Transporting such commodities as are dealt in or used by manufacturers and distributors of (a) plastic articles, (b) wooden articles, and (c) health care products, (except commodities in bulk), between the facilities of Bemis Manufacturing Co., located in WI, on the one hand, and, on the other, points in

the United States (except AK and HI). (Hearing site: Milwaukee, WI.)

Note.—Dual operations may be involved.

MC 124251 (Sub-68F), filed May 9, 1979. Applicant: JACK JORDAN, INC., P.O. Box 689, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *chemicals*, in bulk, in tank vehicles, from points in DeKalb, Fulton, and Cobb Counties, GA, to points in CO and UT, and those in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Atlanta, GA.)

MC 124251 (Sub-69F), filed May 9, 1979. Applicant: JACK JORDAN, INC., P.O. Box 689, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *Liquid chemicals*, in bulk, in tank vehicles, from points in Hamilton County, TN, to those points in United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA.)

MC 124951 (Sub-42F), filed May 11, 1979. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, KY 42420. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Transporting *general commodities* (except commodities in bulk, between the facilities of Henderson County Riverport Authority, in Henderson County, KY, on the one hand, and, on the other, points in AL, AR, IL, IN, KY, MI, MS, MO, NC, OH, PA, SC, WV, and TN. Condition: The certificate to be issued in this proceeding to the extent it authorizes the transportation of classes A and B commodities, shall be limited to a term expiring 5 years from its date of issue. Hearing site: Evansville, IN, or Louisville, KY.)

MC 125951 (Sub-42F), filed May 8, 1979. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Spencer Foods, Inc., at or near Schuyler and Fremont, NE, to points in OH, NC, SC, GA, AL, MS, TN, VA, and KY, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 127991 (Sub-6F), filed May 11, 1979. Applicant: P. F. HUNTLEY CO., 6222 East Desmet, Spokane, WA 99206. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting (1) *bananas*, and (2) *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under the provisions 49 U.S.C. 10526(a)(6) [formerly Section 203(b)(6) of the Interstate Commerce Act], when moving in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Heuneme, CA, to points in WA and ID, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles, CA.)

MC 129680 (Sub-5F), filed May 11, 1979. Applicant: FRANK H. MORRIS, d.b.a. MORRIS TRANSPORTATION, 188 Broad St., Wethersfield, CT 06109. Representative: Thomas W. Murrett, 342 North Main St., West Hartford, CT 06117. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *prefabricated building components*, from Bristol, CT, to points in RI, MA, NH, VT, ME, and NJ, and those in NY and PA on and east of Interstate Hwy 81, under continuing contract(s) with Morin Building Products Co., Inc., of Bristol, CT. (Hearing site: Hartford, CT.)

MC 134601 (Sub-13F), filed May 8, 1979. Applicant: GOOSE CREEK TRANSPORT, INC. R. D. #1, Ashville, NY 14710. Representative: Ronald W. Malin, Bankers Trust Building, Jamestown, NY 14701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in CO, KS, MI, and TX, to Harmony, NY, under continuing contract(s) with Fairbank Farms, Inc., of Ashville, NY. (Hearing site: Washington, DC.)

MC 135070 (Sub-59F), filed May 11, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foodstuffs* (except commodities in bulk), from the facilities of The Pillsbury Company, at or near (a) Minneapolis and St. Paul, MN, and (b) Joplin and Carthage, MO, to points in AR, KS, OK, and TX. (Hearing site: Minneapolis, MN, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135410 (Sub-59F), filed May 9, 1979. Applicant: COURTNEY J. MUNSON, d.b.a., MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corp., at Logansport, IN, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and DC, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 136511 (Sub-53F), filed May 11, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting (1) *animal feed, feed ingredients, and feed additives*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near (a) Ogden, UT, and (b) Los Angeles, CA, on the one hand, and on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Washington, DC.)

MC 138741 (Sub-78F), filed May 11, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *iron and steel articles*, from the facilities of Feralloy Corporation, at or near Granite City, IL, to points in AR, IN, KY, MO, KS, and TN. (Hearing site: Chicago, IL.)

MC 140890 (Sub-3F), filed May 10, 1979. Applicant: D D & D TRUCK LINES INC., 270 U.S. Hwy 90 East, Baldwin, FL 32234. Representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, FL 32207. Transporting *scrap metal*, from points in GA, to points in FL. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 142401 Sub-3F, filed May 8, 1979. Applicant: OCEAN TERMINALS, INC., 410 Park Place Building, Seattle, WA 98101. Representative: J.G. Dail, Jr., P.O.

Box LL, McLean, VA 22101. Transporting *diatomaceous earth*, from points in Grout County, WA, and the facilities of Johns-Manville co., at or near Lompoc, CA, to points in AK. (Hearing Site: Anchorage, AK, or Seattle, WA.)

MC 143730 (Sub-4F), filed May 11, 1979. Applicant: PENINSULA TRUCKING COMPANY, INC., 705 Morehouse Drive, New Castle, DE 19720. Representative: Richard M. Ochroch, 316 S. 16th St., Philadelphia, PA 19103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Philadelphia, PA, on the one hand, and, on the other, points in GA, FL, NC, SC, TN, WV, and WA, under continuing contract(s) with Hygrade Food Products Corporation, of Detroit, MI. (Hearing site: Philadelphia, PA.)

MC 144351 (Sub-4F), filed May 11, 1979. Applicant: DON HAUSAUER, d.b.a. DON HAUSAUER TRUCKING, Route #5, Carufel Addition, Bismarck, ND 58501. Representative: Charles E. Johnson, 418 East Rosser Ave., P.O. Box 1982, Bismarck, ND 58501. Transporting *non-alcoholic beverages*, from Duluth, MN, to points in ND, SD, and MN. (Hearing site: Fargo, ND, or St. Paul, MN.)

Note.—Dual operations may be involved.

MC 144431 (Sub-2F), filed May 9, 1979. Applicant: HOFFMAN TRANSIT CO., INC., Hwy A, 1 Mile West, Gresham, WI 54128. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *wood chips*, in bulk, from Amasa, MI, to Green Bay, WI. (Hearing Site: Green Bay or Milwaukee, WI.)

MC 147730F, filed May 3, 1979. Applicant: GERALD ROBERT TRUCKING, INC., 34 Pleasant St., Granby, MA 01033. Representative: Gerald Robert (same address as applicant). Transporting (1) *limestone*, in bulk, and (2) *salt*, in bulk, between points in MA, CT, ME, NH, and VT. (Hearing site: Springfield or Boston, MA.)

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Decided: Sept. 17, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

MC 45716 (Sub-11F), filed March 9, 1979. Applicant: WELSH BROS. MOTOR SERVICE, INC., 920 150th St.,

Hammond, IN 46320. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *iron and steel articles*, from the facilities of Jones & Laughlin Steel Corporation, at East Chicago, IN, to those points in IL on and north of a line beginning at the IN-IL State line and extending along U.S. Hwy 36 to Decatur, IL, then along IL Hwy 48 to junction IL Hwy 29, near Taylorville, IL, then along IL Hwy 29 to junction U.S. Hwy 136, then along U.S. Hwy 136 to the Mississippi River. (Hearing site: Chicago, IL.)

MC 59396 (Sub-29F), filed April 5, 1979. Applicant: BUILDERS EXPRESS, INC., R. D. Limecrest Road, Lafayette, NJ 07848. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting *roofing granules*, in dump vehicles, (1) from Bound Brook, NJ, and Blue Ridge Summit, PA, to points in CT, GA, MD, MA, NC, OH, PA, and WV, and (2) from Blue Ridge Summit, PA, to points in NJ. (Hearing site: New York, NY, or Washington, DC.)

MC 63417 (Sub-197F), filed April 3, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain, (same address as applicant). Transporting *new furniture and furniture parts*, (1) from the facilities of Stanley Furniture, at or near (a) Stanleytown and Waynesboro, VA, and (b) West End, NC, to points in MO, and (2) from the facilities of Stanley Furniture, at or near Waynesboro, VA, to points in OK. (Hearing site: Roanoke, VA.)

MC 63417 (Sub-198F), filed April 3, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *glass containers*, from Cliffwood, NJ, Henryetta, OK, Shakopee, MN, Terre Haute, IN, and Warner Robins, GA, to points in the United States (except AK and HI). (Hearing site: Roanoke, VA, or Washington, DC.)

MC 102616 (Sub-989F), filed April 3, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *liquid fertilizer*, in bulk, in tank vehicles, from Seaford, DE, to points in DE, MD, and VA. (Hearing site: Houston, TX, or Chicago, IL.)

MC 105007 (Sub-52F), filed April 6, 1979. Applicant: MATSON TRUCK LINE, INC., 1407 St. John Avenue, Albert

Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Transporting *paper and paper products*, from Madisonville, KY, to Cresco and Lake Mills, IA. (Hearing site: Minneapolis, MN.)

MC 109397 (Sub-451F), filed April 3, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a Delaware Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *precast concrete products, modular mausoleum crypt systems, and concrete forming systems*, from Oshkosh, WI, Laurel, MD, St. Louis, MO, Dade City, FL, and Denver, CO, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 109397 (Sub-452F), filed April 3, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a Delaware Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *solar energy collectors*, and (2) *parts, attachments, and accessories* for the commodities in (1) above, from points in Kings County, CA, to points in the United States (except AK, and HI). (Hearing site: San Francisco or Los Angeles, CA.)

MC 109397 (Sub-456F), filed April 6, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a Delaware Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *clay*, from points in Thomas County, GA, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 112617 (Sub-425F), filed April 5, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). Transporting *olefin solvent*, in bulk, in tank vehicles, from West Lake Charles, LA, to Parsons, WV. (Hearing site: Louisville, KY, or Washington, DC.)

MC 115826 (Sub-439F), filed April 3, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meats and meat products*, from points in OH, to points in CO, AZ, CA, UT, NM, TX, KS, and MO. (Hearing site: Denver, CO.)

MC 117686 (Sub-272F), filed March 13, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant).

Transporting (1) *rubber articles and plastic articles*, from facilities of Entek Corporation of America, at or near Irving, TX, to points in AL, AZ, CA, GA, IA, KS, LA, MN, MO, MS, NC, ND, NE, SC, SD, and WI; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Dallas or Houston, TX.)

Note.—Dual operations may be involved.

MC 119777 (Sub-366F), filed April 3, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Box Drawer L, Madisonville, KY 42431. Transporting (1) *plastic products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between points in the United States (except AK and HI). (Hearing site: Louisville, KY, or Memphis, TN.)

MC 119917 (Sub-54F), filed March 29, 1979. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, GA 30316. Representative: Barry L. Dudley (same address as applicant). Transporting *charcoal, hickory chips, charcoal lighter fluid, fireplace logs, and barbecue equipment*, from the facilities of Husky Industries, Inc., at Isanti, MN, to points in AL, AR, FL, GA, IL, IN, IA, LA, MS, MO, NE, NC, SC, ND, OK, TN, TX, VA, and WI. (Hearing site: Atlanta, GA, or Richmond, VA.)

MC 124887 (Sub-76F), filed April 6, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Transporting *materials* used in the manufacture of stoves and metal beds, from those points in the United States in and east of ND, SD, NE, KS, OK, and TX, to the facilities of Fisher Stoves, at or near Watkinsville, GA. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 136786 (Sub-152F), filed April 5, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, IA 50321. Representative: William L. Libby, 7525 Mitchell Road, Eaden Prairie, MN 55344. Transporting *foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Welch Foods, Inc., at or near Kennewick and Grandview, WA, to points in CO and UT. (Hearing site: Minneapolis, MN, or Des Moines, IA.)

MC 138157 (Sub-137F), filed April 4, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d/b/a SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting (1) *fireplaces*, and (2) *materials, equipment, and supplies, used in the installation of fireplaces* (except commodities in bulk and those requiring special equipment), from the facilities of Marco Manufacturing, Inc., at Louisville, KY, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Marco Manufacturing, Inc. NOTE: Dual operations may be involved. (Hearing site: Atlanta, GA, or Louisville, KY.)

MC 142207 (Sub-26F), filed April 5, 1979. Applicant: BRANNAN SYSTEMS, INC., P.O. Box 29287, New Orleans, LA 70189. Representative: Bruce E. Mitchell, 3390 Peachtree Road, Lenox Towers I, Fifth Floor, Atlanta, GA 30326. Transporting *plywood, paneling, and composition board*, from the facilities of Plywood Panels, Inc., at or near New Orleans, LA, to those points in the United States in and east of TX, OK, KS, NE, IA, and MN. (Hearing site: Washington, DC.)

MC 143516 (Sub-1F), filed March 14, 1979. Applicant: RAIL HIGHWAY TRANSPORTATION, INC., 2850 East River Rd., Dayton, OH 45439. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting *concrete products*, (except commodities in bulk), between Dayton, OH, on the one hand, and, on the other, points in AL, AR, GA, IA, IL, IN, KY, MD, MI, MN, MO, MS, NC, NJ, NY, OH, PA, SC, TN, VA, WI, WV, and DC. (Hearing site: Columbus, OH.)

MC 143696 (Sub-8F), filed April 5, 1979. Applicant: AMERICAN INDUSTRIAL TRANSPORTATION, INC., P.O. Box 1416, Henderson, TX 75652. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *contractors' equipment*, and (2) *such commodities* as are dealt in or used by marine supply houses, between New Orleans, LA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Dreyfus Supply & Machinery Corp., of New Orleans, LA. (Hearing site: Dallas, TX.)

MC 144117 (Sub-35F), filed April 6, 1979. Applicant: TLC LINES, INC., P.O.

Box 1090, Fenton, MO 63026. Representative: Daniel C. Sullivan, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *pet food ingredients* (except commodities in bulk), from the facilities of Consolidated Pet Foods, Inc., at or near Amarillo, TX, to Columbus, OH, Kankakee and Chicago, IL, Topeka, KS, Los Angeles, CA, Crete, NE, and Lafayette, IN, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Fort Worth, TX, or St. Louis, MO.)

MC 144667 (Sub-5F), filed March 13, 1979. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028. Transporting (1)(a) *beverages*, and (b) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of beverages, between Scottsbluff, NE, on the one hand, and, on the other, points in CO, IA, ID, IL, KS, MN, MO, MT, ND, SD, UT, WI, and WY; (2)(a) *tub grinders, brackets, buckets, cabs, and roll bars*, and (b) *parts and accessories* for the commodities in (2)(a) above, from Greeley, CO, and points in Cheyenne County, NE, to points in the United States (except AK and HI); and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (2) above, and *metal articles*, from points in the United States (except AK and HI), to Greeley, CO, and points in Cheyenne and Scotts Bluff Counties, NE. (Hearing site: Denver, CO, or Scottsbluff, NE.)

MC 144927 (Sub-15F), filed April 5, 1979. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warren C. Moberly, 320 North Meridian Street #777, Indianapolis, IN 46204. Transporting *plastic cabinets and metal cabinets*, from Columbus, IN, to Chicago, IL, Minneapolis, MN, and points in NY, MA, PA, CT, RI, and NJ. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 146676 (Sub-1F), filed April 3, 1979. Applicant: BURKS TRUCKING INC., P.O. Box 37, Old Fort, OH 44861. Representative: Richard H. Brandon, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017. Transporting *fertilizer and fertilizer ingredients*, between the facilities of Ohio Farmers Grain and Supply Association, at or near Fostoria, OH, on the one hand, and, on the other, points in IN and MI. (Hearing site: Columbus, OH.)

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Decided: September 13, 1979.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 11207 (Sub-479F), filed April 16, 1979. Applicant: DEATON, INC., 317 Avenue W, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *weight scales and steel shipping reels*, from Hartselle, AL, to points in AL, AR, FL, GA, KY, LA, MO, NC, OK, SC, TN, TX, VA, and WV. (Hearing site: Birmingham, AL or Washington, DC.)

MC 19227 (Sub-245F), filed April 16, 1979. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th Street, P.O. Box 523610, Miami, FL 33152. Representative: Robert F. McCaughey, 2515 N.W. 20th Street, Miami, FL 33152. Transporting (1) *metal roofing, metal siding, and fabricated metal products*, from the facilities of FABRAL at or near Idabel, OK, to points in AR, CA, KS, LA, MO, MS, OK, TX, and WA, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of commodities named in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 34227 (Sub-19F), filed April 16, 1979. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, a corporation, 15910 East Colfax, Aurora, CO 80111. Representative: James P. Beck, 717 17th Street, Suite 2600, Denver, CO 80202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from the facilities of Simpson Paper Company at or near Pomona, CA, to points in AZ, CO, NV, NM, TX, UT and WY, under continuing contract(s) with Simpson Paper Company of Anderson, CA. (Hearing site: San Francisco, CA.)

MC 37656 (Sub-14F), filed April 19, 1979. Applicant: DOYLE TRUCKING CORPORATION, 100 Plaza Center, Secaucus, NJ 07094. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture* from the facilities of Allied Fine Furniture, Inc., at Richmond, VA, to points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, WV and DC, under contract(s) with Allied Fine Furniture, Inc., of Richmond, VA. (Hearing site: Washington, DC, or Newark, NJ.)

MC 42537 (Sub-60F), filed April 16, 1979. Applicant: CASSENS TRANSPORT COMPANY, a corporation, P.O. Box 468, Edwardsville, IL. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *new foreign automobiles*

and trucks, in secondary movements, in truckaway service, from Naperville and Aurora, IL, to Overland Park, KS, and points in WI and MN. (Hearing site: Chicago, IL.)

MC 51146 (Sub-686F), filed April 19, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *such commodities as are dealt in or used by department stores* (except commodities in bulk), from points in CT, MA, NJ, NY, PA, and RI, to points in IL. (Hearing site: Chicago, IL.)

MC 95376 (Sub-19F), filed April 19, 1979. Applicant: McVEY TRUCKING, INC., R.R. #1, Oakwood, IL 61858. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *materials and supplies used in the manufacture and distribution of foundry castings*, from points in AL, IA, IN, KY, MI, MO, OH, and TN, to Tilton, IL, restricted to the transportation of traffic destined to the facilities of Central Foundry Division, General Motors Corporation, at Tilton, IL. (Hearing site: Chicago, IL, or Detroit, MI.)

MC 102616 (Sub-994F), filed April 17, 1979. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *lubricating oil* (except petroleum oil), in bulk, in tank vehicles, from Port Huron, MI, to West Peoria, IL. (Hearing site: or Detroit, MI, Chicago IL.)

MC 109397 (Sub-457F), filed April 16, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *log loaders, log skidders, and earth drilling machinery*, each weighing less than 15,000 lbs., between the facilities of Dunham Manufacturing Company, Inc., at Minden, LA, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 112617 (Sub-428F), filed April 17, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). Transporting *commodities*, in bulk, in tank vehicles, between the facilities of the Henderson County Riverport Authority in Henderson County, KY on the one hand, and on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX (except

KY). (Hearing site: Louisville, KY, or Washington, DC.)

MC 113666 (Sub-163F), filed April 20, 1979. Applicant: FREEPORT, TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: R. Scott Mahood (same address as applicant). Transporting (1) *enameled products and frit*, and (2) *materials, equipment and supplies* used in the production of the commodities in (1) above, between Frankfort, IN, on the one hand, and, on the other, points in IN, MI, OH, KY, IL, TN, MO, GA, WI, AL, IA, NC and SC. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 115716 (Sub-24F), filed April 17, 1979. Applicant: DENVER-LIMON-BURLINGTON-TRANSFER COMPANY, a corporation, 3650 Chestnut Place, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. Transporting *meats, meat products, meat by-products and articles distributed by meat-packing houses*, between Denver and Brush, CO, on the one hand, and on the other, points in CA. (Hearing site: Denver, CO.)

MC 115826 (Sub-449F), filed April 15, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *foodstuffs, commodities* used and dealt in by restaurants and food service companies (except foodstuffs, and commodities used in packaging and processing foodstuffs (except commodities in bulk), from points in CA, IN, LA, MA, NJ, NY, TX, and WI, to the facilities of CFS Continental, Inc., at or near Chicago, IL, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Denver, CO.)

MC 115826 (Sub-451F), filed April 17, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *suitcases, travel bags, briefcases and carrying cases*, from Denver, CO, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture, repair, display and distribution of the commodities named in (1) in the reverse direction. (Hearing site: Denver, CO.)

MC 115826 (Sub-453F), filed April 19, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *petroleum, petroleum products, vehicle body sealer and sound*

deadener compounds, (except in bulk, in tank vehicles), and filters, from points in Warren County, MS, to points in IL, IN, KY, NY, AZ, SC, CA, CO, CT, MI, NE, IA, TX, WI, MD, PA, MN and OH; (2) (a) *petroleum, petroleum products, vehicle body sealer and sound deadener compounds, filters and (b) materials, supplies and equipment used in the manufacture sale and distribution of the commodities named in (1) above* (except in bulk in tank vehicles), from points in OH to points in Warren County, MS, IL, IN and PA, restricted in (1) and (2) above, the extent service is authorized at point in Warren County, MS, to the extent service is authorized at points in Warren County, MS, transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation in Warren County, MS. (Hearing site: Denver, CO.)

MC 115826 (Sub-455F), filed April 20, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *alcoholic liquors*, in containers, from the facilities of Seagrams' Distillers at or near Detroit, MI, to Phoenix, AZ, Denver, CO, Salt Lake City, UT, and points in CA. (Hearing site: Denver, CO.)

MC 115826 (Sub-476F), filed May 16, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meat and meat products*, from the facilities of Cudahy Foods Co. at or near Phoenix, AZ, to points in NM, TX, OK, TN, GA, and FL. (Hearing site: Denver, CO.)

MC 117386 (Sub-10F), filed April 16, 1979. Applicant: L. B. TRANSPORT, INC., Buffalo Center, IA 50424. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. Transporting *crude soybean oil*, from Cedar Rapids, Mason City, Des Moines, Eagle Grove, Iowa Falls, and Ralston, IA, to the facilities of Hunt-Wesson Foods, Inc., at or near Chicago, IL. (Hearing site: San Francisco or Los Angeles, CA.)

MC 117686 (Sub-258F), filed April 19, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Transporting, (1) *bananas* and (2) *agricultural commodities otherwise exempt from economic regulation under 49 USC § 10526(a)(6), when transported in mixed loads with bananas*, from Gulfport, MS, and Galveston, TX, to Colorado Springs, Denver, and Grand

Junction, CO. (Hearing site: Denver, CO, or Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 117686 (Sub-260F), filed April 17, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Transporting (1) *petroleum, petroleum products, vehicle body sealer and sound deadener compounds, (except commodities in bulk, in tank vehicles), and filters*, from points in Warren County, MS, to those points in the United States in and west of GA, FL, IL, IN, KY, NC, SC, and WI (except AK and HI), and (2) (a) *petroleum, petroleum products, vehicle body sealer and sound deadener compounds, filters, and (b) materials, equipment, and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from points in AL, GA, FL, IL, KY, NC, OK, and SC, to points in Warren County, MS, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation in Warren County, MS. (Hearing site: Washington, DC, or Pittsburgh, PA.)

Note.—Dual operations may be involved.

MC 117797 (Sub-7F), filed April 19, 1979. Applicant: R. D. LEWIS BANANA CO., INC., P.O. Box 387, Fowler, CO 81039. Representative: Billy R. Reid, P.O. Box 8385, Fort Worth, TX 76112. Transporting, (1) *bananas*, and (2) *agricultural commodities exempt from regulation under 49 U.S.C. § 10526(a)(6)(B), in mixed loads with bananas*, from Port Hueneme, CA to points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MO, MT, NE, NM, NV, ND, OR, OK, SD, TX, UT, WA, and WY. (Hearing site: Denver, CO, or Miami, FL.)

MC 119577 (Sub-26F), filed April 19, 1979. Applicant: OTTAWA CARTAGE, INC., P.O. Box 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Transporting, (1) *resin sand*, in bulk, from points in La Salle, County, IL, and (2) *sand*, in bulk, from points in Berrien County, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. (Hearing site: Chicago, IL.)

MC 123987 (Sub-23 or -9F), filed April 17, 1979. Applicant: JEWETT SCOTT TRUCK LINE, INC., Box 267, Mangum, OK 73554. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *wire, wire products, fence and fencing materials*, between

the facilities of Bekaert Steel Wire Corporation at or near Van Buren, AR, on the one hand, and, on the other, points in AZ, CA, CO, KS, IA, ID, LA, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: Oklahoma City, OK, or Little Rock, AR.)

MC 124947 (Sub-129F), filed April 16, 1979. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *electrical storage batteries, electrical storage parts, battery fluid, battery boxes, battery covers, and battery vents*, and (2) *equipment materials, and supplies*, used in the production of the commodities specified in (1) above, between points in the United States (except AK and HI), restricted the transportation of traffic originating at or destined to the facilities of Gould, Inc. (Hearing site: Chicago, IL.)

MC 129537 (Sub-38F), filed April 17, 1979. Applicant: REEVES TRANSPORTATION CO., a corporation, Rt. 5—Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan Street, Tampa, FL 33602. Transporting *carpeting, floor covering, carpet padding, and materials, supplies & equipment used in the installation and manufacture of carpeting, floor covering, and carpet padding*, between Dallas and Ft. Worth, TX, on the one hand, and on the other, points in AR, OK, NM, and LA. (Hearing site: Dallas, TX.)

MC 134477 (Sub-335F), filed April 16, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *plastic articles, cloth, flashlights, lanterns, batteries, lighting fixtures*, and (2) *equipment materials and supplies used in the manufacture and distribution of the commodities named in (1) above*, (except commodities in bulk), between points in CA, CT, GA, IL, MD, MA, MI, MN, MO, NJ, NY, NV, NC, OH, OR, PA, SC, TN, TX, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Ray-O-Vac Division, ESB, Inc. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-338F), filed April 16, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a common carrier by motor vehicle, over irregular routes, in foreign commerce only transporting (1)

automatic control devices and (2) parts, materials and equipment used in the manufacture of automatic control devices, (except commodities in bulk), between Minneapolis, MN, the port of entry on the international boundary line between the United States and Canada at Port Huron, MI, restricted to the transportation of traffic originating at or destined to the facilities of Honeywell, Inc., at Minneapolis, MN. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-339F), filed April 20, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *footwear and materials, supplies and equipment used in the manufacture and distribution of footwear (except commodities in bulk), (1) from points in ME, MA, NH, NJ, NY, PA, and VA, to Red Wing, MN, and (2) from points in MA, to Chicago, IL, and Veloit, Milwaukee, and Sheboygan, WI. (Hearing site: St. Paul, MN.)*

MC 138157 (Sub-147F), filed April 17, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting *general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of U.S.C. Shippers Association at or near Los Angeles, CA, to those points in the United States in and east of MT, WY, CO, and NM restricted to the transportation of traffic originating at the names origin and destined to the indicated destinations. (Hearing site: Los Angeles, CA.)*

Note.—Dual operations may be involved.

MC 138256 (Sub-18F), filed April 17, 1979. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. To operate as a *contract carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) steel and stainless steel tanks, from the facilities of Welk Brothers Metal Products, Inc., at Spokane, WA, to points in OR, ID, MT, NV, WY, CA, and AZ; and (2) materials used in the manufacture of commodities described in (1) above, from Geneva, UT, Portland, OR, Seattle, WA, Cleveland, OH, Chicago, IL, Amarillo, TX, Kansas City, KS, and points in Los Angeles, San*

Bernardino, and Orange Counties CA, to the facilities of Welk Brothers Metal Products, Inc., Spokane, WA under continuing contract(s) with Welk Brothers Metal Products, Inc., of Spokane, WA. (Hearing site: Seattle, WA, or Spokane, WA.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) [formerly Section 5(2) of the Interstate Commerce Act] or submit an affidavit indicating why such approval is unnecessary, 20 days after publication.

MC 143267 (Sub-64F), filed April 16, 1979. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th Street, NW., Washington, DC 20005. Transporting *refractory products, from the facilities of Freeport Brick Company at or near Freeport, Reesedale, and Creighton, PA, to points in IL, IN, MI, and OH. (Hearing site: Cleveland, OH, or Washington, DC.)*

MC 145406 (Sub-38F), filed April 18, 1979. Applicant: MIDWEST EXPRESS, INC., 380 E. Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *packinghouse supplies, from the facilities of John Morrell & Co., at or near Elmhurst, IL, to points in CA, restricted to the transportation of traffic originating at this named origin. (Hearing site: Chicago, IL.)*

MC 145827 (Sub-2F), filed April 18, 1979. Applicant: LONG ROCK CO., P.O. Box 188, Princeville, IL 61559. Representative: Douglas G. Brown, The INB Center—Suite 555, One North Old State Capital Plaza, Springfield, IL 62701. Transporting *crude silicon carbide, from the facilities of ESK Corporation at Hennepin, IL to points in AL, AR, GA, IL, IN, IA, KY, LA, MI, MS, MO, NY, NC, OH, OK, PA, SC, TN, VA, WV, and WI. (Hearing site: St. Louis, MO, or Chicago, IL.)*

MC 146297 (Sub-3F), filed April 16, 1979. Applicant: FRANK, LOUIS, AND JERRY PRASIFKA, d.b.a. PRASIFKA BROS., P.O. Box "S", Hutchins, TX 75141. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. Transporting *wheels, hubs, wheels with tires, brakes and brake parts, spindles, cranes and crane parts, from Dresden, TN, to points in AR, LA, MO, MS, OK and TX. (Hearing site: Dallas, TX, or Memphis, TN.)*

MC 147166F, filed April 19, 1979. Applicant: JENNINGS TRANSFER CO., a corporation, Bridge Street, Caldwell, OH 43724. Representative: Robert W. Gardier, Jr., 100 East Broad Street,

Columbus, OH 43215. Transporting *fertilizer, between points in Fayette County, OH, on the one hand, and, on the other, points in IN, KY, and WV. (Hearing site: Columbus, OH.)*

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Decided: Sept. 17, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 4687 (Sub-23F), filed May 7, 1979. Applicant: BURGESS & COOK, INC., P.O. Box 458, Fernandina Beach, FL 32034. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *(1) paper and paper products, and (2) materials and supplies used in the manufacture and distribution of the above named commodities (except in bulk), between points in FL, on the one hand, and, on the other, points in AL, FL, GA, NC and SC. (Hearing site: Jacksonville, FL.)*

MC 11207 (Sub-492F), filed May 4, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave. NW., Washington, DC 20014. Transporting *petroleum products, in containers, from Baton Rouge, LA, to points in FL, GA, KY, MS, NC, SC and TN. (Hearing site: Baton Rouge, LA or Washington, DC.)*

MC 21866 (Sub-116F), filed May 4, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *(1) plastic pellets (except in bulk), from the facilities of Texapal Corporation at or near Bethlehem, PA, to points in FL, IL, IN, MA, MI, MN, NC, OH, SC, TN and WI, and (2) materials used in the manufacture of plastic pellets (except commodities in bulk), from points in NC and SC to the facilities of Texapal Corporation at or near Bethlehem, PA. (Hearing site: Philadelphia, PA or Washington, DC.)*

MC 26396 (Sub-240F), filed May 1, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONNERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *starch, from Keokuk, IA, to points in ND and MT. (Hearing site: Billings, MT.)*

MC 52616 (Sub-7F), filed May 2, 1979. Applicant: GERSON TRANSPORTATION, 2235 West Main Street, Millville, NJ 08332. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, DC 20036. Transporting *(1) containers, and (2) materials, equipment*

and supplies used in the manufacture, and distribution of containers, between the facilities of Diamond Glass Company in Chester and Montgomery Counties, PA, on the one hand, and on the other, points in CT, DE, NJ, MD, and VA, New York, NY, and points in Nassau, Orange, Putnam, Suffolk, Ulster and Westchester Counties, NY. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 69116 (Sub-236F), filed May 7, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Joel H. Steiner, 39 South LaSalle Street, Chicago, IL 60603. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Dow Corning Corporation, at or near Midland, MI, as an off-route point in connection with carrier's otherwise authorized operations. (Hearing site: Chicago, IL.)

MC 79687 (Sub-27F), filed May 1, 1979. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Road, Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *glass containers, and materials, equipment and supplies* used in the manufacture and distribution of glass containers, between (1) Olean, Elmira and Horseheads, NY, on the one hand, and, on the other, points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, OH, PA, RI, VA, VT and WV, and (2) Wharton, NJ, on the one hand, and, on the other, points in CT, IL, IN, ME, MA, MI, NH, NY, OH, PA, RI, VT and WV, restricted to the transportation of traffic originating at and destined to the named origins and destinations. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 79687 (Sub-29F), filed May 4, 1979. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Road, Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *containers and equipment, materials and supplies* used in the manufacture and distribution of containers and related accessories (except commodities in bulk), between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV and WI (except points in Brown County, WI), restricted to the transportation of traffic

originating at or destined to the facilities of National Can Corporation. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 111397 (Sub-127F), filed May 7, 1979. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, KY 42001. Representative: H.S. Melton, Jr., P.O. Box 1407, Paducah, KY 42001. Transporting *empty radioactive material containers*, from the facilities of W. H. Stewart Company, at Oklahoma City, OK, to points in McCracken County, KY, Massac County, IL and Anderson County, TN. (Hearing site: Memphis, TN or St. Louis, MO.)

MC 112617 (Sub-429F), filed May 1, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21 396, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). Transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from the facilities of Amoco Chemicals at Wood River, IL, to points in AL, AR, FL, GA, IN, KY, LA, MA, MD, MI, MO, MS, NJ, NY, OH, PA, RI, SC, TX, VA and WV. (Hearing site: Louisville, KY or Washington, DC.)

MC 112617 (Sub-430F), filed May 1, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). Transporting *lubricating oil*, in bulk, in tank vehicles, from McCook, IL, to points in KY and TN. (Hearing site: Louisville, KY or Washington, DC.)

MC 113267 (Sub-366F), filed May 4, 1979. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). Transporting *such merchandise* as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, FL, GA, IA, IL, IN, KS, KY, MI, MN, MO, MS, NC, NE, OH, SC, SD, TN, TX and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC or Chicago, IL.)

MC 115496 (Sub-118F), filed May 1, 1979. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Highway 23, South, Cochran, GA 31014. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting *construction materials* (except commodities in bulk), from the facilities of the Celotex Corp. at Elizabethtown, KY, and Lockland, OH,

to points in KY, TN, MS, AL, NC, SC, GA, FL, VA, and WV. (Hearing site: Atlanta, GA.)

MC 115826 (Sub-454F), filed May 1, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *foodstuffs and articles, materials and supplies* used and dealt in by restaurants and food service companies, from points in the United States (except AK and HI), to points in CO and NM. (Hearing site: Denver, CO.)

MC 116457 (Sub-43F), filed May 1, 1979. Applicant: GENERAL TRANSPORTATION INCORPORATED, 1804 S. 27th Avenue, Phoenix, AZ 85005. Representative: D. Parker Crosby (same address as applicant). Transporting *roofing, roofing materials, insulation materials, roofing supplies and products*, and (2) *tools, equipment and supplies* used in the installation of the commodities named in (1) above (except commodities in bulk), between points in AZ, CA, CO, NM, NV, OK, TX, and UT. (Hearing site: Phoenix, AZ.)

MC 116457 (Sub-45F), filed May 4, 1979. Applicant: GENERAL TRANSPORTATION, INC., 1804 S. 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Representative: D. Parker Crosby (same address as applicant). Transporting *lumber, lumber products, wood products, composition board, wood mouldings and forest products*, from (1) points in AZ to points in CA, OR, ID, and WA, (2) points in UT to points in AZ, NM, TX and OK, and (3) points in ID, MT, and WY, to points in AZ, NM, TX and OK. (Hearing site: Phoenix, AZ.)

MC 118806 (Sub-68F), filed May 4, 1979. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Boulevard, Suite 200, Winnipeg, Manitoba, Canada R2S 3K4. Representative: Bernard J. Kompare, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *such commodities* as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure product manufacturers and dealers (except commodities in bulk), between the facilities of Deere & Co. at points in IL, IA and WI, on the one hand, and, on the other, the ports of entry on the International Boundary line between the United States and Canada located in MI, NY, VT, NH, and ME. (Hearing site: Chicago, IL.)

MC 119567 (Sub-16F), filed May 4, 1979. Applicant: EMPIRE TRANSPORT, 2007 Overland Road, Boise, ID 83705.

Representative: Kenneth G. Bergquist, P.O. Box 1775, Boise, ID 83701. Transporting *silica sand*, from points in Ada, Boise, and Gem Counties, ID, to points in CA, UT, WA and WY. (Hearing site: Boise, ID.)

MC 119777 (Sub-372F), filed May 7, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *paper and paper products*, from Campti, LA, to points in the United States (except AK and HI). (Hearing site: Portland, OR.)

MC 121496 (Sub-23F), filed May 4, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Oxirane Chemical Company in the Bayport Industrial District, Harris County, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 121496 (Sub-25F), filed May 4, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. Transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from the facilities of Exxon Company, U.S.A. at points in Harris County, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 124117 (Sub-35F), filed May 1, 1979. Applicant: EARL FREEMAN AND MARIE FREEMAN, doing business as MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *materials, supplies and equipment* used in the manufacture and distribution of glass containers, from points in IL, KY, MI, OH, NC, WI (except Milwaukee, WI), and VA to the facilities of Midland Glass Company, Inc., at or near Warner Robbins, GA, and Terre Haute, IN. (Hearing site: Nashville, TN.)

MC 127306 (Sub-12F), filed May 4, 1979. Applicant: M. W. McCURDY & CO., INC., 401 Nora's Lane, Houston, TX 77022. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting (1) *precooked rice*, and (2) *rice* which is otherwise exempt from economic regulation under 49 U.S.C. Section 10526(a)(6) (1978) (formerly Section

203(b)(6) of the Interstate Commerce Commission Act, when transported in mixed loads with precooked rice, from the facilities of Riviana Foods, Inc., at or near Houston, TX, to points in AZ, CA, ID, NV, OR, UT and WA, restricted to the transportation of traffic originating at the above named facilities. (Hearing site: Houston, TX.)

Note.—Dual operations may be involved.

MC 138157 (Sub-134F), filed March 9, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d/b/a SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn, (same address as applicant) Transporting (1) *chemicals*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the above named commodities (except commodities in bulk) from points in LA and TX, to points in AZ, CA, CO, OR and WA. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 141076 (Sub-23F), filed May 7, 1979. Applicant: ROGERS MOTOR LINES, INC., R.D. #2, P.O. Box 388 D2, Hackettstown, NJ 07840. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting *canned and preserved foodstuffs*, from the facilities of Heinz U.S.A. at or near Holland, MI, to points in NJ, NY, and those in PA on and east of Interstate Hwy 81, restricted to the transportation of traffic originating at the named origin and destined to the named states. (Hearing site: New York, NY.)

MC 144027 (Sub-11F), filed May 3, 1979. Applicant: WARD CARTAGE AND WAREHOUSING, INC., Route #4, Glasgow, KY 42141. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Transporting *household appliances*, and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, from the facilities of the General Electric Company, Appliance Park, Louisville, KY, to points in MS. (Hearing site: Louisville, KY.)

MC 145577 (Sub-5F), filed May 1, 1979. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. Transporting *photographic equipment, and materials, supplies and products* used in manufacturing and processing of photographs (except in bulk) (1) between the facilities of Eastman Kodak Company at Rochester, NY, and Windsor, CO, and (2) from the facilities of Eastman Kodak Company at

or near Windsor, CO, to the facilities of Eastman Kodak Company at San Ramon and Wittier, CA. (Hearing site: Columbus, OH or Washington, DC.)

MC 145577 (Sub-6F), filed May 1, 1979. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. Transporting *liquid and gas compressors*, and *evaporator coils*, from Hartselle, AL, to City of Industry, CA. (Hearing site: Columbus, OH or Washington, DC.)

MC 146187 (Sub-10F), filed May 1, 1979. Applicant: THE TEN WHEELERS, INC., Route 2, Gregory Road, Greenback, TN 37742. Representative: Edward C. Blank II, P.O. Box 1004, Columbia, TN 38401. Transporting *ice buckets and decorated glassware*, from Blanchester, OH, to Lyndhurst, NJ. (Hearing site: Nashville, TN or Carlstadt, NJ.)

MC 144946 (Sub-1F), filed May 1, 1979. Applicant: BIG T TRUCK SERVICE, INC., 150 Princeton Circle Square, Cincinnati, OH 45246. Representative: David A. Turano, Suite 1800, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), between points in GA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Mobil Chemical Co., Plastics Division, of Macedon, NY. (Hearing site: Columbus, OH, or Washington, DC.)

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Decided: Sept. 17, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 2253 (Sub-93F), filed May 21, 1979. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same address as applicant). Transporting *iron and steel articles*, between Chicago, IL, on the one hand, and, on the other, points in AL, KY, LA, MI, MS, NY, OH, PA, TN, and WV. (Hearing site: Chicago, IL.)

MC 2253 (Sub-94F), filed May 21, 1979. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same

address as applicant). Transporting *steel sheets and coils*, from Savannah, GA, to Marietta, GA, restricted to the transportation of traffic having an immediately prior movement by water. (Hearing site: Atlanta, GA.)

MC 2253 (Sub-95F), filed May 21, 1979. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same address as applicant). Transporting *foodstuffs*, from Napoleon, OH, to points in MD and VA. (Hearing site: Toledo, OH.)

MC 2253 (Sub-96F), filed May 18, 1979. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same address as applicant). Transporting *steel piling, pile driving equipment, and construction equipment and material*, between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: Jacksonville, FL.)

MC 8973 (Sub-58F), filed May 18, 1979. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Avenue, North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *plastics and plastic materials*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Arco Polymers, Inc., (a) in IL, on the one hand, and, on the other, points in TX, OK, AR, MO, LA, MS, KY, VA, TN, NC, SC, AL, GA, FL, IN, OH, PA, WV, and MD, and (b) in PA, on the one hand, and, on the other, points in TX, OK, AR, MO, LA, MS, KY, VA, TN, NC, SC, AL, GA, FL, and WV, and (c) in TX, on the one hand, and, on the other, points in IL, IN, MO, and WV. (Hearing site: Philadelphia, PA.)

MC 14252 (Sub-61F), filed May 21, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43228. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Ft. Wayne and Kentland, IN, over U.S. Hwy 24, serving all intermediate points, and (2) between

Cincinnati, OH, and Vincennes, IN, over U.S. Hwy 50, serving all intermediate points, and (3) serving all points in IN as off-route points in connection with carrier's authorized regular-route operations. (Hearing site: Columbus, OH.)

Note.—Carrier is already authorized to serve over 250 regular-route points in IN and has terminals located at such principal IN cities as Ft. Wayne, Indianapolis, Muncie, and Terre Haute.

MC 20992 (Sub-54F), filed May 18, 1979. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *such commodities* as are dealt in or used by manufacturers and dealers of agricultural equipment and machinery, industrial equipment and machinery, and lawn and leisure products (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), (a) between the facilities of Deere & Company in Dodge County, WI, on the one hand, and, on the other, points in KS, MN, MO, NE, ND, SD, and WI, and (b) between points in KS, MN, MO, NE, ND, SD and WI. (Hearing site: Chicago, IL, or St. Paul, MN.)

Note.—The person or persons who it appears may be engaged in common control with other carriers must either file an application under 49 U.S.C. § 11343 C, formerly Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 30383 (Sub-19F), filed May 21, 1979. Applicant: JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York, NY 10019. Representative: Arthur Liberstein, 888 Seventh Avenue, New York, NY 10019. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soap, soap products, stearic acid, vegetable stearine, glycerine, oils, cooking fats, cleaning and washing compounds, lard substitutes, toilet preparations, containers, and such commodities* as are dealt in by retail food stores (except commodities in bulk), between New York, NY, and Bayonne and Carteret, NJ, on the one hand, and, on the other, points in CT, under continuing contract(s) with The Procter & Gamble Manufacturing Company, and The Procter and Gamble Distributing Company, of Cincinnati, OH. (Hearing site: New York, NY.)

MC 98952 (Sub-69F), filed May 10, 1979. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2880 North

Woodford Street, Decatur, IL 62526. Representative: Paul E. Steinhour, 918 East Capitol Avenue, Springfield, IL 62701. Transporting *foodstuffs* (except in bulk), from the facilities of Campbell Soup Company, at or near Napoleon, OH, to points in IL, IN, IA, MI, TN, KY, MO, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Springfield or Chicago, IL.)

MC 105902 (Sub-24F), filed May 18, 1979. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, NY 14527. Representative: Jeffrey A. Vogelmann, Suite 400, Overlook Building, 6121 Lincoln Road, Alexandria, VA 22312. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Chicago, IL, restricted to the transportation of traffic having an immediate prior or subsequent movement by rail. (Hearing site: Syracuse, NY.)

Note.—The person or persons who it appears may be engaged in common control with other carriers must either file an application under 49 U.S.C. § 11343 C formerly Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 107002 (Sub-553F), filed May 21, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). Transporting *chemicals*, in bulk, in tank vehicles, from Memphis, TN, to points in AZ, CO, and NM. (Hearing site: Memphis, TN.)

MC 107012 (Sub-375F), filed May 21, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). Transporting *packaging equipment*, uncrated, from Dallas and Houston, TX, to points in the United States (except AK, HI, and TX). (Hearing site: Dallas or Houston, TX.)

MC 107012 (Sub-376F), filed May 21, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). Transporting *new furniture*, from the facilities of American Furniture Company, Inc., at or near Martinsville, Chilhowie, and Marion, VA, to points in the United States (except AK, HI, and

VA.) (Hearing site: Richmond, VA, or Washington, DC.)

MC 107012 (Sub-381F), filed May 21, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (same address as applicant). Transporting *compressors and electric motors* used in the manufacture of air conditioners, from Frederick and Elkton, MD, to Effingham, IL. (Hearing site: New York, NY, or Washington, DC.)

MC 107012 (Sub-382F), filed May 21, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *artificial trees, tree stands, decorations, and lamp outfits*, from the facilities of Mr. Christmas, Inc., at or near Los Angeles, CA, East Douglas, MA, and Longview, WA, to points in the United States (except AK and HI). (Hearing site: Boston, MA, or Washington, DC.)

MC 114273 (Sub-597F), filed May 18, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA at or near Iowa City and Muscatine, IA, to the facilities of Heinz USA at Harrison, NJ, Toledo, OH, Mechanicsburg and Pittsburgh, PA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114552 (Sub-220F), filed May 21, 1979. Applicant: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, SC 29201. Transporting *iron and steel articles*, from the facilities of Kline Iron and Steel Company, at or near Columbia, SC, to points in the United States (except AK and HI). (Hearing site: Columbia, SC, Charlotte, NC, or Washington, DC.)

MC 114632 (Sub-221F), filed May 21, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *foodstuffs* (except commodities in bulk), (1) from the facilities of the Green Giant Company in MN to Belvidere, IL, and (2) from the facilities of the Green Giant Company, at Belvidere, IL, to points in MO and Co, restricted to the transportation of traffic originating at the named origins and destined to the

indicated destinations. (Hearing site: Minneapolis, MN, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 114632 (Sub-223F), filed May 21, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *such commodities* as are dealt in by grocery stores and drug stores (except commodities in bulk), between the facilities of The Proctor & Gamble Distributing Company, at or near Cincinnati, OH, on the one hand, and, on the other, points in PA, NY, NJ, MD, MA, and WV. (Hearing site: Minneapolis, MN, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 114632 (Sub-224F), filed May 18, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of J. H. Filbert, Inc., at Baltimore, MD, and points in Anne Arundel, Baltimore, Howard, and Prince Georges Counties, MD, to points in IL, IN, MI, NY, OH, PA, CT, MA, ME, NH, RI, VT, and WI. (Hearing site: Baltimore, MD, or Washington, DC.)

MC 114632 (Sub-225F), filed May 18, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting (1) *foodstuffs*, (except commodities in bulk in tank vehicles), from Jacksonville, IL, to Memphis, TN, Sherman, TX, and points in CO, CT, DE, GA, ID, IN, IA, KS, KY, MS, MD, MA, MI, MN, MO, MT, NE, NH, NJ, NY, ND, OH, PA, RI, SD, UT, VT, VA, WV, WI, WY, and DC, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), from points in the United States, (except AK, HI and IL), to Jacksonville, IL. (Hearing site: Chicago, IL, or Minneapolis, MN.)

Note.—Dual operations are involved.

MC 115162 (Sub-482F), filed May 18, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by manufacturers and dealers of agricultural equipment and machinery, industrial equipment and machinery, and lawn and leisure products, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and

distribution of the commodities in (1) above, (except commodities in bulk), (a) between the facilities of Deere & Company in Black Hawk, Dubuque, Polk, Scott and Wapello Counties, IA, Dodge County, WI and Rock Island County, IL, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and VA, restricted to the transportation of traffic originating at or destined to the facilities of Deere & Company, in the above named counties, and (b) between points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and VA. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 118202 (Sub-121F), filed May 18, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Transporting *soda ash* (except in bulk), from Green River, WY, to Minneapolis, MN, and points in SD. (Hearing site: Minneapolis, MN, or Sioux Falls, SD.)

MC 118202 (Sub-122F), filed May 21, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Eugene A. Schultz (same address as applicant). Transporting *metal screws*, from Decorah, IA, to Thomaston and Willimantic, CT. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 119493 (Sub-295F), filed May 9, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *household, sporting, and recreational equipment*, from Neosho, MO, to points in the United States (except AK and HI); and (2) *iron and steel articles*, from points in AR, IL (except Chicago and E. St. Louis, and points in their respective commercial zones), IN (except points in the Chicago, IL, commercial zone), KY, MI, OH (except Mansfield and points in its commercial zone), and PA, to Neosho, MO. (Hearing site: Kansas City or Springfield, MO.)

MC 119493 (Sub-296F), filed May 18, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *such commodities* as are manufactured, distributed, or used in the manufacture, processing, or milling of grain and soybean products (except commodities in bulk), between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at, or destined to the facilities of Central Soya Company, Inc.

MC 119493 (Sub-298F), filed May 21, 1979. Applicant: MONKEM COMPANY,

INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *foodstuffs and materials and supplies* used in the manufacture and distribution of foodstuffs (except commodities in bulk), between points in Johnson County, KS, on the one hand, and, on the other, points in the United States (except AK, HI, AR, GA, IA, MO, NE, OK, SD, and TX). (Hearing site: Kansas City or Joplin, MO.)

MC 119493 (Sub-299F), filed May 18, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *personal care products* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between Wilmington, IL and The Argonne Industrial Park, at or near Lemont, IL, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO, and NM (except CT, ME, MA, NH, RI, and VT). (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 123383 (Sub-88F), filed May 21, 1979. Applicant: BOYLE BROTHERS, INC., R.D. 2, Box 329C, Medford, NJ 08055. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting *lumber*, from points in VA and WV to points in PA, NJ, NY, CT, RI, MA, NH, VT, and ME. (Hearing site: Boston, MA, or New York, NY.)

Note.—Dual operations may be involved.

MC 125433 (Sub-265F), filed May 21, 1979. Applicant: F-B TRUCK LINE COMPANY, A Corporation, 1945 South Redwood Road Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *plastic pipe* between McNary, OR, on the one hand, and, on the other, points in CA. (Hearing site: Salt Lake City, UT.)

MC 125433 (Sub-271F), filed May 21, 1979. Applicant: F-B TRUCK LINE COMPANY, A Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *paper and paper products* and *materials, equipment, and supplies* used in the manufacture of paper and paper products, and (2) *vinyl, paper book binders, and book covers*, from Taylorville, IL, St. Louis, and St. Genevieve, MO, to points in WA, OR, CA, AZ, NV, UT, ID, MT, WY, CO, NM, and TX, restricted to the transportation of traffic originating at the facilities of Georgia-Pacific Corporation. (Hearing site: Chicago, IL.)

MC 126102 (Sub-26F), filed May 18, 1979. Applicant: ANDERSON MOTOR LINES, INC., 116 Washington Street, Plainville, MA 02762. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *carbonated and non-carbonated flavored beverages* and (2) *equipment, material and supplies* used in the manufacture and distribution of the commodities named in (1), above (except commodities in bulk), from the facilities of Coca-Cola Bottling Company of New England, at Needham, MA, to points in ME, NH, VT, RI, CT and Clinton County, NY, under continuing contracts(s) with Coca-Cola Bottling Company of New England, of Needham, MA. (Hearing site: Boston, MA, or Providence, RI.)

MC 127042 (Sub-270F), filed May 21, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). Transporting *pickles, pickle products, sauerkraut, relish, and pickled vegetables* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Chicago, IL, to points in AZ, CA, CO, ID, IA, KS, MN, MO, NE, NV, ND, OR, SD, UT, WA, and WI. (Hearing site: Chicago, IL.)

MC 128383 (Sub-81F), filed April 20, 1979, and previously published in the *Federal Register* on August 9, 1979. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Representative: Leonard C. Zucker (same address as applicant). Transporting *electronic calculators, cash registers, and parts* for electronic calculators and cash registers, between the facilities of Victor Business Products at El Paso, TX, on the one hand, and, on the other, Houston and Dallas, TX, Denver, CO, Los Angeles and San Francisco, CA, Seattle, WA, Chicago, IL, Cleveland, OH, St. Paul, MN, Philadelphia, PA, New York, NY, Little Rock, AR, Birmingham, AL, Memphis, TN, Miami, Orlando, and Jacksonville, FL, Atlanta, GA, and Portland, OR, restricted to the transportation of traffic originating at or destined to the facilities of Victor Business Products at El Paso, TX. (Hearing site: Chicago, IL, or El Paso, TX.)

Note.—The purpose of this republication is to eliminate the restriction which also restricts the transportation of traffic to a prior or subsequent movement by air and to remove the common control condition.

MC 135653 (Sub-7F), filed May 18, 1979. Applicant: SPECIAL SERVICE TRANSPORTATION, INC., 760 Lindenwood Lane, Medina, OH 44256. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Transporting *foodstuffs*, from Erie and North East, PA, to points in OH. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 136782 (Sub-16F), filed May 18, 1979. Applicant: R.A.N. TRUCKING COMPANY, P.O. Box 128, Eau Claire, PA 16030. Representative: Warren W. Wallin, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses*, as described in Sections A and C in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), between the facilities of Gartner-Harf Company at Waterford, PA, on the one hand, and, on the other, points in CT, DE, MD, MI, IL, IN, KY, MA, NJ, OH, RI, VA, WI, and DC. (Hearing site: Pittsburgh, PA, or Cleveland, OH.)

Note.—The person or persons who it appears may be engaged in common control with other carriers must either file an application under 49 U.S.C. § 11343 C, formerly Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 141033 (Sub-54F), filed May 14, 1979. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *such commodities as are dealt in by hardware stores, drug stores, discount houses, wholesale and retail grocery and food business houses, and (2) material and supplies* used in the manufacture of the commodities in (1) above, between points in the United States (except AK and HI). (Hearing site: Oakland, CA, or Washington, DC.)

MC 146892 (Sub-3F), filed May 18, 1979. Applicant: R & L TRANSFER, INC., P.O. Box 271, Wilmington, OH 45177. Representative: Boyd B. Ferris, 50 West Board Street, Columbus, OH 43215. Transporting (1)(a) *barrel bungs, packaging materials, laminated board and wood products*, from Mount Orab, OH, to points in the United States (except AK and HI), and (b) *materials, equipment, and supplies* used in the manufacture or sale of rail cars and the commodities in (1)(a) above (except commodities in bulk), in the reverse direction and (2)(a) *tools, automotive parts, electrical controls and switches*, and (b) *such commodities as are used in*

the manufacture or sale of the commodities in (2)(a) above (except commodities in bulk), between Hillsboro, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus or Cincinnati, OH.)

MC 147323F filed, May 11, 1979. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming, Dearborn, MI 48126. Representative: James F. Schouman, 21925 Garrison, Dearborn, MI 48124. Transporting *iron and steel articles, machinery, aluminum, plastic, plastic compounds, auto trim, and paint*, between points in the Lower Peninsula of MI, on the one hand, and, on the other, points in the United States (except AK and HI) (Hearing site: Detroit, MI, or Washington, DC.)

Note.—Dual operations may be involved.

MC 148093F, filed May 1, 1979. Applicant: MIDWEST INDUSTRIAL FUEL, INC., 615 Sumner Street, LaCrosse, WI 54601. Representative: Joseph E. Ludden, 324 Exchange Bldg., P.O. Box 1567, LaCrosse, WI 54601. Transporting *asphalt*, in bulk, in tank vehicles, from St. Paul Park and Pine Bend, MN, to those points in WI within an area defined by a boundary line beginning at the MN-WI State line and extending along U.S. Hwy 10 to junction U.S. Hwy 51, then along U.S. Hwy 51 to junction Interstate Hwy 94, then along Interstate Hwy 94 to junction U.S. Hwy 12, then along U.S. Hwy 12 to junction U.S. Hwy 14, then along U.S. Hwy 14 to the WI-MN State line. Condition: (1) Applicant shall maintain separate accounts and records for its for-hire carrier operations as distinct from its other business activities, and (2) it shall not at the same time and in the same vehicle transport property both as a private carrier and as a for-hire carrier. (Hearing site: St. Paul, MN, or Madison, WI.)

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Decided: September 21, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

MC 25518 (Sub-23F), filed May 16, 1979. Applicant: JOHN BUNNING TRANSFER COMPANY, INC., P.O. Box 128, Rock Springs, WY 82901. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. Transporting *petroleum products and petroleum distillates*, between points in Salt Lake and Davis Counties, UT, and points in WY. (Hearing site: Salt Lake City, UT, or Denver, CO.)

MC 25798 (Sub-378F), filed May 14, 1979. Applicant: CLAY HYDER

TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, (same address as applicant). Transporting *macaroni, noodles, spaghetti, vermicelli, soybean products, and dried soup mix*, (except commodities in bulk, in tank vehicles), from Minneapolis, MN, to points in AL, MS, LA, TN, TX. (Hearing site: Tampa, FL.)

MC 52709 (Sub-363F), filed May 14, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker, (same address as applicant). Transporting *lumber, lumber mill products, sawmill products, wood products, composition board, and wallboard*, between points in CA, CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, NV, ND, OH, OR, SD, UT, WA, WI, and WY. (Hearing site: Missoula, MT, or Denver, Co.)

MC 55898 (Sub-58F), filed May 16, 1979. Applicant: DECATO BROS., INC., Heater Road, Lebanon, NH 03766. Representative: David M. Marshall, 101 State Street-Suite 304, Springfield, MA 01103. Transporting (1) *building board, wallboard, and insulation board*, and (2) *moldings, fasteners, and accessories* for the commodities in (1) above, between the facilities of Masonite Corporation, (a) at Laurel, MS, and (b) in Bradford County, PA, on the one hand, and on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (hearing site: Philadelphia, PA, or Washington, DC.)

MC 56679 (Sub-121F), filed May 9, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW, Atlanta, GA 30310. Representative: Leonard S. Cassell, (same address as applicant). Transporting *such commodities as are dealt in by chain grocery and food business houses, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AZ, AR, FL, GA, IA, ID, IL, IN, KS, KY, MA, MI, MN, MO, MS, MT, NC, ND, NE, NY, OH, PA, SC, SD, TN, TX, UT, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing Site: Washington, DC, or Chicago, IL)*

MC 61619 (Sub-12F), filed May 4, 1979. Applicant: L & H TRUCKING COMPANY, INC., RD 3, Spring Grove, PA 17362. Representative: John E. Fullerton, 407 N. Front Street, Harrisburg, PA 17101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning, washing, and polishing compounds,*

textile softeners, lubricants, hypochloride solutions, deodorants, disinfectants, and paint, (except commodities in bulk), from the facilities of Economics Laboratory, Inc., at Joliet, IL, to Hanover, PA, under continuing contract(s) with Economics Laboratory, Inc., of St. Paul, MN. (Hearing site: Washington, DC.)

MC 73688 (Sub-90F), filed May 15, 1979. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, P.O. Box 7195, Memphis, TN 38107. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fayette, AL, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 84268 (Sub-3F), filed May 16, 1979. Applicant: JOHN S. HUGHES CARTAGE CO., INC., 4751 W. Lake Street, Chicago, IL 60644. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *candy* (except in bulk), in vehicles equipped with mechanical refrigeration, from Chicago, IL, to points in IN, MI, OH, and WI, under continuing contract(s) with E. J. Brach & Sons, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 99439 (Sub-13F), filed May 14, 1979. Applicant: SUWANNEE TRANSFER, INC., 1830 East 21st Street, Jacksonville, FL 32206. Representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL 32207. Transporting *roofing materials, asbestos building paper, asbestos sheathing paper, shingles, siding, and asbestos wallboard*, from the plantsite of Johns-Manville Sales Corporation, at or near Savannah, GA, to points in FL. (Hearing site: Jacksonville, FL.)

MC 99919 (Sub-3F), filed May 16, 1979. Applicant: FREMONT EXPRESS, INC., 620 East Factory, P.O. Box Q, Fremont, NE 68025. Representative: Scott T. Robertson, 521 South 14th Street, Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and

commodities in bulk), from the facilities of Geo. A Hormel & Company, at or near Fremont, NE, to points in CO. (Hearing site: Minneapolis, MN, or Omaha, NE.)

MC 106398 (Sub-909F), filed May 14, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr., (same address as applicant). Transporting *pulpboard and fiberboard*, from the facilities of South Carolina Industries, Inc., at Florence, SC, to points in NC, IN, IL, WI, MN, MO, GA, TN, NJ, PA, OH, CT, ME, MD, FL, and LA. (Hearing site: Dallas, TX.)

MC 108119 (Sub-152F), filed May 9, 1979. Applicant: E.L. MURPHY TRUCKING COMPANY, a Corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55164. Transporting (1) *air heating, cooling, conditioning, humidifying, dehumidifying, and moving equipment, and (2) materials, equipment, and supplies used in the installation or operation of the commodities in (1) above*, from the facilities of Energy Recovery Company, at Germantown, WI, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, (except MN). (Hearing site: Milwaukee, WI or Chicago, IL.)

MC 108119 (Sub-155F), filed May 9, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a Corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting (1) *air cleaning, heating, cooling, humidifying, moving, and dehumidifying equipment, and (2) parts, accessories and attachments for the commodities in (1) above*, from the facilities of Aeronca, Inc., at or near Charlotte, NC, to points in the United States (except AK and HI).

MC 109449 (Sub-36F), filed May 14, 1979. Applicant: KUJAK TRANSPORT, INC., Junction Avenue, Winona, MN 55987. Representative: Gary Huntbatch, Junction Avenue, Winona, MN 55987. Transporting *foodstuffs*, from points in MN and WI, and the facilities used by Land O'Lakes, Inc. at Hudson, IA, to points in IN, MI, and OH. (Hearing site: St. Paul, MN.)

MC 111729 (Sub-756F), filed May 16, 1979. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same address as applicant). Transporting *parts for agricultural and industrial equipment*, from the facilities of John Deere Co., at Memphis, TN, to Congers, GA, restricted to the

transportation of traffic originating at the named facilities. (Hearing site: Washington, D.C.)

Note.—Dual operations may be involved.

MC 115669 (Sub-188F), filed May 15, 1979. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Wilbur G. Hoyt (same address as applicant). Transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, Division of H.J. Heinz Company, at or near Iowa City and Muscatine, IA, to points in KS. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 119399 (Sub-99F), filed May 15, 1979. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Don D. Lacy (same address as applicant). Transporting *such commodities as are dealt in by distributors of petroleum products*, from the facilities of Texaco, Inc., in Jefferson County, TX, to points in AL, AR, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, and WI.

MC 119789 (Sub-599F), filed May 11, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting (1) *paint*, in containers, from Ennis, TX, to points in AZ, CA, CT, DE, IL, IN, ME, MD, MA, MI, MN, MT, NV, NH, NJ, NY, OH, OR, PA, UT, VT, WA, WV, WI, and DC, and (2) *materials and supplies used in the manufacture and distribution of paint* (except commodities in bulk), in the reverse direction. (Hearing site: Dallas, TX.)

MC 119789 (Sub-603F), filed May 16, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting (1) *liquid plastic and urethane coating*, in containers, in vehicles equipped with mechanical refrigeration, from St. Louis, MO, to those points in the United States on and east of U.S. Hwy 85, and (2) *materials and supplies used in the manufacture and distribution of the commodities in (1) above*, from those points in the United States on and east of U.S. Hwy 85 to St. Louis, MO, and Riverside, CA. (Hearing site: Los Angeles, CA.)

MC 120999 (Sub-4F), filed May 14, 1979. Applicant: CALIFORNIA AND WESTERN STATES AMMONIA TRANSPORT, INC., d.b.a. CALIFORNIA AMMONIA TRANSPORT, INC., 415 Lemon Avenue, Walnut, CA 91789.

Representative: William J. Monheim, P.O. Box 1756, Whittier, CA. Transporting *liquid fertilizers*, in bulk, from points in CA to points in AZ and NV. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 123048 (Sub-441F), filed May 16, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021-21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *such commodities as are dealt in or used by manufacturers and dealers of (a) agricultural equipment, (b) industrial equipment, and (c) lawn care and leisure products*, (except commodities in bulk), (1) between the facilities of Deere & Company, (i) in Polk and Wapello Counties, IA, and (ii) Dodge County, WI, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA, and WV, (2) between the facilities of Deere & Company, in Rock Island County, IL, on the one hand, and, on the other, points in CA, FL, GA, IN, KY, ME, MI, MN, MO, NE, NH, NJ, ND, OH, SD, WV, and WI, (3) between the facilities of Deere & Company, in Scott County, IA, on the one hand, and, on the other, points in IL, IN, KY, MI, MN, MO, NE, ND, OH, SD, WV, and WI, and (4) between points in CA, FL, GA, IL, IN, KY, ME, MI, MN, MO, NE, NJ, NH, ND, OH, PA, SD, WV, and WI, restricted in (1), (2), and (3) above to the transportation of traffic originating at or destined to the named facilities, restricted in (4) above to the transportation of traffic originating at or destined to the facilities of dealers of Deere & Company, and further restricted in (4) above against the transportation of traffic originating at or destined to the facilities of Deere & Company in (a) Rock Island County, IL, and (b) Dodge County, WI. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 123819 (Sub-82F), filed May 14, 1979. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, TN 38116. Representative: Bill R. Davis, Suite 101-Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. Transporting (1) *petroleum products, tires, tire tubes, batteries*, (2) *accessories for the commodities in (1) above*, and (3) *service station equipment and supplies*, (except commodities in bulk), from Baton Rouge, LA, to points in AR and TN, and (2) *empty petroleum product containers*, from points in AR, to Baton Rouge, LA. (Hearing site: Baton Rouge, LA.)

MC 124109 (Sub-17F), filed May 11, 1979. Applicant: B. F. C. TRANSPORTATION, INC., P.O. Box 985, Cedar Rapids, IA 52406.

Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs and pet foods*, (2) *advertising materials* for the commodities in (1) above, and (3) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except frozen commodities, and commodities in bulk), between Cedar Rapids, IA, on the one hand, and on the other, St. Joseph, MO, and points in IL, MN, NE, and WI, under continuing contract(s) with The Quaker Oats Company, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 124328 (Sub-131F), filed May 14, 1979. Applicant: BRINK'S INCORPORATED, Thorndal Circle, P.O. Box 1225, Darien, CT 06820. Representative: Richard H. Streeter, 1729 H Street, N.W., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coin, currency, and securities*, between Salt Lake City, UT, on the one hand, and on the other, Ontario and Nyssa, OR, and points in ID, under continuing contract(s) with the Federal Reserve Bank of San Francisco. (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 125368 (Sub-63F), filed May 16, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland Lowell, 6th Fl. United American Bank Bldg., Nashville, TN 37219. Transporting *meats, meat products and meat by-products, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), between the facilities of Dubuque Packing Company, at or near Dubuque, Denison, and Souix City, IA, on the one hand, and on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: Washington, DC, or Chicago, IL.)

MC 125368 (Sub-64F), filed May 14, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland Lowell, 6th Fl. United American Bank Bldg., Nashville, TN 37219. Transporting *foodstuffs*, from the facilities of Campbell Soup Company, at or near (a) Milford and Clayton, DE, and (b) Salisbury,

Pocomoke City, and Baltimore, MD, to points in FL, GA, NE, and TX. (Hearing site: Washington, DC, or Chicago, IL.)

MC 126118 (Sub-157F), filed May 14, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers of electrical equipment, and electrical products, (except commodities in bulk, and those which because of size or weight require the use of special equipment), between points in NC, on the one hand, and on the other, those points in the United States in and east of MI, IN, IL, KY, TN, and MS (except the upper peninsula of MI, and NC). (Hearing site: Charlotte, NC.)

Note.—Dual operations may be involved.

MC 127579 (Sub-20F), filed May 16, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). Transporting *paper and paper articles*, from the facilities used by Jay Madden Corporation, at or near (a) Baltimore, MD, and (b) Philadelphia, PA, to points in TX and those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 127938 (Sub-5F), filed May 8, 1979. Applicant: MAX KER & SON LUMBER COMPANY, a corporation, 1798 South Yellowstone, Idaho Falls, ID 83401. Representative: Steven E. Ker (same address as applicant). Transporting *roofing materials*, in containers, from the facilities used by Husky Oil, Inc., near Cody, WY, to those points in ID in and south of Adams, Valley, and Lemhi Counties. Conditions: (1) Applicant shall maintain separate accounts and records for its for-hire carrier operations as distinct from its other business activities, and (2) it shall not at the same time and in the same vehicle transport property both as a private carrier and as a for-hire carrier. (Hearing site: Boise, ID.)

MC 134859 (Sub-13F), filed May 14, 1979. Applicant: WILLIAM C. RUSSELL AND JAMES F. RUSSELL, a partnership, d.b.a. FRANK RUSSELL & SON, 401 South Ida Street, West Frankfort, IL 62896. Representative: William C. Russell (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *magnetite*, from the facilities of Pea Ridge Iron Ore Co., at or near Sullivan, MO, to points in the

United States (except AK and HI), under continuing contract(s) with Reiss Viking Corporation, of Sheboygan, WI. (Hearing site: St. Louis, MO, or Springfield, IL.)

Note.—Dual operations may be involved.

MC 134979 (Sub-13F), filed May 14, 1979. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *food stuffs* (except in bulk), from the facilities of Jen's, Inc., at (a) Duluth, MN, and (b) Superior, WI, to points in AZ, CA, CO, ID, MT, ND, NM, NV, OR, UT, WA, and WY, under continuing contract(s) with Jen's, Inc., of Duluth, MN. (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 135078 (Sub-52F), filed May 16, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *nuts and bolts*, from the facilities of Heads and Threads Company, at Northbrook, IL, to Denver, CO, Des Moines, IA, Kansas City, MO, and Lincoln and Omaha, NE. (Hearing site: Omaha, NE, or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 135598 (Sub-24F), filed May 11, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *malt beverages*, (1) from Milwaukee, WI, Omaha, NE, and St. Paul, MN, to Ft. Madison, IA, and (2) from Evansville, IN, to Quincy, IL. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 136318 (Sub-63F), filed May 14, 1979. Applicant: COYOTE TRUCK LINE, INC., 302 Cedar Lodge Road, P.O. Box 756, Thomasville, NC 27360. Representative: John T. Wirth, 717-17th Street, Suite 2600, Denver, CO 80202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture and furniture parts*, from points in Worcester and Franklin Counties, MA, to points in CA, OR, WA, ID, NV, AZ, UT, MT, WY, CO, NM, OK, and TX, under continuing contract(s) with New England Furniture Shippers Association, Inc., of Gardner, MA. (Hearing site: Boston, MA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 138438 (Sub-53F), filed May 15, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Charles E. Creager, 1329 Pennsylvania Avenue, Hagerstown, MD 21740. Transporting (1) *pipe, pipe fittings, couplings, hydrants, and valves*, (2) *materials and supplies* used in the installation of the commodities in (1) above, (3) *gypsum, and materials, equipment, and supplies* used in the manufacture, installation, and distribution of gypsum, and (4) *building materials*, between those points in the United States in and east of OH, KY, TN, and AL. (Hearing site: Boston, MA, or Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 140768 (Sub-40F), filed May 11, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting *disposable diapers and diaper liners*, (1) from the facilities of Johnson & Johnson Baby Products Co., (a) in Middlesex and Somerset Counties, NJ, to points in OH, PA, KY, VA, NY, CT, RI, MA, and WV, (b) at or near Atlanta, GA, to points in AL, NC, SC, and TN, (c) at or near Memphis, TN, to points in AR, LA, and MS, and (2) between the facilities of Johnson & Johnson Baby Products Co (a) in Middlesex and Somerset Counties, NJ, and at or near (b) Atlanta, GA, (c) Memphis, TN, and (d) Jacksonville, FL. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 140829 (Sub-256F), filed May 16, 1979. Applicant: CARGO, INC., P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting (1) *such commodities* as are dealt in by toy and game retailers, and (2) *materials, equipment, and supplies* used in the manufacture of toys and games, (except commodities in bulk, in tank vehicles), between points in AR, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NJ, NY, NC, OH, OK, PA, TN, TX, VA, WI, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Toys "R" Us in the named States. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-257F), filed May 14, 1979. Applicant: CARGO, INC., P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting

stationery products, and materials, equipment, and supplies used in the manufacture and distribution of stationery products (except commodities in bulk, in tank vehicles), from Springfield, MA, to points in IL and KS, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 142119 (Sub-4F), filed May 16, 1979. Applicant: COMMERCIAL TRAFFIC SERVICES, INC., 2001 West 12th Street, Erie, PA 16505. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hospital equipment and supplies* (except commodities in bulk), between Erie, PA, Montgomery, AL, and Nashville, TN, under continuing contract(s) with American Sterilizer Company of Erie, PA. (Hearing site: Pittsburgh, or Erie, PA.)

MC 144239 (Sub-12F), filed May 14, 1979. Applicant: J.L.T. CORPORATION, Route 22, White House Station, NJ 08889. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese, cheese products, and synthetic cheese*, in vehicles equipped with mechanical refrigeration, from the facilities used by L. D. Schreiber Cheese Co., Inc., at or near Green Bay, WI, to points in CT, DE, MA, ME, MD, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, under continuing contract(s) with L. D. Schreiber Cheese Co., Inc., of Green Bay, WI. (Hearing site: New York, NY.)

MC 144688 (Sub-22F), filed May 14, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *salt and salt products*, (except commodities in bulk), from the facilities of United Salt Corp., at or near Houston, TX, to points in AL, FL, GA, MS, SC, and TN, restricted to the transportation traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Atlanta, GA.)

MC 144858 (Sub-8F), filed May 14, 1979. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9950, 1310 Stagecoach Road, Little Rock, AR 72209.

Representative: John T. Wirth, 717-17th Street, Suite 2600, Denver, CO 80202. Transporting (1) *shampoo and toilet preparations, and accessories* for shampoo and toilet preparations, (except commodities in bulk, in tank vehicles), from the facilities of Cosmair, Inc., at Cranford, Piscataway, and Clark, NJ, to points in AZ, CA, CO, NV, NM, and UT; and (2) *advertising materials and plastic display articles* for the commodities in (1) above, from New York, NY, to points in AZ, CA, CO, NV, NM, and UT. (Hearing site: Little Rock, AR, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145768 (Sub-2F), filed May 14, 1979. Applicant: KREILKAMP TRUCKING, INCORPORATED, Rural Route #1, Allentown, WI 53002. Representative: Nancy J. Johnson, 103 East Washington Street, Crandon, WI 54520. Transporting (1)(a) *farm machinery*, (b) *accessories and parts* for farm machinery, from the facilities of Kasten Manufacturing Corporation, at or near Allenton, WI, to points in IA, OH, IN, MI, MN, and IL, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of farm machinery, in the reverse direction. (Hearing site: Madison or Milwaukee, WI.)

MC 147488F, filed May 7, 1979. Applicant: BURT CLIFFORD TRANSPORT, INC., Box 400, Ruthvan, Ontario, Canada MOP 2G0. Representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *sand, gravel, stone, asphalt mixes, and paving materials*, in dump vehicles, from points in the Lower Peninsula of MI, to those ports of entry on the International Boundary line between the United States and Canada at Port Huron and Detroit, MI. (Hearing site: Detroit or Lansing, MI.)

MC 147718F, filed April 25, 1979. Applicant: ROWLEY INTERSTATE TRANSPORTATION, COMPANY, INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of

Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), (1) from Dubuque, Denison, Le Mars, and Vinton, IA, Wichita and Mankato, KS, Omaha, NE, and Milwaukee, WI, to points in the United States (except AK and HI), and (2) from South San Francisco, CA, and Port Newark, NJ, to Dubuque, IA, under continuing contract(s) with Dubuque Packing Company, of Dubuque, IA. (Hearing site: Dubuque, IA, or Chicago, IL.)

Note.—Dual operations may be involved.

Agatha L. Mergenovich,

Secretary.

[FR doc. 79-30705 Filed 10-3-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 194

Thursday, October 4, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 7:30 p.m. on Friday, September 28, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Fidelity Bank, Utica, Mississippi, which was closed by resolution of its board of directors on September 28, 1979 and taken possession of by the Honorable James H. Means, Comptroller for the State of Mississippi; (2) accept the highest bid for the transaction submitted by the newly-chartered The Bank of Jackson, N.A., Jackson, Mississippi; (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction; and (4) appoint a liquidator for such of the assets of the closed bank as were not purchased by The Bank of Jackson, N.A.

In calling the meeting, the Board determine, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Iassc (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Hiemann (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; and that the meeting could be closed to public observation pursuant to subsections

(c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)), since the public interest did not require consideration of the matters in an open meeting

Dated: October 1, 1979.

Federal Deposit Insurance Corporation.

Hollye L. Robinson,

Executive Secretary.

[S-1930-79 Filed 10-2-79; 1:20 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, October 1, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by C. F. Muckenfuss, III, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Resolution adopting for Corporation employees the adjusted General Schedule basic pay rates and maximum salary limitations established by the President, effective October 7, 1979, for Federal positions classified as General Schedule.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter added to the agenda in a meeting open to public observation; and that the matter added to the agenda could be considered in a closed meeting by authority of subsection (c)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2)).

Dated: October 1, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1931-79 Filed 10-2-79; 1:20 pm]

BILLING CODE 6714-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9 a.m., October 11, 1979.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE

INFORMATION: Franklin O. Bolling, (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—Santa Fe Federal Savings and Loan Association, San Bernardino, California.

Application for Branch Office—Coast Federal Savings and Loan Association, Sarasota, Florida.

Application for Branch Office—Home Federal Savings and Loan Association, Paducah, Kentucky.

Preliminary Application for Conversion to a Federal Mutual Charter—Peoples Savings and Loan Association, Thomasville, North Carolina.

Preliminary Application for Conversion to a Federal Mutual Charter—Wendell Savings and Loan Association, Wendell, North Carolina.

Preliminary Application for Conversion into a Federal Mutual Charter—Deerfield Savings and Loan Association, Deerfield, Illinois.

Applications for Bank Membership and Insurance of Accounts—Point Loma Savings and Loan Association, San Diego, California.

Application for Modification of Insurance Condition—Sound Savings and Loan Association, Seattle, Washington.

Application for Extension of Time—Equality Savings and Loan Association, San Diego, California.

Application for Cash Audit.

Retirement—Frank G. Healey.

No. 273, October 2, 1979.

[S-1932-79 Filed 10-2-79; 3:52 pm]

BILLING CODE 6720-01-M

4

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 10 a.m., Thursday, October 4, 1979. [NM-79-35]

PLACE: NTSB Board Room National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED:

A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible:

Letter to the Federal Highway Administration re Notice of Proposed Rulemaking, Dkt. 78-43, Interstate Maintenance Guidelines.

CONTACT PERSON FOR MORE

INFORMATION: Sharon Flemming, 202-472-6022.

October 2, 1979.

[S-1927-79 Filed 10-2-79; 1:20 pm]

BILLING CODE 4910-58-M

5

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 55271.

TIME AND DATE: September 27 (Changes), October 3 and 4, 1979.

PLACE: Commissioners' Conference Room, 1717 H St., N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Thursday, September 27, 3 p.m.

The Discussion of Personnel (Approximately 2 hours—Closed—Exemption 6—is Cancelled, and is replaced by Discussion of NFS-ERWIN—Approximately 1 hour—Closed—Exemption 1.)

Thursday, September 27, 4:30 p.m.

Briefing on Safeguards Related Matter (Closed—Ex-1—Approximately 15 minutes).

Wednesday, October 3, 3 p.m.

Briefing by Executive Branch on Export Matter (Approximately 1 hour—Closed—Exemption 1).

Thursday, October 4, 9:30 a.m.

1. Continuation of Briefing on Siting Policy Task Force (Approximately 1½ hours—Public meeting).

2. Affirmation Session (Items are Tentative—Approximately 10 minutes—Public meeting).

- a. USC Petition on Electrical Equipment
- b. Export of Minor Quantities of Nuclear Material
- c. Boston Edison Petition
- d. Conner FOIA Appeal
- e. Review of ALAB-531 (Portland General Electric—Postponed from Sept. 27)
- f. Amendment to Part 71 (Postponed from Sept. 27)

Thursday, October 4, 1:30 p.m.

1. Discussion of Procedures for Commission Review of License Applications (Rescheduled from Sept. 28—Approximately 2 hours—Public meeting).

2. Discussion of Personnel Matter (Approximately 1½ hours—Closed—Exemption 6).

CONTACT PERSON FOR MORE

INFORMATION: Roger Tweed, (202) 634-1410.

Dated: September 27, 1979.

Roger M. Tweed,
Office of the Secretary.

[S-1928-79 Filed 10-2-79; 1:20 pm]

BILLING CODE 7590-01-M

6

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Friday, September 28, 1979.

PLACE: Commissioners' Conference Room, 1717 H St., N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Friday, September 28, 1979, 2:30 p.m.

Discussion of Radioactively Contaminated Water at Three Mile Island, and Related Subject (Approximately 1½ hour—Public meeting.)

ADDITIONAL INFORMATION: By vote of 4-0 (Chairman Hendrie not present) on September 28, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that this agenda item be held on less than one week's notice to the public.

CONTACT PERSON FOR MORE

INFORMATION: Roger Tweed, (202) 634-1410.

Dated: September 28, 1979.

Roger M. Tweed,
Office of the Secretary.

[S-1929-79 Filed 10-2-79; 1:20 pm]

BILLING CODE 7590-01-M

7

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., October 4, 1979.

PLACE: 955 L'Enfant Plaza North, S.W., Board Room, Room 2-500, Fifth Floor, Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS:

Portions closed to the public (9 a.m.)

- 1. Consideration of internal personnel matters.
- 2. Review of Conrail proprietary and financial information for monitoring and investment purposes.
- 3. Litigation report.

Portions open to the public (1 p.m.)

- 4. Approval of minutes of the September 6, 1979 Board of Directors meeting.
- 5. Consideration of Conrail Board Member.

- 6. Review of D&H financial results.
- 7. Report on Conrail monitoring.
- 8. Consideration of Conrail drawdown request for October.
- 9. Consideration of 211(h) loan program.
- 10. Legislative Report.
- 11. Employee Compensation Policy.
- 12. Contract Actions (extensions and approvals).
- 13. Resolution for Check Signing Authority.

CONTACT PERSON FOR MORE

INFORMATION: Alex Bilanow—(202) 426-4250.

[FR Doc. S-1933-79 Filed 10-3-79; 9:56 am]

BILLING CODE 8240-01-M

Register

Thursday
October 4, 1979

Part II

Equal Employment Opportunity Commission

Improving Government Regulations; Final
Report

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Improving Government Regulations; Final Report

AGENCY: Equal Employment Opportunity Commission

ACTION: Final Report

SUMMARY: The following document is the Equal Employment Opportunity Commission's final report on the procedures it will follow to improve its existing and future regulations. This report is issued pursuant to Section 5 of Executive Order 12044, 43 FR 12661 (March 24, 1978.).

FOR FURTHER INFORMATION CONTACT: Frederick D. Dorsey, Director, Office of Policy Implementation, 2401 E. Street, N.W., Washington, D.C. 20506, 202-634-7060.

SUPPLEMENTARY INFORMATION: On May 25, 1978, the Equal Employment Opportunity Commission published a draft report in the *Federal Register* (43 FR 22610) that outlined the Commission's approach to Executive Order 12044 (Improving Government Regulations). This report was published for notice and comment for 60 days. Comments were received from three organizations and will be addressed specifically in the body of this report. Generally the comments raised three areas of major concern: (1) That the draft report did not adequately define the Commission's criteria for determining significant regulations; (2) that the criteria for preparing regulatory analyses were also lacking in specificity and because of the nature of the Commission's mission, the elimination of discriminatory employment practices, these criteria were not necessarily on point; and (3) that the draft report failed to address the Commission's role regarding other Federal agencies as it relates to Executive Order 12067. The following final report has taken comments into account by expanding the discussion concerning these criteria and by indicating how Executive Order 12067 will relate to Executive Order 12044.

Executive Order 12067, "Providing for Coordination of Federal Equal Employment Opportunity Programs", reorganized the Federal government's activities in the area of employment discrimination and established the EEOC as the "lead agency" in setting and coordinating government-wide policies in this area. The Commission has created an Office of Interagency Coordination (OIC) to carry out these responsibilities. Procedures for implementing Executive Order 12067

have been developed. They were published in the *Federal Register* on September 28, 1979 for notice and comment.

One commentator recommended "... that the Office of Policy Implementation be authorized to receive suggestions from the private sector on regulations or amendments which members of the public may feel are appropriate for consideration or review." The Commission currently has a procedure for receiving such comments, and the Commission refers persons who are interested in making such suggestions to its Procedural Rules and Regulations § 1601.35, 42 FR 55394 (Oct. 14, 1977).

The following final report outlines and highlights the Commission's plan for improving its existing and future regulations.

Report on Executive Order 12044

I. Process for Developing Regulations:

A. Commission Structure: Two recently created Commission Offices are central to improving the regulatory process. These two offices are Office of Policy Implementation (OPI) and Office of Inter-agency Coordination (OIC). Office of Policy Implementation (OPI) is responsible for developing Title VII policy recommendations for Commission approval. Office of Inter-agency Coordination (OIC) is responsible for developing for the Commission uniform standards, guidelines and policies concerning equal employment opportunity for all Federal departments and agencies.

Each of these offices have staff committees that were established by the Commission to insure the Commissioners' early involvement in the development of policy. One committee is the Staff Committee on Equal Employment Opportunity Commission Policy (SCEP) and the other is the Staff Committee on Inter-agency Policy (SCIP). The Office of Policy Implementation is represented on the Staff Committee on Equal Employment Opportunity Commission Policy (SCEP) and the Office of Inter-agency Coordination is represented on the Staff Committee on Inter-agency Policy (SCIP). Both Committees are chaired by a Commissioner on a rotating basis and are composed of the Special Assistants to the Commissioners, and other headquarter office's staff as appropriate. These committees receive assistance from the Office of the General Counsel (OGC). Both committees meet on a weekly basis and discuss various policy options so that recommendations can be made to the Commission.

B. Initiation of the Rulemaking Process: Any Commissioner, Office or

division within the Commission, or either staff committee may initiate the process for developing or revising regulations. An office which wishes to develop or revise regulations shall first determine whether the regulations are "significant". In determining whether regulations are significant the following criteria will be applied:

1. The type and number of individuals, businesses, organizations, employers, labor unions, or State and local governments affected;
2. The compliance and reporting requirements likely to be involved;
3. The impact on the identification and elimination of discrimination in employment;
4. The relationship of the proposed regulations to those of other programs and agencies.

Examples of regulations which the Commission considers to be significant are its interpretative guidelines (29 CFR 1604-1607) and its recordkeeping regulations (29 CFR 1602). The term "significant regulations", among other things, shall not include minor amendments to regulations which are made for clarification or to correct an omission or error.

If the regulations are significant, the office shall prepare a preliminary memorandum including the following items:

- (1) A discussion of the need for and purposes of the regulation;
- (2) A discussion of why the regulation is considered to be a "significant" regulation;
- (3) A discussion of the issues to be considered in developing the proposed regulation;
- (4) A discussion of the alternative approaches to be explored;
- (5) A tentative plan for obtaining public comment;
- (6) Target dates for completion of steps in the development of the regulation; and
- (7) A preliminary assessment of the economic impact of the regulation and a statement as to whether it is anticipated that a regulatory analysis will be required.

These memoranda will be submitted to the appropriate policy office either the Office of Policy Implementation (OPI) or the Office of Inter-agency Coordination (OIC), for review and comment. They will then be reviewed by either the Staff Committee on Equal Employment Opportunity Commission Policy (SCEP) or the Staff Committee on Inter-agency Policy (SCIP) and transmitted, through the Executive Director, to the Commission for approval.

If the Commission approves the preliminary memorandum, an appropriate office will be assigned to develop and draft the regulations. The office designated will proceed to develop proposed regulations in

accordance with the preliminary memorandum.

Non-significant regulations may be drafted without preparing a preliminary memorandum and without obtaining prior Commission approval. All determinations that a proposed regulation is not significant will be reviewed by the Staff Committee on Inter-agency Coordination Policy (SCIP) or the Staff Committee on Equal Employment Opportunity Commission Policy (SCEP) as appropriate. Where there is disagreement concerning whether a regulation is significant, the Commission will make the final determination. Policy offices, the Office of Policy Implementation (OPI) or the Office of Inter-agency Coordination (OIC), will ensure that each significant regulation under development is listed on the Commission's semiannual agenda for significant regulations which will be published in the *Federal Register*. Each semiannual agenda will be approved by the Commission before it is published. On the first Monday of each October, the Commission will also publish a schedule in the *Federal Register* indicating the dates on which the Commission's semiannual agenda will be published.

C. Commission approval process: Before any significant regulations are drafted, the Commission must approve a preliminary memorandum describing the plan for developing the regulations. These regulations come before the Commission twice; once through authorization to be published for comment in the *Federal Register* in draft form and, once more, as finally proposed for Commission approval. When the Commission approves a significant regulation to be published for notice and comment in the *Federal Register*, it will articulate the alternatives it considered in developing the proposal. If no alternative has been considered the Commission will so indicate and explain why. Commission shall approve proposed significant regulations only after determining that:

- (1) The proposed regulation is needed;
- (2) The direct and indirect effects on the regulations have been adequately considered;
- (3) Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;
- (4) Public comments have been considered and an adequate response has been prepared;
- (5) The regulation is written in plain English and is understandable to those who must comply with it;
- (6) An estimate has been made of the new reporting burdens or reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

(7) The name, address and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed.

To assist the Commission in making these determinations, the office which developed the regulation will draft a report which discusses each of the eight items listed above. The Office of Policy Implementation (OPI) or the Office of Inter-agency Coordination (OIC) will assist in the preparation of this report, where necessary. The report will be submitted to the Commission along with the final version of the regulation.

D. Involvement of interested individuals and organizations: To the greatest extent possible, the Commission will involve State and local governments, businesses, labor unions, organizations and individual members of the public and appropriate Civil Rights groups early in the process of developing proposed regulations. In addition, as required by Executive Order 12067, the Commission will consult and coordinate with other affected Federal agencies on all significant regulatory proposals. The Commission will articulate these coordination efforts in these regulatory proposals when it publishes the proposal in the *Federal Register*.

The Office assigned to develop a regulation will, with the assistance of the Office of Public Affairs, consider methods for involving the public in the rulemaking process, including, but not limited to:

- (1) Holding open conferences or public hearings;
- (2) Issuing press releases;
- (3) Sending notices of proposed regulations to publications likely to be read by those affected;
- (4) Notifying interested parties directly (For example, sending notices of proposed recordkeeping regulations to trade associations and sending notices of proposed procedural regulations to groups representing members of classes protected by Title VII); and
- (5) Publishing an advance notice of the regulatory proposal.

It shall be the responsibility of the office assigned to develop a regulation to ensure that full consideration is given to all comments received.

All proposed significant regulations will be published in the *Federal Register* for a notice and comment period of at least 60 days unless the Commission determines that unusual circumstances require a shorter comment period. Examples of such circumstances would include statutory or judicial deadlines. Where a comment period of less than 60 days is provided, the notice of the

proposed regulation will include a statement of the reason for the shorter comment period. With items that must be coordinated as required by Executive Order 12067, the public comment period will be preceded by submission of the regulatory proposal to other affected Federal agencies for at least 15 working days.

II. Criteria for Preparing Regulatory Analysis

A "regulatory analysis" will be prepared for each significant regulation that is expected to have one of the following economic consequences:

- (1) An annual effect on the economy of \$100 million or more; or
- (2) A Major increase in costs or prices for individual industries, levels of government or geographic regions.

In addition, a regulatory analysis may be prepared for any proposed regulation, regardless of the anticipated economic impact, if the Commission decides that such an analysis would be helpful in developing the regulation.

The appropriate policy office, either the Office of Policy Implementation (OPI) or the Office of Inter-agency Coordination (OIC), will be responsible for assessing the anticipated economic consequences of a proposed regulation and determining whether a regulatory analysis will be needed. This determination shall be made as early as possible in the rulemaking process. Where the appropriate policy office and the office developing the regulation disagree as to whether a regulatory analysis is needed, the final determination will be made by the Commission. After it is determined that a regulatory analysis is needed, the appropriate policy office, either the Office of Policy Implementation (OPI) or the Office of Inter-agency Coordination (OIC), and the office developing the regulation shall work together to prepare such an analysis. The regulatory analysis should be prepared in conjunction with the development of the regulation and be used in choosing between alternative regulatory approaches.

Each regulatory analysis will contain:

- (1) A succinct statement of the problem;
- (2) a description of the major alternative ways of dealing with the problem that were considered by the Commission;
- (3) an analysis of the economic consequences of each of these alternatives; and
- (4) a detailed explanation of the reasons for choosing one alternative over the others.

A draft of the regulatory analysis generally will be completed by the time the proposed regulations are published

for comment in the **Federal Register**. The following information will be included in the **Federal Register** notice of any proposed regulation for which a regulatory analysis is being prepared:

- (1) An explanation of the regulatory approach that has been selected or is favored;
- (2) A short description of the other alternatives considered; and
- (3) A statement of how a copy of the draft regulatory analysis may be obtained.

A final regulatory analysis will be completed by the time that the final regulations are published in the **Federal Register**. Each final regulatory analysis will be approved by the Commission. The notice of a final regulation will include a statement of how a copy of the final regulatory analysis may be obtained.

III. Criteria for Selecting Existing Regulations to be Reviewed

In selecting existing regulations to be reviewed to determine whether they are achieving the policy goals of Executive Order 12044, the Commission shall apply the following criteria: (a) The continued need for the regulation; (b) the type and number of complaints or suggestions received; (c) the burdens imposed on those directly or indirectly affected by the regulations; (d) the need to simplify or clarify language; (e) the need to eliminate overlapping and duplicative regulations; (f) the length of time since the regulation has been evaluated (at least once every 5 years,) or the degree to which economic conditions or other factors have changed since the original regulation was issued; and (g) whether there have been statutory changes or case law developments which require amendments to or re-evaluation of the regulation. The Staff Committee on Equal Employment Opportunity Commission Policy (SCEP) will be responsible for selecting Commission regulations for review based on the above factors. Any office or division of EEOC may submit recommendations to the Staff Committee on Equal Employment Opportunity Commission Policy (SCEP) through the Office of Policy Implementation concerning which Commission regulations should be selected for review.

Signed at Washington this 27th day of September, 1979.

For the Commission.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

[FR Doc. 79-30656 Filed 10-3-79; 8:45 am]

BILLING CODE 6570-06-M

Registered Federal Reporter

Thursday
October 4, 1979

Part III

Federal Mine Safety and Health Review Commission

Employee Responsibilities and Conduct

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2703

Employee Responsibilities and Conduct

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Adoption of Commission rules relating to employee responsibilities and conduct.

SUMMARY: The provisions relating to employee responsibilities and conduct are adopted pursuant to the requirements of Executive Order No. 11222 and Chapter 735 of the FPM. These rules are intended to promote public accountability and confidence in the activities of the Commission and to eliminate, whenever possible, potential conflicts of interest. These rules specifically prohibit the acceptance by any Commission employee of any gifts or gratuities from any individual or organization subject to the jurisdiction of the Commission (29 CFR 2703.05), and impose strict limits on personal financial holdings involving mining enterprises in order to avoid even the appearance of potential conflict of interest (29 CFR 2703.09). The rules also provide procedures for the public filing of personal financial disclosure statements pursuant to Pub. L. 95-521 (29 CFR 2703.10) and prohibit any outside professional employment by Commission employees unless advance approval is obtained (29 CFR 2703.12).

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Donald F. Terry, Executive Director, 1730 K Street, NW., Room 612, Washington, D.C. 20006 (202) 653-5625.

Dated: September 28, 1979.

Jerome R. Waldie,
Chairman, Federal Mine Safety and Health Review Commission.

The Commission adopts 29 CFR Part 2703 as follows:

PART 2703—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General Provisions

- 2703.01 Purpose and scope.
- 2703.02 Counseling service.
- 2703.03 Reporting and resolving conflicts of interest.
- 2703.04 Disciplinary or other remedial action.

Subpart B—Gifts

- 2703.05 Acceptance of gratuities generally.
- 2703.06 Payments, expenses, reimbursements, entertainment, etc., from non-Government sources.

- 2703.07 Contributions and gifts to superiors.
- 2703.08 Permissible gifts.

Subpart C—Financial Interests

- 2703.09 General.

Subpart D—Public Disclosure of Financial Interests and Other Matters

- 2703.10 Requirement to submit statement.
- 2703.11 Review procedures.

Subpart E—General Prohibitions

- 2703.12 General prohibitions.
- 2703.13 Future employment.

Authority.—Secs. 105, 113 of the Federal Mine Safety and Health Act of 1977; Pub. L. 95-164; 30 U.S.C. 815, 823.

Subpart A—General Provisions

§ 2703.01 Purpose and scope.

These standards of conduct for regular employees and special Government employees of the Commission are promulgated pursuant to the requirements of Executive Order No. 11222, and Chapter 735 of the Federal Personnel Manual. The purpose of these standards is to promote public accountability and confidence in the activities and integrity of the Commission and its employees.

(1) "Employee" means an official or employee of the Commission (whether or not he or she is required to file a financial disclosure statement pursuant to Pub. L. 95-521), but does not include a special Government employee.

(2) "Special Government employee" means an official or employee of the Commission who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a fulltime or intermittent basis.

(3) This part does not purport to paraphrase or enumerate all restrictions or requirements upon Federal employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement. In this regard, attention of all employees is hereby directed to the statutes set forth in 5 CFR 735.210.

§ 2703.02 Counseling service.

The Executive Director, with the assistance of persons designated by the Executive Director, shall serve as counselor for the Commission on matters covered by the regulations in this part. The Executive Director shall be responsible for giving advice and guidance to each employee and special Government employee who seeks such advice or guidance on questions of conflict of interest or other matters pertaining to the regulations of this part.

§ 2703.03 Reporting and resolving conflicts of interest.

(a) An employee or special Government employee who believes that his involvement in a matter may result in a conflict of interest or the appearance of a conflict of interest shall report all relevant facts to his office head.

(b) When an office head believes that the assignment of an employee or special Government employee under his direct supervision to a particular matter may result in a conflict of interest or the appearance of a conflict of interest, the office head shall, if possible, resolve the matter through minor remedial action (such as reassignment of the matter to another employee) with the consent of the affected individual. The existence of the conflict or apparent conflict and the nature of the remedial action taken shall be reported to the Executive Director as soon as possible but no later than 30 days after the existence of the conflict or apparent conflict has surfaced. If the conflict or apparent conflict cannot be so resolved, it shall be reported immediately to the Executive Director.

(c) The Executive Director may resolve a conflict of interest or the appearance of a conflict of interest by taking any remedial action as is within his authority subject to the consent of the employee or special Government employee.

§ 2703.04 Disciplinary or other remedial action.

(a) Where a conflict of interest or the appearance of a conflict of interest cannot be resolved at a lower level with the consent of the affected employee, or special Government employee, the Executive Director shall report the matter to the Chairman. The individual concerned shall be provided an opportunity to explain the conflict or appearance of conflict.

(b) If, after consideration of the employee's explanation, the Chairman determines that remedial action is required, the Chairman will initiate action to eliminate the conflict or appearance of conflict of interest. Remedial action may include, but is not limited to:

- (1) Change in assigned duties;
- (2) Divestment of the conflicting interest by the employee;
- (3) Disciplinary action; or
- (4) Disqualification for a particular assignment.

(c) The remedial action authorized under this section shall include disciplinary action where the Chairman deems it appropriate, and such action shall be in addition to any penalty prescribed by law.

(d) Notwithstanding this subpart, conflicts of interest or apparent conflicts of interest arising in the immediate office of an individual Commissioner shall be reported and resolved as that Commissioner determines, and such determination shall be final.

(e) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, executive orders, and regulations.

Subpart B—Gifts

§ 2703.05 Acceptance of gratuities generally.

(a) Except as provided in § 2703.08 an employee, or special Government employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, meal, refreshment, entertainment, loan or any other thing of monetary value, from a person (or employee or agent of such person) who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission; or

(2) Conducts operations or activities that are subject to the jurisdiction of the Commission; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duty.

(b) A gift or gratuity, the receipt of which is prohibited by this section shall be returned to the donor with a letter explaining why the return is necessary. When the return of the gift is not possible, the gift or gratuity shall be submitted to the Executive Director with a written explanation why the return is not feasible. The Executive Director shall turn the gift or gratuity over to the General Services Administration and inform the donor by letter why acceptance of the gift by the Commission employee is not allowable.

§ 2703.06 Payments, expenses, reimbursements, entertainment, etc., from non-Government sources.

In general, Decision B-128527 of the Comptroller General dated March 7, 1967, restricts receipt of reimbursement for travel, subsistence, or other expenses from private sources by a employee on official business relating to the Commission's jurisdiction. This decision or other regulations in this part do not restrict acceptance of contributions, awards, travel, subsistence, and other expenses from non-profit organizations authorized by 5 U.S.C. 4111 and regulations issued thereunder; Provided that an employee may not, without the written permission of the Commission accept from

nongovernmental sources any payments, reimbursements, entertainment, or other item of economic value incident to training, attendance at meetings of any kind, or other activities, if such training, meetings, or activities are attended or performed wholly or partially within periods when he is on duty or at such time as the Commission pays any expenses incident thereto in whole or in part.

§ 2703.07 Contributions and gifts to superiors.

No employee may solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. This section does not prohibit voluntary gifts of nominal value or donations in a nominal amount made on a special occasion such as marriage, illness, retirement, etc.

§ 2703.08 Permissible gifts.

(a) The prohibitions in this subpart do not preclude:

(1) Acceptance of unsolicited advertising or promotional material of nominal intrinsic value;

(2) Acceptance of an award for meritorious public contribution given by a charitable, religious, professional, social, fraternal, nonprofit educational, recreational, public service or civil organization;

(3) Acceptance of gifts resulting from obvious family or personal relationships when the circumstances make clear that it is those relationships rather than the business of the persons concerned which are the motivating factor; if in addition the employee reasonably believes that the cost of the gift, favor or other thing of monetary value will be borne personally by the relative or friend and the circumstances do not otherwise create a conflict of interest or apparent conflict of interest;

(4) Acceptance of loans from banks, or other financial institutions on customary terms to finance proper and usual activities;

(5) Acceptance of scholarships, fellowships, and similar forms of assistance which are incident to education or training pursued by an employee on his own time and his own initiative;

(6) Acceptance of food, entertainment, and refreshments of nominal value on infrequent occasions in the ordinary course of a meeting, inspection tour, or

training situation in which the employee is properly in attendance;

(7) Acceptance of food and beverage consumed at widely-attended public functions or gatherings (e.g. banquets, receptions or other similar events). This exception does not apply to dinners for small groups at restaurants or other similar private affairs.

(8) Acceptance of such other invitations as shall from time to time be authorized in advance by the Chairman in specific situations.

(b) Notwithstanding any reference to generally permissible gifts in this subpart, employees are expected to avoid any conflict or apparent conflict between their private interests and those of the Commission.

Subpart C—Financial Interests.

§ 2703.09 General.

(a) An employee shall not have a personal financial interest that conflicts or appears to conflict with his governmental duties and responsibilities.

(b) No employee shall have a personal financial interest in any mining enterprise which conducts operations or activities that are subject to the jurisdiction of the Commission.

(c) The financial interests hereinafter described are, to the extent indicated, exempted from application of this provision because they have determined to be too remote or inconsequential to affect the integrity of a Commission employee's services in any matter in which he may act in an official capacity:

Ownership of shares of stock, bonds other corporate securities, or shares in a mutual fund or regulated fund or regulated investment company, of the current aggregate fair market value of such holdings in a single enterprise does not exceed \$5,000.

Pursuant to authority delegated in 18 U.S.C. 208(b), the categories of financial interest listed in this subsection are also exempted from the provisions of 18 U.S.C. 208(a).

(d) An employee may request a waiver, modification or postponement of the implementation of this section, if this section would impose an undue hardship upon the employee and is not required in the public interest. In considering the employee's request for a waiver, modification or postponement, the following factors, among others, shall be considered:

(1) The nature and extent of the employee's holdings, in terms of the number of shares owned by the employee and the total shares outstanding;

(2) The manner and date of acquisition of the financial interest;

(3) The nature of the employee's title to or obligations concerning the interest;

(4) The nature and extent of the hardship to the employee if the waiver is denied;

(5) The employee's function in the Commission's decision-making process;

(6) The extent and frequency of the disqualification of the employee from participation in the Commission's work if the financial interest were retained; and

(7) The reasons why the employee believes the retention of the financial interest will not tend to influence the performance of official duties, and will not otherwise create any form of conflict of interest or appearance thereof, and is not contrary to the public interest.

Subpart D—Public Disclosure of Financial Interests and Other Matters

§ 2703.10 Requirement to submit statement.

The Commission shall require statements of financial interests and other matters from those employees and special Government employees who are required to submit such statements pursuant to the provisions of Pub. L. 95-521. Such statements are to be filed with the Executive Director. Notwithstanding the filing of the annual report required by this subpart, each employee shall at all times avoid acquiring a financial interest that could result in violation of subpart "C".

§ 2703.11 Review procedures.

The Executive Director shall review these statements pursuant to the requirements of Pub. L. 95-521 for the purpose of disclosing any conflict of interest or apparent conflict of interest. If such is found, the employee shall be given an opportunity to explain the conflict or apparent conflict. If the explanation does not resolve the conflict, the Executive Director shall report the circumstances to the Chairman for appropriate remedial action under § 2703.04.

Subpart E—Outside Employment and Other Activity

§ 2703.12 General prohibitions

(a) No attorney or other employee classified at GS 13 or above may engage in outside professional employment unless advance approval is obtained. Requests for permission to engage in outside employment will be directed to the Executive Director and will be processed in accordance with § 2703.04. The request shall state the days and hours of work or time involved, and shall identify the employer and the nature of the business.

(b) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interests; or

(2) Outside activity which involves use or exploitation of the employee's official role, position, authority, access to limited information, or use of Government resources, such as personnel, space, equipment, supplies and communications or transportation facilities.

(c) No employee may receive compensation or anything of monetary value for any consultation, lecture, discussion, writing or appearance the subject matter of which is devoted substantially to the responsibilities, purposes or objectives of the agency.

(d) Notwithstanding this section, employees may accept bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other ordinary and necessary subsistence for which no government payment or reimbursement is made.

§ 2703.13 Future employment.

An employee shall not participate personally and substantially in a particular matter, in which, to his or her knowledge, a person or organization with whom the employee is negotiating or has any arrangement concerning prospective employment has a financial interest. Unless such negotiations or arrangements are rejected at the outset, employees are required to report the facts promptly to his office head or the Executive Director for appropriate action pursuant to § 2703.03 and § 2703.04.

[FR Doc. 79-30677 Filed 10-3-79; 8:45 am]

BILLING CODE 6820-12-M

Registered Federal

Thursday
October 4, 1979

Part IV

Consumer Product Safety Commission

**Public Playground Equipment; Request
for Comment on NBS Reports and
Possible Notification Rules Regarding
Surfacing**

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Chapter II

Public Playground Equipment; Request for Comment on NBS Reports and Possible Notification Rules Regarding Surfacing

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of request for public comment.

SUMMARY: In this document the Commission requests comment on three reports, prepared for the Commission by the National Bureau of Standards, containing suggested safety guidelines on public playground equipment as well as information regarding surfacing under playground equipment. The Commission intends to publish the NBS reports in booklet form. The Commission also seeks comment on ideas for a possible rule requiring information regarding appropriate surfacing under equipment to be included with new equipment for sale. Commission funding is available for the preparation of comments.

DATE: Comments must be submitted by February 1, 1980. Applications for financial compensation must be submitted by November 5, 1979.

ADDRESS: Comments, preferably in 5 copies, should be sent to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., NW., Washington, D.C. 20207. Copies of the NBS reports, received comments, and other information on this matter may be obtained from or viewed in the Office of the Secretary, Consumer Product Safety Commission, Third floor, 1111 18th St., NW., Washington, D.C. 20207, 202-634-7700.

Applications for financial compensation may be obtained from and submitted to: Catherine Bolger, Office of Public Participation, Consumer Product Safety Commission, Washington, D.C. 20207, 202-254-6241.

FOR FURTHER INFORMATION CONTACT: Elaine Besson, Office of Program Management, Consumer Product Safety Commission, Washington, D.C., 301-492-6453.

FOR INFORMATION REGARDING FINANCIAL COMPENSATION CONTACT: Catherine Bolger, Office of Public Participation, Consumer Product Safety Commission, Washington, D.C. 20207, 202-254-6241.

SUPPLEMENTARY INFORMATION: On June 7, 1979 the Commission considered staff materials concerning possible mechanisms for addressing risks of

injury presented by public playground equipment. The Commission decided at that time to publish in booklet form three reports on public playground equipment prepared for the Commission at the National Bureau of Standards. The first two NBS reports, dated April 1978 and August 1978 and revised in December 1978, contain suggested safety guidelines and supporting rationale for public playground equipment. The third report, dated February 1979, concerns the energy absorbing characteristics of various surfaces used under public playground equipment. The Commission decided to make these reports available to the public as a handbook so that manufacturers would be able to use the information in designing new equipment and purchasers could use the reports in selecting equipment and designing playgrounds.

The Commission determined that it would be useful to seek public comment, prior to publishing the three reports in booklet form, on the concept of issuing the reports as a handbook as well as on the specific contents of the NBS reports. Therefore, this document briefly summarizes the information in the NBS reports, announces their availability in the Office of the Secretary of the Commission, and directs commenters to areas about which the Commission would particularly like to receive comment. While the Commission does not intend to respond to comments individually, the Commission may revise or refine the NBS reports based on the public comments.

The Commission, because the majority of public playground equipment injuries involve falls from the equipment, also decided on June 7, 1979 to seek comment on several ideas for a possible rule requiring information regarding appropriate surfacing under equipment to be included with new equipment for sale. The second part of this notice, then, discusses possible ways of providing such information to purchasers and solicits comment on the issue.

Background

The Commission has been involved with public playground equipment safety for a number of years. A brief chronology of this involvement as well as a brief summary of the Commission's most recent injury and hazard information follows:

On April 18, 1974 Elayne Butwinick petitioned (HP 75-4) the Commission to set safety standards for public playground equipment and the surfaces on which such equipment is installed. On May 24, 1974 a statement in support

of this petition was received from Theodora Sweeney.

In granting the petition on August 8, 1974, the Commission noted that the hazards associated with public playground equipment include being struck by, falling from, being entrapped within, being cut by, breakage of and other contact with the equipment or the underlying surface. The Commission also noted that the types of injuries sustained include fractures, contusions, abrasions, lacerations, concussions, strains, sprains, amputations, stangling, and death.

The Commission published in the *Federal Register* a notice of proceeding (40 FR 10706, March 7, 1975) seeking offers to develop safety requirements for public playground equipment, and subsequently, accepted an offer from the National Recreation and Park Association (NRPA).

The NRPA presented its recommended draft standard to the Commission on May 1, 1976. This draft presented certain problems (e.g., inadequate technical rationale, questions concerning the validity, repeatability, and reproducibility of the test methods, and so forth); and the Commission contracted with NBS for the technical work needed to revise the recommended equipment standard. Because surfaces appeared to play a major role in injuries, NBS was also authorized to conduct impact testing of various possible playground surfaces. The three reports that are the subject of this notice comprise the results of the NBS efforts.

The Commission became concerned about the safety of public playground equipment because of the number of injuries that have been associated with the equipment. The December, 1978 *Hazard Analysis—Public Playground Equipment Injuries* (copies of which are available in the Office of the Secretary) estimates that in 1977, for example, 93,000 injuries associated with public playground equipment were treated in U.S. hospital emergency rooms. The *Hazard Analysis* indicates that falls are the most common type of playground equipment accident, accounting for approximately 72% of the playground equipment injuries surveyed. While some falls are to parts of the equipment, most falls are to the underlying surface. Analysis of the types of surfaces involved in injuries seems to show that paved surfaces account for more frequent and severe injuries. The analysis also indicates that about 4% of the reported injuries involve equipment failure or broken equipment.

The Commission has also been concerned that many of these injuries

may not be addressable by an equipment standard. An October, 1978 *Human Factors Analysis of Injuries Associated with Public Playground Equipment* emphasizes that children use equipment in many diverse, yet predictable ways. The analysis discusses certain measures which may be used in designing playgrounds that take into account children's reasonably foreseeable use of the equipment. Some of these measures include planning the traffic flow around the equipment, providing multiple means of access to and exit from pieces of equipment, segregating play areas for different age groups, and scaling of equipment to match the intended user group. (Copies of this human factors report are available in the Office of the Secretary).

The Commission has decided to issue the NBS reports as a handbook rather than as a mandatory regulation because the Commission believes that this approach will better serve the public interest in contributing to playground safety. The variety of users and equipment, the diverse ways in which the equipment may be used, and the many non-equipment factors involved in overall playground safety clearly indicate that a mandatory equipment specification by itself cannot adequately address the problem of playground injuries. Nevertheless, the Commission believes that the suggestions contained in the reports, if properly integrated into an overall program of playground design, operation and maintenance, can have a significant beneficial effect.

NBS Reports

As noted above, the Commission believes that the NBS reports, as a comprehensive investigation of public playground equipment safety, should be made publicly available as guides for both the manufacturer and the school and park official as well as the interested parent. Before issuing the reports as a handbook, the Commission would like to receive comment from all interested parties on the contents of the reports as well as on the idea of publishing the documents as a handbook. The three reports are briefly described below, and copies are available in the Office of the Secretary of the Commission.

1. NBS Task I—"Suggested Safety Requirements and Supporting Rationale for Swing Assemblies and Straight Slides", April 1978, revised December 1978.

The suggested safety guidelines in this report address swing assembly structural integrity, swing assembly moving impact, straight slide surface incline, straight slide exit region, straight

slide side height, and straight slide ladders and stairways. Each of the suggested guidelines sets forth a recommendation and, where applicable and appropriate, an objective test method.¹

The guidelines relating to swings provide for a maximum allowable peak acceleration value during impact with suspended members to reduce the potential for injuries associated with moving impact, a minimum spacing between each swing apparatus and adjacent components, and elimination of sharp edges and hazardous protrusions on swinging components.

The guidelines for straight slides provide for a minimum slide side height of 2.5 inches to reduce the potential for falls from the sides of slides and for a limited incline of the sliding surface. Special guidelines are provided for the exit region of the sliding surface to slow down the slider to aid in the transition from sliding to standing. Guidelines, including a protective barrier, are also specified for the immediate area at the top of the slide to preclude falls during the transition from climbing to sitting. Guidelines for slide ladders and stairways include minimum widths for steps and rungs, minimum depths of steps, uniform vertical spacing between steps and rungs, horizontal orientation of steps and rungs, and continuous hand rails.

2. NBS Task II—"Suggested Safety Guidelines and Supporting Rationale for Public Playground Equipment", (other than swings and slides), August, 1978, revised December, 1978.

This report prescribes general guidelines for all pieces of equipment and/or composite units, including recommendations that manufacturers provide assembly, installation, and maintenance instructions with equipment; that equipment be labeled with the name of the manufacturer, the equipment model, and the date of manufacture; that finishes on equipment be non-toxic, that locking means be provided for all nuts and bolts; and that manufacturers be able to certify the durability and stability of their equipment.

The report contains a general recommendation for strength of components and structures specifying different testing loads for pieces of

equipment based upon the anticipated maximum number of users for particular pieces. Types of equipment which could be subject to such load testing are decks, platforms, ramps, overhead supporting structures, slide beds, seesaws, and merry-go-rounds. Similar test conditions are described for determining appropriate loads for products subject to lateral loads such as guard rails, handrails, and so forth.

A set of test gauges is described to identify potentially hazardous protrusions. Other suggested guidelines are intended to eliminate sharp points and edges and pinch and crush points.

The report contains a general guideline which addresses potential for entrapment of body parts by moving apparatus or structural angles on stationary components or equipment. To reduce the potential for falls from equipment, the report also contains a general recommendation for barriers on elevated structures. Components intended to be gripped by the hands for support have a maximum diameter specified. Guidelines are also described for slopes of ladders and stairways and for steps, rungs, and handrails, which are similar to those proposed for straight slides.

In addition to the general guidelines for all equipment, this report contains specific recommendations for spiral slides designed to reduce the risk of falls from the sides of slides. Guidelines specifically applicable to merry-go-rounds contain a limitation on attainable speed, and a restricted base configuration to reduce the likelihood that a child might walk into the path of rotating equipment.

3. NBS Task III—"Impact Attenuation Performance of Surfaces Installed under Playground Equipment", February, 1979.

The third task undertaken by NBS has two major objectives: (1) To develop a methodology for assessing energy absorbing characteristics of surfaces in relation to head injury and; (2) to test various surfacing materials commonly available for use under playground equipment to determine which minimizes the potential for head injury due to falls.

The NBS recommended test procedures employ the ANSI rigid headform which has been used to test the adequacy of head protection provided by athletic and motor vehicle gear.² Based on a review of the scientific literature in the area, the report concludes that the impact attenuation

¹ The specifications in the safety guidelines developed by NBS are based on minimum and maximum users defined as a 5th percentile 5 year old (combined sexes) for the minimum user and a 95th percentile 12 year old (combined sexes) for the maximum user. Relevant anthropometric data were obtained from the University of Michigan Report, "Anthropometry of Infants, Children, and Youths to Age 18 for Product Safety Design."

² The American National Standard Institute (ANSI) rigid headform, the headform most frequently specified in current headgear standards, is intended to give an estimate of human head response.

performance criterion should be that "a surface should not impart a peak acceleration in excess of 200 g's to the instrumented ANSI headform dropped on the surface from the maximum estimated fall height." Greater impact values have the potential for causing concussions and other injuries.

NBS tested a number of commonly used surfaces, such as sand, pea gravel, pine bark nuggets, mulch, and rubber mats, in accordance with the proposed procedures and criterion. Asphalt and concrete were not included in the NBS testing because of data indicating that even at low velocity impacts, these materials would not meet the recommended criterion of 200g's or less. The results of the impact testing indicate that certain surfaces composed of 6 inches of loose materials, such as pine bark, sand, shredded tires, and shredded wood bark, meet the impact attenuation performance criterion recommended for drop heights of up to 10 feet. Tested unitary materials such as rubber mats and synthetic turf exceed the 200g criterion at drop heights over five feet. It should be noted that all possible surfaces under playground equipment were not tested. Since factors other than energy absorbing capacity may be relevant in selecting appropriate surfacing, it is not appropriate based on the testing alone to recommend one of the tested materials over any other for all applications.

The NBS testing for this report did not include soil surfaces. However, the Commission recently authorized NBS to conduct field impact tests of various playground soils, in particular hard-baked clay. Upon completion of this testing, it should be possible to compare the energy absorbing characteristics of natural earth surfaces with the other materials previously tested. The results of this study will be available for comment when the report is completed.

In addition, the Commission notes that factors other than energy absorbing characteristics may be relevant in deciding what surfacing to place under playground equipment. Commission staff have prepared a memorandum on environmental conditions and maintenance requirements that can affect the safety attributes of surfacing materials. (This memorandum is dated July 17, 1978 and is entitled "Report on Environmental Conditions that Affect Safety Attributes of Surfacing Materials Placed under Playground Equipment." Copies are available in the Office of the Secretary.)

The Commission staff report points out that loose fill materials require continuous care to maintain their cushioning properties. Loose fill

materials can also conceal foreign objects such as broken glass, nails, and pencils. Some materials harbor insects or attract animals and therefore, may present hygiene problems. The report explains that rubber mats and synthetic turf must be installed on level, uniform surfaces and that their cushioning properties will depend, in part, on the foundation over which they are installed. The Commission is particularly interested in receiving information from commenters, based on their experience, concerning observed properties of various surfacing materials (see below).

Possible Notification Rule Regarding Surfacing Under Equipment

As noted above, the majority of public playground equipment injuries involve falls from the equipment to the underlying surface. The Commission is very concerned about these injuries and is considering possible ways of addressing them.

Information available to the Commission indicates that paved surfaces such as concrete or asphalt may be more dangerous than other surfacing materials. For example, the 1978 Commission staff *Hazard Analysis* notes that while paved surfaces appear on 10% of the playgrounds, these surfaces are involved in 19% of the overall injuries and 18% of the severe injuries resulting from falls to the surface. The *Hazard Analysis* concludes that falls to paved surfaces result in a larger proportion of injuries and in injuries that are more severe than would be expected from exposure.

The Commission is aware that injuries resulting from falls may not be directly addressable without drastically modifying equipment (for example, a severe height limitation). At this time the Commission does not favor such an approach because it could substantially interfere with the utility and play value of equipment. The Commission believes, however, that providing information to purchasers of public playground equipment regarding appropriate surfacing may be a useful measure in terms of addressing injuries resulting from falls.

Specifically, the Commission is considering requiring, under section 27(e) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 207e), manufacturers to warn against the use of paved surfaces in their catalogues as well as to provide this information with each piece of equipment that is sold. The Commission is also considering the possibility of requiring a warning label on each new piece of equipment stating that this equipment should not be placed

directly on an asphalt or concrete surface. Another option being studied is requiring manufacturers to provide appropriate portions of the technical report issued by the Commission (i.e., sections related to the particular piece of equipment being purchased and sections pertaining to surfacing under equipment) to purchasers of new equipment.

The Commission is interested in receiving comment from all interested parties on the feasibility and practicality of these measures as well as on their potential effectiveness in addressing public playground equipment injuries.

Funding for Comments

Commission funding is available for the preparation of written comments on the NBS reports and on the ideas for a possible rule regarding information on surfacing to be included with new equipment for sale. The Commission has decided to authorize financial compensation in this instance to ensure the representation of viewpoints from diverse segments of the public. In many cases in the past it has only been the regulated industry that has been able to make necessary expenditure for research and expert opinion to support detailed comments regarding Commission actions. By contrast, comments from nonregulated interests have been relatively infrequent.

The Commission hopes that the approval of financial compensation in this matter will encourage participation by those who represent viewpoints which might otherwise be underrepresented. The Commission believes the issue of playground safety is particularly appropriate for financial compensation because of the desirability of obtaining comments from interested parents, school personnel, and other individuals who can draw upon their own experiences and expertise concerning public playgrounds.

Therefore, persons or groups who would be unable to participate effectively in this proceeding without financial compensation and who meet the other criteria for funding in the Commission's Interim Policies and Procedures concerning Financial Compensation of Participants in Informal Rulemaking Proceedings (16 CFR Part 1050, 43 FR 23560, May 31, 1978) are invited to submit applications for funding. Application forms and other relevant information concerning funding (including copies of the Commission's financial compensation regulations) may be obtained from and submitted to: Catherine Bolger, Office of Public Participation, Consumer Product Safety

Commission, Washington, D.C. 20207, 202-254-6241.

Applications for financial compensation must be received by November 5, 1979. Notifications regarding compensation will be made in as timely a manner as possible.

Compensation is available only for the "reasonable" expenses necessary for an applicant's participation. Costs incurred for application preparation are not reimbursable. Selected applicants will be reimbursed for their costs within 30 days after the receipt of signed, itemized vouchers in the Office of Public Participation.

It should be noted that the comment period for this proceeding is 120 days. This longer than usual time has been provided to accommodate the submission and processing of funding applications as well as to allow sufficient time for the preparation of comments.

Request for Information

Persons who wish to comment on the specific recommendations in the NBS reports, on the idea of publishing the reports in booklet form, and on the possible notification rules regarding surfacing under equipment should write or call the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, 202-634-7700, for a copy of the "Public Playground Comment Packet." The packet contains the 3 NBS reports, the Commission staff *Hazard Analysis and Human Factors Analysis*, the staff briefing paper on public playground equipment, a copy of this Federal Register notice and the staff memorandum on environmental conditions affecting the safety attributes of surfacing materials.

The Commission is also interested in receiving data, views and arguments as to the following (information from commenters based on actual experience, studies that have been completed, or statistical data would be especially helpful):

I. General issues:

1. Information related to equipment layout (use zones, flow patterns around equipment);

2. Available information regarding age group differences related to playground activities;

3. Information concerning the feasibility and effectiveness of age group separation on playgrounds;

4. Information about equipment maintenance problems and methods to reduce costs and/or to address problems; and

5. Data concerning use patterns and/or injuries related to traditional vs. contemporary playground designs.

II. Listed below are some of the more specific areas about which the Commission is seeking information. Please include the source of any data upon which suggestions are based.

1. Whether there should be a recommended overall height limit for public playground equipment and what height limit should be recommended;

2. Data concerning the safety of (a) tire swings, either vertically or horizontally mounted, (b) theme or "animal" swings;

3. The practicality and expected effectiveness of the NBS recommendation for a 38" barrier on elevated surfaces of playground equipment (e.g., on transitional surfaces of slides and on platforms);

4. Whether there is an optimum height for slides at which children can experience enjoyment from the sliding activity without unduly increasing the risk of injury associated with falling from heights; and

5. Information which supports or refutes the concept that multiple means of access to equipment, especially slides, is safer than a single means of access.

6. Surfacing

(a) Information or data, based on actual experience, on the use of safety surfacing such as sand, mulch, or matting, including such topics as:

Maintenance/upkeep
Replacement
Identified Hazards
Injury experience;

(b) Available information on costs for installation and maintenance of safety surfacing;

(c) Information on costs for removal of paved surfacing and replacement with safety surfacing;

(d) Based on commenters' experience, whether cautionary labeling relating to surfacing on new pieces of equipment or similar cautionary warnings on promotional materials and literature accompanying the equipment would be the more effective way to communicate safety messages; and

(e) Whether it would be useful for the purchasers of new public playground equipment to have available, prior to purchase, a copy of the planned CPSC technical report.

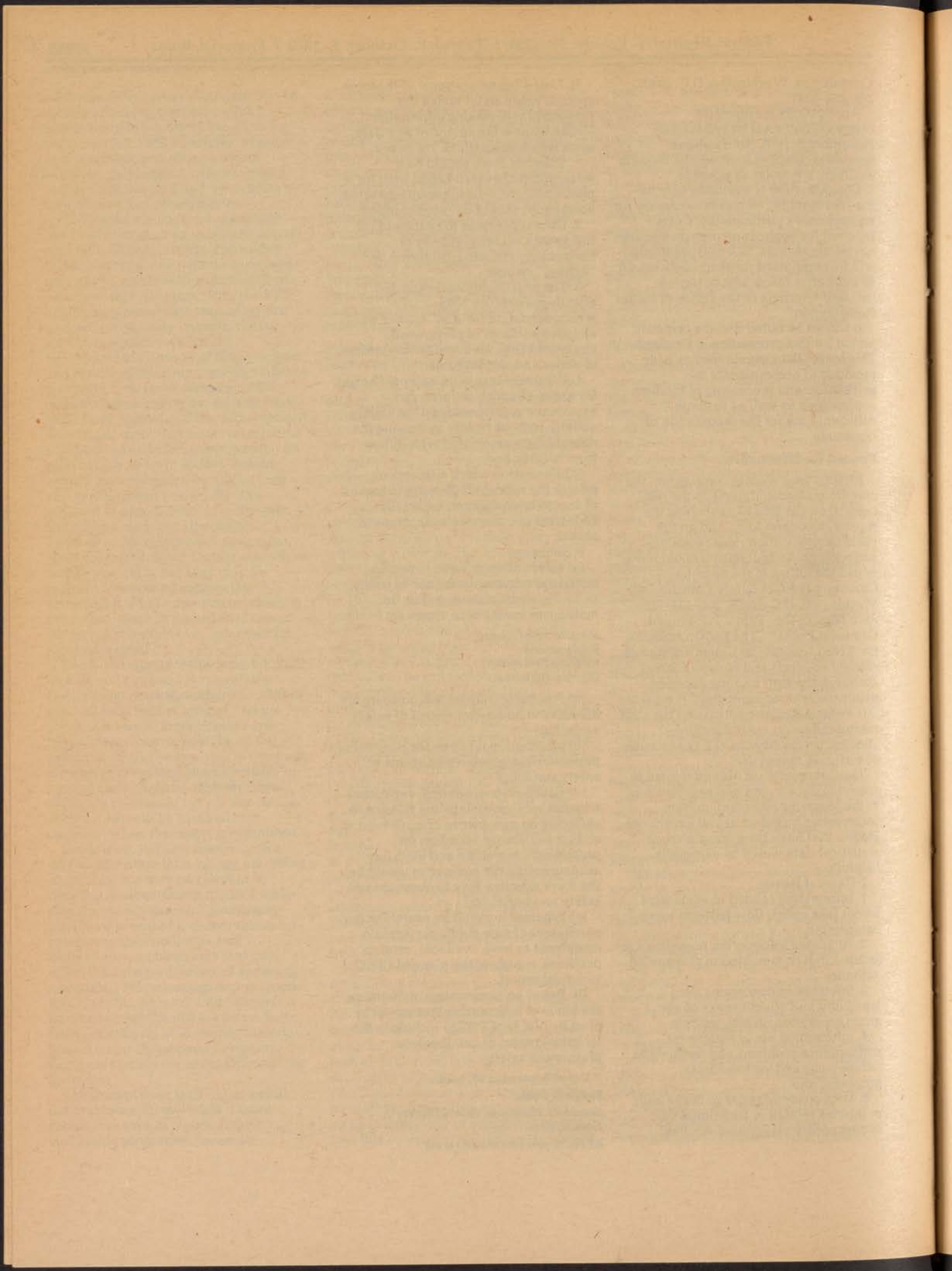
III. Based on commenters' experience, the kinds of information that would be most helpful for CPSC to include in the technical report or handbook on playground safety.

Dated: September 27, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-30657 Filed 10-3-79; 8:45 am]



Federal Register

Thursday
October 4, 1979

Part V

Environmental Protection Agency

Fuel Economy Labeling Requirements for
1981 and Later Model Year Automobiles:
Gas Guzzler Tax Statement; Final Rule
and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 600

(FRL 1299-4; Docket No. A79-44)

Fuel Economy Labeling Requirements for 1980 Model Year Automobiles: Gas Guzzler Tax Statement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: For the 1980 model year EPA is promulgating amendments to its automobile fuel economy labeling regulations to require that a "Gas Guzzler Tax" statement be included on vehicle fuel economy labels. This statement will show the tax that is to be assessed against the manufacturers of vehicles that fall below levels of combined city/highway fuel economy specified in the Energy Tax Act of 1978. Elsewhere in this issue of the *Federal Register*, EPA is proposing these amendments for 1981 and later model years.

EFFECTIVE DATE: This regulation becomes effective November 5, 1979.

FOR FURTHER INFORMATION CONTACT: Paul A. J. Wilson, Office of Mobile Source Air Pollution Control (ANR-455), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Telephone: 202/755-0596.

SUPPLEMENTARY INFORMATION:

Background

Beginning with 1974 model year vehicles and extending through vehicles produced until March 1976, EPA and the Federal Energy Administration (now the Department of Energy) had in effect a voluntary program through which automobile manufacturers could label their vehicles with fuel economy information. Title III of the Energy Policy and Conservation Act of 1975 (EPCA) amended the Motor Vehicle Information and Cost Savings Act (MVICSA) and then made the fuel economy labeling program mandatory as of March 1976. Under section 506 of the MVICSA (15 U.S.C. 2006), each automobile must bear a label indicating the fuel economy of that model type, the estimated annual fuel cost associated with its operation, and the range of fuel economy of comparably-sized automobiles. This permits a shopper to compare the fuel economy of one vehicle against the range of mileages possible from other vehicles in the same class (e.g., mid-sized cars). The fuel economy value printed on the vehicle

label is rounded to the nearest whole mile per gallon.

The EPCA also provided that, as of the 1978 model year, manufacturers would have to meet corporate average fuel economy (CAFE) standards. This means that the average fuel economy of a manufacturer's total passenger car fleet must meet a target fuel economy value, which increases in stringency with each new model year until 1985. If the manufacturer fails to meet the CAFE standard, it is subject to a significant penalty for each vehicle produced during that model year. As required by law, EPA calculates one fuel economy value representing urban driving and another representing highway driving. The results of these two tests are weighted at 55 percent urban and 45 percent highway driving and are harmonically averaged to determine the vehicle's combined fuel economy value which is used for CAFE determinations. For the 1976, 1977, and 1978 model years, EPA required that the combined mileage figure be used on the vehicle's fuel economy label in addition to the highway and urban numbers. However, the Agency found that the fuel economy value determined on the urban fuel economy test more accurately represents the mileage that the greatest number of American drivers could be expected to achieve in normal day-to-day driving and was most useful for comparison shopping. Therefore, starting with the 1979 model year, EPA has required that fuel economy labels bear only the results of the urban mileage test, which EPA has called the "Estimated MPG" figure. (This term is used to reemphasize that the calculated EPA fuel economy values are estimates, and that they should not be used as a prediction or guarantee of the fuel economy that the vehicle will actually achieve in use.)

Gas Guzzler Tax

Two legislative actions taken by the 95th Congress in late 1978 require that EPA further amend its regulations governing vehicle fuel economy labeling. These two laws are the Energy Tax Act of 1978 and the National Energy Conservation Policy Act (NECPA). Title II, Part I, Section 201 of the Energy Tax Act of 1978 (92 Stat. 3174) establishes a schedule of taxes to be levied on the manufacturer of each automobile which does not meet certain fuel economy targets, based on the combined fuel economy value as calculated by EPA. This is called the "Gas Guzzler Tax" and is to be assessed by the Internal Revenue Service (in accordance with regulations promulgated by the

Department of the Treasury) at the following rates for the 1980 model year:

(1) In the case of a 1980 model year automobile:

If the fuel economy of the model type in which the automobile falls is:	The tax is—
At least 15.....	0
At least 14 but less than 15.....	\$200
At least 13 but less than 14.....	\$300
Less than 13.....	\$550

There are several types or classes of vehicles to which the tax does not apply. These include vehicles defined as non-passenger automobiles (light-duty trucks) for purposes of section 501 of the MVICSA (15 U.S.C. 2001) by regulations that were effective on the date of passage of the Energy Tax Act of 1978, ambulances or combination ambulance/hearses, vehicles sold to and used by Federal, State, or local government for police or other law enforcement purposes, and vehicles used for any other emergency purposes as defined by the Secretary of the Treasury.

Title IV, Part I, Section 403 of the NECPA amends Section 506 of the Motor Vehicle Information and Cost Savings Act to require that any vehicle which is subject to a Gas Guzzler Tax assessed under the Energy Tax Act of 1978 must bear a statement of that tax on the vehicle's fuel economy label. EPA is today promulgating a regulation which will require that vehicle fuel economy labels contain a Gas Guzzler Tax statement for the 1980 model year, and is proposing elsewhere in the *Federal Register* similar regulations for 1981 and later model years.

There are several issues inherent in putting the Gas Guzzler Tax labeling requirements into effect. These include (1) the wording of the tax statement, (2) the possibility for confusion introduced by the new labeling requirement, (3) changes in a particular vehicle model's tax liability during the model year, (4) the degree of precision to which model year fuel economy values are determined, and (5) "specific labeling" of 1980 model year vehicles. Each of these issues is discussed below. Complicating the resolution of these matters, however, is the extremely limited amount of time that is available before the start of full-scale 1980 model year production (several manufacturers, in fact, are already producing and/or selling 1980 model year cars). The "Job-one" date for 1980 production, that is, the date at which the assembly lines will start to roll for 1980, is around August 1, 1979. As a result, the Agency has found it to be in the public interest to publish its Gas Guzzler Tax labeling rules for model year 1980 without prior notice and opportunity for public comment. EPA is soliciting comments on

the issues raised by this action in the proposed regulations for 1981 and later model years, also published today.

(1) *Wording of the Gas Guzzler Tax Statement:* Space for the tax statement is limited on the vehicle label; EPA estimates that a total of 3 lines (approximately 30 words) are available for use, and it should be possible to accommodate a simple statement, such as "Gas Guzzler Tax: \$XXX," with no difficulty. However, there is information in addition to the Gas Guzzler Tax assessment that should be conveyed to the consumer. This information includes: (1) If a driver does better than the calculated fuel economy value there will be no tax rebate; (2) If a driver's in-use fuel economy is lower than the calculated value there will be no additional tax assessed; and (3) The tax is based on the results of standardized EPA fuel economy tests, not on actual on-the-road driving experience.

There are alternatives to a long statement on the label for communicating the necessary explanatory information to new car buyers. One possibility might be to add a section to the EPA/DOE *Gas Mileage Guide*. However, this approach would not assure that new car buyers would necessarily have the explanatory material provided to them. That is, although copies of the *Gas Mileage Guide* are required to be stocked in new car dealers showrooms, a shopper might not have picked up a copy of the booklet, or might not have retained it when questions concerning the Gas Guzzler Tax arose. However, by adding reference on the label to an explanation in the *Gas Mileage Guide*, more shoppers might pick up the booklet and use it.

(2) *Confusion Introduced by the Gas Guzzler Tax Labeling Requirement.* Vehicle fuel economy labels now bear only the urban (called "Estimated MPG") value, and the Gas Guzzler Tax is assessed on the basis of the combined (urban/highway) model type EPA fuel economy values. The Estimated MPG value on the label should never exceed the combined value upon which the tax is based. Two types of situations could occur based on the different numbers used for labeling and tax purposes. Although it is not likely that the majority of car buyers will be aware of the details of the Gas Guzzler Tax schedule, i.e., the specific mileage figures at which different levels of tax are assessed, the quantity of new cars sold each year, approximately 10 million, makes it reasonable to assume that there will be a number of individuals who will be cognizant of the tax levels. If those

persons see a car against which no tax is assessed but which, according to the label value, would appear to be subject to the tax, questions will arise. The situation could also arise in which one vehicle could have the same Estimated MPG label value as another vehicle, one of which is subject to the tax and the other of which is not, due to different highway fuel economy values resulting in different combined values. The same manufacturer might not have two such vehicles, but a new-car shopper could encounter this situation while visiting dealers of different manufacturers. Finally, there is also that group of car buyers who purchase a car against which a tax is assessed and who find themselves exceeding the fuel economy posted on the label (not knowing that different model type values are used for labeling and tax determination. Some would even exceed the combined value on which the tax is actually assessed.) It would not be unreasonable for such persons to feel that they had somehow been unfairly penalized by the assessment of the Gas Guzzler Tax. The Agency is concerned about this situation and will evaluate the public reaction to the program for model year 1980 to determine if some means of communicating this information to the car shopper is needed.

(3) *Changes in Vehicle Tax Liability:* Under existing EPA procedures, manufacturers are permitted to make changes to EPA-certified vehicles while they are still in production during a given model year. Such modifications are called "running changes." Some running changes have no effect on fuel economy. Other changes, however, might be expected to have an effect on the vehicle's measured fuel economy and either increase or reduce it. IRS plans to base the tax on model type values calculated early in the model year when general label values are determined. Some model types initially judged to be subject to a Gas Guzzler Tax might, through running changes, exceed the point at which the tax is assessed, thereby reducing or eliminating the tax levied on models of the changed configuration. Conversely, running changes could also adversely affect the measured fuel economy of a vehicle and cause a model type that was not originally subject to the tax to fall within the limits at which a tax is assessed or to increase the tax already levied. In either case, the labels affixed to the vehicles would not reflect the change in status: the labels of the former vehicles might incorrectly state the amount of tax assessed against the vehicle, and the labels of the latter might

incorrectly state that no tax at all was assessed, even though both statements would have been correct for all vehicles manufactured until the time that the running change went into production.

In terms of conveying inaccurate information to the public, EPA believes that this is a potential problem that must simply be accepted. It would not be practicable for the Agency to require manufacturers to relabel their vehicles after initial approval of the general label if the fuel economy of the vehicle changes sufficiently to cause the tax statement to change. However, EPA believes that the number of vehicles (if any) in which running changes will have any effect on the assessed Gas Guzzler Tax will be very small.

(4) *Degree of Precision to Which Model Type Values are Determined:* For model year 1980 the Agency will calculate the model type fuel economy values upon which the gas guzzler tax will be assessed to the nearest one tenth (0.1) mile per gallon. EPA believes this degree of specificity is necessary because the Energy Tax Act of 1978 expresses the mileage points for tax assessments as "at least" X "but less than" Y. Thus, if vehicles falling within the specified tax schedules are to be most accurately identified, calculation of the values to 0.1 mpg is preferable to a lesser degree of accuracy. In accordance with existing EPA regulations, a manufacturer may submit as much data in support of his general label fuel economy calculation as he wishes to assure the largest possible data base from which the model type tax liability will be determined. Such data could help to offset any potential inaccuracy inherent in a model type value calculated to 0.1 mpg that was based on only one data point.

(5) *Specific Labeling of 1980 Model Year Vehicles:* EPA will not issue specific labels for 1980 model year automobiles which have, at the time the specific label is calculated, a combined model type fuel economy value that is not greater than 15.0 mpg. This action should help assure that all vehicles in a model type which are liable for a Gas Guzzler Tax assessment are identified and labeled. Specific labels are issued without the full body of data used for computation of a model type fuel economy value, and thus the combined fuel economy value computed at the time a specific label is requested for a particular vehicle configuration might be above the level of taxable performance, but when testing of the other base levels of that model type is completed and the model type combined value is computed, the final fuel economy value might be

below the initial level of taxable performance, thus making the vehicle subject to the Gas Guzzler Tax labeling requirements.

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

By issuing the following regulation directly as a final rule, EPA is foregoing the prior issuance of a notice of proposed rulemaking (NPRM) and the opportunity for public comment on the proposal provided by the NPRM. Such a curtailed procedure is permitted by 5 U.S.C. 553(b) when such an action would be in the public interest and the opportunity for public comment prior to issuance of the final rule is impracticable. Production of the 1980 model year passenger cars will begin in the immediate future, and manufacturers affix labels on vehicles as they come off the assembly line. EPA finds good cause to dispense with notice and public comment proceedings in this case in order to provide immediate guidance to the automobile manufacturers concerning the labeling requirements for the 1980 model year.

Dated: September 27, 1979.

Douglas M. Costle,
Administrator.

1. 40 CFR Part 600 is amended by adding the new § 600.306-80 which reads as follows:

§ 600.306-80 Labeling requirements.

(a) Prior to being offered for sale, each manufacturer shall affix or cause to be affixed and each dealer shall maintain or cause to be maintained on each automobile:

(1) A general fuel economy label as described in § 600.308, or

(2) A specific label, as described in § 600.309, for those low altitude automobiles manufactured or imported before the date that occurs 15 days after general labels are approved for the manufacturer.

(i) If the manufacturer elects to use a specific label within a model type (as defined in § 600.002(a)(19)), he shall also have approved specific labels affixed on all automobiles within this model type, except on those automobiles manufactured or imported before the date that labels are required to bear range values as required by paragraph (b) of this section or determined by the

Administrator, or as permitted under § 600.310.

(ii) If a manufacturer elects to change from general to specific labels or vice versa within a model type, the manufacturer shall, within five calendar days, initiate or discontinue as applicable, the use of specific labels on all vehicles within a model type at all facilities where labels are affixed.

(3) No 1980 model year specific labels may be used for vehicles which, at the time that the specific label is requested, have specific label combined fuel economy values of less than 15.0 mpg.

(b) The manufacturer shall include the current range of fuel economy of comparable automobiles (as described in § 600.314) in the label of each vehicle manufactured more than fifteen calendar days after the current range is made available by the Administrator.

(1) Automobiles manufactured before a date sixteen or more calendar days after the initial label range is made available under § 600.314(d)(1) may be labeled without a range of fuel economy of comparable automobiles. In place of the range of fuel economy of comparable automobiles, the label must contain a statement indicating that, as of the date of production or importation of this automobile, no range of fuel economy of comparable automobiles was available.

(2) Automobiles manufactured more than fifteen calendar days after the initial or updated label range is made available under § 600.314(d)(1) or (2) will be labeled with the current range of fuel economy of comparable automobiles as approved for that general or specific label.

(c) The fuel economy label must be readily visible from the exterior of the automobile and remain affixed until the time the automobile is delivered to the actual custody and possession of the ultimate consumer.

(1) The fuel economy label must be located on the windshield, or on a side window. If the window is not large enough to contain both the Automobile Information Disclosure Act label and the fuel economy label, the manufacturer shall have the fuel economy label affixed on another window and as close as possible to the Automobile Information Disclosure Act label.

(2) The fuel economy label information may be included with the Automobile Information Disclosure Act label if the prominence and legibility of the fuel economy label is maintained. For this purpose, all fuel economy label information must be placed on a separate section of the label and may not be intermixed with the Automobile Information Disclosure Act label information.

(3) The manufacturer shall have the fuel economy label affixed in a manner so that appearance and legibility are maintained until after the vehicle is delivered to the ultimate consumer.

2. 40 CFR Part 600 is amended by adding the new § 600.307-80 which reads as follows:

§ 600.307-80 Format and contents of labels.

(a) Fuel economy labels must be rectangular in shape, contain the EPA and DOE logos and the title "Fuel Economy Rating," be printed in a color which contrasts with the paper color and in a type size that is easily readable and be large enough to allow inclusion of all required information.

(b) Fuel economy labels must contain the following information in the applicable format illustrated in Appendix VI or such other format as may be approved by the Administrator:

(1) The word "Model" or "Vehicle," as appropriate, for general and specific fuel economy labels, respectively, followed by the description of the labeled vehicle as described in the manner and degree of detail specified in § 600.308(a) for § 600.309(a), as applicable.

(2) The phrase "ESTIMATED MPG: For Comparisons" followed by the fuel economy estimate specified in § 600.308(b) or general labels or § 600.309(b) for specific labels, as applicable, and a paragraph, circumscribed by a rectangular box, reading as follows: "The ESTIMATED mileage for this model ('design' for specific labels), is to be used to COMPARE cars (trucks or vehicles) of this model (design) with other cars (trucks or vehicles). Your own mileage may be poorer depending upon options, driving conditions, your driving habits and your car's (truck's or vehicle's) operating condition."

(3) The phrase "OTHER (vehicle class as determined by the Administrator pursuant to § 600.315) MODELS ('SPECIAL VEHICLES' for Special purpose vehicles):" followed by a paragraph circumscribed by a rectangular box reading as follows: "The ESTIMATED MPG numbers for other similar sized cars (trucks or vehicles) range from _____ to _____ mpg (as of (date)). By comparison, the ESTIMATED MPG of this model (design) is _____. Use these numbers to compare different models. Consult the *Gas Mileage Guide* for further information."

(i) The fuel economy range required by this paragraph is calculated and supplied to the manufacturer by the Administrator in accordance with § 600.311.

(iii) If no fuel economy range for other models has been supplied to the manufacturer by the Administrator at the time a vehicle is to be labeled or within the time constraints permitted by § 600.306(b), the statement required by paragraph (b)(3) of this section shall be replaced by the statement: "A range of MPG numbers for other car (truck or vehicle) models of similar size was not available when this car (truck or vehicle) was labeled."

(4) The phrase "annual fuel cost:" followed by the annual fuel cost and the phrase "based on _____ mpg, _____ miles per year, _____ cents (dollars)/gallon."

(i) The annual fuel cost, average miles driven per year, and cost of fuel will be calculated and supplied by the Administrator in accordance with § 600.308(c) for general labels or § 600.309(c), for specific labels, as applicable.

(ii) The mpg used in determining annual fuel cost is that given in paragraph (b)(2) of this section.

(5) The paragraph "Ask the dealer for the FREE 1980 GAS MILEAGE GUIDE to compare the Estimated MPG of other cars (trucks or vehicles). It will tell you how to use these numbers."

(6) For general labels for passenger automobile model types requiring a tax statement under § 600.513, the phrase "A Gas Guzzler Tax of \$ _____ has been imposed on this vehicle. The tax is administered by the Internal Revenue Service. See the *Gas Mileage Guide* for details."

(i) The tax value required by this paragraph shall be that indicated in § 600.513 and shall be based on the combined fuel economy value for the model type calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg.

(c) The fuel economy estimate required by paragraph (b)(2) of this section shall be highlighted by being in type no less than four times the size of the next largest print on the label (excluding the title and logos) or by such other means as may be approved by the Administrator.

3. 40 CFR Part 600 is amended by adding a new § 600.513-80 which reads as follows:

§ 600.513-80 Gas Guzzler Tax.

(a)(1) The provisions of this section do not apply to passenger automobiles exempted from Gas Guzzler Tax assessments by the Energy Tax Act of 1978 and regulations promulgated thereunder by the Internal Revenue Service. However, the manufacturer of an exempted passenger automobile may, in his discretion, label such vehicle in

accordance with the provisions of this section.

(2) Vehicles produced by a manufacturer that has been granted an alternate tax rate schedule by the Secretary of the Treasury shall be labeled with the applicable tax determined under any such alternate rate schedule.

(b) Passenger automobiles with a combined general label model type fuel economy of less than 15.0 mpg, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, shall carry a Gas Guzzler Tax statement pursuant to Section 403 of the National Energy Conservation Policy Act.

(c) For 1980 model year passenger automobile model types with a combined general label model type fuel economy value of:

(1) At least 15.0 mpg, no Gas Guzzler Tax statement is required.

(2) At least 14.0 mpg, but less than 15.0 mpg, the Gas Guzzler Tax Statement shall show a tax of \$200.

(3) At least 13.0 mpg, but less than 14.0 mpg, the Gas Guzzler Tax Statement shall show a Tax of \$300.

(4) 13.0 mpg or less, the Gas Guzzler Tax Statement shall show a tax of \$550.

(Title V of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 2001 et seq., as amended by section 403 of the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3256.)

[FR Doc. 79-30755 Filed 10-3-79; 8:45 am]

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ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Part 600

[FRL-1299-5; Docket No. A79-44]

Fuel Economy Labeling Requirements
for 1981 and Later Model Year
Automobiles: Gas Guzzler Tax
StatementAGENCY: Environmental Protection
Agency.

ACTION: Proposed rule.

SUMMARY: Automobiles produced during 1980 and later model years must be labeled to indicate whether the vehicle is subject to a "Gas Guzzler Tax."

The Gas Guzzler Tax statement will indicate the amount of tax that is to be levied against the manufacturers of vehicles that fall below levels of combined city/highway fuel economy specified in the Energy Tax Act of 1978. For the 1980 model year, EPA is promulgating amendments to its automobile fuel economy regulations implementing this labeling requirement. That regulation is published as an interim-final rulemaking elsewhere in today's Federal Register. In this notice, EPA is proposing similar amendments to the labeling regulations for 1981 and subsequent model years and is providing an opportunity for public comment on those amendments.

DATE: Public comments on this proposal must be submitted to the EPA on or before December 3, 1979.

ADDRESS: Written comments should be submitted to: Central Docket Section (A-130) Room 2903B U.S. Environmental Protection Agency Attention: Docket No. 401 M Street, SW., Washington, D.C. 20460

All comments submitted in response to this proposed rule, and other material pertinent to this action, may be inspected at the EPA Central Docket Section between 8 a.m. and 4 p.m., Monday through Friday. In accordance with Agency regulations, EPA may charge a reasonable fee for duplication services.

In submitting comments, however, note that it is the Agency's intention to assure all interested parties an opportunity to study all information which may become the basis for EPA's final action in this rulemaking. Accordingly, the Agency will not consider in this rulemaking any material which cannot be made available to the public. Parties wishing to submit comments are cautioned that EPA will not consider, but will return to the commentor, any comments that are claimed, in whole or in part, to be confidential.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Wilson, Office of Mobile Source Air Pollution Control (ANR-455), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Telephone: 202/755-0596.

SUPPLEMENTARY INFORMATION:**Background:**

Beginning with 1974 model year vehicles and extending through vehicles produced until March 1976, EPA and the Federal Energy Administration (now the Department of Energy) had in effect a voluntary program through which automobile manufacturers could label their vehicles with fuel economy information. Title III of the Energy Policy and Conservation Act of 1975 (EPCA) amended the Motor Vehicle Information and Cost Savings Act (MVICSA) and made the fuel economy labeling program mandatory as of March 1976. Under section 506 of the MVICSA (15 U.S.C. 2006), each automobile must bear a label indicating the fuel economy of that model type, the estimated annual fuel cost associated with its operation, and the range of fuel economy of comparably sized automobiles. This permits a shopper to compare the fuel economy of one vehicle against the range of mileages possible from other vehicles in the same class (e.g., mid-sized cars). The fuel economy value printed on the vehicle label is rounded by the ASTM method to the nearest whole mile per gallon.

The EPCA also provided that, as of the 1978 model year, manufacturers of passenger cars would have to meet corporate average fuel economy (CAFE) standards. This means that the average fuel economy of a manufacturer's total passenger car fleet must meet a target fuel economy value, which increases in stringency with each new model year until 1985. If the manufacturer fails to meet the CAFE standard, it is subject to a significant penalty for each vehicle produced during that model year. As required by the law, EPA calculates one fuel economy value representing urban driving and another representing highway driving. The results of these two tests are weighted at 55 percent urban and 45 percent highway driving and are harmonically averaged to determine the vehicle's combined fuel economy value which is used for CAFE determinations.

For the 1976, 1977, and 1978 model year, EPA required that the combined mileage figure be used on the vehicle's fuel economy label in addition to the highway and urban numbers. However, the Agency found that the fuel economy value calculated on the urban fuel

economy test more accurately represents the mileage that the greatest number of American drivers could be expected to achieve in normal day-to-day driving and was most useful for comparison shopping. Therefore, starting with the 1979 model year, EPA has required that fuel economy labels bear only the results of the urban mileage test, which EPA has called the "Estimated MPG" figure. (This term is used to reemphasize that the calculated EPA fuel economy value are estimates, and that they should not be used as a prediction or guarantee of the fuel economy that a vehicle will actually achieve in use.)

Gas Guzzler Tax

Two legislative actions taken by the 95th Congress in late 1978 require that EPA further amend its regulations governing vehicle fuel economy labeling. These two laws are the Energy Tax Act of 1978 and the National Energy Conservation Policy Act (NECPA), Title II, Part I, Section 201 of the Energy Tax Act of 1978 (92 Stat. 3174) establishes a schedule of taxes to be levied on the manufacturer of each automobile which does not meet certain fuel economy targets, based on the combined fuel economy value as calculated by EPA. This is called the "Gas Guzzler Tax" and is to be assessed by the Internal Revenue Service (in accordance with regulations promulgated by the Department of the Treasury) at the following rates for 1981 and later model years:

(1) In the case of a 1981 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:		The tax is—
At least 17		0
At least 16 but less than 17		\$200
At least 15 but less than 16		\$350
At least 14 but less than 15		\$450
At least 13 but less than 14		\$550
Less than 13		\$650

(2) In the case of a 1982 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:		The tax is—
At least 18.5		0
At least 17.5 but less than 18.5		\$200
At least 16.5 but less than 17.5		\$350
At least 15.5 but less than 16.5		\$450
At least 14.5 but less than 15.5		\$600
At least 13.5 but less than 14.5		\$750
At least 12.5 but less than 13.5		\$950
Less than 12.5		\$1,200

(3) In the case of a 1983 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:		The tax is—
At least 19		0
At least 18 but less than 19		\$350
At least 17 but less than 18		\$500
At least 16 but less than 17		\$650
At least 15 but less than 16		\$800
At least 14 but less than 15		\$1,000
At least 13 but less than 14		\$1,250
Less than 13		\$1,550

(4) In the case of a 1984 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:		The tax is—
At least 19.5		0
At least 18.5 but less than 19.5		\$450
At least 17.5 but less than 18.5		\$600
At least 16.5 but less than 17.5		\$750
At least 15.5 but less than 16.5		\$950
At least 14.5 but less than 15.5		\$1,150
At least 13.5 but less than 14.5		\$1,450
At least 12.5 but less than 13.5		\$1,750
Less than 12.5		\$2,150

(5) In the case of a 1985 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:		The tax is—
At least 21		0
At least 20 but less than 21		\$500
At least 19 but less than 20		\$600
At least 18 but less than 19		\$800
At least 17 but less than 18		\$1,000
At least 16 but less than 17		\$1,200
At least 15 but less than 16		\$1,500
At least 14 but less than 15		\$1,800
At least 13 but less than 14		\$2,200
Less than 13		\$2,600

(6) In the case of a 1986 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:		The tax is—
At least 22.5		0
At least 21.5 but less than 22.5		\$500
At least 20.5 but less than 21.5		\$650
At least 19.5 but less than 20.5		\$850
At least 18.5 but less than 19.5		\$1,050
At least 17.5 but less than 18.5		\$1,300
At least 16.5 but less than 17.5		\$1,500
At least 15.5 but less than 16.5		\$1,850
At least 14.5 but less than 15.5		\$2,250
At least 13.5 but less than 14.5		\$2,700
At least 12.5 but less than 13.5		\$3,200
Less than 12.5		\$3,850"

There are several types or classes of vehicles to which the tax does not apply. These include vehicles defined as non-passenger automobiles (light-duty trucks) for purposes of section 501 of the MVICSA (15 U.S.C. 2001) by regulations that were effective on the date of passage of the Energy Tax Act of 1978, ambulances or combination ambulance/hearses, vehicles sold to and used by Federal, State, or local government for policy or other law enforcement purposes, and vehicles used for any other emergency purposes as defined by the Secretary of the Treasury.

Title IV, Part I section 403 of the NEPCA amends section 506 of the MVICSA to require that any vehicle which is subject to a Gas Guzzler Tax assessed under the Energy Tax Act of 1978 must bear a statement of that tax on the vehicle's fuel economy label. EPA is today proposing a regulation which will require that vehicle fuel economy labels contain a Gas Guzzler Tax statement for 1981 and later model years.

There are several problems inherent in putting the Gas Guzzler Tax labeling requirements in effect. These include, (1) the wording of the tax statement; (2) the possibility for confusion introduced by the new labeling requirement; (3) changes in a particular vehicle model's liability during the model year; (4) the

degree of precision to which model type fuel economy values are determined; (5) "specific labeling" of 1981 and later model year vehicles; and (6) relabeling of vehicles that have been issued a specific label.

(1) *Wording of the Gas Guzzler Tax Statement.* Space for the tax statement is limited on the vehicle label; EPA estimates that the total of 3 lines (approximately 30 words) are available for use, and it should, therefore, be possible to accommodate a simple statement, such as "GAS GUZZLER TAX: \$XXX" with no difficulty. However, there is information in addition to the Gas Guzzler Tax assessment that should be conveyed to the consumer. This information includes: (1) If a driver does better than the calculated fuel economy value there will be no tax rebate; (2) If a driver's in-use fuel economy is lower than the calculated value there will be no additional tax assessed; (3) The tax is based on the results of standardized EPA fuel economy tests not on actual on-the-road driving experience.

EPA is willing to consider suggestions concerning alternatives to a long statement on the label for communicating the necessary explanatory information to new car buyers. One possibility might be to add a section to the EPA/DOE *Gas Mileage Guide*. However, this approach would not assure that new car buyers would necessarily have the explanatory material provided to them. That is, although copies of the *Gas Mileage Guide* are required to be stocked in new car dealers showrooms, a shopper might not have picked up a copy of the booklet, or might not have retained it when questions concerning the Gas Guzzler Tax arose. However, by adding reference on the label to an explanation in the *Gas Mileage Guide*, more shoppers might pick up the booklet and use it. For 1981 and later model years, EPA is proposing to refer shoppers to the *Gas Mileage Guide* in the tax statement.

(2) *Confusion Introduced by the Gas Guzzler Tax Labeling Requirement.* Vehicle fuel economy labels now bear only the urban (called "Estimated MPG") value, and the Gas Guzzler Tax is assessed on the basis of the combined (urban/highway) model type fuel economy values. The Estimated MPG value on the label should never exceed the combined value upon which the tax is based. Two types of situations could occur based on the different numbers used for labeling and tax purposes. Although it is not likely that the majority of car buyers will be aware of the

details of the Gas Guzzler Tax schedule, i.e., the specific mileage figures at which different levels of tax are assessed, the quantity of new cars sold each year, approximately 10 million, makes it reasonable to assume that there will be a number of individuals who will be cognizant of the tax levels. If those persons see a car against which no tax is assessed but which, according to the label value, would appear to be subject to the tax, questions will arise. The situation could also arise in which one vehicle could have the same Estimated MPG label value as another vehicle, one of which would be subject to the tax and the other of which would not, due to different highway fuel economy values resulting in different combined values. The same manufacturer might not have two such vehicles, but the new-car shopper could encounter this situation while visiting dealers of different manufacturers. Finally, there is also that group of car buyers who purchase a car against which a tax is assessed, and who find themselves exceeding the fuel economy value posted on the label, not knowing that different model type values are used for labeling and tax determination. (Some would even exceed the combined value on which the tax is actually assessed.) It would not be unreasonable for such persons to feel that they had somehow been unfairly penalized by the assessment of the Gas Guzzler Tax. Once again, the Agency is looking for a means of communicating this information to the car shopper and requests comments and suggestions on how we might handle such communications.

(3) *Changes in Vehicle Tax Liability:* Under existing EPA procedures, manufacturers are permitted to make changes to EPA-certified vehicles while they are still in production during a given model year. Such modifications are called "running changes." Some running changes have no effect on fuel economy. Other changes, however, might be expected to have a measurable effect on the vehicle's measured fuel economy and either increase or reduce it. IRS plans to base the tax on model type values calculated early in the model year when general label values are determined. Some model types initially judged to be subject to a Gas Guzzler Tax might, through running changes, exceed the point at which the tax was assessed, thereby reducing or eliminating the tax that should be levied on models of the changed configuration. Conversely, running changes could adversely affect the measured fuel economy of a vehicle and cause a model type that was not originally subject to

the tax to fall within the limits at which a tax is assessed or to increase the tax already levied. In either case the labels affixed to the vehicles would not reflect the change in status: the labels of the former vehicles might incorrectly state the amount of tax assessed against the vehicle, and the labels of the latter might incorrectly state that no tax at all was assessed, even though both statements would have been correct for vehicles manufactured until the time that the running changes went into production.

In terms of conveying inaccurate information to the public, EPA believes that this is a potential problem that must simply be accepted. It would not be practicable for the Agency to require manufacturers to relabel their vehicles after initial approval of the general label if the fuel economy of the vehicle changes sufficiently to cause the tax statement to change. However, EPA believes that the number of vehicles (if any) in which running changes will have any effect on the assessed Gas Guzzler Tax will be very small. The Agency will welcome comments on this matter, particularly those which offer suggestions on the alternative means of treating the issue.

(4) *Degree of Precision to Which Model Type Values are Determined.* The Agency is proposing to calculate the fuel economy values upon which the Gas Guzzler Tax will be assessed to the nearest 0.1 mile per gallon. The Agency believes that this degree of specificity is the implicit intent of the Energy Tax Act of 1978, which expresses the tax schedules in terms of, for example, the fuel economy of a model type of "at least 14 but less than 15" miles per gallon. If the model types falling within the specified boundaries are to be most accurately identified, calculation of the values to 0.1 mpg is preferable to a lesser degree of accuracy.

In accordance with existing EPA regulations, a manufacturer may submit as much data in support of his general label fuel economy calculation as he wishes to assure the largest possible data base from which the model type tax liability will be determined. Such data could help to offset any potential inaccuracy inherent in a model type value calculated to 0.1 mpg that was based on only one data point.

However, the Agency specifically requests comments on the use of alternative degrees of precision in determining tax liability. In particular EPA would like comments to address the manner and justifications for specifying a different degree of accuracy, e.g., to the nearest whole mile per gallon. We would like such comments because of concerns about

potential problems that rounding to the nearest 0.1 mpg might cause. For example, the label Estimated MPG is rounded to the nearest whole mile per gallon, and to have a tax assessment based on one level of precision and a mileage figure based on a different precision on the same label could cause confusion. Comments on this subject should address the difference, if any, in the testing burden imposed by calculating the model type value to the nearest 0.1 or 1 mpg, the degree of confidence in tax liabilities assigned on the basis of rounding to the different levels of accuracy, and the issue of rounding to a whole mpg when some year's tax schedules are based on fractional mileage figures, e.g., "at least 17.5 but less than 18.5."

(5) *Specific Labeling of 1981 and Later Model Year Vehicles.* EPA will not issue specific labels for 1981 and later model year automobiles for which the combined fuel economy value computed at the time a specific label is requested is not at least 1 mpg greater than the fuel economy for which the corresponding tax rate is 0. This action should help assure that vehicles in a model type which are liable for a Gas Guzzler Tax assessment are identified and labeled. Specific labels are issued without the full body of data used for computation of a model type fuel economy value and thus the combined fuel economy value computed at the time a specific label is requested for a vehicle configuration might be above the level of taxable performance. However, when testing of the other base levels of that model type is completed and the model type combined value is calculated, the final fuel economy value might be below the initial level of taxable performance, thus making the vehicle subject to the Gas Guzzler Tax labeling requirements.

(6) *Relabeling of Vehicles That Have Been Issued a Specific Label.* EPA is also proposing to require that any vehicles not delivered to an ultimate purchaser, for which the use of specific labels had been approved, but which, at the time of general label calculation are found to have a combined model type fuel economy value such that a Gas Guzzler Tax should be assessed, must be relabeled with a general fuel economy label bearing the appropriate Gas Guzzler Tax statement.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant," and therefore subject to the procedural requirements of the Order, or whether it may follow other development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and

determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Dated: September 27, 1979.

Douglas M. Costle,
Administrator.

1. It is proposed that a new § 600.306-81 be added to 40 CFR Part 600 reading as follows:

§ 600.306-81 Labeling requirements.

(a) Prior to being offered for sale, each manufacturer shall affix or cause to be affixed and each dealer shall maintain or cause to be maintained on each automobile:

(1) A general fuel economy label as described in § 600.308, or;

(2) A specific label, as described in § 600.309, for those low altitude automobiles manufactured or imported before the date that occurs 15 days after general labels are approved for the manufacturer.

(i) If the manufacturer elects to use a specific label within a model type (as defined in § 600.002(a)(19)), he shall also have approved specific labels affixed on all automobiles within this model type, except on those automobiles manufactured or imported before the date that labels are required to bear range values as required by paragraph (b) of this section, or determined by the Administrator, or as permitted under § 600.310.

If a manufacturer elects to change from general to specific labels or vice versa within a model type, the manufacturer shall, within five calendar days, initiate or discontinue as applicable, the use of specific labels on all vehicles within a model type at all facilities where labels are affixed.

(3) No specific labels may be used for vehicles which, at the time that the specific label is requested, have specific label combined fuel economy values less than 1 mpg in excess of the combined model type fuel economy value, for the model year for which the specific label is requested, that has been assigned a Gas Guzzler Tax of 0.

(4) For any vehicles bearing a specific label, which are included in a passenger automobile model type that is found to be 0.1 mpg or more below the fuel economy value at which a Gas Guzzler Tax of 0 is to be assessed, at the time a general fuel economy value is determined for that model type, a manufacturer shall relabel or cause to be relabeled, with general fuel economy labels, all vehicles which have not been delivered to the ultimate purchaser.

(b) The manufacturer shall include the current range of fuel economy of comparable automobiles (as described

in § 600.314) in the label of each vehicle manufactured more than fifteen calendar days after the current range is made available by the Administrator.

(1) Automobiles manufactured before a date sixteen calendar days after the initial label range is made available under § 600.314(d)(1) may be labeled without a range of fuel economy of comparable automobiles. In place of the range of fuel economy of comparable automobiles, the label must contain a statement indicating that, as of the date of production or importation of this automobile, no range of fuel economy of comparable automobiles was available.

(2) Automobiles manufactured more than fifteen calendar days after the initial or updated label range is made available under § 600.314(d)(1) or (2) will be labeled with the current range of fuel economy of comparable automobiles as approved for that general or specific label.

(c) The fuel economy label must be readily visible from the exterior of the automobile and remain affixed until the time the automobile is delivered to the actual custody and possession of the ultimate consumer.

(1) The fuel economy label must be located on the windshield, or on a side window. If the window is not large enough to contain both the Automobile Information Disclosure Act label and the fuel economy label, the manufacturer shall have the fuel economy label affixed on another window and as close as possible to the Automobile Information Disclosure Act label.

(2) The fuel economy label information may be included with the Automobile Information Disclosure Act label if the prominence and legibility of the fuel economy label is maintained. For this purpose, all fuel economy label information must be placed on a separate section of the label and may not be intermixed with the Automobile Information Disclosure Act label information.

(3) The manufacturer shall have the fuel economy label affixed in a manner so that appearance and legibility are maintained until after the vehicle is delivered to the ultimate consumer.

2. It is proposed that a new § 600.307-81 be added to 40 CFR Part 600 reading as follows:

§ 600.307-81 Format and contents of labels.

(a) Fuel economy labels must be rectangular in shape, contain the EPA and DOE logos and the title "Fuel Economy Rating," be printed in a color which contrasts with the paper color and in a type size that is easily readable

and be large enough to allow inclusion of all required information.

(b) Fuel economy labels must contain the following information in the applicable format illustrated in Appendix VI or such other format as may be approved by the Administrator:

(1) The word "Model" or "Vehicle," as appropriate, for general and specific fuel economy labels, respectively, followed by the description of the labeled vehicle as described in the manner and degree of detail specified in § 600.308(a) or § 600.309(a), as applicable.

(2) The phrase "ESTIMATED MPG: For Comparisons" followed by the fuel economy estimate specified in § 600.308(b) for general labels or § 600.309(b) for specific labels, as applicable, and a paragraph, circumscribed by a rectangular box, reading as follows: "THE ESTIMATED mileage for this model ('design' for specific labels), —, is to be used to COMPARE cars (trucks or vehicles) of this model (design) with other cars (trucks or vehicles). Your own mileage may be poorer depending upon options, driving conditions, your driving habits and your car's (truck's or vehicle's) operating condition."

(3) The phrase "OTHER" (vehicle class as determined by the Administrator pursuant to § 600.315) MODELS ('SPECIAL VEHICLES' for special purpose vehicles):" followed by a paragraph circumscribed by a rectangular box reading as follows: "The ESTIMATED MPG numbers for other similar sized cars (trucks or vehicles) range from to mpg (as of (date)). By comparison, the ESTIMATED MPG of this model (design) is Use these numbers to compare different models. Consult the *Gas Mileage Guide* for further information."

(i) The fuel economy range required by this paragraph is calculated and supplied to the manufacturer by the Administrator in accordance with § 600.311.

(ii) If no fuel economy range for other models has been supplied by the manufacturer by the Administrator at the time a vehicle is to be labeled or within the time constraints permitted by § 600.306(b), the statement required by paragraph (b)(3) of this section shall be replaced by the statement: "A range of MPG numbers for other car (truck or vehicle) models of similar size was not available when this car (truck or vehicle) was labeled."

(4) The phrase "annual fuel cost:" followed by the annual fuel cost and the phrase "based on mpg, miles per year, cents (dollars)/gallon."

(i) The annual fuel cost, average miles driven per year, and cost of fuel will be calculated and supplied by the Administrator in accordance with § 600.308(c) for general labels or § 600.309(c), for specific labels, as applicable.

(ii) The mpg used in determining annual fuel cost is that given in paragraph (b)(2) of this section.

(5) The paragraph "Ask the dealer for the FREE 1981 GAS MILEAGE GUIDE to compare the Estimated MPG of other cars (trucks or vehicles). It will tell you how to use these numbers."

(6) For general labels for passenger automobile model types requiring a tax statement under § 600.513, the phrase "A Gas Guzzler Tax: of \$ has been imposed on this vehicle. The tax is administered by the Internal Revenue Service. See the *Gas Mileage Guide* for details."

(i) The tax value required by this paragraph shall be that indicated in § 600.513 and shall be based on the combined fuel economy value for the model type calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg.

(c) The fuel economy estimate required by paragraph (b)(2) of this section shall be highlighted by being in type no less than four times the size of the next largest print on the label (excluding the title and logos) or by such other means as may be approved by the Administrator.

3. It is proposed that a new § 600.513-81 be added to 40 CFR 600 reading as follows:

§ 600.513-81 Gas Guzzler Tax.

(a)(1) The provisions of this section do not apply to passenger automobiles exempted from Gas Guzzler Tax assessments by the Energy Tax Act of 1978 and regulations promulgated thereunder by the Internal Revenue Service. However, the manufacturer of an exempted passenger automobile may, in his discretion, label such vehicles in accordance with the provisions of this section.

(2) Vehicles produced by a manufacturer that has been granted an alternate tax rate schedule by the Secretary of the Treasury shall be labeled with the applicable tax determined under any such alternate tax schedule.

(b) This paragraph applies to 1981 model year vehicles. (1) Passenger automobiles with a combined general label model type fuel economy value of less than 17.0 mpg, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, shall carry a Gas Guzzler Tax statement pursuant to

Section 403 of the National Energy Conservation Policy Act.

(2) For passenger automobiles with a combined general label model type fuel economy value of:

- (i) At least 17.0 mpg, no Gas Guzzler Tax statement is required.
- (ii) At least 16.0 mpg, but less than 17.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$200.
- (iii) At least 15.0 mpg, but less than 16.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$350.
- (iv) At least 14.0 mpg, but less than 15.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$450.
- (v) At least 13.0 mpg, but less than 14.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$550.
- (vi) Less than 13.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$650.

This paragraph applies to 1982 model year vehicles. (1) Passenger automobiles with a combined general label model type fuel economy value of less than 18.5 mpg, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, shall carry a Gas Guzzler Tax statement pursuant to Section 403 of the National Energy Conservation Policy Act.

(2) For passenger automobiles with a combined general label model type fuel economy value of:

- (i) At least 18.5 mpg, no Gas Guzzler Tax statement is required.
- (ii) At least 17.5 mpg but less than 18.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$200.
- (iii) At least 16.5 mpg, but less than 17.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$350.
- (iv) At least 15.5 mpg, but less than 16.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$450.
- (v) At least 14.5 mpg, but less than 15.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$600.
- (vi) At least 13.5 mpg, but less than 14.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$750.
- (vii) At least 12.5 mpg, but less than 13.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$950.
- (viii) Less than 12.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,200.

(c) *This paragraph applies to 1983 model year vehicles.* (1) Passenger automobiles with a combined general label model type fuel economy value of less than 19.0 mpg, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, shall carry a Gas Guzzler Tax statement pursuant to Section 403 of the National Energy Conservation Policy Act.

(2) For passenger automobiles with a combined general label model type fuel economy value of:

- (i) At least 19.0 mpg, no Gas Guzzler Tax statement is required.
- (ii) At least 18.0 mpg, but less than 19.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$350.
- (iii) At least 17.0 mpg, but less than 18.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$500.
- (iv) At least 16.0 mpg, but less than 17.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$650.
- (v) At least 15.0 mpg, but less than 16.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$800.
- (vi) At least 14.0 mpg, but less than 15.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,000.
- (vii) At least 13.0 mpg, but less than 14.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,250.
- (viii) Less than 13.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,550.

(d) *This paragraph applies to 1984 model year vehicles.* (1) Passenger automobiles with a combined general label model type fuel economy value of less than 19.5 mpg, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, shall carry a Gas Guzzler Tax statement pursuant to Section 403 of the National Energy Conservation Policy Act.

(2) For passenger automobiles with a combined general label model type fuel economy value of:

- (i) At least 19.5 mpg, no Gas Guzzler Tax statement is required.
- (ii) At least 18.5 mpg, but less than 19.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$450.
- (iii) At least 17.5 mpg, but less than 18.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$600.
- (iv) At least 16.5 mpg, but less than 17.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$750.
- (v) At least 15.5 mpg, but less than 16.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$950.
- (vi) At least 14.5 mpg, but less than 15.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,150.
- (vii) At least 13.5 mpg, but less than 14.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,450.
- (viii) At least 12.5 mpg, but less than 13.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,750.
- (ix) Less than 12.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$2,150.

(e) *This paragraph applies to 1985 model year vehicles.* (1) Passenger automobiles with a combined general label model type fuel economy value of

less than 21.0, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, shall carry a Gas Guzzler Tax statement pursuant to Section 403 of the National Energy Conservation Policy Act.

(2) For passenger automobiles with a combined general label model type fuel economy value of:

- (i) At least 21.0 mpg, no Gas Guzzler Tax statement is required.
- (ii) At least 20.0 but less than 21.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$500.
- (iii) At least 19.0 mpg, but less than 20.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$600.
- (iv) At least 18.0 mpg, but less than 19.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$800.
- (v) At least 17.0 mpg, but less than 18.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,000.
- (vi) At least 16.0 mpg, but less than 17.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,200.
- (vii) At least 15.0 mpg, but less than 16.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,500.
- (viii) At least 14.0 mpg, but less than 15.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,800.
- (ix) At least 13.0 mpg, but less than 14.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$2,200.
- (x) Less than 13.0 mpg, the Gas Guzzler Tax statement shall show a tax of \$2,650.

(f) *This paragraph applies to 1986 model year vehicles.* (1) Passenger automobiles with a combined general label model type fuel economy value of less than 22.5 mpg, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, are subject to a Gas Guzzler Tax statement pursuant to Section 403 of the National Energy Conservation Policy Act.

(2) For passenger automobiles with a combined general label model type fuel economy value of:

- (i) At least 22.5 mpg, no Gas Guzzler Tax statement is required.
- (ii) At least 21.0 mpg, but less than 22.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$500.
- (iii) At least 20.5 mpg, but less than 21.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$650.
- (iv) At least 19.5 mpg, but less than 20.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$850.
- (v) At least 18.5 mpg, but less than 19.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,050.
- (vi) At least 17.5 mpg, but less than 18.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,300.

(vii) At least 16.5 mpg, but less than 17.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,500.

(viii) At least 15.5 mpg, but less than 16.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$1,850.

(ix) At least 14.5 mpg, but less than 15.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$2,250.

(x) At least 13.5 mpg, but less than 14.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$2,700.

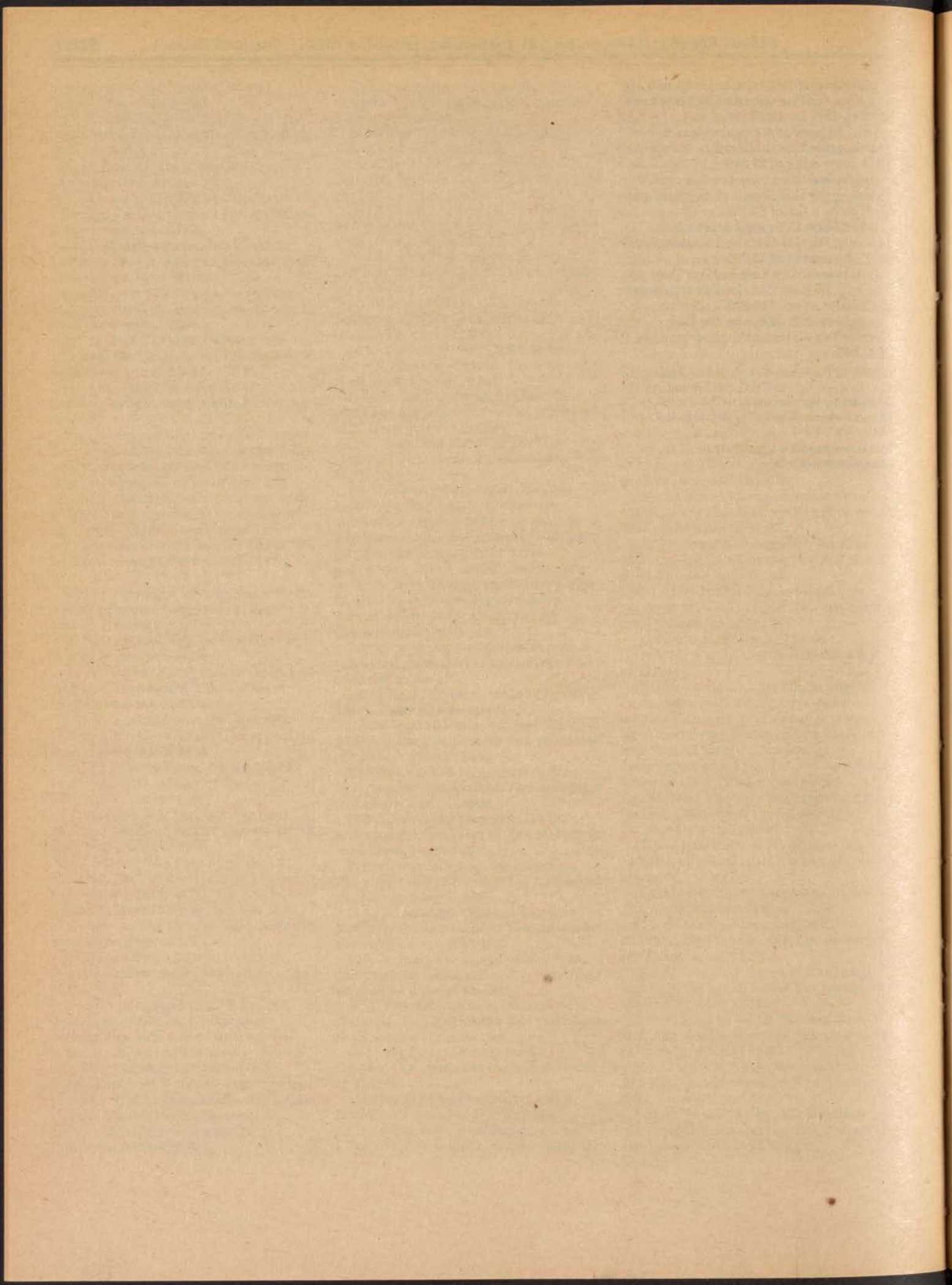
(xi) At least 12.5 mpg, but less than 13.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$3,200.

(xii) Less than 12.5 mpg, the Gas Guzzler Tax statement shall show a tax of \$3,850.

(Title V of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 2001 et. seq., as amended by Section 403 of the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3256).

[FR Doc. 79-30762 Filed 10-3-79; 8:45 am]

BILLING CODE 6560-01-M



Estimate Report

Thursday
October 4, 1979

Part VI

Department of Energy

Electric and Hybrid Vehicle Program;
Small Business Planning Grants

DEPARTMENT OF ENERGY

10 CFR Part 476

[Docket No. CAS-RM-79-203]

Electric and Hybrid Vehicle Program;
Small Business Planning Grants

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is issuing regulations to establish a planning grant program to provide aid to qualified small business concerns which require financial assistance in order to develop, prepare and submit proposals for entering into contracts with DOE for research, development or demonstration of electric or hybrid vehicles under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (Act). The planning grant program, prescribed by section 9(c) of the Act, is intended to help assure that small businesses having an interest in and capability for research, development or demonstration of electric or hybrid vehicles (EHV) will have a realistic and adequate opportunity to compete for research, development and demonstration contracts. The final regulations are not changed from the proposed regulations.

EFFECTIVE DATE: November 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Anthony H. Ewing, Office of Conservation and solar Applications, Room 3224, 20 Massachusetts Avenue NW., Washington, D.C. 20585, (202) 376-4747.

Mary Ann Masterson, Office of the General Counsel, Room 3228, 20 Massachusetts Avenue NW., Washington, D.C. 20585, (202) 376-9469.

SUPPLEMENTARY INFORMATION:

I. Background

On May 22, 1979, the Department of Energy (DOE) issued a proposed rule for the establishment and administration of a program to provide planning grants to qualified small businesses to assist them in developing, submitting and entering into contracts with DOE for research, development or demonstration of electric or hybrid vehicles. The planning grant program, which is the subject of these regulations, is prescribed by section 9(c)(2) of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94-413, 90 Stat. 1260 *et seq.* (15 U.S.C. 2501 *et seq.*), as amended (Act). The assistance required by this provision is intended to enable small, interested and capable businesses to be able to compete with larger enterprises for the award of contracts under the Act.

II. Public Comment

DOE received no requests to speak at the public hearing scheduled for June 28, 1979, and, consequently, issued a notice in the *Federal Register* on June 22, 1979, cancelling the public hearing (44 FR 37320, June 26, 1979). No written comments with respect to the proposed rule were received by DOE.

III. The Final Rule

Having received no comments, and based upon all other information available to it, DOE has determined to adopt the rule as proposed.

IV. Other Matters

It has been determined that this final rule is significant, as that term is used in Executive Order 12044 and amplified in DOE Order 2030. This determination is based upon the importance of the overall electric and hybrid vehicle program in encouraging the development of alternative means of transportation. It has been further determined that this regulatory action is not likely to have a major impact, as defined by Executive Order 12044 and DOE Order 2030; consequently, no regulatory analysis is required in this instance.

In accordance with section 404 of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91 (42 U.S.C. 7101 *et seq.*), the Federal Energy Regulatory Commission received a copy of the proposed rule. The Commission has not exercised its discretion to determine that the proposed rule significantly affects any function within its jurisdiction under section 402 (a)(1), (b), and (c)(1) of the DOE Act.

(Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94-413, 90 Stat. 1260 *et seq.* (15 U.S.C. 2501 *et seq.*), as amended by the Department of Energy Act of 1978—Civilian Applications, Pub. L. 95-238; Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 *et seq.* (42 U.S.C. 7101 *et seq.*))

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations, is amended by establishing Part 476 as set forth below.

Issued in Washington, D.C., August 24, 1979.

Omi G. Walden,

Assistant Secretary, Conservation and Solar Applications.

Chapter III of Title 10, Code of Federal Regulations is amended by establishing Part 476 as follows:

PART 476—ELECTRIC AND HYBRID
VEHICLE RESEARCH, DEVELOPMENT,
AND DEMONSTRATION PROGRAM
SMALL BUSINESS PLANNING GRANTS

Sec.

- 476.1 Purpose and scope.
- 476.2 Definitions.
- 476.3 General requirements.
- 476.4 Eligibility requirements.
- 476.5 Program solicitation.
- 476.6 Evaluation and selection.
- 476.7 Allowable expenditures.
- 476.8 Contract proposals.

Authority: Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94-413, 90 Stat. 1260 *et seq.* (15 U.S.C. 2501 *et seq.*), as amended by the Department of Energy Act of 1978—Civilian Applications, Pub. L. 95-238; Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 *et seq.* (42 U.S.C. 7101 *et seq.*).

§ 476.1 Purpose and scope.

This part establishes a program which makes planning grants available to qualified small business concerns which require assistance in developing, submitting and entering into contracts for research, development, or demonstration of electric or hybrid vehicles pursuant to section 9(c)(2) of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94-413, 90 Stat. 1260 *et seq.* (15 U.S.C. 2501 *et seq.*), as amended.

§ 476.2 Definitions.

As used in this part—"Act" means the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94-413, 90 Stat. 1260 *et seq.* (15 U.S.C. 2501 *et seq.*), as amended.

"Affiliate" means "affiliate" as defined in 13 CFR Part 121.3-2(a).

"Annual receipts" means the gross income (less returns and allowances, sales of fixed assets, and interaffiliate transactions) of a concern (and its domestic and foreign affiliates) from sales of products and services, interest, rents, fees, commissions, and/or from whatever other source derived, as entered on its regular books of account for its most recently completed fiscal year and each of the two preceding years (whether on a cash, accrual, completed contracts, percentage of completion, or other acceptable accounting basis) and, in the case of a concern subject to U.S. Federal income taxation, reported or to be reported to the U.S. Treasury Department, Internal Revenue Service for Federal income tax purposes. If a concern has been in business less than 3 years, its average annual receipts shall be computed by determining its average weekly receipts for the period in which it has been in

business, and multiplying such figure by 52. If a concern has acquired an affiliate during the applicable accounting period, it is necessary in computing the applicant's annual receipts to include the affiliate's receipts during the entire applicable accounting period, rather than only its receipts during the period in which it has been an affiliate. The receipts of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

"Concern" means any business entity organized for profit (even if its ownership is in the hands of a nonprofit entity) with its principal place of business located in the United States. "Concern" includes, but is not limited to, an individual, partnership, corporation, joint venture, association or cooperative. For the purpose of making affiliation findings, any business entity, whether organized for profit or not, and any foreign business entity, (i.e. any entity located outside the United States) shall be included.

"DOE" means the Department of Energy.

"Electric vehicle" means a vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a nonelectrical source of power designed to charge batteries and components thereof.

"Hybrid vehicle" means a vehicle propelled by a combination of an electric motor and an internal combustion engine or other power source and components thereof.

"Small business concern" means a concern which, including its affiliates, is independently owned and operated, (a) does not have assets exceeding \$3.0 million as of the date of the latest available balance sheet of the concern, (b) does not have average annual receipts for the three preceding fiscal years in excess of \$3.0 million, and (c) does not have an average annual net income (after Federal income taxes) for the three preceding fiscal years in excess of \$300,000 (to be computed without any benefit of carryover losses), or if a concern has been in business less than three fiscal years, such average annual income shall be based on the relevant period it has been in existence.

"United States" means each of the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico and the District of Columbia.

§ 476.3 General requirements.

Except where this part provides otherwise, the award and administration

of financial assistance under this part will be governed by—

(a) 10 CFR Part 600, entitled "Assistance Regulations";

(b) Such other requirements applicable to this part as DOE may from time to time prescribe; and

(c) Any Federal requirements applicable to grants under this part.

§ 476.4 Eligibility requirements.

Grants under this part may be made only to small business concerns which lack adequate funds to develop, prepare and submit proposals for entering into contracts for research, development or demonstration of electric or hybrid vehicles under the Act.

§ 476.5 Program solicitation.

(a) Subject to the availability of funds, DOE will solicit applications for planning grants, at least once each year, by issuing a program solicitation. Planning grants may be awarded only in response to the program solicitation.

(b) Each program solicitation shall set forth the requirements and procedures for applying for grants under this part, including—

(1) An explanation of the planning grant program and how to prepare and submit applications;

(2) A time schedule for submission of, and DOE action on, applications;

(3) The place for and manner of submission of applications;

(4) A unique number for identification purposes;

(5) The eligibility requirements;

(6) The evaluation criteria and their relative importance;

(7) An explanation of the evaluation and selection procedures;

(8) The specific problems or areas of concern, if any, which DOE is emphasizing in its funding of research, development or demonstration of electric or hybrid vehicles under the Act;

(9) A statement notifying potential applicants that the program solicitation does not commit DOE to pay any application preparation costs and that DOE reserves the right to award planning grants to any, all or none of the applicants;

(10) The total estimated amount of funds which will be available for the award of planning grants pursuant to the program solicitation;

(11) An explanation of how late applications will be handled;

(12) A copy of DOE's "Guide for the Submission of Unsolicited Proposals," or such other similar documents as DOE may from time to time issue;

(13) The required terms and conditions which will be included in grant instruments;

(14) The budget and financial status formats to be submitted with the application by which the applicant is required to substantiate its qualifications as a small business concern, the amount of the requested grant, and the applicant's financial need therefor;

(15) A statement notifying potential applicants that whenever an application contains information which may be exempt by law from public disclosure, it shall be handled in accordance with the procedures in 10 CFR Part 1004.11.

(16) A DOE contact (name and telephone number) for additional information; and

(17) Copies of any portions of those materials listed in § 476.3 with which grantees will be required to comply.

(c) Timely notice of the program solicitation will be published in the *Federal Register*, *Commerce Business Daily*, trade and professional journals and newspapers. Timely notice of the program solicitation will also be distributed directly to potential applicants to the extent considered necessary by DOE to assure adequate publicity and opportunity for participation.

§ 476.6 Evaluation and selection.

(a) Each application will undergo a preliminary review to determine whether it has been completed in accordance with the requirements of the program solicitation and whether the applicant meets the eligibility requirements. If this preliminary review reveals that the applicant does not meet the eligibility requirements, has failed to submit required financial and budgetary information or has omitted other required substantive information, the application shall be rejected and a prompt reply shall be sent to the applicant stating the reason(s) for the rejection. Applications with nonsubstantive or minor omissions or defects shall not be rejected. The applicant shall be notified of such omission or defect and must correct it prior to the award of a grant.

(b) Applications which successfully pass the preliminary review in accordance with paragraph (a) of this section will be evaluated and ranked based on the following criteria:

(1) The technical merit and quality of the research, development or demonstration project for which the applicant intends to develop a proposal, including such considerations as:

(i) Its potential for making a significant contribution to accelerating the introduction of electric and hybrid vehicles into the nation's transportation fleet;

(ii) Its potential for making a significant contribution to solving, or helping to solve, major problems facing the EHV programs; and

(iii) The problems which must be solved before the anticipated results of the proposal may make a meaningful contribution, and the applicant's recognition and acknowledgment of those problems and their need to be resolved.

(2) The capability of the applicant to successfully carry out the proposal, as measured by the following factors:

(i) The qualifications of the applicant's personnel;

(ii) The adequacy of the applicant's facilities; and

(iii) The quality of discussion and analysis in the application.

(3) The reasonableness of the applicant's budget for the preparation of the proposal.

(c) DOE will select applicants for planning grant awards taking into account the evaluation of the applications under paragraph (b) and the availability of funds.

§ 476.7 Allowable expenditures.

Planning grant funds may be used only for the direct costs, and other identified costs normally included as overhead, incurred by the grantee in developing, preparing and submitting proposals to DOE. No profits or fees may be added to the grantee's direct costs.

§ 476.8 Contract proposals.

(a) When DOE receives an application for a planning grant for the development, preparation and submission of a proposal for entering into a contract for research, development or demonstration activities under the Act which falls within the scope of a current or pending DOE solicitation notice, DOE will furnish the applicant a copy of the solicitation notice when available. If the applicant is awarded a planning grant in these circumstances, its proposal will be considered as being in response to the solicitation notice.

(b) All other contract proposals will be considered as unsolicited proposals.

[FR Doc. 79-30820 Filed 10-3-79; 8:45 am]

BILLING CODE 6450-01-M

Registered Federal Report

Thursday
October 4, 1979

Part VII

Securities and Exchange Commission

Securities Exchange Act of 1934; Relief
for Certain Wholly Owned Subsidiaries
From Portions of Annual and Quarterly
Reports

**SECURITIES AND EXCHANGE
COMMISSION****17 CFR Part 249****[Release No. 34-16226; File No. S7-780]****Relief for Certain Wholly Owned
Subsidiaries From Portions of Annual
and Quarterly Reports Required Under
the Securities Exchange Act of 1934****AGENCY:** Securities and Exchange
Commission.**ACTION:** Adoption of amendments to
forms.

SUMMARY: The Commission announces the conditional adoption of amendments to provide relief from certain portions of the reporting requirements of the annual and quarterly reports filed with the Commission by a registrant whose equity securities are owned either directly or indirectly by a single person which itself is a reporting company under the Securities Exchange Act of 1934 ("Exchange Act"). The amendments are part of the Commission's continuing effort to reduce reporting burdens and paperwork by more precisely tailoring the reporting requirements to the characteristics of particular registrants and to the needs of their investors.

DATES: Interested persons will have until November 5, 1979. To comment upon the inclusion of relief from the requirements of Form 10-K Item 15. At the close of the comment period the Commission will review the comments and make such changes in the amendments that it deems necessary and appropriate.

If no material changes are necessitated by the comments, the amendments to Forms 10-Q and 10-K will become effective on November 15, 1979.

ADDRESS: Comments should refer to File No. S7-780 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: John J. Heneghan, Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, Phone (202) 272-2573.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission announces the conditional adoption of amendments to the General Instructions to Form 10-K and to the General Instructions to Form 10-Q under the Securities Exchange Act of 1934 (the

"Exchange Act") [15 U.S.C. 78a et seq. (1976)] relating to the disclosure required by certain registrants which are wholly owned subsidiaries.

These amendments would allow omission of certain disclosure items in reports on Form 10-Q and both omission of and substitution for various disclosure items in reports on Form 10-K filed by registrants whose equity securities are owned, either directly or indirectly, by a single parent which is a reporting company under the Exchange Act.

Form 10-K is used for annual reports to the Commission pursuant to section 13 or 15(d) of the Exchange Act where no other report is prescribed. Form 10-Q is used for quarterly reports to the Commission under section 13 or 15(d) of the Exchange Act and is filed pursuant to Rule 13a-13 or Rule 15d-13 thereunder.

Background and General Discussion

In connection with applications under section 12(h) of the Exchange Act for exemption from the reporting requirements under section 13, the Commission has noted that a significant number of wholly-owned subsidiaries with debt securities outstanding seek relief from the full reporting requirements imposed under section 12(b) or 15(d). While the Commission is mindful of the need to maintain adequate public information regarding wholly-owned subsidiaries which are subject to the reporting obligations of the Exchange Act, it appears that certain modifications of the disclosure requirements of Form 10-K and Form 10-Q for wholly-owned subsidiaries are appropriate.

In an effort to more precisely tailor the reporting requirements to these particular companies and to the needs of their investors, the Commission published Securities Exchange Act Release No. 15829 (May 16, 1979) [44 FR 29906] inviting comments on proposed amendments to Form 10-K and to Form 10-Q. In proposing the amendments the Commission attempted to isolate that information about a wholly-owned subsidiary of a reporting company which is either inapplicable to a subsidiary with only debt securities outstanding or which would appear in the notes to the financial statements of the subsidiary.

All thirty-nine responses to the Commission's request for comments supported the proposed relief for wholly-owned subsidiaries of reporting companies. However, several further reductions of required disclosures were suggested as serving the purpose of the proposed amendments while also being

consistent with the standards of disclosure defined by the Commission.

A number of commentators favored expanding the definition of wholly-owned subsidiaries eligible for the subject relief to permit subsidiaries that have outstanding fixed-income, non-voting equity securities to take advantage of the more limited reporting requirements. These commentators argued that there is no real substantive difference between a fixed-dividend preferred stock and a debt security for purposes of the proposed amendments, particularly in the case of public utilities.

Although the argument presented by the commentators may have some appeal, the Commission feels that it has had inadequate study and comment concerning the possible differences in the information needed by holders of fixed dividend, non-voting preferred stock and by holders of debt securities to determine at this time to treat subsidiaries having holders of both or either types of securities in an identical manner. Accordingly, the Commission has decided to reduce the reporting requirements only in the case of outstanding debt securities and to monitor the results of that reduction before making any determination as to an appropriate reduction in cases where outstanding fixed dividend, non-voting preferred stock may be involved.

Another commentator suggestion was to extend the subject relief to "substantially-owned" subsidiaries. The Commission, however, does not feel that a "substantially-owned" standard generally would be consistent with adequate protection of minority shareholders in view of the nature of the subject relief and believes that any special situations where the subject relief would be appropriate should be handled on a case-by-case basis.

One of the areas of inquiry in Release No. 34-15829 concerned possible conditions for the availability of the proposed relief for wholly-owned subsidiaries. Specifically, the Commission asked both for comments on Form S-7 type financial responsibility tests and for suggestions for other possible tests utilizing parameters such as earnings or assets.

With one exception, the commentators supported conditioning the relief on some criteria in addition to being a wholly-owned subsidiary. However, a number of commentators did make various suggestions for modifications to the proposed financial responsibility tests. As a result, the Commission has revised the tests to require only that, during the preceding thirty-six calendar months and

subsequent period of days, there has not been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within thirty days, with respect to any indebtedness of the registrant or its subsidiaries, and there has not been any material default in the payment of rentals under material long-term leases.¹

For purposes of facilitating staff review of and computer data inputs from Forms 10-K and 10-Q, registrants are being required to indicate on the cover pages of the forms that they are eligible for and are utilizing the relief provided by these amendments (See General Instructions G(a)(3) of Form 10-Q and General Instructions K(a)(3) of Form 10-K).

Revisions to Form 10-Q

The revisions to Form 10-Q proposed in Release No. 34-15829 would delete the following items of Part II of Form 10-Q for a qualifying wholly-owned subsidiary whose parent is a reporting company: Item 5, Increase in Amount Outstanding of Securities or Indebtedness; Item 6, Decrease in Amount Outstanding of Securities or Indebtedness; and Item 7, Submission of Matters to a Vote of Security Holders.

There were no comments criticizing the proposed relief from Item 5 and Item 6. The general view of commentators was that any Item 5 or Item 6 information which is relevant and material to holders of debt securities would be adequately presented in the issuer's financial statements and notes thereto.

The omission of Item 7, Submission of Matters to a Vote of Security Holders, was generally supported by commentators on the ground that the Item is immaterial to debt holders generally.

Items 1 and 4 of Form 10-Q also received commentator attention. With respect to Item 1, Legal Proceedings, several commentators suggested that the Item was not needed since any material litigation affecting the subsidiary should be described in the footnotes to its financial statements. Upon consideration of these comments, the Commission has determined that the omission of Item 1 is not appropriate. The disclosure of legal proceedings in the footnotes to financial statements does not always disclose all of the information called for by Item 5 of Regulation S-K, thus making it difficult

to obtain information to independently evaluate the importance of the litigation.

Since it has been decided to condition the availability of the reduction on the absence of defaults upon securities and under material leases, Item 4 of Form 10-Q which ordinarily calls for disclosure of defaults upon securities became redundant.

Revision of Form 10-K

Release No. 34-15829 proposed revisions to Form 10-K which would provide that qualifying wholly-owned subsidiaries or reporting companies may omit certain information which would be otherwise required if certain other specified information is provided in the Form 10-K. The "certain other information" proposed to be included in the Form 10-K was as follows:

(1) an indication of the number of holders of record of each class of securities of the registrant subject to the reporting provisions of Section 13 or 15(d) of the Exchange Act; and

(2) a management's narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent fiscal year presented and the fiscal year immediately preceding it. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels such as unit sales volume, prices charged and paid, production levels, production costs variances, labor costs and discretionary spending programs. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or in the method of their application that have a material effect on net income as reported.

Commentators questioned the utility of disclosing the number of record holders of each class of securities subject to the reporting provisions of Sections 13 or 15(d) of the Exchange Act, noting that such information is not required of other registrants and that a significant number of debt issues are held partially in registered form and partially in bearer form, thus reducing the validity of any number supposedly reflecting the number of debt holders. Upon consideration, the Commission has determined not to condition the subject relief on a requirement to indicate the number of holders of record of such securities.

As to the requirement to furnish a management's discussion and analysis of the results of operations similar to that required in Form 10-Q, a number of commentators specifically supported

this proposed reduction of the scope of management's discussion and analysis from that otherwise required by Guide 22. They believed this proposed change to be an appropriate reduction of reporting burdens in that it requires only information which is relevant and material to debt holders generally without being so limited as to be detrimental to the public interest or the protection of investors. The management discussion and analysis as required by Guide 22 would not be present as a result of the omission of the Form 10-K Item 2 requirement to furnish a summary of operations.

The Form 10-K relief proposed in Release No. 34-15829 included the omission of the following items which are otherwise required to be disclosed: Item 2, Summary of Operations; ²Item 4, Parents and Subsidiaries; Item 6, Increases and Decreases in Outstanding Indebtedness; Item 9, Approximate Number of Equity Security Holders; Item 10, Submission of Matters to a Vote of Security Holders; Item 11, Indemnification of Directors and Officers; Item 13, Security Ownership of Certain Beneficial Owners and Management; and Item 14, Directors and Executive Officers of the Registrant. The overwhelming commentator response to the appropriateness of omitting these items was supportive. The comments confirmed the Commission's intention to isolate that information which is either inapplicable to a company with only debt securities outstanding or which would appear in the notes to the financial statements of the subsidiary.

In Release No. 34-15829, the Commission also invited comments on a proposed revision to Form 10-K which would specify that for Item 1, Business, a registrant which is a wholly-owned subsidiary of a reporting company need only furnish a brief description of the business done by the registrant and its subsidiaries during the most recent fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the registrant and its subsidiaries. Moreover, it was proposed that for Item 3, Properties, such registrant need only furnish a brief description of the material properties of the registrant and its subsidiaries to the extent, in the opinion of management, necessary to an understanding of the business done by the registrant and its subsidiaries. This revision to Form 10-K would not expressly require disclosure of any of the matters specifically enumerated in

¹ It should be noted that, to maintain consistency and to minimize interpretive problems, the basic terms of this condition are drawn from Form 10-K, Item 8, and Form 10-Q, Item 4, "Defaults Upon Senior Securities."

² It should be noted that omission of Item 2, Summary of Operations, does not affect the financial statements requirement of Item 12.

Form 10-K Items 1 and 3, such as the five-year segment discussion required in Item 1 and the oil and gas reserve information required in Item 3 for those subsidiaries with significant oil and gas operations. The majority of the commentators specifically endorsed the proposed relief as to Form 10-K Items 1 and 3 as appropriately relieving registrants from reporting burdens which are disproportionate to the public interest and to any benefit to investors in view of the time, effort and expense involved in the preparation of such information. In light of these views, the Commission is including these item revisions in the adopted relief.

Several additional Form 10-K items received commentator attention. As with Form 10-Q Item 1, several commentators favored omitting Form 10-K Item 5, Legal Proceedings, based upon their opinion that any material litigation affecting the subsidiary should be described in the notes to financial statements. As discussed above with respect to Form 10-Q Item 1, the Commission has determined that it is inappropriate to accept the recommendation to omit Item 5, Legal Proceedings. However, where the notes to the financial statements set forth in the report do contain an adequate description of legal proceedings in accordance with the requirements of Item 5 of Regulation S-K the Commission continues to encourage incorporation by reference in order to avoid duplication.

Form 10-K Item 8, Defaults Upon Senior Securities, is being omitted because it has become redundant in light of the fact that the reduction in the reporting requirements is conditional upon there being no defaults of the type to be disclosed under the Item.

The Commission has also determined to include Form 10-K Item 15, Management Renumeration and Transactions, in the subject relief. The view was expressed by numerous commentators that holders of a fixed-income security who do not vote in the election of directors do not need the information required in Item 15, beyond that which would otherwise be disclosed in the financial statements of the company, for purposes of evaluating their investment. Commentators also indicated that to the extent that Item 15 would require disclosure with respect to intercompany transactions, such information would be included in the financial statements and, to the extent material, information would be included in an additional footnote with respect to transactions with affiliates. Upon consideration of these comments, the

Commission has determined that it is appropriate to omit Item 15. Since the omission of this Item was not specifically included in the proposal published for public comment, the Commission is only conditionally adopting its omission as part of the subject relief in order to provide an opportunity to comment by interested parties.

Text of Amended Forms

Chapter II of Title 17 of Code of Federal Regulations is amended as follows:

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

1. Section 249.308a is amended by amending the General Instructions as follows:

§ 249.308a Form 10-Q, for quarterly reports under section 13 or 15(d) of the Securities Exchange Act of 1934.

General Instructions

G. Omission of Information by Certain Wholly-Owned Subsidiaries.

If, on the date of the filing of its report on Form 10-Q, the registrant meets the conditions specified in paragraph (a) below, then such registrant may omit the information called for in the Part II Items specified in paragraph (b) below.

(a) Conditions for availability of the relief specified in paragraph (b) below:

(1) All of the registrant's equity securities are owned, either directly or indirectly, by a single person which is a reporting company under the Act and which has filed all the material required to be filed pursuant to section 13, 14 or 15(d) thereof, as applicable;

(2) During the preceding thirty-six calendar months and any subsequent period of days, there has not been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within thirty days, with respect to any indebtedness of the registrant or its subsidiaries, and there has not been any material default in the payment of rentals under material long term leases; and

(3) There is prominently set forth, on the cover page of the Form 10-Q, a statement that the registrant meets the conditions set forth in General Instruction G(a) (1) and (2) of Form 10-Q and is therefore filing this Form with the reduced disclosure format.

(b) Registrants meeting the conditions specified in paragraph (a) above may omit the information called for in the following Part II Items: Item 4, Defaults Upon Senior Securities; Item 5, Increase

in Amount Outstanding of Securities or Indebtedness; Item 6, Decrease in Amount Outstanding of Securities or Indebtedness; and Item 7, Submission of Matters to a Vote of Security Holders.

2. Section 249.310 is amended by amending the General Instructions as follows:

§ 249.310 Form 10-K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

General Instructions

K. Omission of Information by Certain Wholly-Owned Subsidiaries.

If, on the date of the filing of its report on Form 10-K, the registrant meets the conditions specified in paragraph (a) below, then such registrant may furnish the abbreviated narrative disclosure specified in paragraph (b) below.

(a) Conditions for availability of the relief specified in paragraph (b) below.

(1) All of the registrant's equity securities are owned, either directly or indirectly, by a single person which is a reporting company under the Act and which has filed all the material required to be filed pursuant to section 13, 14, or 15(d) thereof, as applicable;

(2) During the preceding thirty-six calendar months and any subsequent period of days, there has not been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within thirty days, with respect to any indebtedness of the registrant or its subsidiaries, and there has not been any material default in the payment of rentals under material long-term leases; and

(3) There is prominently set forth, on the cover page of the Form 10-K, a statement that the registrant meets the conditions set forth in General Instruction K(a) (1) and (2) of Form 10-K and is therefore filing this Form with the reduced disclosure format.

(b) Registrants meeting the conditions specified in paragraph (a) above are entitled to the following relief:

(1) Such registrants may omit the information called for by Item 2, Summary of Operations, as well as the Guide 22 Management Discussion and Analysis, provided that the registrant includes in the Form 10-K a management's narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent fiscal year presented and the fiscal year immediately preceding it. Explanations of material changes should include, but

not be limited to, changes in the various elements which determine revenue and expense levels such as unit sales volume, prices charged and paid, production levels, production cost variances, labor costs and discretionary spending programs. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or method of application that have a material effect on net income as reported.

(2) Such registrant may omit the information called for by Item 4, Parents and Subsidiaries, provided that the registrant includes the name of its parent in conjunction with the description of its business.

(3) Such registrants may omit the information called for by the following otherwise required Items: Item 6, Increases and Decreases in Outstanding Securities and Indebtedness; Item 8, Defaults Upon Senior Securities; Item 9, Approximate Number of Equity Security Holders; Item 10, Submission of Matters to a Vote of Security Holders; Item 11, Indemnification of Directors and Officers; Item 13, Security Ownership of Certain Beneficial Owners and Management; Item 14, Directors and Executive Officers of the Registrant; and Item 15, Management Remuneration and Transactions.

(4) In response to Item 1, Business, such registrant only need furnish a brief description of the business done by the registrant and its subsidiaries during the most recent fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the registrant and its subsidiaries, and in response to Item 3, Properties, such registrant only need furnish a brief description of the material properties of the registrant and its subsidiaries to the extent, in the opinion of the management, necessary to an understanding of the business done by the registrant and its subsidiaries.

* * *

Effective Date and Certain Fundings

In order to give interested persons an opportunity to comment upon the inclusion of Form 10-K Item 15 as part of the subject relief comments will be accepted on or before November 5, 1979 after which the Commission will review the comments and make such changes in the amendments that it deems necessary and appropriate. If no material changes are necessitated by the comments, the new amendments to Forms 10-Q and 10-K will become effective on November 15, 1979 and a release

announcing their effectiveness will be issued at that time.

As required by Section 23(a)(2) of the Exchange Act, the Commission has specifically considered the impact which the amendments adopted herein would have on competition and has concluded that they would impose no significant burden on competition. In any event, the Commission has determined that any possible burden will be outweighed by and is necessary and appropriate to achieve the benefits of these amendments to investors and registrants.

(Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901; sec. 203(a), 49 Stat. 705; secs. 3, 8, 49 Stat. 1377, 1379; secs. 4, 6, 78 Stat. 569, 570-574; sec. 2, 82 Stat. 454; secs. 1, 2, 84 Stat. 1497; secs. 10, 18, 89 Stat. 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 78m, 78o(d), 78w(a)).

Statutory Authority

The amendments to Form 10-Q and to Form 10-K are pursuant to Sections 13, 15(d) and 23(a) of the Securities Exchange Act of 1934.

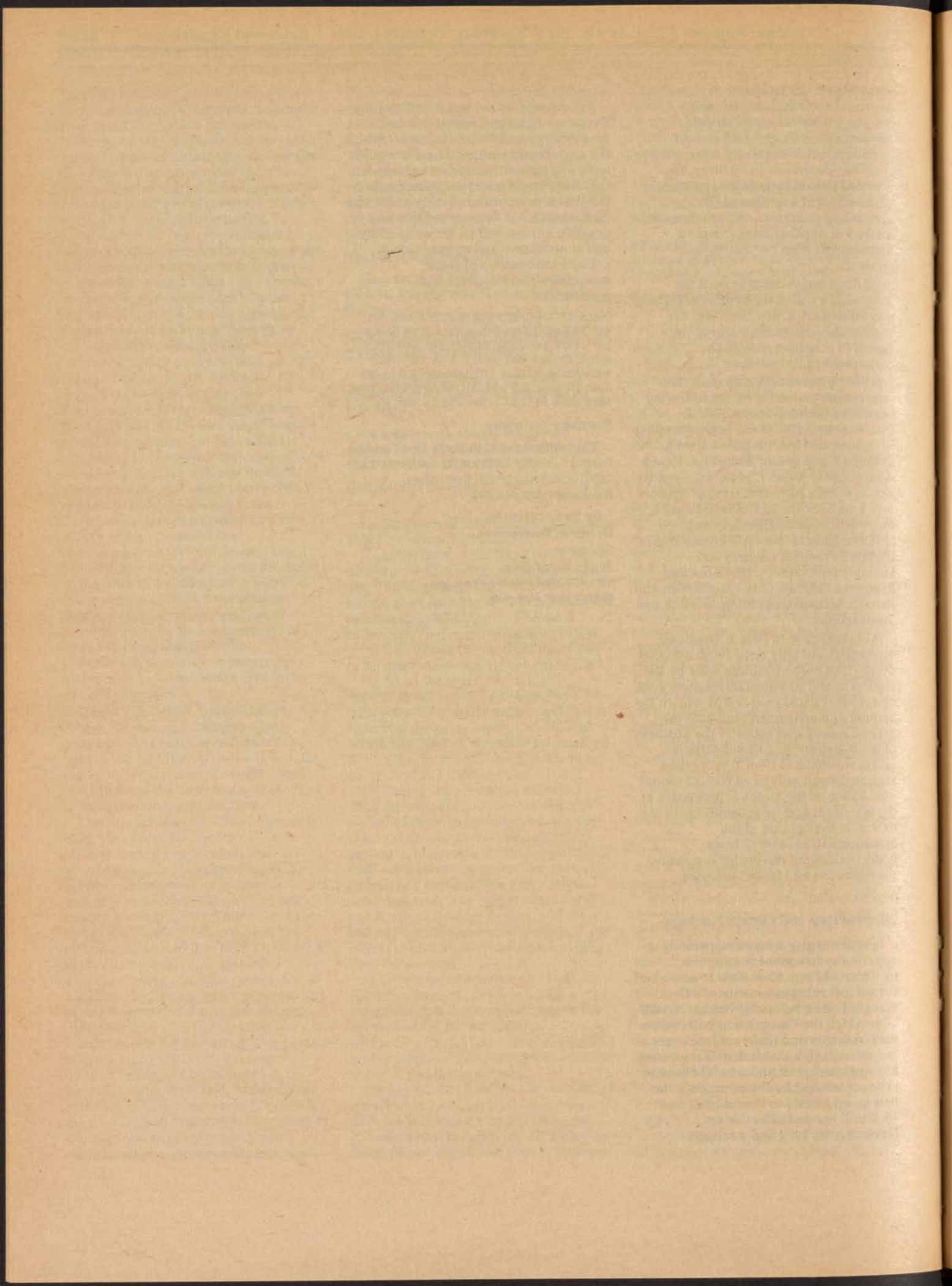
By the Commission.

George A. Fitzsimmons,
Secretary.

September 27, 1979.

[FR Doc. 79-30829 Filed 10-3-79; 8:45 am]

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Federal Register

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Thursday, October 4, 1979

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-5282 Statutes at Large, and Index
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- 523-5239 TTY for the Deaf
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

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51726, 9-4-79 / Classification of neurological devices

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51603 9-4-79 / Amendment of Federal Motor Vehicle Safety Standards by adding new pneumatic tires for passenger cars

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing October 3, 1979

Slip Laws

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