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Friday
December 7, 1979

Highlights

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Highlights

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HEARING

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Environmental Protection Agency

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This document corrects the paragraph designations of two Environmental Protection Agency excepted service appointing authorities published September 25, 1979.

EFFECTIVE DATE: August 8, 1979.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, (202) 632–4533.

On position content: Anne Maes, Enviornmental Protection Agency, (202) 755–0272.

SUPPLEMENTARY INFORMATION: (1) **Federal Register** Document 79–29534, published on September 25, 1979, at 44 FR 55141, incorrectly added paragraph (c) to § 213.3318. Since a paragraph (c) already existed, this document corrects that paragraph designation to read (b)(8) and revises the paragraph to reflect the additional appointing authority.

(2) **Federal Register** Document 79–29574, published on September 25, 1979, at 44 FR 55144, incorrectly added paragraph (b) to § 213.3318. Since a paragraph (b) already existed, this document corrects that paragraph designation to read (g).

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is amending 5 CFR § 213.3318 by revising paragraph (b)(8), and for clarity sets forth paragraph (g) as follows:

§ 213.3318 Environmental Protection Agency.

* * * * *

(b) *Office of Legislation.*

* * * * *

(8) Two Special Assistants and two Congressional Liaison Specialists (Congressional Affairs).

* * * * *

(g) *Office of the Inspector General.*

(1) One Special Assistant to the Inspector General.

* * * * *

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P. 218)

[FR Doc. 79-37650 Filed 12-6-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 871

Optional Life Insurance; Cancellation of Declination for Certain Postal Service Employees

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: These regulations provide for automatic permanent cancellation of an employee's declination of optional life insurance when he or she enters the Postal Career Executive Service (PCES) and for full payment by the Postal Service of optional life insurance premiums for all members of the PCES. These regulations are being added in response to a Postal Service decision.

EFFECTIVE DATE: June 2, 1979.

FOR FURTHER INFORMATION CONTACT:
Gay Gardner, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415, 202–632–4634.

SUPPLEMENTARY INFORMATION: The final rules are identical to proposed regulations published in the **Federal Register** on July 10, 1979 (44 FR 40313). No comments were received on the proposed regulations.

By letter of April 13, 1979, the Postal Service informed the Office of Personnel Management that effective June 2, 1979, its newly established Postal Career Executive Service (PCES) would offer its members free optional life insurance. The Postal Service has full authority under the Postal Reorganization Act to make variations, additions or substitutions in the life insurance program offered to its employees so long as any changes do not result in less favorable benefits. However, the regulatory amendments herein adopted will enable the Postal Service to continue to offer the optional life insurance through the Federal Employees' Group Life Insurance (FEGLI) program rather than buy a separate policy.

Postal Service is commited to paying the full cost of optional life insurance for any PCES member who now has a declination on file, but cancels it in the future. The amendment to 5 CFR 871.401 will clarify that the full cost of optional insurance for these individuals will be paid from Postal Service funds on and after June 2, 1979. Without an amendment to the insurance regulations, declinations of optional life insurance may be cancelled only after they have been in effect for at least one year and only when the employee requests cancellation of optional life insurance declination before he or she reaches age 50 or while in good health. An amendment to the insurance regulations authorizing automatic cancellation of optional insurance declinations for PCES members would permit them to participate in the free optional insurance which will be offered to PCES members on and after June 2, 1979, without having to meet these usual requirements for cancellation of declination. Provision of free optional insurance to these employees is motivated primarily by the Postal Service's desire to conform to the prevailing practice in the private sector of transferring from a contributory to a non-contributory program and by its belief that a free optional insurance program will assist in attracting and retaining the most capable employees in the PCES.

These regulations parallel those adopted in 1974 when the Postal Service assumed the full cost of regular insurance premiums for all of its employees. Section 870.401(e) of Title 5, Code of Federal Regulations, was promulgated to provide that the Postal Service pays the full cost of regular life insurance for its employees, while 5 CFR 870.204(e) was adopted to cancel automatically regular insurance waivers for all Postal Service employees. These cancellations are permanent; that is, the waivers remain cancelled throughout any subsequent Federal service the employees may perform outside the

Postal Service, unless they later waive coverage once again. Before these regulations were adopted, the Postal Service had considered withdrawing from the FEGLI program, which would have increased the cost of life insurance for other Federal employees. Due to their flatter salary scales and lower disability rates than Federal employees generally, postal employees cost less, on the average, for $1,000 of insurance than other Federal employees. Therefore, the continued participation of postal employees in the life insurance program helps maintain low premiums for Federal employees generally.

As far as optional insurance for PCES members is concerned, approximately 300 employees will presently benefit from the automatic declination cancellation. Participation in the optional program by members of the PCES will be so small relative to participation by postal employees generally that the mortality rate of these executives will not affect the system's financial basis. At the same time, these amendments to the regulations will encourage the Postal Service to continue its participation in the FEGLI program.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is amending Title 5, Code of Federal Regulations, as follows:

(1) A new paragraph (d) is added to § 871.205, as set out below:

§ 871.205 Cancellation of declination.

* * * * *

(d) Notwithstanding paragraphs (a) and (b) and (c) of this section, the declination of optional life insurance coverage of an employee who is or becomes a member of the Postal Career Executive Service on or after June 2, 1979 is automatically and permanently cancelled and he or she is insured for optional life insurance on the first day he or she enters on duty in a pay status on or after June 2, 1979.

(5 U.S.C. 8716)

(2) A new paragraph (f) is added to § 871.401, as set out below:

§ 871.401 Withholdings.

* * * * *

(f) Notwithstanding pargraphs (a), (b), (c), (d), and (e) of this section, the United States Postal Service contributes the full cost of optional life insurance, that is, the sum of the amounts otherwise to be withheld and contributed under paragraphs (a), (b), (c), (d), and (e) of this section, for each period in which a member of the Postal Career Executive Service is insured.

(39 U.S.C. 1005(f))

[FR Doc. 79-37625 Filed 12-6-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A

Effective Date of Government-Wide Discrimination Act Regulations

AGENCY: Office of Equal Opportunity, USDA.

ACTION: Notice of Effective Date of Government-wide Discrimination Act Regulations.

SUMMARY: The Office of Equal Opportunity, USDA, announces that it is operating under government-wide regulations published by HEW (44 FR 33768–88) to carry out the provisions of the Age Discrimination Act of 1975 (ADA), as amended, until such time as the USDA has adopted its own specific implementing regulations. The effective date of the HEW regulations is July 1, 1979. The ADA prohibits discrimination on the basis of age in programs and activities receiving Federal financial assistance.

FOR FURTHER INFORMATION CONTACT: Carolyn Moore, Civil Rights Division, Office of Equal Opportunity, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5114.

SUPPLEMENTARY INFORMATION:

Background Information

The Age Discrimination Act of 1975 (ADA), 42 U.S.C. 6101 et seq., as amended in 1978, prohibits discrimination on the basis of age in programs and activities receiving Federal financial assistance. On June 12, 1979, the Department of Health, Education and Welfare (HEW) published final government-wide regulations to implement the Act (44 FR 33768–88) and to provide a guide for the development of regulations by specific agencies which administer financial assistance programs.

Purpose of this notice

This notice is to inform recipients of USDA financial assistance and the general public that the USDA is operating under HEW's government-wide regulations until such time as the USDA has adopted its own regulations which will supplement the government-wide ones. The HEW regulations became effective on July 1, 1979; therefore, complaints alleging age discrimination in any program or activity receiving USDA financial assistance on or after July 1, 1979 may be filed with the Director, Office of Equal Opportunity, Room 242E, Department of Agriculture, Washington, DC 20250. Alleged acts of discrimination in USDA-assisted programs which occurred prior to the effective date are not actionable.

The HEW government-wide regulations provide for mediation of complaints during a maximum period of 60 days from the date of filing. OEO will refer all complaints alleging age discrimination in USDA-assisted programs to the Federal Mediation and Conciliation Service (FMCS). Mediation of complaints did not begin until November 1, 1979. In any event, the statutory 180 days required to exhaust administrative remedies begins to run from the date a complaint is filed with the Office of Equal Opportunity. If mediation cannot resolve the complaint, it will be referred back to OEO for handling under our existing complaint procedures (7 CFR 15.6) until such time as procedures are incorporated into USDA's specific regulations for implementing the ADA.

Proposed USDA Regulations

USDA is now drafting regulations to implement the ADA with regard to its own programs and activities. Such regulations will supplement the HEW government-wide regulations. A public comment period will be provided when the proposed regulations are published. Because of the extensive public participation process which HEW followed in developing the government-wide regulations and because the USDA regulations will necessarily conform to their standards, USDA does not plan to conduct public meetings on its implementing regulations. We do solicit public comment both now and when the proposed regulations are published.

Comments should be addressed to: James Frazier, Director, Office of Equal Opportunity, Department of Agriculture, Washington, D.C. 20250.

Existing USDA Prohibitions Against Discrimination in any Programs Receiving USDA Financial Assistance—USDA prohibits discrimination in any of its programs receiving USDA assistance on the basis of race, color or national origin (7 CFR Part 15, Subpart A), on the basis of sex in any of its Federally-assisted education programs (7 CFR Part 15a) and on the basis of race, color, religion, sex, age or national origin in any of its direct assistance programs or activities (7 CFR Part 15, Subpart B). USDA is currently preparing final regulations prohibiting discrimination on the basis of handicap in any of its

Federally-assisted programs (7 CFR Part 15b, when published).

Dated: November 30, 1979.

Bob Bergland,

Secretary.

[FR Doc. 79-37724 Filed 12-6-79; 8:45 am]

BILLING CODE 3410-01-M

Food and Nutrition Service

7 CFR Part 227

Nutrition Education and Training Program; Appendix—Apportionment of Funds for Nutrition Education and Training

AGENCY: Food and Nutrition Service, USDA.

ACTION: Apportionment of funds for nutrition education and training.

SUMMARY: This appendix sets forth the apportionment of funds for the Nutrition Education and Training Program among the States as directed by section 19 of the Child Nutrition Act of 1966, as amended. These funds will provide for nutrition education and training in the States.

EFFECTIVE DATE: December 7, 1979.

FOR FURTHER INFORMATION CONTACT: Audrey Maretzki, Director, Nutrition and Technical Services Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-9081.

Authority: Section 15, Pub. L. 95-166, 91 Stat. 1340 (42 U.S.C. 1788).

Section 19(j) of the Child Nutrition Act of 1966, as amended, requires that grants to the States for the Nutrition Education and Training Program be based on a rate of 50 cents for each child enrolled in the schools or institutions within the State, except that no State will receive an amount less than $75,000 per year. Enrollment data used for this purpose must be the latest available as certified by the Office of Education of the Department of Health, Education and Welfare (DHEW).

As in previous years, the Food and Nutrition Service (FNS) obtained certified data on enrollment from the Office of Education in the following categories: public and private schools, and nonresidential child care institutions. The dollar amounts for these categories are enumerated under "Schools" and "Nonresidential Child Care Institutions" in the Appendix. The Office of Education was unable to provide certified enrollment data on public and nonprofit private residential child care institutions.

Section 19(j) provides that grants to States to be determined on the basis of "each child enrolled in schools or in institutions within the State, * * *" Because no DHEW certified data exists for nonprofit private institutions, another data source was developed. Unless this data is used, States will not receive Nutrition Education and Training grants in direct relation to the number of children attending institutions in the state. Therefore, the Department has collected data for residential child care institutions from its own reporting forms and has used this data in determining the apportionment of funds.

Enrollment data for these child care institutions were taken from the enrollment data presented in the "Annual Report of Meal Service in Schools" submitted by State agencies to FNS on FNS Form 47 (10-78). The dollar amounts are set out under the category "Residential Child Care Institutions" in the Appendix. The enrollment figures for each of the above categories are available upon request.

For fiscal year 1980, $20 million was appropriated for the Program. This compares to $26 million for each of fiscal years 1978 and 1979. Thus the apportionment among the States cannot be based on 50 cents per child enrolled in schools and institutions as done in previous years.

Section 19(j)(2) states that if funds appropriated for such year are insufficient to pay the amount to which each State is entitled (50 cents per child enrolled in schools or in institutions), the amount of such grant shall be ratably reduced to the extent necessary so that the total of such amounts paid does not exceed the amount of appropriated funds. If additional funds become available for making such payments, such amounts shall be increased on the same basis as they were reduced.

In addition, the total grant to a State will be reduced proportionately, regardless of the amount of funds a State may receive, as provided in 7 CFR 227.5(a) of the regulations, if the State educational agency is prohibited by law from administering the Program in nonprofit schools or institutions. Funds withheld for this purpose will be used by FNS for the administration of the Program in such nonprofit private schools or institutions.

Section 19(j) provides that a minimum grant level of $75,000 should be maintanied. Therefore, all States who receive a grant of less than $75,000, under the statutory formula will receive a minimum grant of $75,000. Thus, fourteen State agencies—Vermont, Delaware, District of Columbia, Virgin Islands, North Dakota, Wyoming, Alaska, American Samoa, Guam, Trust Territory of the Pacific Islands Montana, South Dakota, Nevada, and the Northern Marianas—representing a total enrollment of 1,315,110, will receive $75,000 each in fiscal year 1980 (a total of $1,050,000). The remaining States will have $18,950,000 to be apportioned among them. The remaining States, representing an enrollment of 48,694,239, would receive a grant of approximately $.389 per child enrolled in schools or institutions.

Pursuant to Section 19(j) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1788), funds available for the fiscal year ending September 30, 1980, are apportioned among the States as follows:

State	Public schools[1]	Private schools[2]	Residential child care institutions[3]	Nonresidential child care institutions[4]	Total[5]
Connecticut	231,069	38,488	1,260	2,866	273,683
Maine	93,406	6,538	387	808	101,139
Massachusetts	420,866	68,337	2,697	5,352	497,252
New Hampshire	67,087	7,978	331	1,160	76,556
Rhode Island	62,521	12,570	304	767	76,162
Vermont	39,419	3,814	247	579	75,000
	914,368	137,725	5,226	11,532	1,099,792
Delaware	43,210	7,277	107	1,339	75,000
District of Columbia	44,309	7,511	447	2,458	75,000
Maryland	315,196	51,992	1,292	5,234	373,714
New Jersey	520,438	117,060	3,930	8,588	650,016
New York	1,204,026	274,593	14,068	19,756	1,512,443
Pennsylvania	796,518	182,089	9,026	7,312	994,945
Puerto Rico	280,750	36,776	0	0	317,526
Virginia	410,660	34,947	6,239	6,068	457,914
Virgin Islands	9,783	2,452	11	0	75,000
West Virginia	154,000	4,942	770	854	160,566
	3,778,890	719,639	35,890	51,609	4,692,124
Alabama	296,412	21,949	892	10,607	329,860
Florida	589,122	57,440	2,116	19,074	667,752
Georgia [6]	424,042	27,708	2,783	14,806	469,339
Kentucky	269,690	27,786	3,685	3,652	304,813
Mississippi	192,134	25,802	541	12,175	230,652
North Carolina	452,523	22,104	3,052	19,722	497,401
South Carolina [6]	243,200	19,225	1,255	6,559	270,239

State	Public schools[1]	Private schools[2]	Residential child care institutions[3]	Nonresidential child care institutions[4]	Total[5]
Tennessee	339,753	17,396	1,448	7,847	366,444
	2,806,876	219,410	15,772	94,442	3,136,500
Illinois	793,671	160,491	5,343	15,971	975,476
Indiana	433,267	39,967	2,814	5,279	481,327
Michigan	747,374	85,655	3,069	7,817	843,915
Minnesota	314,333	38,994	1,245	3,135	357,707
Ohio	818,192	110,561	5,836	10,767	945,356
Wisconsin	344,962	73,707	1,922	3,579	424,170
	3,451,799	509,375	20,229	46,548	4,027,951
Arkansas	177,730	8,095	385	4,453	190,663
Louisiana	317,817	64,562	1,551	6,307	390,237
New Mexico	108,673	5,448	235	2,619	116,975
Oklahoma	229,166	3,969	1,916	8,639	243,690
Texas	1,115,829	52,654	4,163	38,934	1,211,580
	1,949,215	134,728	8,250	60,952	2,153,145
Colorado [5]	217,264	15,800	937	4,399	238,400
Iowa	221,255	25,957	3,204	2,631	253,047
Kansas	168,720	12,765	330	1,062	182,877
Missouri	350,248	54,950	1,271	6,629	413,098
Montana	63,950	3,425	75	677	75,000
Nebraska	115,891	17,629	376	1,694	135,590
North Dakota [5]	47,486	4,826	309	383	75,000
South Dakota	53,792	5,760	267	390	75,000
Utah	126,488	1,518	541	1,325	129,872
Wyoming	36,709	1,206	74	497	75,000
	1,401,803	143,836	7,384	19,687	1,652,884
Alaska	35,308	739	310	392	75,000
Samoa	3,616	778	0	0	75,000
Arizona	198,407	21,871	661	4,712	225,651
California	1,629,801	170,376	28,777	44,277	1,873,231
Guam	11,118	1,985	0	0	75,000
Hawaii	66,454	13,348	1,854	3,352	85,008
Idaho	79,009	1,868	119	860	81,856
Nevada	56,927	2,179	473	1,643	75,000
Oregon	183,441	9,379	859	3,703	197,382
Trust Territory	11,590	0	0	0	75,000
Washington	299,362	17,318	2,140	5,656	324,476
N Marianas	1,945	0	0	0	75,000
	2,576,978	239,841	35,193	64,595	3,237,604
	16,879,929	2,104,554	127,944	349,365	20,000,000

[1] Sources: (1) U.S. Department of Health, Education, and Welfare, Education Division, NCES, *Statistics of Public Schools, Fall 1977*, prepublication data, Table 5 for States and areas, except (2) Northern Marianas and Trust Territory, 1975–76 data from Deparment of Interior, adjust to include pre-school; Puerto Rico and Guam, Fall 1976 data.

[2] U.S. Department of Health, Education, and Welfare, Education Division, (NCES). Digest of Education Statistics, 1976, Table 46, p. 47. Northern Marianas and Trust Territory 1975–76 data from Department of Interior, adjust to include pre-school.

[3] U.S. Department of Agriculture, Food and Nutrition Service, Annual Report of Meal Service in Schools (Form FNS–47), October 1978.

[4] U.S. Department of Health, Education, and Welfare, *Day Care Centers In the U.S.; A National Profile 1976–77*, Volume 3 of the Final Report of the National Day Care Study, Table 63.

[5] A portion of these funds will be withheld from the States' allocations for use by FNS in administering the Program in nonprofit private schools or institutions.

Dated: December 3, 1979.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 79–37661 Filed 12–6–79; 8:45 am]

BILLING CODE 3410–30–M

Agricultural Stabilization and Conservation Service

7 CFR Part 729

1980 Peanut Program; Acreage Allotments and Poundage Quotas

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

ACTION: Final rule.

SUMMARY: The purpose of this rule is, (1) to determine and proclaim a national acreage allotment; (2) to establish and proclaim a national poundage quota; and (3) to apportion such allotment to the States, with respect to the 1980 crop of peanuts.

The need for this rule is to satisfy the statutory requirements as provided for in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as "the Act").

EFFECTIVE DATE: December 6, 1979.

ADDRESSES: Price Support and Loan Division, ASCS, USDA, 3741—South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks, (ASCS), (202) 447–6733.

SUPPLEMENTARY INFORMATION: A notice that the Secretary was preparing to make determinations with respect to the national acreage allotment; of those, 23

national acreage allotment and poundage quota was published in the **Federal Register** on September 28, 1979 (44 FR 55888). The comment period ended November 15, 1979.

A total of 132 comments were received, of which 118 contained recommendations pertaining to one or more of the determinations to be made. Thirty-one responses were received commenting on the national acreage allotment; of those, 23 respondents recommended a national average allotment of 1,614,000 acres, seven respondents recommended an allotment above 1,614,000 acres, and one recommended increasing the allotment in lieu of reducing the quota. One hundred and ten comments were received concerning the poundage quota. One hundred and two respondents recommended a national poundage quota of 1,596,000 tons or more. However, seven of such respondents indicated that a quota of 1,516,000 tons would be acceptable if the quota loan rate were increased. Three recommended reducing the quota to the 1980 crop statutory minimum of 1,516,000 tons. Five respondents recommended abolishing poundage quotas. Regarding the apportionment of the national allotment to States, there were 17 respondents, 15 respondents recommended that apportionment be made on the same basis as in 1979, one recommended the New Mexico State allotment be increased and one recommended that the State allotments remain unchanged from 1979.

After consideration of the comments received, as well as the latest available data, which are set forth in the final rule, it was determined that the national poundage quota for the 1980 marketing year should be 1,516,000 tons, the minimum quota prescribed under section 358(l) of the Act. Section 358(l) also specifies that "If the Secretary determines that the minimum national poundage quota for any marketing year is insufficient to meet total estimated requirements for domestic edible use and a reasonable carryover, the national poundage quota for the marketing year may be increased by the Secretary to the extent determined by the Secretary to be necessary to meet such requirements." It has been determined that no increase is needed since the minimum poundage quota is sufficient to meet such requirements. It has also been determined that the national acreage allotment for the 1980 crop of peanuts should be 1,614,000 acres, the minimum prescribed under Section 358(k) of the Act. The Secretary determined that the minimum acreage allotment would be sufficient taking into consideration, as required by Section 358(k), projected domestic use, exports, and a reasonable carryover. The latest available statistics of the Federal Government have been used in making such determinations. It is essential that these provisions be made effective as soon as possible since the proclamations of the national allotment and national poundage quota are required to be made not later than December 1, 1979. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, this amendment to 7 CFR 729.100 through 729.103 shall become effective upon filing with the Director, Office of the Federal Register with respect to the 1980 crop of peanuts.

The material previously appearing in §§ 729.100 through 729.103 under centerhead "1979 Crop of Peanuts; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the 1979 crop.

Final Rule

Accordingly, 7 CFR 729.100 to 729.103 and the title of the subpart are amended to read as follows:

Subpart—1980 Peanut Program; Acreage Allotments and Poundage Quotas

Sec.

Authority: Secs. 301, 358, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended (7 U.S.C. 1301, 1358, 1375).

Subpart—1980 Peanut Program; Acreage Allotments and Poundage Quotas

§ 729.100 National poundage quota for the 1980 peanut marketing year.

(a) The national poundage quota for the 1980 peanut marketing year is hereby determined and proclaimed to be 1,516,000 tons, the minimum quota prescribed under Section 358 (1) of the Agricultural Adjustment Act of 1938, as amended, (referred to in the subpart as "the Act").

(b) The Act specifies that if the Secretary determines that the minimum national poundage quota for any marketing year is insufficient to meet total estimated requirements for domestic edible use and a reasonable carryover, the quota may be increased to the extent necessary to meet such requirements.

(c) It has been determined that the minimum national poundage quota for 1980 will be sufficient to meet such requirements based on the following data:

Quota Peanuts—Projected Supply and Domestic Edible and Related Requirements, 1980 Marketing Year

	1,000 tons
Projected supply:	
Carryin	275
Production	1,566
Total supply	1,841
Projected requirements:	
Domestic edible	1,090
Seed	103
Crushing residual	155
Subtotal, domestic edible and related	1,348
Carryover (15 pct of requirements)	202
Total statutory requirements	1,550
Available for other use	291

§ 729.101 National acreage allotment for the 1980 crop of peanuts.

(a) The national acreage allotment for the 1980 crop of peanuts is hereby determined and proclaimed to be 1,614,000 acres, the minimum allotment prescribed under Section 358(k) of the Act.

(b) Subject to the prescribed minimum, the Department is required under the Act to consider projected domestic use, exports, and a reasonable carryover in determining the national acreage allotment. It has been determined that the minimum national allotment will be sufficient to meet such requirements for the 1980 crop of peanuts based on the following data:

(1) *Production potential.* Historically, actual national acreage allotments have ranged from 1,000 to 4,000 acres above the minimum national acreage allotment prescribed by statute each year from 1957 through 1977 because of short supply determinations, mainly applicable to New Mexico. In 1978 and 1979, short supply determinations were not made and the actual national acreage allotment remained at the new statutory minimum of 1,614,000 acres. For the 1980 crop, each peanut producing State will have substantially the same total allotted acreage as in 1979.

(i) While the allotted acreage has been about the same each year since 1957, planted and harvested acres and average yields produced from those acres all have resulted in upward trends in recent years except under poor weather conditions. From 1974 through 1979, planted acres have ranged from a low of 1,519,000 in 1974 to a high of 1,548,600 in 1976 and harvested acres from a low of 1,472,100 in 1974 to an estimated high of 1,524,600 in 1979.

Average yields in the same period ranged from 2,457 pounds in 1977 to an estimated 2,643 pounds in 1979. Production ranged from 1,834,000 tons in 1974 to an estimated 2,015,000 tons in 1979 and has exceeded the 1979 crop national poundage quota of 1,596,000 tons each year since 1972.

Crop:	*Production 1,000 tons*
1975	1,929
1976	1,875
1977	1,863
1978	1,994
1979 estimate	2,015
5-yr average	1,935

(ii) During the 1973–1979 period, only about 94 to 96 percent of the total acreage allotment was planted. This pattern of underutilization is expected to continue into 1980, with 1,530,000 planted acres and 1,500,000 harvested acres seen as the practicable potential for the year. Using the projected yield range of 2,625 to 2,875 pounds, 1980 crop production potential is estimated at 1,968,750 to 2,156,250 tons.

(2) *Projected requirements, 1980 marketing year.* (i) Requirements for quota peanuts for domestic edible and related use and a reasonable carryover total 1,550,000 tons (see § 729.100) out of total estimated supply of 1,841,000 tons for the 1980 marketing year.

(ii) Requirements for peanuts for export are estimated at 560,000 tons. However, availability of additional peanuts for export will depend on response of peanut growers to market demand. Quota peanuts which are surplus to domestic requirements (175,000 tons to 5,000 tons) will be available for export if demand exceeds the supply of additional peanuts.

(3) *Projected supply of and demand for peanuts under variable weather conditions, 1980 marketing year.*

Item	1,000 tons	
	Projected estimate	Probable variation
Supply:		
Carryin	600	
Marketings	1,998	+85– –85
Imports	Negligible	
Total	2,598	
Requirements:		
Domestic edible, seed, and commercial crushing	1,348	
Exports	560	
Surplus—CCC diversion	90	+85– –85
Total	1,998	
Carryout	300	

§ 729.102 [Reserved]

§ 729.103 Apportionment of national acreage allotment to the States.

The national acreage allotment of 1,614,000 is apportioned to the States in accordance with Section 358(c)(1) of the Act as follows:

State:	*State acreage allotment, acres*
Alabama	216,224
Arizona	761
Arkansas	4,298
California	930
Florida	55,480
Georgia	530,393
Louisiana	1,945
Mississippi	7,492
Missouri	247
New Mexico	[1] 9,787
North Carolina	167,870
Oklahoma	138,290
South Carolina	13,891
Tennessee	3,492
Texas	358,063
Virginia	104,837
Total	1,614,000

[1] The Food and Agriculture Act of 1977 amended Section 358(c)(1) of the Act to provide that the peanut acreage allotment for the State of New Mexico shall not be reduced below the 1977 crop acreage allotment as increased pursuant to a short supply determination under Section 358(c)(2). Accordingly, the acreage allotment for each State, including New Mexico, is based on each State's share of the 1979 national acreage allotment.

Note.—This regulation has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations". A determination has been made that this action should be classified "significant" under those criteria. A final impact analysis is available from Gypsy Banks, [ASCS], (202) 447–6733.

Signed at Washington, D.C., on November 30, 1979.

Bob Bergland,

Secretary, Department of Agriculture.

[FR Doc. 79–37395 Filed 12–6–79; 8:45 am]

BILLING CODE 3410–05–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 229]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period December 9–15, 1979. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: December 9, 1979.

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

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

The committee met on December 4, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is strong.

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

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

Section 910.529 is added as set forth below:

§ 910.529 Lemon Regulation 229.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period December 9, 1979, through December 15, 1979, is established at 250,000 cartons.

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

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

Dated: December 6, 1979.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-37857 Filed 12-6-79; 1:20 pm]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 120, 122

[Rev. 6, Amdt. 24, and Rev. 3, Amdt. 13]

Business Loan Policy

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration charges a guaranty fee on the amount of the loan guaranteed. This amendment will permit the financial institution to charge the guaranty fee to the borrower. Previously the regulations, in Parts 120 and 122, prohibited direct payment of the guaranty fee by the borrower. This amendment was proposed and is adopted because the prior prohibition induced a higher interest rate and inhibited participation by private lenders. The proposed rule would also have eliminated the differences in calculation and ceilings for fluctuating interest rates for shorter and longer (7 or more years) maturities and reduced the authorized interest rate as a part of SBA's recognition of the payment of the guaranty fee by the borrower. This amendment is not adopted as proposed because the existing regulation, which is being modified, encourages longer maturities for small business borrowers.

EFFECTIVE DATE: December 1, 1979.

FOR FURTHER INFORMATION CONTACT: Arthur E. Armstrong, Director, Office of Financing Small Business Administration, 1441 L Street, N.W., Room 800, Washington, D.C. 20416, 653-6574.

SUPPLEMENTARY INFORMATION: On September 21, 1979, SBA published (44 FR 54725) a proposed change to its regulations, 13 CFR Parts 120, 122, relating to a guaranty fee to lenders and to the allowable amount to be added to base rate by participating lenders when loans are made on a fluctuating rate basis. Public comment was invited to November 20, 1979.

A total of 31 comments have been received in regard to this proposal; 22 from private lenders, 3 from SBA field offices, 3 from certified public accountants, 1 from a development company, 1 from an industrial commission, and 1 from a U.S. Senator.

Of the 31 comments, 28 favored the change which would permit the 1 percent guaranty fee to be passed through to the borrower (1 suggested, however, that this be considered an addition to interest rate and that language be dropped concerning a reduction of interest rate), 2 were silent on this point, and 1 was ambiguous. Thus, this portion of the proposal is adopted without change.

Concerning the part of the proposal that would reduce the 3 percentage points maximum spread allowed on fluctuating interest rate loans to 2½ percentage points for longer-term (7 years or more) loans, 15 respondents made no comment; 6 favored the change, 1 suggested a 3 percent spread for both short and long-term loans, and 9 urged that the change not be adopted, primarily for the reason that it would be disincentive for participating lenders to make longer-term loans to small firms. The Small Business Administration concurs with this latter view and thus the change will not be adopted as proposed. Instead, the regulation is being modified to accomodate a differentiation between rates for shorter and longer term loans while at the same time lowering slightly the maximum permitted rates on fluctuating rate loans. For example: If the initial note rate was 14 percent and the base rate when the lender submitted the loan application for approval by SBA was 13 percent, the lender would designate an addition to the base rate of up to 2¼ percent for loans with a maturity of less than 7 years, and an addition to the base rate of up to 2¾ percent for loans with a maturity of 7 or more years; or 15¼ percent or 15¾ percent as of the first fluctuation period even if the base rate remained at 13 percent.

Other substantive comments were as follows:

Permit banks to charge a fee for preparing loan applications, permit banks to use a graduated principal repayment agreement, permit banks to use the fluctuating rate from the day a loan originates rather than waiting for 3 months, begin the fluctuating rate cycle only after final disbursement, and permit savings and loan companies to charge customary fees for longer-term loans; all of these suggestions will be studied further by the Small Business Administration and one or more may be adopted in the future.

A final comment suggested that the proposal to make the change relating to the pass-through of the guaranty fee retroactive not be adopted. SBA agrees with this comment; at the time the proposal was originally drafted it appeared that July 1, 1979, would be an appropriate date, but the passage of time has made it unwieldy to implement for both the Agency and participating lenders. Therefore, the change to pass through the guaranty fee will be effective on December 1, 1979.

PART 120—BUSINESS LOAN POLICY

Section 120.3 is amended by revising paragraphs (b)(1) and (b)(2)(iii), and by adding a new paragraph (b)(1)(iv) as follows:

§ 120.3 Terms and conditions of business loans and guarantees.

* * * * *

(b) *Fees and interest rates.* (1) *Guaranty fees*—In guaranteed loans (those made by a financial institution with which SBA has entered into an agreement to guarantee as set forth in Part 122 of this Chapter) a guaranty fee shall be payable by the financial institution to SBA for such agreement. Receipt or acceptance of the guaranty fee by SBA shall not waive any right of SBA arising from lender's negligence, misconduct, or violation of any provision of these regulations or of the guaranty agreement.

* * * * *

(iv) For guaranties approved on or after December 1, 1979, the guaranty fee may be charged to the borrower: Provided, however, That the lender has paid such fee to SBA pursuant to paragraph (b)(1)(iii) of this section, and the charge to the borrower is not made prior to first disbursement. The fee may be a part of the proceeds of the loan.

(2) *Interest.*

* * * * *

(iii)(A) Subject to paragraph (b)(2)(ii) of this subparagraph, for loans approved between June 19, 1978, and November 30, 1979, a participating lending institution (lender) may utilize a fluctuating rate of interest. The fluctuations may occur not more often than quarterly, and must rise or fall on the same basis. The initial interest rate on the loan shall not exceed SBA's maximum acceptable rate as of the date the loan application was submitted by the lender to SBA, and the initial rate must remain in effect for not less than one full fluctuation period (e.g. one full calendar quarter): thereafter, the publication of, or variations in, SBA's maximum acceptable rate shall have no further effect or application when the interest rate fluctuates as the base rate fluctuates. The fluctuating interest may only be based either on the prime rate in effect on the first date of the fluctuation period and published daily in a public print media, or on the SBA Optional Peg Rate which is published by SBA. For loans with maturities under seven (7) years, the increase in interest added to

the base rate cannot exceed the lesser of (1) the difference in interest rates between the base rate and SBA's maximum acceptable rate as of the date the loan application was submitted by the lender to SBA, or (2) two and one-half (2½) percentage points. For loans with maturities of seven (7) or more years, the increase in interest to be added to the base rate may be arbitrarily established by the lender up to, but not to exceed, three (3) percentage points, without regard to SBA's maximum acceptable rate, except as to the limitation on the initial interest rate as provided in this subparagraph.

(B) Subject to paragraph (b)(2)(ii) of this section, and for loans approved on or after December 1, 1979, a participating lender may utilize a fluctuating rate of interest. The fluctuations may occur not more than quarterly, and must rise and fall on the same basis. Fluctuation periods commence on the first day of a calendar quarter (e.g., Jan. 1, April 1, July 1, Oct. 1). The initial interest rate on the loan shall not exceed SBA's maximum acceptable rate as of the date the loan application was submitted by the lender to SBA, and the initial rate must remain in effect for not less than one full fluctuating period (e.g. one full calendar quarter) after first disbursement. Thereafter, the publication of, or variations in, SBA's maximum acceptable rate shall have no further effect or application when the interest rate on the note fluctuates as the base rate fluctuates. The base rate for fluctuating interest may be either the prime rate in effect on the first day of the fluctuation period and published daily in a public print media, or the SBA Optional Peg Rate which is published in the Federal Register quarterly by SBA. For loans with maturities under seven (7) years, the increase in interest to be added to the base rate may be established by the lender up to, but cannot exceed, two and one-quarter (2¼) percentage points. For loans with maturities of seven (7) or more years, the increase in interest to be added to the base rate may be established by the lender up to, but not to exceed, two and three quarter (2¾) percentage points, without regard to SBA's maximum acceptable rate, except as to the limitation on the initial interest rate as provided in this subparagraph. Amortization of the loan may be either by fixed principal amounts plus interest at the specified rate for the particular fluctuating period, or by equal payments combining principal and interest: Provided, however, That the equal payment may be based on an interest rate higher than the note rate to insure that future payments will be sufficient to pay interest on the outstanding principal.

PART 122—BUSINESS LOANS

Section 122.10 (a)(3) and (b)(2) are revised to read as follows:

§ 122.10 Guaranteed loans.

(a) *Individually guaranteed loans.*

* * * * *

(3) SBA makes a charge to the financial institution as set forth in Part 120 of this Chapter.

* * * * *

(b) *Simplified blanket guaranty loans.*

* * * * *

(2) SBA makes a charge to the financial institution as set forth in Part 120 of this chapter.

* * * * *

(Sec. 5(b)(6) of the Small Business Act, 15 U.S.C. 634)

(Catalog of Federal Domestic Assistance Programs No. 59.001, 59.002, 59.003, 59.008, 59.010, 59.012, 59.013, 59.014, 59.017, 59.018, 59.020, 59.021, 59.022, 59.023, 59.024, 59.025, 59.027, 59.028, 59.030)

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 79-37706 Filed 12-6-79; 8:45 am]

BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 438

Proprietary Vocational and Home Study Schools

AGENCY: Federal Trade Commission.

ACTION: Reopening of record on exemption request of cosmetology schools; stay of rule's application.

SUMMARY: The Commission is reopening the record for late comments on the request of the National Association of Cosmetology Schools for an exemption from the requirements of the Proprietary Vocational and Home Study Schools Rule. Interested persons will have thirty days to respond to late comments being placed on the record. As a result of reopening the record, the Commission has determined to stay the Rule's application to cosmetology schools until the Commission has acted on the petition and if the Commission ultimately denies the petition, the schools affected will be given 90 days to comply with the Rule.

DATE: Written comments will be accepted until January 7, 1980.

FOR FURTHER INFORMATION CONTACT: Walter C. Gross, Federal Trade Commission, PM–H–280, 6th Street & Pennsylvania Ave. NW., Washington, DC 20580, Telephone: [202] 523–3911.

SUPPLEMENTARY INFORMATION: On July 13, 1979, the Commission published notice and invitation to comment on the petition of the National Association of Cosmetology Schools (NACS) requesting exemption from the requirements of the Trade Regulation Rule pertaining to Proprietary Vocational and Home Study Schools (44 FR 40929). The Rule was promulgated on December 28, 1978 (43 FR 60796; 16 CFR 438) with a January 1, 1980 effective date. It requires a 14 day cooling-off period, a pro rata refund, mandatory disclosures of graduation and drop-out rates, disclosure of placement rates if triggered by jobs and earnings claims, prior substantiation of other jobs or earnings claims, and a disclaimer to be included in media advertising that contains such claims. The Commission's notice requested comments on the petition and on specified issues which the Commission considered pertinent to a decision on the merits of the request. The public record for filing comments closed after September 11, 1979.

Since September 11, 1979, the Commission has received numerous late comments from interested persons, some of which are probative of the issues on which the Commission sought information. Among these, are supplementary comments of NACS regarding comments which, though timely, were not filed in sufficient time for NACS to respond by the end of the original comment period. NACS has also requested leave of the Commission to have such comments considered as part of the record. Other comments have come from cosmetology schools, the New Jersey Cosmetology Board, the Oregon State Department of Education and the Inspector General's Office of the Department of Health, Education and Welfare. The latter's comments included a request that the Commission consider the late filing of HEW in its deliberations on the exemption request.

In view of the requests of HEW and NACS for special consideration on their filings and because the public interest will be better served, the Commission is reopening the public record and placing all comments filed after the September 11 closing date on the record. Interested persons wishing to comment on these additions will have thirty days to do so. The final date for filing such comments is January 7, 1980.

Comments should be identified as "Vocational School Exemption Comment" and, if possible, submitted in five copies. The current record on this

matter is on file in Room 130 of the Federal Trade Commission at the above address.

As a consequence of its decision to reopen the record in this matter, the Commission will be unable to act on the NACS petition before January 1, 1980, the effective date of the Vocational School Rule. Accordingly, the Commission has determined to stay the Rule's application to cosmetology schools, as NACS has defined them, until the Commission has acted on the petition. Furthermore, if the Commission ultimately denies the petition, in whole or in part, the schools affected by the denial will be given a period of 90 days to bring themselves into compliance with the Rule.

By direction of the Commisison. Commissioner Pitofsky did not participate.

Carol M. Thomas,

Secretary.

[FR Doc. 79-37596 Filed 12-6-79; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 600

Statements of General Policy or Interpretations Under the Fair Credit Reporting Act

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission is amending Part 600 of Title 16 to reflect changes in the organizational structure of the Federal government made during calendar year 1979. The amendment is for clarification purposes only and is not substantive in nature.

EFFECTIVE DATE: December 7, 1979.

FOR FURTHER INFORMATION CONTACT: Gregory E. Hales, SSR-I-514, Federal Trade Commission, Washington, D.C. 20580; (202) 724-1185.

SUPPLEMENTARY INFORMATION: During calendar year 1979, the U.S. Civil Service Commission was abolished and its personnel recordkeeping responsibilities reassigned to the Office of Personnel Management. Certain provisions of the FTC's Statements of General Policy or Interpretations under the Fair Credit Reporting Act discuss applications of the Act with respect to the U.S. Civil Service Commission. Because the "CSC" no longer exists, 16 CFR Part 600 § 600.6 is hereby amended to read as follows:

§ 600.6 Office of Personnel Management.

(a) In the course of its operations the Office of Personnel Management collects and files data concerning current and potential employees of the Federal Government. This data may include commentary on such matters as the subject's character, general reputation, personal characteristics, or mode of living, and the information is routinely transmitted to various branches of the government. The question has arisen whether these activities are subject to the provisions of the Fair Credit Reporting Act.

(b) The definition of a "consumer report" section 603(d)(2) includes any written, oral, or other communication containing information of the type reported by the Office of Personnel Management when that communication is used for employment purposes. That provision is applicable, however, only tothose reports issued by a "consumer reporting agency," which is described in section 603(f) as being a "person" which assembles such information "for monetary fees, dues, or on a cooperative nonprofit basis" to third parties. Although such a person may be a "government or governmental subdivision or agency" (section 603(b)), it is the Commission's view that the Office of Personnel Management was not intended by Congress to be subject to the Fair Credit Reporting Act.

(c) While in another context exchanges of information between the Office of Personnel Management and other government agencies might be described as "nonprofit" and "cooperative," the legislative history of section 603(d) indicates that the language was intended to refer to commercial enterprises engaged in mutually beneficial exchanges of information. See 116 Congressional Record 36576 (remarks of Representative Brown)(1970). The proposition that Federal agencies were meant to be included as well finds no support in the Congressional debates or committee reports.

(d) In addition, there is no reference to administrative agencies of the U.S. Government in the discussions of the definition of the term "consumer reporting agency" which preceded passage of the Fair Credit Reporting Act, 116 Congressional Record 35941 (remarks of Senator Proxmire)(1970); 116 Congressional Record 36575 (remarks of Representatives Wylie, Sullivan, Brown, and Widnall)(1970). Normally, Congress requests the views of officials of affected agencies when hearings are held on proposed legislation. It is unlikely that legislation affecting the Office of Personnel Management would have been considered and passed without the benefit of comments from that agency.

(e) For these reasons, the reporting activities of Federal agencies such as the Office of Personnel Management will not be included within the scope of the Commission's Fair Credit Reporting Act enforcement program.

Carol M. Thomas,

Secretary.

[FR Doc. 79-37578 Filed 12-6-79; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-16388]

Delegation of Authority to the Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is announcing an amendment to its rules which delegates to the Director of the Division of Market Regulation the authority to publish notice of and to approve plans for allocating regulatory responsibilities filed by self-regulatory organizations pursuant to Rule 17d-2 [17 CFR 240.17d-2) and amendments thereto.

EFFECTIVE DATE: December 7, 1979.

FOR FURTHER INFORMATION CONTACT: Katherine L. Hufnagel, Division of Market Regulation, 500 North Capitol Street NW., Washington, D.C. 20049, (202) 272-2368.

SUPPLEMENTARY INFORMATION: Section 17(d)(1)(A) of the Securities Exchange Act of 1934 (the "Act") authorizes the Commission, by rule or order, based on specified considerations, to relieve self-regulatory organizations of their statutory responsibilities with respect to any member which belongs to more than one self-regulatory organization ("joint member"). Rule 17d-2, adopted in Securities Exchange Release No. 12935 (October 28, 1976), 41 FR 49093 (1976), to implement Section 17(d), permits self-regulatory organizations to file proposals for allocating regulatory responsibilities for joint members. Under paragraph (c) of that rule, the Commission is required to give notice of each plan and to provide an opportunity for public comment on it.

Since the adoption of Rule 17d-2, twenty-two plans for allocating responsibilities and five plan amendments have been filed with the Commission. Based on its continuing review of these plans, the Commission anticipates that many of the initial filings will require amendment in order to clarify their application to particular

regulatory functions. In addition, the Commission believes that the self-regulatory organizations will, from time to time, seek to revise the plans in light of additional experience with their operation and developments within the regulatory structure.

In order to expedite publication of notice of the plans and plan amendments and, in appropriate cases, approval of them, the Commission has determined to amend, pursuant to Sections 2, 17(d) and 23(a)(1) of the Act and Section 78d–1 of Title 15, United States Code, § 200.30–3 (17 CFR 200.30–3) of the rules of the Commission, which relate to general organization, to delegate to the Director of the Division of Market Regulation the authority to issue notice of the terms of proposals for allocating regulatory responsibilities, both initial plans and amendments thereto, and in appropriate cases to approve the proposals and amendments.

The Commission finds, in accordance with 5 U.S.C. 553(b)(A) and 5 U.S.C. 553(d) of the Administrative Procedure Act, that the foregoing action relates only to a rule of agency organization, procedure or practice and does not relate to a substantive rule. Accordingly, the foregoing action becomes effective immediately December 7, 1979. In addition, the Commission finds that there is no burden on competition imposed by the foregoing action.

Part 200 of Title 17 of the Code of Federal Regulation is amended by adding paragraph (a)(34) to § 200.30–3 as follows:

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(34) Pursuant to Rule 17d–2 (§ 240.17d–2 of this chapter) to publish notice of plans and plan amendments filed pursuant to Rule 17d–2 and to approve such plans and plan amendments.

* * * * *

(Sec. 2, Pub. L. 94–29, 89 Stat. 97 (15 U.S.C. 78b); sec. 23, Pub. L. 94–29, 89 Stat. 155 (15 U.S.C. 78w); sec. 25, Pub. L. 94–29, 89 Stat. 163 (15 U.S.C. 78d–1); sec. 31, Pub. L. 94–29, 89 Stat. 137 (15 U.S.C. 78q)

By the Commission.

George A. Fitzsimmons,

Secretary.

November 30, 1979.

[FR Doc. 79–37660 Filed 12–6–79; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 79–304]

Foreign Discriminating Duties of Tonnage and Impost With Respect to Vessels of and Certain Imports From the Bahamas Suspended and Discontinued

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

ACTION: Final rule.

SUMMARY: This document adds The Bahamas 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 The Bahamas upon vessels belonging to citizens of the United States or on their cargoes.

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

FOR FURTHER INFORMATION CONTACT: Donald H. Reusch, 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 discriminating 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 June 25, 1979, the Department of State advised the Treasury Department that on February 9, 1979, the Government of The Bahamas gave assurances to the U.S. Embassy in Nassau that no discriminating duties of tonnage or imposts are imposed or levied in the ports of The Bahamas upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported from the United States or from any foreign country in vessels of the United States. Consequenty, there is satisfactory evidence which would permit the Secretary of the Treasury to find that vessels of The Bahamas 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 The Bahamas and the produce, manufactures, or merchandise imported into the United States in such vessels from The Bahamas or from any other foreign country.

This suspension and discontinuance shall extend retroactively to February 9, 1979, in respect to vessels of The Bahamas 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 "Bahamas, The" 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 is a minor amendment in which the public does not have a particular interest and, which merely implements a statutory requirement, notice and public procedure pursuant to

5 U.S.C. 553(b)(B) are unnecessary. In accordance with 5 U.S.C. 553(d), a delayed effective date is not required because this amendment grants an exemption.

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, with Secretarial approval, may be determined not to be significant. Accordingly, it has been determined that this amendment does not meet the Treasury Department criteria in the directive for "significant" regulations.

Drafting Information

The principal author of this document was Charles W. Hart, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices and the Departments of State and Treasury participated in its development.

Dated: November 8, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 79-37704 Filed 12-6-79; 8:45 am]

BILLING CODE 4810-22-M

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19 CFR Part 171

[T.D. 79-305]

Fines, Penalties, and Forfeitures; Correction

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

ACTION: Final rule-correction.

SUMMARY: This document corrects an omission from T.D. 79-160 which amended the Customs Regulations implementing various aspects of Pub. L. 95-410, the "Customs Procedural Reform and Simplification Act of 1978", relating to fines, penalties, forfeitures, and liquidated damages incurred for violations of customs and navigation laws.

EFFECTIVE DATE: December 7, 1979.

FOR FURTHER INFORMATION CONTACT: Edward T. Rosse, Commercial Fraud and Negligence Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8317).

SUPPLEMENTARY INFORMATION:

Background

The Customs Procedural Reform and Simplification Act of 1978, (Pub. L. 95-410), approved October 3, 1978, made numerous amendments to statutes administered by Customs which relate to fines, penalties, forfeitures, and liquidated damages for violations of customs and navigation laws. Final amendments to the Customs Regulations implementing these changes were published as T.D. 79-160 in the **Federal Register** on June 4, 1979 (44 FR 31950).

On page 31955 of the document, under the heading "Editorial Changes", an explanation was provided for certain changes which had been made from the regulations proposed in a notice published in the **Federal Register** on November 16, 1978 (43 FR 53453). Item 3 under that heading discussed a change to § 171.14(b) Customs Regulations (19 CFR 171.14(b)) relating to the right of a person named in a penalty notice to make an oral presentation seeking relief from a penalty incurred for a violation of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592). The document stated that the language after "in the discretion of" in proposed § 171.14(b) has been deleted and the following substituted:

* * * any official of the Customs Service or Department of the Treasury authorized to act on a petition or supplemental petition.

The document also stated that the change was made because various officials within Customs and the Treasury Department other than those specifically enumerated in the proposed section are authorized to act on petitions and supplemental petitions. However, the above change was not made in the text of the amendments. Accordingly, the following amendment is made to the Customs Regulations to reflect this change.

Inapplicability of Notice and Delayed Effective Date Procedures

Because this amendment is designed merely to correct an omission from a previously published amendment to the Customs Regulations, good cause is found for dispensing with the notice and delayed effective date provisions of 5 U.S.C. 552.

Inapplicability of Executive Order 12044

This document is not subject to the provisions of the Treasury Department directive (43 FR 52120) implementing Executive Order 12044, "Improving Government Regulations", because the document to which this correction relates was in the process of preparation before May 22, 1978, the effective date of the directive.

Drafting Information

The principal author of this document was John E. Elkins, Regulations and Research Division, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

Section 171.14(b), Customs Regulations (19 CFR 171.14(b)), is amended to read as follows:

§ 171.14 Oral presentations seeking relief.

* * * * *

(b) *Other oral presentations.* Oral presentations other than those provided in paragraph (a) of this section may be allowed in the discretion of any official of the Customs Service or Department of the Treasury authorized to act on a petition or supplemental petition.

(R.S. 251, as amended (19 U.S.C. 66), section 592, 46 Stat. 570, as amended (19 U.S.C. 1592), section 27, 41 Stat. 99, as amended (46 U.S.C. 883))

Jack T. Lacy,

Acting Commissioner of Customs.

Approved: November 16, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 79-37703 Filed 12-6-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Food and Drug Administration

21 CFR Parts 10, 12, 13, 14, 15 and 16

Administrative Practices and Procedures; Reimbursement for Participation

Correction

In FR Doc. 79-31701, at page 59174, in the issue of Friday, October 12, 1979, make the following corrections:

(1) On page 59176, in the third column, the third full paragraph, designated as "10.", the second line "document" should read "comment".

(2) On page 59178, the first column, the third full paragraph designated as "18." the fourth line insert the word *"Society"* after *"Wilderness"* and before

the comma and on the same page and in the same column and paragraph, the fifth line, correct "1254" to read "1354".

(3) On page 59185, in the last column, the fourth line down, correct "Transportation" to read "Importation".

(4) On page 59188, in the middle column, the fifth paragraph, designated as "(1)", the first line, correct "applicants' " to read "applicant's".

(5) On page 59189, the middle column, the second full paragraph, designated as "(C)", the eleventh line down "repaymentof" is corrected to read "repayment of" and on the same page, same column, same paragraph, line twenty-one, delete the "s" in "as".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 230

[DoD Directive 1000.10] [1]

Credit Unions Serving DoD Personnel

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule updates DoD policies governing the establishment, support of and relationships with credit unions serving DoD personnel, and revises OSD responsibilities for the program. The rule clarifies and expands some definitions and prescribes procedures for domestic and overseas credit unions in greater detail.

EFFECTIVE DATE: September 11, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Vivian Langill, Office of the Deputy Assistant Secretary of Defense (Management Systems), OASD (Comptroller), Washington, D.C. 20301, Telephone: 202-697-6954.

SUPPLEMENTARY INFORMATION: In FR Doc. 78-317 appearing in the **Federal Register** on January 6, 1978 (43 FR 1066) the Office of the Secretary of Defense published this part as final rule. This reissuance of Part 230 incorporates internal alignments in responsibilities and expands on definitions and procedures.

Accordingly, 32 CFR Chapter I is amended by revising Part 230, reading as follows:

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

PART 230—CREDIT UNIONS SERVING DOD PERSONNEL

Sec.

Authority: Sec. 301, 80 Stat. 379; 5 U.S.C. 301 and sec. 1-28, 48 Stat. 1216; 12 U.S.C. 1751 et seq.

§ 230.1 Reissuance and purpose.

This Part updates DoD policies governing the establishment of, support of and relationships with credit unions serving DoD personnel.

§ 230.2 Applicability.

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

§ 230.3 Policy.

(a) Credit unions are cooperative associations created for the purpose of stimulating systematic savings and creating a source of credit for provident or productive purposes (Federal Credit Union Act (12 U.S.C. 1751, et seq.); and Rules and Regulations of the Administrator of Federal Credit Unions (12 CFR, Chapter VII)). Credit unions provide benefits to DoD personnel by (1) encouraging habits of thrift through the accumulation of savings, (2) lending money for personal loans at low-cost interest rates, and (3) extending full counseling services on personal and family financial planning problems and related matters of financial interest to members and their dependents. Therefore, to the extent provided in this Part, DoD Components shall provide support to credit unions servicing DoD personnel on military installations.

(b) Credit union services shall be made available to DoD personnel of all ranks and grades under conditions and in the manner set forth in § 230.7.

(c) Specific policies and procedures which govern the establishment and operations of credit unions are contained in § 230.7.

§ 230.4 Responsibilities.

(a) The *Assistant Secretary of Defense (Comptroller)* (ASD(C)) shall:

(1) Establish policy for the effective utilization of credit union services on military installations and monitor implementation of that policy.

(2) Maintain liaison as appropriate with the National Credit Union Administration and equivalent State regulatory agencies.

(3) Maintain liaison with associations, leagues of credit unions and councils which include DoD credit unions in order to provide DoD policies to the credit union community and to aid in solving mutual problems in the conduct of credit union operations.

(4) Coordinate with the ASD(MRA&L) on all aspects of the credit union program which pertain to morale and welfare.

(5) Take final action on requests for exceptions to the provisions of this Part.

(6) Coordinate on Military Department requests for the removal for cause of a credit union from an installation before referral to the appropriate regulatory agency.

(b) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* (ASD(MRA&L)) shall:

(1) Develop and monitor policies and procedures governing logistical support of Defense credit unions, including the use of DoD real property furnished to credit union offices on military installations.

(2) Advise the ASD(C) on all aspects of the DoD credit union program relating to the morale and welfare of DoD personnel.

(c) The *Secretaries of the Military Departments* shall:

(1) Have responsibility for recognizing and assisting credit unions in developing and expanding necessary credit union services for DoD personnel under their jurisdiction, consistent with the provisions of this Part.

(2) Establish liaison as appropriate with the National Credit Union Administration, the State agencies involved, as well as associations, leagues and councils which include DoD credit unions.

(3) Maintain a current list of all credit unions, branches and facilities serving their Departments.

(4) Evaluate the services provided by credit unions located on military installations to ensure that such credit unions fulfill the purposes for which they were established.

(5) Take action on requests for establishment and termination of credit union operations on military installations subject to the approval or concurrence, when required, of the appropriate regulatory agency, the ASD(C), and other DoD Components.

(d) *Heads of DoD Components* shall:

(1) Recognize the right of military and civilian personnel to organize and join credit unions formed under duly constituted authority, and encourage the

application and expansion of the principles of the credit union movement in the Department of Defense worldwide.

(2) Recognize and support credit union associations, leagues of credit unions and councils which include DoD credit unions in their membership.

(3) Permit DoD personnel to serve on credit union boards and committees on a voluntary noncompensatory basis where neither conflict of duty nor interest is involved as prescribed by 32 CFR 40. These personnel may be allowed to attend credit union conferences and meetings in accordance with DoD Directive 1327.5,[1] "Leave and Liberty," June 29, 1974 and DoD Instruction 1424.2,[1] "Administrative Dismissal and Excusal of DoD Civilian Employees," October 10, 1972. No person who serves as a credit union board member or in any other official credit union capacity may serve as a credit union liaison officer, bank liaison officer or "Commander's representative" for either credit unions or banking offices.

§ 230.5 Logistical support.

Credit unions organized by and for DoD personnel may be provided logistical support as set forth in § 230.7(c) and DoD Directive 4000.6,[1] "Policy on Logistics Support of United States Nongovernmental, Nonmilitary Agencies and Individuals on Overseas Military Commands," January 23, 1976.

§ 230.6 Definitions.

(a) *Automated Teller Machine (ATM).* A machine which dispenses cash, accepts deposits and transfers funds between a member's various accounts. Equipment generally is activated by a plastic card in combination with pushbuttons.

(b) *Credit Union Branch.* A subsidiary office of an existing full-service credit union.

(c) *Credit Union Facility.* A facility employing teletype or other communications systems with the main credit union to conduct business at remote locations where a full-service credit union branch is impracticable. Credit union facilities need not provide cash transaction services, but must disburse loans and shares via check or draft. They provide competent financial counseling service during normal working hours.

(d) *Credit Union Liaison Officer.* A commissioned officer or DoD civilian employee of equivalent grade appointed by an installation (military community) commander to maintain liaison with officials of the credit union located on that installation.

(e) *Discrimination.* Any differential treatment in the provision of services, including loan services, by a credit union to DoD credit union members and their dependents on the basis of race, color, religion, national origin, sex or marital status, age, rank or grade. However, if uniformly applied, the amount of credit extended may be directly based upon an applicant's total income.

(f) *DoD Credit Union.* A credit union organized primarily to serve DoD personnel.

(g) *DoD Personnel.* DoD personnel, as used in this Directive, unless the context indicates otherwise, means all military personnel, Civil Service employees, and other civilian employees including special Government employees of all offices, agencies and departments carrying on functions on a Defense installation (including nonappropriated fund instrumentalities).

(h) *Domestic DoD Credit Union.* A DoD credit union located in any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, or territory or possession of the United States.

(i) *Fair Market Rental.* Fair market rental is a reasonable charge for on-base land, buildings or building space. Rental will be determined by a Government-appraisal based on comparable properties in the local civilian economy. However, appraisers shall take into consideration the fact that on-base land may not always be comparable to similar land in the local commercial geographic area (e.g., recognizing limitation of usage and access by persons other than those on the installation, proximity to the community center or installation business district, Government's right to take title to improvements constructed at credit union expense, and Government's right to terminate lease).

(j) *Federal Credit Unions.* Credit unions established and operated under the authority granted by the Federal Credit Union Act. They are chartered, supervised and examined periodically by the National Credit Union Administration.

(k) *Field of Membership.* Credit union membership is limited to groups having a common bond of occupation or association, or to groups within a well-defined neighborhood, community, or rural district. This field of membership is defined in the credit union's charter by the Federal or State regulatory agency.

(l) *Full-Service Credit Union.* A full-service credit union provides normal counter transaction services and is staffed with a loan officer, a person authorized to sign checks and a qualified financial counselor.

(m) *Malpractice.* Any unreasonable lack of skill or fidelity in fiduciary duties or the intentional violation of applicable law and/or regulations that govern the operations of the credit union. A violation will be considered intentional if the responsible credit union officials knew that an action or inaction violated a law and/or regulation.

(n) *Operating Agreement.* A mutual agreement between the on-site credit union and the installation commander regarding their relationships.

(o) *Overseas DoD Credit Union.* A Federally charterd full-service credit union which serves its members through a branch or facility at U.S. military installations in foreign countries.

(p) *Share Drafts.* A negotiable or nonnegotiable draft or other order prepared by the credit union member and used to withdraw shares from a share draft account, normally through the commercial banking system.

(q) *State Credit Unions.* Credit unions, organized under State laws, which operate on the same general principles as Federal credit unions and are supervised and examined by State regulatory bodies.

§ 230.8 Specific policies and procedures for DOD Credit Unions.

(a) *General.* (1) *Establishment of New Domestic Credit Union Services.* (i) Where there is a demonstrated need for credit union services and sufficient personnel capability and interest exist, credit union services may be obtained by (A) establishing a new full-service credit union, or (B) opening a branch office of facility of an existing credit union under the common bond principle.

(ii) Any group of persons seeking to establish either a new full-service credit union, or a branch or facility of an existing Defense credit union, shall submit a proposal to the installation commander for review. If the local commander supports the proposal, it will be forwarded through channels to the appropriate Military Department headquarters for final determination in coordination with the appropriate regulatory agency.

(iii) Where none of the possibilities above exist, service by mail is permitted by any credit union whose charter authorizes such membership.

(2) *Share Insurance.* Department of Defense sponsored credit unions must provide share insurance at least equal to that required by the National Credit

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

Union Administration (NCUA) for Federal credit unions. The insurance may be obtained through NCUA, a state-sponsored insurance program, or a private insurance plan. Department of Defense credit unions not maintaining share insurance after June 22, 1979, will be suspended from operating on the installation and a request will be made to the appropriate regulatory agency for charter amendment or revocation.

(3) *Dual Credit Unions.* At certain installations, two credit unions, each with independent and/or overlapping fields of membership, now exist. These credit unions should be encouraged by the appropriate DoD Component to take voluntary action to request charter amendments that would eliminate overlaps and would cover any installation personnel not now included.

(i) Where charter amendment is neither desired nor deemed appropriate by the officials of the credit union or where such proposed amendment is disapproved by the NCUA or the appropriate State agency, affected credit unions should be encouraged to consider the advantages of merger. Mergers may not be directed by military officials.

(ii) Where neither charter amendments nor mergers are possible, existing credit unions may retain, but not expand, existing facilities or may elect to operate from an off-base location. Priority in space allocation and facility support will be tendered first to that credit union serving all authorized personnel on the installation or to that credit union serving the largest population on the installation.

(iii) Except for those already in existence, only one credit union on a military installation is permitted, and its field of membership shall normally include all assigned DoD personnel.

(4) *Joint Operations.* Joint operations at the same physical location by multiple credit unions normally are not appropriate or necessary. However, in unusual circumstances when required in order to provide proper service to DoD personnel, such operation may be approved as an exception to policy by a DoD Component. Approvals should be coordinated with the appropriate regulatory agency and, where appropriate, by the host DoD Component with any tenant DoD Components. Information copies of such approvals shall be fowarded to the Director for Banking, International Finance and Professional Development, OASD(C).

(5) *ATM Service.* Proposals for establishment of ATMs on DoD installations shall be forwarded through military channels to the Head of the DoD Component concerned for evaluation and approval or rejection. Information copies of all correspondence will be forwarded to the Director for Banking, International Finance and Professional Development, OASD(C). For remote ATMs, the local command must include data required by paragraph C.5., Enclosure 2, DoD Instruction 1000.12 [1], "Procedures Governing Banking Offices on DoD Installations", December 13, 1977. In addition, installation commanders will ensure that proposals for location of ATMs in facilities not normally under their jurisdiction (e.g., Post Exchanges) are fully coordinated before forwarding to the DoD Component headquarters concerned. In all cases, the cost of ATM installation and maintenance will be borne by the financial institution(s) involved. Commanders exercising jurisdiction over military real property and space used to house approved remote ATMs will negotiate appropriate leases in accordance with DoD Directive 4165.6 [1], "Real Property Acquisition, Management and Disposal," December 22, 1976, 32 CFR 231, and DoD Instruction 1000.12 [1], as applicable.

(b) *Operating policies.* Credit unions organized by and for DoD personnel shall operate in accordance with the provisions of this Part and 32 CFR 212. Credit union operating policies shall also be consistent with the following:

(1) *Lending.* (i) In accordance with accepted credit union practice, lending policies will be as liberal as possible and still be consistent with the interests of the overall credit union membership and the individual member. Credit unions must strive to provide the best possible service to all of their members. Special attention will be given to the counseling of military members in pay grades of E–1, E–2 and E–3 who apply for loans.

(ii) Credit unions which evidence a policy of discrimination in their loan services will be in violation of this Part. The procedures to be followed by the installation commander in resolving complaints of discrimination are specified in § 230.7(b)(4).

(iii) Credit unions shall conform to the Standards of Fairness principles as set forth in 32 CFR 43a before executing loan or credit agreements. Should an on-base credit union refer a prospective borrower to an off-base branch of the same credit union, it shall advise the latter that the Department of Defense requires compliance with the Standards of Fairness before executing the loan or credit agreement.

(2) *Counseling.* Counseling service shall be made available to DoD credit union members without charge, and shall include helping members, particularly youthful and inexperienced personnel and young married families, to solve money problems and to budget.

(3) *Relations.* (i) It is a mutual responsibility of the installation commander and the credit union manager to build a viable relationship in which there is an in-depth understanding of each other's requirements. This relationship should be one in which effective communications are maintained and problems are anticipated and resolved as smoothly as possible.

(iii) Operating agreements will be executed between the installation commander and the on-site credit union. Such agreements will confine themselves to basic relationships and mutual support activities, e.g., hours of operation, security provided, etc. They will not involve internal operations of the credit union and will conform to the policies contained in this Part.

(iii) Credit unions operating on military installations shall:

(A) Keep the installation commander advised of credit union operations.

(B) Furnish the commander a copy of the monthly financial report and other local credit union publications.

(C) Invite command representatives to attend annual meetings and other appropriate functions.

(iv) Credit unions will, to the extent resources permit and when so requested, provide the installation commander with lecturers and material on consumer credit matters in support of educational programs for DoD personnel as prescribed by 32 CFR 43.

(v) The support and sympathetic understanding intended by this Directive will not be construed as representing control, supervision, or financial responsibility for credit unions by installation commanders or DoD Components.

(vi) DoD personnel who fail to meet their just financial obligations in a proper and timely manner damage their credit reputation and affect the public image of all DoD personnel. Therefore, DoD Components will provide debt processing assistance to credit unions in accordance with 32 CFR 43a as limited by the Privacy Act Guidelines set forth in enclosure 4, DoD Instruction 1000.12 [1].

Credit unions may bring delinquent loans or dishonored checks to the attention of a commanding officer, or his or her designee, for such assistance.

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

(vii) When a credit union office is located on an installation, the installation commander will appoint a member of the command to serve as the credit union liaison officer. The credit union liaison officer's name and duty telephone number will be conspicuously displayed in the lobby of each credit union office located on a military installation. This officer will be responsible for maintaining contact with the credit union manager to:

(A) Confer or assist in the resolution of member complaints, relating to credit union services.

(B) Assess the overall value of the service provided by the credit union to the command. This estimate will not involve the internal operations of the credit union.

(C) Recommend improvements in the quality and/or quantity of credit union services provided to members.

(4) *Complaints Processing.* (i) *Discrimination.* Installation commanders who suspect or receive complaints of discrimination will first attempt to solve the problem by negotiation. Failing this, a request in writing for investigation shall be made to the regional director of the NCUA in the case of a Federal credit union, or to the State authority in the case of a State-chartered credit union. The request will clearly describe the problem. These regulatory bodies will attempt to resolve the situation. Information copies of all correspondence relating to the matter shall be sent through channels to the DoD Component concerned for forwarding to ASD(C).

(ii) *Malpractice.* Any evidence of suspected malpractice shall be reported in writing by the installation commander to the regional director of the NCUA in the case of a Federal credit union, or to the State regulatory agency in the case of a State-chartered credit union.

(iii) *Reporting.* If action by the appropriate regulatory agency's local representative fails to solve the problem, a full report with recommendations shall be submitted through military channels to the ASD(C). Appropriate follow-up action, directly to the Administrator of NCUA, or to a State regulatory agency, which may include a request for charter revocation, will be accomplished by the ASD(C), keeping the DoD Component informed.

(iv) *Removal from Installation.* If the installation commander determines that the operating policies of the credit union are inconsistent with the operating policies included in this Part, a recommendation for termination of logistical support and space arrangements may be made through departmental channels. Removal of the credit union from the installation will be made only after approval by department headquarters and with the concurrence of the ASD(C) and the appropriate regulatory agency.

(5) *Staffing.* (i) Full services shall be provided by on-site credit unions staffed by a loan officer authorized to act for the credit committee, an individual authorized to sign checks, and a qualified financial counselor available to the membership during operating hours. Exceptions to this requirement may be approved by the DoD Component concerned in the case of newly organized credit unions.

(A) Where and on-site credit union requires only minimum staffing, the counselor duties may be assumed by § 230.7(b)(5)(i).

(B) Where an on-site credit union extends its services to one or more areas of the same installation and direct courier or message service is available to the main office, a one-person operation is authorized for the extended operation.

(ii) All staffing shall be accomplished in full compliance with the spirit and intent of the equal employment opportunity policies and programs of the Department of Defense in accordance with 32 CFR 191.

(6) *Hours of Operation.* Credit unions will be permitted to conduct operations during normal duty hours, providing there is no undue interference with the performance of official duties. Credit unions are encouraged to establish operating hours consistent with the needs of the military installation to best serve the overall needs of the membership within sound management principles. Automated teller machines (ATMs) may be used by credit unions as a means to provide service and expand operating hours.

(7) *Advertising.* (i) Advertising in official Armed Forces newspapers and periodicals 32 CFR 202 and 32 CFR 248 is prohibited with the exception of insert advertising in "Stars and Stripes" by Federal credit unions.

(ii) Credit unions may be permitted to use the unofficial section of the installation Daily Bulletins, provided space is available, to inform personnel of services afforded members, to announce credit union membership meetings, seminars, consumer information programs, and other matters of broad general interest. Credit union advertising of a competitive or comparative nature, such as advertising specific interest rates on savings or on loans is not authorized. Announcements of free financial counseling services are encouraged.

(iii) The use of informational bulletin boards for promotional material is authorized.

(iv) Competitive literature from other credit unions will not be disseminated on installations. This does not preclude a credit union from utilizing a direct mail approach or commercial advertising in the areas of another credit union. Distribution of competing credit union literature through Military Exchange outlets in areas where an on-site credit union exists is not authorized.

(v) The use of the American Forces Radio and Television Service (DoD Instruction 5120.20 [1], "American Forces Radio and Television (AFRT)," April 26, 1971 to promote a specific credit union is prohibited.

(8) *Support of Pay Allotment Privileges.* DoD personnel may use the allotment of pay privileges as authorized by 32 CFR 59 to make allotments to the credit union of their choice to establish sound credit and savings practices.

(i) Members who elect to deposit funds by allotment shall have their accounts credited on the date the credit union is authorized to deposit funds received on behalf of the members.

(ii) Under no circumstances will the initiation of an allotment of pay become a prerequisite for a loan approval or delivery of funds to the credit union member. Allotments voluntarily initiated to a credit union under 32 CFR 59 may continue in force at the pleasure of the allotter.

(9) *Change of Address.* Members of credit unions should contact the credit union prior to departure from the installation and report a change of address. Installation commanders are encouraged to require clearance from on-base financial institutions for personnel who are transferring from the installation.

(10) *Locator Service.* Requests for central locator service for military addresses of active duty personnel by credit unions located on a military installation will be provided at no cost in accordance with 32 CFR 288 which should be cited when requesting such service. This service is provided only when necessary to locate individuals for settlement of accounts including bad checks and delinquent loans in accordance with 32 CFR 43a.

(c) *Utilization of space, logistical support, and military real property.* Criteria governing the assignment of existing space and construction of new space for credit unions are contained in

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

DoD Manual 4270.1–M, "Department of Defense Construction Criteria," June 1, 1978.

(1) *Criteria for Use of Space on DoD-Owned Real Property.* One full-service credit union, or one credit union branch, or one credit union facility at each DoD installation will be furnished space at one location, when available, by no-cost permit/license for periods of 5 years as prescribed in DoD Directive 4165.6.

(i) The furnishing of office space and related real property to credit unions will be governed by Section 124 of the Federal Credit Union Act which specifies that in order to receive space without charge, at least 95 percent of the membership must be composed of persons who either are presently military members or Federal employees or were such at the time of admission to the credit union, and members of their immediate families. Credit unions which fail to meet or do not continue to meet this criterion for free space will normally be charged fair market rental for space provided as defined in § 230.6(i). Credit unions providing less than full service and those not serving all assigned DoD personnel on each base are not authorized to be furnished free space.

(ii) On an installation where a credit union does not offer full service, and another credit union receives approval to provide full credit union services to all personnel at the installation, the installation commander shall withdraw on-base space and support functions for the credit union which does not provide full services.

(2) *Logistical Support.* Janitorial services, fixtures and maintenance when available will be furnished at no cost to the credit union at the one no-cost location. However, costs for other services such as telephone lines, long-distance toll calls, space alterations, air conditioning, heat, light, etc., will be reimbursed to the Department of Defense. Credit unions providing less than full service and those not serving all assigned DoD personnel on each base are normally not authorized to be furnished free logistical support.

(3) *Construction of Credit Unions.* Proposals by credit union officials for construction of structures on DoD installations at credit union expense must receive prior approval of the DoD Component concerned. If cost is projected to be in excess of $300,000, prior approval of ASD(C) and ASD(MRA&L) or their designee is required. All construction projects using other than appropriated funds and costing over $25,000 must be reported to Congress in accordance with DoD Instruction 7700.18, Nonappropriated and Privately Funded Construction Projects—Review and Reporting Procedures, July 24, 1978. Information in the proposal must include: number of credit union members, transactions per day, value of credit union assets, accounting method used (machine or manual), and number of credit union employees. The following provisions are emphasized:

(i) Proposals for construction of credit union buildings on Defense installations must contain adequate justification why it is not feasible to construct such buildings off-base. Off-base construction is encouraged in all cases so that the credit union can recoup in case of installation closure.

(ii) The building must be confined to the needs of the credit union. The building will not be used to house other commercial enterprises or Government instrumentalities.

(iii) Credit unions submitting such plans for consideration must also agree to be financially responsible for and to reimburse the DoD for any maintenance, utilities and other services furnished.

(iv) Land required for approved construction at credit union expense shall be made available only at appraised fair market rental § 230.6(i) by real estate lease, not to exceed 25 years in duration in accordance with DoD Directive 4165.6. Leases will include the provision that, at the option of the Government, structures and other improvements erected thereon shall be conveyed to the Government without reimbursement, or removed and the land restored to its original condition in the event of (A) installation inactivation, closing, or other disposal action, (B) liquidation of the credit union, or (C) termination of the credit union lease.

(v) When under the terms of the lease, title to improvements passes to the United States, arangements normally will be made for continued occupancy by the credit union of the amount of space permitted in DoD Manual 4270.1–M at no cost to the credit union. The credit union will be given first right to use any space in excess of the space permitted in DoD Manual 4270.1–M provided that a mutually acceptable lease is negotiated which includes provisions for fair market rental for the excess space and payment of utilities and other support service costs. Adjustments in space assignments and rental rates will be required if the membership criterion is not maintained. Exceptions to the above policies must be approved at the departmental level.

(d) *Credit union service overseas.* (1) *General.* A credit union established as a full-service branch or facility of a stateside DoD Federal credit union will be limited to on-base operations, and will confine its membership to DoD personnel, their dependents, and other individuals who are eligible by law or regulation to receive services and benefits from the military installation and are not precluded by intergovernmental agreement, host country law, or the credit union's approved field of membership. It should be recognized that the basic decision concerning whether or not a credit union will provide services overseas rests with the credit union concerned. In developing requests for credit union services, DoD officials will provide as much information as possible concerning the availability of operating space and the availability and conditions of logistical support as a basis for decision by credit union management.

(i) DoD Component implementation of this Part shall include appropriate instructions governing existing overseas branches or facilities under its jurisdiction and encouraging the extension of credit union services overseas consistent with the principles established for domestic DoD credit unions and with pertinent Status of Forces Agreements and local laws.

(A) The appropriate DoD Component headquarters shall be notified through channels when a local commander determines that there is a need for credit union services overseas. This notification shall include, where appropriate, a statement that the requirement has been coordinated with the appropriate unified command or joint command and U.S. chief of mission or U.S. embassy and that it does not conflict with Status of Forces Agreements or local laws. This notification shall also include full information about available space and related logistical support.

(B) The DoD Component shall notify, or cause to be notified, DoD Federal credit unions of this need, shall review the specific proposals of interested credit unions, shall coordinate with the field commands as it deems necessary and appropriate, and shall make recommendations for the satisfaction of the need to the NCUA with information copies to the Director for Banking, International Finance and Professional Development, OASD(C).

(C) Such recommendations to the NCUA shall, where appropriate, include identification of the primary installation from which the proposed branch office would operate and the geographical territory in which additional branches and facilities may be established. These additions may be permanent locations or mobile outlets.

(D) Upon receipt of the NCUA response, the DoD Component shall take appropriate action to implement that response, with information copies to the Director for Banking, International Finance and Professional Development, OASD(C).

(ii) Branches and facilities authorized by NCUA will have a prescribed territorial franchise. However, any credit union having an approved charter which authorizes it to serve its members while stationed overseas may continue to do so by direct mail, including the use of available advertising media for commercial solicitation.

(2) *New Services.* Should a credit union propose any new service, e.g., share drafts, which is an addition to or departure from the original charter, the proposal shall be coordinated with the appropriate unified command or joint command and U.S. chief of mission or U.S. embassy to make certain that it is not in conflict with Status of Forces Agreements or local law. A statement citing such coordination shall be included when the proposal is forwarded through departmental channels for review and approval by the DoD Component and the NCUA.

(3) *Implementation.* Overseas credit union branch offices and facilities shall conduct business in accordance with this Part implementing regulations of the DoD Components.

(i) The recommendations and direction of the NCUA through its rules, regulations, procedural forms, reports and manuals (including the Board of Directors Manual for Federal Credit Unions) shall apply directly to all overseas credit union branch offices and facilities.

(ii) Funds shall be deposited and/or invested in accordance with the authority applicable to Federal credit unions. Overseas credit union branch offices and facilities shall deposit funds in accordance with instructions issued by the NCUA giving full consideration to use of the services of military banking facilities whenever available.

(iii) Operation of overseas credit union branch offices and facilities will be reviewed by the NCUA during examination of the main credit union or as NCUA determines necessary.

(iv) When credit unions deal in foreign currency, it shall be purchased at the accommodation rate when used for resale to individuals and purchased at the bulk rate when used for vendor or payroll payments, as these rates have been established by the local military banking facility.

(v) When Military Payment Certificates are prescribed for the area in which the overseas credit union is operating, they shall be used in accordance with DoD Instruction 7360.5 [1], "Military Payment Certificate System," June 14, 1977.

(vi) No credit union loans may be made for the purpose of purchasing real property or purchasing or erecting any type of residence in any foreign country.

(4) *Logistical Support for Overseas Credit Unions* will be in accordance with DoD Directive 4000.6 [1]. This will include free space, when available. Any renovations or alterations required by the credit union will be at the cost of the credit union. Janitorial services, fixtures and maintenance will be furnished at no cost to the credit union; however, costs for other services such as utilities will be reimbursed to the appropriate DoD Component.

(5) *Military Postal Service for Overseas Credit Unions* may be authorized in accordance with DoD Directive 4525.5 [1], "Postal Operations and Related Services," March 20, 1978.

(6) *Autodin and Autovon* may be provided on a case-by-case reimbursable basis.

(7) *Travel of Credit Union Officials Overseas* shall be as set forth in DoD Directive 4000.6 [1]. Invitational travel orders which authorize travel at no expense to the U.S. Government may be issued by the local commander for official on-site visits of Defense credit union officials.

December 3, 1979

H. E. Lofdahl,

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

[FR Doc. 79-37699 Filed 12-6-79; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1353-2]

Standards of Performance for New Stationary Sources; Delegation of Authority to State of Delaware

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document amends 40 CFR 60.4 to reflect delegation to the State of Delaware of authority to implement and enforce certain Standards of Performance for New Stationary Sources.

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

EFFECTIVE DATE: December 7, 1979.

FOR FURTHER INFORMATION CONTACT: Joseph Arena, Environmental Scientist, Air Enforcement Branch, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone (215) 597-4561.

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978, the State of Delaware requested delegation of authority to implement and enforce certain Standards of Performance for New Stationary Sources for Sulfuric Acid Plants. The request was reviewed and on October 9, 1979 a letter was sent to John E. Wilson III, Acting Secretary, Department of Natural Resources and Environmental Control, approving the delegation and outlining its conditions. The approval letter specified that if Acting Secretary Wilson or any other representatives had any objections to the conditions of delegation they were to respond within ten (10) days after receipt of the letter. As of this date, no objections have been received.

II. Regulations Affected by this Document

Pursuant to the delegation of authority for certain Standards of Performance for New Stationary Sources to the State of Delaware, EPA is today amending 40 CFR 60.4, *Address*, to reflect this delegation. A Notice announcing this delegation is published today in the Notices Section of this **Federal Register**. The amended § 60.4, which adds the address of the Delaware Department of Natural Resources and Environmental Control, to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

III. General

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on October 9, 1979, and it serves no purpose to delay the technical change of this address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended, 42 U.S.C. 7411.

Dated: December 3, 1979.

Douglas M. Costle,
Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4, paragraph (b) is amended by revising subparagraph (I) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(A)–(H) * * *

(I) State of Delaware (for fossil fuel-fired steam generators; incinerators; nitric acid plants; asphalt concrete plants; storage vessels for petroleum liquids; sulfuric acid plants; and sewage treatment plants only.

Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901.

[FR Doc. 79-37655 Filed 12-6-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 81

[FRL 1357-1]

Air Quality Control Regions, Criteria, and Control Techniques; Section 107 Attainment Status Designations; New York

AGENCY: Environmental Protection Agency.

ACTION: Rule.

SUMMARY: The purpose of this notice is to revise the attainment status designations for portions of the State of New York with regard to the national ambient air quality standard for ozone. This action, as proposed in an August 3, 1979 **Federal Register** notice (44 FR 45650), affects certain areas of the State originally designated as "nonattainment." The table following this rulemaking indicates the attainment status designation for each area in New York State. Publication of these designations relates to the provisions of Section 107(d) of the Clean Air Act, as amended.

DATES: Effective December 7, 1979.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007, (212) 264-2517.

SUPPLEMENTARY INFORMATION:

Background

Section 107(d) of the Clean Air Act, as amended, directed each state to submit to the Environmental Protection Agency (EPA) for every area within the state a list of the attainment status designations with respect to each of the national ambient air quality standards. EPA received such information and promulgated the attainment status designations in a March 3, 1978 **Federal Register** (43 FR 8962). Subsequently, modifications to these designations were promulgated for the states administered by the Region II Office of EPA (New York, New Jersey, Puerto Rico and the Virgin Islands) in a January 25, 1979 **Federal Register** (44 FR 5119). In both of these **Federal Register** notices, all areas within the State of New York were designated as not attaining the national ambient air quality standard for ozone. These designations were based on ambient air monitoring data and other analyses indicating statewide violation of the ozone standard.

In a February 8, 1979 **Federal Register** notice (44 FR 8202), EPA announced revision of the ozone standard from 0.08 ppm to 0.12 ppm. Upon reviewing its air quality data base in relation to the revised ozone standard, New York State determined that several portions of the State had ambient air quality levels better than the revised standard and that other other areas could not be classified with confidence as either attaining or not attaining the standard. Consequently, on May 2, 1979 the New York State Department of Environmental Conservation formally requested that EPA redesignate several areas to reflect this information.

EPA reviewed the State's request and in an August 3, 1979 **Federal Register** notice (44 FR 45656) proposed to approve the following redesignations:

Better Than National Standards

Southern Tier East Air Quality Control Region (the entire area)
Central Air Quality Control Region (the Counties of Herkimer, Lewis, Jefferson, and Cortland)
Hudson Valley Air Quality Control Region (the Counties of Fulton, Montgomery, Schoharie, and the northern two thirds of the County of Saratoga)
Northern Air Quality Control Region (the entire area except the County of Washington)

Cannot Be Classified

Southern Tier West Air Quality Control Region (the entire area)
Central Air Quality Control Region (the Counties of Oswego, Madison, and Oneida)
Northern Air Quality Control Region (the County of Washington)

EPA's **Federal Register** notice also invited the public to comment on the State's proposed redesignations. In response, on September 4, 1979 the New Jersey Department of Environmental Protection submitted comments to EPA. No other comments were received.

New Jersey's submittal contained an analysis indicating ozone standard violations in the areas EPA proposed to redesignate from "nonattainment" to "attainment" or "unclassifiable." On this basis New Jersey maintains that the proposed redesignations should not be promulgated.

EPA disagrees with this position. The methodology used by New Jersey in its analysis is based on the assumption that a limited network of existing ozone monitors can be used in combination with meteorological data to estimate ambient ozone levels over a broad geographical area in which no ozone monitors exist. However, this method does not consider that there may be variations in the emission density in the various area. EPA has determined that, although the methodology used by New Jersey may be useful as a preliminary screening technique to determine areas of potential ozone standard contravention, it is not conclusive and cannot be used as a basis for the determination of attainment status designations.

EPA's decision to redesignate areas as "Better Than National Standards" is based on an analysis of measured air quality data over a period of twelve calendar quarters which shows that ambient levels in the affected areas are better than the revised ozone standard. The redesignations to "Cannot Be Classified" are based on the absence of concrete evidence of ozone standard violations. For the Southern Tier West Air Quality Control Region (AQCR) and the County of Washington in the Northern AQCR, monitoring results show attainment of the standard; however, it is believed that these readings are unduly influenced (depressed) by the presence of nearby sources of nitrogen oxide. Inasmuch as all the areas proposed to be redesignated as "Cannot Be Classified" are located nearby and downwind of areas designated as "Does Not Meet Primary Standards" and do not contain any major urban centers, further evaluation of their attainment status is believed warranted.

This criteria, on which today's redesignations are based, is consistent with EPA policy which states that designations of "Does Not Meet Primary Standards" shall be determined on the basis of measured air quality data which indicates contravention of the standard. In the absence of such data, a designation of "Cannot Be Classified" or "Better Than National Standards" is appropriate for a nonurban area. The redesignations promulgated in this notice are based in this policy. The

reader is referred to a February 1, 1979 **Federal Register** notice (44 FR 6395) and the "Technical Support Document for Agency Policy Concerning Designation of Attainment, Unclassifiable, and Nonattainment Areas for Ozone" (cited in the referenced notice) for a detailed discussion of this policy. The Notice and Technical Support Document are incorporated as part of the record supporting this action.

Part D of the Clean Air Act requires that states revise their State Implementation Plans to provide for attainment of national ambient air quality standards in those areas that are designated as "nonattainment." The areas redesignated herein from "nonattainment" to "attainment" or "unclassifiable" are no longer required to meet Part D requirements but are subject to the Prevention of Significant Deteriortation (PSD) requirements (43 FR 26380, June 19, 1978). PSD requirements stipulate, among other things, that where there is no reliable measured ambient air quality data, monitors are to be established to determine if there are any violations of a standard.

Based on a review of all data submitted in relation to the ozone attainment status designations proposed on August 3, 1979 (44 FR 45650), EPA has determined that such redesignations are consistent with the requirements of Section 107(d) of the Clean Air Act and EPA regulations found at 40 CFR Part 81 and is, today, promulgating revised ozone attainment status designations for New York State. Furthermore, this action is being made effective immediately because the revision imposes no hardship on the affected sources.

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 has reviewed this package and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Secs. 107(d), 171(2), 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d), 7501(2), 7601(a)))

Dated: December 3, 1979.

Douglas M. Costle,

Administrator, Environmental Protection Agency.

Part 81 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

* * * * *

§ 81.333 [Amended]

In § 81.333, the attainment status designation table for ozone is revised to read as follows:

New York—Ozone

Designated Area	Does Not Meet Primary Standards	Cannot Be Classified or Better than Nat'l Standards
Niagara Frontier	X	
Genessee-Finger Lakes AQCR	X	
Southern Tier West AQCR		X
Southern Tier East AQCR		X
Central AQCR		
The County of Cayuga	X	
The County of Onondaga	X	
Remainder of AQCR		X
Northern AQCR		X
Hudson Valley AQCR		
The County of Albany	X	
The Town of Clifton Park	X	
The County of Columbia	X	
The County of Dutchess	X	
The County of Greene	X	
The Town of Halfmoon	X	
The City of Mechanicville	X	
The County of Orange	X	
The County of Putnam	X	
The County of Rensselaer	X	
The County of Schenectady	X	
The County of Ulster	X	
The Town of Waterford	X	
Remainder of AQCR		X
Metropolitan AQCR	X	

[FR Doc. 79-37654 Filed 12-6-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5688

[S-1491]

California; Withdrawal for New Melones Dam and Reservoir Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 5,093 acres of public and national forest land and 450 acres of privately owned land, the minerals to which are reserved to the United States, aggregating a total of approximately 5,543 acres for the Water and Power Resources Service, Department of the Interior New Melones Dam and Reservoir Project authorized as a part of the California Central Valley Project.

EFFECTIVE DATE: December 7, 1979.

FOR FURTHER INFORMATION CONTACT: Sue Bosma, 202-343-6486

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751 (43 U.S.C. 1714), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry under all of the general land laws, including the mining laws (30 U.S.C., Ch. 2). The lands shall be reserved for use by the Water and Power Resources Service, Department of the Interior (formerly the Bureau of Reclamation), in connection with the New Melones Dam and Reservoir Project and are to be managed in accordance with the Act of October 23, 1962 (76 Stat. 1191).

Mount Diablo Meridian

T. 1 N., R. 13 E.,
- Sec. 1, Lots 1 to 5, inclusive, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼, and NE¼SE¼;
- Sec. 2, Lots 1 and 2, SW¼NE¼, S½NW¼, and W½NW¼SW¼;
- Sec. 4, SW¼SE¼;
- Sec. 8, NE¼SE¼;
- Sec. 9, NW¼NE¼, NW¼SE¼, and S½SE¼;
- Sec. 11, NW¼SW¼ and S½SW¼SW¼;
- Sec. 12, Lot 1, NW¼NE¼, NE¼NW¼, and NE¼SW¼;
- Sec. 15, NW¼NE¼NW¼;
- Sec. 24, S½SW¼.

T. 2 N., R. 13 E.,
- Sec. 9, NW¼SW¼;
- Sec. 21, Lot 1;
- Sec. 23, Lots 1 and 2 (except portion M.S. 5189A and M.S. 4192);
- Sec. 24, Lots 13, 17, and 19, S½ Lot 22, and unpatented fractional portion of Lot 23 in W½SE¼SE¼;
- Sec. 25, E½SE¼NW¼, E½SW¼, fractional NE¼SE¼, and NW¼SE¼;
- Sec. 26, Lots 1 and 2 and N½NE¼ (except portion M.S. 5189A and B).

T. 1 N., R. 14 E.,
- Sec. 6, Lots 8 and 9 and Lots 25 to 34, inclusive;
- Sec. 7, Lots 1 and SE¼NE¼ (except portion M.S. 5001);
- Sec. 18, Lots 5 and 6 and W½SE¼;
- Sec. 19, NW¼NE¼, SE¼NE¼, W½SE¼, and NE¼SE¼;
- Sec. 20, SW¼SW¼NE¼, SW¼NW¼ S½SE¼NW¼, and N½SW¼.

T. 2 N., R. 14 E.,
- Sec. 4, Lots 1 and 2, W½ Lot 7, Lot 9, NW¼ Lot 10, Lots 11, 12, and 13, E½E½ Lot 14, Lots 15 and 16, and SE¼NE¼;
- Sec. 8, Lots 1, 3, and 5, N½ Lot 10, and SW¼ Lot 10;
- Sec. 9, Lots 1 to 4, inclusive;
- Sec. 17, W½ Lot 1, N½ Lot 5, SW¼ Lot 5, SE¼ Lot 6, E½NE¼, W½SW¼, W½NE¼SW¼, NW¼SE¼SW¼, W½SE¼, N½NE¼SE¼, and SW¼NE¼SE¼;
- Sec. 19, Lot 3 (except M.S. 5028), Lot 4 (except M.S. 5068), Lots 7 and 12, S½NE¼SW¼, S½NW¼SE¼, and N½N½NE¼SE¼;
- Sec. 20, Lots 2, 3, and 4 (except M.E. 167 and M.S. 3987), Lots 5, 6, and 7, and S½SE¼NW¼;

Sec. 30, Lots 3 and 20 and M.S. 6307 in Lot 24;
Sec. 31, SE¼ Lot 1, E½E½SW¼ Lot 1, South 330 feet Lot 16, Lots 17, 18, 23, and NW¼ Lot 24, S½S½NE¼NW¼, N½SW¼NE¼, N½S½SW¼NE¼, N½SE¼NW¼, and N½S½SE¼NW¼.
T. 3 N., R. 14 E.,
Sec. 1, South 330 feet Lot 8;
Sec. 12, Lot 4, Lot 5 (except M.S. 4509), SE¼NE¼SW¼ (except M.S. 4602), E½SE¼SW¼, SE¼SW¼SE¼SW¼, NW¼NE¼SE¼, N½NE¼NE¼SE¼, SW¼NE¼NE¼SE¼, NW¼SW¼NE¼SE¼, NW¼SE¼ lying Southeast of M.S. 4602, W½SW¼SE¼, W½E½SW¼SE¼, and E½NE¼SW¼SE¼;
Sec. 13, W½W½NE¼, E½NE¼NW¼, E½W½NE¼NW¼, SE¼SW¼NW¼, SE¼NW¼, N½SW¼, SW¼SW¼, N½N½SE¼SW¼, SW¼SW¼SE¼SW¼, and W½NW¼NW¼SE¼;
Sec. 14, S½SE¼, SE¼NE¼SE¼, and S½SW¼NE¼SE¼;
Sec. 22, SE¼ Lot 2;
Sec. 23, Lots 1 and 2, S½ Lot 3, E½ Lot 5, N½ Lot 6, SW¼ Lot 6, W½ Lot 11, Lots 12 and 13, and W½ Lot 14;
Sec. 24, W½W½ Lot 1, Lot 2, N½ Lot 3, and NW¼ Lot 4;
Sec. 26, Lots 2 and 3, W½ Lot 7, and Lot 9;
Sec. 27, E½ Lot 1 and Lots 3 and 7;
Sec. 33, SE¼SE¼;
Sec. 34, N½NE¼NE¼, E½NW¼NE¼, SW¼NW¼NE¼, W½NE¼NW¼, and NW¼NW¼;
Sec. 35, Lot 7, SE¼NE¼ lying South and West of M.S. 5677, N½NE¼SE¼, and unnumbered segregation survey of mineral land in N½;
Sec. 36, S½SW¼NW¼ (except M.S. 5677) and N½NW¼SW¼.

The area described aggregates 4,985 acres in Calaveras and Tuolumne Counties.

2. Subject to valid existing rights, the following described national forest lands, which are under the jurisdiction of the Secretary of Agriculture, are hereby withdrawn from location and entry under the mining laws (30 U.S.C., Ch. 2) for use by the Water and Power Resources Service in connection with the New Melones Dam and Reservoir Project under the terms and conditions as may be agreed upon between the Water and Power Resources Service, and the Forest Service, Department of Agriculture.

Stanislaus National Forest

Mount Diablo Meridian

T. 3 N., R. 15 E.,
Sec. 6, Lot 2, S½ Lot 7, S½NE¼ Lot 7, and SE¼NW¼ Lot 7;
Sec. 7, N½ Lot 1, W½W½ Lot 2, and NW¼NW¼NE¼NW¼.

The area described aggregrates 107.50 acres in Calaveras and Tuolumne Counties.

3. The following described patented land, the minerals to which are reserved to the United States under the Stockraising Homestead Act of December 29, 1916 (30 Stat. 862), is hereby withdrawn from location and entry under the general mining laws (30 U.S.C., Ch. 2) and reserved for use by the Water and Power Resources Service in connection with the New Melones Dam and Reservoir Project.

Mount Diablo Meridian

T. 1 N., R. 13 E.,
Sec. 14, W½NW¼;
Sec. 15, E½NE¼, S½NW¼NE¼, SW¼NE¼, S½NE¼SW¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 22, E½NE¼NW¼, E½W½NE¼ NW¼, and N½SE¼NW¼.

The above described area aggregates 450 acres in Calaveras and Tuolumne Counties.

4. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands described in paragraph 2 of this order, under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

5. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

December 3, 1979.

[FR Doc. 79-37626 Filed 12-6-79; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood

Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free (800) 424–9080), Room 5150, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a) of the Code of Federal Regulations). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60 (formerly 24 CFR Part 1910).

The final base (100-year) flood elevations for selected locations are:

Final Base (100–Year) Flood Elevations

State	City/town/county	Source of flooding	Location	–#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Paradise Valley (Town), Maricopa County (Docket No. FI–5567).	Indian Bend Wash	Scottsdale Road	*1,299
			Northern Avenue	*1,301
			Golf Drive	*1,303
			Ivergordon Road	*1,321
			Double Tree Ranch Road	*1,333
			56th Street	*1,346
			Mountain View Road (Upstream Corporate Limits)	*1,348
		Berneil Channel	Double Tree Ranch Road	*1,325
			Mountain View Road	*1,335
			Scottsdale Road	*1,335
		Echo Canyon Wash	Confluence with Arizona Canal	*1,251
			Stanford Drive	*1,263
			McDonald Drive	*1,308
			Valley Vista Lane (downstream)	*1,318
			Valley Vista Lane (upstream)	*1,320
			Tatum Boulevard	*1,322
	Maps available at the Office of the Town Engineer, Paradise Valley, Arizona.			
California	Alameda County (Unincorporated Areas) (Docket No. FI–3722).	Arroyo Mocho	Corporate Limits Downstream of Arroyo La Positas	*341
			Arroyo Road	*503
			Wente Street	*551
		Arroyo Las Positas	El Charro Road	*357
			Cottonwood Creek	*374
			Airway Boulevard	*381
			Interstate Highway 580 Downstream of Cayetano Creek	*405
			North Livermore Avenue	*448
			Interstate Highway 580 Upstream of North Livermore Avenue	*477
			Vasco Road	*527
		Arroyo Seco	Vasco Road	*595
			Greenville Road	*695
		Las Positas Relocation	Greenville Road	*620
		Arroyo Valle	Vineyard Avenue	*365
			Isabel Avenue	*415
			East Vallectios Road	*446
			Arroyo Road	*540
		Line J–1	Dublin Boulevard	*530
			Amador Valley Boulevard	*535
		Chabot Canal	Southern Pacific Railroad	*333
		San Lorenzo Creek	Don Castro Dam	*238
			Confluence with Palomares Creek	*313
		Line G	Grove Way	*133
			Castro Valley Boulevard	*161
			San Miguel Avenue	*191
		Line J	Pine Street	*163
			Catalina Drive	*186
			Berdina Road	*177
		Bockman Canal and Line N	Pile Trestle Bridge	*6
			Southern Pacific Railroad	*8
		Alameda Creek	Sunol Dam	*223
			Interstate 680	*245
		Tassajara Creek	Santa Rita Road	*348
		Cayetano Creek	Hartman Road	*522
		Collier Creek	Interstate 580	*416
			Collier Canyon Road	*432

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Alameda County (Unincorporated Areas) (Docket No. FI-3722).	Altamont Creek	Laughlin Road	*554
			North Front Road	*579
			Paloma Road	*242
		Arroyo De La Laguna	Southern Pacific Railroad	*267
			Verona Road	*286
			Castlewood Drive	*301
			Bernal Avenue	*316
		Palomares	Confluence with San Lorenzo Creek	*313
	Maps available at: Alameda County Flood and Water Conservation District, 399 Elmhurst Street, Hayward, California 94544.			
California	St. Helena (City), Napa County (Docket No. FI-3974).	Napa River	Pope Street	*214
			Pratt Avenue	*228
	Maps available at: City Hall, 1480 Main Street, St. Helena, California 94574.			
Michigan	Portsmouth (Township), Bay County (FI-4097).	Saginaw River	Russell Road between Trumbull and Lincoln Roads	*586
			Munger Road between Scheurman and Green Roads	*586
			Intersection of German Road and Michigan Avenue	*586
	Maps are available at: Township Hall, 310 Sheridan Court, Bay City, Michigan.			
	Send comments to: Mr. Donald Krzewinski, Township Supervisor, Township of Portsmouth, Michigan, 110 Stanley Drive, Bay City, Michigan.			
New Jersey	Westville (Borough), Gloucester (County) (Docket No. FI-5070).	Big Timber Creek	Conrail—at centerline	*10
			Interstate 295—at centerline	*10
		Tributary No. 1	Intersection of Woodbine Avenue and 4th Avenue	*10
			Intersection of Willow Road and High Street	*10
	Maps available at: Borough Hall, 114 Crown Point Road, Westville, New Jersey 08093.			
North Dakota	Forrest River (City), Walsh (County) (Docket No. FI-5107).	Forrest River	At Downstream Corporate Limits	*859
	Maps available at: City Hall, Forrest River, North Dakota 58233.			
Virginia	Prince George County, (Docket No. FI-4475).	Appomattox River	Prince George County and Hopewell City Line	*8
			USGS Gaging Station (River Mile 8.67)	*11
			Petersburg City, Chesterfield County and Prince George County Line	*12
		Bailey Creek	Virginia Routes 10 and 156	*8
			Confluence of Cattail Creek	*10
			Virginia Route 156	*13
			Confluence of Manchester Run	*14
			Confluence of Southerly Run	*35
			Virginia Route 630	*53
		Blackwater Swamp	Virginia Route 156	*102
			Virginia Route 106	*113
			Virginia Route 630	*113
			Virginia Route 603	*119
		Chappell Creek	Virginia Route 10	*16
			Earthen Dam	*18
		Jones Hole Swamp	Virginia State Route 638	*88
			Interstate Route 95 (and U.S. Route 301)	*110
			Virginia Route 621	*110
			Earthen Dam	*120
			Virginia Route 605	*120
			Corporate Limits	*121
		Manchester Run	Confluence with Bailey Creek	*14
			Virginia Route 156	*30
		Powell Creek	Confluence with Walls Run	*11
			Virginia Route 10	*13
		Southerly Run	Confluence with Bailey Creek	*35
			Virginia Route 646	*48
		Walls Run	Confluence with Powell Creek	*11
			Virginia Route 641	*13
			Virginia Route 10	*16
		Wards Creek	Virginia Route 10	*25
	Maps available at: The Prince George County Courthouse, Prince George, Virginia.			
Virginia	Warren County (Docket No. FI-5191).	North Fork Shenandoah at Buckton.	State Route 668 (Extended)	*490
		Shenandoah River at Shenandoah Shores.	Weir	*487
			Interstate 66	*498
		South Fork Shenandoah River at Front Royal.	4,000 feet from State Route 619	*495
			300 feet from State Route 619	*499
	Maps available at the Office of the County Administrator, Front Royal, Virginia.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Washington	Bonney Lake (Town), Pierce County (FI-5123).	Fennel Creek	State Route 410 at centerline	*469
		Debra Jane Creek	Lakeway Drive 90 feet downstream from centerline	*489
			Lakeway Drive 10 feet upstream from centerline	*494
			Bonney Lake Boulevard 60 feet downstream from centerline	*556
			Bonney Lake Boulevard 10 feet upstream from centerline	*561
		Bonney Lake Outflow	Lakeway Drive 10 feet upstream from centerline	*494
			190th Avenue East 30 feet downstream from centerline	*584
			190th Avenue East 10 feet upstream from centerline	*590
			185th Avenue East 10 feet upstream from centerline	*609
		Bonney Lake	185th Avenue 10 feet downstream from centerline	*609
		Debra Jane Lake	193rd Avenue East 20 feet downstream from centerline	*566

Maps are available at: Town Hall, 19306 Bonney Lake Boulevard, Bonney Lake, Washington.

Send comments to: Honorable Steven Flaherty, Mayor, Town of Bonney Lake, Town Hall, 19306 Bonney Lake Boulevard, Bonney Lake, Washington 98390.

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

Issued: November 20, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-37534 Filed 12-6-79; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Editorial Amendments Reflecting Name Changes for the Public Information and Consumer Assistance Divisions

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Part 0 of the Commission's rules and regulations amended to rename the divisions of the Office of Public Affairs. The Public Information Division will become the Press and News Media Division and the Consumer Assistance Division becomes the Consumer Assistance and Information Division. The change in names will more accurately reflect the functions of each division and improve service to members of the public seeking information about FCC proceedings.

EFFECTIVE DATE: November 16, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Goodfriend, Management Systems Division, 632-7513.

SUPPLEMENTARY INFORMATION:

Order

Adopted: November 16, 1979.

Released: December 5, 1979.

In the matter of editorial amendment of Part 0 of the Commission's rules to reflect Name changes for the Public Information and Consumer Assistance Divisions.

1. Changes in the names for the Public Information and Consumer Assistance Divisions were adopted by the Executive Director November 16, 1979. The Public Information Division is renamed the Press and News Media Division while the Consumer Assistance Division is renamed the Consumer Assistance and Information Division. These changes were necessary to direct public inquiries to the proper division and to provide prompt service to members of the public seeking information about FCC proceedings. Part 0 of the rules and regulations, which describes the organization of the Commission, is being amended to reflect these changes.

2. The amendments adopted herein pertain to agency organization. The prior notice, procedure and effective date provisions of Section 4 of the Administrative Procedure Act are therefore inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

3. In view of the foregoing, it is ordered, effective November 16, 1979, that Part 0 of the rules and regulations is amended as set forth in the Appendix.

Federal Communications Commission.

R. D. Lichtwardt,

Executive Director.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

Appendix

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

§ 0.5 [Amended]

1. Section 0.5(b)(7) is amended to read as follows:

* * * * *

(b) * * *

(7) Office of Public Affairs. The Office of Public Affairs has primary responsibility for the Commission's Press and News Media, Consumer Assistance and Information, Industry Equal Employment Opportunity (EEO) and Minority Enterprise programs. The major purpose of these programs is to inform the public of the Commission's regulatory requirements, to facilitate public participation in the Commission's decision-making processes, and to apprise the public of Commission policies promoting equal employment opportunity and minority participation in the telecommunications industry.

* * * * *

2. Section 0.15(i) amended to read as follows:

Office of Public Affairs

§ 0.15 Functions of the Office.

* * * * *

(i) Maintain liaison with the Field Operations Bureau regarding the press and news media, and consumer assistance and information activities of the Commission's field offices.

§ 0.422 [Amended]

4. In § 0.422, the phrase "Public Information Division" is replaced by "Press and News Media Division."

§ 0.423 [Amended]

5. In § 0.423, the words "Chief, Public Information Division" are replaced by "Chief, Press and News Media Division."

§ 0.433 [Amended]

6. In § 0.443, the words "Public Information Division" are replaced by "Press and News Media Division."

§ 0.605 [Amended]

7. In § 0.605, paragraphs (b), (c)(1), (d)(1), and (d)(3) are amended as follows: The words "Public Information Division" in § 0.605(b) are replaced by "Press and News Media Division". The words "Chief, Public Information Division" in §§ 0.605(c)(1), 0.605(d)(1) and 0.605(d)(3) are replaced by the words "Chief, Press and News Media Division."

§ 0.465 [Amended]

In § 0.465(d)(1) the words "Consumer Assistance Division" are changed to read "Consumer Assistance and Information Division" and the words "Public Information Division" are changed to read "Press and News Media Division."

[FR Doc. 79-37662 Filed 12-6-79; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 18

[Docket No. 20718; FCC 79-755]

Industrial, Scientific, and Medical Equipment; Overall Revision of Part 18 of the Rules; Regulations for Induction Cooking Ranges

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order re Regulations for Induction Cooking Ranges.

SUMMARY: Order responding to the petition filed by the Roper Corporation requesting the Commission to reconsider the effective date of the new rules for induction cooking ranges adopted by the Commission on August 1, 1979. The Order adopted a new rule which permits the marketing of induction ranges manufactured prior to February 1, 1980 (the effective date of the new rules) subject to certain conditions.

EFFECTIVE DATE: December 10, 1979.

ADDRESS: Federal Communications Commission, 1919 M St, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Art Wall, Office of Science and Technology (202-632-7095).

Adopted: November 20, 1979.

Released: December 3, 1979.

In the matter of overall revision of Part 18 governing Industrial, Scientific and Medical equipment. (Docket 20718). Memorandum Opinion and Order Re Regulations for Induction Cooking Ranges. [44 FR 56699].

By the Commission:

1. A First Report and order in this proceeding was adopted by the Commission on August 1, 1979 establishing new regulations, effective February 1, 1980, for induction cooking ranges.[1] On September 14, 1979, the Roper Corporation, 1905 West Court St., Kankakee, Illinois 60901 petitioned the Commission to reconsider only the effective date to permit immediate marketing of their range. For the reasons given herein, we have decided to retain the original effective date, but will permit the immediate marketing of all ranges presently in stock, subject to the conditions in paragraphs 16 and 17 below. Induction ranges manufactured after February 1, 1980 must comply with the new technical standards in Subpart I of part 18 of FCC Rules.

2. The induction cooking range is the result of new technology, which reportedly allows the consumer to cook food placed in a ferrous pot more economically than conventional stove top cooking. It also has the added feature of not heating the cooking surface. Over the last several years, we have received a number of inquiries from manufacturers proposing to market induction ranges. Since the range uses radio frequency (RF) energy to produce heat for cooking and not for telecommunications, it is classified as a piece of miscellaneous Industrial, Scientific, and Medical (ISM) equipment and is regulated pursuant to part 18 of our Rules, specifically by §§ 18.261 and 18.141-18.142. These rules were adopted in 1947, to regulate nonconsumer equipment and require a user certification renewable every three years if the equipment does not operate on an ISM frequency. The recertification requirement in § 18.142 was to be met by the user of the equipment and was never intended for consumer products. It is impractical for the induction range.[2]

3. We first heard of the induction range in 1974 when Westinghouse Electric Corp. requested and was granted a limited waiver of § 18.142. In 1977, other manufacturers inquired about the regulations for the induction range and were told about the waiver that had been granted Westinghouse. In 1978-1979 several manufacturer's requested waiver of the user recertification requirement. In lieu of granting a waiver for each of these ranges, the Commission adopted interim regulations in the First Report and Order in Docket No. 20718 specifically intended to control the interference potential of the induction cooking range. Other aspects of this proceeding, which is an overall revision of Part 18-ISM equipment, were left for further consideration and action.

4. In the petition, Roper did not ask for reconsideration of any of the new technical standards and in fact understands that their range complies with the new technical standards. However, the petitioner takes strong exception and objects to the February 1, 1980 effective date of these new regulations as being arbitrary and unreasonable. Roper argues that establishing the effective date six months after adoption for the reason given at the Commission meeting " * * * to give other manufacturers an opportunity to conform * * * " is clearly outside the scope of the Commission's authority to make reasonable regulations governing the interference potential of devices. The effect of the delay, they say, is to wrongfully deprive an innovator of its competitive advantage of lead time once its device meets the technical and administration specifications established by the Commission. Roper said that they began development on their ranges in 1972 and have spent over 2 million dollars before they were ready to be marketed. Roper is ready to begin marketing and requests that the date be moved forward so that they can begin selling immediately.

5. Copies of Roper's petition were served upon and comments were requested from each of the manufacturers who have indicated an interest in marketing an induction cooking range. Comments were received from the following four manufacturers:

—Fasar Systems, Inc., 2801 Burton Ave., Burbank, California 19505

—Tappan Appliances, Tappan Park, Mansfield, Ohio 44901

—Panasonic Company, Division of Matsushita Electric Corporation of America, One Panasonic Way, Secaucus, New Jersey 07094

—Rangaire Corporation, P.O. Box 177, Cleburne, Texas 76031

6. Comments from Tappan are noncommittal. In a letter dated October 3, 1979, Tappan stated that they presently do not* * *

* * * manufacture induction equipment and because there are good arguments for and against the Roper proposal, we [Tappan] will not comment either for or against the proposal.

7. Faser and Panasonic both objected to the Commission granting the relief requested by Roper and fully supported the February 1, 1980 effective date. Panasonic claims that there was a substantial inconsistency in the interim technical standards made available to

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[1] Released August 9, 1979; published in the Federal Register at 44 FR 48178 on August 17, 1979.

[2] See paragraphs 3-6 of the First Report and Order in Docket 20718 for a more complete discussion of the range and the present rules governing the range.

Panasonic in a letter dated July 7, 1977 from those made available to Roper in a similar letter dated March 12, 1979.[3] Panasonic argued that because of not having the latest information, it was not able to produce a range to comply with the new technical standards and, therefore, need the additional time to bring their range into compliance.

8. Fasar, on the other hand, claims that it is the only company currently marketing an induction range.[4] Fasar asserts that granting Roper's petition would eliminate competition, but provides no basis for this conclusion. Fasar also appeals to the Commission for relief on grounds of hardship. It points out that Fasar is a small manufacturer employing 34 people and will go bankrupt if it is unable to continue marketing its induction range until certification under the new rules can be obtained.[5]

9. Rangaire comments take a slightly different approach. It's support for relaxation of the February 1, 1980 effctive date is conditioned on the Commission and Roper answering a number of questions. In particular, Rangaire asked:

A. Whether the FCC Laboratory tested the Roper range with regard to the development of wattage claimed by Roper, and of proposed production line units.

B. Whether the Roper unit tested by the FCC met Underwriter's Laboratory (UL) requirements for leakage currents and was a marketable unit.

C. Whether the wattage, efficiency and the leakage current of the four ranges tested by the Laboratory were considered in the new regulations.

D. Whether claims of efficiency of the range were substantiated by test data in accordance with accepted test procedures, such as the one developed by the National Bureau of Standards.

E. Whether the adopted regulations are arbitrary and unreasonable and whether basing the conducted emission levels in this country on the VDE specification levels is justifiable.

We will not attempt to answer all the questions raised by Rangaire, since some of them are outside the scope of the Commission's jurisdiction. Moreover, consideration of all aspects of Rangaire's questions would only serve to delay a finding on the original petition.

10. In view of some of the comments received, it may be useful to review the background and reasons for our regulation of induction cooking ranges.

11. As stated in the First Report and Order, our primary concern with the introduction of the induction cooking range into the marketplace is its potential for causing interference to radio reception. Considering that the induction range operates on a frequency between 19 to 40 kHz with conducted and radiated emissions extending well into the HF portion of the radio spectrum, we are particularly concerned about the interference these ranges can cause to AM Broadcast reception (540–1600 kHz), as well as to other radio services below 30 MHz. Unless such emanations are suppressed, AM receivers in the same and adjacent households can be expected to receive interference from the range. As suggested by Rangaire, there is no question that a complete study of the interference potential of the range is desirable and may be useful in more accurately balancing economic and technical trade-offs. However, such a study is time consuming—too time consuming when it is a stated fact that these ranges have been developed and are waiting to be marketed.

12. This places the Commission in a dilemma. If we withhold standards and approval of the range until such a study is completed, we would deprive the public of the benefit of this new technology for at least a year or more. It would also be unfair and detrimental to some of the above mentioned manufacturers. On the other hand, if we allowed such equipment to be marketed without any interference control, interference to AM Broadcast reception can be expected. Because of their expected proliferation and the findings of our tests of some four ranges, regulations are considered necessary to protect radio reception. We were, therefore, forced to adopt interference standards for induction ranges with what information was available. We tried to balance RFI protection with its cost so that the range did not become economically prohibitive.

13. In arriving at standards for the ranges, we reviewed both present and proposed technical specifications intended for controlling the interference to radio communications from similar ISM equipment operating in the same frequency range. Similar international standards were also reviewed. The adopted standards, in our option, provide a reasonable compromise. A discussion of the standards reviewed is presented in the First Report and Order, supra at paragraphs 10–15.

14. In lieu of the present user certification, renewable every three years, the Commission adopted a bilaterial certification requirement for ranges as a prerequisite for marketing. Under this program, which places responsibility on the manufacturer to assure compliance, approval is granted by the Commission on the basis of measurements made by the manufacturer demonstrating compliance of a representative unit. Subsequently produced units, which are essentially identical to the unit tested and certified by the Commission may be marketed without any retesting. The manufacturer is expected to make enough tests on the units during and after production to insure that they are essentially identical with the unit originally tested.

15. A delay in the effective date of six months from the date of adoption of the regulations until they become effective was to give each of the manufacturers an equal opportunity in bringing their ranges into compliance. The delay was not expected to be a burden to any one manufacturer. In retrospect, however, it now seems reasonable that Roper would want to market their range immediately, since it already complies with the new technical specifications. It is also reasonable that each of the other manufacturers also expended efforts to bring their range into compliance with standards that were not clearly defined until August 1, 1979. Several manufacturers received letters from the Commission advising them of the conditions imposed on the Westinghouse range and of some possible conditions for a similar waiver to permit them to market their range. It is unfortunate that Panasonic did not realize that the Notice of Proposed Rule Making in this proceeding issued September 1978 changed what they had been told in our 1977 letter. In any case, the net result is that several manufacturers have ranges ready to be marketed. For these manufacturers not to be allowed to market their ranges would be to subject them to a severe economic burden.

16. The Commission finds these arguments persuasive enough to warrant changes in our original action. We are accordingly adopting rules that would

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[3] Panasonic was advised in 1977 that a waiver similar to the one granted to Westinghouse in 1974, would be recommended to the Commission for granting, subject to, among other things, the range meeting a conducted limit of 1,000 μV on any frequency above 100 kHz. The 250 μV limit adopted represents a relaxation of what was proposed in this proceeding (43 FR 46326) in 1978, but a tightening of the limit granted to Westinghouse.

[4] Fasar is currently being investigated for apparent violation of the Commission's present Part 18 Rules. Appropriate sanctions will be administered if warranted.

[5] In addition to its comments on the Roper petition, Fasar, on October 29, 1979, filed a separate petition for waiver of the present FCC Part 18 Rules, to the extent necessary to permit Fasar to continue marketing its induction cooking range. The merits of Fasar are also considered here.

permit the immediate marketing of an induction range, without recertification under either of two conditions. Immediate marketing of an induction range is permitted if the range has been certificated by the Commission to show compliance with the new §§ 18.273 and 18.274. The Commission undertakes to expedite any such application for certification that may be filed prior to February 1, 1980.

17. If the induction range is manufactured prior to February 1, 1980, the manufacturer may certificate it pursuant to the existing provisions of §§ 18.261 and 18.142(b) based on measurements of a prototype subject to the conditions listed below. Immediate marketing is permitted of an induction range which has been so certificated. Recertification of such a range is not required. A label must be attached to each range containing the following information:

—The manufacturer certifies that this range complies with the provisions of FCC Rules § 18.261.

—Operation of this device may cause interference to AM Broadcast reception. Interference to radios in the same household unit must be accepted by its residents. If the range causes interference outside the household, contact the manufacturer for instructions on how to correct the problem.

—This range was manufactured on ———.

A manufacturer marketing an induction range under these conditions assumes the responsibility of assisting the owner to correct any interference problem that may arise.

18. The special provisions outlined in paragraph 17 apply only to induction ranges manufactured prior to February 1, 1980 regardless of when sold. Ranges manufactured after February 1, 1980 must be certificated by the Commission to show compliance with the new §§ 18.273 and 18.274 as a prerequisite for marketing.

19. In view of the above, we conclude that it is in the public interest to add a new regulation § 18.277 to Part 18. The text of this regulation is appended to this Order. This regulation is adopted under the authority in §§ 4 (i), 302, and 303(r) of the Communications Act of 1934, as amended. Moreover, since this new regulation grants an exemption to an existing regulation and serves to relieve a restriction that imposes a severe economic hardship on small manufacturers, this new regulation may be made effective immediately under the provisions of 5 U.S.C. 553(d)(1). Further, a delay would only serve to nullify the effect of this Order.

20. Therefore, It Is Ordered that effective on December 10, 1979, § 18.277 is added to Part 18.

21. It Is Further Ordered that the petitions for relief filed by Fasar and Roper are granted only to the extent herein indicated.

23. For further information about this Order, contact Art Wall, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554, phone 202–632–7095.

(Sec. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 302, 82 Stat. 290, 47 U.S.C. 154, 302, 303.)

Federal Communications Commission,

William J. Tricarico,

Secretary.

Appendix

Part 18 is amended by adding § 18.277.

§ 18.277 Induction range manufactured prior to February 1, 1980.

(a) Such a range may be certificated by the manufacturer pursuant to the provisions of § 18.142(b) to show compliance with the technical specifications of § 18.261. Recertification of such a range is not required during the lifetime of the range.

(b) The manufacturer warrants the purchaser that the range can be expected to comply with the technical provisions in § 18.261 of FCC Rules. In addition, the manufacturer shall advise the purchaser that the manufacturer will assume responsibility for correcting any interference that the range may cause outside the household.

(c) The range bears a label containing the following statement:

—The manufacturer certifies that this range complies with the provisions of FCC Rules § 18.261.

—Operation of this device may cause interference to AM Broadcast reception. Interference to radios in the same household unit must be accepted by its residents. If the range causes interference outside the household, contact the manufacturer for instructions on how to correct the problem.

—This range was manufactured on ———.

[FR Doc. 79-37579 Filed 12-6-79; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 79-177; RM-3370]

Radio Broadcast Services; FM Broadcast Station in Thomaston, Georgia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a Class A FM channel to Thomaston, Georgia, as a first FM assignment, in response to a petition filed by Sunbelt Communications, Inc. The proposed channel could be used to provide a first full-time local aural broadcast service to Thomaston.

EFFECTIVE DATE: January 17, 1980.

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: November 28, 1979.

Released: December 4, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Thomaston, Georgia), BC Docket No. 79–177, RM–3370.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, adopted July 18, 1979, 44 FR 44193, proposing the assignment of Channel 237A as a first FM assignment to Thomaston, Georgia, at the request of Sunbelt Communications, Inc. ("petitioner"). Supporting comments were filed by petitioner in which it stated its readiness to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Thomaston (pop. 10,024), seat of Upson County (pop. 23,505),[1] is located approximately 97 kilometers (60 miles) east of the Georgia-Alabama border, and 109 kilometers (68 miles) south of Atlanta, Georgia. Thomaston is served locally by two daytime-only AM stations (WSFT and WKNG).

3. Petitioner notes that Thomaston serves as the major trading center for this rural section of Georgia. It claims that the population of Thomaston is growing and adds that Channel 237A could provide the community with its first FM facility and it first nighttime aural service.

4. It has been shown that there is a need and demand for an FM assignment in Thomaston, Georgia. A station on the channel could provide a first full-time local aural broadcast service. Therefore, we conclude that the public interest would be served by making this assignment.

5. Authority for the action taken herein is 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's rules.

[1] Population figures are taken from the 1970 U.S. Census.

6. Accordingly, it is ordered, that effective January 17, 1980, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with regard to the community listed below:

City: Channel No.

Thomaston, Georgia: 237A.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792).

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

Henry L. Baumann,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 79–37663 Filed 12–6–79; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amendment No. 1 to Service Order No. 1408]

Chicago and North Western Transportation Co. Authorized to Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co. at Sibley, Iowa

Decided November 29, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1408.

SUMMARY: The Chicago and North Western Transportation Company is authorized to operate over the tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at Sibley, Iowa, in order to continue to provide essential railroad service during the continued period of Directed Service on the RI (360 I.C.C. 289 et al.) which would be otherwise unavailable due to track embargoes on the RI.

EFFECTIVE DATE: 11:59 p.m., December 3, 1979, and continuing in effect until 11:59 p.m., March 2, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275–7840.

Upon further consideration of Service Order No. 1408, (44 FR 67989) and good cause appearing therefor:

It is ordered. § 1033.1408 *Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company at Sibley, Iowa,* Service Order No. 1408 is amended by substituting the following paragraph (e) for paragaph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 2, 1980, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 3, 1979.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Members Joel E. Burns, Robert S. Turkington and John R. Michael. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–37702 Filed 12–6–79; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1033

[Amendment No. 1 to Service Order No. 1410]

The Denver and Rio Grande Western Railroad Co. Authorized to Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co. at Roswell and Colorado Springs, Colorado

Decided November 29, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1410.

SUMMARY: The Denver and Rio Grande Railroad Company is authorized to operate over the tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at Roswell and Colorado Springs, Colorado in order to continue to provide essential railroad service during the continued period of Directed Service on the RI (360 I.C.C. 289 et al.) which would be otherwise unavailable due to track embargoes on the RI.

EFFECTIVE DATE: 11:59 p.m., December 3, 1979, and continuing in effect until 11:59 p.m., March 2, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275–7840.

Upon further consideration of Service Order No. 1410, and good cause appearing therefor:

It is ordered, § 1033.1410 *The Denver and Rio Grande Western Railroad Co. Authorized to Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Company at Roswell and Colorado Springs, Colorado.* Service Order No. 1410 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 2, 1980, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 3, 1979.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–37701 Filed 12–6–79; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1033

[Amdt. No. 1 to S.O. No. 1409]

Burlington Northern Inc. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co. at Fairfield, Iowa

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1409.

SUMMARY: The Burlington Northern Inc. is authorized to operate over the tracks of the Chicago, Rock Island and Pacific

Railroad Company (RI) at Fairfield, Iowa in order to continue to provide essential railroad service during the continued period of Directed Service on the RI (360 I.C.C. 289 et al.) which would be otherwise unavailable due to track embargoes on the RI.

EFFECTIVE DATE: 11:59 p.m., December 3, 1979, and continuing in effect until 11:59 p.m., March 2, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: November 29, 1979.

Upon further consideration of Service Order No. 1409, and good cause appearing therefor:

It is ordered, Service Order No. 1033.1409 (Burlington Northern Inc. authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company at Fairfield, Iowa) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 2, 1980, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 3, 1979.

(49 U.S.C. (10304–10305 and 11121—11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-37691 Filed 12-6-79; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Amdt. No. 1 to S.O. No. 1407]

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co. at Worthington, Minn.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1407.

SUMMARY: The Chicago and North Western Transportation Company is authorized to operate over the tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at Worthington, Minnesota in order to continue to provide essential railroad service during the continued period of Directed Service on the RI (360 I.C.C. 289 et al.) which would be otherwise unavailable due to track embargoes on the RI.

EFFECTIVE DATE: 11:59 p.m., December 3, 1979, and continuing in effect until 11:59 p.m., March 2, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275–7840

SUPPLEMENTARY INFORMATION:

Decided: November 29, 1979.

Upon further consideration of Service Order No. 1407 (44 FR 65400), and good cause appearing therefor:

It is ordered, § 1033.1407 Service Order No. 1407 (Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company at Worthington, Minnesota), is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 2, 1980 unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 3, 1979.

(49 U.S.C. 10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-37692 Filed 12-6-79; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Amdt. No. 1 to S.O. No. 1403]

Union Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co. at Beatrice, Nebr.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1403.

SUMMARY: The Union Pacific Railroad Company is authorized to operate over the tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at Beatrice, Nebraska in order to continue to provide essential railroad service during the continued period of Directed Service on the RI (360 I.C.C. 289 et al.) which would be otherwise unavailable due to track embargoes on the RI.

EFFECTIVE DATE: 11:59 p.m., December 3, 1979, and continuing in effect until 11:59 p.m., March 2, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: November 29, 1979.

Upon further consideration of Service Order No. 1403, (44 FR 62287), and good cause appearing therefor:

It is ordered: § 1033.1403 Service Order No. 1403 (Union Pacific Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company at Beatrice, Nebraska) is amended by substituting the following paragraph (e) for paragraph (e) therefor:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 2, 1980 unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 3, 1979.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S.

Turkington and John R. Michael. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-37693 Filed 12-6-79; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Amdt. No. 1 to S.O. No. 1401]

Burlington Northern Inc. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co. at Burlington, Iowa

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1401.

SUMMARY: The Burlington Northern Inc. is authorized to operate over the tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at Burlington, Iowa in order to continue to provide essential railroad service during the continued period of Directed Service on the RI (360 I.C.C. 289 et al.) which would be otherwise unavailable due to track embargoes on the RI.

EFFECTIVE DATE: 11:59 p.m., December 3, 1979, and continuing in effect until 11:59 p.m., March 2, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: November 29, 1979.

Upon further consideration of Service Order No. 1401, (44 FR 60999), and good cause appearing therefor:

It is ordered: § 1033.1401 Service Order No.1401 (Burlington Northern Inc. Authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company at Burlington, Iowa) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 2, 1980 unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 3, 1979.

(49 U.S.C. (10304-10305 and 11121-11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-37694 Filed 12-6-79; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Amdt. No. 1 to S.O. No. 1402]

Atchison, Topeka and Santa Fe Railway Co. Authorized to Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co. at Dodge City, Kans.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1402.

SUMMARY: The Atchison Topeka and Santa Fe Railway Company is authorized to operate over the tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at Dodge City, Kansas in order to continue to provide essential railroad service during the continued period of Directed Service on the RI (360 I.C.C. 289 et al.) which would be otherwise unavailable due to track embargos on the RI.

EFFECTIVE DATE: 11:59 p.m., December 3, 1979, and continuing in effect until 11:59 p.m., March 2, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: November 29, 1979.

Upon further consideration of Service Order No. 1402, (44 FR 62286), and good cause appearing therefor:

It is ordered: § 1033.1402 Service Order No. 1402 (The Atchison, Topeka and Santa Fe Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company at Dodge City, Kansas) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 2, 1980 unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 3, 1979.

(49 U.S.C. (10304-10305 and 11121-11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-37695 Filed 12-6-79; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[S.O. 1410]

Denver and Rio Grande Western Railroad Co. Authorized to Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co. at Roswell and Colorado Springs, Colo.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1410.

SUMMARY: Authorizes the Denver and Rio Grande Western Railroad Company to operate over the tracks of the Chicago, Rock Island and Pacific Railroad Company at Roswell and Colorado Springs, Colorado, due to track embargoes at Roswell and Colorado Springs, Colorado, in order to serve industries which would otherwise be deprived of railroad service.

EFFECTIVE DATE: 12:01 a.m., November 28, 1979, and continuing in effect until December 3, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: November 27, 1979.

The line of the Chicago, Rock Island and Pacific Railroad Company (RI) at Roswell and Colorado Springs, Colorado, is embargoed due to track conditions, depriving shippers at Roswell and Colorado Springs, Colorado, of essential railroad service by RI. The Denver and Rio Grande Western Railroad Company (DRGW) serves this area and has consented to operate over RI tracks at Roswell and Colorado Springs in order to serve the industries. The Kansas City Terminal

Railway (KCT), the directed operator of the RI, has consented to the use of these tracks by the DRGW.

It is the opinion of the Commission that an emergency exists requiring the operations of DGRW trains over these tracks of the RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered:

§ 1033.1410 Service Order No. 1410.

(a) *The Denver and Rio Grande Western Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company at Roswell and Colorado Springs, Colorado.* The Denver and Rio Grande Western Railroad Company (DRGW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at Roswell and Colorado Springs, Colorado, for the purpose of serving industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the DRGW over tracks of the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved by the DRGW over the tracks of the RI shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., November 28, 1979.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 3, 1979, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Joel E. Burns not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-37697 Filed 12-6-79; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1249

[No. 37002]

Revision to Quarterly Report Form QFR, and Elimination of Filing Requirement for Certain Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Final Rule.

SUMMARY: The Commission is revising the Quarterly Report of Results of Operations (Form QFR). The revisions are being made to simplify the reporting form and relieve certain carriers from the filing requirement. Those relieved are Class I & II contract carriers and all instruction 28A, B & C Class II motor carriers of property. In addition, the "Fuel and Related Data" section of the report has been restructured to require data on the amount of fuel purchased, rather than fuel consumed. This change in fuel data disclosure will assist the Commission in monitoring significant changes in fuel prices. In order to retain Commission access to valuable information, we will require those carriers relieved from filing Form QFR to submit Form QFR–S which will consist of selected data necessary to the Commission. This one page report will impose a minimum burden on the carriers.

DATE: Effective for the reporting year beginning January 1, 1980.

ADDRESS: For copies of the revised reporting requirements call: (800) 424–5403.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275–7448.

SUPPLEMENTARY INFORMATION: On December 8, 1978, the Commission published a notice proposing revisions to the Quarterly Report of Results of Operations (Form QFR) which must be filed by all Class I and Class II motor carriers of property (43 FR 57626). We proposed to reduce the number of carriers required to file the form and to adopt one report form, to be used by all carriers required to file, instead of the present system of different forms based on class and other criteria. Class I & II contract carriers and Class II carriers not subject to Instruction 27 would no longer have to file the report. In addition, we proposed a detailed breakdown of information required in the fuel-related data section of the report.

In response to the notice, we received 41 comments from representatives of the insurance industry, from motor carriers and their associations, and from a trade publication. The comments, and the changes that have been made in the proposal as a result of them, are discussed below.

Elimination of the quarterly data base. The American Trucking Associations, Inc. (ATA), opposed relieving Class I contract carriers and non-instruction 27 carriers from the filing requirements on the grounds that the Commission needs data on these carriers to properly regulate motor carriers and that the information is also needed by outside sources such as insurance companies, banks, and creditors. A number of insurance companies filed comments in opposition to the proposal on grounds that it would adversely affect their information base. These companies are required by law to assume full responsibility for all losses, both insured and uninsured, which are unpaid by their motor carrier policyholders. Form QFR is used by insurance companies to monitor the financial condition of their policyholders. They do not believe that quarterly data, received directly from the motor carriers, will be as reliable as that obtained from the Commission. They further contend that this proposal may result in the imposition of additional accounting fees because certain carriers will be required to obtain independent verification of quarterly financial data.

These insurance companies are aware that the Commission has collected this information as a public service for interested parties. They believe that the public will be best served by continuing this service.

In the past, the Commission's reporting policy was designed to provide for its own information needs and, at the same time, to accommodate the needs of other users whenever practical. Over the years, this policy has placed an increasing reporting burden on certain carriers and an unnecessary processing burden on the Commission. Recently, the Commission adopted a new reporting policy, aimed at reducing or eliminating these burdens. Under this new policy, the Commission only collects data which is used internally on a regular basis to fulfill regulatory responsibilities. The QFR's filed by certain Class I and II carriers are not used for this purpose; therefore, under the new policy, these carriers should be relieved from the reporting burden.

However, the Commission expects substantial regulatory changes to the specialized carrier and contract carrier industry in the near future. We will require a one page report form which will supply us with information necessary to monitor the results of these changes.

Insurance companies insuring the losses of Class III motor carriers have not had Commission quarterly report data to monitor carrier financial condition and have developed alternative means of satisfying their data needs at a minimal expense to the carriers. Similar alternatives should be considered for those carriers relieved from the reporting requirements as a result of this proceeding.

Class II Household goods carriers. The Household Goods Carrier's Bureau (HGCB) requested special relief from the reporting requirements for Class II household goods carriers. The HGCB states that Class II carriers are not members of their Continuing Cost Study Group and that rate increase proposals are rarely based on information collected from Class II carriers. Since neither the HGCB nor the Commission has a need for the Class II household goods carriers information, we are adding these carriers to the carriers exempted from the requirement to file Form QFR.

Revised format. A few carriers opposed the idea of having household goods and freight carriers file the same report. They contend that only a small number of carriers are involved in combined operations. The new format is not designed specifically to accommodate those carriers with combined operations. It is designed to eliminate the need to send different sets of forms to different carriers. The report form clearly distinguishes between household goods and freight carrier operations, and we do not believe that carriers will have problems completing the new form.

Fuel data. The new fuel data disclosure is designed to enable the Commission to monitor significant changes in fuel prices. This data is required when applying for rate increases necessitated by changes in fuel costs as outlined in Ex Parte No. 31, *Effect of Modifying Proclamation No. 3279 and Other Anticipated Energy Conservation Measures on the Operation of Carriers Subject to the Interstate Commerce Act.* The Commission has not been in a position properly to analyze significant changes in fuel prices. At the present time, the only data of this type collected comes from a small number of carriers on a monthly basis. At the time of the February 1974 fuel crisis, no data of this type was collected by the Commission. It is apparent that fuel prices are significantly changing and the Commission must be able to monitor and analyze these changes. Therefore, fuel data disclosure in Form QFR will be required from all carriers filing the report.

Some motor carriers protested the proposed requirement to break down fuel costs into gasoline, diesel, oil and other categories. The need for a similar break down of state, and federal taxes was also questioned. In addition, the ATA claimed that accurate cost per gallon of diesel and gasoline fuel purchased could only be obtained by requesting fuel dollars and gallons allocated between bulk purchases and over-the-road purchases. Also, the respondents could not determine if the information requested concerned "fuel consumed" or "fuel purchased."

In consideration of these comments, certain revisions have been incorporated in Form QFR. The instructions in the revised Form QFR will clearly state that all fuel data be reported in terms of "fuel purchased." Previous account numbers which referred to "fuel consumed" will no longer be used. The information will not be related to any account in the uniform system of accounts. The categories of fuel purchased have been revised at the request of ATA. Fuel purchased will be segregated into gasoline, diesel (bulk), diesel (over-the-road), and other. Federal and state taxes have also been combined as requested. The required fuel data is readily available to carriers and should not add to their reporting burden.

The Household Goods Carrier's Bureau requested that we eliminate all fuel disclosures from the household goods carriers' report. They claim that household goods carriers, and other specialized carriers, are unreliable sources for information on fuel since most of the fuel used for transportation under their authority is purchased by hauling contractors and owner-operators and, consequently, is not reported on Form QFR. In spite of these arguments, the commission believes that the data that is included in Form QFR is useful and that household goods carriers should continue to supply it. We are, however, studying the problem, with intent of modifying this requirement in the future.

This Decision does not significantly affect the quality of the human environment.

Accordingly, § 1249.12 Part 1249 of Title 49 of the Code of Federal Regulations is amended to read as follows:

§ 1249.12 Quarterly financial reports.

All Class I common carriers and Class II "Instruction 27" carriers as defined in 49 CFR 1207, and Class I household goods carriers shall complete and file the Quarterly Results of Operations Form QFR. All Class I and II contract carriers and Class II Instruction 28 A, B & C Carriers shall complete and file the Selected Quarterly Data of Results of Operations Form QFR–S. Two copies of the form should be filed with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after the end of the reporting quarter.

This reporting revision is issued under the authority of 49 U.S.C. 11142 and 11145, and 5 U.S.C. 553.

Decided November 2, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-37696 Filed 12-6-79; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1252

[No. 34364 (Sub-No. 4)]

Elimination of Piggyback Traffic Statistics Report Confidentiality

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This reporting revision will eliminate the confidentiality of piggyback traffic statistics reports and incorporate these reports as part of carrier annual reports to the Commission. The Commission studied the confidentiality of piggyback traffic statistics reports and concluded there was no longer a need to maintain these reports on a confidential basis. This reporting revision should reduce the reporting burden of carriers and processing burden of the Commission.

DATES: Effective for the reporting year beginning January 1, 1980.

ADDRESSES: For copies of the revised reporting requirements call: (800) 424–5403.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275–7448.

SUPPLEMENTARY INFORMATION: On October 6, 1978, the Commission served Order No. 34364 (Sub-No. 3) [43 FR 46851, Oct. 11, 1979]. The purpose of that Order was to change the filing frequency

of the Piggyback Traffic Statistics Report (PTSR) from a semi-annual to an an annual basis. The order also extended in the filing requirement to Class II rail carriers and Class II intercity motor carriers. In that order the Commission also requested the public to comment on the confidentiality issue. The respondents to the Notice of Proposed Rulemaking (NPR) in Docket No. 34364 (Sub-No. 3) did not address the confidentiality issue.

In a further effort to determine the need for PTSR confidentiality, the Commission issued a NPR on June 6, 1979, Docket No. 34364 (Sub-No. 4) [44 FR 33716, June 12, 1979], proposing to eliminate the confidentiality of PTSR's by including piggyback data in annual reports filed with the Commission.

There were only four respondents to this NPR. The respondents generally favored the proposal. In view of the limited response to the NPR and the position of the four respondents, we concluded that PTSR confidentiality is no longer a reporting issue. Therefore, piggyback data will be included in carrier annual reports to the Commission and opened to public inspection effective January 1, 1980. Inclusion of piggyback data in carrier annual reports will reduce the burden of mailing, filing and processing two reports. It will also simplify the report processing burden because specialized procedures will no longer be needed to insure report confidentiality.

This decision does not significantly affect the quality of the human environment.

Accordingly, §§ 1252.1 through 1252.4 of Part 1252 of the Code of Federal Regulations are deleted. Carrier annual report forms will now include the disclosure of piggyback data.

§§ 1252.1 through 1252.4 [Deleted].

This revision is issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: November 16, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners, Gresham, Clapp, Christian, Trantum, Gaskins and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-37698 Filed 12-6-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 603

Confidentiality of Statistics; Interim Final Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim final regulations.

SUMMARY: These regulations prescribe procedures authorized by section 303(d) of the Fishery Conservation and Management Act of 1976 (the Act) to protect the confidentiality of any statistics submitted to the Secretary of Commerce by any person in compliance with requirements of a preliminary fishery management plan or a fishery management plan. The regulations specify persons having access to confidential statistics, systems required to protect the confidential data, and circumstances under which the data may or may not be released.

EFFECTIVE DATE: Regulations are effective on December 7, 1979. Comment is invited on these regulations until January 23, 1980.

ADDRESS: Comments should be submitted in writing to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

B. G. Thompson, Assistant Chief, Resource Statistics Division, National Marine Fisheries Service, Washington, D.C. 20235. Telephone: (202) 634-7366.

SUPPLEMENTARY INFORMATION: On January 9, 1978, the National Marine Fisheries Service (NMFS) published proposed regulations on Confidentiality of Statistics submitted pursuant to the Act, and requested public comment (43 FR 1460). Since publication of the proposed regulations, the Act has been amended to require the collection of data concerning the capacity of United States fish processors to process domestic catch. These regulations have been revised to acknowledge this new statutory reporting requirement. The regulations also have been revised in response to comments received on the proposed regulations. Comments which responded to the substance of the proposed regulations are addressed below. Those sections which are not addressed in the preamble received no comment.

General Comments

Five commenters recommended substituting "individual" or "firm" for "person." The definition of "person" in the Act includes associations, Federal, State, local, or foreign governments, and section 303(d) of the Act protects against disclosure of the "identity or business of any person who submits such statistics." Since the word "person" has the same definition in these regulations as in the Act, the concern was that this would prevent the publication of statistics submitted by foreign governments.

While statistics may be received from a foreign government, they are not the original submitters of the statistics. For example, the identity and catch of a foreign fishing vessel is a confidential statistic, but the aggregated catch of all fishing vessels of a foreign nation is not. Therefore, such aggregated data can be disclosed.

Concern was raised about access by State personnel to data that the States collect under their own authority but which is stored in Federal facilities. These regulations do not increase or diminish the authority of any State to collect fishery statistics from persons subject to their jurisdiction, nor limit the use of any statistics collected under such authority. However, States which by contractual agreement are collecting confidential statistics for the Secretary under the Secretary's authority, but which do not have State authority to collect such statistics, will not have access to, nor be permitted to retain, these statistics. Several changes have been made to these regulations to clarify the authority of the Secretary to execute agreements with the States to collect required statistics, and the authority of States to have access to data they have collected under this own authority.

Several commenters have questioned the propriety of disclosing confidential statistics to members and staffs of Regional Fishery Management Councils (Councils). In order to ensure accurate data submission and to avoid placing Councils and their staffs in an awkward position due to the potential for the appearance of a conflict of interest, these regulations operate to prohibit the disclosure of confidential statistics to Councils' members and staffs.

Concern was raised that § 603.5, Procedures for Disclosure, provided discretionary authority for the disclosure of statistics, contrary to the intent of the regulations. Commenters also felt that § 603.5 failed to provide for access by the States to data which they collected. NMFS agrees with these comments, and has determined that § 603.5 did not adequately address all

the issues involved. To correct the problem, the previously proposed § 603.5, Procedures for Disclosure, has been replaced with three new sections:

603.5 Access to statistics.
603.6 Controls system.
603.7 Release of statistics.

Other Changes

603.2 Definitions.

A definition of "aggregate or summary form" has been added. Since it is possible to aggregate data and still reveal the identity and business of a person, it was felt necessary to establish the meaning of the term as used in these regulations. The definition is intended to provide a common understanding of the term and establish a standard to avoid disclosure of the identity or business of the person submitting required statistics.

603.3 Types of statistics covered.

This section has been revised to include additional types of data in response to amendment of section 303(a) of the Act by the so-called "joint venture amendment" (Pub. L. 95–354).

603.4 Collection and maintenance of statistics.

Language has been added to note that State agents can be authorized to collect statistics required by a fishery management plan implemented under the Act.

Request for Public Comment

Interested persons, Regional Fishery Management Councils, and government agencies are encouraged to submit written comments, views, or data concerning these regulations to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235. All such submissions received on or before January 23, 1980, will be considered.

In order to contribute to a sound statistical basis for fishery conservation and management through the application of a secure system of confidentiality protection, and in view of the immediate need presented by passage of Pub. L. 95–354, and because these regulations impose no burden on the general public, the 30-day "cooling off" period required by the Administrative Procedure Act is waived.

Since the purpose of the regulations is to prescribe internal procedures within the National Oceanic and Atmospheric Administration, they constitute no burden on the public, nor do they significantly affect the environment or the economy. For these reasons, the Assistant Administrator has determined that these regulations do not require preparation of an environmental impact statement under the National Environmental Policy Act; he also finds that these regulations are not significant under Executive Order 12044.

Signed in Washington, D.C., this 4th day of December, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

Title 50 of the Code of Federal Regulations is amended by adding "Part 603—Confidentiality of Statistics" to read as follows:

PART 603—CONFIDENTIALITY OF STATISTICS

Sec.
603.1 Purpose.
603.2 Definitions.
603.3 Types of statistics covered.
603.4 Collection and maintenance of statistics.
603.5 Access to statistics.
603.6 Control system.
603.7 Release of statistics.

Authority: 5 U.S.C. 301; 16 U.S.C. 1853(d).

§ 603.1 Purpose.

The purpose of this Part 603 is to prescribe procedures to preserve the confidentiality of any statistics submitted to the Secretary by any person in compliance with a requirement under a preliminary fishery management plan (PMP) or a fishery management plan (FMP).

§ 603.2 Definitions.

The terms used in this part shall have the same meaning as ascribed to them in section 3 of the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 *et seq.*) and part 601 of this chapter.

Aggregate or summary form, with respect to data, means data or information submitted by three or more persons that have been summed or assembled in such a manner so as not to reveal, directly or indirectly, the identity or business of any such person.

Assistant Administrator means the Assistant Administrator for Fisheries or his designee.

"Data", "statistics", and "information" are used interchangeably.

§ 603.3 Types of statistics covered.

This part applies to all information required to be submitted by any PMP or FMP or any regulation promulgated to implement a PMP or FMP, including, but not limited to: Information regarding the type and quantity of fishing gear used; catch by species in numbers of fish or weight thereof; areas in which fishing was engaged; time of fishing; number of hauls; and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors.

§ 603.4 Collection and maintenance of statistics.

(a) *General.* (1) All statistics required to be submitted to the Secretary under a PMP or FMP shall be provided to the Assistant Administrator.

(2) After receipt of the statistics submitted to the Assistant Administrator, the appropriate NMFS official shall delete all identifying particulars from the statistics at the first practicable opportunity consistent with the needs of the NMFS and good scientific practice.

(3) Appropriate safeguards as specified by NOAA Directives, or other NOAA or NMFS internal procedures, shall apply to the collection and maintenance of all statistics, whether separated from identifying particulars or not, so as to ensure their confidentiality.

(b) *Collection Agreements with States.* (1) The Assistant Administrator may enter into an agreement with a State authorizing the State to collect statistics on behalf of the Secretary.

(2) It is the policy of NMFS that NMFS will not enter into a cooperative collection agreement with a State unless the State has authority to protect the statistics from disclosure to the public in a manner similar to that of the Federal government, and in a manner consistent with these regulations.

§ 603.5 Access to statistics.

(a) *NOAA and NMFS personnel.* Statistics submitted as a requirement of a PMP or FMP and which will reveal the business or identity of the submitter shall only be accessible to:

(1) Personnel within NMFS responsible for the collection, processing, and storage of the statistics;

(2) Personnel within NMFS performing research that requires routine access;

(3) Other NOAA and NMFS personnel on a demonstrable need-to-know basis; and

(4) NMFS contractors that require access in order to perform functions authorized by the Federal contract.

(b) *State personnel.* (1) State access to, and use of, those statistics collected will depend upon the State's authority to require collection of the statistics on its own behalf.

(2) If the State has authority to collect the statistics in question but has no agreement with the Assistant Administrator, the State shall not have access to statistcs covered by this part which are submitted to the Assistant Administrator.

(c) *Prohibtions.* Persons having access to these data are prohibited from unauthorized use or disclosure, and are subject to the provisions of 18 U.S.C. 1905 and NOAA/NMFS internal procedures.

§ 603.6 Controls system.

(a) The Assistant Administrator shall institute a control system to protect the confidentiality of statistics submitted in compliance with a PMP or FMP. The control system will:

(1) Identify those persons who have routine access to the statistics;

(2) Contain procedures to identify non-routine users and their use of the data; and

(3) Provide for safeguarding the data.

(b) This system will require that all persons who have access to the data be informed of the confidentiality of the data. These persons shall be required to sign a statement that they:

(1) Have been informed that the data are confidential, and

(2) Have reviewed and are familiar with the procedures to protect data confidentiality.

§ 603.7 Release of statistics.

(a) The Assistant Administrator shall not disclosre to the public any statistics required to be submitted under a PMP or FMP in other than aggregate or summary form except as required by court order. Disclosure as required by court order shall be made only after approval of the NOAA Office of General Counsel.

(b) All requests for statistics submitted in response to a requirement of a PMP or FMP shall be processed consistent with NOAA Freedom of Information Act (FOIA) regulations (15 CFR Part 903), NOAA Directives Manual 21–25, Department of Commerce Administrative Orders 205–12 and 205–14, and 15 CFR Part 4.

(1) The Assistant Administrator shall have the authority to issue initial denials of requests subject to the FOIA for statistics submitted in response to a PMP or FMP. Initial denials shall indicate that exemption 3 of FOIA (5 U.S.C. 552(b)(3)) is the basis for denial, making specific reference to section 303(d) of the Act and reciting in its entirety the first sentence of that section. Furthermore, citing this regulation, the denial shall indicate that the application of section 303(d) is nondiscretionary and shall refer specifically to the appropriate portion of the applicable PMP, FMP, or implementing regulation that required the submission of the requested statisitcs. Exemption (b)(4) (5 U.S.C. 552(b)(4)), as well as other applicable FOIA exemptions, may be cited in addition, where appropriate.

(2) Appeals from initial denials should be addressed to the Administrator of NOAA, Department of Commerce, Washington, D.C. 20230. The Administrator shall not make a discretionary relase of statistics unless, upon review, it is determined that the Assistant Administrator improperly applied exemption (b)(3) to the requested statistics. In such cases the Administrator will instruct the Assistant Administrator to release the statistics to the requestor.

[FR Doc. 79-37688 Filed 12-6-79; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 44, No. 237
Friday, December 7, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Establishment of a New Temporary Schedule C Authority

AGENCY: Office of Personnel Management (OPM).

ACTION: Proposed Rulemaking.

SUMMARY: OPM is proposing to revise regulations pertaining to the excepted service issued under Executive Order 10577, "Amending the Civil Service Rules and Authorizing a New Appointment System for the Competitive Service," in order to facilitate the orderly transition of duties as a consequence of a change in Presidential Administration, changes in Department or agency heads, or changes resulting from the creation of a new department or agency. In 1977, the then Civil Service Commission developed a "one-time" appointing authority designed to assist in the first instance cited above. This authority was well received by the agencies and has therefore prompted OPM to expand upon it to include the other two instances cited and incorporate it into its permanent regulations.

DATE: Written comments will be considered if received no later than February 5, 1980.

ADDRESS: Send written comments to William Bohling, Chief, Inservice Placement Branch, Rm. 6H28, Office of Personnel Management, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: William Bohling, (202) 632–4533.

SUPPLEMENTARY INFORMATION: This proposed regulation would amend Part 213 to add a new Temporary Schedule C authority to Subpart C in recognition of the fact that appointment changes and new hiring requirements do occur as a result of a change in Presidential Administration, changes in Department or agency heads, or the creation of a new department or agency. This authority would permit agencies, without prior OPM approval, to make appointments to legitimate temporary Schedule C positions for a period not-to-exceed 90 days immediately after the head of an agency has entered on duty.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, OPM proposes to add 5 CFR 213.3302 to read as follows:

§ 213.3302 Temporary Schedule C positions during a Presidential transition, as a result of changes in department or agency heads, or at the time of the creation of a new department or agency.

(a) An agency may establish temporary positions necessary to assist a department or agency head during the period immediately following a change in Presidential Administration, when a new Department or agency head has entered on duty, or at the time of the creation of a new department or agency. Such positions shall be either:

(1) Identical to an existing Schedule C position if intent to vacate that position has been put in writing by management or the present incumbent, such position to be designated as Identical Temporary Schedule C (ITC); or

(2) A new temporary Schedule C position, to be designated New Temporary Schedule C (NTC), when it is determined that the department or agency head's needs cannot be met through establishment of an Identical Schedule C position. The number of NTC positions established by any one agency may not exceed 25% of the total number of permanent Schedule C positions authorized for that agency as of March 31, 1980.

(b) Service under this authority may not exceed 90 days. These positions must be of a confidential or policy-determining character, and are subject to instructions issued by the Office of Personnel Management.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

[FR Doc. 79-37624 Filed 12-6-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1004

Milk in the Middle Atlantic Marketing Area; Proposed Suspension of a Certain Provision of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend an order provision affecting the regulatory status of milk distributing plants. The action was requested by a handler operating a distributing plant. It would make inoperative the requirement that a distributing plant use at least 40 percent of its milk for fluid use before it is eligible to have all of its milk pooled and priced under the order. The suspension is proposed for December 1979 and January 1980.

DATE: Comments are due not later than December 14, 1979.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, (202) 447–6273.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et. seq.*), the suspension of the following provision of the order regulating the handling of milk in the Middle Atlantic marketing area is being considered for December 1979 and January 1980:

In § 1004.7(a) the words "not less than 40 percent."

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than December 14, 1979.

The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required

procedures and include December 1979 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative for December 1979 and January 1980 the provision that at least 40 percent of the receipts of milk at a pool distributing plant be disposed of as Class I milk. The proposed action was requested by Michaels Dairies, Inc., a proprietary handler who operates a pool distributing plant.

Michales Dairies, Inc. indicates that it expects its Class I disposition to be less than 40 percent of the milk supply associated with its distributing plant because of the cancellation of a substantial Class I milk contract with Dover Air Force Base, Dover, Delaware. The handler claims that the failure of its plant to meet the pooling requirements would result in the milk of producers who are regular suppliers on the market not being priced and pooled under the order. Proponent states that the temporary suspension action will permit the orderly marketing of the milk supply associated with its plant.

Signed at Washington, D.C., on December 4, 1979.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-37700 Filed 12-6-79; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 771 0031]

Texas Association of Professional Sureties, Et Al.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require an Odessa, Tex. unincorporated trade association of bail bondsmen and its Houston, Tex. affiliate to cease establishing, fixing or maintaining uniform non-competitive prices for the sale of bail bonds; requiring adherence to such prices through coercion or otherwise; and attempting by any means to eliminate competition between or among bail bondsmen. The associations would be prohibited from discussing prices and recalcitrant members at meetings, and required to timely amend any rule, by-law or code of ethics so as to conform with the terms of the order. Additionally, the associations would be required to terminate the membership of any member who fails to comply with those terms.

DATE: Comments must be received on or before February 5, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Juereta P. Smith, Director, 5R, Dallas Regional Office, Federal Trade Commission, 2001 Bryan St., Suite 2665, Dallas, Texas. 75201. (214) 729-0032.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the matter of Texas Association of Professional Sureties and Association of Professional Sureties of Houston, unincorporated associations. File No. 771 0031 Agreement Containing Consent Order to Cease and Desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Texas Association of Professional Sureties and Association of Professional Sureties of Houston, and it now appearing that Texas Association of Professional Sureties and Association of Professional Sureties of Houston, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Texas Association of Professional Sureties and Association of Professional Sureties of Houston, by their duly authorized officers, and their attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Texas Association of Professional Sureties is an unincorporated, non-profit trade association with its office and principal place of business located at 318 North Texas Street in the City of Odessa, State of Texas.

Proposed respondent Association of Professional Sureties of Houston is an unincorporated, non-profit trade association with its office and principal place of business located at 212 Scanlan Building, 405 Main Street, in the City of Houston, State of Texas.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not contitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' addresses as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order

has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

It is ordered, That respondents Texas Association of Professional Sureties and respondent Association of Professional Sureties of Houston, individually, and their respective officers, directors, agents, representatives, employees, successors and assigns, directly or indirectly or through any corporation, subsidiary, affiliate, association, division, committee or other device, in connection with each respondent association's business, or with the offering for sale, sale, distribution or promotion of bail bonds, in or affecting commerce, as commerce is defined in the Federal Trade Commission Act, as amended, shall forthwith cease and desist from entering into, cooperating in, or carrying out any agreement, understanding or combination, express or implied, or unilaterally to do, adopt or perform any of the following acts, policies or practices:

1. Determining, fixing, suggesting, recommending, establishing, stabilizing, maintaining or effectuating, or attempting to determine, suggest, recommend, fix, establish, stabilize, maintain, or effectuate any price, term or condition of sale, price floor, or minimum charge to customers for bail bonds.

2. Promoting, encouraging, requiring or coercing adherence to, or discouraging or deterring variance from, any price, term or condition of sale, price floor or minimum charge to customers for bail bonds.

3. Discussing at any meeting or elsewhere:

(a) Any price, term or condition of sale, price floor, or minimum charge to customers for bail bonds;

(b) The prices charged by, or terms or conditions of sale of, any member or non-member bail bondsman or bondsmen; or

(c) Any action to be considered or taken in regard to any bail bondsman or bondsmen by reason of the price which such person or persons charge or their terms or conditions of sale.

4. Promulgating, adopting, maintaining, enforcing or requiring adherence to any constitution, code of ethics, rule, regulation, by-law, or other device by which any price, term or condition of sale, price floor, or minimum charge to customers for bail bonds is determined, fixed, suggested, recommended, established, maintained, or effectuated.

5. Restricting or preventing, or attempting to restrict or prevent, any bail bondsman from carrying on any lawful course of action, or from engaging in trade or commerce by lawful methods of his or her own choosing.

6. Eliminating or attempting to eliminate competition between or among bail bondsmen.

It is further ordered, That each respondent shall, within thirty (30) days after service upon it of this order, mail by first class mail a copy of this order to each of its members, with a notice that such member must abide by the terms of this order as a condition to continued membership in the association.

It is further ordered, That, immediately upon completion of the above mailings, each respondent obtain from the person(s) actually performing the required mailing of each order and notice, an affidavit verifying the mailing of each such document, and specifying the particular person or business entity and address to which such document was mailed.

It is further ordered, That each respondent shall, within thirty (30) days after service upon it of this order, amend its charters, constitutions, by-laws, codes of ethics, rules and regulations by eliminating therefrom any provision which is contrary to or inconsistent with any provision of this order; and that each respondent shall thereafter require as a condition of membership that all of its present and future members act in accordance with the provisions of this order, and shall terminate the membership of any member not acting in accordance with the provisions of this order.

It is further ordered, That each respondent notify the Commission at least thirty (30) days prior to any proposed change in such respondent such as dissolution, incorporation, assignment or sale resulting in the emergence of a successor, entity, the creation or dissolution of any subsidiary or affiliate or any other change in such association which may affect compliance obligations arising out of the order.

It is further ordered, That each respondent, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it complied with this order including copies of all affidavits required by this order to be obtained by each respondent.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from the Texas Association of Professional Sureties and the Association of Professional Sureties of Houston.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Texas Association of Professional Sureties (TAPS) is a statewide association of bail bondsmen. The Association of Professional Sureties of Houston (HAPS) is an association of bail bondsmen in Houston, Texas, and is directly affiliated with TAPS. The Commission's complaint alleges that the two Associations, acting in combination with their members and others, have engaged in various practices designed to affect the prices for bail bonds. A bail bond is an instrument, purchased from a bondsman by a criminal defendant, which allows the defendant's release from jail before trial. If the defendant fails to appear for trial, the bondsman forfeits the dollar amount of the bond (an amount equal to bail as set by the court). The price paid by a defendant for a bail bond is usually based upon a percentage of the total bond amount and is paid directly to the bondsman.

The complaint alleges that the two Associations have determined fixed, extablished, stabilized, effectuated and maintained uniform, non-competitive prices for the sale of bail bonds; have promoted, encouraged and coerced adherence to such prices; have held meetings at which the prices of bonds and the identity of price cutting bondsmen were discussed; and have promulgated and maintained Codes of Ethics which fixed the amount to be charged for bail bonds. The complaint alleges that by these practices the two Associations have hindered, restrained and eliminated competition in the sale of bail bonds.

The proposed consent order specifically prohibits the two Associations from engaging in those practices listed above. They are further prohibited from eliminating or attempting to eliminate competition between or among bail bondsmen. In addition, the proposed consent order requires that copies of the order be sent to all members of the two Associations, and that the Associations terminate the membership of any member who fails to abide by its terms.

The proposed consent order would not affect, in any manner, the ability or right of the state of Texas or any other governmental entity to regulate the sale of bail bonds or the price charged for bail bonds.

The purpose of this analysis is to facilitate public comment in the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 79-37595 Filed 12-6-79; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 457

Standards and Certification; Extension of Period for Filing Rebuttal Submissions

AGENCY: Federal Trade Commission.

ACTION: Extension of period for filing rebuttal submissions.

SUMMARY: On December 7, 1978, the Commission published in the **Federal Register** its initial notice of proposed rulemaking regarding standards and certification. This notice provided that interested persons would be afforded 40 days after the close of the public hearings to file rebuttal submissions. This notice announces that the period for filing rebuttal submissions has been extended.

DATES: Rebuttal submissions must be filed by January 15, 1980.

ADDRESSES: Rebuttal submissions should be submitted in five copies, when feasible, to Henry B. Cabell, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580. These documents will be available for public inspection in Room 130 of the Public Reference Branch, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Henry B. Cabell, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, 202–724–1045, or Robert J. Schroeder, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202–523–3935.

SUPPLEMENTAL INFORMATION: On December 7, 1978, the Commission published in the **Federal Register** its initial notice of rulemaking regarding the establishment of prohibitions and requirements for standards developers, certifiers, and persons who reference standards and certification in the marketing of products (43 FR 57269). In Section I of this notice, it was announced that interested persons would be afforded 40 days after the close of the public hearing to file rebuttal submissions. The hearing and the resulting transcript of testimony was much longer than had been expected because many more witnesses appeared than had been predicted at the time the initial notice was published. Additionally, a number of witnesses expressed a willingness to provide upon request of counsel who examined them additional information to supplement or support their testimony. Processing of these requests through the Presiding Officer required a considerable amount of time following the conclusion of the hearing. As a consequence of these two circumstances, the Presiding Officer has extended the period for filing rebuttal submissions to January 15, 1980.

All interested persons who desire to file rebuttal submissions should do so at the earliest practicable date by forwarding them to Henry B. Cabell, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580. Submissions received prior to January 15, 1980, will be held *in camera* until that date. Thereafter, they will be placed on the rulemaking record in Category M and be available for public inspection in Room 130 of the Public Reference Branch, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street, NW., Washington, D.C. Rebuttal submissions must be based only upon identified, properly cited matters already on the rulemaking record. The Presiding Officer will reject all submissions which are essentially written comment in contrast to rebuttal.

Henry B. Cabell,
Presiding Officer.

[FR Doc. 79-37725 Filed 12-6-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Food and Drug Administration

21 CFR Part 868

[Docket No. 78N-1651]

Medical Devices; Classification of Argon Gas Analyzers

Correction

In FR Doc. 79-33337, appearing in the issue of Friday, November 2, 1979, on page 63302, in the middle column under the preamble's **"SUPPLEMENTARY INFORMATION"**, in the second full paragraph, the third line, replace the word "connection" with the word "concentration".

BILLING CODE 1505-01-M

21 CFR Part 868

[Docket No. 78N-1662]

Medical Devices; Classification of Indwelling Blood Oxygen Partial Pressure (P_{o_2}) Analyzers

Correction

In FR Doc. 79-33347, appearing at page 63310, in the issue of Friday, November 2, 1979, on page 63311, in the first column, in the third full paragraph designated as "3.", in the sixth line, correct "class II" to read "class III".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52 and Part 81

[FRL 1371-5]

Approval and Promulgation of Implementation Plans for Rhode Island; Attainment Status Designations

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: Revisions to the State Implementation Plan (SIP) for the State of Rhode Island were submitted to the Environmental Protection Agency (EPA) on May 14, June 11 and August 13, 1979 by Governor Garrahy. The intended effect of the revisions is to meet the requirements of Part D of the Clean Air Act (the Act) as amended in 1977, "Plan Requirements for Non-Attainment Areas", through the implementation of new measures for controlling emissions and providing for attainment of the National Ambient Air Quality Standards (NAAQS) by the required dates. In addition, the revisions respond to certain other requirements of the Act. This Notice discusses the Rhode Island submittal and EPA's proposed action concerning it. EPA invites public comment and/or corrections on these proposed actions, the identified and other relevant issues and generally on whether the Rhode Island SIP revisions should be approved or disapproved.

DATE: Comments must be submitted to EPA at the address listed below on or before January 7, 1980.

ADDRESSES: Copies of the Rhode Island submittal and documents containing EPA's guidance are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; and the Department of Environmental Management, Division of Air Resources, Cannon Building, 75 Davis Street, Providence, Rhode Island 02908.

Comments should be submitted to Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, 617/223-6883.

SUPPLEMENTARY INFORMATION: On April 4 (44 FR 20372), July 2, (44 FR 38583), August 28 (44 FR 50371) and September 17 (44 FR 53761) 1979, EPA published notices discussing the requirements (hereafter the General Preamble) for an approvable non-attainment SIP in the **Federal Register.** These publications supplement this proposal by identifying the major considerations that guide EPA's evaluation of state submittals. These considerations are not restated in this Notice in detail but copies of the documents in which they are stated are available at the locations listed in the Addresses section of this Notice.

EPA is hereby proposing to approve certain parts of the Rhode Island submission, to approve others upon the fulfillment of certain stated conditions, to disapprove one section and to take no action on others.

EPA is proposing to approve:

1. The redesignation of Providence from non-attainment to unclassifiable for the period March 3, 1978 through the date of publication of the Final Rulemaking Notice on these revisions, based upon the data from the Dyer Street hi-volume air samples (hi-vol.).
2. The designation of Providence as non-attainment for the primary TSP standard based upon the 1978 data from the Westminster Street hi-vol.
3. Resource commitments.
4. Conflict of Interest provisions.

EPA is proposing to approve conditionally:

1. The entire portion of the SIP revision to control stationary sources of volatile organic compounds.
2. The transportation planning process.
3. The carbon monoxide attainment plan.
4. The Inspection and Maintenance program.
5. The volatile organic compound emission inventory.
6. The ozone attainment SIP revision.
7. The public, local and state participation program.
8. The notice and hearing provisions.

EPA is proposing to disapprove: 1. The program to review new sources in non-attainment areas.

EPA is proposing to take no action on:

1. The program to review new sources in attainment areas (Prevention of Significant Deterioration).
2. Monitoring.
3. Permit fees.
4. Intergovernmental consultation.
5. Stack height requirements.
6. Interstate pollution.
7. Public notification.

BACKGROUND: Despite significant progress since the Rhode Island SIP was developed and adopted in 1972, violations of the National Ambient Air Quality Standards (NAAQS) except for nitrogen dioxide and sulfur dioxide have continued to occur in the state. On March 3, 1978 (43 FR 8962), pursuant to the requirements of Section 107 of the Act, EPA promulgated lists designating as non-attainment areas where the NAAQS were not attained as of August 7, 1977, as attainment where the standards had been attained or as unclassifiable when insufficient information was available. The designations were made for carbon monoxide, total suspended particulates, sulfur dioxide, nitrogen dioxide and ozone, the air pollutants for which there are NAAQS.

In Rhode Island, there is statewide attainment for nitrogen dioxide and sulfur dioxide. In the March 3, 1978 **Federal Register** notice, the entire state was designated non-attainment for ozone. In addition, the city of Providence was classified non-attainment for carbon monoxide and for the primary total suspended particulate (TSP) standard. However, the data upon which this TSP determination was made were later found to have been inaccurate. The Governor thus requested a redesignation of Providence from non-attainment to unclassifiable. Concurrently, data collected at a second monitoring site in the city showed primary TSP violations. As part of this latest submittal, Rhode Island has requested a designation for Providence of non-attainment for the primary TSP standard based upon data from the second monitor.

On May 29, June 29, and August 29, 1979 EPA published Notices that the Rhode Island SIP revisions were available for review and invited the public to comment on their approvability. Comments from three organizations have been received to date. EPA has now completed its review of the SIP revisions.

Pursuant to Part D of the Act, each state must satisfy specific requirements in the areas designated as non-attainment. The SIP must be revised to demonstrate attainment of the NAAQS as expeditiously as practicable, but no later than the end of 1982 or the end of 1987 for areas with difficult ozone and/or carbon monoxide problems. In some cases of secondary standard non-attainment, the SIP may provide for an attainment date beyond 1982. These requirements and the major considerations that will guide EPA's evaluation of attainment plans are briefly summarized below. After each item is a citation to the applicable section of the Act and the applicable paragraphs of EPA Administrator Costle's February 24, 1978 memorandum (hereafter the Administrator's Memorandum) on "Criteria for Approval of 1979 SIP Revisions" which was published in the **Federal Register** on May 19, 1978 (43 FR 21673).

Requirements for All Part D SIPS

- Demonstrate that both primary and secondary NAAQS will be attained within the non-attainment area as expeditiously as practicable, but for primary NAAQS no later than the following final deadlines: (Section 172(a); ¶¶ 1, 3, 5.)

For sulfur oxides, particulate matter, and nitrogen dioxide, December 31, 1982.

For ozone or carbon monoxide, December 31, 1982, except, if the state demonstrates that attainment by December 31, 1982 is impossible despite implementation of all reasonably available measures, December 31, 1987.

- Require reasonable further progress in the period before attainment, including regular, consistent reductions sufficient to assure attainment by the required date. (Section 172(b)(3); ¶ 6.)
- Provide for implementation of all reasonably available control measures (RACM) as expeditiously as practicable, insofar as necessary to assure reasonable further progress and attainment by the required date. This includes reasonably available control technology (RACT) for stationary sources and reasonably available transportation control measures. (Section 172(b)(2), (8); ¶¶ 4–5.)
- Include an accurate, current inventory of emissions that have an impact on the non-attainment area, and provide for annual updates to indicate emissions from existing sources. (Section 172(b)(4); ¶¶ 2, 7–8.)
- Expressly quantify the emissions growth allowance, if any, that will be allowed to result from new major sources or major modifications of existing sources, which may not be so large as to jeopardize reasonable further progress or attainment by the required date. (Section 172(b)(3) and (5); ¶ 7.)
- Require preconstruction review permits for new major sources and major modifications of existing sources, to be issued in accordance with Section 173 of the Act. (Section 172(b)(6); ¶ 9.)
- Include the following additional SIP elements: (Section 172(b)(7); (9)–(10); ¶¶ 4, 10–11.)

Identification and commitment of the necessary resources to carry out the Part D provisions of the plan.

Evidence of public, local government, and state legislative involvement and

consultation in accordance with Section 174 of the Act.

Identification and brief analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions chosen and the alternatives considered, and a summary of the public comment on the analysis.

Written evidence that the state and other governmental bodies have adopted the necessary requirements in legally enforceable form.

Written evidence that the state and other governmental bodies are committed to implement and enforce the appropriate elements of the SIP.

Additional requirements must be met in Rhode Island since carbon monoxide and ozone attainment will not take place in the state prior to 1982. These requirements include:

- Prior to issuance of a permit, provide an analysis of alternate sites, sizes, production and environmental control regulations for the proposed source which demonstrates that its benefits significantly outweigh its environmental and social costs.
- Implement an Inspection and Maintenance (I/M) program or establish a specific schedule endorsed by and committed to by the Governor. Legal authority to implement such a program was required by June 30, 1979.
- Evidence of a commitment by the responsible officials to establish, expand or improve public transportation.
- Evidence of a commitment to use available grants and funds to establish, expand or improve public transportation.

These requirements were discussed in the General Preamble, specifically the Notice published on July 2, 1979 (44 FR 38583). It included, among other things, a discussion of EPA's intent to approve a plan conditionally where there are minor deficiencies and where a state provides assurance that it will submit corrections on a specified schedule. This Notice solicits comment on what items should be approved conditionally in the Rhode Island SIP revisions, and on the deadlines where these are specified in the Notice. A conditional approval will mean that the restrictions on new major source construction will not apply unless the state fails to submit the necessary SIP revisions by the scheduled deadlines, or unless the revisions are not approved by EPA.

EPA proposes in this notice to approve certain items which are expected to be submitted during the public comment period. EPA specifically solicits comment on this procedure and on whether (and why) the public perceives a need for additional opportunity for comment on any of the items anticipated.

The remainder of this Notice is divided into two parts. The first part describes Rhode Island's non-attainment SIP revisions, the attainment status redesignations and the results of EPA's review. The second part discusses Rhode Island's response to certain requirements of the Act and EPA's judgment as to whether those requirements have been met.

I. Part D—Rhode Island's Non-Attainment SIP Revisions

A. *Total Suspended Particulates* (TSP). The city of Providence was designated non-attainment for the primary total suspended particulate (TSP) standard in the March 3, 1978 **Federal Register** (43 FR 8962) based upon data gathered at a high volume air sampler (hi-vol) located at Dyer Street. Following a careful review, the Rhode Island Department of Environmental Management (RIDEM) determined that the Dyer Street hi-vol is improperly sited and therefore that its air quality monitoring data are not an accurate indicator of ambient air quality. Data collected in 1978 at a second hi-vol, located at Westminster Street, indicated a new primary standard violation caused by a markedly different class of sources which impacted the Dyer Street site. Consequently, on July 19, 1979, the Director of RIDEM submitted a written request to EPA to redesignate Providence unclassifiable based upon the Dyer Street data, and non-attainment based upon the 1978 Westminster Street violation.

Description of the Plan: The primary annual standard of 75 $\mu g/m^3$ was violated at the Dyer Street hi-vol which recorded an annual geometric mean of 92 $\mu g/m^3$ in 1976 and 101 $\mu g/m^3$ in 1977. An evaluation of the site location and data base indicated that these results should be discounted as they had been unduly influenced by traffic and reentrained road dust. A special TSP study on the Dyer Street monitor using traffic counts, regression analysis and filter examination demonstrated that between 32 and 43 percent of the total particulate readings are attributable to traffic influences. Additionally, the site location is not representative of population exposure or commercial activity. Consequently, the data from the Dyer Street hi-vol are not an accurate indicator of ambient air quality. RIDEM has requested a redesignation from non-attainment for primary standards to unclassifiable based upon the Dyer Street hi-vol site evaluation and special study.

A second hi-vol, located at Westminster Street, recorded an annual TSP concentration of 72 $\mu g/m^3$ in 1977 after the data were adjusted for sampling bias. Sampling data from 1977 demonstrated compliance with the primary annual standard. However, a violation of the secondary 24-hour standard occurred in that year. A review of TSP data collected at the Westminster hi-vol for the eight calendar quarters starting with April 1977 through June 1979 by RIDEM and EPA indicated that there were no violations of the 24-hour secondary standard. However, unbiased data collected in 1978 and reviewed by RIDEM and EPA shows a violation of the primary annual standard with a value of 79 $\mu g/m^3$. RIDEM has requested a non-attainment designation for the primary standard based upon the 1978 data from the Westminster Street hi-vol. Although the height of the monitor above street level does not meet present site criteria for high volume air samplers, the site is generally acceptable and is the only other hi-vol particulate sampler presently located in Providence which can be used to compare data with the NAAQS. However, the state has indicted that it will request a waiver for this site location which will be incorporated in the State and local air monitoring system (SLAMS) SIP revision due on January 1, 1980.

RIDEM has indicated that area sources, predominantly fuel combustion with some contribution from incineration, construction and demolition activity, and urban fugitive dust contribute to excessive TSP levels in Providence. The most significant control measure adopted by RIDEM to address this problem is a ban on unapproved burners for combustion sources consuming fuel oil. In addition, the standard for fossil-fuel fired steam or hot water generating units from one million Btu to 250 million Btu per hour heat input has been reduced from .2 pound/10^6 Btu to .1 pound/10^6 Btu. Wood burning boilers in excess of one million Btu per hour will also be subject to the .1 pound/10^6 Btu emission standard.

Issues: The bases for Providence's present non-attainment designation are data from the Dyer Street hi-vol site which has since been determined to be unaccepted by RIDEM and EPA. This determination was based upon the fact that the hi-vol is unduly influenced by reentrained road dust.

EPA's review of the Westminster Street hi-vol data for 1978, however, revealed a new primary standard

violation. The Westminster Street hi-vol is influenced by a markedly different class of sources from those at Dyer Street and has not recorded previous violations of the primary TSP standard.

Proposed Action: EPA is proposing to:

1. Terminate the designation of Providence as non-attainment, based upon the data from the Dyer Street hi-vol.

2. Approve a new designation of Providence as non-attainment for the primary TSP standard based upon the 1978 data from the Westminster Street hi-vol.

3. Since a substantially revised controlled strategy demonstration will be required fro this area, Section 110(a)(1) provides for an additional nine months from the publication of the Final Rulemaking Notice to allow the RIDEM to develop a primary standard attainment plan for Providence.

Such an attainment plan must comply with all the requirements stipulated in Part D of the Act, including but not limited to the following:

(a) A comprehensive emission inventory including industrial fugitive emissions and non-traditional source emissions.

(b) A control strategy demonstration with estimates of source categories presently contributing to primary standard violations in Providence.

(c) A schedule for non-traditional source paticulate control.

(d) Construction and operating permits for new and modified sources in non-attainment areas in compliance with Section 173 of the Act.

B. *Ozone (O_3)-Control of Stationary Source Volatile Organic Compounds.* Rhode Island was designated non-attainment statewide for ozone in the March 3, 1978 **Federal Register** (43 FR 8962). Pursuant to Section 172(b)(2) of Part D of the Act, the state must provide for implementation of all reasonably available control technology (RACT) for stationary sources of emissions of volatile organic compounds (VOCs) as expeditiously as practicable. EPA regulations provide that less stringent emission limitations than those achievable with RACT are acceptable only if the State plan shows that the less stringent limitations are sufficient to attain and maintain national ambient air quality standards, and show reasonable further progress during the interim before attainment. Otherwise, RACT limitations are required. See 44 FR 53762 (September 17, 1979).

Where, as in Rhode Island, the entire state is designated nonattainment, EPA policy is that all major stationary sources (defined as those sources with the potential to emit 100 tons per year of VOCs) must be controlled statewide and all sources including the sources which emit less than 100 tons of VOCs per year must be regulated in urban areas with a population of over 200,000 (44 FR 20376, April 4, 1979).

EPA has issued Control Techniques Guidelines (CTGs) for fifteen categories of sources, providing information on available air pollution control techniques, and containing recommendations of what EPA calls the "presumptive norm" for RACT. EPA policy is that a SIP revision due January 1, 1979 is acceptable if it includes necessary emission limitations for source categories covered by CTGs published by January 1978. Emission limitations for source categories covered by CTG published between January 1978 and January 1979 must be adopted and submitted to EPA by July 1, 1980. *See* 44 FR 53762 (September 17, 1979). EPA has also issued recommendations to the states as to what constitutes expeditious compliance in the Agency's comment judgment.

Description of the Plan: According to an inventory prepared and submitted by the RIDEM, stationary sources of VOCs in the state which must be addressed at this time are: solvent metal cleaning; petroleum storage and marketing including Stage I vapor recovery; fabric coating; paper coating; and the use of cutback asphalt. RIDEM has developed regulations to control the following source categories to limits recommended by EPA: solvent metal cleaning as well as petroleum storage and marketing including Stage I vapor recovery. Paper coating and fabric coating have not been controlled to the EPA recommended levels. The state claims the use of cutback asphalt is insufficient to warrant control at this time. RIDEM has committed to evaluate the need for future categorical controls in accordance with future CTG guidance and to consider implementing such controls.

1. *Surface Coating of Paper and Fabric.* Description of the Plan and Issues: Rhode Island has not submitted regulations requiring control of paper or fabric surface coating sources to a limit which is considered by EPA to be RACT.

Based on EPA's current evaluation of the capabilities and problems general to the industry, EPA recommends that states adopt the emission limitations in the CTG. The state may adopt the recommended limitations and perform source-by-source reviews to take into account individual variations. States are also free to develop case-by-case RACT recommendations independently of EPA's recommendation, so long as the state shows that its requirements satisfy the requirements of the Act for RACT for the particular sources affected by the regulation. RIDEM has chosen neither of these options, and EPA does not believe that information in the CTG or supplied by the state justifies approval of the existing paper coating or fabric coating regulations as representing RACT.

As part of its SIP revision, the state has submitted to EPA a proposed Regulation 19 controlling paper and fabric coating. By 1982 this regulation proposes a level of control of 4.0 pounds of VOCs emitted per gallon of coating as applied and 2.9 or 3.8 pounds per gallon in 1985 depending on the source category. The proposed regulation was the subject of a public hearing on August 9, 1979, and has been submitted by RIDEM to the Secretary of State for issuance. Regulation 19 deviates from EPA's current policy guidance in two significant respects: (1) the Administrator's Memorandum states EPA policy that states control both VOC sources with potential emissions of 100 tons per year statewide and all sources located in major urban areas for which EPA has issued CTGs. Regulation 19, in contrast, only provides control of sources with actual emissions of 100 tons per year; and (2) it is EPA's best judgment at this time that most VOC sources can achieve compliance within one or two years, depending upon the source category. Regulation 19, on the other hand, provides until 1985 for all sources to achieve full compliance.

Proposed Action: EPA is proposing approval of this portion of the SIP revisions conditioned upon the following:

(a) Prior to the expiration of the public comment period on this Notice of Proposed Rulemaking the state submits to EPA for inclusion in the SIP revisions an adopted regulation controlling paper and fabric coating issued by the Secretary of State.

(b) The submitted regulation must contain a compliance schedule consistent with EPA's current recommendation, or the state must present adequate justification for the submitted schedule.

(c) The submitted regulation must require control to at least 5 percent of the reductions which would occur if the source-size criteria from the Administrator's Memorandum were applied, or the state must present adequate justification that the level of control proposed is RACT for Rhode Island sources.

2. *Solvent Metal Cleaning.* Description of the Plan and Issues: Regulation 18 requires control of solvent metal cleaning operations, otherwise known

as "degreasers." The level of control of solvent metal cleaning required by this regulation is acceptable. However, one of the compliance schedules contained in Regulation 18 allows one year and eight months for compliance if a control device or new equipment is installed. It is EPA's best judgment at this time that compliance can be achieved within one year for this source category. The state must either require compliance within one year or demonstrate why all sources in this category require the time for compliance provided in the submitted schedule.

Proposed Action: EPA is proposing approval of Regulation 18 conditioned upon the state's adoption by the expiration of the public comment period on this Notice of Proposed Rulemaking of EPA's recommended compliance schedule or submittal of adequate justification for the currently submitted compliance schedule.

3. *Petroleum Storage and Marketing.* Description of the Plan and Issues: Regulation 11 requires control of emissions from fixed roof tanks, bulk gasoline terminals, bulk gasoline plants and gasoline service stations (Stage I). The level of control required for these four categories is acceptable. However, it is EPA's best judgment that tanks of 2,000 gallons and larger at gasoline service stations should have Stage I controls. Regulation 11 presently applies only to tanks larger than 2,000 gallons. Moreover, the compliance schedules for bulk terminals and gasoline service stations deviate substantially from current EPA guidance issued to the states concerning compliance schedules. Finally, the state has made a tentative assessment that there may be no bulk plants in Rhode Island.

Proposed Action: EPA is proposing approval of Regulation 11 conditioned upon the state's completion of the following:

1. Revision of Regulation 11 to require controls for 2,000 gallon tanks by January 1, 1980, or demonstration that control of them in Rhode Island is not RACT.

2. Revision of Regulation 11 to be consistent with EPA's recommendation as to compliance schedules, or provide adequate justification by January 1, 1980 that the compliance schedule for gasoline service stations provides for expeditious compliance for all sources in this category.

3. Submission to EPA by January 1, 1980 of one of the following:

a. Certification that there are no bulk plants in the state;

b. Adoption of a compliance schedule acceptable to EPA for any bulk plants in the state; *or*

c. Justification deemed adequate by EPA for not controlling bulk plants in the state.

4. Revision of Regulation 11 to be consistent with EPA's recommendation as to compliance schedules, or provide to EPA adequate justification by January 1, 1980 showing that the state's compliance schedule for bulk terminals provides for expeditious compliance for all sources in this category.

4. *Cutback Asphalt.* Description of the Plan and Issues: The information provided in the SIP revisions on cutback asphalt usage is inconsistent. The inventory summary shows 98 tons of emissions in 1977 with the same projected level in 1982 and 1987. In Section BIF of the revisions, however, it is stated that only 71 tons of VOC were emitted from this category in 1977. Documentation for these figures is not provided. Further, the state has not adopted a regulation to control the use of cutback asphalt.

Proposed Action: EPA is proposing to approve this portion of the SIP revisions conditioned upon the state's submittal by the expiration of the public comment period on this Notice of Proposed Rulemaking of a documented estimate of present use and emissions of cutback asphalt, a commitment to review this estimate annually and adopt a regulation to control the use of cutback asphalt when emissions in any single county in the state exceed 100 tons per year.

5. *Other Categories.* Description of the Plan and Issues: The state has indicated in the SIP revisions that no sources in the remaining CTG categories exist.

Proposed Action: EPA is proposing to approve this portion of the plan conditioned on submission by the expiration of the public comment period on this Notice of Proposed Rulemaking of certification by an air program or RIDEM official that such sources do not exist in the state.

6. *Commitment to Future CTG Categories.* Description of the Plan and Issues: The state has not made a firm commitment to adopt RACT for those VOC sources for which CTGs are published after January 1, 1978.

Proposed Action: EPA is proposing to approve this portion of the SIP revisions on the assumption that the State will commit to implement RACT for VOC sources for which CTGs are published after January 1, 1978.

C. *Carbon Monoxide* (CO). The city of Providence was designated non-attainment for the 8-hour carbon monoxide (CO) standard in the March 3, 1978 **Federal Register** (43 FR 8962). According to the SIP revisions, monitoring undertaken since designation demonstrates that violations of the standard are limited to the Providence central business district (CBD). The remainder of the state was designated as unclassifiable for carbon monoxide.

Description of the Plan and Issues: Based on projections of emissions from stationary and mobile sources for 1982 and 1987 and a calculation of reductions obtained through use of the rollback (proportional) model, the RFP line presented in the SIP revisions indicates that standards will be attained for CO by December, 1982 through reliance on reductions obtained through the Federal Motor Vehicle Emission Control Program alone. Additional reductions are expected through the Inspection/Maintenance program which could result in an earlier attainment date. In addition, a program known as a hot spot screening program has been designed to facilitate rapid, efficient review of CO conditions along existing roads based on the use of limited traffic data. The program will be executed by RIDEM, Rhode Island Department of Transportation (RIDOT), Rhode Island Office of State Planning (RIOSP) and the city of Providence to identify and correct hot spot areas of CO violations.

The CO hot spot program, as outlined in the SIP revisions (Page CIV–14), will be restricted to Providence in FY 1980. In FY 1981–1982 a program will be undertaken to screen remaining cities and towns in urbanized areas of the state, based on the results of the screening for Providence. EPA has determined that a hot spot screening program can, in certain circumstances, serve as an adequate basis for a monitoring program in the unclassifiable areas of the state.

Details of Providence's involvement in the CO hot spot screening program are provided in the SIP revisions and in the Unified Work Program (UWP) task designations. A letter to RIDEM from the Director of the Providence Department of Planning and Development supporting procedures for identification of hot spots is included in the SIP revisions.

At the present time, the only locations known to have CO violations in the Providence CBD are in an area planned for the development of an auto restricted zone (ARZ). It is likely that hot spots in this area could be eliminated if the ARZ was designed to include CO correction strategies to eliminate violations in areas impacted by the project. Pursuant to Section 172(b)(2) of the Act, the SIP revisions must provide for the implementation of all RACMs as expeditiously as practicable. In order to comply with this requirement, Providence must analyze the impacts of the ARZ plan with

respect to CO. Reasonable measures which will expedite the date of attainment of standards for CO must be included in the design and incorporated into the SIP with a schedule for implementation and commitments for funding.

Commitments by state agencies to develop and implement correction projects are vague. According to the SIP revisions (page CIV–14) "DOT and OSP will select a reasonable number of CO correction projects for inclusion in the TIP [Transportation Improvement Program] depending on available funding." No definition is offered as to what constitutes "a reasonable number." Inclusion of a project in the TIP does not represent a commitment for funding and implementation. Therefore, once potential CO hot spots are identified and verified through the CO hot spot screening process, appropriate state and local agencies must prioritize locations according to criteria such as extent of the violation and population exposure. A commitment by these agencies to seek the necessary resources to develop and implement hot spot correction strategies for these highest priority locations must appear in the SIP revisions.

Proposed Action: EPA is proposing to approve the carbon monoxide portion of the SIP revisions with the following conditions:

(1) By March 1, 1980 the Providence CBD ARZ project must be reviewed for consistency with the SIP revisions. If this project is shown to expedite the date of attainment of standards for CO in the providence CBD then it must be incorporated into the SIP revisions with the necessary commitments for implementation. If the project is shown to have no beneficial impacts related to attainment of CO standards, then all reasonable measures must be incorporated into the project design and the project must then be incorporated into the SIP revisions.

(2) By the expiration of the public comment period on this Notice of Proposed Rulemaking, appropriate state and local agencies must submit written commitments to EPA that they will seek the necessary resources to develop and implement hot spot correction strategies for those locations given highest priority in the CO hot spot screening procedure, according to a schedule that will be incorporated into the SIP revisions. This commitment must state that the appropriate implementing agencies will use available funding and seek additional funding as necessary to correct high priority CO violations.

D. *Transportation Planning.* 1. *Process.* Sections 172(b)(9) and 174 require the development of a transportation planning process for air quality improvement. The joint EPA–DOT Transportation-Air Quality Planning Guidelines (June 1978) (hereafter EPA–DOT Guidelines) provide specific guidance and criteria to be used by local planning agencies to develop a transportation planning process to be included in the SIP.

Description of the Plan: The Rhode Island SIP revisions include a section describing criteria and procedures to be followed in the conformity[1] review process. The criteria to be used in determining conformity of plans and programs are acceptable. They are designed to insure that transportation plans and programs provide as much reduction of system-wide hydrocarbon emissions as is reasonably possible, that they demonstrate that in no case will carbon monoxide standards be violated in a nonattainment area, and that RFP toward meeting the NAAQS for ozone by 1987 is achieved. This section also details procedures by which RIDEM, RIDOT and RIOSP will jointly review the TIP and specific projects for their conformity with the SIP. Included in the SIP revisions are copies of a detailed checklist and project air quality categories to be used by RIDEM and RIDOT in their analysis. Also included are "Inter-Office Memos" from the directors of RIDOT and RIDEM and the Chief of the RIOSP in which they pledge their agencies' support in carrying out the conformity review process according to the procedures in the SIP revisions. These letters of support are interpreted by EPA to be commitments by these agencies to be bound by the findings of these procedures and to adopt their planning process accordingly.

Issues: The processes detailed in the SIP revisions apply to the TIP and review of individual projects only. No process is defined for review of conformity of Long Range Plans. The SIP revisions state that an analysis of alternative long-range system plans will be conducted by 1982 as part of the continuing transportation-air quality planning process. This commitment lacks specificity and a description of what procedures will apply to this review. Procedures for the review of long-range plans must appear in these SIP revisions. The current Plan must be reviewed according to these procedures and reviewed again after each major update. Because the State Planning Council (SPC) acts as the Metropolitan Planning Organization (MPO) responsible for determining consistency, the UWP of the RIOSP, staff to SPC, should include those activities included in the conformity process description appropriate to RIOSP. These activities must follow Federal Highway Administration requirements (23 USC 109(j)) for an annual determination of the conformity of transportation plans and programs with state air quality implementation plans by the policy board of the MPO.

The procedures described in the SIP revisions for review of the TIP and specific projects generally represent a reasonable effort to integrate these aspects of the transportation and air quality maintenance planning processes. However, EPA recommends that an independent determination of conformity by RIDEM be made as part of the process so that the finding of the agency responsible for submittal and future revision of the SIP is documented. While the description of the TIP review process (page IV–10) indicates that RIDEM will review the TIP and submit its findings to RIOSP, clarification is needed concerning the way in which RIDEM's findings will be documented. EPA recommends that the process which must be developed for the review of long-range plans also include an independent determination of conformity by RIDEM.

A final problem which must be addressed as part of the conformity review process relates to the status of on-going projects which had progressed beyond the draft Environmental Impact Statement (EIS) or draft Negative Declaration stage as of October 1, 1979. The SIP revisions state at CIV–12 that these projects will not be required to have a conformity review. However, once implemented, these projects will conceivably have air quality impacts which could affect the state's schedule of RFP. In cases where there are or will be major negative impacts, offsets from projects with positive air quality impacts will be required if the approved RFP schedule is to be maintained. Conversely, some of these on-going projects may have positive impacts which can be credited toward improving air quality. Furthermore, a draft EIS or draft Negative Declaration may not include an adequate air quality analysis and may require substantial refinement before the document is finalized. Therefore, on-going projects beyond the draft EIS or draft Negative Declaration stage must be analyzed to determine if they have potentially significant air quality impacts which could affect the RFP schedule or interfere with the

[1] The Rhode Island SIP revisions use the term consistency rather than conformity. Hereafter, the term conformity as contained in Section 176(c) of the Act is used in lieu of consistency.

maintenance of air quality standards once they are attained.

In regard to the overall transportation planning process, the Administrator's Memorandum states that "every effort must be made to integrate the air quality related transportation plan and implementation required by the Clean Air Act into planning and programming procedures administered by the DOT [U.S. Department of Transportation] (43 FR 21677)." The SIP revisions contain a description of how the transportation planning process operates in Rhode Island, including a flow diagram of how proposed projects in the Long Range Plan proceed to implementation. However, a description of how projects specifically developed through the SIP process will be implemented or given priority over non-air quality improving projects is not included. Pursuant to the Administrator's Memorandum, this process and a commitment by the implementing agencies to abide by it are necessary as part of the State's commitment to an integrated transportation-air quality planning process. Without documented procedures for implementing SIP related projects and clear commitments from the implementing agencies, there is no guarantee that these projects will advance beyond the plan stage.

Proposed Action: EPA is proposing to approve this portion of the Rhode Island SIP revisions conditioned upon submittal to EPA by the expiration of the public comment period of this Notice of Proposed Rulemaking of the following:

a. Written revisions to the Conformity Review Process including:

(i) Procedures and a schedule for review of Long Range Plans.

(ii) Identification of documentation of independent conformity determination performed by RIDEM.

(iii) Procedures for addressing the conformity of projects beyond the draft EIS or draft Negative Declaration stage as of October 1, 1979 and not covered under the present conformity review process.

b. A revised UWP must be submitted to EPA which includes a task description of RIOSP's responsibilities for conformity review. This condition can be satisfied by incorporation into the SIP revisions of the work program previously submitted by RIOSP to EPA as part of RIOSP's application for an air quality-transportation planning grant under Section 175 of the Act.

c. Documentation of a process and commitments from implementing agencies to a process that ensures that projects developed through the SIP process and transportation controls with demonstrable air quality benefits developed as part of the transportation process funded by U.S. DOT will be followed through to implementation. These commitments must indicate that RIDEM, RIDOT, and RIOSP will give air quality improving projects in the SIP priority for implementation and that they will comply with all other requirements of the SIP. The description of the transportation planning process must be revised to include a description of these procedures.

2. *Reasonably available control measures (RACMs).* Under Section 172(b)(2) of the Act any non-attainment area for carbon monoxide and/or ozone must submit SIP revisions which provide ". . . for the implementation of all reasonably available control measures (RACMs) as expeditiously as practicable." Eighteen measures which are considered to be reasonably available are listed in Section 108(f) of the Act. The EPA–DOT Guidelines interpret this to state that the SIP must include commitments to accelerate implementation of specific, currently-planned transportation strategies having air quality benefits, and commitments to the analysis and incremental phase-in of additional strategies as may be necessary to attain standards by the prescribed date.

The Administrator's Memorandum and the EPA–DOT Guidelines state that where adoption of all measures necessary to provide for attainment is not possible by 1979, the SIP revisions must contain a schedule for expeditious development, adoption, submittal, and implementation of these measures. The comprehensive analysis of alternatives for transportation measures must be completed by July, 1980 and implemented as expeditiously as practicable on a schedule that demonstrates RFP from 1979 to the attainment date.

Description of the Plan: In Rhode Island, the Governor has designated the SPC as lead agency for the evaluation and selection of long-range, system-wide control measures and procedures for transportation-related sources of emissions, pursuant to Section 174 of the Act. Therefore, it is the SPC's responsibility to perform the analysis of RACM's or to assign responsibilities and monitor the activities of other agencies performing the analyses.

Issues: According to the SIP revisions (Appendix G–1, Part 3), transportation measures identified in the Act will be "analyzed in accordance with the agency responsibilities, resources, methodologies, documentation, and schedules indicated in the Unified Work Program." This framework and the tasks identified in the UWP elements included in the SIP revisions are inadequate as commitments to the analysis of RACM's. No specific commitment is made to study, at a minimum, the 18 RACMs, no assignment of agency responsibilities is made in the UWP, no schedules for the analyses are provided, and the methodology for the analyses is described only in terms of general criteria. The Administrator's Memorandum requires that the commitment to the analysis of RACMs address the above details.

It is unclear from the material submitted in the SIP revisions what Rhode Island's schedule for analysis and implementation of these measures will be. The Scope of Work appearing in Appendix E states that the entire Transportation Element of the SIP revisions was to be prepared prior to January 1, 1979 and would include a preliminary analysis of some but not all RACMs with a recommended program of strategies and implementation responsibilities. Table 8 of Appendix G–1 outlines a sequence of events for adoption of the Transportation Element of the SIP and indicates that a number of the preliminary events leading to the development and adoption of the Transportation Element have occurred, but no schedule for this sequence of events is presented. In the UWP task description of responsibilities for the Statewide Planning Program in the development of the Transportation Element, the schedule of products states that the Transportation Element will be adopted by the SPC by December 1979.

There are inconsistencies in these various schedules, and none represents a clear schedule with milestones for the analysis, adoption, and implementation of RACMs as needed to attain standards for carbon monoxide and ozone. Furthermore, the SIP revisions are unclear in committing to implementation of on-going programs and those projects programmed in the current TIP which are considered to be RACMs.

As stated above, the SIP revisions must provide for the expeditious implementation of specific strategies. The SIP revisions include discussions of various ridesharing and transit programs which are currently in operation and a list of projects (Appendix G–1, Table 1) from the FY 1979 TIP which are considered to be air quality related. The SIP revisions state that "most" of these projects will be accelerated by assigning them first priority although no explanation is given of how this affects a project's schedule for implementation. No indication is given of the air quality benefits, if any, from these projects, nor

is there a schedule for their implementation, funding commitments, or a procedure identified for reporting the emission reduction contribution of a project once it is implemented. Although EPA agrees that the on-going transit and ridesharing programs and the projects drawn from the TIP will likely lead to improvements in air quality, no firm commitment is made to the maintenance of these on-going programs or to the implementation of new, currently planned programs from the TIP. In order to provide for expeditious implementation of currently planned RACMs, the SIP revisions must include commitments to current on-going programs such as transit and carpooling and projects from the TIP which are considered under Section 108(f) of the Act to be reasonably available control measures. Initially, a list of projects and commitments for their implementation in the form of a compliance schedule and source of funding is acceptable.

Proposed Action: EPA is proposing to approve this portion of the Rhode Island SIP revisions with the following conditions:

(1) Before the expiration of the public comment period on this Notice of Proposed Rulemaking, the state must submit to EPA a commitment to perform an analysis of, at least, the 18 RACMs identified in Section 108(f) of the Act and provide an assignment of agency responsibilities for the various analyses, and a methodology by which the analyses will be performed. This commitment must confirm that the analyses will identify a package of measures which will attain the emission reduction target ascribed to transportation sources in the SIP revisions. This condition can be satisfied by incorporation into the SIP of the work program submitted by RIOSP to EPA as part of RIOSP's application for an air quality-transportation planning grant under Section 175 of the Act.

(2) Before the expiration of the public comment period on this Notice of Proposed Rulemaking the state must submit to EPA a single schedule, indicating intermediate milestones, of activities leading to the analysis, adoption into the SIP and TIP, and implementation of necessary transportation control measures. The comprehensive analysis of alternatives must be completed by July, 1980 unless an extension is granted. Adopted measures must be implemented as expeditiously as practicable and on a continuous schedule.

(3) By March 1, 1980, the state must submit to EPA a revised list of on-going programs such as carpooling and transit and planned projects from the TIP which have demonstrable air quality benefits, a compliance schedule, including enforcement commitments if appropriate, for their implementation and firm funding commitments from the responsible implementing agencies (and commitments from enforcement agencies, if appropriate).

(4) By June 1, 1980 the state must submit to EPA an air quality analysis identifying the air quality benefits of those projects which the state has committed to implement through the SIP revisions (See #3 above) and regulations or procedures for reporting implementation and analysis of the on-going air quality benefits from these projects.

3. *Public Transportation.* Public transportation strategies represent a major share of the RACMs which must be analyzed and implemented to improve air quality. Furthermore, Section 110(a)(3)(D) of the Act and the Administrator's Memorandum require that the 1979 SIP revisions include:

(1) A commitment by the responsible government official or officials to establish, expand, or improve transportation measures to meet basic transportation needs as expeditiously as is practicable, and

(2) A commitment to use, as necessary federal grants, state or local funds, or any combination thereof, for the purpose of establishing, expanding or improving public transportation resources to meet basic transportation needs. These commitments serve to insure that an adequate system of public transportation exists in areas which must implement public transportation strategies in order to attain air quality standards for carbon monoxide and ozone. The Act intends that states actively pursue funding to provide transit services that are viable alternatives to low occupancy vehicles.

Description of the Plan and Issues: The Rhode Island SIP revisions contain a narrative which describes programs to increase bus transit utilization, including transit marketing programs, a park-and-ride program, and special fares. However, a clear commitment to expand or improve public transportation measures to meet basic transportation needs is not included. This is particularly important in that the SIP revisions do not establish the adequacy of the existing public transportation system.

Proposed Action: EPA is proposing to approve this portion of the Rhode Island SIP revisions with the condition that before the expiration of the public comment period on this Notice of Proposed Rulemaking, the SIP revisions be revised to include adequate commitments from the Governor for the provision and funding of public transportation measures.

E. *Motor Vehicle Inspection and Maintenance Program.* Inspection/Maintenance (I/M) refers to a program whereby motor vehicles receive periodic inspection to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Enforcement can be accomplished through various means such as requiring proof of compliance to purchase license plates or to register a vehicle, or, in certain cases, issuing a windshield sticker much like many safety inspection programs.

Section 172 of the Act requires that State Implementation Plans for states which include non-attainment areas must meet certain criteria. For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available measures, an extension to 1987 will be granted. In such cases Section 172(b)(11)(B) requires that: "the plan provisions shall establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program . . ."

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking (44 FR 20372, 20373, n 6). The July 17, 1978, guidance contains in detail the key elements for I/M SIP approval required by EPA.

Description of the Plan: In its SIP revisions Rhode Island has included its I/M program, which began its mandatory inspection-mandatory maintenance phase on January 1, 1979. This program addresses cars and light trucks with a gross vehicle weight not more than 8000 pounds. It also provides for inspection each year. Inspections are carried out by private garages, licensed by RIDOT. An idle inspection test is used. Vehicles failing must be repaired within 14 days and reinspected. Enforcement is carried out through the issuance of stickers as well as through random roadside checks. Non compliance with the inspection requirement can result in loss of registration. A vehicle exceeding the standards after its second inspection

may be granted a waiver; however, there are no criteria provided by which waiver requests can be judged.

Rhode Island has adopted cutpoints for vehicles being inspected which result in a stringency factor of 20%; that is, 20% of the vehicles tested may be expected to fail to meet the standards. The State anticipates that these cutpoints will result in the requisite 25% reduction in both hydrocarbon and carbon monoxide emissions by the end of the calendar year 1987.

In 1977 and 1978 Rhode Island offered a 4 hour training course for mechanics who were interested in participating in the I/M program. RIDOT required that any garage seeking certification as an approved inspection station employ a mechanic who had satisfactorily completed the State course. The course presented instruction in the general design of the I/M program, its goals and requirements, as well as the operation of the non-dispersive infrared (NDIR) analyzer used to determine vehicle tailpipe emissions.

Another requirement for certification as an inspection station is the use of a RIDOT approved NDIR analyzer. RIDOT adopted instrument specifications developed by the California Air Resources Board for approved analyzers. The inspection fee for the combined emissions and safety inspection in Rhode Island is four dollars. This fee includes one reinspection if necessary.

For consumer protection RIDOT has built a Challenge Station in Cranston where motorists dissatisfied with their test results can have them verified by the state. As of this Notice of Proposed Rulemaking this station has not been completely equipped. It is operating but its availability has not been well publicized.

Issues: Implementation of the Rhode Island program has been the subject of meetings, letters, and discussions among the staff of RIDEM, RIDOT and EPA. The Committee on Air Quality, an advisory committee to the State Planning Council, has studied the I/M program during the last several months, addressing those issues highlighted as needing improvement in public testimony on January 31, 1979.

The Committee has made recommendations which were endorsed by the State Planning Council. These recommendations were incorporated into a letter from Governor Garrahy included in the August 13 submittal to EPA. The letter directs the State Planning Council and affected state agencies to review and improve the program completely by January 1, 1981. The State Planning Council, in conjunction with the Committee on Air Quality, will provide oversight and coordination of a joint RIDOT/RIDEM undertaking to improve the program completely by January 1, 1981. These improvements will include:

1. Development and implementation of a data recording and management system which addresses data collection, verification, and failure rate analysis.
2. Development and implementation of quality assurance procedures to address instrument calibration techniques and a sticker control system to monitor the issuance of stickers.
3. Determination of the need for a light engine emission repair and maintenance training course for garage mechanics.
4. Development and implementation of a system making registration contingent upon passing inspection.
5. Development and implementation of a roadside check program to evaluate the garaged-based program and validate stickers.
6. Development and implementation of consumer protection elements.
7. Determination of the need to create a program to evaluate the proficiency of emission inspectors.
8. Development and implementation of a variance procedure containing specific criteria to exempt vehicles unable to meet standards.
9. Determination of the desirability of issuing inspection stickers at the Challenge Station and modifying the operation of the station.
10. Determination of the extent of fuel switching and the need to modify the inspection system to check for fuel switching.

EPA finds that the August 13, 1979 submittal has addressed the program deficiencies discussed in the Agency's January testimony. The state intends to use funds available under Section 105 of the Act to improve the program.

Proposed Action: EPA is proposing to approve the I/M program conditioned upon receipt by the expiration of the public comment period on this Notice of Proposed Rulemaking of:

(1) A written commitment from the authorized state agencies or officials binding them to the implementation by January 1, 1981 of an inspection/maintenance (I/M) program (including necessary refinements) which will accomplish the required 25% reduction in hydrocarbon and carbon monoxide emissions from light-duty vehicles by December 31, 1987.

(2) This commitment must include a schedule featuring interim and final dates to complete the study and adoption of the necessary refinements discussed in items 1–10 above and listed in the addendum to the Governor's letter. This submittal must indicate the delegation of responsibilities, and the funding and manpower commitments necessary to accomplish these refinements.

(3) A commitment to submit an approvable revision to the SIP incorporating these refinements within twelve months of this notice of proposed rulemaking.

F. *Reasonable Further Progress—Attainment of Standards—Request for Extension.* Section 172(a)(1) of the Act requires in part attainment of standards as expeditiously as practicable. Section 172(a)(2) allows an extension of the attainment date for ozone beyond December 31, 1982 under certain circumstances. Section 172(b)(3) requires in part a showing of RFP towards attainment of the standard.

Description of the Plan: In its SIP revisions, Rhode Island demonstrated, using the rollback model, that attainment of the NAAQS for ozone would be achieved by the end of 1982. In a letter dated September 24, 1979 the state has now indicated that the attainment showing would be improved by using the Empirical Kinetic Modelling Approach (EKMA) model, which had also been submitted with the SIP revisions. This analysis shows that additional reductions of VOC emissions will be needed to attain the standard, and will also demonstrate a need for an extension beyond 1982.

Issues: The strategy presented in the plan considers reductions anticipated from the Federal Motor Vehicle Emission Control Program, I/M program and stationary source controls. The strategies presently adopted by the state would yield a 42.1 percent reduction by 1982. Full implementation of RACT to include adoption of Regulation 19 for paper and fabric coating would yield a 48.7 percent reduction by 1982. Although the implementation of RACT is adequate to meet the ozone standard as determined by using the rollback model, the new analysis using EKMA will show a need for VOC reductions from transportation measures and future CTG categories.

Proposed Action: EPA is proposing approval of the ozone attainment demonstration, RFP demonstration and request for an extension beyond 1982 conditioned upon submittal of the following items prior to the expiration of the public comment period on this Notice of Proposed Rulemaking:

1. A revised attainment demonstration incorporating reductions from application of RACT on all CTG categories and reasonable reductions from transportation measures.

2. An RFP demonstration incorporating expected dates for compliance by sources each year.

3. A projection of reasonable annual incremental reductions from stationary and transportation measures specified separately.

4. A determination of the annual growth increment, if any, which will be available.

5. A projection of the new attainment date based on the revised demonstration.

6. A commitment to participate in the Northeast Corridor Oxidant Study, a cooperative effort among states in EPA's Regions I–III. This study is designed to refine projected ozone reductions and to develop strategies necessary to achieve the ozone standard on or before 1987.

G. *Emission Inventories.* Sections 172(b)(3) and (4) of the Act require that the SIP revisions must include an accurate, current inventory of emissions of non-attainment pollutants for the non-attainment areas, and must provide for updates of the inventory to indicate emissions growth and must show progress in reducing emissions from existing sources.

Description of the Plan and Issues: The stationary source inventory for VOC submitted by the state is deficient in a number of areas. Point sources (100 tons per year) have not been identified; the emissions from categories used by the state to summarize the inventory cannot be compared to the categories recommended by EPA; there is no breakdown of area and point sources; documentation showing the basis of the emission estimates is not provided; and there are large discrepancies between this inventory and one done in 1974 by an EPA contractor. The stationary VOC inventory, therefore, does not meet the minimum requirements.

The assumptions and procedures used in developing the hydrocarbon inventory for mobile sources for the 1977 base year are acceptable to EPA. The 1977 emission factors were obtained using an EPA-approved model. The state has made a commitment to update the inventory annually, however the procedures to be used have not been defined. The inventories were not submitted in a format which can readily be entered into the EPA data computer system, the National Emissions Data System (NEDS).

Proposed Action: EPA is proposing approval of the Rhode Island inventory conditioned upon submittal to EPA of the following items:

1. A listing of VOC 100 ton potential emission sources, their addresses and annual emissions, a revised summary of VOC emissions utilizing the EPA recommended categories defining area and point source emissions, documentation showing the source of VOC emission estimates, resolution of inconsistencies between this new inventory and the one developed by the EPA contractor in 1974 and a description of the specific procedures which will be used to annually update and refine the point and area source inventory including mobile sources. This information must be forwarded to EPA prior to the end of the public comment period on this Notice of Proposed Rulemaking.

2. By March 1, 1980 submittal of a VOC 100 ton potential emissions point source inventory in NEDS format.

3. By January 1, 1981 submittal of an updated inventory for all other pollutants in NEDS format.

H. *New Source Permit Program.* To satisfy the requirements of Part D, the SIP revisions must include a preconstruction review program which assures that permits for proposed major sources and major modifications may be issued only if the following requirements of Section 173 of the Act are satisfied:

1. The proposed major source or major modification is accommodated by one or both of the following approaches:

(a) There are sufficient case-by-case offsetting emission reductions (offsets) and other emission reductions required under the SIP, so that allowable emissions from all sources when the proposed major source or major modification is to commence operation represent reasonable further progress; or

(b) Emissions resulting from the Proposed major source or major modification are accommodated by the emissions growth allowance for major new sources.

2. Any emission reductions required under paragraph (a) must be legally binding and enforceable before the permit may be issued.

3. The proposed major source or major modification must comply with the lowest achievable emission rate (LAER) as defined in Section 171(3) of the Act.

4. All major sources in the State owned or operated by the owner or operator of the proposed major source or major modification must be in compliance (or on a schedule for compliance) with the Act.

In addition, since an extension beyond 1982 will be needed in order to satisfy the requirements of Section 172(b)(11)(A) the state must provide for an analysis of alternatives to any proposed major new source and a demonstration that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of the source.

Description of the Plan: Rhode Island has established a policy to allow growth at the present rate for each source category on a percentage basis rather than on an emission tonnage basis. Offsets will be utilized if the allowable growth margin is exhausted.

Issues: The SIP revision narrative states that existing law "does not provide sufficient authority to allow the regulatory schedule envisioned by (the Clean Air Act) Section 173 . . .". The narrative further states that revisions to Rhode Island General Law, Chapters 23–25, necessary to satisfy the requirements of Section 173 would be offered in the 1979 session for the Rhode Island General Assembly. However, the legislative body has recessed thus precluding action until January, 1980. Because legal authority does not now exist, the state did not adopt any regulations pursuant to Section 173. In addition, the state did not adopt regulations to meet the requirements of Section 172(b)(11)(A).

Section 173(1)—The state has not provided for case-by-case offsets consistent with RFP for new and modified stationary sources nor has the state demonstrated that growth from such sources is accommodated.

Section 173(2)—The state has not included a definition of LAER or a comparable LAER requirement for sources in non-attainment areas.

Section 173(3)—The state has not included a regulation that all sources in the state owned or operated by the same person seeking a permit to construct and operate in a non-attainment area must be in compliance with all applicable emission limitations and air pollution requirements.

Since the state does not have legal authority, and has not adopted regulations pursuant to Section 173, any emission offsets voluntarily achieved by affected sources are not legally binding. In addition, a regulation requiring operating permits and an alternative analysis is needed.

Proposed Action: EPA is proposing to disapprove this portion of the SIP revisions.

I. *Resources Committed.* The SIP revisions describe the existing and planned resources within the RIDEM needed to carry out the planned programs for stationary sources. A small increase in staff is projected accompanied by a reassignment of personnel to priority activities as necessary. Additionally, an increase in operating funds is projected.

The SIP revisions contain no description of the resources necessary to carry out the mobile source related programs. However, portions of grant

monies to be provided through Sections 105 and 175 of the Act will be utilized by RIOSP and RIDOT for these purposes.

Proposed Action: EPA is proposing to approve this portion of the SIP revisions. Additional information which is necessary to assess the current and future commitments of all responsible agencies will be obtained through the Section 105 and 175 grant process and will become a part of the SIP revisions.

J. *Evidence of Public, Local, and State Involvement.* As a result of a workshop in May of 1978 to which the public, local officials and representatives of other state agencies were invited, the Governor designated three state agencies and Providence as leads in resolving Rhode Island's transportation-related pollution. Additional open workshops were held as the revisions were being developed.

Advisory committees were established and the Rhode Island Lung Association was hired to oversee public participation, specifically on the I/M program. Public participation efforts to date on the I/M program have been very good. However, stationary and mobile source related public participation issues require additional coordination. Rhode Island has also proposed a continuing, comprehensive public participation program but tasks are not clearly defined.

Public participation responsibilities for the transportation element of the Rhode Island SIP revisions were delegated to the RI Lung Association through a contractual agreement with RIOSP. However, the Lung Association has recently withdrawn its contract for these services, leaving the public participation element deficient. Written requests have been made by EPA to the state and to RIOSP to submit a new proposal for transportation-related public participation, for inclusion in the revised SIP.

In its discussion of each pollutant, Rhode Island has included an analysis of the health effects and in some cases the welfare consequences of the SIP revisions pursuant to Section 172(b)(9)(A). The discussion is incomplete, does not include energy, economic or social effects and there has been no public comment on the analysis as required by Section 172(b)(9)(B).

Proposed Action: EPA is proposing to:

1. Approve the public participation/consultation effort to date.

2. Approve the long-term public participation and consultation program conditioned upon compliance with grant conditions to be contained in Rhode Island's FY-1980 program grant under Section 105 of the Act. The grant conditions will require that Rhode Island submit by January 1, 1980 a plan for public participation. That plan must identify a skilled public participation staff person in the state air program as of October 1, 1979 with responsibility for carrying out an effective participation program and a commitment of resources to that effort.

3. Approve conditionally the analysis of the effects of the SIP revisions, based upon a commitment to complete and expand the analysis and to submit it to public comment. The expanded analysis and summary of public comments on these effects must be submitted to EPA by January 1, 1980.

K. *Adoption After Notice and Hearing.* Public hearings on the SIP revisions were held on January 30 and 31, 1979 following 30 days public notice. The regulations to implement the revisions have been adopted.

Proposed Action: EPA is proposing to approve this portion of the SIP revisions.

II. General SIP Revision Measures

A. *Prevention of Significant Deterioration* (PSD). Sections 160–169 in Part C and Section 110(a)(2)(D) of the Act establish limitations on the deterioration of air quality in those parts of the Nation where the air quality is better than required by NAAQS.

The amount of deterioration permitted is quantified by a table of air quality increments which appears in Section 163 of the Act. In effect, increments represent the amount of pollution that can be tolerated by an area without significantly deteriorating the clean air status of the area.

A principal means of protecting the increments is the review and regulation of new growth. At present EPA is operating a federal permit system designed to protect the increments and will continue to do so until the state adopts an equivalent program. Regulations specifying requirements for approvable state plans are found at 40 CFR, § 51.24 as published June 19, 1978 (43 FR 26380 to 26388).[1]

Description of the Plan: Rhode Island did not submit regulations to adopt the PSD program although the SIP narrative indicates that a comprehensive PSD plan would be submitted in the future.

Issues: Rhode Island's legal authority to set ambient PSD increments and to promulgate regulations for protecting these increments must be established prior to submission of the plan.

Proposed Action: None at this time.

B. *Monitoring*—Section 110(a)(2)(C) and Section 319 of the Act require a comprehensive air monitoring network. The Rhode Island proposal is currently being reviewed by EPA in light of regulations recently promulgated by the Agency.

Proposed Action: None at this time.

C. *Permit Fees*—Section 110(a)(2)(K) of the Act requires each state to institute a fee system for those sources applying for a permit to cover the administrative costs of reviewing permit applications as well as those incurred in monitoring and enforcing the permit conditions.

EPA has not yet promulgated regulations concerning the permit fee requirements. Because of this and the fact that Rhode Island has not submitted a new source review program for EPA approval, this provision has not been included in this set of revisions.

Proposed Action: None at this time.

D. *Consultation*—Section 121 requires a state to provide a satisfactory process for consultation with local governments and federal land managers on the development of the SIP.

EPA has recently promulgated regulations governing consultation which require states to submit SIP revisions which meets the provisions of Section 121 by December 18, 1979.

Proposed Action: None at this time.

E. *Stack Height*—Section 123 provides that the degree of emission limitation necessary may not be affected by stack height in excess of good engineering practice or by other dispersion techniques. EPA proposed stack height regulations on January 12, 1979 but has not yet promulgated regulations.

Proposed Action: None at this time.

F. *Interstate Pollution*—Section 126 requires states to identify existing major sources which may significantly contribute to air pollution levels and provide written notice to nearby states. In addition, it must do the same for any proposed major new stationary source.

Rhode Island has committed to notifying other states of proposed new major stationary sources which may affect their air quality but has not indicated that the state has, in fact, notified nearby states of existing sources which currently may be impacting their air quality.

[1] Many of the regulations were judicially challenged in the U.S. Court of Appeals for the District of Columbia Circuit. On June 18, 1979, the Court issued an opinion, *Alabama Power Company v. Costle*, No. 78–1006 (D.C. Circuit, June 18, 1979). The Court upheld in part and remanded in part the Agency's regulations. The Court also provided an opportunity for filing petitions for re-hearing, and specified that its judgment would be stayed until the Court responds to the petitions.

As to the non-attainment components of the plan, the Court opinion does not impede the adoption and approval of provisions needed to satisfy the requirements of Part D. EPA will proceed to review these provisions, advising the states and the public of any aspect of the PSD decision that may be relevant to the non-attainment provisions of the Act. See 44 FR 51924 (September 5, 1979).

Proposed Action: None at this time.

G. *Public Notification*—Section 127 requires each state to effect measures for notifying the public on a regular basis of instances or areas in which any primary standard is exceeded and to enhance public awareness of measures which can prevent the standards from being exceeded.

On May 10, 1979 EPA promulgated regulations concerning public notification (44 FR 27569). Pursuant to the regulations, a comprehensive revision to the SIP incorporating the regulatory provisions is to be submitted to EPA by March 1, 1980.

Proposed Action: None at this time.

H. *Conflict of Interest*—Section 128 requires that any existing state board which is empowered to approve or enforce permits required under the Act must have as a majority members who represent the public interest. Any board members and executive agency heads with any potential conflict of interest must disclose that fact.

Although Rhode Island has no Board charged with these responsibilities, disclosure of potential conflicts of interest is required by Rhode Island General laws, Chapter 36–14 of the Governor, the Director of RIDEM and the Director of the Department of Health.

Proposed Action: EPA is proposing approval of this portion of the SIP.

Interested persons are invited to comment on all elements of the Rhode Island revisions and whether they meet the requirements of the Clean Air Act. Comments should be submitted, preferably in triplicate, to the EPA, Region I address listed in the ADDRESSES section of this Notice. Public comments received by (30 days after publication of this notice) will be considered by the Agency when it takes final action on the revisions. EPA believes the available period for comments is adequate because:

(1) The issues presented by the Rhode Island SIP revisions are sufficiently clear to allow comments to be developed in the available thirty day period;

(2) Parts of the SIP revisions have been available for inspection and comment since May 14, June 11 and August 13, 1979 EPA's Notice of Availability published on May 29, June 29, and August 29, 1979 indicated the possibility that the comment period may be less than 60 days; and

(3) EPA has a responsibility under the Act to take final action as soon as possible after the July 1, 1979 deadline on those sections of the SIP revisons that address the requirements of Part D.

All comments received will be available for inspection at EPA's Regional office, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

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.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: November 29, 1979.

William R. Adams, Jr.,

Regional Administrator, Region I.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FI-5047]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction to proposed rule for the Town of Merrillville, Lake County, Indiana.

SUMMARY: In the notice of proposed flood elevation determination, published at 44 FR 6451 on February 1, 1979, and at 44 FR 45225 on August 1, 1979, under the Source of Flooding of Chapel Manor Lateral, the location described as "Upstream side of Delaware Place", with an elevation of 654 feet should be corrected to read "Downstream side of Delaware Place." The elevation was correct as cited.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–1460 or toll-free line (800) 424–8872 (In Alaska and Hawaii call toll-free line (800) 424–9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the proposed determinations of base (100-year) flood elevations for the Town of Merrillville, Lake County, Indiana. The location listed as "Upstream side of Delaware Place" under the Source of Flooding of Chapel Manor Lateral should be corrected to read "Downstream side of Delaware Place."

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

Issued: November 27, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-37628 Filed 12-6-79; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5713]

Revision of Proposed Flood Elevation Determinations for the City of Crockett, Houston County, Texas

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Crockett, Houston County, Texas.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 61069 on October 23, 1979 and in *The Houston County Courier* published on September 13 and September 20, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Clerk's Office, City Hall, South Fifth Street, Crockett, Texas 75835.

Send comments to: Honorable Tommy Driskell, Mayor of the City of Crockett, City Hall, P.O. Box 550, Crockett, Texas 75835.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–7460 or Toll Free Line 800–424–8872, (In Alaska and Hawaii call Toll Free Line (800 424–9080), Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Crockett, Houston County, Texas, in accordance with section 110 of

the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Spring Creek	Just downstream of State Highway 287.	*286
	Just upstream of Loop 304	*294
Town Branch Creek Main.	Just upstream of Loop 304	*285
	Approximately 120 feet upstream of the Missouri and Pacific Railroad.	*305
Town Branch Creek Tributary.	Approximately 60 feet downstream of F.M. 229.	*290
	Just downstream of upstream (western) corporate limits.	*300

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

Issued: November 27, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-37647 Filed 12-6-79; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5713]

Revision of Proposed Flood Elevation Determinations for the City of Hillsboro, Hill County, Texas

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Hillsboro, Hill County, Texas.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 61070 on October 23, 1979 and in The Reporter published on September 13, and September 20, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 155 S. Wico Street, Hillsboro, Texas 76645.

Send comments to: Honorable Harry Blount, Mayor of the City of Hillsboro, City Hall, P.O. Box 568, Hillsboro, Texas 76645.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–7460 or Toll Free Line 800–424–8872, (in Alaska and Hawaii call Toll Free Line (800–424–9080), Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Hillsboro, Hill County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hackberry Creek	Abernathy Street (extended)	*560
	Approximately 100 feet upstream of downstream corporate limits.	*558
Tributary of Hackberry Creek.	Just downstream of Church Street.	*592
	Approximately 100 feet downstream of Covington Street.	*587
	Just upstream of Hawkins Street.	*581
	Just upstream of Morgan Street.	*576
Little Hackberry Creek	Upsteam corporate limits	*568
Pecan Creek	Just downstream of U.S. Highways 81 and 77.	*585
	Just upstream of State Highway 171.	*579
Bond Creek	Approximately 200 feet downstream of Missouri-Kansas Texas Railroad.	*584
	Just upstream of State Highway 171.	*579
Tributary of Pecan Creek.	Just upstream of Old Brandon Road.	*616

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Developement Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: November 27, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-37648 Filed 12-6-79; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 79-107]

Inquiry concerning the multiple licensing of Land Mobile Radio Systems ("Community Repeaters") in the Bands 806–812 MHz; Order extending time for filing reply comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The Chief, Private Radio Bureau adopts an Order extending the filing deadline for reply comments in the FCC's inquiry concerning the multiple licensing of land mobile radio systems ("Community Repeaters") in the Bands 806–821 MHz and 851–866 MHz from December 5, 1979 to February 4, 1980.

DATES: Reply Comments must be received on or before February 4, 1980.

ADDRESSES: Federal Communications Commission, Washington, DC 20554

FOR FURTHER INFORMATION CONTACT: Lewis H. Goldman, Private Radio Bureau (202) 632–6497.

Order

Adopted: November 30, 1979.
Released: December 3, 1979.

In the matter of an inquiry concerning the multiple licensing of Land Mobile Radio systems ("Community Repeaters") in the Bands 806–812 MHz, PR Docket No. 79–107. See 44 FR 51720, September 4, 1979.

1. The Chief, Private Radio Bureau (the Bureau) has before him for consideration a request of Motorola, Inc. for an extension of time from December 5, 1979, to February 4, 1980, in which to file reply comments in the above-captioned proceeding. In support of its request Motorola notes that portions of the comments filed by certain other parties to this proceeding were directed specifically towards Motorola's role in the land mobile marketplace, and that one party has raised issues concerning the propriety of Motorola's business practices. Motorola thus urges that a comprehensive response to these matters in its reply comments will require substantial investigation and time.

2. Although each of the parties who filed comments in this proceeding has been served with a copy of Motorola's request, no opposition thereto has been interposed. The Bureau has carefully considered Motorola's request and believes that extending the filing date for reply comments will have no adverse effect upon the Commission's processes or the public interest.

3. Accordingly, the Motorola request is granted, and the date by which reply comments must be submitted in the above-captioned proceeding is hereby extended to February 4, 1980.

Federal Communications Commission.

Carlos V. Roberts,

Chief, Private Radio Bureau.

[FR Doc. 79-37664 Filed 12-6-79; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 97

[Docket No. 19852; FCC 79-758]

Providing for the Amateur-Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission orders a Notice of Proposed Rulemaking to revise Part 97 of the Commission's rules and regulations. It is evident that the amateur satellite service has become an important facet of amateur radio, thus, it is now time to develop rules for the service. Hence, a statement of the amateur satellite service requirements in the rules would give notice to the amateur community on procedures to follow when engaging in amateur satellite service operations.

DATES: Comments must be received on or before February 5, 1980 and reply comments must be received on or before March 6, 1980.

FOR FURTHER INFORMATION CONTACT: Roy C. Howell, Federal Communications Commission, Private Radio Bureau, Personal Radio Branch (202) 254–6884.

ADDRESSES: Federal Communications Commission, 2025 M Street NW., Washington, D.C.

Adopted: November 20, 1979.
Released: December 4, 1979.

In the matter of amendment of Part 97 of the Commission's Rules to provide for Amateur-Satellite Service, Docket No. 19852. See Also 39 FR 1643, January 11, 1974.

Background

1. On February 14, 1973, the Commission adopted amendments to Part 2 of the Commission's rules in Docket No. 19547. These amendments incorporated into the rules the Amateur-Satellite Service (AMSS) as established by the World Administrative Radio Conference for Space Telecommunications in Geneva, 1971. Certain frequencies already allocated to the Amateur Radio Service were also allocated to AMSS. Furthermore, AMSS frequency bands 435–438 MHz are also shared with the Government Radiolocation Service on a secondary basis.

2. On October 25, 1973, the Commission adopted a Notice of Inquiry in Docket No. 19852 which was published in the **Federal Register** on November 6, 1973, 38 FR 30566 (1973). In our Notice of Inquiry, we indicated the desire to receive comments from interested parties concerning: The structures of the new Amateur-Satellite Service: the technical standards licensees in the Service should have to meet; and, the qualifications licensees should possess.

3. The Commission received approximately fifteen comments in response to the October 25, 1973 Notice of Inquiry. All comments received have been carefully analyzed by the Commission's staff and we are now prepared to issue formal proposals in this proceeding.

4. Prior to WARC–ST, five amateur space stations licensed by the FCC were placed in operation. Since WARC–ST, three more space stations licensed by the FCC became operational. These stations were operated pursuant to waiver of the Commission's rules for amateur radio stations (Part 97). It is evident that AMSS has become an important facet of Amateur Radio; thus, it is now time to develop rules for the service. Hence, a statement of the AMSS requirements in the Rules would give notice to the amatuer community on procedures to follow when engaging in AMSS operations. Therefore, the Commission could discontinue its present system of granting waivers on an individual basis. Consequently, the end result would be uniform regulations of AMSS operations.

International Regulations

5. As a result of WARC–ST, a new paragraph was added to Article 41 *Amateur Stations*, of the Radio Regulations of the International Telecommunication Union (ITU) (see. 156A Spa2 § 6, and the Appendix to this Notice). This paragraph requires space stations in AMSS to be fitted with devices for controlling emissions in the event harmful interference is reported. Furthermore, it requires FCC to inform the International Frequency Registration Board (I.F.R.B.) of all space stations to be authorized in AMSS. Additional, Article 7 of the ITU provides that "space stations shall be fitted with devices to ensure immèdiate cessation of their radio emissions by telecommand, whenever such cessation is required under the provisions of these regulations" (see 470 Spa2 § 24).

6. Elsewhere in the Radio Regulations of the ITU, definitions of terms related to space station operations were added, as were the requirements for advance publication coordination and notification.

Experience in Licensing Space Stations

7. F.C.C. experience in licensing space stations has brought Commission attention to various problems encountered when attempting to operate a space station pursuant to rules enacted to regulate other types of amateur radio stations, via Part 97. These are:

(A) § 97.79 *Control operator requirements and § 97.88 Operation of a station by remote control.* These rules require a control operator to be at an authorized control point whenever the station is in operation. For low earth orbit satellites, the station is not in view of any telecommand station for extended periods. Therefore, no single control operator, or any reasonable number of control operators, could possibly be at all times at a control point(s), able to command the space station, as required by the general rules.

(B) § 97.84 *Station identification.* This rule requires every amateur radio to transmit its assigned call letters. None of the amateur

satellites authorized by the F.C.C. have had this capability. Furthermore, based on the F.C.C.'s experience in this area, the nature of space operation would seem to make such a requirement meaningless.

To date, F.C.C. licensed amateur space stations have simply identified themselves with the letters "HI" in Morse Code telegraph. Except for the first few amateur satellites, even this identification probably serves no useful purpose.

Another area of concern regarding station identification is telecommand operation. To maintain the integrity of the telecommand capability, knowledge of the location and identity of such stations must be limited to only those persons engaging in controlling the space station. Otherwise, information on controlling the space station could fall into the hands of persons who could use it to effect improper operation of the station, possibly resulting in interference to other services or damage to the station.

For this reason, telecommand stations are not required to identify with F.C.C. assigned call signs. Their transmissions are brief, (time required to transmit a call sign could exceed the time required to transmit a series of commands), and their transmissions are directed skyward making the causing of interference unlikely.

(C) § 97.85 *Repeater operation and* § *97.126 Retransmitting radio signals.* The only amateur radio station permitted to automatically retransmit the radio signals of other amateur radio stations are stations in repeater operation or auxiliary operation. This capability is one of the principal features of amateur satellites, so provision has to be made to permit it.

(D) § 97.91 *One-way communication.* This rule lists the types of one-way transmissions permitted in amateur radio which are not considered broadcasting (amateur radio stations may not broadcast). One-way space-to-earth telemetry transmissions from a space station, and one-way earth-to-space telecommand transmissions to a space station are not covered by this rule.

(E) § 97.117 *Codes and ciphers prohibited.* This rule prohibits the use of codes and ciphers in the Amateur radio service, where the intent is to obscure the meaning. Telemetry transmissions must use codes to transfer data, as do telecommand transmissions. While telemetry codes are only to facilitate communications, telecommand codes must also obscure the meaning of the message for the same reasons discussed under § 97.84 Station identification.

The Comments

8. Generally, very few comments expressed opposition to the establishment of an Amateur-Satellite Service. Only one comment expressed total opposition to the establishment of an Amateur-Satellite Service,[1] and, the rationale for this opposition was the following: "Whenever rules are issued governing a rapidly growing field, progress in that field inevitably slows or stops completely." Hence, according to the one negative comment any regulations for AMSS would hinder technological growth in this area. The Rules proposed herein are fundamentally the same set of rules AMSS has been operating under. We are proposing to move from a procedure based on a series of waivers, to one which is premised on rules developed via the rule making process.

9. One comment suggested that amateur communication achieved by reflection from the moon, should not be governed by the rules adopted for AMSS.[2] Such communication, it is claimed, does not represent a significant source of interference to other radio services, and is better regulated by the existing rules governing the Amateur Radio Service. Article 1 of the Radio Regulations of the ITU defines AMSS as "a radiocommunication service using space stations on earth satellites for the same purposes as those of the amateur service" (see, 84ATA, Spa2). This definition is used for the purpose of AMSS in the proposed rules. Therefore, communications conducted by passive reflection of signals off the moon would not constitute operation in AMSS.

The Proposal

10. The Commission proposes to add a new Subpart H, *Amateur-Satellite Service,* to Part 97 of the rules. The rules for the Amateur Radio Service would apply except in those instances specifically covered by the proposed Subpart. Generally, all amateur stations and amateur radio operators would be authorized to operate in the Amateur-Satellite Service to the extent of the privileges authorized by their amateur radio licenses, without any additional authorization by the Commission. Space operation would be limited to holders of the Amateur Extra Class operator license. Examination material related to the Amateur-Satellite Service is incorporated only in Examination Element 4(B), a requirement for the Amateur Extra Class license.

11. Any amateur radio station licensed by the Commission, having a control operator holding an operator license with the necessary frequency privileges, could be designated by the space station licensee to conduct telecommand operations. Certain privileges not afforded other amateur stations would be permitted authorized telecommand operations for the above-discussed reasons. Furthermore, the licensee of the space station could authorize amateur radio stations in other countries to conduct telecommand operations, subject to the regulations of the licensing authority in the other country. In regard to space stations licensed by the Commission, however, there would have to exist the capability to effect an immediate, permanent cessation of emissions from the space stations via telecommanded operations conducted by one or more stations licensed by the Commission.

12. We are proposing to exempt both space stations and telecommand stations from the station identification requirement for the reasons given in paragraph 7, above. Article 19 § 2 of the Radio Regulations of the ITU provides:

"A station shall be identified by a call sign or other recognized means of identification. Such recognized means of identification may be one or more of the following necessary for complete identification: name of station, location of station, operating agency, official registration mark, flight identification number, selective call number or signal, selective call identification number or signal, characteristic signal, characteristic of emission or other clearly distinguishing features readily recognized internationally."

Instead of transmitting their call sign, information of the type specified by Article 19 § 2 would be filed with the F.C.C. by the station licensee.

13. In addition to Article 41 (see paragraph 5, above), Article 7 provides that "space stations shall be fitted with devices to ensure immediate cessation of their radio emissions by telecommand, whenever such cessation is required under the provisions of these Regulations" (see 470V Spa2, § 24). All of the frequency bands allocated to AMSS are shared with the Amateur radio service. Furthermore, AMSS frequency band 435–438 MHz is also shared with the Government radiolocation service. We are proposing to incorporate these requirements into the Rules.

14. Article 9A§ 2 (see, 639AA, Spa2) of the Radio Regulations of the International Telecommunication Union (ITU) sets out the procedure for the Advance Publication of information on planned Satellite Systems. The procedure is the following:

"An administration (or one acting on behalf of a group of named administrations) which intends to establish a satellite system shall, prior to the co-ordination procedure in accordance with No. 639AJ where applicable, send to the International Frequency Registration Board not earlier than five years before the date of bringing into service each satellite network of the planned system, the information listed in Appendix 1B."

Article 9A, § 2, No. 639AJ provides the following:

[1] This comment was filed by Amateur radio operator Mark Zimmerman.

[2] This comment was filed by amateur radio operator K. D. Tentarelli.

"Before an administration notifies to the Board or brings into use any frequency assignment to a space station on a geostationary satellite or to an earth station that is to communicate with a space station on a geostationary satellite, it shall effect co-ordination of the assignment with any other administration whose assignment in the same band for a space station on a geostationary satellite or for an earth station that communicates with a space station on a geostationary satellite or for an earth station that communicates with a space station on a geostationary satellite is recorded in the Master Register, or has been co-ordinated or is being co-ordinated under the provisions of this paragraph. "For this purpose, the Administration requesting co-ordination shall send to any other such Administration the information listed in Appendix A."

We are proposing that informational filings be at: two years, and three months (the three months are to allow for processing); updates one year, and three months. Further, we anticipate the first filing period could be waived where justified. However, amateur satellites placed into orbit prior to receiving international sanction may be required to discontinue operation in favor of a prior request, or to avoid interference to other radio services.

15. We seek comment on the proposal and on the desirability of the information requirement, particularly in terms of clarity of the questions, instructions, and format. The information requirements included herein are subject of General Accounting Office clearance.

Comments Solicited

16. The specific amendments we are proposing are set forth in the Appendix. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended 47 U.S.C. 154 (i) and 303(r). Pursuant to procedures set out in § 1.415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments on or before February 5, 1980, and reply comments on or before March 6, 1980. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. 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.

17. In accordance with the provisions of § 1.419 of the rules and regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, DC.

18. For further information concerning this rule making, contact Roy C. Howell, Rules Division, Private Radio Bureau, Federal Communications Commission, Washington, DC 20554, (202) 254–6884.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

§ 97.3 [Amended]

1. In § 97.3, paragraphs (i) and (k) are deleted and designated (Reserved).

2. A new Subpart H is added, as follows:

Subpart H—Amateur-Satellite Service

General

Sec.

Technical Requirements

Special Provisions

Authority: Secs. 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

Subpart H—Amateur-Satellite Service

General

§ 97.401 Purposes.

The Amateur-satellite Service is a radio communication service using stations on earth satellites for the same purposes as those of the Amateur Radio Service.

§ 97.403 Definitions.

(a) *Space operation.* Space-to-earth amateur radio communication from a station which is beyond, is intended to go beyond, or has been beyond the major portion of the earth's atmosphere.

(b) *Earth operation.* Earth-to-space-to-earth amateur radio communication by means of radio signals automatically retransmitted by stations in space operation.

(c) *Telecommand operation.* Earth-to-space amateur radio communications to initiate, modify, or terminate functions of a station in space operation.

(d) *Telemetry.* Space-to-earth transmissions, by a station in space operation, of results of measurements made in the station, including those relating to the function of the station.

§ 97.405 Applicability of rules.

In all cases not specifically covered by the provisions of this Subpart, stations in space operation, telecommand operation, and earth operation, shall be governed by the provisions of the rules governing amateur radio stations and operators (Subpart A through E of this part).

§ 97.407 Eligibility for space operation.

Amateur radio stations licensed to Amateur Extra class operators are eligible for space operation.

§ 97.409 Eligibility for earth operation.

Any amateur radio station is eligible for earth operation, subject to the privileges of the operator's class of license.

§ 97.411 Eligibility for telecommand operation.

Any amateur radio station designated by the licensee of a station in space operation is eligible to conduct telecommand operation with that station in space operation.

§ 97.413 Space operation requirements.

An amateur radio station may be in space operation where:

(a) The station has not been ordered by the Commission to cease radio transmissions.

(b) The station is capable of effecting a cessation of radio transmissions by commands transmitted by station(s) in telecommand operation whenever such cessation is ordered by the Commission.

(c) There are in place, sufficient amateur radio stations licensed by the Commission capable of telecommand operation to effect cessation of space operation, whenever such is ordered by the Commission.

(d) The notifications required by § 97.423 (b) & (c) are on file with the Commission.

Technical Requirements

§ 97.415 Frequencies available.

The following frequency bands are available for space operation, earth operation, and telecommand operation.

Frequency Bands

kHz

7000–7100
14000–14250

MHz

21.00–21.45
28.00–29.70
144–146
435–438(1)

GHz

24–25.05

Stations operating in the Amateur-satellite Service shall not cause harmful interference to other stations between 435 and 438 MHz

Special Provisions

§ 97.417 Space operation.

(a) Stations in space operation are exempt from the station identification requirements of § 97.87 on each frequency band when in use.

(b) Stations in space operation may automatically retransmit the radio signals of other stations in earth operation, and space operation.

§ 97.419 Telemetry.

(a) Telemetry transmission by stations in space operation may consist of specially coded messages intended to facilitate communications.

(b) Telemetry transmissions by stations in space operation are permissable one-way communications.

§ 97.421 Telecommand operation.

(a) Stations in telecommand operation may transmit special codes intended to obscure the meaning of command messages to the station in space operation.

(b) Stations in telecommand operation are exempt from the station identification requirements of § 97.87.

§ 97.423 International advance publication.

All stations to operate on earth satellites or to communicate with stations on earth satellites are subject to the international advance publication procedure for the purpose of informing foreign administrations, in advance, of the intended operation. The proposed technical parameters of planned stations are to be published internationally (generally from 2 to 5 years prior to the commencement of space operations). The data required for this purpose are set forth in Appendix 1B of the international Radio Regulations.

§ 97.425 International coordination.

All stations proposed for earth and space operations and which utilize an earth satellite in a geostationary orbit are required to be prior coordinated with affected foreign administrations pursuant to the provisions of Article 9A of the international Radio Regulations. For this purpose, the Commision is obligated to collect and forward the data specified in Appendix 1A of the international Radio Regulations. No coordination is required for operations utilizing non-geostationary orbits.

§ 97.427 Notification required.

(a) The licensee of every station in space operation shall give written notifications to the Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554.

(b) Pre-space operation notification.

(1) Three Notifications are required prior to initiating space operation. They are:

(i) *First Notification.* Required no less than twenty-seven months prior to initiating space operation.

(ii) *Second Notification.* Required no less than fifteen months prior to initiating space operation.

(iii) *Third Notification.* Required no less than three months prior to initiating space operation.

(2) The pre-space operation notification shall consist of:

(i) *Space operation date.* A statement of the expected date space operations will be initiated, and a prediction of the duration of the operation.

(ii) *Identity of satellite.* The name which the satellite will be known.

(iii) *Service area.* A description of the geographic area on the Earth's surface which is capable of being served by the station in space operation. Specify for both the transmitting and receiving antennas of this station.

(iv) *Orbital Parameters.* A description of the anticipated orbital parameters as follows:

Non-geostationary satellite

(1) Angle of inclination
(2) Period
(3) Apogee (kilometers)
(4) Perigee (kilometers)
(5) Number of satellites having the same orbital characteristics

Geostationary satellites

(1) Nominal geographical longitude
(2) Longitudinal tolerance
(3) Inclination tolerance
(4) Geographical longitudes marking the extremities of the orbital arc over which the satellite is visible at a minimum angle of elevation of 10° at points within the associated service area.
(5) Geographical longitudes marking the extremities of the orbital arc within which the satellite must be located to provide communications to the specified service area.
(6) Reason when the orbital arc of (5) is less than that of (4)

(5) *Technical Parameters.* A description of the proposed technical parameters for the station in space operation and all other stations to engage in satellite communications; however, recognizing that a wide variety of amateur radio stations would be transmitting and receiving from a station on an earth satellite, only the parameters of a "typical" such station should be indicated. The description where possible, shall include the following:

(1) Carrier frequency [1]
(2) Necessary bandwidth [2]
(3) Class of emission [2]
(4) Total Peak Power [2]
(5) Maximum power density (watts/Hz)
(6) Antenna radiation pattern [3]
(7) Antenna gain (main beam) [3]
(8) Antenna pointing accuracy (geostationary satellites only) [3]
(9) Receiving system noise temperature [4]
(10) Lowest equivalent satellite link noise temperature [5]

(c) *In-space operation notification.* Notification is required after space operation has been initiated. The notification shall update the information contained in the pre-space operation notification. In-space operation notification is required no later than seven days following initiation of space operation.

(d) *Post-space operation notification.* Notification of termination of space operation is required no later than three months after termination is complete. If the termination is ordered by the Commission, notification is required no later than twenty-four hours after termination is complete.

* * * * *

3. In Appendix 2, the undesignated paragraph following the headnote is revised, and a new paragraph SEC. 6 is added as follows:

* * * * *

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[1] Only the frequency range in which the carrier frequencies will be located need be submitted for international advance publication purposes if carrier frequencies have not been determined.

[2] Not required for international advance publication but should be included if this information is available.

[3] These antenna characteristics shall be provided for both transmitting and receiving antennas.

[4] For a station in space operations.

[5] The noise temperature at the input of a typical amateur radio station receiver corresponding to the radio frequency noise power which produces the total observed noise at the output of the satellite link excluding noise from other non-associated radio systems.

Appendix 2

Extracts From Radio Regulations Annexed to the International Telecommunications Convention (Geneva, 1959), as revised by the World Administrative Radio Conference for Space Telecommunications, Geneva, 1971.

* * * * *

Article 41—Amateur Stations

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Sec. 6. Space stations in the Amateur-satellite Service operating in bands shared with other services shall be fitted with appropriate devices for controlling emissions in the event that harmful interference is reported in accordance with the procedure laid down in Article 15. Administrations authorizing such space stations shall inform the International Frequency Registration Board (I.F.R.B.) and shall ensure that sufficient earth command stations are established before launch to guarantee that any harmful interference that might be reported can be terminated by the authorizing Administration.

* * * * *

[FR Doc. 79-37667 Filed 12-6-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog; Correction

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the proposed regulations for Atlantic Surf Clam and Ocean Quahog published on Friday, November 9, 1979 (44 FR 65372).

EFFECTIVE DATE: December 6, 1979.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930, Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: On November 8, 1979, proposed regulations governing domestic fishing for Atlantic Surf Clam and Ocean Quahog were filed with the **Federal Register.** The proposed regulations which appeared in the **Federal Register** on November 9, 1979, under the authority of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), as amended, contained an inadvertent oversight.

This document corrects this oversight and omission so that the Effort restriction section reads as follows:

§ 652.22 Effort restriction.

* * * * *

(c)(2) If the Regional Director determines that the quota probably will be exceeded, he may reduce the number of days per week during which fishing for ocean quahogs is permitted.

* * * * *

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C., this the 3rd day of December, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-37705 Filed 12-6-79; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 44, No. 237
Friday, December 7, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Demolition of the J. L. Hudson Co. Building and Effects of the Proposed Cadillac Center Project; Meeting

Notice is hereby given in accordance with § 800.6(d)(3) of the Council's regulations, "Protection of Historic and Cultural Properties," (36 CFR Part 800), that a panel of members of the Advisory Council on Historic Preservation will meet on December 18 and 19, 1979, to consider demolition of the J. L. Hudson Company building and other effects of the proposed Cadillac Center Project in Detroit, Michigan.

Pursuant to § 800.6(d)(2) of the Council regulations, the Chairman of the Council decided on November 28, 1979, that a panel should consider this project in accordance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f, as amended, 90 Stat. 1320).

The Council was established by the National Historic Preservation Act to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Secretaries of the Interior; Housing and Urban Development; Commerce; Treasury; Agriculture, Transportation; State; Defense; Health, Education, and Welfare; and the Smithsonian Institution; the Attorney General; the Administrator of the General Services Administration; the Chairman of the Council on Environmental Quality; the Chairman of the Federal Council on the Arts and the Humanities; the Architect of the Capitol; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; and twelve non-Federal members appointed by the President.

The Council's regulations require that the panel be composed of five members, three from the private sector (with one chairing) and two Federal members. This panel will be chaired by James W. Haas of San Francisco.

The panel will meet in Detroit. Place and time have yet to be set and may be obtained from the Executive Director.

The panel will consider written and oral statements from concerned parties. Written statements should be submitted to the Executive Director of the Council by December 11. Persons wishing to make oral statements should notify the Executive Director by December 14. Additional information concerning the meeting or the submission of statements to the panel is available from the Executive Director, Advisory Council on Historic Preservation, Suite 530, 1522 K Street, NW., Washington, D.C. 20005, (202) 254–3974.

Dated: December 3, 1979.

Robert R. Garvey, Jr.

Executive Director.

[FR Doc. 79-37573 Filed 12-6-79; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Feed Grain Donations for the Blackfeet Indian Tribe in Montana

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Blackfeet Indian Tribe in Montana has been materially increased and become acute because of severe and prolonged drought substantially reducing range forage and hay production, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock owners who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through May 31, 1980, or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on December 3, 1979.

Ray Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-37746 Filed 12-6-79; 8:45 am]

BILLING CODE 3410-05-M

Federal Grain Inspection Service

Official Agency Designation; Requests for Comments on Applicants for Designation in the Saginaw, Michigan, Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and request for comments.

SUMMARY: This notice requests comments from interested parties on the qualified applicants applying for designation as official agency(s) in the Saginaw, Michigan, area.

DATE: Comments to be postmarked on or before January 7, 1980.

ADDRESS: Comments should be submitted to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The June 29, 1979, issue of the **Federal Register** (44 FR 37964) contained a notice from the Federal Grain Inspection Service requesting applications for designation

to provide official services under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), at the nonexport locations in the Saginaw, Michigan, area. Applications were to be postmarked by August 28, 1979. A total of three applications were received, two of which met the criteria for designation specified in Section 7(f)(1)(A) of the Act.

The names of the applicants qualified for designation are as follows: Kenneth R. Hagelshaw, Grain Inspection Services, Inc., Battle Creek, Michigan, and; Roy A. Marchetti, Detroit Grain Inspection Service, Detroit, Michigan.

In accordance with section 26.98 of the regulations under the Act, this notice provides interested persons the opportunity to submit written comments concerning the qualified applicants. All comments must be submitted to the Office of the Director specified in the address section of this notice and be postmarked not later than January 7, 1980.

A comment period of 30 days is deemed adequate because such a period of time would expedite the designation of an official agency(s) to service the Saginaw, Michigan, area. Such a comment period does not impose any undue obligations or requirements on others, and under the circumstances, provides a sufficient period of time for comments.

Consideration will be given to all comments filed and to all other information available to the Administrator of the Federal Grain Inspection Service before a final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register** and the applicants will be informed of the decision in writing.

(Secs. 8, 9, Pub. L. 94–582, 90 Stat. 2870, 2875 (7 U.S.C. 79, 79a; 7 CFR 26.98.)

Done in Washington, D.C. on December 3, 1979.

D. R. Galliart,

Acting Administrator.

[FR Doc. 79-37611 Filed 12-6-79; 8:45 am]

BILLING CODE 3410-02-M

Official Designation of the Peoria Grain Inspection Service, Inc., Peoria, Ill., and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the designation of the Peoria Grain Inspection Service, Inc., Peoria, Illinois, as an official agency to perform official inspection services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within which that agency will operate.

DATE: Comments to be postmarked on or before January 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENT INFORMATION: Peoria Grain Inspection Service, Inc. (the "Agency"), 330 S.W. Washington Street, 2nd Floor, Peoria, Illinois 61602, made application pursuant to Section 7 of the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), to be officially designated under the Act, to perform official inspection services, not including official weighing.

The Federal Grain Inspection Service (FGIS) has conducted the required investigation of the Agency which included onsite reviews of its inspection points (hereinafter "specified service points") and the Agency was deemed eligible for designation to perform official inspection services (other than appeal inspection), not including official weighing. A document designating the Agency as an official agency was signed on August 16, 1979. The Agency is responsible for providing official grain inspection functions under the Act, replacing those official grain inspection functions previously provided by the Peoria Board of Trade. The designation also included an interim assignment of geographic area within which the official Agency will provide official inspection services.

Note.—Section 7(f)(2) of the Act provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

The geographic area assigned on an interim basis pending final determination in this matter is:

Bounded: on the North by the northern Stark County line east then south to Marshall County; the northern Marshall County line east to Putnam County; the western Putnam County line north to State Route 29; State Route 29 north to Interstate 180; Interstate 180 east to State Route 26;

Bounded: on the East by State Route 26 south to State Route 116; State Route 116 south to Interstate 74; Interstate 74 southeast to State Route 121; State Route 121 south to State Route 10;

Bounded: on the South by State Route 10 west to Mason County, the eastern Mason County line; the southern Mason County line west to the Illinois River; the Illinois River northeast to Fulton County; the southern Fulton County line; and

Bounded: on the West by the western Fulton County line; the northern Fulton County line east to Peoria County; the western Peoria County line; the western Stark County line.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located.

In addition to the specified service points within the geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the proposed geographic area and a list of specified service points for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

This Agency has been performing official inspection services within the proposed geographic area since August 1979. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public affect. Therefore, the comment period shall be limited to 45 days.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250. All materials must be postmarked not later than January 21, 1980. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94–582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note))

Done in Washington, D.C. on December 4, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79-37653 Filed 12-6-79; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Noranda Exploration, Inc. Mining and Milling Proposal; Chatham Area, Tongass National Forest; Intent to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the USDA Forest Service will prepare an environmental statement in response to a proposal for development of a mining and milling operation by Noranda Explorations, Inc., as operator for the Pan Sound Joint Venture. The Noranda claims are located in the upper Greens Creek drainage of northern Admiralty Island National Monument, within the Tongass National forest of southeast Alaska.

Following exploration of these claims in 1978 and 1979, Noranda has identified high grade materials containing silver, zinc, lead and copper and has indicated that a development proposal will be submitted to the Forest Service by August 1980. The draft environmental statement will be prepared and filed by December 1980.

The Noranda proposal is expected to define available options for development of the mineral deposit, feasible mill site locations, alternate modes of access, and estimated daily activities. the proposal is expected to reflect preliminary environmental baseline studies, proposal for future monitoring, and results of Noranda's socioeconomic assessment.

The USDA Forest Service will assess the proposed options and any additional feasible alternatives, access environmental implications, and seek comment and involvement from a wide range of local, regional, and national publics.

Planning for possible development of these Noranda claims can be expected to generate considerable controversy due to the complex management situation for Admiralty Island. The Tongass Land Management Plan, completed in March 1979, allocated Admiralty except the Mansfield Peninsula, to roadless management for ten years and identified it for recommendation to the National Wilderness Preservation System. In addition, Admiralty was withdrawn under the Federal Land Policy and Management Act which closed the island to further mineral location for a period of two years, beginning on December 5, 1978. Finally, the Noranda claim's area was included within the boundary of the Admiralty Island National Monument as created by Presidential Proclamation under the Antiquities Act on December 1, 1978. Interim management guidelines have been established for the National Monument; the planning process to establish a long-range Monument Management Plan will be completed by the spring of 1981.

Several issues which will affect this planning process and are part of Alaska Lands legislation are expected to be resolved before the final environmental analysis is completed. A Congressional decision concerning wilderness designation for Admiralty will determine whether or not the provisions of the Wilderness Act of 1964 must be met by the Noranda plan of operations.

If Congress does add Admiralty to the National Wilderness Preservation System, specific provisions concerning the Noranda claims could be included in the enactment.

An additional issue which is potentially relevant to the Noranda planning process is final resolution of possible Native land claims on northern Admiralty. Should lands in proximity to Noranda's claims be conveyed to a Native group under the Alaska Native Claims Settlement Act, the new landownership patterns will be assessed as a part of the total management context.

This complex planning environment reflects the high values associated with Admiralty Island, including significant amenity and commodity resources as well as cultural and social values. Thus, in addition to meeting the legal requirements and management objectives now in effect for Admiralty, the plan of operation approved for Noranda must meet high standards for resource protection. Key values are water quality of Greens Creek and its tributaries, including associated fisheries habitat and Greens Creek estuary. Potential impacts to wildlife, scenic and recreation values, and potential historic and prehistoric cultural resources must also be addressed by the planning process. Finally, because of the broad objectives proclaimed in the creation of the Admiralty Island National Monument, potential impacts to the ecological system—the interrelationship of the natural resources—must be assessed to assure that research opportunities within the Monument are retained.

It is recognized that, while careful resource assessment is necessary and management restrictions to achieve other management objectives are probable, development of valid mining claims is permitted under all applicable laws and regulations. In addition, there is strong support from many publics to encourage such development, both to meet National mineral needs and to provide regional employment and economic benefits. These potential effects will be fully assessed as a part of the planning process.

As the lead agency in preparation of the environmental statement, the USDA Forest Service has encouraged participation by interested State and Federal agencies, communities, interest groups, organizations, and individuals since the inception of the Noranda project. This involvement began during environmental assessment of Noranda's Plan of Operations for exploration work in February 1978.

With initial indication by Noranda that a developmental proposal would be submitted, the agency assembled a pre-planning team which included representatives of the Alaska Department of Fish and Game, and Alaska Department of Environmental Conservation. An informal public advisory group met with the team and Noranda representatives during 1979 to review Noranda's early planning and to assist in identification of major physical, biological, social, economic, and other management issues. With the establishment of an interdisciplinary planning team to prepare the Noranda Mining and Milling Proposal Environmental Statement, the State of Alaska and the informal public advisory group will be encouraged to continue their involvement. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service will also be asked to participate as consulting agencies.

Public comment through earlier planning phases is being used to identify issues and opportunities. These will appear as a draft scoping document to be published in December 1979. A plan to assure full opportunity for public participation throughout the planning process will be included in the scoping document. Public meetings are anticipated in the fall of 1980, after Noranda's proposal is presented to the Forest Service.

The Forest Supervisor, USDA Forest Service, Tongass National Forest, Chatham Area, is the agency official responsible for approval of the final mining and milling plan for Noranda. For a copy of the scoping document and for other inquiries or requests for

planning information, including the draft environmental statement, please contact K. J. Metcalf, Manager, Admiralty Island National Monument, Juneau Work Center, P. O. Box 2097, Juneau, Alaska 99803 (Telephone No. (907) 789-3111).

Norman R. Howse,

Acting Forest Supervisor.

November 29, 1979.

[FR Doc. 79-37571 Filed 12-6-79; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Part-Time Career Employment Program, Personnel Instructions

AGENCY: U.S. Department of Agriculture.

ACTION: Proposed Implementation of the Federal Employees Part-Time Career Employment Act of 1978

SUMMARY: Pursuant to the provisions of the Federal Employees Part-Time Career Employment Act of 1978 (Pub. L. 95-437), the U.S. Department of Agriculture has developed proposed personnel instructions for providing permanent part-time employment opportunities. The instructions will apply to all agencies of the U.S. Department of Agriculture.

DATE: Written comments may be submitted no later than January 7, 1980.

ADDRESS: Comments should be submitted to: Office of Personnel, U.S. Department of Agriculture, Room 1087, South Building, 14th and Independence Avenue SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Patricia J. Killen, Office of Personnel, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-5625.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 3406, Federal agencies are required to publish regulations relating to part-time employment in the **Federal Register**, and provide an opportunity for interested parties to comment. These regulations may be supplemented from time to time through the Department of Agriculture's Personnel Manual. In addition, changes in the Program may be required to reflect policy issued by the Office of Personnel Management. Accordingly, it is proposed to add a new Chapter 340 to the Department of Agriculture's Personnel Manual to read as follows:

Chapter 340—Part-Time Career Employment Program

Subchapter 1—General Provisions

a. *Purpose.* These regulations implement the Federal Employees Part-Time Career Employment Act of 1978 (Pub. L. 95-437) by establishing a continuing program in the U.S. Department of Agriculture (Department) to:

(1) Provide part-time employment opportunities to potential and current Department employees at all grade levels through GS-15 (or equivalent) and in professional, administrative, technical, clerical, and trades occupations;

(2) Benefit the Department as an employer by increasing productivity and job satisfaction while lowering turnover rates and absenteeism;

(3) Provide management with flexibility in meeting work requirements and filling shortages in various occupations;

(4) Provide an alternative to individuals who need or desire shorter working hours; and

(5) Support affirmative action programs for minorities, woman, and handicapped individuals.

b. *Policy.* The U.S. Department of Agriculture (Department) will, to the extent possible with Agency resources and mission requirements, provide part-time career opportunities in all positions through GS-15 (or equivalent) to department employees and prospective employees who may be unable to work full-time, but are available for part-time employment from 16 to 32 hours per week.

c. *Definitions*—(1) *Agency.* As used in the Department Personnel Manual "Agency" means a major organizational unit of the Department of Agriculture.

(2) *Part-time Employment.* Employment of 16 to 32 hours per week on a regularly scheduled tour of duty performed by individuals serving under competitive or excepted appointments in tenure groups I or II, and who became employed on such a part-time basis on or after April 8, 1979.

(3) *Tenure Group I.* Applies to employees in the competitive service under career appointments who are not serving probation, and permanent employees in the excepted service whose appointments carry no restrictions or conditions.

(4) *Tenure Group II.* Applies to employees in the competitive service serving probation, career-conditional employees, and career employees in obligated positions. It also includes employees in the excepted service serving trial periods, whose tenure is indefinite solely because thery occupy obligated positions; or whose tenure is equivalent to career-conditional in the competitive service.

d. *Coverage.* These regulations apply to all Agencies within the Department at headquarters level and all field installations, and cover all positions through GS-15 (or equivalent).

e. *Exceptions.* These regulations do not apply to any positions designated as temporary or intermittent, positions at GS-16 (or equivalent) and above, or to positions where a collective bargaining agreement establishes the number of hours per week. Agencies may not make exceptions to employ persons on a permanent part-time basis for more than 32 hours per week. This prohibition does not restrict Agencies from temporarily increasing an employee's hours of duty above 32 hours per week for limited periods to meet heavy workloads, permit employee training, etc. Agencies are cautioned to montior requests to permit part-time employees to work more than 32 hours per week for any period of time. Agency Heads, or their designee, may authorize the employment of part-time workers for less than 16 hours per week if necessary to carry out the Agency's mission.

Subchapter 2—Program Implementation

a. *Program Responsibilities.* (1) General direction for the department's Part-Time Career Employment Program is under the jurisdication of the Assistant Secretary for Administration.

(2) The Director of Personnel is delegated responsibility for the overall direction of the program.

(3) The Department Coordinator, designated by the Director of Personnel, is responsible for:

(a) Reviewing goals and timetables for part-time employment developed by department Agencies;

(b) Monitoring of the Department's Program;

(c) Providing advice and assistance to Agency officials;

(d) Consulting on the Program with interested parties in special emphasis areas; e.g., equal employment opportunity, selective placement, veterans, employee organizations, etc.;

(e) Maintaining Departmental liaison with groups interested in promoting part-time opportunities; and

(f) Preparing consolidated Program reports for transmittal to the Office of Personnel Management and the Congress.

(4) Each Agency Head, or designee, is responsible for providing general direction for the Agency's Program, and setting Program goals and timetables for meeting those goals.

(5) Agency Coordinators. Each Agency Head, or designee, shall designate a Part-Time Employment Coordinator who shall have overall responsibility for implementing and monitoring the Agency's Program. The Coordinator's responsibilities include:

(a) Overseeing development and implementation of part-time employment goals and timetables;

(b) Consulting on the Program with interested parties; e.g., Equal Employment Opportunity and Federal Women Program officials, Handicapped Program Coordinators, representatives of employee unions, organizations, etc.;

(c) Keeping Agency managers, supervisors, and employees informed on the basis rules covering part-time employment, and position management and work assignment techniques that can lead to the most productive ue of part-time workers;

(d) Maintaining liaison with groups interested in promoting part-time employment opportunities;

(e) Monitoring Agency progress in expanding part-time employment opportunities; and

(f) Preparing reports on part-time employment for transmittal to the Office of Personnel.

b. *Goals and Timetables.* (1) Each Agency shall set annual goals for establishing or converting positions for part-time career employment, and establish timetables setting forth interim and final deadlines for achieving such goals. Goals for each fiscal year (beginning with FY 1980) must be established and reported to the Office of Personnel by October 31 of each year.

(2) The following factors should be considered in identifying part-time employment opportunities:

(a) Agency mission and occupational mix;

(b) Workload fluctuations;

(c) Size of workforce, turnover rate, and employment trends;

(d) Potential for improving service to the public;

(e) Affirmative action;

(f) Geographic dispersion;

(g) Current employee interest in part-time; and

(h) Personnel ceiling and fiscal constraints.

c. *Program Evaluation and Reporting.* (1) The Part-Time Career Employment Program will be subject to continuing review and evaluation as a part of the regular personnel management evaluations conducted by the Office of Personnel and the Office of Personnel Management. Program evaluation shall also be included in each Agency's internal personnel management evaluation process.

(2) Agencies are required to report twice each year to the Office of Personnel on progress in meeting part-time employment goals, noting any impediments encountered and measures taken to overcome them. Agency reports, as of March 31 and September 30 of each year, shall be submitted to the Office of Personnel no later than April 30 and October 31, respectively. Reports must address the Agency's progress in meeting part-time employment goals, noting any impediments encountered and measures taken to overcome them. Reports should also include the extent to which the Program has provided for part-time career opportunities for older persons, handicapped individuals, persons with family responsibilities, and students.

(3) The Department Coordinator will review Agency reports, and submit a consolidated report to the Office of Personnel Management by May 15 and November 15 of each year.

Subchapter 3—Part-Time Employment Practices

a. *Review of Vacant Positions.* Agencies must establish procedures to review positions which become vacant to determine the feasibility of filling them on a part-time career employment basis. This review shall include consideration of factors such as those used to establish goals and timetables.

b. *Establishing and Converting Part-Time Positions.* (1) Agencies are required to establish a sufficient number of new part-time positions to meet their established goals.

(2) Employees should be given the opportunity to request and receive consideration to switch from full-time to part-time schedules, on a voluntary basis. Full-time employees cannot be required to accept part-time employment as a condition of continuing employment.

(3) Agencies shall not abolish any position occupied by an employee in order to make the duties of such position available to be performed on a part-time career employment basis.

c. *Notifying the Public of Part-Time Vacancies.* Agencies are required to keep the public informed of job opportunities through publicizing vacant part-time positions in Department-wide vacancy announcements; Federal Job Information announcements; and maintaining contact with State Employment Service Offices, schools, organizations, and other sources of recruitment.

Since this proposed rule relates to internal agency management, it is exempt from the provisions of Executive Order 12044, "Improving Government Regulations," and Secretary's Memorandum No. 1955.

Done this 20th day of November, 1979, at Washington, D.C.

Joan S. Wallace,

Assistant Secretary for Administration.

[FR Doc. 79-37602 Filed 12-6-79; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 149]

Resolution and Order Approving the Application of the Seaway Port Authority of Duluth for a Foreign-Trade Zone in Duluth, Minn.

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Seaway Port Authority of Duluth (the Port Authority), filed with the Foreign-Trade Zones Board (the Board) on May 10, 1979, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Duluth, Minnesota, within the Duluth Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant to Establish, Operate, and Maintain a Foreign-Trade Zone in Duluth, Minn.

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Seaway Port Authority of Duluth (the Port Authority) has made application (filed May 10, 1979) in due and proper form to the Board, requesting the establishment, operation and maintenance of a foreign-trade zone in Duluth, Minnesota, within the Duluth Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's Regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 51, at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the Regulations issued thereunder, to the same extent as through the same were full set forth herein, and also to the following express conditions and limitations:

Operations of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone site.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D. C., this 27th day of November 1979, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Luther J. Hodges, Jr.

Acting Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 79-37643 Filed 12-6-79; 8:45 am]

BILLING CODE 3510-25-M

Industry and Trade Administration

IIT Research Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street N.W. (Room 735) Washington, D.C.

Docket No.: 79-00343. Applicant: IIT Research Institute, 10 W. 35th Street, Chicago, Illinois 60616. Article: Memory Controlled Fully Automatic Sequential Vacuum X-Ray Spectrometer, Model 3064 with End Window X-Ray Tube and Accessories. Manufacturer: Rigaku Ltd., Japan. Intended use of article: The article is intended to be used for studies of material requiring quantitative or qualitative elemental analysis as presented to an analytical research laboratory. Particular interest will be analysis of thin powder samples on filter paper (such as aerosal samples) solids, bulk powders, slurries, and liquids. The primary quantity to be measured is the elemental compostition (chemical composition) of the sample including light elements. The physical properties will vary from rugged solids to relatively fragile powders deposited on the top surface of filter papers.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a 12 kilowatt high incidence (Brilliant) x-ray beam. The National Bureau of Standards advises in its memorandum dated November 19, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-37638 Filed 12-6-79; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on application for duty-free entry of Electron Microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897), and the regulations issued thereunder as amended (15 CFR 301). (See especially section 301.11(e).) A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street N.W. (Room 735), Washington, D.C.

Docket No: 79-00392. Applicant: University of Texas Health Science Center, San Antonio, Department Of Pathology, 7703 Floyd Curl Drive, San Antonio, TX 78284. Article: Electron Microscope, Model JEM-100CX (Standard Side Entry Type) and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for investigation on the ultrastructural (characteristics) of various pathologic conditions through studies of tissue culture cells (smooth muscle), endothelial and aortic tissue, tumors and renal biopsies. The article will also be used in the teaching of residents, graduate students in pathology and for the training of post-doctoral fellows in specialized techniques related to studies in ultrastructure. Article ordered: July 3, 1979.

Docket No.: 79-00395. Applicant: Texas Tech University, P.O. Box 4050, Lubbock, TX 79409. Article: Electron Microscope, Model JEM-100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies

of clay minerals used in geothermal drilling fluids. Some examples are sepiolite, attapulgite, saponite, and bentonite. Clays will be autoclaved under conditions which will stimulate the temperature, pressure, and chemistry of the bore-hole conditions of geothermal drilling operations. The rheological properties of the fluids will be measured and correlated with the changes in the structure, morphology and chemistry of the clay particles. The articles will also be used in the training of graduate students in the course GEOCHEM 539, Clay Minerology. Article ordered: June 26, 1979.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-37641 Filed 12-6-79; 8:45 am]

BILLING CODE 3510-25-M

National Aeronautics and Space Administration; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666 11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79-00388. Applicant: National Aeronautics and Space Administration—Goddard Institute for Space Studies, 2880 Broadway, New York, New York 10025. Article: Carcinotron (312-362 GHz) Oscillator. Manufacturer: Thomson CSF, France. Intended use of article: The article is intended to be used for testing submillimeter-wave frequency converters, and for testing components of the measurement system.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a frequency range of 312 to 362 gigahertz. The National Bureau of Standards advises in its memorandum dated November 19, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use. In this regard, it is noted that several domestic firms received a request for quotation from the applicant and none submitted proposals on the request.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-37639 Filed 12-6-79; 8:45 am]—

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially section 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5 P.M. at 666-11th Street, N.W. (Room 735), Washington, D.C.

Docket No.: 79-00355. Applicant: University of Texas Medical Branch, UMED 9-12970, Galveston, TX 77550. Article: LKB 2088 Ultrotome V Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The foreign article is intended to be used for the following:

(1) Studies on *pathologic human tissues* where it is expected that *softer tissues* (such as renal or striated muscle) as well as *harder-tissues* (such as collagen-rich tendon or epidermis will be encountered frequently.

(2) Studies on *normal and pathologic animal tissues* which include, for example, experimental identification, localization, and modification of the surface charge present in the capillary loops of rat kidney glomeruli, and

(3) Studies on *host-parasite interfaces* which include, for example, the progressive (in time) examination of schistrosome egg maturation in livers tissue of host animals. Host animals bearing infections of host animals. Host animals bearing infections of known age will be periodically sacrificed and areas of suspected parasite infestation located, dissected, and prepared for various assays, including electron microscopic examination.

The objectives are to contribute to basic knowledge of cell and tissue ultrastructure in normal and pathologic tissues. One objective is to reveal what, if any, diagnostic correlates exist between light and electron microscopic examination of pathologic tissues. Moreover, the study of host-parasite interactions will reveal at the ultrastructural level morphological alternations in cellular and subcellular components as a result of parasite infestation. The objective pursued in the course of these investigations is to understand early pathological alternations in tissues (as induced in animal models) and to correlate these changes with clinical alterations seen in human pathologic tissues. By understanding early alterations seen in human we may begin to formulate preventative treatments in human diseases. The foreign article will also be used in the residency training program offered by the Pathology Department and in the graduate training program of the School of Biomedical Sciences wherein the residents and graduate students will be taught techniques of electron microscopy. Application

received by Commissioner of Customs: July 13, 1979. Advice submitted by the Department of Health, Education, and Welfare: November 1, 1979. Article ordered: December 8, 1978.

Docket No.: 79–00382. Applicant: University of Kansas Medical Center, College of Health Sciences and Hospital, 39th and Rainbow Blvd., Kansas City, Kansas 66103. Article: LKB 2128–010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning animal and viral specimens and tissue cultures which have been ambedded in hardened epoxy resins. Investigations will include ultrastructural studies on normal and pathologic animal tissues and on cells, developmental studies on viral systems, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-virus interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments, and by viral infection. Application received by Commissioner of customs: August 10, 1979. Advice submitted by the Department of Health, Education, and Welfare: November 1, 1979. Article ordered: July 24, 1978.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article provides a cutting speed range equal to or better than 0.1 to 20 millimeters/second (mm/sec). The MT–5000 ultramicrotome manufactured by the DuPont/Sorvall Division of the DuPont Company (Sorvall) became available on April 24, 1979. The MT–5000 has a cutting speed range of 0.1 to 38 mm/sec. However, at the time each foreign article was ordered the most closely comparable domestic instrument was Sorvall's Model MT–2B ultramicrotome. The Model MT–2B provides a range of cutting speeds from 0.09 to 3.2 mm/sec. HEW advises in its respectively cited memoranda, that (1) cutting speeds in excess of 4 mm/sec. are pertinent to the purposes for which each foreign article is intended to be used and (2) the domestic Model MT–2B did not provide the pertinent feature at the time each foreign article was ordered.

For these reasons, we find the Sorvall Model MT–2B ultramicrotome was not of equivalent scientific value to the foreign articles to which each of the foregoing applications relate, for such purposes as these articles are intended to be used at the time each foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles were being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79–37642 Filed 12–6–79; 8:45 am]

BILLING CODE 3510–25–M

VA Wadsworth Medical Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 987) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666 11th Street, N.W. (Room 735), Washington, D.C.

Docket No.: 79–00219. Applicant: VA Wadsworth Medical Center, Wilshire and Sawtelle Blvds., Los Angeles, California 90073. Article: Scanning Electron Microscope, Model HFS–2 and Accessories. Manufacturer: Hitachi, Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for high resolution membrane receptor work being performed during the study of changes membrane molecules undergo with aging.

Comments: Comments dated May 17, 1979 have been received from AMRAY Inc. (AMRAY) which alleged, among other things, that its Model 1400 provides 30 Angstrom (A) guaranteed resolution (specifications provided with the AMRAY comments listed the resolution at the 1400 at "40A in the secondary mode, 30A attainable * * *"). Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 30, 1976). Reasons: The foreign article provides a guaranteed resolution of 30A in the secondary electron mode. The Department notes that Model 1400 referred to in AMRAY's comments became available January, 1977 (letter dated February 21, 1978 from AMR Corporation, now AMRAY) and was not available at the time the foreign article was ordered. Pursuant to 15 CFR 301.11(a), the Department relies on the guaranteed specifications of the foreign and domestic instruments in making determination of scientific equivalency. "Attainable" resolution has no standing as a guaranteed specification and for purposes of its evaluation the guaranteed resolution for the AMRAY 1400 is considered to be 40A. The AMRAY Model VTC, which was available at the time the foreign article was ordered, provided a guaranteed resolution of 70A in the secondary electron mode. The Department of Health, Education, and Welfare advises in its memorandum dated August 9, 1979, that (1) 30A resolution in the secondary electron mode is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument (including AMRAY's Model 1400) or apparatus that guaranteed or provided resolution equivalent to that of the foreign article at the time the foreign article was ordered.

Based on this advice, the information provided above and specifications in our files we find that the Model VTC is not of equivalent value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79–37640 Filed 12–6–79; 8:45 am]

BILLING CODE 3510–25–M

[Case No. 570]

Mr. Irving Becker and Comspace Corp., Respondents; Order Denying Export Privileges

By letter of June 20, 1978, the Compliance Division charged Irving Becker and Comspace Corporation (350 Great Neck Road, Farmingdale, New York 11735) had violated the Export

Administration Actof 1969, as amended, and regulations issued thereunder, 15 CFR 36 *et seq.* It alleged that the respondents illegally exported assorted integrated circuits, transistors, a counter/timer and attenuators and an oscilloscope to Poland in the years 1974–1976.

The facts involved in this proceeding were previously considered by the U.S. District Court, Eastern Division of New York, in Jay–June 1977. Anatole Ungurian, a Jordanian national, sought to purchase the above described controlled electronic equipment for Unitra, a purchasing agency of the Polish Government. To accomplish this purpose, Ungurian formed "Conco" a New York corporation. In accordance with Ungurian's written orders, the respondents supplied the requesdted items to Conco. The merchandise was immediately transshipped to Poland. Neither Becker no Conco applied for advance permission, i.e., validated export licenses which are required for the export of controlled commodities. A felony indictment was returned against Becker and Ungurian for their unlawful exportations. Ungurian is a fugative from justice. For his part in the culpable export scheme, Becker was fined $2,500, and given a three year period of probation.

Becker, for himself and on behalf of his Comspace Corporation, did not contest the validity of the charges; he consented to a civil penalty as imposed below. Although admitting the charges, Becker steadfastly denied any intention to violate the law and regulations. He asserted that his participation in the illegal exports resulted from his own cupidity and misplaced trust in Ungurain during a period of adverse business conditions.

The record before me indicates respondents' principal business activities consist of the manufacture of home alarm devices, educational equipment, and the exportation of basic hardware, such as nuts, bolts, switches and toggles. During the pendency of this proceeding, Becker showed remorse and appeared penitent for his part in violating U.S. law. He stated that his business suffered and that he incurred major financial burdens for legal expenses and fines. I note that the three year period of probation imposed by the Court is about to expire and that Becker's activities during that period have not been suspect and, except for the charges in this case, he appears in full compliance with the export laws and regulations. Furthermore, he has made personel assurances to me that he has studied the export laws and has taken appropriate action to guard himself against violations.

Based on the foregoing, I find that respondent violated the Export Administration laws and regulations, as alleged in the charging letter. In view of the penalty imposed by the United States District Court and the respondents' manifest intention to comply with all laws and regulations, I find that the agreed penalty as outlined is fair, reasonable, and designed to achieve the purpose of the law and regulations.

Therefore, pursuant to the authority delegated to me, it is

Ordered

I. For a period ending May 31, 1981, the respondents are denied all privileges of participation, directly or indirectly, in any manner or capacity, in any transaction involving commodities, technical data, exported or to be exported from the United States in whole or in part which requires a validated license. All export privileges shall be restored on June 1, 1981, SUBJECT, HOWEVER, to a continuing period of probation ending May 31, 1983.

II. A denial of export privileges shall extend to respondents' agents, employees or successors in interest. During the time when respondents are denied export privileges for commodities requiring validated licenses, no party, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall in any manner, directly or indirectly, carry on negotiations with respect thereto with the respondents or with any other person in behalf of the respondents.

III. The terms of probation are that respondents shall fully comply with the Export Administration Act, as amended, and all regulations, licenses and order issued thereunder.

IV. The provisions of 15 CFR 388 are applicable. The Director, Office of Export Administration, or other authorized officer, may revoke outstanding validated export licenses and deny export privileges for the remaining period of this order upon a finding by the Hearing Commissioner or his successor that respondents have failed to comply with the requirements and conditions of this order. Such action may be taken without notice when national security or foreign policy considerations are involved. If a supplemental order should be issued because of breach of the terms and conditions herein it will contain the proscriptions of 15 CFR 387 and 388. A supplemental order will not preclude the Department of Commerce from taking further action in connection with any violation. Respondents will be permitted to file objection to a supplemental order, petition that the order be set aside, and may request an oral hearing in accordance with the pertinent Export Administration Regulations, but such proceedings will not stay the order or revocation which order will remain in effect until otherwise modified or cancelled.

This order is effective immediately.

Dated November 29, 1979.

Bertram Freedman,

Hearing Commissioner.

FR Doc. 79-37577 Filed 12-6-79; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 584]

Madhu Vrajmir Desai, Respondent; Order of April 20, 1979, Modified

A charging letter of February 1, 1979, in effect, alleged that Desai (15 Lorong Bukit Pantai Empat Pantai Hills Kuala Lumpur, Malaysia) had taken an active part in a scheme by the now defunct Hugle International, Inc. of Sunnyvale, California, to ship controlled electronic commodities to a Polish consignee without the required validated license. Inasmuch as Desai failed to respond, the charges were taken as confessed. Thereafter, by Order of April 20, 1979, 44 FR 24900 (April 27, 1979), it having been determined that he had violated the Export Administration regulations as alleged in the letter of Febryary 1, 1979, Desai was denied all U.S. export privileges.

The respondent petitioned to set aside the default. Evidence submitted by him, together with the previously assembled record, was considered. As a result, the default is set aside; the new evidence is accepted as an answer to the charging letter.

The record is decisive that Hugle International devised a scheme to subvert the export laws and regulations. That company contrived to mislabel controlled electronic commodities for shipment to a proscribed consignee in Poland. Hugel was to ship the mislabeled commodities to Desai's company in Malaysia; Desai, in turn, was to transship to the ultimate consignee. The record now shows that Desai took no active part in Hugle's scheme although he acted as a passive participant as a previous employee of Hugle, because of his ignorance of Hugle's designs and by his further lack of understanding of the Export Administration laws.

Except for the subject charges, Desai is not otherwise suspect and appears in full compliance with the Export Administration laws. He states he had studied the Export Administration laws and regulations, and makes assurances that he will not violate those laws, nor be inveigled into active or passive participation in any scheme to subvert those laws.

In view of the foregoing, I find Madhu Vrajmir Desai violated the Export Administration laws and regulations. However, the violation was due to ignorance and without intent or design.

Amelioration of the prior sanctions to lift the denial and instead to impose a term of probation is reasonable in view of the nature of the offense and appears sufficient to protect the public interest and achieve effective enforcement of the regulations.

Therefore, pursuant to the authority delegated to me, 15 CFR 388, the Order of April 20, 1979, denying all export privileges is vacated and modified to impose a period of probation to remain in effect until May 31, 1984. The condition of probation is that respondent shall fully comply with all export laws and regulations, failing in which this matter may be reopened and export privileges again may be denied.

Dated: November 28, 1979.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 79-37576 Filed 12-6-79; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 397]

Caramant GmbH Order of December 19, 1977, Vacated; Export Privileges Restored

In the matter of Caramant GmbH Manfred Hardt, and Werner Hardt, Adolfsallee 27/29 62 Wiesbaden, Federal Republic of Germany; Respondents.

The decision of the United States Court of Appeals, Fifth District, *U.S.* v. *Wieschenberg et al.*, No. 78-5218, on October 8, 1979, in effect, found there was no evidence to support an inquiry or an allegation that Manfred Hardt had in any way violated the Export Administration Act or Regulations, as charged in that case.

Accordingly, the Order of December 19, 1977, 42 FR 64392 (Dec. 23, 1977) is vacated and the Order of September 30, 1976, 41 FR 54787 (Dec. 15, 1976) is reinstated. Thus, the respondents in this case are each restored to all export privileges subject to the general probation directed in the Order of September 30, 1976. And it is further Ordered that the period of probation shall terminate on May 31, 1981.

Dated: November 28, 1979.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 79-37575 Filed 12-6-79; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

[Docket No. S-656]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application by Gulf Oil Corp.

Notice is hereby given that an application has been filed by Gulf Oil Corporation (Gulf) for Gulf's 262,376 deadweight ton tanker, AMERICAN SPIRIT, to carry oil in the Alaska/Panama oil trade. The vessel, which was built with construction-differential subsidy, would operate between Valdez, Alaska and Puerto Armuelles, Republic of Panama under charter to Sohio Natural Resources Company (Sohio) for a period of not more than six months. Gulf anticipates that six voyages could be made within this time and that the first voyage would commence at Valdez on or about December 15, 1979.

Gulf advises that the American Spirit is needed to assure Sohio's shipping capacity during the six-month period requested when certain of its vessels in the Alaskan service will be withdrawn for repairs. The American Spirit also would assure Sohio of adequate tonnage on the route in view of the present increased production of North Slope crude oil and the onset of inclement weather in Alaskan waters generating shipping delays.

Gulf states that to the best of its knowledge and that of Sohio no suitable Jones Act tonnage is available to provide the full shipping capacity Sohio requires during the requested six-month period.

Interested parties may inspect Gulf's application in the Office of the Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th & E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation who is a "competitor," as defined in § 250.2 of the regulations as set forth in Part 250 of Chapter II, Title 46 of the Code of Federal Regulations published in the Federal Register issue of June 29, 1977 (42 FR 33035), and desires to protest such application should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. Protests must be received within five working days after the date of publication of this Notice in the **Federal Register**. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Assistant Secretary for Maritime Affairs. Within five working days after the due date for the applicant's response, the Assistant Secretary will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Assistant Secretary will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidies (CDS))

Dated: December 4, 1979.

By Order of the Assistant Secretary for Maritime Affairs.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 79-37690 Filed 12-6-79; 8:45 am]

BILLING CODE 3510-15-M

National Telecommunications and Information Administration

Grant Appeals Board of the Public Telecommunications Facilities Program; Rescheduling of Open Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Further notice.

SUMMARY: In an earlier notice, 44 FR 68945 (November 30, 1979), we announced the forthcoming meeting of the Grant Appeals Board of the Public Telecommunications Facilities Program on December 13, 1979. The date scheduled for that meeting has been changed. The Board is now scheduled to meet on January 14, 1980.

PURPOSE: To consider the petition of Independent School District Number 89 of Oklahoma County, Oklahoma seeking reconsideration of an action of the PTFP staff denying forgiveness of its obligation to repay the remaining Federal interest in a grant awarded April 23, 1971.

TIME: 10:00 a.m.

PLACE: National Telecommunications and Information Administration, 1800 G Street, N.W., Room 765, Washington, D.C. 20504.

COMMENTS: Interested parties are encouraged to submit comments on the Petition for Reconsideration of Independent School District Number 89 of Oklahoma County, Oklahoma. (Appendix A.) An original and seven copies of any comments should be filed on or before January 7, 1980 with: Office of Chief Counsel, NTIA/DOC, 1800 G Street, N.W., Washington, D.C. 20504. A certificate of service must be attached to the comments reflecting that a copy of

the comments has been served on: Thomas W. Payzant, Superintendent, Oklahoma City Public Schools, 900 North Klein, Oklahoma City, Oklahoma 73106.

Additional information may be obtained from Robert Hunter, National Telecommunications and Information Administration, Office of Chief Counsel, 1800 G Street, NW., Room 703, Washington, D.C. 20504. Telephone: (202) 377–1866.

Edward Zimmerman,

Deputy Administrator, National Telecommunications and Information Administration.

Appendix A

In the Matter of Federal Matching Grant P.L. 87–447, File No. 86T.

Petition for Reconsideration of Petition for Forgiveness of the Reimbursement of the Federal Share of the Current Market Value of Equipment.

Independent School District Number 89 of Oklahoma County, Oklahoma (hereinafter called "District"), for its petition for reconsideration of its petition for forgiveness of the reimbursement of the current market value of equipment, states:

1. District's petition for forgiveness of the reimbursement of the federal share of the current market value of equipment attached hereto as Exhibit A has been denied by the Director of the Public Telecommunication Program, by letter, a copy of which is attached hereto as Exhibit B. Pursuant to § 2301.33 of Rules and Regulations of the National Telecommunications and Information Administration, District is entitled to reconsideration of its petition.

2. District believes the Administrator's action to be unjust and unwarranted on the basis that the District can use the subject funds to develop its telecommunications in the areas set forth in its petition for forgiveness. Specifically, the District has an urgent need to expand its video tape capabilities of its television media system for disseminating information.

In addition to the areas listed in its prior petition, District has additional programming needs in the following areas:

a. Pre & post lesson plan activities to accompany field trips and out-school programs.

b. Review of literature and storytelling to expand language development.

c. Artists in Residence presentation.

d. Inservice information workshops to assist in implementing new and existing programs.

e. Discussion seminars to enhance classroom experiences for students and teachers.

f. Orientation to Oklahoma City Cultural Centers and organizations that work in cooperation with Oklahoma City Public Schools to provide learning experiences for students.

g. Explanation and discussion of all special programs developed by curriculum service department, i.e., the parents handbook.

District believes the uses of the federal share in the above manner satisfies the mandate from Congress for the Facilities Program to use the funds to develop a national public broadcasting system and to stimulate the growth and quality of public telecommunications services to help meet the established needs of as many citizens as possible.

3. In the event the Grant Appeals Board finds the utilization of the funds by District set forth above to be insufficient, District requests that, in the alternative, it be directed to make a grant of the subject federal share to the Oklahoma Educational Television Authority for the development of instructional television services set forth in Exhibit C. Such services would be greatly beneficial in meeting the needs of the District stated hereinabove.

Wherefore, District respectfully request the Grant Appeals Board to forgive the reimbursement of the federal share of the fair market value of such equipment; or, in the alternative, to direct District to make a grant of such value to Oklahoma Educational Television Authority for the purposes set forth in Exhibit C.

Respectfully submitted,

William P. Bleakley,

Attorney for Independent School District No. 89 of Oklahoma County, Okla.

Exhibit A

In the Matter of Federal Matching Grant P.L. 87–447, File No. 86T.

Petition for forgiveness of the reimbursement of the Federal share of the current market value of equipment.

Independent School District Number 89 of Oklahoma County, Oklahoma (hereinafter called "District"), for its petition for the forgiveness of the reimbursement of the federal share of the current market value of equipment, states:

1. That District received a grant from the Department of Health, Education, and Welfare (hereinafter called "HEW") to purchase equipment for District's television broadcast facilities in 1971. The grant is identified as Federal Matching Grant P.L. 87–447, File No. 86T.

2. The ten year period of Federal interet in the equipment began on April 23, 1971. Less than two years of Federal interest remain. Reimbursement of 49.5% of the fair market value is required until the federal period of interest is required if District sells the equipment prior to the expiration of the period of Federal interest.

3. District has negotiated a sale of the equipment purchased by such grant. Transfer of title and possession of the equipment is anticipated to occur prior to the expiration of the period of Federal interest.

4. The Public Telecommunications Facilities Program of the National Telecommunications and Information Administration has accepted the appraisal of R. C. Crisler and Company commissioned by District which values such equipment at $240,650.00; 49.5% of such value is $119,122.00.

5. Pursuant to Section 60.21 of the Rules and Regulations of Public Law 87–447, the Secretary of HEW or his successor in interest is authorized to forgive the reimbursement of the federal share of the current market value upon a showing of good cause by District.

6. Good cause is established by the following facts:

a. The federal share in the amount of $119,122.00 is urgently needed to alleviate unfunded costs incurred by District to implement the following programs: (1) Lau Regulation Requirements; (2) Education of the Handicapped Programs; (3) Expansion of athletic programs for female students.

The estimated costs for the implementation of the Lau Decision alone for the 1979–80 school year is $410,000.00.

b. Economic loss to District resulting from anticipated reductions in P.L. 874 appropriations to District. See letter from Senator Magnuson dated April 17, 1979, attached hereto as Exhibit A.

c. Economic loss to District resulting from increased fuel costs and double-digit inflation. The District maintains a unified school district by transporting large numbers of students by bus and is critically affected by increased gasoline costs.

Wherefore, Petitioner, upon the above showing of good cause, requests the Secretary to forgive the reimbursement of the federal share of the fair market value of such equipment.

Respectfully submitted,

Thomas W. Payzant,

Superintendent.

Exhibit B

June 21, 1979.

Mr. Thomas W. Payzant,
Superintendent, Oklahoma City Public Schools, 900 North Klein, Oklahoma City, Oklahoma 73106.

Dear Mr. Payzant: Your May 30 petition for forgiveness of the reimbursement of the Federal share of the current market value of equipment purchased through the matching grant, HEW File No. 86–T has been reviewed by Dr. John Cameron, Director of the Public Telecommunications Facilities Program.

Public television is losing a valuable channel and a significant and valuable community service by the sale of Channel 25 to a commercial entity. The mandate from Congress for the Facilities Program is to use the appropriated Federal funds to the fullest extent to develop a national public broadcasting system and to stimulate the growth and quality of public telecommunications services to help meet the established needs of as many citizens as possible.

While we are sympathetic toward the reasons presented in your petition to justify forgiveness, there are not compelling circumstances that establish good cause for releasing the Oklahoma City Public Schools (Independent School District #89) from its obligation to repay the pro-rated value of the equipment previously supported ($119,122) 47 U.S.C. 392 G(2). Therefore your request is denied.

Thank you for releasing the grant award of $400,000, grant number G007703450. The Department of Commerce is in the process of deobligating this amount and adding it to this fiscal year's funds available for matching grant awards.

Sincerely,

Stuart W. Hallock,

Senior Program Specialist, Public Telecommunications Facilities Program.

Exhibit C

July 25, 1979.

Dr. Thomas Payzant,

Superintendent of Schools, Board of Education, Oklahoma City, Oklahoma 73106.

Dear Dr. Payzant: The Oklahoma Educational Television Authority indeed welcomes the possibility of the Oklahoma City School Board making a grant of approximately $119,000 to OETA for the purpose of purchasing certain broadcast equipment which would allow OETA to improve its service in broadcasting instructional television programs and its overall service to the people of Oklahoma City and, of course, the rest of the state.

Currently, OETA is extremely short of video tape machines as we attempt to record prefeeds of PBS programs via satellite; perform sophisticated studio production; and perform off-line editing of previously taped mobile productions while airing instructional television programs. In fact, our studio production capability has been severly cut back since we assumed full-time playback of instructional programs two years ago.

The OETA would utilize these funds to help purchase two Quad Video Tape recorder/players to be used for dubbing and playing instructional programs. We understand that the funds described would be the remaining interest of a ten year HEW Facilities Grant. We can assure you that the proposed use of these funds are clearly in line with the guidelines of the HEW Educational Broadcasting Facilities Program and the new guidelines of PTFP/NTIA/DOC in Washington, D.C. It would appear reasonable to assume that the use of the funds in this manner meets the original purpose of the grant and would be consistent with transferring similar equipment from your agency to OETA.

Yours truly,

Robert L. Allen,

Executive Director.

[FR Doc. 79-37666 Filed 12-6-79; 8:45 am]

BILLING CODE 3510-60-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Further Adjusting Import Levels in Certain Man-Made Fiber Textile Products From India

December 4, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Increasing the import level for other man-made fiber manufactures, such as other furnishings in Category 666, by 112,180 pounds to 512,821 pounds during the agreement year which began on January 1, 1979; and (2) controlling imports of man-made fiber dresses in Category 636 at the adjusted minimum consultation level of 24,283 dozen during the agreement year which began on January 1, 1979.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843).)

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, agreement has been reached to increase the level established for man-made fiber textile products in Category 666 to 512,821 pounds during the agreement year which began January 1, 1978. Also under the terms of the agreement, the United States Government has decided to control imports in Category 636 at the adjusted minimum consultation level of 24,283 dozen during the agreement year which began on January 1, 1979.

EFFECTIVE DATE: December 7, 1979.

FOR FURTHER INFORMATION CONTACT: Jane C. Bonds, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On January 9, 1979, there was published in the **Federal Register** (44 FR 2003) a letter dated January 5, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which prohibited, effective on January 1, 1979 and for the twelve-month period extending through December 31, 1979, entry into the United States for consumption or withdrawal from warehouse for consumption of certain designated categories of man-made fiber textile products, produced or manufactured in India and exported to the United States during the twelve-month period which began on January 1, 1979.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase to 512,821 pounds the level of restraint previously established for man-made fiber textile products in Category 666, and to control imports in Category 636 at the adjusted level of 24,283 dozen, both during the 12 month period that began on January 1, 1979.

Paul T. O'Day

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 4, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel the directive of January 5, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit, for the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of certain cotton, wool and man-made fiber textile products, produced or manufactured in India.

Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on December 7, 1979 to amend the level of restraint previously established for man-made fiber textile products in Category 666, produced or manufactured in India to 512,821 pounds.[1]

Pursuant to the foregoing authorities, you are further directed to prohibit, effective on December 7, 1979 and for the twelve-month period beginning in January 1, 1979 and extending through December 31, 1979, entry for consumption or withdrawal from warehouse for consumption of man-made fiber textile products in Category 636 in excess of 24,283 dozen.

Textile products in Category 646 which have been exported to the United States prior to January 1, 1979 shall not be subject to this directive.

Textile products in Category 636 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of India and with respect to imports of man-made textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5

[1] These levels of restraint have not been adjusted to reflect any imports after December 31, 1978. Imports during the January-September period of 1979 amounted to 9,619 dozen in Category 636.

U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-37676 Filed 12-6-79; 8:45 am]

BILLING CODE 3510-25-M

New Official Authorized To Issue Export Visas and Certifications for Exempt Textile Products From the Republic of Korea

December 4, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Authorizing Choe Hong Geon (Choe, H.G.) to issue visas and certifications for exempt cotton, wool and man-made fiber textile products exported from the Republic of Korea to the United States, replacing Kim Chul Su.

SUMMARY: On May 25, 1972 a letter dated May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs was published in the **Federal Register** (37 FR 10605), prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States, for which the Republic of Korea had not issued a visa. A further letter, dated August 22, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** on August 29, 1973 (38 FR 23357) and established an administrative mechanism to exempt from the limitations of the bilateral agreement between the Governments of the United States and the Republic of Korea certain textile products which have been certified for exemption by the Government of the Republic of Korea. One of the requirements is that the visas and certifications for exemption include the signature of an official designated by the Government of the Republic of Korea. The Government of the Republic of Korea has informed the Government of the United States that, effective on November 1, 1979, Choe Hong Geon (Choe, H.G.), Director, Export Division I, Ministry of Commerce and Industry, is the official authorized to issue export visas and certifications for exempt items, replacing Kim Chul Su. Goods covered by visas and certifications issued by Kim Chul Su before November 1, 1979 will not be denied entry. A facsimile of the signature of Choe Hong Geon is filed as part of the original document with the Office of the **Federal Register.**

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: William Boyd, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

Paul T. O'Day

Acting Chairman, Committee for the Implementation of Textile Agreements.

Attachment
December 4, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This letter further amends, but does not cancel the directive of May 19, 1972 for the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, effective 30 days after publication of notice in the **Federal Register,** entry into the United States for consumption and withdrawal from the warehouse for consumption of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea for which the Republic of Korea had not issued a visa. It also further amends, but does not cancel, the directive of August 22, 1973, which established a mechanism to exempt from the levels of the bilateral agreement between the Governments of the United States and the Republic of Korea, certain textile products which have been certified for exemption by the Government of the Republic of Korea.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11961 of January 6, 1977, the directives of May 19, 1972 and August 22, 1973, as previously amended, are hereby further amended to authorize Choe Hong Geon (Choe, H.G.) to issue visas and certifications for exempt cotton, wool and man-made fiber textile products exported from the Republic of Korea, effective on November 1, 1979, replacing Kim Chul Su. Goods covered by visas and certifications issued by Kim Chul Su before November 1, 1979 shall not be denied entry.

The actions taken with respect to the Government of the Republic of South Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-37674 Filed 12-6-79; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare Supplemental Draft Environmental Impact Statement (SDEIS) for Proposed Flood Control Project; Santa Ana River Mainstem (Including Santiago Creek and Oak Street Drain); Orange, Riverside, and San Bernardino Counties, Calif.

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

ACTION: Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement (SDEIS).

SUMMARY: A Final Environmental Statement based on the feasibility investigations for the project was transmitted to the Environmental Protection Agency on 14 September 1978. The project recommendations in that report included the following: (a) Construction of a new reservoir upstream from Prado Dam near the towns of Mentone and East Highlands; (b) flood plain management for the reach between Mentone Dam and Prado Dam; (c) improvement of Oak Street Drain in the City of Corona; (d) modification of the existing Prado Dam and expansion of the existing Prado Reservoir; (e) improvement of the existing Santa Ana River flood control channel downstream from Prado Reservoir to the ocean; (f) improvement of the lower Santiago Creek Channel; (g) development of water conservation, recreational and wildlife enhancement facilities in and along the above; (h) acquisition and protection of natural amenities in Santa Ana Canyon; and (i) acquisition and preservation of a 92-acre salt marsh area for impact mitigation and for protection of endangered species habitats.

ALTERNATIVES: The "No Action" alternative and the following viable alternatives to the recommended plan were considered during the feasibility studies: (a) Correct Prado Dam, (b) Present 100-Year Flood Protection Below Prado, (c) Future 100-Year Flood Protection Below Prado, (d) Standard Project Flood Protection Below Prado,

(e) National Economic Development, (f) Environmental Quality, and (g) Social Well-Being.

SCOPING PROCESS: Public meetings will be held between November and March to assess public needs and desires relative to protection formulation. These public meetings will be held in the following areas: Corona, Santiago Creek, and Costa Mesa. Participation in these public meetings by affected Federal, State, and local agencies; affected Indian tribes; and other interested private organizations and parties is encouraged. Significant issues to be addressed in these public meetings include: (a) impacts on prime and unique farmlands, (b) impacts on historical and archeological resources; (c) impacts on biological resources (including endangered and threatened species); (d) impacts on water quality; and (e) required relocations.

TIME AND LOCATIONS OF SCOPING MEETINGS: The scoping meetings will be held according to the following schedule:

Area, Location, and Time

Prado Dam, Corona, January and February.
Santiago Creek, Santa Ana and Orange, November, December, January, and February.
Mouth of Santa Ana River, Costa Mesa, January and March.

Availability of the SDEIS. The SDEIS is anticipated to be circulated for public review in July 1980.

ADDRESS: Questions about the proposed action and SDEIS can be answered by: Brian Moore, Project Manager, Tel. No. (213) 688–5443 (FTS 798–5443), U.S. Army Corps of Engineers, 300 N. Los Angeles Street, P.O. Box 2711, Los Angeles, Calif. 90053.

Dated: November 30, 1979.

Gwynn A. Teague,

Colonel CE, District Engineer.

[FR Doc. 79-37570 Filed 12-6-79; 8:45 am]

BILLING CODE 3710-KF-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

1979 Systemwide Wholesale Power Rates; Order Confirming and Approving Increased Power Rates on an Interim Basis

AGENCY: Department of Energy, Bonneville Power Administration (Bonneville).

ACTION: Notice of Approval on Interim Basis of Bonneville Systemwide Wholesale Power Rates.

SUMMARY: On December 3, 1979, the Assistant Secretary for Resource Applications pursuant to Delegation Order No. 0204–33, 43 FR 60636 (December 28, 1978) confirmed and approved, on an interim basis, Wholesale Power Rate Schedules EC–8, EC–9, IF–2, MF–2, F–7, F–8, J–2 and H–6, the General Rate Schedule Provisions setting forth the terms and conditions of service under the foregoing rate schedules, and special contract rates and rate schedule provisions. The wholesale power rates, plus an intended increase in transmission rates (see 44 FR 30405, May 25, 1979), will produce an estimated 88-percent increase in total revenues throughout the repayment period.

EFFECTIVE DATES: The rates are confirmed and approved on an interim basis effective December 20, 1979.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna Lou Geiger, Public Involvement Coordinator, Bonneville Power Administration, Department of Energy, P.O. Box 12999, Portland, Oregon 97212, (503) 234–3361, extension 4261, Toll-free numbers for Oregon callers: 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California: 800–547–6048, or

Marlene A. Moody, Office of Power Marketing Coordination, Department of Energy, 12th Street & Pennsylvania Avenue, NW., Washington, D.C. 20461. (202) 633–8338

SUPPLEMENTARY INFORMATION: The new rate schedules, applicable to all of Bonneville's power customers, constitute Bonneville's first systemwide power rate increase since December 20, 1974. Federal Power Commission approval of the existing power rate schedules expires on December 20, 1979, the effective date of the interim order.

Issued in Washington, D.C., December 3, 1979.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

[Rate Order No. BPA–2]

Bonneville Power Administration—Systemwide Wholesale Power Rates

Order Confirming, Approving, and Placing Increased Power Rates into Effect on an Interim Basis

December 3, 1979.

The functions of the Secretary of the Interior and the Federal Power Commission under the Bonneville Project Act, 16 U.S.C. 832, the Federal Columbia River Transmission System Act, 16 U.S.C. 838, and other statutes relating to the Bonneville Power Administration were transferred to and vested in the Secretary of Energy pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95–91. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis. Also under this delegation order, the Secretary of Energy delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. This rate order is issued pursuant to the delegation to the Assistant Secretary.

Background

Existing Rates

Wholesale power from the Bonneville system is delivered to 161 customers pursuant to rate schedules in effect since December 20, 1974, for the period ending December 20, 1979. The rate schedules were approved by the Federal Power Commission in Docket No. E–8978 by orders issued on December 19, 1974, and August 21, 1975. These seven rate schedules are:

EC–6, Wholesale Firm Power Rate; EC–7, Reserve Power Rat; F–6, Wholesale Firm Capacity Rate; H–5, Wholesale Nonfirm Energy Rate; J–1, Wholesale Firm Energy Rate; IF–1, Wholesale Power Rate for Industrial Firm Power; and MF–1, Wholesale Power Rate for Firm Power and Modified Firm Power.

Approval was also granted in that order of Bonneville's General Rate Schedule Provisions, a special contract rate of 3 mills per kilowatthour for certain exchange power, and certain billing provisions relating to power sales contracts between Bonneville and California utilities.

Need for Rate Increase

Pursuant to the Bonneville Project Act (Pub. L. 75–329 as amended) and the Federal Columbia River Transmission System Act) Pub. L. 93–454) and Section 2 of the Grand Coulee Third Powerhouse Authorization (Pub. L. 89–448), the Administrator conducted a revised power repayment study of the Federal Columbia River Power System (FCRPS) to determine the revenue necessary to recover the cost of producing and transmitting the electric power Bonneville markets and to repay with interest the Federal investment in the FCRPS as required by statute. The results

of the study showed the need for an 88-percent increase in total revenues over the entire repayment period. This need will be met by the increase in wholesale power rates approved by this order plus a future increase in transmission rates.

The existing wholesale power rate schedules would produce revenues of approximately $310,000,000 in CY 1980, assuming average water conditions. The new wholesale power rates would produce approximately $597,000,000 in CY 1980 under these same conditions.

Present revenues are inadequate for a number of reasons. Since present rates were established in 1974, there have been significant increases in the cost of operating and maintaining the Federal generation and transmission system, in the cost of constructing new generation and transmission facilities, and in the cost of power purchases. These cost increases have not been matched by revenue increases. Revenue increases have been limited to those resulting from an increase in the volume of sales.

Another significant change since the 1974 rate adjustment is that pursuant to the 1974 Federal Columbia River Transmission System Act, Bonneville must now operate on a self-financing basis. Bonneville must pay a rate of interest on the bonds it sells to the U.S. Treasury to finance the construction of transmission facilities comparable to the current rate for bonds of similar quality sold in the money market. This has resulted in increased interest costs to Bonneville, as compared with the rates of interest previously paid on appropriated funds.

The most significant cost increases are due to construction delays and cost escalation at thermal plants from which Bonneville has purchased thermal output. Bonneville has contracted to purchase either all or a sizable portion of the capability of four nuclear plants which have either been completed or are under construction. The contracts provide that Bonneville commence payment for its share of plant capacity at fixed dates regardless of whether or not the plants are completed or are operating by those dates. Costs for two of these plants, the Trojan facility constructed by Portland General Electric from which Bonneville acquires Eugene Water and Electric Board's 30 percent ownership share of the capability and the Washington Public Power Supply System (WPPSS) Plant No. 2 from which Bonneville will acquire 100 percent of the capability, were included in 1974 rates. Costs of these plants have increased significantly since 1974. Cost increases have been due to inflation, higher interest rates, changes in regulatory requirements, construction delays, labor disputes, and other factors. In addition, costs of an additional thermal plant, WPPSS Plant No. 1, from which Bonneville will acquire 100 percent of the capability, are now included. The cost of the fourth plant, WPPSS Plant No. 3, from which Bonneville will acquire 70 percent of the capability, will be included in future rate adjustments.

Until recently Bonneville power sales contracts limited Bonneville rate adjustments to 5-year intervals. The contracts have now been amended to enable Bonneville to adjust its rates annually beginning July 1, 1981. The effect of more frequent rate reviews will permit a series of smaller rate increases rather than infrequent large increases like the present one.

Public Notice and Comment

In response to the current power repayment study which showed that revenues from current rates were inadequate to meet Bonneville's repayment obligation, Bonneville published in the January 18, 1978, **Federal Register** (43 FR 2659) a "Notice of Intent to Develop Revised Wholesale Power Rates." After consideration of the recommendations received from Bonneville customers and the public in response to this notice, Bonneville published proposed wholesale power rates in the August 25, 1978, **Federal Register**. It also announced the availability of a Draft Rate Environmental Impact Statement and the opportunity for public review and comment (43 FR 38356). All customers and identified interested parties were notified by mail of the proposed wholesale power rates.

Eight public information forums and eight public comment forums were held throughout the Bonneville service area during the months of September and November 1978. The forums were attended by more than 700 persons. Written comments on the initial rate proposal were received through November 30, 1978. Proceedings of public information and comment forums were transcribed and over 300 written comments and detailed studies were received from Bonneville customers and interested parties.

Bonneville's initial rate proposal was based on a Federal Columbia River Power System (FCRPS) power repayment study, a cost-of-service methodology study, an average cost-of-service study, a long-run incremental cost-of-service study, an irrigation impact study, a time-differentiated average cost rate study, and a rate design study. Copies of these documents remain available to Bonneville customers and interested members of the public.

Based upon the comments received on the rate schedules and on additional Bonneville studies, the Administrator issued revised proposed wholesale power rates. The revised rates were published in the **Federal Register** on July 17, 1979 (44 FR 41743).

Bonneville held seven additional public meetings on July 31, 1979, and August 1, 1979, to provide technical details on the revised wholesale power rates and to receive public comment. Proceedings of the public meetings were transcribed. Written comments on the revised proposed rates were accepted until August 16, 1979. The public meetings were attended by more than 250 persons and more than 60 written comments were received. In response to the oral and written comments received, the Administrator developed his final proposed rate schedules and General Rate Schedule Provisions. These schedules and provisions are given interim approval by this order.

In addition to studies conducted by Bonneville, the Bonneville Administrator issued a Record of Decision documenting the process by which the rates were developed. This included the significant public comments received, the response to such comments, and the rationale for his decisions.

Studies Conducted by Bonneville

The new wholesale power rates are based on studies conducted by Bonneville. Some studies were conducted up to three times in order to reflect the most recent cost data available and the changes made in the rate proposal as a result of public comment. The studies conducted were: FCRPS Power Repayment Study, August 1978 (current and revised), July 1979 (current and revised), September 1979 (current and revised); FCRPS Cost-of-Service Analysis, August 1978, July 1979, and September 1979; Bonneville Long-Run Incremental Cost-of-Service and Rate Study, August 1978, July 1979, and October 1979; Demand Response to Increasing Electricity Prices by Pacific Northwest Irrigated Agriculture, June 1978, and Supplement, April 1979; Time-Differentiated Pricing Analysis, August 1978, July 1979, and October 1979; Summary Rate Design Study, August 1978, July 1979, and October 1979; Staff Evaluation of Official Record, July 1979, and Addendum, October 1979; and a Draft Rate Environmental Impact Statement, August 1978, and a Final Rate Environmental Impact Statement, October 1979. The new wholesale rate schedules are based on results of the final studies that appropriately reflect

public comments, criticisms, and suggested alternatives.

Repayment Study

Bonneville is required by law to set its rates so as to recover the cost to the Government of producing, purchasing, and transmitting electric energy (Section 7 of the Bonneville Project Act). It must also provide the lowest possible rates to consumers consistent with sound business principles (Section 5 of the Flood Control Act of 1944 and Section 9 of the Federal Columbia River Transmission System Act).

The Department of Energy policy for implementing the statutory requirements is set forth in Department of Energy Order No. RA 6120.2, dated September 20, 1979, which replaces Department of Interior policy, 730 DM 3 and 4, without substantive change. Bonneville's total revenues must be sufficient to pay all annual operation and maintenance costs, purchased power costs, and interest expenses; to repay bonds sold to the U.S. Treasury; to repay Federal investment in generation and transmission facilities financed with appropriated funds within 50 years or the service life, if this is less; and to repay irrigation system construction costs at designated Federal reclamation projects which are beyond the repayment ability of irrigators.

Investment bearing the highest interest rates may be amortized first, but each increment of investment must be amortized within its prescribed period.

Repayment periods vary: Transmission investment financed with appropriated funds is repaid within 35 years after the facilities have been placed in service; Federal investment in generating projects must be repaid within 50 years after the project begins producing revenues; each replacement of a power generating facility is repaid within its service life up to a maximum of 50 years; and the repayment periods for interest-free irrigation investments range from 40 to 66 years.

The adequacy of revenues from existing power and wheeling rates to meet these cost recovery criteria is determined by preparing a current power system repayment study. This study projects estimated revenues and costs for the entire power system over the remainder of the repayment periods for major investments to determine if there will be enough revenue to recover all costs. The allowable unamortized investment for any given year is the maximum investment that can remain unamortized in that year if the repayment periods established for each power facility are observed. Each year the amount of new power investment made that year is added to the allowable unamortized investment.

The power repayment study determines whether the repayment criteria are met by showing annual revenues and expenses and by comparing the estimated future unamortized power investment with the allowable unamortized investment. If the unamortized investment exceeds the allowable amount for any year, an increase in revenues will be necessary to assure complete recovery of all power costs within the required repayment period.

Cost-of-Service Analysis

The average cost-of-service analysis provided a starting point for the development of rates and was used to determine the cost of providing power to each of Bonneville's classes of service. Bonneville followed generally accepted utility methods in preparing the study, although modifications were made to reflect the repayment method used by Federal power marketing agencies to determine revenue requirements. While the results of the cost-of-service analysis were used extensively in the design of rates, final rates also reflect adjustments in costs based on the results of the other studies, as well as considerations of value of service, equity, continuity of rates, and ease of administration.

In addition to providing information on the cost of serving various customer classes, the analysis was designed to respond to Section 10 of the Federal Columbia River Transmission System Act which requires that "the recovery of the cost of the Federal transmission system shall be equitably allocated between Federal and non-Federal power utilizing such system."

Three major steps were followed in preparing the cost-of-service analyses. First, investment and annual costs were divided according to functions performed by the power system. These functions were defined as generation, transmission, and metering and billing. Second, generation costs were classified to energy and capacity. Third, functionalized and classified costs were allocated to the service classes. The service classes include power rates, wheeling rates, other services, and miscellaneous services and revenues. The power rate category was further divided into the sub-categories of firm power, reserve power, industrial firm power, modified firm power, firm capacity, firm energy, and nonfirm energy.

Time-Differentiated Pricing Analysis

The Time-Differentiated Pricing Analysis based on embedded, historical costs was prepared as a supplement to the cost-of-service analysis to address the question of cost variation by time period. Separate analyses were conducted for capacity costs and for energy costs. The study results show that Bonneville costs for capacity vary over the years, with three separate distinguishable periods. The three capacity periods are: (1) December through May, Monday through Saturday, 7 a.m. to 10 p.m. (winter); (2) June through November, Monday through Saturday, 7 a.m. to 10 p.m. (summer); and (3) all remaining hours of the year (offpeak).

The energy analysis indicates that there are two periods in which costs vary. There is a summer season from April through August and a winter season from September through March. the cost differences for these two periods are based on costs associated with storage of water used primarily to generate energy during the winter season.

Long-Run Incremental Cost-of-Service and Rate Study

The Bonneville Long-Run Incremental Cost-of-Service and Rate Study (LRIC) is a cost-of-service analysis which focuses on the incremental costs incurred to meet load growth requirements or the costs saved by not consuming additional increments of power. This analysis differs from the average cost-of-service analysis where the primary function is to reflect the book cost which Bonneville is required to recover based on particular accounting practices. Bonneville conducted the LRIC study to obtain important information on the direction of future costs and rates.

The LRIC study focuses on the costs Bonneville will incur over a 5 to 7-year planning period, adjusted to a 1980 constant price level. Included in the study are costs for constructing, operating, and maintaining new Federal generation and transmission facilities and costs for power purchases from Washington Public Power Supply System plants.

Costs for incremental generation capacity are based on peaking units which have been added to existing Federal hydroelectric projects. The long-run incremental cost of energy is based primarily on the cost associated with purchases from the Washington Public Power Supply System plants. Transmission costs, all of which are classified as capacity, are based on the cost of Federal transmission facilities added over the planning period to serve load growth and to provide transmission services for the movement of power for other utilities. The LRIC includes an

analysis of cost variance over different time periods. Costs are higher during certain hours of the year and those differences are reflected in the results of the study.

The main conclusions drawn from the study are that long-run incremental costs are more than five times as great as embedded historical costs and that the energy component of long-run incremental costs is increasing much faster than the capacity component. Inflation and a change from an all hydro system to a hydro-thermal system are the major reasons for these trends.

Staff Evaluation of the Official Record and Addendum

The Staff Evaluation of Official Record notes and discusses each major comment received during the public involvement process. The staff evaluation contains an outline of the issues raised in response to the August 1978 rate proposal and details Bonneville's assessment of these issues. It also discusses the similarities and differences between the August 1978 rate proposal and the July 1979 rate proposal. All issues are combined by generic category.

In October 1979, Bonneville updated the evaluation with an Addendum to the Staff Evaluation of Official Record. The Addendum details new issues raised since the July 1979 rate proposal was published and includes more information on some of the material discussed in the first evaluation. As in the first staff evaluation, it includes Bonneville's assessment of the issues raised. Issues are combined by generic category.

Rate Environmental Impact Statement

The Draft (August 1978) and Final Rate Environmental Impact Statements (EIS) (October 1979) were used by Bonneville to identify and analyze alternative revenue levels and rate designs. In addition to the 88-percent revenue increase, the EIS identified three revenue level alternatives lower than the 88-percent increase (no change, 30-percent revenue increase, and 83-percent revenue increase) and two revenue alternatives in excess of the 88-percent increase (195-percent increase and 895-percent increase). The EIS described each alternative revenue level, quantified the alternative, reviewed the effects of the alternative on Bonneville, its customers, and the ultimate consumers of the region, and analyzed the environmental impact of each alternative. Some of the analysis was based on the results of an econometric model which projects demand for electricity for each of the alternative revenue levels. The Rate EIS also contains a discussion of rate design alternatives and their probable impacts.

The impacts of the various important rate design alternatives identified by Bonneville's other studies and means of mitigating the environmental and socioeconomic effects identified are also analyzed in the EIS.

Discussion

Repayment Issues

The power repayment study determines the total revenues which must be collected from rates. Issues on repayment relate to appropriate costs to include in the study and to methods that are used in repayment analysis.

Future Federal Projects

The August 1978 power repayment studies, which were used to support the initial proposed rates, included authorized Federal projects which were not completed and, in some cases, projects on which construction had not been started. The inclusion of these projects continued a practice Bonneville has been following since the enactment of the Grand Coulee Third Powerhouse authorization in 1966 (Pub. L. 89–448). Section 2 of the Act requires the submission annually to the President and to the Congress of a consolidated financial statement for all projects "heretofore or hereafter authorized" for the Federal Columbia River Power System and directs that if the statement indicates that the reimbursable construction costs are likely not to be returned within the period prescribed by law, the rates shall be adjusted as necessary to assure such return.

Several comments questioned the inclusion of these future Federal power projects in the repayment studies. In response, the Bonneville General Counsel prepared a legal opinion on the requirements of Pub. L. 89–448. The opinion concluded that although all authorized projects must be included in the annual report to Congress, it is not necessary to include all authorized power projects in the power repayment studies prepared to determine revenue requirements for setting rates.

Accordingly, the July 1979 revised power repayment studies excluded Federal power projects which would not be in service until after July 1, 1981. This date was selected because Bonneville expects that a further rate increase will be placed in effect at that time, as permitted by the Bonneville contracts. This revision has the effect of establishing a cost evaluation period for power investment of 3¾ years after fiscal year 1977, the last year for which historical data were used in the August 1978 power repayment studies, or 2¾ years after the 1978 historical year data used in the July 1979 and September 1979 studies.

The General Counsel's opinion did not address the question of the small amount of future irrigation project investments which are included in the repayment study. The effect of these projects on the rate increase is inconsequential.

Washington Public Power Supply System (WPPSS) Debt Service

Bonneville began making payments for its 100 percent share of WPPSS Plant No. 2 in January 1977 and is further committed to commence its payments for WPPSS Plants Nos. 1 and 3 in January 1980 and September 1982, respectively. The costs of Plants No. 1 and No. 2 are included in the power repayment study on which new rates are based, but costs of Plant No. 3 are excluded because no payments for that plant will be required prior to July 1, 1981.

Many comments were received on Bonneville's initial August proposal indicating that generally accepted regulatory practice does not permit including the costs of construction work in progress in the rate base. Numerous comments suggested that Bonneville should omit all costs of the WPPSS Plants No. 1 and No. 2. These plants will not be in service from December 20, 1979, through June 30, 1981, the period during which the approved rates are expected to be in effect. However, based on contractual commitments, Bonneville is obligated to pay its share of principal and interest costs of the WPPSS plants commencing as of fixed dates. Those funds must be generated from Bonneville revenues.

In response to these comments, Bonneville supported a proposal that WPPSS be authorized to issue additional bonds to finance the costs to be paid by Bonneville until the plants are placed in service. This would have relieved Bonneville of the obligation to pay any further costs of the WPPSS plants during the period that the new rates are expected to be in effect and would have resulted in a revenue increase of approximately 40 percent instead of approximately 90 percent. A present worth analysis of 40 future years for the two alternatives indicated that Bonneville's customers would have paid less for power under the WPPSS financing alternative. Nevertheless, the financing proposal received approval from only 102 of the 104 participants in the WPPSS plants and could not be implemented. Based on an opinion of the

WPPSS bond counsel and Bonneville's General Counsel, unanimous approval would be required before junior lien bonds could be issued by WPPSS. The process of preparing studies on the WPPSS cost issue and requesting approval of the participants took a period of 5 months in early 1979 to complete.

Bonneville was able to respond, in part, to the comments which suggested excluding WPPSS costs from the power repayment study. Bonneville included only fixed costs of WPPSS Plants Nos. 1 and 2 which it is committed to pay regardless of whether the plants are operating and omitted the variable operating costs and all revenues associated with these plants.

A third comment received on the July 1979 proposal concerning WPPSS costs relates to the dates bonds are issued for financing the WPPSS projects. Since it was estimated that approximately $277 million of bonds for WPPSS Plant No. 1 will not be sold until after July 1, 1981, it was suggested that these costs should be excluded from the power repayment study. It was argued that this would be more equitable to the ratepayers because it would reflect the costs committed to the WPPSS plants through June 30, 1981, the end of the period for which rates are expected to be in effect.

The proposal to exclude the costs of bonds currently projected to be issued after July 1, 1981, was rejected because Bonneville is committed to paying its share of the interest and amortization for Plant No. 1 bonds regardless of whether the plant is operating or when the bonds are sold. The cost for Plant No. 1 to which Bonneville is irrevocably committed by contract to paying, and which is therefore reflected in the power repayment study, is the interest and amortization on all bonds which it is estimated will have to be issued to complete construction of the plant.

Deferral of Amortization

One proposal from the public was that a 10 to 15-percent reduction be made in the revenue level proposed by Bonneville so that revenue levels would more closely relate to Bonneville's costs through June 1981, as measured on a cost accounting basis. This would reduce the amount that ratepayers would be charged during that time for construction work in progress for the WPPSS projects and appeared to be possible since the Department's power repayment policy does not require any specified amount of amortization in any year. The deferral of amortization during the period could be made up through future adjustments after the WPPSS plants are in service.

Department of Energy Order No. RA 6120.2 requires that all cost recovery criteria are met. These include the requirement that the power repayment study demonstrate that all of the Federal investments in power facilities will be amortized within a period not to exceed 50 years from the time each facility is placed in service, or the service life of each facility, whichever is less. Bonneville analysis has demonstrated that even less than a 1-percent reduction in the revenue level would cause the maximum repayment periods for amortizing the Federal investment in power facilities to be exceeded.

Cost Escalation

Several comments were received indicating that Bonneville did not escalate all costs in the repayment study uniformly with respect to the amount of escalation included in the estimates for future years. This issue was resolved in the final repayment study by uniformly escalating all cost estimates to the FY 1980 level, at escalation rates consistent with current Presidential price guidelines.

Other Repayment Issues

Other repayment issues are discussed in the Staff Evaluation of Official Record, Addendum to the Staff Evaluation of Official Record, and the Administrator's Record of Decision.

Cost-of-Service Issues

The average cost-of-service analysis is a starting point for rate design. Because the results of that analysis impact final rates, Bonneville received a significant number of comments on the methods that were used in preparing this study. The comments that were received on methodology concerned segmentation of transmission costs, division of costs to capacity and energy, and allocation of costs to various classes of service.

Segmentation of Transmission System Costs

Segmentation of the transmission system costs into various categories is an important step in the cost-of-service analysis. The degree to which costs are separated can impact final rate design if the rates directly reflect the cost separation by service class. In addition, transmission segmentation is important because the Federal Columbia River Transmission System Act requires Bonneville to equitably allocate recovery of Federal System costs between Federal and non-Federal power utilizing the system.

In the initial proposal, Bonneville chose the "rolled-in" method for separating transmission system costs. With that approach, all transmission facilities were considered part of the integrated system except for the Pacific Northwest-Pacific Southwest Intertie facilities, some wheeling arrangements for which Bonneville provides services at fixed rates, and leased facilities.

Although some comments received by Bonneville on the proposal indicated agreement with the separation of transmission costs into four segments, others indicated disagreement. Commenters who disagreed suggested that Bonneville expand the number of segments to allow clear identification of the costs incurred to provide service to each customer category or major service category. The concern was that Bonneville does not provide uniform service to all users and, therefore, should not allocate a portion of total cost to each user.

As a result of all comments received and statutory requirements which Bonneville must follow, transmission costs were separated into seven segments for the revised and final cost-of-service analyses. Segments include: (1) Generation integration, (2) transmission system, (3) intertie, (4) fringe area, (5) preference customer delivery, (6) direct-service industrial delivery, and (7) investor-owned utility delivery. These segments were selected primarily to comply with the requirements of the Transmission System Act and to provide a degree of cost division which would allow Bonneville to examine various rate design alternatives based on these cost distinctions. Moreover, the degree of segmentation chosen was compatible with the separation of costs in Bonneville's accounts.

While Bonneville developed seven transmission cost segments in the cost-of-service analysis, it did not base wholesale power rates on this degree of segmentation. This issue is discussed in the section on rate design.

Classification of Costs to Capacity and Energy

The results of the classification of costs to capacity and energy were used as a starting point for developing capacity and energy charges in the rates, but were adjusted based on other rate design objectives. Adjustments are discussed under rate design issues.

Comments on classification of costs between capacity and energy were directed at the method Bonneville used. Some suggested use of a fixed-variable method which classifies fixed costs to capacity and variable costs to energy. Others suggested some modification to the Bonneville hydro and thermal

classification methods. Another alternative suggested was that Bonneville use the National Association of Regulatory Utility Commissioners' (NARUC) method for classifying hydro costs.

Bonneville examined many different classification methods when preparing its cost-of-service analysis. Exhibit 2, Classification of Generation Costs, in the Cost-of-Service Analysis, details the other methods considered.

The traditional method of classifying costs in a cost-of-service study is to place all costs associated with investment in the capacity costs column and all costs associated with operating the plant in the energy costs column. This method is called the fixed-variable cost approach. In the short run, all the costs which do not vary as output varies are fixed costs and all costs which vary as output varies are variable costs. This approach might be appropriate for a system which is primarily thermal or for systems with a large thermal base and hydro peaking. However, Bonneville rejected the fixed-variable approach because it did not reflect the capacity and energy relationship which was developed during the planning of a total hydro system such as the Federal Columbia River Power System (FCRPS).

In the process of developing the FCRPS, it has been acknowledged that this system produces both energy and capacity. During early development of the system, the projects were run-of-the-river plants and produced significant amounts of energy. As the region has grown and the hydro sites have been developed, thermal generation is being constructed to produce significant amounts of base loan energy, while peaking requirements are being met primarily with the construction of additional units at existing hydro projects. For Bonneville, new energy requirements are being met primarily from purchases of the capability of thermal plants, although these plants also provide capacity.

Based on the fact that Federal system costs have been and are being incurred, the traditional method of classifying fixed costs to capacity and variable costs to energy was not appropriate for thE FCRPS. The problem with the approach is that classification of capacity and energy are considered strictly from an operational standpoint and a cost causation or planning approach is completely disregarded.

Hydro projects provide both capacity and energy. The Federal Energy Regulatory Commission recognizes this when providing guidance for calculation of the benefits for project justification in the FPC P–35 Manual for Corps of Engineers and Water and Power Resources Service (formerly Bureau of Reclamation) projects. In the benefit analysis for all FCRPS generating projects, a capacity component and an energy component are included.

Bonneville also examined the method in the National Association of Regulatory Utility Commissioners (NARUC) cost allocation manual for classifying hydro costs. While the rationale for the method is not explained in the NARUC cost allocation manual, it appears that average megawatts under critical water conditions represent dependable capacity and the difference between that figure and average megawatts under average water conditions represents energy. The NARUC manual treats the cost of the megawatts which meet firm load requirements as capacity only and the cost of the remaining resource up to the output under average water conditions as energy only. This is not appropriate for the FCRPS because Bonneville hydro resource planning is based on the premise that sufficient resources must be available under cirtical water conditions to meet firm loads. Consequently, both capacity and energy requirements must be met from, the resources which are available to meet those loads under critical water conditions.

The hydro classification method which Bonneville adopted involves separating cost of hydro plants defined as baseload from cost of additional units. These additional units would not have been needed had capacity requirements not increased. These additional units prouce no incremental energy under average water conditios. The fact that once the additional units are installed they may be operated before older units does not negate the fact that they were installed to meet capacity requirements.

The method for classifying hydro costs defined as base units has been modified during the rate development process to incorporate the latest cost data, to reflect the energy-related operation and maintenance costs, to reflect 10-hour peaking capacity rather than instantaneous peaking, and to include an adjustment in the hydro classification formula. As a result of these modifications, 72-percent of the base system costs were classified to capacity and 28-percent were classified to energy.

Bonneville has used a thermal classification method which recognizes that the net-billed thermal plants from which Bonneville purchases power produce both capacity and energy, but that the primary reason for their consturction is to provide baseload energy. While Bonneville recognizes that the plants provide capacity, the least costly alternative for meeting capacity requirements is not a baseload nuclear plant. In fact, additional units are being added at existing FCRPS hydro projects to provide capacity. Other utilities construct plants for capacity only, primarily combustion turbines, pumped-storage hydro plants, or combined cycle plants. Investment costs for these plants are considerably less than investment costs for nuclear plants.

Bonneville has classified that portion of net-billed nuclear plant costs equal to the least expensive alternative cost of capacity to capacity. The cost of hydro peaking units at existing hydro plants constitutes the least expensive alternative cost of capacity. However, the cost of this capacity has been modified from the August 1978 proposal. Bonneville has completed additional studies and has developed an alternative cost of capacity for all the units which have been defined as peaking units at FCRPS projects. Adjustments for sunk costs are included and all costs are at a 1980 price level. This differs from the August proposal where only a limited number of plants were included.

Inclusion of all the additional units with a modification for some of the sunk costs of the original projects, adjusted to 1980 price level, is in respoinse to comments received concerning the approach used by Bonneville to classify thermal costs. Inclusion of all units provides a better representation of Bonneville's alternative costs of capacity.

Another modification to the original method of classifying thermal costs concerns the choice of thermal project costs. The new thermal classification percentages are based on the costs in constant 1980 dollars of WPPSS Plants Nos. 1, 2, and 3. In the August proposal, the classification was based on a 1977 estimate of WPPSS Plants Nos. 1 and 2 and Trojan costs. This change reflects the most recent cost estimates and provides comparability between the hydro and termal costs.

The difference between the average annual cost per kilowatt of the hydro capacity credit and the average annual thermal cost per kilowatt represents the energy component of the ratio, while the hydro capacity credit represents the capacity portion. This approach results in classificatoin of 21-percent of thermal plant costs to capacity and 79-percent to energy. All fuel and variable operation and maintenance costs of thermal plants are classified to energy.

When the hydro classification costs are combined with thermal classification costs, 53-percent of generation costs are classified to energy and 47-percent to capacity. However, the results of classification of costs to capacity and energy have been adjusted in designing the rates to reflect the results of the long-run incremental cost study. This topic is discussed in the section on rate design issues.

Allocation of Costs to Classes of Service

Energy-related costs were allocated among the classes of service in direct proportion to the kilowatthours of energy associated with each class. No adverse comments were received concerning this standard method of allocating energy-related costs.

Capacity-related costs were allocated according to the 12 coincidental peak (12CP) method. The 12CP method results in allocation of capacity-relted scosts to each customer class in proportion to the projected coincidental peak demands for the class, averaged over the 12 months in the test year. Because the power system is designed to provide capacity to meet coincidental peak demands over the full course of the operating year, this method reflects the contribution of each customer class relative to the need for total system capacity.

Alternative methods of allocation capacity costs have been suggested. One possible allocator is a single coincidental peak (1CP). It is assumed in this method that the capacity requirement of a system is determined by the annual system peak load. Capacity-related costs are allocated in proportion to the coincidental demands at the time of the system peak. It has been suggested that the 1CP should be used to allocate generation capacity costs. The relationship between the annual coincidental peak and the average of the 12 monthly concidental peaks is not significantly different among those classes of service comprising the greatest portion of the total system load. This means that, while the direct-service industrial customers (DSI's) are high load factor customers on the basis of average load compared to peak load, the DSI's and other customer classes are similar with respect to load characteristics that directly bear upon capacity cost allocation.

Another allocation method is based on the single noncoincidental peak demand (1NCP). Use of the 1NCP is based on the assumption that cost should be allocated to each customer class as if it were served independently. Capacity-related costs are apportioned among classes on the basis of maximum class load without regard to the time of the peak load relative to the system peak. It was suggested that Bonneville use the 1NCP allocation method to allocate transmission system costs. The transmission system does serve loads in widely divergent regions from resources in widely divergent areas, which means the sytem must be concerned with serving noncoincidental peak loads as well as serving coincidental peak loads. However, use of allocation factors reflecting only noncoincidental loads implies either there is no coincidence to be reflected in the transmission peak loads or the flows in every line segment do not contribute to the loads in areas served directly by other segments.

The 12CP method was retained because although the total network may be needed ony during peak load hours, substantial portions of the network are also needed during other hours. The transmission system was constructed, at least in part, to move large amounts of energy from resource to load. Transmission energy is required year-round, thus cost allocation factors must reflect energy components. The 12CP allocation method does reflect energy components, while the non-coincidental peak method does not.

Another issue which has been raised concerning Bonneville's use of the 12CP method is whether its use is consistent with Bonneville's seasonal rates. The 12CP method is not inconsistent with seasonal rates. Allocating costs by the 12CP method is based in part on the fact that the cost of supplying generation capacity for Bonneville is fairly uniform throughout the year. The time-differentiated pricing study based on embedded costs demonstrates this fact. It shows that there are not large capacity cost differences among periods. Nevertheless, relatively small differnces in cost did appear and they are reflected in the proposed rates.

Other Cost-of-Service Issues

Other cost-of-service issues are discussed in the Staff Evaluation of Official Record, Addendum to the Staff Evaluation of Official Record, and the Administrator's Record of Decision.

Rate Design Issues

The results of all the other studies described in this order plus rate design objectives were used in the Summary Rate Design Study to develop the final rates which appear in each of the new rate schedules. The rate design objectives Bonneville followed in designing its wholesale power rates were: (1) Total revenues must be adequate to meet total repayment obligations, (2) the cost burden should be distributed in an equitable manner among recipients of the service, (3) rates should be designed to encourage conservation and minimize environmental impact, and (4) rates should be designed to encourage efficient use of the Federal Columbia River Power System by reflecting costs incurred and benefits received. Consideration also was given to rate continuity, ease of administration, revenue stability, and ease of understanding.

Adjustments to Reflect Long-Run Incremental Costs

The wholesale power rates contain a value of service or share-the-savings rate for the sale of nonfirm energy (Schedule H–6) and the sale of firm capacity (Schedule F–7). These two rates are expected to produce revenue in excess of allocated cost in the amount of $106.2 million in fiscal year 1980. These excess revenues werre used to eliminate the off-peak capacity charge and to reduce the summer capacity charge in Schedules EC–8, IF–2 and MF–2. These adjustments reflect the incremental cost relationaship between capacity and enregy which was developed in the Long-Run Incremental Cost-of-Service and RAte Study (LRIC).

The results of the LRIC demonstrate that the cost relationship between capacity and energy is changing as Bonneville begins to purchase the output of new thermal plants. By comparing the results of the average cost-of-service analysis with those of the LRIC, this changing relationship becomes evident. These studies show that although all costs are increasing, the costs of supplying energy are increasing at a faster rate than the cost of supplying capacity. The ratio of the long-run incremental demand cost to the average demand cost is 2.0 to 1, while the ration of long-run incremental energy cost to average energy cost is 8.6 to 1.

There were many comments concerning this adjustment. In summary they are: (1) Because nonfirm revenues are from energy sales, they should be credited to energy costs; (2) the appropriate price signals were produced in the average cost-of-service analysis, and therefore, Bonneville should not try to amplify these signals; (3) because Bonneville chose to implement the results of its time-differentiated pricing analysis, off-peak capacity costs should not be altered; (4) the removal of off-peak capacity costs results in undervalued capacity.

Though it is correct that revenues from Schedule H–6 are derived from sales of energy, use of nonfirm revenues to eliminae the off-peak demand charge

and to reduce the summer demand charge incorporates the proper price signal that future energy costs will increase at a much faster rate than future capacity costs. This signal is not provided in the cost-of-service analysis which is based on average, historical costs. Furthermore, to the extent that the increase in the energy rate encourages conservaton of energy, the environmental impact associated with construction and operation of baseload thermal plants will be reduced.

The adjustment in the July 1979 revised rate proposal is different from that contained in the initial proposal of August 1978 when revenues in excess of allocated costs were first applied to the off-peak period capacity costs and then proportionately to the summer and winter period costs. Based on the results of the LRIC, capacity costs should not be reduced furing the winter period December through May, Monday though Saturday, 7 a.m. to 10 p.m. Therefore, in the final rates Bonneville did not reduce the winter period capacity charge. Revenues in excess of allocated costs were first applied to off-peak capacity and then to summer season capacity to reflect more closely the LRIC result. The elimination of the off-peak demand charge also simplifies metering and billing.

The time-differentiated pricing analysis did not reflect the results of the long-run incremental cost study which shows that Bonneville will not be incurring additional costs for the off-peak period. The time-differentiated pricing analysis reflects only past costs which have been incurred and shows that some costs have been incurred to serve off-peak period capacity requirements. In order to provide a price signal on the direction of future costs, adjustments were made in those cost components for which Bonneville has the least concern. Capacity is not undervalued. The results of LRIC indicate that energy is undrvalued and that any adjustments which are made in rates should be made so that proportionately more revenues are collected from the energy charge.

Time-Differentiated Pricing

Bonneville eceived many comments on the time-diferentiated pricing analysis and incorporated some of these comments into the design of the new rate schedules. Rate schedules EC–8, IF–2, and MF–2 contain both daily and seasonal differentials in the capacity rate and a seasonal differential in the energy rate.

Bonneville received comments questioning the method selected to determine seasonal and diurnal capacity periods. It was suggested that Bonneville should not have based the selecton of seasonal capacity pricing periods on probability of negative margin data and that a more appropriate method would entail an analysis of monthly peak load data. The probability of negative margin (PONM) method was criticized because the results can be influenced by the scheduling of maintenance. It was noted that probabilities of negative margin can be shown during months with high scheduled maintenance even though capacity requirements are much less during these months than during other months of the pricing period. Use of the suggested alternative method may result in different pricing periods. Additionally, some customers and customer groups argued that the daily peak period is too long to allow effective shifting of the load to the off-peak period.

Monthly peak load data are inadequate for determining pricing periods because these data reflect only demand for power. Probability of negative margin data take into account both the projected demand for capacity and the monthly availability of resources considering hydrological conditions, hydro and thermal capacity, and maintenance. While the probability of negative margin in influenced to a certain degree by maintenance schedules, it still represents the best indicator of appropriate time periods for developing rates. Moreover, probability of negative margin reflects both the supply of and demand for electricity, and this is preferable to examining only one side of the relationship, as is the case with using only load or generating data.

The selection of the diurnal periods in the initial proposal was based primarily on an analysis of total Federal generation and the assumption that the probabilities of negative margin are equal to zero for all hours with average ratios of hourly generation to daily peak generation of less than 90 percent.

Firm load data were available for the revised and final studies. An analysis of firm loads and probability of negative margin data indicated that 99.9-percent of PONM occurs for those hours during the day in which loads are 90-percent of daily peakloads or greater. Use of 90-percent criteria results in a 15-hour daily peak period, 7 a.m. to 10 p.m.

Some comments were received that advocated a larger energy rate differential based on seasonal cost differences. It was suggested that the following costs are reasons for a larger differential: availability credits, thermal fuel costs, short-term energy purchases, and Hanford energy purchases.

It was argued that the availability credit dollars should be collected from the winter energy rate because Bonneville is more likely to restrict industrial loads in the winter than in the summer.

Restriction of industrial loads occurs to protect the system's ability to develop its firm energy capability over a 42–½–month critical water period, the planning criterion for critical water conditions, and is not based on a winter planning period. Therefore, the cost to Bonneville of the availability credit is related more closely to the 42–½–month critical water period than to any given season, and collection of revenues to pay for the credit should be spread throughout the year.

It was also suggested that a larger seasonal differential is appropriate because thermal fuel costs should be applied to the winter period. However, baseload thermal plants are designed to be operated throughout the year except for planned maintenance, refueling outages, and forced outages. These outages are dependent upon many factors including fuel life, equipment failure, demand for energy, and the availability of alternative resources, and thus may occur throughout the year. These termal resources have been added to the FCRPS to supply needed energy on an annual basis under critical water conditions, based on Bonneville's planning criteria. From a planning perspective, increases in demand for energy at any hour of the year require baseload thermal additions. Thus, the costs of providing energy from base load thermal plants are the same for each hour of the year, regardless of operating characteristics.

The suggesion that the costs of Hanford purchases and short-term energy purchases should be applied only to the winter period only was also considered inappropriate. If Hanford energy is recalled and/or outside energy is purchased during a year, it is in order to protect the system's ability to develop its firm energy capability in future years given the planning criterion of critical water conditions. This is not a seasonal issue, but one that is related to the 42–½-month critical period.

Availability Credit

The IF–2 rate schedule for firm power sales to direct-service industrial customers (DSI) contains an availability credit designed to compensate customers for power delivery restrictions. Bonneville can restrict up to one-quarter of a direct-service industrial customer's contract demand at any time

and for any reason. Second quartile restrictions can be made for delays in completion of hydroelectric and thermal plants. Restrictions can also be made in the event of forced outages in order to maintain system stability. The restriction rights allow Bonneville to avoid developing additional resources which othewise would be required, thereby reducing the environmental impact associated with construction and operation of additional power plants.

The expected annual cost of the availability credit is appropriately $32.3 million. This includes a component for capacity restrictions based on the estimated cost of capacity to avoid the restrictions and a component for energy restrictions based on the estimated cost of replacing energy to avoid the second quartile energy restrictions. The dollars associated with energy restrictions are recovered through the energy component of the rates. The dollars associated with the capacity restrictions are recovered through the capacity component of the rates.

The availability credit has been modified throughout the rate development process. The availability credit formula contained in the August 1978 rate proposal represented an increase in the existing IF–1 credit corresponding to the magnitude of the Bonneville rate increase to industries, while maintaining the same basic form as the existing availability credit. The average annual credit which would have been given under the August 1978 proposal was $40 million, which is approximately 90 percent greater than the existing IF–1 annual credit.

Comments were received concerning both the aveage amount of availability credit that would be given under the August proposal and the manner in which the credit would be given. The $40 million credit was criticized as not being adequately documented. One suggestion was to estimate the amount of revenues poentially available if the energy which is subject to restriction were instead sold in secondary markets. Others suggested that availability credits should be greater than $40 million, arguing that the cost of building incremental generation equal in size to the restriction rights provided by the DSI's interim contracts is significantly greater than $40 million.

The magnitude of the availability credit was reduced to $26 million for the revised proposal of July 1979, based on the estimated cost of replacing energy lost to avoid second quartile restrictions. The DSI customers commented that the availability credit in the July proposal was inadequate because (1) it did not recognize the value of capacity reserves, (2) it did not recognize the value of being able to interrupt the top quartile interruptible energy provided by the DSI's, and (3) it underestimated the cost of purchasing replacement energy. The DSI's also commented that the structure of the Credit should be changed because it provides Bonneville with an incentive to restrict DSI loads because the total availability credit decreases with additional restrictions in excess of 25-percent of contract demand.

For the final rates, Bonneville reevaluated the cost of replacement energy. Further analysis indicated the cost of replacement energy should be revised upward from 27 mills per kilowatthour to 30 mills per kilowatthour.

Bonneville also reevaluated the issue of a capacity credit. Bonneville has generally planned to provide sufficient capcity to meet the industrial loads whenever sufficient energy is available for this purpose. This results in an additional cost to Bonneville. However, whenever Bonneville cannot meet all firm capcity loads, it has the contractual option of restricting DSI loads in lieu of restricting other firm loads. If such restrictions are made, the implication is that Bonneville has not acquired enough capacity resource (or transmission capability) and Bonneville's total costs are less than the amount necessary to provide reliable service. Based on these cost distinctions, it is appropriate to consider such restrictions in determining availability credits.

In contrast, Bonneville has not incurred the obligation to meet top quartile energy loads under all conditions (for example under low water flow conditions). The limited obligations contained in the IF and MF contracts reflect the historical development of Bonneville's obligation and ability to supply energy under various conditions. Bonneville has incurred some expense in facilities required to meet top quartile energy loads but only to the extent that energy is available to meet the loads. Given the limited expense and obligation involved along with the fact that the DSI's only pay for the energy received, it is inappropriate to consider top quartile energy restrictions in determining availability credits.

While it is true that total availability credit will decrease with each additional restriction beyond 25-percent, this will have no impact on Bonneville's decision to restrict. As indicated above, the amount of the total availability credit is based on the cost of capacity restriction for the top and second quartile and the replacement cost of energy due to second quartile energy restrictions. From an analysis based on average water conditions, the average annual replacement costs of these restrictions is expected to be $32.3 million. Although actual compensation for the restrictions could have been accomplished in a number of ways, past practice and the concern for revenue stability constrain the choice to a form that is directly related to top quartile restrictions.

Bonneville's contractual obligations limit its ability to restrict industrial load. In addition to other firm loads, Bonneville is obligated to serve the bottom three quartiles of industrial load. As set forth in the industrial firm contracts, Bonneville can restrict the top quartile of the DSI's contract demand at any time for nearly any reason. Restrictions beyond the top quartile can be made only for delays in construction or inability to operate new generating projects and in the event of forced outages in order to maintain system stability. Regardless of the economic incentive to restrict beyond the top quartile, Bonnevilles contractual obligations require that the lower three quarters of the industries' loads be served if resources are available.

Charges for Delivery Facilities

The 1974 EC–6 rate schedule included a separate charge based on the voltage of the customer's point of delivery. The charge was initiated to recognize that some customers' take power at higher voltages and require less transformation than others. The transformation charge has been eliminated in the new rates.

Bonneville has received comments for and against a separate charge for lower voltage delivery facilities. The arguments presented for a continuation of the transformation charge can be divided into two general categories: (1) continuity of rates, and (2) incentive for customers to build their own delivery facilities. Similarly, the arguments objecting to the voltage-based transformation charge can be put into two categories: (1) postage stamp rate concept should be maintained, and (2) cost differences are not related to voltage only.

Bonneville has examined various rate forms as options to the existing transformation charge. Although it may seem obvious that lower voltage delivery facilities are more expensive than higher voltage delivery facilities, Bonneville found that there is very little correlation between higher cost and lower voltage. Location, size, reserve capacity, chronological date of initial service, and voltage all have some impact on costs. It would be inequitable

to isolate and develop a separate charge for only one of these cost indicators.

Baseline or Multi-Tier Rates

Several persons commenting on Bonneville's August 1978 rate proposal expressed concern that the proposed rate schedules contained no provision for multi-tier or baseline rates. Subequently, Bonneville investigated two metods of applying a baseline approach to wholesale power rates.

Under the first baseline method the output of Bonneville's lowest cost generation resources would be allocated to serve the needs of a designated segment of end-use customers (such as residential users or irrigators). The generation cost component of this baseline rate would reflect the average cost of those resources assigned to serve baseline loads. This average cost would depend on the size of the baseline load and would gradually increase as the number of resources committed to baseline service increased.

The other baseline approach was based on a separation of Bonneville's hydro and thermal power costs. Under this approach, the rate for baseline power would reflect the average cost of all of Bonneville's hydro resources. The rate for power not committed to serving baseline requirements would reflect a meld of the costs associated with thermally generated power acquired by Bonneville as well as that portion of Bonneville's hydro resources not required for baseline service.

The first baseline approach reflecting the lowest cost resource would result in a baseline rate lower than the rates contained in this order which are based on melded power cost. The baseline rate reflecting average hydro cost would currently provide only a slightly lower rate to baseline customers.

Analysis of these baseline approaches indicated that neither approach would have much impact on reducing power demand in the Northwest in the near future because of the small amount of thermal resource which is presently included in Bonneville's rates. Also, because use of multi-tier baseline rates would be a sharp break from the melded rate principle on which Bonneville has always based rates and because such rates present difficult problems of definition and administration, a baseline rate concept has not been included in the rates contained in this order.

Share-the-Savings Rate for Nonfirm Energy

Rate Schedule H–6 contains a share-the-savings rate for nonfirm energy in contrast to the fixed rate in prior rate schedules. This proposal has been very controversial and has received a good deal of attention during the public involvement process. The rate approved herein contains several significant changes from the initial proposal of August 1978.

The nonfirm energy that Bonneville sells under the H–6 rate schedule is the energy which is available after the commitments of firm energy have been met. The amount of nonfirm energy sold in most years is substantial. For example, during the 10-year period from fiscal year 1969 through 1978 the amount sold in each fiscal year ranged from a low of 268,000 megawatthours in 1977 to 21,500,000 megawatthours in 1976. This consituted about 15.5-percent of the total year sold by Bonneville during this 10-year period. Fifty percent of the nonfirm energy was sold in the Pacific Northwest and the remainder was sold outside the region, principally in the Southwest. The revenues during this period from these sales averaged $27,752,000 a year, which was 14.4-percent of Bonneville's total revenues. Under the H–6 rate schedule it is estimated that the revenues will average $89 million a year, or about 15-percent of the total.

Nonfirm energy sales are made on a priority basis. After all markets for nonfirm energy in the Pacific Northwest have been satisfied, nonfirm energy which would otherwise be spilled is marketed outside the Northwest. The Pacific Northwest Regional Preference Act (Pub. L. 88–552) gives preference rights to all utilities in the Northwest. Preference customers outside the Northwest have preference rights on surplus Federal energy exported from the Northwest.

Pacific Southwest utilities also are able to acquire non-Federal energy from Pacific Northwest utilities either through a trust fund agreement, with Bonneville acting as their agent, or through direct contract with the Pacific Northwest utilities.

There were two basic objectives followed in developing the H–6 rate schedule. The first was to develop a rate which would share benefits of nonfirm energy sales equitably between Bonneville and purchasers of this energy for displacement of their thermal generation. This will have the further effect of sharing benefits of nonfirm energy among Bonneville's customers in the Northwest and utilities outside the Northwest. The basic rate for thermal displacement does this by reconciling the difference between the cost of energy production and its value to the purchaser so that an appropriate share of the potential savings to the purchase benefits all Bonneville customers.

The second objective was to develop a rate with enough flexibility to allow Bonneville to react to market conditions and water conditions to ensure that all available nonfirm energy could be sold. The provision permitting Bonneville to set the rate below 50-percent of decremental costs is essential to avoid spilling water when sales at the formula-derived rate are not competitive in the wholesale market.

The H–6 rate for nonfirm energy sales for thermal displacement is 50 percent of either the decremental cost in mills per kilowatthour of the displaced thermal resource or the rate in mills per kilowatthour associated with the displaced purchase of energy. The maximum charge is 20 mills. The minimum charge is 6.5 mills per kilowatthour during peak periods and 4.5 mills per kilowatthour during off-peak periods. Bonneville may determine that because of water and market conditions a rate of less than 50-percent of the decremental cost or purchase cost may be charged, but not less than the minimum. For sales to a Pacific Northwest customer which is concurrently selling energy outside of the Pacific Northwest, the rate to Bonneville is one-third of the rate the purchaser is charging for such sales outside the region, limited by the maximum and minimum charges. When nonfirm energy is sold by Bonneville for purposes other than thermal displacement, the charge is 6.5 mills per kilowatthour on-peak and 4.5 mills per kilowatthour off-peak.

The comments in opposition to the share-the-savings concept can be grouped into four categories: (1) The rate is a violation of the ratemaking principle and the Congressional intent that rates be based on cost; (2) it is without precedent; (3) it represents a violation of national energy policy because it will result in increased oil consumption; (4) it discriminates among classes of service and among regions.

Because the incremental cost of nonfirm hydroenergy is near zero, cost of service alone is not an appropriate basis for pricing nonfirm energy. Nonfirm energy becomes available when water flows are above the critical level and can be generated at the hydro facilities with little or no increase in costs. Variable thermal resource costs range from 5 to 6 mills per kilowatthour for nuclear plants and from 30 to 40 mills per kilowatthour for oil-fired plants. If nonfirm energy is sold at or near cost, the primary beneficiaries of the nonfirm energy rate are customers in the Pacific Northwest having high operating cost thermal generation and

those outside the Pacific Northwest because they are able to purchase energy at a rate much below their alternative costs. This does not result in an equitable sharing of benefits among all customers.

As is evident from a reading of the legislative history of the Bonneville Project Act, Congressional intent in enacting Section 7 was to recover the overall costs allocated to the power production function of the Federal multipurpose dams, plus transmission costs, rather than the intent that individual rates follow costs of providing each of the many services. More importantly, Congress expressly directed in Section 6 that rates "shall be fixed and established with a view to encouraging the widest possible diversified use of electric energy." Thus, Congress clearly established a policy of basing rates for individual services on considerations other than costs.

The legislation under which Bonneville operates does not specifically address a share-the-savings rate concept. Its use is implied, however, in Section 5 of the Pacific Northwest Regional Preference Act (16 U.S.C. 837d) which refers to the sharing of benefits and states:

"All benefits from such exchanges, including resulting increases in firm power shall be shared equitably by the areas involved, having regard to the secondary energy and other contributions made by each."

This statutuory charge should be read together with the language from Section 6 of the Bonneville Project Act:

"The said rate schedules may provide for uniform rates or rates uniform throughout prescribed transmission areas in order to extend the benefits of an integrated transmission system and *encourage the equitable distribution of the electric energy* developed at the Bonneville Project." (Emphasis added).

The Senate and House Committee reports on the Regional Preference Act and the Congressional Record remarks of individual Senators and Congressmen indicate that in enacting the legislation it was contemplated that there should be a continuing and mutual sharing of benefits between the Pacific Northwest and the Pacific Southwest in *all* power sales, not just exchanges of energy or capacity under Section 5 of the Act.

Bonneville was encouraged to adopt a share-the-savings pricing mechanism by the General Accounting Office. In a letter from that office on September 11, 1976, the Regional Manager stated:

"The current Bonneville rate for secondary energy may be inconsistent with sound business principles and with the concept of equitable sharing of benefits it does not fully reflect the value of the energy it displaces."

Share-the-savings or split rates for sales of nonfirm energy are common among utilities throughout the United States. Three Federal power marketing administrations, Southeastern, Southwestern, and the Western Area (Western) all have such charges for the sale of surplus power in at least some contracts. Their charges are all based on a percentage of the purchaser's fuel cost savings. These percentages range from 50-percent in the case of Southwestern to 85-percent for some of Western's sales. An opinion of the Assistant Solicitor for Power, Department of Interior, dated May 20, 1976, concluded that an 85-percent share-the-savings rate for the Pick-Sloan Missouri Basin Program was legal because the "power marketing statues do not require that the price for each category of service must be based on the cost of that service."

A share-the-savings principle was used in establishing the fixed rates for nonfirm energy that were in effect when the intertie between the Northwest and Southwest became operational. Oil-fired generation in California had a decremental cost of 3 to 4 mills per kilowatthour and the cost to generate nonfirm energy in the Northwest was less than 1 mill per kilowatthour at that time. Bonneville's rate for surplus energy was 2.5 mills per kilowatthour between 1965 and 1974, except when the system was surplus so that sales could be made to California. When surpluses were available, the rate was reduced to 2.0 mills per kilowatthour in both regions which resulted in an approximate sharing between the Northwest and Southwest of the benefits from displacement of oil-fired generation in California. In 1974 when new rates became effective, the nonfirm energy rate was increased to 3.0 mills per kilowatthour in the summer and 3.5 mills per kilowatthour in the winter. This constituted a departure from the share-the-savings principle because by that time oil costs in California had risen to about 15 mills per kilowatthour, resulting in an inequitable sharing of the benefits of displacing thermal generation between the two regions which now can be corrected.

The share-the-savings rate concept does not result in increased oil consumption. By pricing the nonfirm hydro energy substantially less than the resource it displaces, by maintaining an economic incentive for Northwest utilities to use their coal-fired thermal and nuclear generation to displace relatively higher cost Southwest oil-fired thermal generation, and by enabling Bonneville to respond appropriately to water and market conditions, oil consumption will be minimized.

Under the H–6 rate in the July 1979 proposal, however, there was an inadvertent disincentive for operators of Northwest thermal projects which had a decremental cost in excess of 10 mills per kilowatthour to continue to operate these plants and make sales to the Southwest. The sales price to the Southwest would have had to be twice the decremental cost of the Northwest utility's operating thermal resource before it would have been exported to the Southwest. The final H–6 rate eliminates this problem and now provides incentive for Northwest utilities to purchase nonfirm energy from Bonneville while continuing to operate their low-cost thermal and displace relatively higher cost Southwest oil-fired thermal.

The fourth category of comments involved allegations of discrimination. The initial proposal provided separate nonfirm energy rates for sales within the Pacific Northwest region and for sales outside the region, but that concept has been abandoned. There remains the claim that H–6 inherently discriminates against the Southwest despite the fact that the rate is the same for both regions because the decremental cost of resources is higher on an average in the Southwest than in the Northwest.

It is true that there are more resources with high decremental costs in the Southwest because that region has traditionally relied on oil-fired generation. However, some oil-fired plants are part of the resources of the Pacific Northwest. Also, the rate that California utilities will pay Bonneville for nonfirm energy will depend upon the availability of other nonfirm energy supplies from the Pacific Northwest, and the rate at which the energy is offered. Use of the intertie transmission capacity is determined on a priority basis between Bonneville and Northwest utilities based on the transactions they have negotiated for sales to the Southwest. Each Northwest entity declares an amount of surplus available at a given price, and negotiates the sale with a Southwest utility. As a result, if a Northwest utility is willing to sell nonfirm energy to a Southwest utility at a rate less than 50 percent of the decremental cost of the Southwest utility's displaceable resource, then Bonneville will reduce the price for nonfirm energy in order to ensure that the hydro resource will be fully utilized.

Whenever the supply of nonfirm energy in the Northwest for export to the Southwest is less than the intertie capacity, Bonneville probably will sell

energy at the full rate (50-percent of the decremental cost). However, if there is a supply of nonfirm energy in the Northwest more than sufficient to load the intertie, Bonneville believes that the rate at which it sells nonfirm energy to the Southwest will be quickly lowered to the floor of 4.5 mills per kilowatthour during off-peak hours and 6.5 mills per kilowatthour during peak hours. Based on an analysis for 1980, Bonneville estimates that California utilities on the average will be paying approximately 8-mills per kilowatthour under the H–6 Rate Schedule, only 1 mill per kilowatthour in excess of Bonneville's 7-mill per kilowatthour average cost of power.

Variable Charge in the Wholesale Firm Capacity Rate Schedule, F–7

The F–7 firm capacity rate schedule is for the sale of peaking capacity. This schedule separately identifies rates for (1) annual capacity (delivery of capacity throughout the year as requested by the customer) and (2) seasonal capacity (capacity delivered during 5 summertime months, principally to Pacific Southwest utilities). To encourage capacity purchasers to limit their usage of Federal generating facilities, the capacity rate includes an additional monthly charge for capacity usage in excess of 6 hours per day.

The reason for this additional charge is that the Federal hydro system cannot generate as much capacity during a sustained daily period (for example, in excess of 6 consecutive hours) as it can for shorter periods (for example, less than 6 hours). When the Federal system generates capacity for extended periods, the peaking capability of the system and therefore, its ability to meet firm commitments, is reduced. The F–7 rate schedule provides a load shaping service by allowing for the return during offpeak hours of the energy which was delivered with the peak. One result of extended use of this peaking arrangement is that the return of significant amounts of energy during offpeak hours may at times force the Federal system into a spill condition.

Several objections have been expressed to the inclusion of this variable charge in the F–7 rate. The principal objections were that (1) the cost of purchasing capacity in excess of 6 hours was greater for customers purchasing under the F–7 rate schedule than for firm power customers purchasers under the EC–8 rate schedule and (2) the inclusion of the variable charge in the F–7 rate schedule unilaterally changes the nature of a commodity sold under existing fixed contracts.

The cost of capacity purchases in excess of 6 hours under the F–7 rate exceeds the cost under the EC–8 rate because the service provided is different. The F–7 rate provides a load-shaping service by allowing for the return of energy during offpeak hours. Raising the cost of this service through lowering the maximum number of hours that capacity purchases can be made without any additional charge does not constitute a unilateral change in the nature of the commodity sold. It does reflect the fact that the sustained peaking capability of the Federal hydro system is reduced if the time period over which peaking capability must be maintained is increased.

The F–7 rate schedule conforms with the standard wholesale firm capacity contract provisions. Bonneville's firm capacity customers remain entitled to receive firm capacity in the amount specified by contracts; only the rate at which this service is provided has been changed.

Irrigation

Two features of the initial EC–8 rate proposal were of special significance to irrigators. Since irrigation loads are substantially larger during the summer than during the winter, elimination of a seasonal energy rate as was proposed in August 1978 would have resulted in higher power costs for utilities serving large irrigation loads. Bonneville reexamined the issue of a seasonal energy rate in response to comments received on its initial proposal and concluded that justification does exist for a seasonal energy rate based on hydro storage costs. The new rates include a seasonal energy rate. In addition, the capacity charge is seasonally differentiated, with a higher rate during the winter period based on the results of the time-differentiated pricing analysis and an adjustment based on the results of the long-run incremental cost study. This differential benefits customers with large irrigation loads.

Under the new rates the energy charge will be increased significantly more than the capacity charge. With existing rates in 1980, 71-percent of reveneues from firm power sales would have come from the capacity charge and 29-percent from the energy charge. Under the new rates for 1980, 40-percent of revenues from firm power sales will be derived from the capacity charge and 60-percent from the energy charge. This has an important impact on utilities serving large irrigation loads. During the summer, irrigation loads are relatively high and uniform. Therefore, a larger portion of the total cost of serving irrigators is associated with energy charges (as opposed to capacity charges) than is the case of most other customers. This has created a proportionately greater impact on utilities with a large irrigation load than on other firm power customers and reflects the price signal that energy costs are increasing much faster than capacity costs.

Bonnevile considered a special discount for utilities with large irrigation loads. However, the lower summer energy rate and the lower summer capacity rate benefit these customers and lessen the impact of the rate increase. Special treatment was not offered this class of customers. In most cases the percentage increase in power costs to utilities with high irrigation loads was near the overall Bonneville revenue increase. A reduction in costs for one group of customers based on a special discount results in a cost increase to other groups of customers. From the viewpoint of equity, there is no justification for charging other customers more in order to implement a special irrigation discount.

Computed Demand; Overrun Charge

Most of Bonneville's preference customers rely on Bonnevile for all of their power needs. A few, however, own generation facilities. Several of these allow Bonneville to operate their facilities or have their resources delivered directly to Bonneville. Others operate their own facilities. Some preference customers that do own and operate their own generation facilities are designated by the Administrator to purchase on a computed demand basis because operation of their resources can adversely impact the Federal System either through losses of power or revenue. Bonneville is obligated to provide the difference between the computed demand customer's load and their forecasted resource capability.

A utility that is designated to purchase on a computed demand basis has an ability and an obligation, due to the coordinated operation of resources by utilities in the Northwest, to produce an assured resource capability. The computed demand billing factors provide Bonneville with a means of assuring that the amount of firm power delivered to a customer does not exceed the customer's net requirements, thereby assuring Bonneville that the customer is using its own assured resources for its load.

When a computed demand customer receives more Federal firm power than it is entitled to, under certain conditions the excess amount is called an unauthorized increase or overrun.

Several comments were received concerning this overrun charge. It was viewed as being inequitable and it was suggested that it be eliminated. The basis for the criticism was that the overrun penalty impacts only the computed demand customers prior to the date Bonneville will have insufficient resources to meet projected firm energy loads, and due to variations in load, a computed demand customer, despite its best efforts, might not be able to aviod an overrun.

Most of the objections to the overrun charge and its application have or are being dealt with through the computed demand customers' power sales contracts. Bonneville has rewritten the unauthorized increase section in the rate schedule for purposes of clarification. No substantive changes in the content of this section have been made.

Other Rate Design Issues

Other rate design issues are discussed in the Staff Evaluation of Official Record, Addendum to the Staff Evaluation of Official Record, and the Administrator's Record of Decision.

Other Considerations—Special Contract Rates and Provisions

In addition to granting interim approval of Bonneville's wholesale power rate schedules, I am also granting interim approval of certain special contractual deviations as indicated below:

1. A special contractual rate providing for a 3-mill-per-kilowatthour charge to be paid by the Western Area Power Administration for exchange energy delivered to its Mead and Tracy substations by the City of Los Angeles, California, or by Southern California Edison Company in lieu of these utilities' obligations to deliver exchange energy to Bonneville. (Contract Nos. 14–03–09239 and 14–03–39448)

This special rate was previously approved by the Federal Power Commission in Docket E–8978.

2. Continuation of certain contractual deviations from General Rate Schedule Provision 7.1 which extends the grace period for payment of power bills and deletes Bonneville's right to cancel a power sales contract with the specified California customers. The subject contracts are between Bonneville and the City of Los Angeles (Contract No. 14–03–51286); the City of Burbank (14–03–53291); State of California (14–03–62887); Pacific Gas and Electric Company (14–03–54132); San Diego Gas and Electric Company (14–03–55347); Southern California Edison Company (14–03–54125); City of Pasadena (14–03–53298); City of Glendale (14–03–53296); and Sacramento Municipal Utility District (14–03–57359). The subject contracts received letter approval from the Secretary of the Federal Power Commission on May 29, 1968, and were reconfirmed by the Federal Power Commission in Docket E–8978 until December 20, 1979.

3. Special contractual rates for the sale of electric capacity on an emergency basis between Bonneville and Idaho Power Company (Contract No. DE–MS79–79BP90105—$0.41 per kW week) and Pacific Gas and Electric Company (Contract No. DE–MS79–79BP900—$0.43 per kW per week or portion thereof and Bonneville's memorandum of October 5, 1979). These contracts provide a service not previously included in Bonneville's rate schedules and were entered into on an emergency basis between Bonneville and its customers. The contractual rates are subject to final adjustment.

None of the subject special contract rates or rate schedule provision deviations will result in excess revenues to Bonneville or endanger timely repayment of Bonneville's annual obligations to the Federal Treasury.

General Rate Schedule Provisions

The General Rate Schedule Provisions (GRSP's) which are attached to the order have remained unchanged in substance from those which accompany existing rates. A few wording changes have been made which allow the GRSP's to conform to the new rate schedules. No major comments were received to the GRSP's during the rate development process.

Price Stability

Bonneville is a "government enterprise" within the meaning of the price standards of the President's Council on Wage and Price Stability. The rate increases approved herein comply with the operating margin limitation of these standards because the revenues will be only those necessary to recover costs required by statue to be recovered by the Administrator.

Public Utility Regulatory Policies Act

Bonneville is a nonregulated utility, having more than 500 million kilowatthours in annual sales for direct use. It is therefore required by the Public Utility Regulatory Policies Act (PURPA) (Pub. L. 95–617, 92 Stat. 3117) among other things, to consider, after public notice and hearings, each of six specified ratemaking standards (Section 111(a), PURPA). Hearings were held pursuant to public notice (44 FR 35285, June 19, 1979) on July 19, 1979. The Bonneville Administrator issued a Determination Order concerning the rate standards on November 19, 1979.

Effective Date of Order

It is not possible to give 30 days notice before the effective date of the rates approved on an interim basis by this order. Bonneville power sales contracts limit rate adjustments to fixed dates, and the next date is December 20, 1979. If this contractually fixed date is missed, the next opportunity for adjustment will be July 1, 1980. In the interim, Bonneville, which is self-financed, would experience severe cash flow difficulties, in addition to falling behind in its obligation to repay the Federal Treasury for the capital cost of power projects. Rates are subject to final confirmation and approval by the Federal Energy Regulatory Commission (FERC), and the rates approved herein are subject to refund if lesser rates are ultimately approved by the FERC.

Availability of Information

Information regarding these rates including studies, public information and comment forum transcripts, and other supporting material are available for public review in the office of the Public Involvement Coordinator, Bonneville Power Administration Building, 1002 N.E. Holladay Street, Portland, Oregon 97212, and in the office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission

The rates herein confirmed and approved on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Environmental Impact

Bonneville prepared a Draft Environmental Impact Statement, the availability of which was announced in Bonneville's August 25, 1978, **Federal Register** Notice (43 FR 38356). Bonneville's Final Environmental Impact Statement was filed with the Environmental Protection Agency on October 9, 1979, and announced by **Federal Register** notice on October 26, 1979 (44 FR 61637).

Pursuant to 40 CFR 1505.2, Bonneville has a record of decision, incorporated into the "Administrator's Record of Decision 1979 Wholesale Power Rates Proposal," designed to document the decisionmaking process related to the National Environmental Policy Act. The record is available for review at the locations indicated in this order under "Availability of Information" and copies of the Record of Decision may be obtained by the public by writing to the addresses indicated.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective December 20, 1979, the attached wholesale power rate schedules, EC–8, EC–9, IF–2, MF–2, F–7, F–8, J–2, and H–6, together with the attached General Rate Schedule Provisions, and special contract rates and rate schedule provisions as specified in the order. These rates shall remain in effect on an interim basis through June 30, 1981, unless such period is extended or until the FERC confirms and approves them or substitute rates on a final basis.

Issued at Washington, D.C. this 3rd day of December, 1979.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

Rate Schedules and General Rate Schedule Provisions

A. Schedule EC–8—Wholesale Firm Power Rate

Section 1. *Availability:* This schedule is available for the purchase of firm power for resale or for direct consumption by purchasers other than direct-service industrial purchasers which purchase power under rate Schedules IF–2 or MF–2.

Section 2. *Rate:*

a. *Demand Charge:* (1) For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $1.95 per kilowatt of billing demand; (2) for the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $1.19 per kilowatt of billing demand; and (3) all other hours: No demand charge.

b. *Energy Charge:* (1) For the billing months September through March: 4.13 mills per kilowatthour of billing energy; (2) for the billing months April through August: 3.76 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The factors to be used in determining the billing for firm power purchased under this schedule are as follows:

a. For any purchaser not designated to purchase under subsection 3b or 3c: (1) The contract demand as specified in the contract; (2) the measured demand for the billing month adjusted for power factor; and (3) the measured energy for the billing month.

b. For any purchaser designated by Bonneville to purchase on a computed demand basis because of such purchaser's potential ability either to sell generation from its resources in such a manner as to increase Bonneville's obligation to deliver firm power to such purchaser in an amount in excess of Bonneville's obligation prior to such sale, or to redistribute the generation from its resources over time in such a manner as to cause losses of power or revenue on the Federal System; provided, however, that when a purchaser operates two or more separate systems, only those systems designated by Bonneville will be covered by this subsection:

(1) The peak computed demand for the billing month; (2) the average energy computed demand for the billing month; (3) 60 percent of the highest peak computed demand during the previous 11 billing months; (4) 60 percent of the highest average energy computed demand for the previous 11 billing months; (5) the measured demand for the billing month adjusted for power factor; (6) the measured energy for the billing month; and (7) the contract demand as specified in an agreement between a purchaser and Bonneville for a specified period of time.

c. For any purchaser contractually limited to an allocation of capacity and/or energy as determined by Bonneville pursuant to the terms of a purchaser's power sales contract: (1) The allocated demand for the billing month, as specified in the contract; (2) the measured demand for the billing month adjusted for power factor; (3) the allocated energy for the billing month, as specified in the contract; (4) the measured energy for the billing month.

Section 4. *Determination of Billing Demand and Billing Energy:*

a. For a purchaser governed by subsection 3a:

(1) The billing demand for the month shall be factor 3a(1) or 3a(2), as specified in the purchaser's power sales contract, except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing demand for the month shall be factor 3c(2): *Provided, however,* That billing demand factor 3c(2), before adjustment for power factor, shall not exceed factor 3c(1).

(2) The billing energy for the month shall be factor 3a(3) except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing energy shall be factor 3c(4), provided, however, that factor 3c(4) shall not exceed factor 3c(3).

b. For a purchaser governed by subsection 3b:

(1) the billing demand for the month shall be the largest of factors 3b(3), 3b(4), and 3b(5), or 3b(7) if applicable. Factor 3b(5), before adjustment for power factor, shall not exceed the largest of factors 3b(1), 3b(2), or 3b(7) if applicable, except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing demand for the month shall be factor 3c(2), provided, however, that billing demand factor 3c(2), before adjustment for power factor, shall not exceed factor 3c(1).

(2) the billing energy for the month shall be factor 3b(6) except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing energy shall be factor 3c(4), provided, however, that factor 3c(4) shall not exceed factor 3c(3). Factor 3b(6) shall not exceed factor 3b(2) times the number of hours during such month.

Section 5. *Adjustments:*

a. *Power Factor:* The adjustment for power factor when specified in this rate schedule or in the power sales contract, may be made by increasing the measured demand for each month by 1 percent for each 1 percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95 percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75 percent lagging or 75 percent leading.

b. *At-Site Power:* At-site power purchased for consumption by a purchaser shall be used within 15 miles of the powerplant specified in the power sales contract. At least 90 percent of any at-site power purchased for resale shall be used within 15 miles of the specified powerplant.

The monthly demand charge for at-site firm power will be the monthly demand charge for firm power reduced by $0.257 per kilowatt of billing demand.

At-site firm power is made available only under existing contracts, providing for at-site firm power, at a Federal hydroelectric generating plant or at a point adjacent thereto, and at a voltage, all as designated by Bonneville. If deliveries are made from an interconnection with the Federal System other than at one of such designated points, the purchaser shall pay an amount adequate to cover the annual

cost of the facilities which would have been required to deliver such power to such point from either the generator bus at the generating plant, or from the adjacent point as designated by Bonneville. This use of facilities charge shall be in addition to the charge determined by application of section 2 of the rate schedule as reduced by the provisions of this subsection.

Section 6. *Unauthorized Increase:* That portion of (a) any 60-minute clock-hour integrated demand or scheduled demand (the total amount of power scheduled to the purchaser from Bonneville) that cannot be assigned to a class of power which Bonneville delivers on such hour pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such hour, or (b) the total of a purchaser's 60-minute clock-hour integrated or scheduled demands during a billing month which cannot be assigned to a class of power which Bonneville delivers during such month pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such month, may be considered an unauthorized increase. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase pursuant to (a) and the total of such amounts which are in fact considered unauthorized increases shall be excluded from the total of the integrated or scheduled demands for such month in determining the amount which may be considered an unauthorized increase under (b).

The charge for an unauthorized increase shall be $0.10 per kilowatthour.

Section 7. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, and to the applicable General Rate Schedule Provisions.

B. Schedule EC-9—Reserve Power Rate

Section 1. *Availability:* This schedule is available for the purchase of:

a. Firm power to meet a purchaser's unanticipated load growth as provided in a purchaser's power sales contract.

b. Power for which Bonneville determines no other rate schedule is applicable; or,

c. Power to serve a purchaser's firm power loads in circumstances where Bonneville does not have a power sales contract in force with such purchaser, and Bonneville determines that this rate should be applicable.

Section 2. *Rate:* a. *Demand Charge:* (1) For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $6.16 per kilowatt of billing demand; (2) for the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $3.76 per kilowatt of billing demand; and (3) all other hours: no demand charge.

b. *Energy Charge:* 26.7 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this schedule are as follows:

A. The contract demand as specified in the contract.

b. The measured demand.

c. The contract amount of energy for the month.

d. The measured energy for the month.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demand and billing energy shall be determined as provided in a purchaser's power sales contract. If Bonneville does not have a power sales contract in force with a purchaser, the billing demand and billing energy shall be the measured demand adjusted for power factor and measured energy.

Section 5. *Unauthorized Increase:* That portion of (a) any 60-minute clock-hour integrated demand or scheduled demand (the total amount of power scheduled to the purchaser from Bonneville) that cannot be assigned to a class of power which Bonneville delivers on such hour pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such hour, or (b) the total of a purchaser's 60-minute clock-hour integrated or scheduled demands during a billing month which connot be assigned to a class of power which Bonneville delivers during such month pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such month, may be considered an unauthorized increase. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase pursuant to (a) and the total of such amounts which are in fact considered unauthorized increases shall be excluded from the total of the integrated or scheduled demands for such month in determining the amount which may be considered an unauthorized increase under (b).

The charge for an unauthorized increase shall be $0.10 per kilowatthour.

Section 6. *Power Factor Adjustment:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the measured demand for each month by 1 percent for each 1 percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95 percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75 percent lagging or 75 percent leading.

Section 7. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, and to the applicable General Rate Schedule Provisions.

C. Schedule IF-2—Wholesale Power Rate for Industrial Firm Power

Section 1. *Availability:* This schedule is available for the purchase of industrial firm power and/or authorized increase on a contract demand basis and for additional power requested by the purchaser and made available as authorized increase by Bonneville on an intermittent basis.

Section 2. *Rate:* a. *Demand Charge:* (1) For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $1.95 per kilowatt of billing demand; (2) for the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $1.19 per kilowatt of billing demand; and (3) all other hours: no demand charge.

b. *Energy Charge:* (1) For the billing months September through March: 4.13 mills per kilowatthour of billing energy; (2) for the billing months April through August: 3.76 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows: (a) Contract demand, (b) curtailed demand, (c)

restricted demand, and (d) measured energy.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demands for industrial firm power and authorized increase, respectively, and for additional power requested by the purchaser and made available by Bonneville as authorized increase on an intermittent basis will be the lowest of the respective contract demand, curtailed demand, or restricted demand after each such demand is adjusted for power factor. The billing energy associated with each of the respective billing demands will be the measured energy distributed proportionately among the respective demands for each hour each such demand is applicable during the billing month.

Section 5. *Adjustments:* a. *Availability Credit:* If Bonneville restricts deliveries to the purchaser for any purpose other than scheduled maintenance or forced outages on either the purchaser's system or Bonneville's delivery facilities, then the purchaser will be entitled to an annual billing credit for such restriction. For periods beginning July 1 and ending June 30 (operating year), such credit will be the product of one-twelfth of the sum of the monthly billing demands and the value of the availability credit factor (determined from the appropriate formula below). An appropriate adjustment shall be made to the purchaser's December wholesale power bill based on calculated availability during the first six months of the operating year. A final adjustment, when appropriate, shall be made to the purchaser's June wholesale power bill for availability credits calculated on an annual basis, giving consideration for those credits granted on the purchaser's December wholesale power bill. For periods which do not correspond to an operating year, the sum of the monthly billing demands during the period will be divided by the number of months in the period and then multiplied by the appropriate availability credit factor calculated for such periods An appropriate adjustment will be made at the earliest practical time. Availability credits will be separately determined for industrial firm power and authorized increases. Availability credits will not apply to additional power made available as authorized increase on an intermittent basis.

Annual Availability—A

Greater than	But less than or equal to
.75	1.00
.0	.75

Formula For Availability Credit Factor—F

F=$56 (1–A)
F=$14.00

b. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or power sales contract, may be made by increasing the appropriate demand (contract, curtailed, or restricted) for each month by 1 percent for each 1 percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95 percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75 percent lagging or 75 percent leading.

c. *At-Site Power:* At-site industrial firm power shall be used within 15 miles of the powerplant.

The monthly demand charge for at-site industrial firm power will be the monthly demand charge for industrial firm power reduced by $0.257 per kilowatt of billing demand.

At-site industrial firm power is made available only under existing contracts, providing for at-site industrial firm power at a Federal hydroelectric generating plant or at a point adjacent thereto, and at a voltage, all as designated by Bonneville. If deliveries are made from an interconnection with the Federal System other than at one of such designated points, the purchaser shall pay an amount adequate to cover the annual cost of the facilities which would have been required to deliver such power to such point from either the generator bus at the generating plant, or from the adjacent point as designated by Bonneville. This use of facilities charge shall be in addition to the charge determined by application of section 2 of the rate schedule as reduced by the provisions of this subsection.

Section 6. *Unauthorized Increase:* Any amount by which any 60-minute clock-hour integrated demand exceeds the sum of the billing demand for such hour before adjustment for power factor, plus any applicable scheduled demands which the purchaser acquires through other contracts for such hour will be assessed a charge of $0.10 per kilowatthour.

Section 7. *Special Conditions—Advance of Energy:* Bonneville may elect to advance energy under terms and conditions of the purchaser's power sales contract.

Section 8. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, and to the applicable General Rate Schedule Provisions.

D. Schedule MF–2—Wholesale Power Rate for Modified Firm Power

Section 1. *Availability:* This schedule is available for the purchase of modified firm power on a contract demand basis for direct consumption by existing direct-service industrial customers until existing contracts terminate. This schedule is also available for the purchase of authorized increase power on a contract demand basis and for additional power requested by the purchaser and made available by Bonneville as authorized increase on an intermittent basis.

Section 2. *Rate:* a. *Demand Charge:* (1) For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $1.95 per kilowatt of billing demand; (2) for the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $1.19 per kilowatt of billing demand; and (3) all other hours: no demand charge.

b. *Energy Charge:* (1) For the billing months September through March: 4.13 mills per kilowatthour of billing energy; (2) for the billing months April through August: 3.76 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows: (a) Contract demand, (b) curtailed demand, (c) restricted demand, and (d) measured energy.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demand for modified firm power and authorized increase, respectively, and for additional power requested by the purchaser and made available by Bonneville on an intermittent basis will be the lowest of the respective contract demand, curtailed demand, or restricted demand after each such demand is adjusted for power factor. The billing energy associated with each of the respective billing demands will be the measured energy distributed proportionately among the respective demands for each hour each such

demand is applicable during the billing month.

Section 5. *Adjustments:* a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or power sales contract, shall be made by increasing the appropriate demand (contract, curtailed, or restricted) for each month by 1 percent for each 1 percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95 percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75 percent lagging or 75 percent leading.

b. *At-Site Power:* At-site modified firm power shall be used within 15 miles of the powerplant.

The monthly demand charge for at-site modified firm power will be the monthly demand charge for modified firm power reduced by $0.257 per kilowatt of billing demand.

At-site modified firm power will be made available under existing contracts, providing for at-site modified firm power at a Federal hydroelectric generating plant or at a point adjacent thereto, and at a voltage, all as designated by Bonneville. If deliveries are made from an interconnection with the Federal System other than at one of such designated points, the purchaser shall pay an amount adequate to cover the annual cost of the facilities which would have been required to deliver such power to such point from either the generator bus at the generating plant, or from the adjacent point as designated by Bonneville. This use of facilities charge shall be in addition to the charge determined by application of section 2 of the rate schedule as reduced by the provisions of this subsection.

Section 6. *Unauthorized Increase:* Any amounts by which any 60-minute clock-hour integrated demand exceeds the sum of the billing demand for such hour (before adjustment for power factor) plus any applicable scheduled demands which the purchaser acquires through other contracts for such hour will be assessed a charge of $0.10 per kilowatthour.

Section 7. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, and to the applicable General Rate Schedule Provisions.

E. Schedule F–7—Wholesale Firm Capacity Rate

Section 1. *Availability:* This schedule is available for the purchase of firm capacity without energy on a contract demand basis for supply during a contract year of 12 months, or during a contract season of 5 months, June 1 through October 31.

Section 2. *Rate:* a. *Contract Year Service:* $18.84 per kilowatt per year of contract demand. Interim bills will be rendered monthly at the rate of $1.57 per kilowatt of contract demand.

b. *Contract Season Service:* $9.73 per kilowatt per season of contract demand. Interim bills will be rendered monthly at the rate of $1.946 per kilowatt of contract demand.

c. The capacity rate specified in subsections a. and b. above shall be increased by $0.265 per kilowattmonth of billing demand for each hour that the purchaser's monthly demand duration exceeds 6 hours. The purchaser's demand duration for the month shall be determined by dividing the kilowatthours supplied under this rate schedule to a purchaser on the day of maximum kilowatthour use between the hours of 7 a.m. and 10 p.m., excluding Sundays, by the purchaser's contract demand effective for such month. If, however, Bonneville does not require the delivery of peaking replacement energy by the purchaser during certain periods, the additional charge above will not be made for such periods.

Section 3. *Billing Factors:* The billing demand will be the contract demand.

Section 4. *Special Provision:* Contracts for the purchase of firm capacity under this schedule will include provisions for replacement by the purchaser of energy accompanying the delivery of such capacity.

Section 5. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, and to the applicable General Rate Schedule Provisions.

Schedule F–8—Emergency Capacity Rate

Section 1. *Availability:* This schedule is available for purchase of emergency capacity requested by a purchaser when Bonneville determines that an emergency condition exists on the purchaser's system and it has capacity available for such purpose.

Section 2. *Rate:* $0.42 per kilowatt of demand per calendar week or portion thereof. For deliveries over the Pacific Northwest-Pacific Southwest intertie, made available for the account of a purchaser at the Oregon-California or the Oregon-Nevada border, the charge will be increased by $0.086 per kilowatt. Bills will be rendered monthly.

Section 3. *Billing Factors:* The billing demand will be the maximum amount requested by the purchaser and made available by Bonneville during a calendar week, provided that if Bonneville is unable to meet subsequent requests by a purchaser for delivery at the demand previously established during such week, such billing demand for such week shall be the lower demand which Bonneville is able to supply.

Section 4. *Special Provision:* Energy delivered with such capacity shall be returned to Bonneville within 7 days of the date of delivery at times and rates of delivery agreed to by the purchaser and Bonneville prior to delivery. Bonneville may agree to accept delay of return energy beyond 7 days if it so agrees prior to the delivery of capacity.

F. Schedule J–2—Wholesale Firm Energy Rate

Section 1. *Availability:* This schedule is available for contract purchase of firm energy, to be delivered for the uses, in the amounts, and during the period or periods specified in such contract.

Section 2. *Rate:* 6.1 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The contract energy is the billing factor.

Section 4. *Determination of Billing Energy:* The billing energy shall be determined as provided in the purchaser's power sales contract.

Section 5. *Delivery:* Delivery of energy under this rate schedule is assured during the contract period. However, Bonneville may interrupt the delivery of firm energy hereunder, in whole or in part, at any time that Bonneville determines that Bonneville is unable because of system operating conditions, including lack of generation or transmission capacity, to effect such delivery.

Section 6. *Power Factor Adjustment:* The adjustment for power factor, when specified in this rate schedule or power sales contract, may be made by increasing the contract energy delivered for each month by 1 percent for each 1 percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such

month is less than 95 percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to the purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75 percent lagging or 75 percent leading.

Section 7. *General Provisions:* Sales of energy under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, and to the applicable General Rate Schedule Provisions.

G. Schedule H–6—Wholesale Nonfirm Energy Rate

Section 1. *Availability:* This schedule is available for the purchase of nonfirm energy both inside and outside the Pacific Northwest. This schedule is also available for energy delivered for emergency use under the conditions set forth in section 5.1 of the General Rate Schedule Provisions. This schedule is not available for the purchase of energy which Bonneville has a firm obligation to supply.

Section 2. *Rate:* a. Thermal Displacement—This rate is for nonfirm energy sales to any purchaser for displacement of thermal generation. When Bonneville determines that nonfirm energy is available, such energy shall be offered to displace the thermal generation and purchases of energy, consistent with Pub. L. 88–552 and other applicable statutes.

(1) For all nonfirm energy sales for thermal displacement not subject to the provisions of a.(2) below the rate is 50 percent of either (a) the decremental cost in mills per kilowatthour of the displaced thermal resource or (b) the rate in mills per kilowatthour associated with the displaced purchase of energy. The maximum charge is 20 mills per kilowatthour. The minimum charge is 6.5 mills per kilowatthour during the period Monday through Saturday, 7:00 a.m. through 10:00 p.m.; and 4.5 mills per kilowatthour for all other hours of the year. Bonneville may determine that because of water and market conditions a rate of less than 50 percent of decremental cost or purchase rate, but not less than the minimum rates, may be charged. The purchaser will furnish Bonneville with either (a) the decremental cost in mills per kilowatthour of the purchaser's displaced thermal resource or (b) the rate in mills per kilowatthour associated with the displaced purchase of energy.

(2) For nonfirm energy sales to any Pacific Northwest utility during the period when that utility is either operating a displaceable thermal resource or is purchasing energy from a resource and is concurrently selling nonfirm energy outside the Pacific Northwest, as defined in Pub. L. 88–552, the rate is:

Thirty-three percent of the rate in mills per kilowatthour that the purchaser receives for concurrent nonfirm energy sales for use outside the Pacific Northwest. The maximum charge is 20 mills per kilowatthour. The minimum charge is 6.5 mills per kilowatthour during the period Monday through Saturday, 7:00 a.m. through 10:00 p.m.; and 4.5 mills per kilowatthour for all other hours of the year. The purchaser will furnish Bonneville with the amount and rate per kilowatthour for the purchaser's sale of nonfirm energy for use outside the Pacific Northwest for the period when nonfirm energy purchases are made from Bonneville.

b. Sales other than for Thermal Displacement—This rate is for all nonfirm energy sales which are not applicable to the provisions of a. above.

(1) 6.5 mills per kilowatthour during the period Monday through Saturday, 7:00 a.m. through 10:00 p.m.; and

(2) 4.5 mills per kilowatthour for all hours of the year not included in subsection b(1) above.

c. For contracts which refer to this schedule for determining the value of energy, the rate is 5.5 mills per kilowatthour.

Section 3. *Delivery:* Bonneville shall determine the availability of energy hereunder and the rate of delivery thereof.

Section 4. *General Provisions:* Sales of energy under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, and to the applicable General Rate Schedule Provisions.

H. General Rate Schedule Provisions

1.1 *Firm Power:* Firm power is electric power which Bonneville will make continuously available to a purchaser to meet its load requirements except when restricted because the operation of generation or transmission facilities used by Bonneville to serve such purchaser is suspended, interrupted, interfered with, curtailed, or restricted as the result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract. Such restriction of firm power shall not be made until industrial firm power has been restricted in accordance with section 1.4 and until modified firm power has been restricted in accordance with section 1.2.

1.2 *Modified Firm Power:* Modified firm power is electric power which Bonneville will make continuously available to a purchaser on a contract demand basis subject to: (a) The restriction applicable to firm power, and (b) the following:

When a restriction is made necessary because the operation of generation or transmission facilities used by Bonneville to serve such purchaser and one or more firm power purchasers is suspended, interrupted, interfered with, curtailed, or restricted as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract, Bonneville shall restrict such purchaser's contract demand for modified firm power to the extent necessary to prevent, if possible, or minimize restriction of any firm power; *Provided however,* That: (1) Such restriction of modified firm power shall not exceed at any time 25 percent of the contract demand therefor, and (2) the accumulation of such restrictions of modified firm power during any calendar year, expressed in kilowatthours, shall not exceed 500 times the contract demand therefor. When possible, restrictions of modified firm power will be made ratably with restrictions of industrial firm power based on the proportion that the respective contract demands bear to one another. The extent of such restrictions shall be limited for modified firm power by this subsection and for industrial firm power by the Restriction of Deliveries Section of the General Contract Provisions of the contract.

1.3 *Firm Capacity:* Firm capacity is capacity which Bonneville assures will be available to a purchaser on a contract demand basis except when operation of generation or transmission facilities used by Bonneville to serve such purchaser is suspended, interrupted, interfered with, curtailed, or restricted as the result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract.

1.4 *Industrial Firm Power:* Industrial firm power is electric power which Bonneville will make continuously available to a purchaser on a contract demand basis subject to: (a) The

restriction applicable to firm power, and (b) the following:

(1) The restrictions given in the Restriction of Deliveries Section of the General Contract Provisions of the contract.

(2) When a restriction is made necessary because of the operation of generation or transmission facilities used by Bonneville to serve such purchaser and one or more firm power purchasers is suspended, interrupted, interfered with, curtailed, or restricted as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract, Bonneville shall restrict such purchaser's contract demand for industrial firm power to the extent necessary to prevent, if possible, or minimize restriction of firm power. When possible, restrictions of industrial firm power will be made ratably with restrictions of modified firm power based on the proportion that the respective contract demands bear to one another. The extent of such restrictions shall be limited for modified firm power by section 1.2 (b) of these General Rate Schedule Provisions and for industrial firm power by the Restriction of Deliveries Section of the General Contract Provisions of the contract.

1.5 *Authorized Increase:* An authorized increase is an amount of electric power specified in the contract in excess of the contract demand for firm power, modified firm power, or industrial firm power that Bonneville may be able to make available to the purchaser upon its request. The purchaser shall make such request in writing stating the amount of increase requested, the purpose for which it will be used, and the period for which it is needed. Such request shall be made prior to the first calendar month beginning such specified period. Bonneville will then determine whether such increase can be made available, but it shall retain the right to restrict the delivery of such increase if it determines at any subsequent time that such increase will no longer be available.

The purchaser may curtail an authorized increase, in whole or in part, at the end of any billing month within the period such authorized increase is to be made available.

1.6 *Firm Energy:* Firm energy is energy which Bonneville assures will be available to a purchaser during the period or periods specified in the contract except during such hours as specified in the contract and when the operation of the Government's facilities used to serve the purchaser are suspended, interrupted, interfered with, curtailed, or restricted by the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract.

2.1 *Contract Demand:* The contract demand shall be the number of kilowatts that the purchaser agrees to purchase and Bonneville agrees to make available. Bonneville may agree to make deliveries at a rate in excess of the contract demand at the request of the purchaser (authorized increase), but shall not be obligated to continue such excess deliveries.

2.2 *Measured Demand:* Except where deliveries are scheduled as hereinafter provided, the measured demand in kilowatts shall be the largest of the 60-minute clock-hour integrated demands at which electric energy is delivered to a purchaser at each point of delivery during each time period specified in the applicable rate schedule during any billing period. Such largest 60-minute integrated demand shall be determined from measurements made as specified in the contract, or as determined in section 3.2 herein. Bonneville, in determining the measured demand, will exclude any abnormal 60-minute integrated demands due to or resulting from (a) emergencies or breakdowns on, or maintenance of, the Federal System facilities, and (b) emergencies on the purchaser's facilities, provided that such facilities have been adequately maintained and prudently operated as determined by Bonneville. For those contracts to which Bonneviile is a party and which provide for delivery of more than one class of electric power to the purchaser at any point of delivery, the portion of each 60-minute integrated demand assigned to any class of power shall be determined as specified in the contract. The portion of the total measured demand so assigned shall constitute the measured demand for each such class of power.

If the flow of electric energy to a purchaser's system through two or more points of delivery cannot be adequately controlled because such points are interconnected within the purchaser's system, or the purchaser's system is interconnected directly or indirectly with the Federal System, the purchaser's measured demand for each class of power for such system for any billing period shall be the largest of the hourly amounts of such class of power which are scheduled for delivery to the purchaser during each time period specified in the applicable rate schedule.

2.3 *Peak Computed Demand and Energy Computed Demand:* The purchaser's peak computed demand for each billing month shall be the largest amount during such month by which the purchaser's 60-minute system demand exceeds its assured peaking capability.

The purchaser's average energy computed demand for each billing month shall be the amount during such month by which the purchaser's actual system average load exceeds its assured average energy capability.

a. *General Principles:* (1) The assured peaking and average energy capability of each of the purchaser's systems shall be determined and applied separately.

(2) As used in this section, "year" shall mean the 12-month period commencing July 1.

(3) The critical period is that period, determined for the purchaser's system under adverse streamflow conditions adjusted for current water uses, assured storage operation, and appropriate operating agreements, during which the purchaser would have the maximum requirement for peaking or energy after utilizing the firm capability of all resources available to its system in such a manner as to place the least requirement for capacity and energy on Bonneville.

(4) Critical water conditions are those conditions of streamflow based on historical records, adjusted for current water uses, assured storage operation, and appropriate operating agreements, for the year or years which would result in the minimum capability of the purchaser's firm resources during the critical period.

(5) Prior to the beginning of each year the purchaser shall determine the assured capability of each of the purchaser's systems in terms of peaking and average energy for each month of each year or years within the critical period. The firm capability of all resources available to the purchaser's system shall be utilized in such manner as to place the least requirement for capacity and energy on Bonneville. Such assured capability shall be effective after review and approval by Bonneville.

(6) The purchaser's assured energy capability shall be determined by shaping its firm resources to its firm load in a manner which places a uniform requirement on Bonneville within each year of the critical period with such requirement increasing each year not in excess of the purchaser's annual load growth.

(7) As used herein, the capability of a firm resource shall include only that portion of the total capability of such resource which the purchaser can deliver on a firm basis to its load. The capabilities of all generating facilities which are claimed as part of the purchaser's assured capability shall be determined by test or other substantiating

data acceptable to Bonneville. Bonneville may require verification of the capabilities of any or all of the purchaser's generating facilities. Such verification will not be required more often than once each year for operating plants, or more often than once each third year for thermal plants in cold standby status, if Bonneville determines that adequate annual preventive maintenance is performed and the plant is capable of operating at its claimed capability.

(8) In determining assured capability, the aggregate capability of the purchaser's firm resources shall be appropriately reduced to provide adequate reserves.

b. *Determination of Assured Capability:* The purchaser's assured peaking and energy capabilities shall be the respective sums of the capabilities of its hydroelectric generating plants based on the most critical water conditions on the purchaser's system, the capabilities of its thermal generating plants based on the adverse fuel or other conditions reasonably to be anticipated; and the firm capabilities of other resources made available under contracts prior to the beginning of the year, after deduction of adequate reserves. Assured capabilities shall be determined for each month if the purchaser has seasonal storage. The capabilities of the purchaser's firm resources shall be determined as follows:

(1) *Hydroelectric Generating Facilities:* The capability of each of the purchaser's hydroelectric generating plants shall be determined in terms of both peaking and average energy using critical water conditions. The average energy capability shall be that capability which would be available under the storage operation necessary to produce the claimed peaking capability.

Seasonal storage shall mean storage sufficient to regulate all the purchaser's hydroelectric resources in such a manner that when combined with the purchaser's thermal generating facilities, if any, and with firm capacity and energy available to the purchaser under contracts, a uniform energy computed demand for a period of 1 month or more would result.

A purchaser having seasonal storage shall, within 10 days after the end of each month in the critical period, notify Bonneville in writing of the assured energy capability to be applied tentatively to the preceding month; such notice shall also specify the purchaser's best estimate of its average system energy load for such month. If such notice is not submitted, or is submitted later than 10 days after the end of the month to which it applies, subject to the limitations stated herein, the assured energy capability determined for such month prior to the beginning of the year shall be applied to such month and may not be changed thereafter.

If notice has been submitted pursuant to the preceding paragraph, the purchaser shall, within 30 days after the end of the month, submit final specification of the assured energy capability to be applied to the preceding month; *provided*, That the assured energy capability so specified shall not differ from the amount shown in the original notice by more than the amount by which the purchaser's actual average system energy load for such month differs from the estimate of that load shown in the original notice. If the assured energy capability for such month differs from that determined prior to the beginning of the year for such month, the purchaser, if required by Bonneville, shall demonstrate by a suitable regulation study based on critical water conditions that such change could actually be accomplished, and that the remaining balance of its total critical period assured energy capability could be developed without adversely affecting the firm capability of other purchaser's resources. The algebraic sum of all such changes in the purchaser's assured energy capability shall be zero at the end of the critical period or year, whichever is earlier. Appropriate adjustments in the assured peaking capability shall be made if required by any change in reservoir operation indicated by such revisions in the monthly distribution of critical period energy capability.

(2) *Thermal Generating Facilities:* The capability of each of the purchaser's thermal generating plants shall be determined in terms of both peaking and average energy. Such capabilities shall be based on the adverse fuel or other conditions reasonably to be anticipated. The effect of limitations on fuel supply due to war or other extraordinary situations will be evaluated at the time of occurrence.

(3) *Other Sources of Power:* The assured capability of other resources available to the purchaser on a firm basis under contracts shall be determined prior to each year in terms of both peaking and average energy.

c. *Determination of Computed Demand:* The purchaser's computed demand for each billing month shall be the greater of:

(1) The largest amount during such month by which the purchaser's actual 60-minute system demand, excluding any loads otherwise provided for in the contract, exceeds its assured peaking capability for such month, or period within such month, or

(2) The largest amount for such month, or period within such month, by which the purchaser's actual system average energy load, excluding the average energy loads otherwise provided for in the contract, exceeds its assured average energy capability.

The use of computed demands as one of the alternatives in determining billing demand is intended to assure that each purchaser who purchases power from Bonneville to supplement its own firm resources will purchase amounts of power substantially equivalent to the additional capacity and energy which the purchaser would otherwise have to provide on the basis of normal and prudent operations, viz, sufficient capacity and energy to carry the load through the most critical water or other conditions reasonably to be anticipated, with an adequate reserve.

Since the computed demand depends on the relationship of capability of resources to system requirements, the computed demand for any month cannot be determined until after the end of the month. As each purchaser must estimate its own load, and is in the best position to follow its development from day to day, it will be the purchaser's responsibility to request scheduling of firm power, including any increase over previously established demands, on the basis estimated by the purchaser to result in the most advantageous purchase of the power to be billed at the end of the month.

Each contract in which computed demand may be a factor in determining the billing demand shall have attached to it as an exhibit a sample calculation of the computed demand of the purchaser for the period having the highest computed demand during the 12 months immediately preceding the effective date of the contract.

2.4 *Restricted Demand:* A restricted demand shall be the number of kilowatts of firm power, modified firm power, industrial firm power, or authorized increase of any of the preceding classes of power which results when Bonneville has restricted delivery of such power for 1 clock-hour or more. Such restrictions by Bonneville are made pursuant to section 8 of the General Contract Provisions for industrial firm power and pursuant to sections 1.1 and 1.2 of the General Rate Schedule Provisions for firm power and modified firm power, respectively. Such restricted demand shall be determined by Bonneville after the purchaser has made its determination to accept such restriction or to curtail its contract demand for the month in accordance

with section 2.5 of the General Rate Schedule Provisions.

2.5 *Curtailed Demand:* A curtailed demand shall be the number of kilowatts of firm power, modified firm power, industrial firm power, or authorized increase of any of the preceding classes of power which results from the purchaser's request for such power in amounts less than the contract demand therefor. Each purchaser of industrial firm power or modified firm power may curtail its demand in accordance with the section entitled "Curtailment of Deliveries and Payment Therefor" of the General Contract Provisions of the contract. Each purchaser of an authorized increase in excess of firm power, modified firm power, or industrial firm power may curtail its demand in accordance with section 1.5 of the General Rate Schedule Provisions.

3.1 *Billing:* Unless otherwise provided in the contract, power made available to a purchaser at more than one point of delivery shall be billed separately under the applicable rate schedule or schedules. The contract may provide for combined billing under specified conditions and terms when (a) delivery at more than one point is beneficial to Bonneville, or (b) the flow of power at the several points of delivery is reasonably beyond the control of the purchaser.

If deliveries at more than one point of delivery are billed on a combined basis for the convenience of the customer, a charge will be made for the diversity between the measured demands at the several points of delivery. The charge for the diversity shall be determined in a uniform manner among purchasers and shall be specified in the contract.

3.2 *Determination of Estimated Billing Data:* If the purchased amounts of capacity, energy, or the 60-minute integrated demands for energy must be estimated from data other than metered or scheduled quantities, Bonneville and the purchaser will agree on billing data to be used in preparing the bill. If the parties cannot agree on the estimated billing quantities, a determination binding on both parties shall be made in accordance with the arbitration provisions of the contract.

4.1 *Application of Rates During Initial Operation Period:* For an initial operating period, not in excess of 3 months, beginning with the commencement of operation of a new industrial plant, a major addition to an existing plant, or reactivation of an existing plant or important part thereof, Bonneville may agree (a) to bill for service to such new or reactivated plant facilities on the basis of the measured demand for each day, adjusted for power factor, or (b) if such facilities are served by a distributor purchasing power therefor from Bonneville, to bill for that portion of such distributor's load which results from service to such facilities on the basis of the measured demand for each day, adjusted for power factor. Any rate schedule provisions regarding contract demand, billing demand, and minimum monthly charge which are inconsistent with this section shall be inoperative during such initial operating period.

The initial operating period and the special billing provisions may, on approval by Bonneville, be extended beyond the initial 3-month period for such additional time as is justified by the developmental character of the operations.

5.1 *Energy Supplied For emergency Use:* A purchaser taking firm power shall pay in accordance with Wholesale Nonfirm Energy Rate Schedule H–6 and emergency capacity Schedule F–8 for any electric energy which has been supplied (a) for use during an emergency on the purchaser's system, or (b) following an emergency to replace energy secured from sources other than Bonneville during such emergency, except that mutual emergency assistance may be provided and settled under exchange agreements.

6.1 *Billing Month:* Meters will normally be read and bills computed at intervals of 1 month. A month is defined as the interval between meter-reading dates which normally will be approximately 30 days. If service is for less or more than the normal billing month, the monthly charges stated in the applicable rate schedule will be appropriately adjusted. Winter and summer periods identified in the rate schedules will begin and end with the beginning and ending of the purchaser's billing month having meter-reading dates closest to the periods so identified.

7.1 *Payment of Bills:* Bills for power shall be rendered monthly and shall be payable at Bonneville's headquarters. Failure to receive a bill shall not release the purchaser from liability for payment. Demand and energy billings under each rate schedule application shall be rounded to whole dollar amounts, by elimination of any amount of less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

If Bonneville is unable to render the purchaser a timely monthly bill which includes a full disclosure of all billing factors, it may elect to render an estimated bill for that month to be followed at a subsequent billing date by a final bill. Such estimated bill, if so issued, shall have the validity of and be subject to the same repayment provisions as shall a final bill.

Bills not paid in full on or before the close of business of the 20th day after the date of the bill shall bear an additional charge which shall be the greater of one-fourth percent (0.25%) of the amount unpaid or $50. Thereafter a charge of one-twentieth percent (0.05%) of the sum of the initial amount remaining unpaid and the additional charge herein described shall be added on each succeeding day until the amount due is paid in full. The provisions of this paragraph shall not apply to bills rendered under contracts with other agencies of the United States.

Remittances received by mail will be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the 20th day after the date of the bill. If the 20th day after the date of the bill is a Sunday or other nonbusiness day of the purchaser, the next following business day shall be the last day on which payment may be made to avoid such further charges. Payment made by metered mail and received subsequent to the 20th day must bear a postal department cancellation in order to avoid assessment of such further charges.

Bonneville may, whenever a power bill or a portion thereof remains unpaid subsequent to the 20th day after the date of the bill, and after giving 30 days advance notice in writing, cancel the contract for service to the purchaser, but such cancellation shall not affect the purchaser's liability for any charges accrued prior thereto.

8.1 *Approval of Rates:* Schedules of rates and charges, or modifications thereof, for electric energy sold by Bonneville shall become effective only after confirmation and approval by the entity or entities designated to confirm and approve such rates and charges by the Secretary of Energy.

9.1 *Average Power Factor:* The formula for determining average power factor is as follows:

$$\text{Average Power Factor} = \frac{\text{Kilowatthours}}{\sqrt{(\text{Kilowatthours})^2 + (\text{Reactive Kilovoltamperehours})^2}}$$

The data used in the above formula shall be obtained from meters which are ratcheted to prevent reverse registration.

When deliveries to a purchaser at any point of delivery include more than one class of power or are under more than one rate schedule, and it is impracticable to separately meter the

kilowatthours and reactive kilovoltamperehours for each class, the average power factor of the total deliveries for the month will be used, where applicable, as the power factor for each of the separate classes of power and rate schedules.

10.1 *Temporary Curtailment of Contract Demand:* The reduction of charges for power curtailed pursuant to the purchaser's contract and Sections 1.5 and 2.5 hereof shall be applied in a uniform manner.

11.1 *General Provisions:* The Wholesale Rate Schedules and General Rate Schedule Provisions of the Bonneville Power Administration effective December 20, 1979, supersede in their entirety Bonneville's Wholesale Power Rate Schedules and General Rate Schedule Provisions effective December 20, 1974.

[FR Doc. 79-37665 Filed 12-6-79; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

Ozona Gas Processing Plant, a Partnership; 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: November 26, 1979

COMMENTS BY: January 7, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: 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 November 26, 1979, the Office of Enforcement of the ERA executed a Consent Order with Ozona Gas Processing Plant, A Partnership, of Tyler, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Ozona Gas Processing Plant, A Partnership, wish to expeditiously resolve this matter as agreed and 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 Ozona Gas Processing Plant, A Partnership, effective as of the date of its execution by the DOE and Ozona Gas Processing Plant, A Partnership.

I. The Consent Order

Ozona Gas Processing Plant, A Partnership, with its home office in Tyler, Texas, is a firm engaged in the production and sale of natural gas liquid products, 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 sales of NGL products, the Office of Enforcement, ERA, and Ozona Gas Processing Plant, A Partnership, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was January 1975 through February 1978, and it included all sales of natural gas liquid products which were made during that period.

2. Ozona Gas Processing Plant, A Partnership, improperly applied the provisions of 10 CFR Part 212, Subpart K, when determining the prices to be charged for its NGL products, and as a consequence overcharged certain of its customers on some of their purchases.

3. Ozona Gas Processing Plant, A Partnership, agrees to refund to the DOE $177,000, including interest. The terms of the refund consist of $44,250 to be refunded within 90 days of the effective date of the Consent Order, with the balance of the refundable amount divided into three equal installments to be paid 90 days from first and each other.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Ozona Gas Processing Plant, A Partnership, 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 $177,000 in the manner specified in I. 3. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded 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 Office, Department of Energy, P.O. Box 35228, Dallas, Texas. 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 Ozona Gas Processing Plant, A Partnership, Consent Order." We will consider all comments we receive by 4:30 p.m. local time, on January 7, 1980. 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 29th day of November, 1979.

Wayne I. Tucker,

District Manager of Enforcement, Southwest District Office, Economic Regulatory Administration.

[FR Doc. 79-37672 Filed 12-6-79; 8:45 am]

BILLING CODE 6450-01-M

Domestic Crude Oil Allocation Program; Entitlement Notice for September 1979; Correction

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: September 1979 Entitlement Notice Correction.

SUMMARY: The monthly entitlement notice for September 1979 (44 FR 68513, November 29, 1979) setting forth the September purchase and sale requirements of refiners under the Department of Energy's (DOE) domestic crude oil allocation program contained an error at page 68514, column two. Imports of middle distillates eligible for entitlement issuances was incorrectly reported as "4,106,606 barrels." The correct figure for middle distillate imports eligible for entitlements issuances for September 1979 is "1,108,716 barrels."

FOR FURTHER INFORMATION CONTACT: Kristina Clark (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Room 6A-127, Washington, D.C. 20585, (202) 252-6744.

Issued in Washington, D.C., December 5, 1979.

Lynn R. Coleman,

General Counsel.

[FR Doc. 79-37799 Filed 12-6-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP71-125 (PGA No. IPR & GRI80-1)]

Natural Gas Pipeline Co. of America

Change in Rates Under the Incremental Pricing Provisions of Part 282 of the Commission's Regulations and Change in GRI Surcharge Authorized by Commission Opinion No. 64

November 29, 1979.

Take notice that on November 21, 1979, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas tariff, Third Revised Volume No. 1, the below listed tariff sheets to be effective January 1, 1980: Thirty-ninth Revised Sheet No. 5 Original Sheet No. 5C Original Sheet No. 5D.

The purpose of the filing is to reflect rate adjustments in accordance with Sections 18, 26 and 29 of the General Terms and Conditions of Natural's Tariff.

The unit adjustment under Section 18 reflects changes in Natural's purchased gas cost from producer and pipeline suppliers reduced by the gas acquisition costs to be recovered under Section 29-Incremental Pricing Surcharges. The annualized effect of the changes in producer and pipeline supplier rates amounts to approximately $216.2 million. This increase has been reduced by the portion to be recovered through incremental pricing surcharges which amounts to $1.9 million on an annualized basis for a net annualized increase of $214.3 million. The resulting unit adjustments are a decrease in Natural's Demand Charge of $(0.17) per Mcf and an increase of 21.84¢ per Mcf in its Commodity Charge.

Natural also filed to reflect the GRI surcharge of 0.48¢ per Mcf to be effective January 1, 1980 which was authorized by Commission Opinion No. 64 in Docket No. RP79-75 issued October 2, 1979. The increase of 0.13¢ per Mcf amounts to approximately $1.3 million annually.

Natural request waiver of the Commission regulations to the extent, if any, required to put the proposed tariff sheets into effect on January 1, 1980.

A copy of this filing has been mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Dec. 14, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-37598 Filed 12-6-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP80-21]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Revision to Tariff Filing

November 29, 1979.

Take notice that on November 20, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing Substitute Sixth Revised Sheet No. 213C to Ninth Revised Volume No. 1 of its FERC Gas Tariff to be effective on December 1, 1979.

Tennessee states that this tariff sheet revises a tariff sheet filed on November 1, 1979 in this docket. Tennessee states that the revision is necessary to conform the calculation of carrying charges on balances in its Unrecovered Purchased Gas Cost Account with the provisions of the Commission's Order No. 47-A issued November 9, 1979, in Docket No. RM77-22.

Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers, all direct customers affected by incremental pricing, and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 December 14, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding

is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-37599 Filed 12-6-79; 8:45 am]

BILLINC CODE 6450-01-M

[No. 120]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

November 27, 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.

Utah Division of Oil, Gas and Mining

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. 80-05348/K-115-1(B) (Revised)
2. 43-019-30491
3. 102 Denied
4. Bowers Oil & Gas Exploration Inc
5. Bowers State Well #1-36
6. Wildcat
7. Grand UT
8. 120.0 Million Cubic Feet
9. November 7, 1979
10.

Ohio Department of Natural Resources, Division of Oil and Gas

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-05962/07323
2. 34-133-21671-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Pochedly #3
6.
7. Portage OH
8. .3 Million Cubic Feet
9. November 9, 1979
10.

1. 80-05928/01145
2. 34-119-22072-0014
3. 108 000 000
4. Guernsey Petroleum Corporation
5. Bissett 1
6.
7. Muskingum OH
8. 12.0 Million Cubic Feet
9. November 9, 1979
10. Columbia Gas Transmission Corp

1. 80-05929/01165
2. 34-119-23690-0014
3. 108 000 000
4. Guernsey Petroleum Corporation
5. Shook #2 MB
6.
7. Muskingum OH
8. 5.0 Million Cubic Feet
9. November 9, 1979
10. East Ohio Gas Co

1. 80-05930/01183
2. 34-119-22806-0014
3. 108 000 000
4. Guernsey Petroleum Corporation
5. Ohio Power 15B
6.
7. Muskingum OH
8. 14.0 Million Cubic Feet
9. November 9, 1979
10. East Ohio Gas Company

1. 80-05931/01212
2. 34-119-23072-0014
3. 108 000 000
4. Guernsey Petroleum Corp
5. Ohio Power 23-B
6.
7. Muskingum OH
8. 7.0 Million Cubic Feet
9. November 9, 1979
10. East Ohio Gas Company

1. 80-05932/01222
2. 34-121-21646-0014
3. 108 000 000
4. Guernsey Petroleum Corporation
5. Teeters Hewst 1G
6.
7. Noble OH
8. 5.0 Million Cubic Feet
9. November 9, 1979
10. East Ohio Gas Co

1. 80-05933/01237
2. 34-121-21697-0014
3. 108 000 000
4. Guernsey Petroleum Corporation
5. Coyle-Hedge 1G
6.
7. Noble OH
8. 14.0 Million Cubic Feet
9. November 9, 1979
10. East Ohio Gas Co

1. 80-05934/01247
2. 34-121-21848-0014
3. 108 000 000
4. Guernsey Petroleum Corp
5. Winkleman 1-MC
6.
7. Noble OH
8. 5.0 Million Cubic Feet
9. November 9, 1979
10. East Ohio Gas Co

1. 80-05935/01251
2. 34-119-23163-0014
3. 108 000 000
4. Guernsey Petroleum Corp
5. Ohio Power 25 MB
6.
7. Muskingum OH
8. 6.0 Million Cubic Feet
9. November 9, 1979
10. East Ohio Gas Co

1. 80-05936/02955
2. 34-019-20844-0014
3. 108 000 000
4. L & M Exploration
5. Krantz #2
6.
7. Carroll OH
8. 5.0 million cubic feet
9. November 9, 1979
10. Bonanza Gas Line

1. 80-05937/02972
2. 34-019-20713-0014
3. 108 000 000
4. L & M Exploration
5. Moore #3
6.
7. Carroll OH
8. 3.0 million cubic feet
9. November 9, 1979
10. Bonanza Gas Line

1. 80-05938/02973
2. 34-019-20701-0014
3. 108 000 000
4. L & M Exploration
5. Moore #2
6.
7. Carroll OH
8. 3.0 million cubic feet
9. November 9, 1979
10. Bonanza Gas Line

1. 80-05939/02974
2. 34-019-20702-0014
3. 108 000 000
4. L & M Exploration
5. Moore #1
6.
7. Carroll OH
8. 3.0 million cubic feet
9. November 9, 1979
10.Bonanza Gas Line

1. 80-05940/03973
2. 34-169-21423-0014
3. 108 000 000
4. Buckeye Oil Producing Co
5. Ramseyer #1-A
6.
7. Wayne OH
8. 2.0 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission Corp

1. 80-05941/03977
2. 34-075-21637-0014
3. 108 000 000
4. Buckeye Oil Producing Co
5. Close #4
6.
7. Holmes OH
8. 4.0 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission Corp

1. 80-05942/05921
2. 34-169-00000-0000
3. 108 000 000
4. William N Tipka
5. E Swartzentruber
6.
7. Wayne OH
8. 3.0 million cubic feet
9. November 9, 1979
10. Columbia Gas Trans

1. 80-05943/06174
2. 34-167-24071-0014
3. 103 000 000
4. Tri-City Drilling Company
5. James Woodruff #1

6.
7. Washington OH
8. .4 million cubic feet
9. November 9, 1979
10. River Gas Company
1. 80-05944/07012
2. 34-169-21995-0014
3. 103 000 000
4. Riverland-Krabill #7
5. R & H Krabill #1
6. Canaan-Wayne Pool
7. Wayne OH
8. 18.0 million cubic feet
9. November 9, 1979
10. Columbia Gas Trans Corp
1. 80-05945/07256
2. 34-031-23249-0014
3. 103 000 000
4. Bill D Vaught DBA Vaught Oil Co
5. O & W Williamson #1B
6.
7. Coshocton OH
8. 1.5 million cubic feet
9. November 9, 1979
10. Columbia Gas Trans Corp
1. 80-05946/07291
2. 34-075-22219-0014
3. 103 000 000
4. M C F Oil Company Inc
5. W & C Johnson
6.
7. Holmes OH
8. 5.0 million cubic feet
9. November 9, 1979
10. The Columbia Gas Transmission Corp
1. 80-05947/07292
2. 34-075-22222-0014
3. 103 000 000
4. R D Curry Production Co
5. Clarence & Lillian Starner #1
6.
7. Holmes OH
8. 5.0 million cubic feet
9. November 9, 1979
10. The Columbia Gas Transmission Corp
1. 80-05948/07297
2. 34-119-24852-0014
3. 103 000 000
4. Reliance Management Co
5. Paul Moran #2
6.
7. Muskingum OH
8. 15.0 million cubic feet
9. November 9, 1979
10. National Gas & Oil Corp
1. 80-05949/07310
2. 34-031-23442-0014
3. 103 000 000
4. A & Z Production
5. Harry J Ringwalt #2
6. New Castle
7. Coshocton OH
8. 3.5 million cubic feet
9. November 9, 1979
10. Columbia Gas
1. 80-05950/07311
2. 34-007-21041-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Kreliach #1
6.
7. Ashtabula OH
8. .2 million cubic feet
9. November 9, 1979
10. No Contract
1. 80-05951/07312
2. 34-133-22004-0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Fedorchak #1
6.
7. Portage OH
8. 20.0 million cubic feet
9. November 9, 1979
10. East Ohio Gas Company
1. 80-05952/07313
2. 34-133-22005-0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Fedorchak #2
6.
7. Portage OH
8. 20.0 million cubic feet
9. November 9, 1979
10. East Ohio Gas Company
1. 80-05953/07314
2. 34-133-22037-0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Graham #2
6.
7. Portage OH
8. 20.0 million cubic feet
9. November 9, 1979
10. East Ohio Gas Company
1. 80-05954/07315
2. 34-133-21973-0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Patton #1
6.
7. Portage OH
8. 20.0 million cubic feet
9. November 9, 1979
10. East Ohio Gas Company
1. 80-05955/07316
2. 34-133-21972-0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Patton #2
6.
7. Portage OH
8. 20.0 million cubic feet
9. November 9, 1979
10. East Ohio Gas Company
1. 80-05956/07317
2. 34-133-21974-0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Willey #1
6.
7. Portage OH
8. 20.0 million cubic feet
9. November 9, 1979
10. East Ohio Gas Company
1. 80-05957/07318
2. 34-133-21955-0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Yarolyn #1
6.
7. Portage OH
8. 20.0 million cubic feet
9. November 9, 1979
10. East Ohio Gas Company
1. 80-05958/07315
2. 34-133-21978-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Schwan #1
6.
7. Portage OH
8. 11.5 million cubic feet
9. November 9, 1979
10.
1. 80-05959/07320
2. 34-089-23578-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Redman #1
6.
7. Licking OH
8. .2 million cubic feet
9. November 9, 1979
10.
1. 80-05960/07321
2. 34-133-21768-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Kubo #1
6.
7. Portage OH
8. .8 million cubic feet
9. November 9, 1979
10.
1. 80-05961/07322
2. 34-133-21668-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Pochedly #8
6.
7. Portage OH
8. .4 million cubic feet
9. November 9, 1979
10.
1. 80-05963/07324
2. 34-007-21145-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Ziegler #2
6.
7. Ashtabula OH
8. .2 million cubic feet
9. November 9, 1979
10.
1. 80-05964/07325
2. 34-133-21780-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. May #4
6.
7. Portage OH
8. .3 million cubic feet
9. November 9, 1979
10.
1. 80-05965/07326
2. 34-133-21994-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Banks-Carlton-Grubbs #2
6.
7. Portage OH
8. .8 million cubic feet
9. November 9, 1979
10.
1. 80-05966/07327
2. 34-133-21313-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. May #2
6.
7. Portage OH
8. .3 million cubic feet
9. November 9, 1979
10.

1. 80–05967/07328
2. 34–133–21792–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. May #3
6.
7. Portage OH
8. .3 million cubic feet
9. November 9, 1979
10.

1. 80–05968/07329
2. 34–007–21144–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Dolan #1
6.
7. Ashtabula OH
8. .2 million cubic feet
9. November 9, 1979
10.

1. 80–05969/07330
2. 34–133–21996–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Banks-Carlton-Grubbs #1
6.
7. Portage OH
8. .8 million cubic feet
9. November 9, 1979
10.

1. 80–05970/07331
2. 34–133–21592–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Givens #1
6.
7. Portage OH
8. .2 million cubic feet
9. November 9, 1979
10.

1. 80–05971/07332
2. 34–133–21586–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Heiner #1
6.
7. Portage OH
8. .2 million cubic feet
9. November 9, 1979
10.

1. 80–05972/07333
2. 34–133–21736–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Vanauken #2
6.
7. Portage OH
8. .2 million cubic feet
9. November 9, 1979
10.

1. 80–05973/07334
2. 34–007–21141–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Kreilach-Rhoa #1
6.
7. Ashtabula OH
8. .2 million cubic feet
9. November 9, 1979
10.

1. 80–05974/07335
2. 34–007–21146–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Ziegler #1
6.
7. Ashtabula OH
8. .2 million cubic feet
9. November 9, 1979
10.

1. 80–05975/07336
2. 34–059–22624–0014
3. 103 000 000
4. Pominex Inc
5. #1 Rayner
6.
7. Guernsey OH
8. 10.0 million cubic feet
9. November 9, 1979
10. East Ohio Gas Company

1. 80–05976/07337
2. 34–059–22607–0014
3. 103 000 000
4. Pominex Inc
5. Byrne-Schrader U #2
6.
7. Guernsey OH
8. 10.0 million cubic feet
9. November 9, 1979
10. East Ohio Gas Company

1. 80–05977/07338
2. 34–059–22625–0014
3. 103 000 000
4. Pominex Inc
5. #1 Richard P Smith
6.
7. Guernsey OH
8. 10.0 million cubic feet
9. November 9, 1979
10. East Ohio Gas Company

1. 80–05978/07339
2. 34–075–22257–0014
3. 103 000 000
4. William F Hill
5. E & R Parsons #1
6.
7. Homes OH
8. 10.0 million cubic feet
9. November 9, 1979
10.

1. 80–05979/07340
2. 34–075–22258–0014
3. 103 000 000
4. William F Hill
5. Buckhorn Energy Company #1
6.
7. Holmes OH
8. 9.0 million cubic feet
9. November 9, 1979
10.

1. 80–05980/07341
2. 34–167–24736–0014
3. 103 000 000
4. Wynn Oil Co (DBA)
5. R Lemasters #2
6.
7. Washington OH
8. 8.0 million cubic feet
9. November 9, 1979
10. Gas Transport Inc

1. 80–05981/07342
2. 34–133–22016–0014
3. 103 000 000
4. Viking Resources Corporation
5. G Burkey Sr #3
6.
7. Portage OH
8. 30.0 million cubic feet
9. November 9, 1979
10.

1. 80–05982/07343
2. 34–151–23023–0014
3. 103 000 000
4. Viking Resources Corporation
5. Donovan-Ward #2
6.
7. Stark OH
8. 30.0 million cubic feet
9. November 9, 1979
10.

1. 80–05983/07344
2. 34–133–21985–0014
3. 103 000 000
4. Viking Resources Corporation
5. Stevens-Booth Unit #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. November 9, 1979
10.

1. 80–05984/07345
2. 34–133–21776–0014
3. 103 000 000
4. Viking Resources Corporation
5. W D Bever #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. November 9, 1979
10.

1. 80–05985/07346
2. 34–133–21986–0014
3. 103 000 000
4. Viking Resources Corporation
5. Tomaiko #1
6.
7. Portage OH
8. .0 million cubic feet
9. November 9, 1979
10.

1. 80–05986/07347
2. 34–151–23022–0014
3. 103 000 000
4. Viking Resources Corporation
5. Donovan-Ward #1
6.
7. Stark OH
8. 30.0 million cubic feet
9. November 9, 1979
10.

1. 80–05987/07348
2. 34–133–21992–0014
3. 103 000 000
4. Viking Resources Corporation
5. Pfeilsticker-Robinson Unit #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. November 9, 1979
10.

1. 80–05988/07349
2. 34–133–21997–0014
3. 103 000 000
4. Viking Resources Corporation
5. Miner Unit #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. November 9, 1979
10.

1. 80–05989/07350
2. 34–163–20392–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Jay Mar Coal Co #1

6.
7. Vinton OH
8. .3 million cubic feet
9. November 9, 1979
10.

1. 80–05990/07351
2. 34–163–20393–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Jay Mar Coal Co #2
6.
7. Vinton OH
8. .3 million cubic feet
9. November 9, 1979
10.

1. 80–05991/07352
2. 34–119–21772–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Greer #1
6.
7. Muskingum OH
8. .2 million cubic feet
9. November 9, 1979
10.

1. 80–05992/07353
2. 34–119–24674–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Crawford-Vineyard #1
6.
7. Muskingum OH
8. .2 million cubic feet
9. November 9, 1979
10.

1. 80–05993/07354
2. 34–009–21952–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Federal Valley Coal #3
6.
7. Athens OH
8. .2 million cubic feet
9. November 9, 1979
10.

1. 80–05994/07355
2. 34–163–20397–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Jay Mar Coal Co #6
6.
7. Vinton OH
8. .3 million cubic feet
9. November 9, 1979
10.

1. 80–05995/07356
2. 34–119–24174–0014
3. 103 000 000
4. Geo Energy Inc
5. Myer #1
6.
7. Muskingam OH
8. 16.0 million cubic feet
9. November 9, 1979
10.

1. 80–05996/07357
2. 34–059–22581–0014
3. 103 000 000
4. Guernsey Petroleum Corp
5. Tennant-Williams #1-MH
6.
7. Guernsey OH
8. .0 million cubic feet
9. November 9, 1979
10. East Ohio Gas Company

1. 80–05997/07358
2. 34–121–22185–0014
3. 103 000 000
4. Guernsey Petroleum Corporation
5. Dudley-Brown 1–MH
6.
7. Nobel OH
8. .0 million cubic feet
9. November 9, 1979
10. East Ohio Gas Company

1. 80–05998/07359
2. 34–121–22152–0014
3. 103 000 000
4. Guernsey Petroleum Corp
5. Slevin #1–ME
6.
7. Nobel OH
8. .0 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission Corp

1. 80–05999/07362
2. 34–031–23149–0014
3. 103 000 000
4. Jadoil Inc
5. Amby & Mary McNeal #1
6.
7. Coshocton OH
8. 8.0 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission Corp

1. 80–06000/07365
2. 34–009–21869–0014
3. 103 000 000
4. Trend Exploration Ltd
5. Trend #1 Shearer-Wilcox
6. Coolville
7. Athens OH
8. 50.0 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission

1. 80–06001/07366
2. 34–167–24221–0014
3. 103 000 000
4. Trend Exploration Ltd
5. Trend #1 Justice
6. Coolville
7. Washington OH
8. 50.0 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission Corp

1. 80–06002/07367
2. 34–009–21868–0014
3. 103 000 000
4. Trend Exploration Ltd
5. Trend #1 Coe
6. Coolville
7. Athens OH
8. 50.0 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission Corp

1. 80–06003/07398
2. 34–133–22017–0014
3. 103 000 000
4. Orion Energy Corp
5. Schultz #1
6.
7. Portage OH
8. 11.0 million cubic feet
9. November 9, 1979
10.

1. 80–06004/07368
2. 34–153–20592–0014
3. 103 000 000
4. Darrel L Seibert
5. Seibert Devel Corp of Stow #3
6.
7. Summitt OH
8. 2.0 million cubic feet
9. November 9, 1979
10. Columbia Gas of Ohio

1. 80–06005/07369
2. 34–089–23647–0014
3. 103 000 000
4. Foster Mills
5. Fox Farm II Well #1
6.
7. Licking OH
8. 6.0 million cubic feet
9. November 9, 1979
10. National Gas & Oil Corp

1. 80–06006/07370
2. 34–115–21771–0014
3. 103 000 000
4. Benatty Corporation
5. Cecil Moore #1
6.
7. Morgan OH
8. 25.0 million cubic feet
9. November 9, 1979
10. The East Ohio Gas Company

1. 80–06007/07371
2. 34–157–23380–0014
3. 103 000 000
4. William N Tipka
5. C W Shell & M S Willis #1
6.
7. Tuscarawas OH
8. .0 million cubic feet
9. November 9, 1979
10.

1. 80–06008/07372
2. 34–157–23347–0014
3. 103 000 000
4. William N Tipka
5. George Berkshire #1
6.
7. Tuscarawas OH
8. .0 million cubic feet
9. November 9, 1979
10. Columbia Gas Trans Corp

1. 80–06009/07373
2. 34–157–23373–0014
3. 103 000 000
4. William N Tipka
5. George Berkshire #1A
6.
7. Tuscarawas OH
8. .0 million cubic feet
9. November 9, 1979
10. Columbia Gas Trans Corp

1. 80–06010/07374
2. 34–157–23358–0014
3. 103 000 000
4. William N Tipka
5. George Berkshire #2
6.
7. Tuscarawas OH
8. .0 million cubic feet
9. November 9, 1979
10. Columbia Gas Trans Corp

1. 80–06011/07375
2. 34–053–20216–0014
3. 103 000 000
4. W J Lydic Inc
5. Norris Nunn #1
6. Bera Field
7. Gallia OH
8. 40.0 million cubic feet
9. November 9, 1979
10. Columbia Gas

1. 80–06012/07376
2. 34–009–21972–0014
3. 103 000 000
4. Quaker State Oil Refining Corp
5. Oakley #1 69154–1
6.
7. Athens OH
8. 144.5 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission Corp

1. 80–06013/07377
2. 34–119–24886–0014
3. 103 000 000
4. Camaron Bros
5. Herb Young #1
6.
7. Muskingum OH
8. 9.0 million cubic feet
9. November 9, 1979
10.

1. 80–06014/07378
2. 34–157–23330–0014
3. 103 000 000
4. Stocker & Sitler Inc
5. No 1 Sherrard Unit
6.
7. Tuscarawas OH
8. 24.0 million cubic feet
9. November 9, 1979
10. The East Ohio Gas Co

1. 80–06015/07379
2. 34–087–20269–0014
3. 103 000 000
4. Webster Myers
5. Trout No 1
6. Southeastern Ohio
7. Lawrence OH
8. 7.5 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission

1. 80–06016/07380
2. 34–157–21498–0014
3. 108 000 000
4. Resource Exploration Inc
5. Baldwin #1
6.
7. Tuscarawas OH
8. 4.0 million cubic feet
9. November 9, 1979
10. American Energy

1. 80–06017/07381
2. 34–157–21191–0014
3. 108 000 000
4. Resource Exploration Inc
5. Durbin #2
6.
7. Tucsarawas OH
8. 5.5 million cubic feet
9. November 9, 1979
10. American Energy

1. 80–06018/07382
2. 34–157–21180–0014
3. 108 000 000
4. Resource Exploration Inc
5. Lint #3
6.
7. Tuscarawas OH
8. 11.7 million cubic feet
9. November 9, 1979
10. American Energy

1. 80–06019/07383
2. 34–073–22151–0014
3. 103 000 000
4. Reliance Management Company
5. Sunday Creek Coal #QR–1
6.
7. Hocking OH
8. 18.3 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission Corporation

1. 80–06020/07384
2. 34–073–22160–0014
3. 103 000 000
4. Reliance Management Company
5. Sunday Creek Coal #QR–3
6.
7. Hocking OH
8. 18.3 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission Corporation

1. 80–06021/07385
2. 34–073–22159–0014
3. 103 000 000
4. Reliance Management Company
5. Sunday Creek Coal #QR–4
6.
7. Hocking OH
8. 18.3 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission Corporation

1. 80–06022/07386
2. 34–073–22157–0014
3. 103 000 000
4. Reliance Management Company
5. Sunday Creek Coal #QR–2
6.
7. Hocking OH
8. 18.3 million cubic feet
9. November 9, 1979
10. Columbia Gas Transmission Corporation

1. 80–06023/07387
2. 34–119–24840–0014
3. 103 000 000
4. William V Cantlin
5. Clements #1–A
6.
7. Muskingum OH
8. 10.0 million cubic feet
9. November 9, 1979
10.

1. 80–06024/07388
2. 34–169–22157–0014
3. 103 000 000
4. H I Smith Oil & Gas Inc
5. Henry Varner #1
6.
7. Wayne OH
8. 18.0 million cubic feet
9. November 9, 1979
10. Pominex Inc

1. 80–06025/07389
2. 34–169–21580–0014
3. 103 000 000
4. H I Smith Oil & Gas Inc
5. Harry H Varner #2
6.
7. Wayne OH
8. 18.0 million cubic feet
9. November 9, 1979
10. Pominex Inc

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. 80–05887/COA–3611–79
2. 05–067–00000–0000–0
3. 103 000 000
4. American Petroleum Energy Co Inc
5. Argenta-UTE #6
6. Ignacio-Blanco
7. La Plata CO
8. .0 million cubic feet
9. November 9, 1979
10. Northwest Pipeline Corp

1. 80–05895/COA–3611–794
2. 05–067–06164–0000–0
3. 103 000 000
4. American Petroleum Energy Co Inc
5. Argenta-UTE #2
6. Ingnacio-Blanco
7. La Plata CO
8. .0 million cubic feet
9. November 9, 1979
10. Northwest Pipeline Corp

1. 80–05896/COA–3611–795
2. 05–067–06160–0000–0
3. 103 000 000
4. American Petroleum Energy Co Inc
5. Argenta-UTE #5
6. Ignacio-Blanco
7. La Plata CO
8. .0 million cubic feet
9. November 9, 1979
10. Northwest Pipeline Corp

1. 80–05897/COA–3611–793
2. 05–067–00000–0000–0
3. 103 000 000
4. American Petroleum Energy Co Inc
5. Argenta-UTE #1
6. Ignacio-Blanco
7. La Plata CO
8. .0 million cubic feet
9. November 9, 1979
10. Northwest Pipeline Corp

1. 80–05921/NM 3362–79
2. 30–039–21380–0000
3. 103
4. Amoco Production Company
5. Jicarilla Apache 102 #20
6. Tapacito Pictured Cliffs
7. Rio Arriba MN
8. 45.0 million cubic feet
9. November 9, 1979
10. Southern Union Gathering Co

1. 80–05816/NM–2709–79
2. 30–045–00000–0000–0
3. 108 000 000
4. Husky Oil Company
5. Schwerdtfeger #6
6. West Kutz Pictured Cliffs
7. San Juan NM
8. 11.4 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05817/NM–2711–79

2. 30–045–00000–0000–0
3. 108 000 000
4. Husky Oil Company
5. Alice Bolack #5
6. West Kutz Pictured Cliffs
7. San Juan NM
8. 1.3 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05818/NM–3333–79
2. 30–045–21014–0000–0
3. 108 000 000
4. Amoco Production Company
5. Elliott A L C #3
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 21.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80–05819/NM–3345–79
2. 30–045–06949–0000–0
3. 108 000 000
4. Amoco Production Company
5. Candelario Ada #1
6. South Blanco-Pictured Cliffs
7. San Juan NM
8. 21.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80–05820/NM–3404–79
2. 30–045–11947–0000–0
3. 108 000 000
4. Amoco Production Company
5. Gallegos Canyon Unit #257
6. Pinon-Fruitland
7. San Juan NM
8. 4.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80–05821/NM–3412–79
2. 30–045–08498–0000–0
3. 108 000 000
4. Amoco Production Company
5. Heath W D A #7
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 19.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80–05822/NM–3417–79
2. 30–045–21013–0000–0
3. 108 000 000
4. Amoco Production Company
5. Heath W D A #13
6. Aztec-Pictured Cliffs
7. San Juan NM
8. 13.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80–05823/NM–3420–79
2. 30–045–08396–0000–0
3. 108 000 000
4. Amoco Production Company
5. Heath W D A #6
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 16.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80–05824/NM–3753–79
2. 30–015–21617–0000–0
3. 102 000 000
4. Harvey E Yates Company
5. Fannie Lou Federal #1
6.
7. Eddy NM
8. 138.0 million cubic feet
9. November 9, 1979
10. Transwestern Pipeline Company

1. 80–05825/NM–3851–79
2. 30–005–60506–0000–0
3. 102 000 000
4. McClellan Oil Corporation
5. McClellan Federal No 1
6. Sams Ranch Grayburg N–11–14S–28E
7. Chaves NM
8. 72.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05826/NM–2710–79
2. 30–045–00000–0000–0
3. 108 000 000
4. Husky Oil Company
5. Schwerdtfeger #12
6. West Kutz Pictured Cliffs
7. San Juan NM
8. .8 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05827/NM–3854–79
2. 30–025–26126–0000–0
3. 103 000 000
4. Marathon Oil Company
5. C J Saunders No 3
6. Drinkard
7. Lea NM
8. 109.0 million cubic feet
9. November 9, 1979
10. Getty Oil Company

1. 80–05828/NM–2696–79
2. 30–045–00000–0000–0
3. 108 000 000
4. Huskey Oil Company
5. Frontier Aztec Unit B #1–D
6. Basin Dakota
7. San Juan NM
8. 14.3 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05829/NM–3673–79–2
2. 30–025–25604–0000–0
3. 102 000 000
4. The Superior Oil Company
5. Government L Com No 1
6. Bell Lake South
7. Lea NM
8. 1000.0 million cubic feet
9. November 9, 1979
10.

1. 80–05830/NM–3853–79
2. 30–025–26089–0000–0
3. 103 000 000
4. Penroc Oil Corporation
5. CSO Federal No 2
6. South Eunice Seven Rivers Queen
7. Lea NM
8. 4.0 million cubic feet
9. November 9, 1979
10. Phillips Petroleum Company

1. 80–05831/NM–3858–79
2. 30–045–08985–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Ludwick #7 MV & PC
6. Blanco MV & Aztec-PC
7. San Juan NM
8. 17.9 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05832/NM–3859–79
2. 30–045–09866–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Bruington #3 PC & MV
6. Aztec-Pictured Cliffs Gas-MV & Aztec
7. San Juan NM
8. 22.3 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05833/NM–3860–79
2. 30–039–20696–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. SJ 28–7 Unit #170 PC & CH
6. Blanco South-PC & Largo Chacra
7. Rio Arriba NM
8. 20.5 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05834/NM–3863–79
2. 30–039–07302–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. San Juan 28–6 Unit #4
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. .0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05835/NM–3864–79
2. 30–039–07265–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. San Juan 28–7 Unit #7
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 14.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05836/NM–3865–79
2. 30–025–11458–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. E J Wells #13
6. Jalmat-Yates Gas
7. Lea NM
8. 23.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05837/NM–3867–79
2. 30–039–06939–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. San Juan 27–4 Unit #29
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 15.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05838/NM–3866–79
2. 30–045–21175–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Turner 4
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 18.6 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05839/NM–3868–79
2. 30–039–06770–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. SJ 27–4 Unit #6
6. Tapacito-Pictured Cliffs Gas

7. Rio Arriba NM
8. 13.5 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05840/NM–3872–79
2. 30–045–21559–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Lackey #8
6. Harris Mesa Chacra Gas
7. San Juan NM
8. 19.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05841/NM–3874–79
2. 30–045–21045–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Grambling C #11
6. Blanco Pictured Cliffs Gas
7. San Juan NM
8. 21.5 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05842/NM–3875–79
2. 30–045–21114–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Case #17
6. Blanco Pictured Cliffs Gas
7. San Juan NM
8. 20.8 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05843/NM–3715–79
2. 30–041–10530–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Federal 23 #4
6. Chaveroo San Andres
7. Roosevelt NM
8. 1.4 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05844/NM–3592–79
2. 30–025–00000–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. A B Coates C No 22
6. Justis Blinebry
7. Lea NM
8. .0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05845/NM–3593–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Getty Oil Company
5. Myers Langlie Mattix #36
6. Langlie Mattix
7. Lea NM
8. 4.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05846/NM–3585–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Getty Oil Company
5. Myers Langlie Mattix #83
6. Langlie Mattix
7. Lea NM
8. .0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05847/NM–3584–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Getty Oil Company
5. Myers Langlie-Mattix #16
6. Langlie-Mattix
7. Lea NM
8. 2.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05848/NM–3587–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Getty Oil Company
5. Myers Langlie Mattix #44
6. Langlie Mattix
7. Lea NM
8. 6.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05849/NM–3586–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Getty Oil Company
5. Myers Langlie Mattix #33
6. Langlie Mattix
7. Lea NM
8. 6.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05850/NM–3393–79
2. 30–045–22565–0000–0
3. 103 000 000
4. Amoco Production Company
5. Ute Indians A #10
6. Ute Dome Paradox
7. San Juan NM
8. 183.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05851/NM–3730–79
2. 30–041–10504–0000–0
3. 108 000 000
4. Tenneco West Inc
5. Federal 27 #3
6. Chaveroo San Andres
7. Roosevelt NM
8. 1.4 million cubic feet
9. November 9, 1979
10. Cities Service Oil Company
1. 80–05852/NM–3729–79
2. 30–045–11793–0000–0
3. 108 000 000
4. Tenneco Oil Company
5. Riddle No 4
6. Blanco Picture Cliff
7. San Juan NM
8. 8.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05853/NM–3728–79
2. 30–041–10541–0000–0
3. 108 000 000
4. Tenneco West Inc
5. Federal 22 #2
6. Chaveroo San Andres
7. Roosevelt NM
8. 2.5 million cubic feet
9. November 9, 1979
10. Cities Service Oil Co
1. 80–05854/NM–3727–79
2. 30–041–10524–0000–0
3. 108 000 000
4. Tenneco West Inc
5. Federal 26 #6
6. Chaveroo San Andres
7. Roosevelt NM
8. 2.3 million cubic feet
9. November 9, 1979
10. Cities Service Oil Company
1. 80–05855/NM–3765–79
2. 30–045–21942–0000–0
3. 108 000 000
4. Bedford Inc
5. Ram #1
6. Waw-Fruitland Pictured Cliffs
7. San Juan NM
8. 4.2 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Co
1. 80–05856/NM–3764–79
2. 30–025–11696–0000–0
3. 108 000 000
4. Santa Fe Energy Company
5. Carlson A–2 Serial #032579
6. Langlie
7. Lea NM
8. 5.5 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05857/NM–3763–79
2. 30–045–05235–0000–0
3. 108 000 000
4. Petroleum Corporation of Texas
5. Mobil Rudman Federal #1 SF–078521
6. Gallup Formation in the Basin Dakot
7. San Juan County NM
8. .0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80–05858/NM–3791–79
2. 30–039–20852–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla G–11
6. Tapacito Pictured Cliffs
7. Rio Arriba County NM
8. 4.7 million cubic feet
9. November 9, 1979
10. Gas Company of New Mexico
1. 80–05859/NM–3790–79
2. 30–039–06228–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla F–2
6. South Blanco Picture Cliffs
7. Rio Arriba NM
8. 18.8 million cubic feet
9. November 9, 1979
10. Gas Company of New Mexico
1. 80–05860/NM–3789–79
2. 30–039–20626–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla D–12
6. Tapacito Pictured Cliffs
7. Rio Arriba County NM
8. 18.3 million cubic feet
9. November 9, 1979
10. Gas Company of New Mexico
1. 80–05861/NM–3788–79
2. 30–039–08100–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla D–10
6. Tapacito Pictured Cliffs
7. Rio Arriba County NM
8. 5.7 million cubic feet
9. November 9, 1979
10. Gas Company of New Mexico
1. 80–05862/NM–3787–79

2. 30–039–06206–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla D–9
6. Tapacito Pictured Cliffs
7. Rio Arriba County NM
8. 3.3 million cubic feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80–05863/NM–3786–79
2. 30–039–06201–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla D–8
6. Tapacito Pictured Cliffs
7. Rio Arriba County NM
8. 4.3 million cubic feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80–05864/NM–3785–79
2. 30–039–06208–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla D–7
6. Tapacito Pictured Cliffs
7. Rio Arriba County NM
8. 3.1 million cubic feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80–05865/NM–3798–79
2. 30–039–06109–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla K–8
6. South Blanca Picture Cliffs
7. Rio Arriba County NM
8. 17.2 Million Cubic Feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80–05866/NM–3796–79
2. 30–039–06304–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla J–6
6. South Blanco Picture Cliffs
7. Rio Arriba NM
8. 10.9 Million Cubic Feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80–05867/NM–3797–79
2. 30–039–06136–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla K–3
6. South Blanco Picture Cliffs
7. Rio Arriba County NM
8. 2.5 Million Cubic Feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80–05868/NM–3869–79
2. 30–045–20860–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Ludwick #25
6. Aztec Pictured Cliffs Gas
7. San Juan NM
8. 19.3 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05869/NM–3792–79
2. 30–039–06370–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla H–3
6. South Blanco Picture Cliffs
7. Rio Arriba NM
8. 9.3 Million Cubic Feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80–05870/NM–3793–79
2. 30–039–06391–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla H–4
6. South Blanco Picture Cliffs
7. Rio Arriba NM
8. 3.8 Million Cubic Feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80–05871/NM–3795–79
2. 30–039–06333–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla J–3
6. South Blanco Picture Cliffs
7. Rio Arriba NM
8. 17.1 Million Cubic Feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80–05872/NM–3794–79
2. 30–039–06211–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Jicarilla J–2
6. South Blanco Picture Cliffs
7. Rio Arriba NM
8. 4.6 Million Cubic Feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80–05873/NM–3707–79
2. 30–015–20075–0000–0
3. 108 000 000
4. David Fasken
5. Fasken-Skelly Federal #1
6. Indian Hills (Morrow)
7. Eddy NM
8. 4.8 Million Cubic Feet
9. November 9, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–05874/NM–3711–79
2. 30–015–21503–0000–0
3. 108 000 000
4. David Fasken
5. Fasken-Lake Federal #1
6. Avalon (Morrow)
7. Eddy NM
8. 8.4 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05875/NM–3712–79
2. 30–025–00095–0000–0
3. 108 000 000
4. David Fasken
5. Fasken-King-Davis-Federal #3
6. Allison (Penn)
7. Roosevelt County NM
8. 1.6 Million Cubic Feet
9. November 9, 1979
10. Warren Petroleum Company

1. 80–05876/NM–3710–79
2. 30–015–20471–0000–0
3. 108 000 000
4. David Fasken
5. Fasken-Pennzoil 13 Federal #1
6. Atoka West (Morrow Gas)
7. Eddy NM
8. 2.6 Million Cubic Feet
9. November 9, 1979
10. Transwestern Pipeline Company

1. 80–05877/NM–3709–79
2. 30–015–21581–0000–0
3. 108 000 000
4. David Fasken
5. Fasken-Seven Rivers Federal #1
6. Cemetery North (Wolfcamp)
7. Eddy NM
8. 1.4 Million Cubic Feet
9. November 9, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–05878/NM–3708–79
2. 30–015–20306–0000–0
3. 108 000 000
4. David Fasken
5. Fasken-Avalon-Federal Com #1
6. Catclaw Draw (Morrow)
7. Eddy County NM
8. 12.0 Million Cubic Feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80–05879/NM–3395–79
2. 30–045–22931–0000–0
3. 103 000 000
4. Amoco Producton Company
5. Elliott Gas Com W #1
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 183.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80–05880/NM–3698–79
2. 30–025–11073–0000–0
3. 108 000 000
4. Amoco Production Company
5. Myers B Federal R/A A #13
6. Jalmat (Gas)
7. Lea NM
8. 16.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05881/NM–3699–79
2. 30–025–11606–0000–0
3. 108 000 000
4. Amoco Production Company
5. Langlie B Tr 2 No 2
6. Jalmat
7. Lea NM
8. 20.2 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05882/NM–3714–79
2. 30–041–10514–0000–0
3. 108 000 000
4. Tenneco West Inc
5. Federal 21 #2
6. Chaveroo San Andres
7. Roosevelt NM
8. 4.5 Million Cubic Feet
9. November 9, 1979
10. Cities Service Oil Company

1. 80–05883/NM–3696–79
2. 30–025–25613–0000–0
3. 103 000 000
4. Amoco Production Company
5. South Mattix Unit No 28
6. Fowler Upper (Yeso)
7. Lea NM
8. 313.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05884/NM–3623–79
2. 30–039–09690–0000–0
3. 108 000 000
4. Joseph B Gould
5. Fred Phillips #3
6. South Blanco Pictured Cliffs

7. Rio Arriba NM
8. 90.0 Million Cubic Feet
9. November 9, 1979
10. Northwest Pipeline Corp

1. 80-05885/NM 3624-79
2. 30-039-08190-0000-0
3. 108-000-000
4. Joseph B Gould
5. Jicarilla #1
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 29.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Co Northwest Pipeline Corp

1. 80-05886/NM 3620-79
2. 30-039-20168-0000-0
3. 108-000-000
4. Mobil Oil Corporation
5. Jicarilla D #5
6. Sleeper Pictured Cliffs
7. Rio Arriba NM
8. 5.0 Million Cubic Feet
9. November 9, 1979
10. Northwest Pipeline Corp

1. 80-05888/NM 3622-79
2. 30-039-05731-0000-0
3. 108-000-000
4. Joseph B Gould
5. Fred Phillips #2
6. South Blanco Picured Cliffs
7. Rio Arriba NM
8. 77.5 Million Cubic Feet
9. November 9, 1979
10. Northwest Pipeline Corporation

1. 80-05889/NM 3694-79
2. 30-025-25880-0000-0
3. 103-000-000
4. Amoco Production Company
5. Myers/B/Federal #32
6. Langlie Mattix (Queen)
7. Lea NM
8. 104.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas

1. 80-05890/NM-3693-79
2. 30-025-25973-0000-0
3. 103-000-000
4. Amoco Production Company
5. Myers/B/Federal R/A/B/#33
6. Jalmat Yates-Seven Rivers
7. Lea NM
8. 211.7 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas

1. 80-05891/NM-3692-79
2. 30-025-25898-0000-0
3. 103-000-000
4. Amoco Production Company
5. Langlie /C/ Tract 1 Federal #1
6. Jalmat Yates-Seven Rivers
7. Lea NM
8. 18.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural

1. 80-05892/NM-3612-79
2. 30-025-25471-0000-0
3. 103-000-000
4. Petroleum Development Corp
5. Gulf-McKay Federal #1
6. North Lusk Morrow
7. Lea NM
8. 36.0 Million Cubic Feet
9. November 9, 1979
10. Phillips Petroleum Co

1. 80-05893/NM-3691-79
2. 30-025-25774-0000-0
3. 103-000-000
4. Amoco Production Company
5. Myers /A/ Federal # 8
6. Langlie Mattix Queen
7. Lea NM
8. 130.0 Million Cubic Feet
9. November 9, 1979
10. Northern Natural

1. 80-05894/NM-3400-79
2. 30-039-21322-0000-0
3. 103-000-000
4. Amoco Production Company
5. Jicarilla Apache 102 #26
6. Tapacito Pictured Cliffs
7. Rio Arriba NM
8. 80.0 Million Cubic Feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80-05898/NM-3396-79
2. 30-045-22564-0000-0
3. 103-000-000
4. Amoco Production Company
5. Ute Mountain Tribal L #1
6. Ute Dome Paradox
7. San Juan NM
8. 55.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas

1. 80-05899/NM-3397-79
2. 30-039-21592-0000-0
3. 103-000-000
4. Amoco Production Company
5. Valencia Canyon Unit #24
6. Choza Mesa
7. Rio Arriba NM
8. 100.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80-05900/NM-3398-79
2. 30-039-21604-0000-0
3. 103-000-000
4. Amoco Production Company
5. Valencia Canyon Unit #22
6. Choza Mesa
7. Rio Arriba NM
8. 20.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80-05901/NM-3399-79
2. 30-039-21595-0000-0
3. 103-000-000
4. Amoco Production Company
5. Valencia Canyon Unit #27
6. Choza Mesa
7. Rio Arriba NM
8. 50.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80-05902/NM-3610-79
2. 30-025-21034-0000-0
3. 108-000-000
4. C & K Petroleum Inc
5. Greenwood Federal 6 #1
6. Northwest Lusk (Morrow)
7. Lea NM
8. 9.0 Million Cubic Feet
9. November 9, 1979
10. Phillips Petroleum Company

1. 80-05903/NM-3609-79
2. 30-015-21973-0000-0
3. 102-000-000
4. Yates Petroleum Corp
5. El Paso Gs Federal #1
6. Box Canyon-Permo Penn
7. Eddy NM
8. 60.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80-05904/NM-3606-79
2. 30-015-20059-0000-0
3. 102-000-000
4. Yates Petroleum Corporation
5. Hilliard BF Federal 1-Y
6. Indian Basin-Morrow East
7. Eddy NM
8. 660.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80-05905/NM-3385-79
2. 30-045-22929-0000-0
3. 103-000-000
4. Amoco Production Company
5. A L Elliott E #1
6. Blanco Pictured Cliffs
7. San Juan NM
8. 60.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80-05906/NM-3583-79
2. 30-025-00000-0000-0
3. 108-000-000
4. Getty Oil Company
5. Myers Langlie Mattix unit Well #14
6. Langlie Mattix
7. Lea NM
8. 2.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80-05907/NM-3581-79
2. 30-025-00000-0000-0
3. 108-000-000
4. Getty Oil Company
5. Myers Langlie Mattix Unit Well #1
6. Langlie-Mattix
7. Lea NM
8. 1.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80-05908/NM-3568-79
2. 30-025-25988-0000-0
3. 103-000-000
4. Getty Oil Company
5. Myers Langlie-Mattix Unit #48
6. Langlie Mattix
7. Lea NM
8. 12.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80-05909/NM-3569-79
2. 30-025-25987-0000-0
3. 103 000 000
4. Getty Oil Company
5. Myers Langlie-Mattix Unit No 25
6. Langlie Mattix
7. Lea NM
8. 3.0 Million Cubic Feet
9. November 9, 1979
10. El Paso Natural Gas Co

1. 80-05910/NM-3570-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Getty Oil Company
5. Myers Langlie Mattix No 27
6. Langlie Mattix
7. Lea NM
8. 2.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05911/NM–3502–79–1
2. 30–045–22374–0000–0
3. 103 000 000
4. El Paso Natural Gas Company
5. Roelofs A #2R
6. Blanco
7. San Juan NM
8. 384.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05912/NM–35716–79
2. 30–041–10538–0000–0
3. 108 000 000
4. Tenneco West Inc
5. Federal 23 #12
6. Chaveroo San Andres
7. Roosevelt NM
8. 4.4 million cubic feet
9. November 9, 1979
10. Cities Service Oil Company

1. 80–05913/NM–3719–79
2. 30–041–10535–0000–0
3. 108 000 000
4. Tenneco West Inc
5. Federal 23 #9
6. Chaveroo San Andres
7. Roosevelt NM
8. 2.3 million cubic feet
9. November 9, 1979
10. Cities Service Oil Company

1. 80–05914/NM–3733–79
2. 30–041–10531–0000–0
3. 108 000 000
4. Tenneco West Inc
5. Federal 23 #5
6. Chaveroo-San Andres
7. Roosevelt NM
8. 1.0 million cubic feet
9. November 9, 1979
10. Cities Service Oil Company

1. 80–05915/NM–3732–79
2. 30–041–10509–0000–0
3. 108 000 000
4. Tenneco West Inc
5. Federal 24 #5
6. Chaveroo-San Andres
7. Roosevelt NM
8. 4.8 million cubic feet
9. November 9, 1979
10. Cities Service Oil Company

1. 80–05916/NM–3731–79
2. 30–041–10507–0000–0
3. 108 000 000
4. Tenneco West Inc
5. Federal 24 #3
6. Chaveroo-San Andres
7. Roosevelt NM
8. 3.5 million cubic feet
9. November 9, 1979
10. Cities Service Oil Company

1. 80–05917/NM–3589–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Getty Oil Company
5. A B Coates C No 6
6. Justis Tubb Drinkard
7. Lea NM
8. 7.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05918/NM–3590–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Getty Oil Company
5. Myers Langlie Unit Mattix No 84
6. Langlie Mattix
7. Lea NM
8. 4.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05919/NM–3591–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Getty Oil Company
5. A B Coates C Well No 9
6. Justis Blinebry
7. Lea NM
8. 8.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05920/NM–3283–79
2. 30–039–07971–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Rosa Unit #22
6. Blanco
7. Rio Arriba NM
8. 9.0 million cubic feet
9. November 9, 1979
10. Northwest Pipeline Corp; El Paso Natural Gas Company

1. 80–05922/NM–3366–79
2. 30–045–22666–0000–0
3. 103 000 000
4. Amoco Production Company
5. Shane Gas Com #1A
6. Blanco Mesaverde
7. San Juan NM
8. 250.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05923/NM–3548–79
2. 30–045–12056–0000–0
3. 108 000 000
4. Tenneco Oil Company
5. Florance No 100
6. Blanco Picture Cliff
7. San Juan NM
8. 13.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05924/NM–3549–79
2. 30–045–00000–0000–0
3. 108 000 000
4. Tenneco Oil Company
5. Florance B No 2
6. Blanco Picture Cliff
7. San Juan NM
8. 12.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05925/NM–3607–79
2. 30–015–21017–0000–0
3. 102 000 000
4. Yates Petroleum Corp
5. Federal DC #1
6. Burton Flat-Atoka West
7. Eddy NM
8. 260.0 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company

1. 80–05926/NM–3700–79
2. 30–015–20510–0000–0
3. 108 000 000
4. Amoco Production Company
5. Malco S Federal No 1
6. Scoggin Draw Morrow
7. Eddy NM
8. 8.4 million cubic feet
9. November 9, 1979
10. Gas Company of New Mexico

1. 80–05927/NM–3706–79
2. 30–015–22715–0000–0
3. 103 000 000
4. David Fasken
5. Fasken-Ross-Federal No 2
6. Cemetery (Morrow)
7. Eddy NM
8. 1460.0 million cubic feet
9. November 9, 1979
10. Nat Gas Pipeline Co of Amer

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the commission's office of public information, room 1000, 825 north Capitol Street, N.E., Washington, D.C. 20426.

Persons Objecting to any of these Final Determinations May, in Accordance with 18 CFR 275.203 and 18 CFR 275.204, File a protest with the commission on or before December 24, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kennth F. Plumb,

Secretary.

[FR Doc. 79–37600 Filed 12–6–79; 8:45 am]

BILLING CODE 6450–01–M

[No. 118]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

November 27, 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.

Illinois Department of Mines and Minerals, 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. 80–05501
2. 12–191–00000–0000–
3. 102 000 000
4. Hobson Oil Company
5. Gillison #1
6. Mayberry
7. Wayne IL
8. .0 million cubic feet

9. November 7, 1979
10. Crystal Oil Company
1. 80-05502
2. 12-191-00000-0000-
3. 102 000 000
4. Hobson Oil Company
5. Gillison #2
6. Mayberry
7. Wayne IL
8. 1.0 million cubic feet
9. November 7, 1979
10. Crystal Oil Company
1. 80-05503
2. 12-191-00000-0000-
3. 102 000 000
4. Hobson Oil Company
5. Ellis #1
6. Mayberry
7. Wayne IL
8. 1.0 million cubic feet
9. November 7, 1979
10. Crystal Oil Company
1. 80-05504
2. 12-191-00000-0000-
3. 102 000 000
4. Hobson Oil Company
5. Tiffany #1A
6. Mayberry
7. Wayne IL
8. 14.6 million cubic feet
9. November 7, 1979
10. Crystal Oil Company
1. 80-05505
2. 12-191-00000-0000-
3. 102 000 000
4. Hobson Oil Company
5. Tiffany #2A
6. Mayberry
7. Wayne IL
8. 14.6 million cubic feet
9. November 7, 1979
10. Crystal Oil Company
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. 80-05506/ERC-234
2. 16-019-00000-0000-
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Dave Gillum #1 Serial #10
6. Ashland Field
7. Boyd KY
8. 4.0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05507/ERC-235
2. 16-019-00000-0000-
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Charles Brickey #1 Serial #24
6. Ashland Field
7. Boyd KY
8. 3.0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05508/ERC-236
2. 16-019-00000-0000-
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Edward Gehringer #1 Serial #34
6. Ashland Field
7. Boyd KY
8. 2.5 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05509/ERC-237
2. 16-019-00000-0000-
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Pinehurst Co Inc #1 Serial #35
6. Ashland Field
7. Boyd KY
8. 9.0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05510/ERC-238
2. 16-019-00000-0000-
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Wm Barber #1 Serial #36
6. Ashland Field
7. Boyd KY
8. 2.2 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05511/ERC-239
2. 16-019-00000-0000-
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Sarah C McCown #1 Serial #38
6. Ashland Field
7. Boyd KY
8. .5 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05512/ERC-240
2. 16-019-00000-0000-
3. 108 000 000
4. Kentucky Ohio Gas Company
5. J A Bywaters #1 Serial #46
6. Ashland Field
7. Boyd KY
8. .7 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05513/ERC-241
2. 16-019-00000-0000-
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Wm Deal #1 Serial #51
6. Ashland Field
7. Boyd KY
8. 5.8 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05514/ERC-242
2. 16-019-00000-0000-
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Eliza Huff #1 Serial #55
6. Ashland Field
7. Boyd KY
8. 6.4 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05515/ERC-243
2. 16-019-00000-0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Ben G Crow #1 Serial #58
6. Ashland Field
7. Boyd KY
8. .0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05516/ERC-244
2. 16-019-00000-0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Eliza Salisbury #1 Serial #61
6. Ashland Field
7. Boyd KY
8. 8.7 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05517/ERC-245
2. 16-019-00000-0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Proctor Sparks #1 Serial #62
6. Ashland Field
7. Boyd KY
8. 2.8 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05518/ERC-246
2. 16-019-00000-0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. John Okelly #1 Serial #63
6. Ashland Field
7. Boyd KY
8. 1.1 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05519/ERC-247
2. 16-019-00000-0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. E G McGuire #1 Serial #68
6. Ashland Field
7. Boyd KY
8. 5.9 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05520/ERC-248
2. 16-019-00000-0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Bugg & Gruber #1 Serial #69
6. Ashland Field
7. Boyd KY
8. 5.0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05521/ERC-249
2. 16-019-00000-0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Mary Lewis #1 Serial #71
6. Ashland Field
7. Boyd KY
8. 3.2 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05522/ERC-250
2. 16-019-00000-0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Adam Weis #1 Serial #72
6. Ashland Field
7. Boyd KY
8. 1.0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp
1. 80-05523/ERC-251

2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Weswego Land Co #1 Serial #76
6. Ashland Field
7. Boyd KY
8. 1.3 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05524/ERC–252
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Linda B Hatcher #1 Seial #80
6. Ashland Field
7. Boyd KY
8. 2.7 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05525/ERC–253
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Effie Mutters #1 Serial #81
6. Ashland Field
7. Boyd KY
8. 3.0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05526/ERC–254
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. C M White #1 Serial #83
6. Ashland Field
7. Boyd KY
8. 5.0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05527/ERC–255
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. George Savage #1 Serial #84
6. Ashland Field
7. Boyd KY
8. 2.6 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05528/ERC–256
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. John Morairty #1 Serial #85
6. Ashland Field
7. Boyd KY
8. .8 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05529/ERC–257
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Anne Scott #1 Serial #86
6. Ashland Field
7. Boyd KY
8. 3.0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05530/ERC–258
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Boyd County Poor Farm #1 Serial #88
6. Ashland Field
7. Boyd KY
8. 1.3 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05531/ERC–259
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. J D Sturgill #1 Serial #90
6. Ashland Field
7. Boyd KY
8. 1.3 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05532/ERC–260
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Ironville Realty Co #1 Serial #91
6. Ashland Field
7. Boyd KY
8. 4.2 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05533/ERC–261
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. A L Keeney #1 Serial #99
6. Ashland Field
7. Boyd KY
8. 3.2 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05534/ERC–262
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. James Hammond #1 Serial #101
6. Ashland Field
7. Boyd KY
8. .7 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05535/ERC–271
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Edward Gehringer #2 Serial #116
6. Ashland Field
7. Boyd KY
8. 3.0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05536/ERC–263
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. P E Caldwell #1 Serial #103
6. Ashland Field
7. Boyd KY
8. 2.0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05537/ERC–264
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. G R Watson #1 Serial #104
6. Ashland Field
7. Boyd KY
8. 2.8 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05538/ERC–265
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Mary L Brown #1 Serial #105
6. Ashland Field
7. Boyd KY
8. 2.0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05539/ERC–266
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. George Mason #1 Serial #106
6. Ashland Field
7. Boyd KY
8. 1.0 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05540/ERC–267
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. J M York #1 Serial #110
6. Ashland Field
7. Boyd KY
8. 2.7 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05541/ERC–268
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. J M York #2 Serial #111
6. Ashland Field
7. Boyd KY
8. 1.2 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

1. 80–05542/ERC–269
2. 16–019–00000–0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Proctor Sparks #1 Serial #113
6. Ashland Field
7. Boyd KY
8. 2.5 million cubic feet
9. November 7, 1979
10. Columbia Gas Transmission Corp

Oklahoma Corporation Commission

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–05544/00808
2. 35–081–00000–0000
3. 103 000 000
4. C & C Energy Co
5. O C Wolff #1
6. Skellyville
7. Lincoln OK
8. 136.1 million cubic feet
9. November 8, 1979
10. Cities Service Gas Co

1. 80–05545/00842
2. 35–011–20908–0000
3. 103 000 000
4. Mustang Production Company

5. Theodore #1
6. Squaw Creek
7. Blaine OK
8. 250.0 million cubic feet
9. November 8, 1979
10. Michigan Wisconsin Pipeline; Oklahoma Gas & Electric Company

1. 80–05546/00205
2. 35–077–20159–0000
3. 102 000 000
4. Samson Resources Company
5. Kent Unit #1
6. West Wilburton
7. Latimer OK
8. 290.0 million cubic feet
9. November 7, 1979
10. Arkansas Louisiana Gas Company

1. 80–05547/00837
2. 35–017–20960–0000
3. 103 000 000
4. Tenneco Oil Company
5. Anabel Parks 1–15
6. Piedmont NE
7. Canadian OK
8. 584.0 million cubic feet
9. November 7, 1979
10. Phillips Petroleum Company

1. 80–05548/00394
2. 35–043–00000–0000
3. 108 000 000
4. Amax Petroleum Corporation
5. Eva Dale 1–24
6. Webb-Putnam
7. Dewey OK
8. 13.0 million cubic feet
9. November 7, 1979
10. El Paso Natural Gas Company; Michigan Wisconsin P/L Company

1. 80–05549/00846
2. 35–129–20229–0000
3. 103 000 000
4. American Quasar Petroleum Co
5. Hogg 1–5
6. 660 FSL & 1980 FEL 5–17N–21W
7. Roger Mills OK
8. 300.0 million cubic feet
9. November 7, 1979
10. Producers Gas Co

1. 80–05550/00758
2. 35–007–21460–0000
3. 103 000 000
4. Marathon Oil Company
5. Gardner Unit Well #2 (Morrow Forma)
6. Mocane
7. Beaver OK
8. 1446.0 million cubic feet
9. November 7, 1979
10. Colorado Interstate Gas Company

1. 80–05551/00757
2. 35–007–21460–0000
3. 103 000 000
4. Marathon Oil Company
5. Gardner Unit Well #2 (Chester Forma)
6. Mocane
7. Beaver OK
8. 9.0 million cubic feet
9. November 7, 1979
10. Colorado Interstate Gas Company

1. 80–05552/00765
2. 35–139–21037–0000
3. 103 000 000
4. W C Payne
5. Flaming #1
6. Camrick Upper Morrow
7. Texas OK
8. 180.0 million cubic feet
9. November 7, 1979
10. Panhandle Eastern Pipeline Co

1. 80–05553/00759
2. 35–139–21079–0000
3. 103 000 000
4. W C Payne
5. Chance #1
6. Camrick Upper Morrow
7. Texas OK
8. 15.0 million cubic feet
9. November 7, 1979
10. Panhandle Eastern Pipeline Co

1. 80–05554/00776
2. 35–007–21396–0000
3. 103 000 000
4. Singer-Fleischaker Oil Opr Co
5. Angleton #1–21
6. Mocane-Laverne
7. Beaver OK
8. 73.0 million cubic feet
9. November 7, 1979
10. Panhandle Eastern Pipeline Co

1. 80–05555/00779
2. 35–025–20310–0000
3. 103 000 000
4. CIG Exploration Inc
5. Mathis #2
6. Keyes
7. Cimarron OK
8. 160.0 million cubic feet
9. November 7, 1979
10. Colorado Interstate Gas Co

1. 80–05556/00789
2. 35–079–20294–0000
3. 103 000 000
4. Dyco Petroleum Corporation
5. Bradford #1
6. Kinta
7. Leflore OK
8. 108.0 million cubic feet
9. November 7, 1979
10. Arkansas Louisiana Gas Co

1. 80–05557/00786
2. 35–121–20490–0000
3. 103 000 000
4. Dyco Petroleum Corporation
5. Sander #1–27
6. Ulan South
7. Pittsburg OK
8. 18.0 million cubic feet
9. November 7, 1979
10. Arkansas Louisiana Gas Company

1. 80–05558/00792
2. 35–061–20197–0000
3. 103 000 000
4. Dyco Petroleum Corporation
5. Loudermilk No 1
6. Kinta
7. Haskell OK
8. 300.0 million cubic feet
9. November 7, 1979
10. Arkansas-Louisiana Gas Company

1. 80–05559/00795
2. 35–107–00000–0000
3. 108 000 000
4. VAB Inc
5. Victor Paul #1
6. Section 1–10N–11E
7. Okfuskee OK
8. 11.4 million cubic feet
9. November 7, 1979
10. Phillips Petroleum Company

1. 80–05560/00809
2. 35–081–00000–0000
3. 103 000 000
4. C & C Energy Co
5. H McLaury #1
6. Skellyville
7. Lincoln OK
8. 3.4 million cubic feet
9. November 7, 1979
10. Cities Service Gas Co

Utah Division of Oil, Gas, and Mining

1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–05474/K–107–6
2. 43–043–30092–0000
3. 102 000 000
4. American Quasar Petroleum Co
5. Pineview 4–7S
6. 6614 Fel & 2159 3 FNL
7. Summit UT
8. 180.0 million cubic feet
9. November 7, 1979
10. Mountain Fuel Supply Co

U.S. Geological Survey, Alburquerque, 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. 80–05563/COA–4045–79
2. 05–067–06047–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. UTE #2–8
6. Ignacio Blanco Fruitland PC
7. La Plata Co
8. 10.1 million cubic feet
9.
10. Peoples Natural Gas Company

1. 80–05564/COA–4054–79
2. 05–067–05251–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Bascom #1–34
6. Ignacio Blanco Dakota
7. La Plata Co
8. 15.6 million cubic feet
9. November 8, 1979
10. Peoples Natural Gas 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. 80-05475/NM-4126-79-A
2. 30-045-22977-0000-1
3. 103 000 000
4. El Paso Natural Gas Company
5. Atlantic B #9A (MV)
6. Blanco Mesaverde
7. San Juan NM
8. 130.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05476/NM-4126-79-B
2. 30-045-22977-0000-2
3. 103 000 000
4. El Paso Natural Gas Company
5. Atlantic B #9A (PC)
6.
7. San Juan NM
8. 140.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05477/NM 4127-79
2. 30-045-22722-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Hughes A #2A
6. Blanco Mesaverde
7. San Juan NM
8. 55.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05478/NM-4129-79
2. 30-045-22830-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Hardie B #1A
6. Blanco Mesaverde
7. San Juan NM
8. 110.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05479/NM 4130-79
2. 30-039-21717-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Rincon Unit #79A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 130.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05480/NM-4116-79
2. 30-045-22829-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Hardie A #1A
6. Blanco Mesaverde
7. San Juan NM
8. 170.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05481/NM-4117-79
2. 30-045-22720-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Roelofs #1A
6. Blanco Mesaverde
7. San Juan NM
8. 150.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05482/NM-4118-79
2. 30-045-22749-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Hardie #5A
6. Blanco Mesaverde
7. San Juan NM
8. 160.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05483/NM-4119-79
2. 30-045-22754-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Sunray G #2A
6. Blanco Mesaverde
7. San Juan NM
8. 170.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05484/NM 4120-79
2. 30-045-22993-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Atlantic A #2A
6. Blanco Mesaverde
7. San Juan NM
8. 90.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05484/NM-4121-79
2. 30-045-23169-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Florance #1A
6. Blanco Mesaverde
7. San Juan NM
8. 260.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05486/NM-4122-79
2. 30-045-21977-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Howell K #4A
6. Blanco Mesaverde
7. San Juan NM
8. 180.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company; Southern Union Gathering Co
1. 80-05487/NM-4123-79
2. 30-045-22780-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Atlantic B #18
6. Blanco Pictured Cliffs
7. San Juan NM
8. 130.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05488/NM-4124-79
2. 30-045-22996-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Atlantic B #7A
6. Blanco Mesaverde
7. San Juan NM
8. 130.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05489/NM-4125-79
2. 30-045-22721-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Hughes A #3A
6. Blanco Mesaverde
7. San Juan NM
8. 75.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05490/NM-4081-79
2. 30-039-20446-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. Jicarilla E #6
6. South Blanco Pictured Cliffs Gas
7. Rio Arriba NM
8. 19.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05491/NM-4085-79
2. 30-045-07586-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. Johnston #2
6. Aztec Pictured Cliffs Gas
7. San Juan NM
8. 17.9 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05492/NM-4086-79
2. 30-039-20525-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. S J 30-6 Unit #103
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 16.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05493/NM-4099-79
2. 30-039-20688-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. San Juan 27-4 Unit #65
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.8 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company
1. 80-05496/NM-4108-79
2. 30-015-21560
3. 108 000 000
4. Yates Petroleum Corp
5. Scout Eh Federal Com #2
6. Penasco-Draw-Atoka
7. Eddy NM
8. 3.0 Million Cubic Feet
9. November 8, 1979
10. Transwestern Pipeline Co
1. 80-05497/NM-4110-79
2. 30-015-20582
3. 108 000 000
4. Yates Petroleum Corp
5. Mobil CI Federal #1
6. Penasco Draw San Andres-Yeso
7. Eddy NM
8. 1.6 Million Cubic Feet
9. November 8, 1979
10. Transwestern Pipeline Co
1. 80-05498/NM-4115-79-A

2. 30–045–22836
3. 103 000 000
4. El Paso Natural Gas Company
5. Case #1A (MV)
6. Blanco Mesaverde
7. San Juan NM
8. 90.0 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05499/NM–4115–79–B
2. 30–045–22836
3. 103 000 000
4. El Paso Natural Gas Company
5. Case #1A (PC)
6. Blanco Pictured Cliffs
7. San Juan NM
8. 70.0 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05582/NM4067–79(7)
2. 30–043–20337–0000
3. 103 000 000
4. BCO Inc
5. Federal B #5
6. Undesignated Gallup
7. Sandoval NM
8. 20.0 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas Co

1. 80–05603/NM–3895–79
2. 30–039–06365–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Scott A #1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 1.0 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05494/NM–4102–79
2. 30–045–06342–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Florence D #1
6. South Blanco Pictured Cliffs Gas
7. San Juan NM
8. 19.7 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05495/NM–4104–79
2. 30–045–06950–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Roelofs A #2
6. Blanco Mesaverde Gas
7. San Juan NM
8. 19.7 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05500/NM–906–79
2. 30–045–13064–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Lackey B #18
6. Aztec Pictured Cliffs Gas
7. San Juan NM
8. 14.6 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05561/NM–2702–79
2. 30–045–00000–0000–0
3. 108 000 000 denied
4. Husky Oil Company
5. Alice Bolack #11
6. West Kutz Pictured Cliffs
7. San Juan NM
8. 13.9 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05562/NM–4044–79
2. 30–045–22651–0000–0
3. 103 000 000
4. Dome Petroleum Corp
5. Frew Federal #8
6. Nipp—Pictured Cliffs
7. San Juan County NM
8. 37.0 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas, Nat Gas P/L Corp of Am

1. 80–05565/NM–4025–79
2. 30–045–22655–0000–0
3. 103 000 000
4. Dome Petroleum Corp
5. Frew Federal #9
6. Nipp—Pictured Cliffs
7. San Juan County NM
8. 37.0 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas, Nat Gas P/L Corp of Am

1. 80–05566/NM 4027–79
2. 30–039–05985–0000–0
3. 108 000 000
4. Arco Oil and Gas Company
5. Nordhaus Federal Wn #4
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 11.9 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05567/NM–4028–79
2. 30–039–05948–0000–0
3. 108 000 000
4. Arco Oil and Gas Company
5. Nordhaus Federal Wn #5
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 19.1 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05568/NM4029–79
2. 30–045–20442–0000–0
3. 108 000 000
4. Arco Oil and Gas Company
5. Oxnard Wn Federal #8
6. So Blanco-Pictured Cliffs
7. San Juan NM
8. 14.6 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas Co

1. 80–05569/NM4030–79
2. 30–039–06034–0000–0
3. 108 000 000
4. Arco Oil and Gas Company Division
5. Nordhaus Federal Wn #2
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 4.1 Million Cubic Feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05570/NM–4031–79
2. 30–045–06095–0000–0
3. 108 000 000
4. Arco Oil and Gas Company
5. Hammond Federal Wn #2
6. So Blanco-Pictured Cliffs
7. San Juan NM
8. .3 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05571/NM–4032–79
2. 30–039–05896–0000–0
3. 108 000 000
4. Arco Oil and Gas Company
5. Nordaus Federal Wn #6
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 20.2 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05572/NM–4024–79
2. 30–045–22650–0000–0
3. 103 000 000
4. Dome Petroleum Corp
5. Frew Federal #6
6. Nipp-Pictured Cliffs
7. San Juan County NM
8. 37.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company; Nat Gas P/L Corp of AM

1. 80–05573/NM–4034–79
2. 30–045–11873–0000–0
3. 108 000 000
4. Arco Oil and Gas Company
5. Hammond Wn Federal #4
6. So Blanco-Pictured Cliffs
7. San Juan County NM
8. 18.2 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05574/NM–4035–79
2. 30–045–05301–0000–0
3. 108 000 000
4. Arco Oil and Gas Company
5. Graham Wn Federal #1
6. Ballard Pictured Cliffs
7. San Juan County NM
8. 5.4 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05575/NM–4036–79
2. 30–045–41001–0000–0
3. 108 000 000
4. Arco Oil and Gas Company
5. Hammond Wn Federal #3
6. So Blanco-Pictured Cliffs
7. San Juan County NM
8. 2.2 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05576/NM–4037–79
2. 30–039–06069–0000–0
3. 108 000 000
4. Arco Oil and Gas Company
5. Nordaus Federal Wn #7
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 11.5 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05577/NM–4038–79
2. 30–039–05991–0000–0
3. 108 000 000
4. Arco Oil and Gas Company
5. Nordaus Federal Wn #1
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 10.3 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05578/NM–4042–79
2. 30–045–22669–0000–0

3. 103 000 000
4. Dome Petroleum Corp
5. Frew Federal #7
6. Nipp-Pictured Cliffs
7. San Juan County NM
8. 37.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company; Nat Gas P/L of AM

1. 80–05579/NM–4043–79
2. 30–045–22657–0000–0
3. 103 000 000
4. Dome Petroleum Corp
5. Frew Federal #12
6. Nipp-Pictured Cliffs
7. San Juan County NM
8. 37.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas; Nat Gas P/L of AM

1. 80–05580/NM–4067–79(6)
2. 30–043–20339–0000–0
3. 103 000 000
4. Bco Inc
5. Federal B #3
6. Undesignated Gallup
7. Sandoval NM
8. 20.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Co

1. 80–05581/NM–4067–79(5)
2. 30–043–20338–0000–0
3. 103 000 000
4. Bco Inc
5. Federal B #2
6. Undesignated Gallup
7. Sandoval NM
8. 20.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Co

1. 80–05583/NM–4067–79(8)
2. 30–043–20332–0000–0
3. 103 000 000
4. Bco Inc
5. Federal B #6
6. Undesignated Gallup
7. Sandoval NM
8. 20.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Co

1. 80–05584/NM–4080–79
2. 30–039–20106–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. SJ 28–5 Unit #77
6. Basin-Dakota Gas
7. Rio Arriba NM
8. 18.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05585/NM–4063–79
2. 30–045–06120–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Huerfano Unit #79
6. West Kutz Pictured Cliffs Gas
7. San Juan NM
8. 23.7 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05586/NM–4064–79
2. 30–045–11948–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Huerfano Unit #165
6. Basin-Dakota Gas
7. San Juan NM
8. 18.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company; Northwest Pipeline Corporation; Southern Union Gathering Company

1. 80–05587/NM–4065–79
2. 30–045–20632–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Huerfano Unit #204
6. Basin-Dakota Gas
7. San Juan NM
8. 19.3 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company; Northwest Pipeline Corporation; Southern Union Gathering Company

1. 80–05588/NM–4066–79
2. 30–045–20531–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Huerfano Unit #186
6. Basin-Dakota Gas
7. San Juan NM
8. 21.9 million cubic feet
9. November 7, 1979
10. El Paso Natural Gas Company; Northwest Pipeline Corporation; Southern Union Gathering Co

1. 80–05589/NM–4131–79
2. 30–039–21685–0000–0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28–6 Unit #15A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 130.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05590/NM–4021–79
2. 30–045–23207–0000–0
3. 103 000 000
4. Dugan Production Corp
5. Federal I #6
6. Harper Hill Fruitland PC
7. San Juan NM
8. 27.5 million cubic feet
9. November 8, 1979
10.

1. 80–05591/NM–4019–79
2. 30–045–22635–0000–0
3. 103 000 000
4. Dugan Production Corp
5. Designated Hitter #3
6. WAW Fruitland PC
7. San Juan NM
8. 27.5 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05592/NM–4018–79
2. 30–045–22968–0000–0
3. 103 000 000
4. Dugan Production Corp
5. FAF #3
6. WAW Fruitland PC
7. San Juan NM
8. 5.0 million cubic feet
9. November 8, 1979
10.

1. 80–05593/NM–4017–79
2. 30–039–21507–0000–0
3. 103 000 000
4. Dugan Production Corp
5. Monticello #1Y
6. WAW Fruitland PC
7. San Juan NM
8. 45.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05594/NM–4015–79
2. 30–039–21851–0000–0
3. 103 000 000
4. J G Merrion & R L Bayless
5. Hill #1
6. Blanco Mesa Verde
7. Rio Arriba NM
8. 56.8 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80–05595/NM–4016–79
2. 30–045–22969–0000–0
3. 103 000 000
4. Dugan Production Corp
5. FAF #4
6. WAW Fruitland PC
7. San Juan NM
8. 12.5 million cubic feet
9. November 8, 1979
10.

1. 80–05596/NM–4014–79–2
2. 30–025–25553–0000–0
3. 107 000 000
4. American Quasar Petroleum Co
5. Brinninstool #2
6. 1980 FN & WL 21–T23S–R33E
7. Lea NM
8. 277.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Co

1. 80–05597/NM–4009–79–B
2. 30–025–25917–0000–2
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Blinebry No 56
6. NMFU-Blinebry Oil & Gas
7. Lea NM
8. 12.0 million cubic feet
9. November 8, 1979
10. Warren Petroleum Company

1. 80–05598/NM–4009–79–A
2. 30–025–25917–0000–1
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Tubb No 56
6. NMFU-Warren Tubb Oil
7. Lea NM
8. 26.0 million cubic feet
9. November 8, 1979
10. Warren Petroleum Company

1. 80–05599/NM–4008–79–B
2. 30–025–25853–0000–2
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Blinebry No 55
6. NMFU-Blinebry Oil-Gas
7. Lea NM
8. 74.0 million cubic feet
9. November 8, 1979
10. Warren Petroleum Company

1. 80–05600/NM–4008–79–A
2. 30–025–25853–0000–1
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Tubb No 55
6. NMFU-Warren Tubb Oil
7. Lea NM
8. 5.0 million cubic feet
9. November 8, 1979
10. Warren Petroleum Company

1. 80-05601/NM-4007-79-B
2. 30-025-26125-0000-2
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Blinebry No 54
6. NMFU-Blinebry Oil-Gas
7. Lea NM
8. 32.0 million cubic feet
9. November 8, 1979
10. Warren Petroleum Company

1. 80-05602/NM-4007-79-A
2. 30-025-26125-0000-1
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Tubb No 54
6. NMFU-Warren Tubb Oil
7. Lea NM
8. 66.0 million cubic feet
9. November 8, 1979
10. Warren Petroleum Company

1. 80-05604/NM-3896-79
2. 30-039-40001-0000-0
3. 103 000 000
4. Mobil Oil Corporation
5. Jicarilla E #2-A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 274.0 million cubic feet
9. November 8, 1979
10. Northwest Pipeline Corporation

1. 80-05605/NM3898-79-3A
2. 30-043-20246-0000-1
3. 103 000 000
4. J G Merrion & R L Bayless
5. Jicarilla 428 #3 (PC)
6. Ballard Pictured Cliffs
7. Sandoval NM
8. 12.0 million cubic feet
9. November 8, 1979
10. Northwest Pipeline Corporation

1. 80-05606/NM3898-79-3B
2. 30-043-20246-0000-2
3. 103 000 000
4. J G Merrion & R L Bayless
5. Jicarilla 428 #3 (Chacra)
6. Undesig Chacra
7. Sandoval NM
8. 12.0 million cubic feet
9. November 8, 1979
10. Northwest Pipeline Corporation

1. 80-05607/NM-3898-79-4A
2. 30-043-20272-0000-1
3. 103 000 000
4. J G Merrion & R L Bayless
5. Jicarilla 428 #5 (PC)
6. Ballard Pictured Cliffs
7. Sandoval NM
8. 12.0 million cubic feet
9. November 8, 1979
10. Northwest Pipeline Corporation

1. 80-05608NM-3898-79-4B
2. 30-043-20272-0000-2
3. 103 000 000
4. J G Merrion & R L Bayless
5. Jicarilla 428 #3 (Chacra)
6. Undesig Chacra
7. Sandoval NM
8. 12.0 million cubic feet
9. November 8, 1979
10. Northwest Pipeline Corporation

1. 80-05609/NM-4005-79-A
2. 30-025-26033-0000-1
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Tubb No 52
6. NMFU-Warren Tubb Oil
7. Lea NM
8. 1.5 million cubic feet
9. November 8, 1979
10. Warren Petroleum Company

1. 80-05610/NM-4005-79-B
2. 30-025-26033-0000-2
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Blinebry No 52
6. Nmfu Blinebry Oil—Gas
7. Lea NM
8. 135.0 million cubic feet
9. November 8, 1979
10. Warren Petroleum Company

1. 80-05611/NM-4006-79-A
2. 30-025-25916-0000-1
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Tubb Oil
6. Nmfu—Warren Tubb Oil
7. Lea NM
8. 140.0 million cubic feet
9. November 8, 1979
10. Warren Petroleum Company

1. 80-05612/NM-4006-79-B
2. 30-025-25916-0000-2
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Blinebry No 53
6. Nmfu—Blinebry Oil—Gas
7. Lea NM
8. 40.0 million cubic feet
9. November 8, 1979
10. Warren Petroleum Company

1. 80-05613/NM-3488-79
2. 30-045-21016-0000-0
3. 108 000 000
4. Amoco Production Company
5. Holmberg Gas Com A #1
6. Mt Nebo-Fruitland
7. San Juan NM
8. 19.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Co

1. 80-05614/NM-3004-79
2. 30-043-20158-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache P #4
6. Axi Apache Area
7. Sandoval NM
8. 1.6 million cubic feet
9. November 8, 1979
10. Gas Company of New Mexico (C-4787)

1. 80-05615/NM-4147-79
2. 30-005-60524-0000-0
3. 102 000 000
4. Depco Inc
5. Midwest Federal Well #3
6. Sand Ranch NM
7. Chaves NM
8. 105.0 million cubic feet
9. November 8, 1979
9.
10.

1. 80-05616/NM-4138-79
2. 30-039-31699-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 30-6 Unit #95A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 75.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80-05617/NM-4136-79
2. 30-039-21721-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #255
6. Basin Dakota
7. Rio Arriba NM
8. 140.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corporation

1. 80-05618/NM-4135-79
2. 30-039-21689-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #195
6. Basin Dakota
7. Rio Arriba NM
8. 140.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corporation

1. 80-05619/NM-4134-79
2. 30-039-21650-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #247
6. Basin Dakota
7. Rio Arriba NM
8. 140.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corporation

1. 80-05620/NM-4133-79
2. 30-039-21686-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit #56A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 150.0 million cubic feet
9. November 8, 1979
10. El Paso Natural Gas Company

1. 80-05621/NM-4132-79
2. 30-039-21687-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit #20A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 60.0 million cubic feet
9. November 8, 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. 79-37592 Filed 12-6-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-102]

Alabama Power Co.; Filing Rate Schedule

November 29, 1979.

The filing Company submits the following:

Take Notice that Alabama Power Company on November 23, 1979, tendered for filing an Agreement with The City of Opelika, intended as an initial rate schedule. This agreement provides for service to five (5) delivery points for a capacity of 25,000 KVA at 115 KV for each delivery point. Service at 115 KV will be provided to each of the existing delivery points on a schedule which currently extends from November 1, 1979 through June 1, 1981. The City of Opelika will be served at the Company's applicable revision to Rate Schedule MUN-1 incorporated in FERC Electric Tariff. Original Volume 1 of Alabama Power Company as allowed to become effective by Commission Order in FERC Docket ER78-77.

Copies of the filing were served upon The City of Opelika, Opelika, Alabama.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 21, 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. 79-37582 Filed 12-6-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP79-75]

Algonquin Gas Transmission Co.; Rate Change Pursuant to Gas Research Institute Charge Adjustment Provision

November 29, 1979.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on November 19, 1979, tendered for filing 50th Revised Sheet No. 10, 9th Revised Sheet No. 10-A, and 1st Revised Sheet No. 20-G to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that the purpose of this filing is to include in its rates the Gas Research Institute ("GRI") surcharge as authorized by Opinion No. 64 for GRI funding of $0.0048 per Mcf, adjusted to $0.0047 per MMBtu to reflect Algonquin Gas' Btu billing arrangements.

Algonquin Gas states the GRI surcharge is applicable to billing under its Rate Schedules F-1, WS-1, I-1, E-1, and SNG-1.

Algonquin Gas proposes that the effective date of the revised tariff sheets be January 1, 1980, as authorized by Opinion No. 64.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 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. 79-37583 Filed 12-6-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-103]

The Cincinnati Gas & Electric Co.; Proposed Rate

November 29, 1979.

The filing company submits the following:

Take notice that The Cincinnati Gas & Electric Company (Cincinnati) tendered for filing on November 23, 1979, a proposed Non-Firm Transmission Service rate based upon an agreement between Cincinnati and the City of Hamilton, Ohio (Hamilton) executed on September 1, 1979. The proposed rate provides for Non-Firm Transmission Service at a charge of $.75 per kW per month times the reserve quantity during the reserve period.

The day on which service under the revised schedule is expected to commence is September 1, 1979. An estimate of the transactions and revenues under this revised schedule is not feasible because use will be scheduled only as Hamilton requires and as Cincinnati has transmission available.

The filing company requests that the Company waive any requirements not already complied with under Section 35.12 of its regulations and that an effective date prior to the filing date be approved pursuant to Section 35.11. A copy of this filing has been mailed to the City of Hamilton.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 21, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-37585 Filed 12-6-79; 8:45 am]

BILLINC CODE 6450-01-M

[Docket No. CP76-285, et al.]

Clay Basin Storage Co.; Report of Disposition of Refunds

November 29, 1979.

Take notice that on November 23, 1979, Clay Basin Storage Company ("Storage Company") tendered for filing its Report of Disposition of Refunds resulting from Northwest Pipeline Corporation's ("Northwest") distribution of refunds to Storage Company, among others, on September 14, 1979, pursuant to Article V of Northwest's Stipulation and Agreement dated February 12, 1979, at Docket No. RP78-50.

Storage Company states that the amount of refunds, inclusive of interest, received by Storage Company from Northwest pursuant to the provisions of Article V of Northwest's Stipulation and Agreement dated February 12, 1979, at Docket No. RP78–50, is $165,928.28. Such amount is attributable to certain transportation service rendered by Northwest as a part of the Clay Basin Interim Storage Arrangements authorized at Docket No. CP76–285, *et al.* Under paragraph 6.5, Article VI, of the Interim Storage Agreement, dated as of July 6, 1977, as amended, between Storage Company and El Paso Natural Gas Company ("El Paso"), Storage Company has assigned to El Paso the full amount of any refunds received by Storage Company from Northwest, by crediting such amount in the calculation of its cost of service billing for September 28, 1979, to El Paso under Paragraph 6.2, Article VI, of the Interim Storage Agreement.

Storage Company further states that copies of the filing were served upon Storage Company's customers, El Paso Natural Gas Company's interstate transmission system customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before Dec. 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). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–37587 Filed 12–6–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. SA80–7]

Delhi Gas Pipeline Corp.; Application for an Adjustment

November 29, 1979.

Take notice that on October 12, 1979, Delhi Gas Pipeline Corporation (Delhi), Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. SA80–7 an application pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and Section 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41) for an adjustment permitting Delhi to continue to assign without prior Commission approval, its contractural right to certain natural gas to United Gas Pipeline Company (United) pursuant to Section 312 of the NGPA, so long as the price of that gas does not exceed the Section 102 price of the NGPA, plus Section 110 of the NGPA state severance taxes, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Delhi states that it seeks an adjustment because pursuant to Section 284.163(b) of the Regulations under the NGPA assignments of contracts with gas prices exceeding the new gas prices set out in Table I of Section 271.101(a) of the Regulations under the NGPA are not permitted without prior Commission approval. It is indicated that said contracts were assigned by Delhi to United under the special rule contained in Section 284.163 without prior Commission approval because at the time of assignment the gas prices under the contracts did not exceed the Table I new gas prices. Delhi asserts that the requested relief is necessary because under its price redetermination clauses, Delhi is required to redetermine the gas price to the average of the 2 or 3 highest prices being paid by a pipeline purchaser, including interstate pipelines, for gas located within one or more designated geographical areas. Delhi states that such highest prices being paid by interstate pipelines are the new gas prices under Section 102 of the NGPA, plus state severance taxes, and that beginning on or about October 1, 1979, such redetermined prices would exceed said Table I new gas prices.

The procedures applicable to the conduct of this adjustment proceeding are found in Section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24, issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of Section 1.41. All petitions to intervene must be filed on or before December 24, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–37586 Filed 12–6–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. RP80–22]

East Tennessee Natural Gas Co.; Revision to Tariff Filing

November 29, 1979.

Take notice that on November 20, 1979, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Substitute Fifth Revised Sheet No. 69A to Sixth Revised Volume No. 1 of its FERC Gas Tariff to be effective on December 1, 1979.

East Tennessee states that this tariff sheet revises a tariff sheet filed on November 1, 1979 in this docket. East Tennessee states that the revision is necessary to conform the calculation of carrying charges on balances in its Unrecovered Purchased Gas Cost Account with the provisions of the Commission's Order No. 47–A issued November 9, 1979, in Docket No. RM77–22.

East Tennessee states that copies of the filing have been mailed to all of its jurisidictional and direct customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–37589 Filed 12–6–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER80–104]

Edison Sault Electric Co.; Filing

November 29, 1979.

The filing Company submits the following:

Take notice that Edison Sault Electric Company (Edison), on November 26, 1979, tendered for filing a Supplemental Agreement No. 2 between Edison and Upper Peninsula Power Company (Upper Peninsula), dated October 1,

1979, which agreement will supplement an existing Contract for Electric Service, dated September 10, 1976, between the same two parties. The contract between the parties, dated September 10, 1976, has been designated FPC Rate Schedule No. 7 (Docket No. ER77–98). The proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated September 10, 1976, under section "Increases or Decreases in Rates".

Copies of the filing were served upon Upper Peninsula Power Company and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 21, 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 agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–37590 Filed 12–6–79; 8:45 am]

BILLING CODE 6450–01–M

[Project No. 2960]

City of Gonzales, Texas; Application for Short-Form License (Minor) for an Unconstructed Project

November 28, 1979.

Take notice that on August 28, 1979, the City of Gonzales, Texas (City) filed an application for license [pursuant to the Federal Power Act, 16 USC, Section 791(a)–825(r)] for redevelopment of an existing water power project to be known as the Gonzales Project No. 2960 located on the Guadalupe River in Gonzales County, near the Town of Gonzales, Texas.

Correspondence with the Applicant should be directed to: City of Gonzales (c/o Calvin Spacek) P.O. Box 547 Gonzales, Texas 78629.

Purpose of the Project—Power from the rehabilitated project would be used in the City's municipal power distribution system.

Project Description—The proposed project would be operated as run-of-river and would consist of: (1) an existing concrete dam approximately 15 feet high, 258 feet long, and 78 feet wide, impounding; (2) a reservoir with a surface area of 300 acres and storage capacity of 1,400 acre-feet at elevation 259.6 feet msl; (3) an existing powerhouse approximately 80 by 20 feet; (4) three new 380-kW vertical shaft open flume propeller type units; (5) two existing substations—one of 69 and one of 12 kV; (6) trash racks; and (7) apurtenant facilities.

All lands to be affected are owned by the State of Texas. Projected annual power generation would be 6.8 million kWh, dropping to 6.4 million kWh as additional river water is diverted in later years by existing hydroelectric projects upstream. Applicant estimates the cost of redevelopment at $1,923,000.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications

Anyone desiring to file a competing application must submit to the Commission, on or before February 4, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 4, 1980. A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c), (*as amended,* 44 *Fed. Reg.* 61328, Oct. 25, 1979). A competing application must conform with the requirements of 18 C.F.R. 4.33 (a) and (d), (*as amended,* 44 *Fed. Reg.* 61328, Oct. 25, 1979).

Protests, and Petitions to Intervene

Anyone desiring to be heard or to make any protest about this application should file a petiton to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules and Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comment 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 comment, protest, or petition to intervene must be filed on or before February 4, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–37591 Filed 12–6–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. GP80–46]

Lacy & Byrd, Inc.; Application for Allowance for Production-Related Costs

November 29, 1979.

Take notice that on October 19, 1979, Lacy & Byrd, Inc. (Applicant), P.O. Box 2518 Midland, Texas 79702, filed with the Federal Energy Regulatory Commission (Commission), pursuant to § 271.1105 of the Commission's regulations, an application for recovery of production-related costs under section 110 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301, *et seq.*

Applicant is currently seeking a determination from the Texas Railroad Commission that gas which it produces and delivers to Northern Natural Gas Company (Northern) qualifies for a maximum lawful price under section 103 of the NGPA. Applicant requests an allowance in addition to such maximum lawful price for gathering costs connected with natural gas deliveries to Northern.

Any person desiring to be heard or to make any protests with reference to this proceeding should, on or before December 24, 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 Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the

protestants parties to the proceeding. 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. 79-37593 Filed 12-6-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP80-23]

Midwestern Gas Transmission Co.; Revision to Tariff Filing

November 29, 1979.

Take notice on November 20, 1979, Midwestern Gas Transmission Company (Midwestern) tendered for filing Substitute Fifth Revised Sheet Nos. 82 and 86 to Third Revised Volume No. 1 of its FERC Gas Tariff to be effective on December 1, 1979.

Midwestern states that these tariff sheets revise tariff sheets filed on November 1, 1979 in this docket. Midwestern states that the revision is necessary to conform the calculation of carrying charges on balances in its Unrecovered Purchased Gas Cost Accounts with the provisions of the Commission's Order No. 47–A issued November 9, 1979, in Docket No. RM77–22.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-37594 Filed 12-6-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP79-75]

Pacific Gas Transmission Co.; Change in GRI Adjustment Charge

November 29, 1979.

Take notice that on November 19, 1979, Pacific Gas Transmission Company (PGT) tendered for filing the following sheet to its FERC Gas Tariff:

Original Volume No. 1.—Third Revised Sheet No. 16.

An effective date of January 1, 1980 is proposed, in accordance with the Commission's Opinion No. 64 in Docket No. RP79–75.

PGT states that this filing is made under its filed Gas Research Institute (GRI) Charge Adjustment Provision and pursuant to the Commission's Opinion No. 64 issued October 2, 1979 in Docket No. RP79–75. That Opinion authorizes members of the Gas Research Institute (GRI) to collect a general R&D funding unit of 4.8 mills per Mcf of Program Funding Services by payment to GRI. PGT further states that the change in rates will affect only charges for natural gas service rendered to Pacific Gas and Electric Company under Rate Schedule PL–1.

PGT states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 December 14, 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. 79-37586 Filed 12-6-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EL78-29]

Village of Penn Yan, New York; order denying stay

November 15, 1979.

October 19, 1979 the New York State Electric and Gas Corporation (NYSEG) filed a motion for an expedited stay of the Commission's declaratory order issued in this docket on March 28, 1979. In that order, the commission ordered NYSEG to file certain contracts relating to NYSEG's agreement to transmit Niagara Project power to certain perference customers of the Power Authority of the State of New York (PASNY), including the village of Penn Yan (Penn Yan).[1] In addition, the Commission determined that provisions in these contracts which limit a municipal system's use of power wheeled by NYSEG to retail service within the municipality's borders as of the date of the contract are unjust and unreasonable because they are unreasonably anticompetitive in effect. On September 17, 1979, the Commission issued an order denying NYSEG rehearing of the declaratory order.[2]

In support of its motion, NYSEG states that it will be irreparably harmed if Penn Yan and other municipalities to which NYSEG transmits PASNY power under NS–11 begin service to customers in their extended borders. Such action will result in loss of retail customers now served by NYSEG. If NYSEG is successful in its review before the Court of Appeals, the company argues that it may have to initiate a number of actions against Penn Yan and other involved municipalities in order to recover its lost customers and lost revenues. According to NYSEG, the "goodwill" lost through such "multiple litigation" and "changing electric service relationships" will be irreplaceable and uncompensable.

In attempting to demonstrate a likelihood of success on the merits, NYSEG relies on the arguments raised in its April 25, 1979 application for rehearing. Specifically NYSEG argues that (1) Contract NS–11 and 1972 Agreement are not subject to the jurisdiction of the Commission; (2) because NS–11 was approved by the State of New York, the Commission is without authority to modify its terms and its terms are immunized from antitrust review and (3) under the Federal Power Act and general principles of due process NYSEG was entitled to an evidentiary hearing before the relief requested could be granted.

On October 31, 1979 Penn Yan filed a response in opposition to NYSEG's

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[1] The PASNY–NYSEG transmission agreement is designated Niagara Contract NS–11 and is referred to herein as NS–11

The NYSEG–Penn Yan transmission agreement, recognizing the NYSEG's transmission obligation as established in NS–11, is referred to herein as the 1962 Agreement.

[2] On October 15, 1979, NYSEG filed a Petition for Review of the Commission's March 28 and September 17, 1979 orders with the United States Court of Appeals for the Second Circuit.

motion.[3] Penn Yan argues that NYSEG has demonstrated neither irreparable harm nor a likelihood of success on the merits. In addition, Penn Yan argues that the public interest will be served by denial of the stay.

Having considered the arguments of all parties, we find that NYSEG has not made a showing sufficient to warrant a stay of the declaratory order in this docket.

First, NYSEG's allegation of irreparable harm is without merit. With the possible exception of the Village of Penn Yan, NYSEG's statements regarding potential loss of customers are merely speculative. Moreover, any harm to NYSEG which may result from loss of these customers is fully compensable in monetary damages. NYSEG's allegation of "loss of goodwill" is not persuasive given that the residents of Excell Estates expressed their desire to be served by the Penn Yan municipal system long before the Commission issued its declaratory order.[4] Clearly, there is little or no "goodwill" to be lost if these customers begin receiving service from the municipal system.

Further, we find that NYSEG has not demonstrated that it is likely to prevent on the merits. In requiring NYSEG to file its transmission contracts with PASNY and the preference customers of PASNY, the Commission was exercising its express statutory authority under Section 201(b) and 205(c) of the Federal Power Act to require a juridictional utility to file its agreements to provide transmission service. In rendering unenforceable the provision of the NS–11 and the 1962 Agreement which places a restriction on the use of wheeled power, the Commission was exercising its well-established authority to consider antitrust policy when examining the rates, *terms and conditions* of agreements for wholesale service. Further, the undisputed facts contained in the pleading provided a sufficient basis for the Commission's determination that the disputed provisions are unreasonably anticompetitive in effect. In sum, NYSEG has presented no persuasive arguments challenging the exercise of the Commission's authority in this case.

Finally, it is clear that the balance of hardships tips in favor of Penn Yan and the customers it seeks to serve in the extended territories. As stated earlier, the residents of Excell Estates have been seeking electric service from Penn Yan for several years. The imposition of a stay at this point would result in further delay in commencement of municipal electric service in Excell Estates to which the residents of that area are lawfully entitled. This hardship to the Village of Penn Yan, particularly the citizens of Excell Estates, outweighs any hardship NYSEG may experience as a result of the loss of a relatively insignificant amount of revenue.

The Commission orders:

(A) The request of the New York State Electric and Gas Corporation for a stay of the Commission's March 28, 1979 order in this docket is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-37601 Filed 12-6-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-93, et al.]

Border Gas, Inc., et al.

In the Matter of Border Gas, Inc. (Docket No. CP80–93, CP80–75); Texas Eastern Transmission Corporation, Florida Gas Transmission Company, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., Transcontinental Gas Pipe Line Corporation (Docket No. CP80–89); Texas Eastern Transmission Corporation (Docket No. CP80–90); Florida Gas Transmission Company (Docket No. CP80–91); and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Docket No. CP80–92); notice of applications and consolidation.

November 30, 1979.

Take notice that on November 9, 1979, Border Gas, Inc. (Border), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80–75 an application pursuant to Section 3 of the Natural Gas Act for authorization to import from Mexico up to 300,000 Mcf of natural gas per day purchased from Petroleos Mexicano (Pemex).

Border states that it was formed by certain domestic interstate natural gas pipeline companies to facilitate the purchase of Mexican natural gas from Pemex in the following proportions:

Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), 37½%.
Texas Eastern Transmission Corporation (Texas Eastern), 27½%.
El Paso Natural Gas Company (El Paso), 15%.
Transcontinental Gas Pipe Line Corporation (Transco), 10%.
Southern Natural Gas Company (Southern), 6⅔%.
Florida Gas Transmission Company (Florida), 3⅓%.

It is further stated that the above companies own all of Border's outstanding shares in proportion to their respective percentage entitlement to purchase the Mexican natural gas.

Border states that pursuant to its October 19, 1979, purchase contract with Pemex, it would purchase and import initially up to 300,000 Mcf of natural gas per day which is determined from time to time to be surplus to the Mexican national demand. The sale and delivery of natural gas by Pemex following exportation from Mexico to Border would be made at two points on the international boundary. The initial sale and delivery is proposed to begin immediately utilizing existing facilities, near Reynosa, Tamaulipas, and Hidalgo, Texas, referred to as the "secondary" point of delivery, it is stated.

On resale to the companies listed above, at the "secondary" point of delivery, the natural gas would be received into Texas Eastern's interstate system and transported for itself and each of the other five companies to downstream delivery points, it is stated. It is presently contemplated that Texas Eastern would (1) transport and deliver the Mexican natural gas for Tennessee, Florida, and Transco, directly into their respective interstate systems, and (2) deliver Mexican natural gas for Southern, El Paso, and Transwestern Pipeline Company (Transwestern), a Texas Eastern affiliate to which Texas Eastern plans to sell one-third of its Mexican supply, to intermediate pipelines for further transportation to their respective systems.

Pursuant to an agreement between the United States and Mexico announced September 21, 1979, the initial price of the natural gas would be $3.625 per million Btu's as of January 1, 1980, said price being subject to reconsideration prior to that date should the price for natural gas from comparable sources exceed that amount prior to said date and subject to quarterly adjustment pursuant to a specific formula.

Take further notice that on November 16, 1979, five additional applications were filed pursuant to Section 7 of the Natural Gas Act for certificates of public convenience and necessity. Each states that its proposal is an integral part of

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[3] Because NYSEG requested expedited treatment of its motion, notice was issued on October 25, 1979 requiring all responses to NYSEG's motion to be filed on or before October 31, 1979.

[4] *See* Petition For A Declaratory Order Of The Village Penn Yan, New York To Invalidate Contract Provision Between The Power Authority Of The State of New York And New York State Electric And Gas Corporation, Exhibit D, filed May 25, 1978. This exhibit is a petition signed by the residents of Excell Estates requesting the Penn Yan Municipal Board to furnish electric service to these residents in place of NYSEG. There are statements in the petition which demonstrate the dissatisfaction felt by these residents with regard to NYSEG's rates and service.

the arrangements for importation of the Mexican volumes. Certain applications also request adjustments pursuant to Section 502(c) of the Natural Gas Policy Act exempting certain parties from provisions of Commission Order No. 49 issued September 28, 1979, in Docket No. RM79–14.

In Docket No. CP80–93 Border requests authority to resell in interstate commerce all the natural gas which it purchases each day from Pemex to the six pipeline companies initially through existing facilities and later at a primary point of delivery through facilities yet to be constructed. The price proposed is said to be the result of an agreement reached between the Governments of the United States and Mexico and is stated to be $3.625 per million Btu subject to quarterly adjustments. Border requests that it be allowed to pass through concurrently each change in the price payable by Border to Pemex and states that it is authorized to request that each of its six customer pipelines and Transwestern be authorized to flow through by means of its respective PGA clause mechanism its purchased cost of Mexican natural gas.

Border requests, that it be found not to be an "interstate pipeline" within the meaning of the NGPA and asserts that the provisions of the NGPA and Order No. 49 are inapplicable to it. In the alternative, Border requests an adjustment under Section 502 of the NGPA to prevent alleged special hardship, inequity, and unfair distribution of burdens.

Border submits that the imported gas is necessary to prevent future severe natural gas shortages. It requests the Commission to review the applications concurrency with review of the application filed pursuant to Section 3 of the Natural Gas Act by the Economic Regulatory Administration of the Department of Energy.

In Docket No. CP80–89, Texas Eastern, P.O. Box 2521, Houston, Texas 77001; Florida, P.O. Box 44, Winter Park, Florida 32790; Tennessee, P.O. Box 2511, Houston, Texas 77001; Transco, 2700 South Post Oak Road, Houston, Texas 77056; filed a joint application for a certificate authorizing Texas Eastern to transport for the other participants in the Mexican natural gas import project the following volumes plus additional volumes as may be made available, less 1% for gas used and to charge the following rates:

Participant; Mcf/day; dekatherms/day less 1%; Rate, cents/dekatherms.

Tennessee; 112,500; 111,365; 2.60.
El Paso; 45,000 44,550; 7.68.
Transco; 30,000; 29,700; 3.13.
Southern; 20,000; 19,800, 3.15.
Florida; 10,00; 9,000; 3.15.

Texas Eastern states that the rates are based on its cost of service per dekatherm per mile (0.026¢) with a minimum rate of 2.60¢ per dth, as filed in its proposed settlement rates in Docket No. RP78–87.

Florida, Tennessee, and Transco propose to construct certain pipeline metering, and related facilities to effect receipt of the Mexican gas by such companies from Texas Eastern and by Florida, for Southern's account. Florida's facilities are estimated to cost $216.000; Tennessee's, to cost $1,578,000; and Transco's, to cost $180,000. Pipeline facilities are proposed by Florida and Tennessee and will be operated by such companies.

Texas Eastern proposes to construct and operate certain tap and side valve facilities to effect deliveries to Florida, Tennessee, and Transco. Texas Eastern also proposes to operate the metering facilities installed by Florida, Tennessee, and Transco.

Deliveries of gas for El Paso's account will be made at the existing interconnection of the facilities of Texas Eastern and LoVaca Gathering Company (LoVaca) near Angleton, Brazoria County, Texas pursuant to Section 311(a)(2) of the NGPA, it is stated. Deliveries by Texas Eastern for the other participants will be made at the point of interconnection proposed herein, as follows: to Florida, for its account and for the account of Southern, at the proposed interconnection near Robstown, Nueces County, Texas; to Tennessee at the proposed interconnection in Hidalgo County, Texas; and to Transco at the proposed point in Nueces County, Texas.

In Docket No. CP80–90, Texas Eastern filed an application for a certificate authorizing the sale of one-third of its entitlement at the international boundary to Transwestern pursuant to an agreement dated November 13, 1979. Texas Eastern states that the proposed rate of 7.68 per dekatherm is based on the rate in Docket No. RP78–87. Texas Eastern also requests that the Commission grant it an exemption from Section 207(b) of the NGPA and Section 282.301(e) of the Commission's Regulations thereunder, requiring that the gas sold be incrementally priced by Texas Eastern.

Deliveries of gas for Transwestern's account will be made at the existing interconnection of the facilities of Texas Eastern and LoVaca near Angleton, Brazoria County, Texas. No additional facilities are required, the application states.

In Docket No. CP80–91, Florida filed an application for a certificate authorizing it to transport Southern's share of the Mexican volumes from Nueces or Matagorda County, Texas, to Washington Parish, Louisiana, pursuant to a November 14, 1979, agreement. Florida proposes to charge a demand charge equal to the delivery quantity per million Btu times $3.13 plus a commodity charge equal to the equivalent quantity for every day of each month times 10.0c.

In Docket No. CP80–92, Tennessee filed an application for a certificate authorizing it to restore to interstate service its Line 400–1, authorized to be abandoned from its interstate system in Docket Nos. CP75–358 and CP76–284, in order for it to receive its daily initial quantities of Mexican natural gas. Tennessee states that it is currently transporting natural gas for Celanese Chemical Corporation through its line 400–1.

Each application is on file with the Commission and available for public inspection.

Since these applications may involve common questions of law and fact, they will therefore be consolidated for all purposes pursuant to Sections 1.20(b) and 3.5(a)(6) of the Commission Rules and Regulations.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 14, 1979, file with the Commission, 825 North Capitol Street, NE, 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 consolidated proceeding. Any person wishing to become a party to the consolidated 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 these applications 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 import authorizations and certificates are not

inconsistent with the public interest and 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 applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-37584 Filed 12-6-79; 8:45 am]

BILLING CODE 6450-01-M

System of Docket Prefixes for Natural Gas Pipeline Tracking Rate Filings

November 28, 1979.

Take notice that the Federal Energy Regulatory Commission (Commission) has adopted a system of docket prefixes and docket numbering as set forth below. The new system is to be applied to all semi-annual tracking filings made by natural gas pipelines, as well as any other rate tracking filings. Tracking filings are those rate adjustment filings other than general rate adjustment filings made pursuant to § 154.63 or 154.38(d)(4)(vi) of the Regulations which reflect an adjustment in one item of cost (such as purchased gas cost) without the submission of a general cost and revenue study. This notice is issued for the information and aid of the public and practitioners before the Commission as an explanation of the docket prefix system to be used. This system shall be used for all rate tracking filings made by natural gas pipelines proposed to become effective January 1, 1980, and thereafter.

The docketing system previously used for these tracking filings incorporated the RP docket in which the purchased gas adjustment clause (PGA clause) was first approved and certain sub-dockets (PGA, DCA, AP) to designate the components of the filing. The new system will discontinue the use of the RP docket prefix for tracking filings. It will have three elements. The first element will be the tariff rate adjustment prefix, TA, and the fiscal year in which the effective date falls. The second element will be either the number "1" or "2." A "1" will be used for all filings which fall in the first half of the Federal fiscal year; i.e., those with proposed effective dates falling between October 1 and March 31 of any fiscal year. A "2" will be used for all filings which fall in the second half of the fiscal year; i.e., those with proposed effective dates falling between April 1 and September 30 of any fiscal year. The third element will be a number which will designate the company which is making the filing. These numbers have been assigned as set out in the Appendix to this notice. The numbers in the third element will not change for each company from one filing or fiscal year to another. The subdocket prefixes currently used shall be retained. Two examples are set forth below.

(1) Southern Natural Gas Company files one of its semi-annual PGA adjustments with a proposed effective date of January 1, 1980. It includes only a PGA adjustment. It will be docketed as TA 80-1-7 (PGA80-1).

(2) United Gas Pipeline Company files one of its semi-annual PGA adjustments with a proposed effective date of July 1, 1980. It includes a PGA and a DCA adjustment. It will be docketed as TA 80-2-11 (PGA80-2, DCA80-2).

Kenneth F. Plumb,

Secretary.

Appendix

1. Alabama-Tennessee Natural Gas Company.
2. East Tennessee Natural Gas Company.
3. Chattanooga Gas Company.
4. Granite State Gas Transmission, Inc.
5. Midwestern Gas Transmission Company.
6. Sea Robin Pipeline Company.
7. Southern Natural Gas Company.
8. South Georgia Natural Gas Company.
9. Tennessee Gas Pipeline Company.
10. Tennessee Natural Gas Lines, Inc.
11. United Gas Pipe Line Company.
12. Distrigas of Massachusetts Corporation.
13. Gas Gathering Corporation.
14. Lawrenceburg Gas Transmission Corporation.
15. Mid-Louisiana Gas Company.
16. National Fuel Gas Supply Corporation.
17. Texas Eastern Transmission Corporation.
18. Texas Gas Transmission Corporation.
19. Utah Gas Service Company.
20. Algonquin Gas Transmission Company.
21. Columbia Gas Transmission Corporation.
22. Consolidated Gas Supply Corporation.
23. Eastern Shore Natural Gas Company.
24. Equitable Gas Company.
25. Mississippi River Transmission Corporation.
26. Natural Gas Pipeline Company of America.
27. North Penn Gas Company.
28. Panhandle Eastern Pipe Line Company.
29. Transcontinental Gas Pipe Line Corporation.
30. Trunkline Gas Company.
31. Arkansas Louisiana Gas Company.
32. Colorado Interstate Gas Company.
33. El Paso Natural Gas Company.
34. Florida Gas Transmission Company.
35. Northern Natural Gas Company (Peoples Division).
36. Mountain Fuel Supply Company.
37. Northwest Pipeline Corporation.
38. Oklahoma Natural Gas Gathering Corporation.
39. Pacific Interstate Transmission Company.
40. Raton Natural Gas Company.
41. Southwest Gas Corporation.
42. Transwestern Pipeline Company.
43. Cities Service Gas Company.
44. Commercial Pipeline Company, Inc.
45. Inter-City Minnesota Pipelines Ltd., Inc.
46. Kentucky-West Virginia Gas Company.
47. McCulloch Interstate Gas Company.
48. Michigan Wisconsin Pipe Line Company.
49. Montana-Dakota Utilities Company.
50. Valley Gas Transmission, Inc.
51. Great Lakes Gas Transmission Company.
52. Western Gas Interstate Company.
53. Kansas-Nebraska Natural Gas Company.
54. Louisana-Nevada Transit Company.
55. Mountain Fuel Resources, Inc.
56. South Texas Natural Gas Gathering Company.
57. Western Transmission Corporation.
58. Texas Gas Pipe Line Corporation.
59. Northern Natural Gas Company.

[FR Doc. 79-37581 Filed 12-6-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1371-7]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104) U.S. Environmental Protection Agency.

PURPOSE: This Notice Lists the Environmental Impact Statements (EIS's) which have been officially filed with the EPA and distributed to Federal Agencies and interested groups.

organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of November 26 to November 30, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from December 7, 1979 and will end on January 21, 1980. The 30-day review period for final EIS's as calculated from December 7, 1980 will end on January 7, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

For hard copy reproduction: Environmental Law Institute, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

For hard copy reproduction or microfiche: Information Resources Press, 2100 M Street NW., Suite 316, Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A-104), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to Section 1506.10(a), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of November 26, 1979 to November 30, 1979 the 30-day review period will be calculated from December 7, 1979. The review period will end on January 7, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of November 26, 1979 to November 30, 1979. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this Notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the **Federal Register** and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: December 4, 1979.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

Appendix I—EIS's Filed With EPA During the Week of November 26, 1979, Through November 30, 1979.

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272-0121.

Draft

Hookers Prairie Phosphate Mine, Permit, Polk County, Fla., Nov. 30: Proposed is the issuance of a permit to the W. R. Grace and Company to mine for phosphate ore in wetlands of Hookers Prairie, Polk County, Florida. Approximately 5,387 acres, of which 3,713 acres are wetlands, are to be mined. Alternatives include: (1) mining in wetlands and uplands, with surface clay disposal ponds; (2) wetland and upland mining without clay disposal ponds; (3) upland mining only, with clay disposal ponds; (4) upland mining only, without clay disposal ponds; and (5) mining only after a national policy is formulated. (Jacksonville District) (EIS Order No. 91201.)

Final

Rock Hall Harbor Small Navigation Project, Kent County, Md., Nov. 27: Proposed is a navigation project for the Rock Hall Harbor in Kent County, Maryland. The project will include: (1) increasing the height of existing breakwaters at harbor entrances to +7 foot MLW, (2) construction of a +7 foot MLW addition to the western breakwater at the harbor entrance, (3) channel and anchorage basin dredging in the eastern harbor entrance, and (4) upland disposal of 76,800 cubic yards of dredged material. The alternatives consider: (1) use of baffles, (2) breakwater opening by extension or construction of an independent opening, and (3) no action. (Baltimore District) Comments made by: EPA, DOI, DOC, USDA, State agencies. (EIS order No. 91191.)

Baltimore Harbor/Channels Navigation Improvements, States of Maryland and Virginia, Nov. 27: Proposed are navigational improvements for the Baltimore Harbor and channels in the States of Maryland and Virginia. The remaining measures include: (1) dredging the Connecting Channel from its present 27 foot depth and 400 foot width, to 35 by 600 feet, (2) dredging of the Approach Channels, (the Swan Point and Tolchester sections), from the present 35 foot depth and 450 width to 600 feet wide, and (3) placement of 1.03 million cubic yards of dredged material into the Chesapeake Bay at the Pooles Island Deep. The alternatives considered include: (1) the proposed action, (2) no action, and (3) several disposal methods for the dredged material. (Baltimore District) Comments made by: DOC, DOT, EPA, DOI, State agencies, groups. (EIS order No. 91193.)

DEPARTMENT OF ENERGY

Contact: Dr. Robert Stern, Acting Director, NEPA Affairs Division, Department of Energy, Mail Station 4G-064, Forrestal Bldg., Washington, DC 20585, (202) 252-4600.

Final

Savannah River Plant, Mgmt. of Radioactive Waste, Aiken, Barnwell, Allendale Counties, Nov. 29: This programmatic environmental impact statement is issued to provide environmental guidance for the research and development program, demonstration activities, and engineering design studies that will be carried out at the Savannah River Plant (SRP) related to long-term management of high-level radioactive waste generated at SRP as part of the Nation's nuclear defense program. (DOE/EIS-0023-F) Comments made by: HEW, NSF, NRC, EPA, DOI, State and local agencies, groups and businesses. (EIS order Number 91199.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

Federal Highway Administration

Draft

Willamette R. Bridges, OR-22 Willamina-Salem Hwy., Marion and Polk Counties, Oreg., Nov. 27: Proposed is the replacement of the Center Street Bridge and the widening of the Marion Street Bridge both on OR-22, the Willamina-Salem Highway in Marion and

Polk Counties, Oregon. The bridges span the Willamette River. Other features of the project will include: (1) two new bridges on the east side; (2) modifications to the existing Front Street ramp; (3) changes in the Center Street, Marion Street, Wallace Road/Edgewater Street, and Wallace Road/OR–22 ramps; and (4) other features. (FHWA–OR–EIS–79–10–D) (EIS order No. 91192.)

Draft

Newburgh Riverfront Arterial, Orange County, N.Y., Nov. 28: Proposed is the construction of the Newburgh (Riverfront Boulevard) in the city of Newburgh and towns of Newburgh and New Windsor, Orange County, New York. The facility would begin just north of the River Road/Walsh Road intersection in New Windsor. The facility will range from two to five lanes and include signalization, lighting, storm sewers, and other features. The alternatives consider no build and mass transit. (FHWA–NY–EIS–79–3D) (EIS order Number 91195.)

FEDERAL ENERGY REGULATORY COMMISSION

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality, Room 3000, S–22, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 275–4150.

Draft

Dinkey Creek Project, License, Fresno County, Calif., Nov. 29: Proposed is the issuance of a construction license for the Dinkey Creek project in Fresno County, California. The license would authorize the construction of a conventional hydroelectric facility including: 1) a dam and reservoir on Dinkey Creek, 2) a power tunnel, 3) two powerhouses, 4) three diversion dams, 5) access roads, 6) recreational facilities, and 7) other appurtenant facilities. The license would also authorize the operation of the facility for the production of electricity. Five alternatives are considered in the areas of rates, design, site location, forms of generating power, and denial of license. (FERC No. 2890) (EIS order Number 91197.)

DEPARTMENT OF HUD

Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 743, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755–6306.

Section 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Wellington Station Area Development, UDAG, Middlesex County, Mass., Nov. 30: Proposed is the issuance of an urban development action grant to the city of Medford, Middlesex County, Massachusetts for the Wellington Station area development project. The project includes public and private improvements to convert the project site into a major multi-use center with retail, office, hotel, transit and housing development. A no-build and five build alternatives were selected for the real estate development on the site. The build alternatives differ primarily in the sizes and locations of each component land use. (EIS order Number 91202.)

DEPARTMENT OF AGRICULTURE

Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A Admin. Building, Washington, D.C. 20250 (202) 447–3965.

Forest Service

Draft

Hells Canyon National Recreation Area, several counties in Oregon and Idaho, Nov. 29: Proposed is a land and resource management plan for the 652,488 acre Hells Canyon National Recreation Area in the Wallowa-Whitman Nez Perce and Payette National Forests, Baker and Wallowa Counties, Oregon and Nez Perce, Idaho. The preferred alternative will include: 1) establishment of 5 campgrounds, 2) emphasis on elk habitat, 3) timber cutting, 4) boat use of the Snake River, 5) recommendations for five additions to the wilderness system, 6) development of cultural resources, and 7) a national recreation trail. Six other alternatives are considered. (EIS order No. 91196.)

The review period for the above project has been extended to February 19, 1980. (See Appendix II.)

Soil Conservation Service

Draft

Hoyle Creek Watershed Protection/Flood Prevention, Major County, Okla., Nov. 26: Proposed is a watershed protection and flood prevention plan for the Hoyle Creek watershed in Major County, Oklahoma. The plan will include: 1) conservation land treatment, 2) one floodwater retarding structure, 3) 1.45 miles of channel work, and 4) 0.66 miles of dike system. The channel work involves enlargement, realignment, and extension of an ephemeral stream. Four alternatives are considered. (EIS order No. 91189.)

U.S. POSTAL SERVICE

Contact: Mr. Robert Coven, Director, Office of Program Planning, Real Estate and Building Department, U.S. Postal Service, Washington, D.C. 20260, (202) 245–4305.

Draft

Westport Postal Station Building/Parking Expansion, Jackson County, Mo., Nov. 28: Proposed is the expansion of the Westport Postal Station in Kansas City, Jackson County, Missouri. The expansion would include additional building space and off-street parking. The alternatives considered include: 1) structural and unstructural solutions, 2) satellite parking, 3) rescheduling activities, and 4) no action. (EIS order No. 91194.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Roger Mochnick, Environmental Protection Agency, Region 10, 1200 6th Avenue, Seattle, Washington 98101. FTS 8–339–1285, CML (206) 442–1220.

Draft

Valdez Oil Refinery/Petrochemical Facility, NPDES, Alaska, Nov. 26: Proposed is the issuance of a NPDES permit for the Valdez oil refinery and petrochemical facility located in Valdez, Alaska. The treated wastewater discharges resulting from the proposed facility would be discharged to Port Valdez. The facility would be located on 1,400 acres of land and will include: 1) a products shipping dock near Solomon Gulch, 2) an industrial wastewater treatment plant, and 3) an onsite power plant. (EIS order No. 91190.)

Contact: Mr. Dave Jones, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, CML (415) 556–2766.

Draft

WWT Facilities, South Shore, Lake Tahoe Basin, El Dorado and Alpine Counties, Calif., and Douglas County, Nev., Nov. 30: Proposed is the expansion and improvement of two wastewater treatment facilities that serve the south shore of the Lake Tahoe basin located in El Dorado and Alpine Counties, California and Douglas County, Nevada. Described are five alternative growth scenarios which are used to assess the impacts on both the natural an manmade (social) environments. The anticipated levels of development range from very limited to full buildout on the available land. A wide range of mitigation measures are also identified to minimize such effects as: Degradation of water quality, loss of environmentally sensitive lands, disturbance of fish and wildlife habitats, deterioration of air quality, and loss of visual resources. (EIS order No. 91200.) The review period for the above project has been extended to February 22, 1980. (See Appendix II.)

U.S. DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

Final

Jackson and Klamath Units, Timber Management Plan, Jackson, Josephine, Klamath Counties, Oreg., Nov. 29: Proposed is a ten-year timber management plan for the 488,258 acres of public land in the Jackson and Klamath sustained yield units of the Medford District in the counties of Jackson, Josephine, and Klamath, Oregon. The proposed annual timber harvest is 20.55 million cubic feet. Treatments specified by the proposal include road construction harvest by two-stage shelterwood, clearcut, and single tree selection methods; slash disposal; site preparation; planting of trees; hebicide application; precommercial thinning; fertilization; and commercial thinning. (FES–79–62) Comments made by: DOI, APH, DOE, EPA, State and local agencies, groups, individuals and businesses. (EIS order No. 91198.)

DEPARTMENT OF THE NAVY

Contact: Mr. Ed Johnson, Head, Environmental Impact Statement/RDT&E Branch Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350.

Final Supplement

Kahoolawe Island Target Complex (FS–1), Hawaii, Nov. 30: This statement supplements a FEIS originally filed with CEQ in March 1972. This supplement provides a more complete table of contents and updates the information contained in the final statement. Three new targets have been added to the target complex and overall use of the island ground operations of the US Marine Corps has increased. Adverse impacts include erosion, and the possible extension of five species of rare plants. Comments made by: DOC, EPA, State and local agencies, groups and individuals. (EIS order No. 91203.)

Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Waiver/ extension	Date review terminates
U.S. DEPARTMENT OF AGRICULTURE					
Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A Admin. Building, Washington, D.C. 20250, (202) 447–3965.	Hells Canyon National Recreation Area, HCNRA.	Draft 91196	Dec. 7, 1979 (see app. I).	Extension	Feb. 19, 1980.
U.S. ENVIRONMENTAL PROTECTION AGENCY					
Mr. Dave Jones, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, Calif. 94105, (415) 556–2766.	WWT Facilities, South Shore, Lake Tahoe Basin.	Draft 91200	Dec. 7, 1979 (see app. I).	Extension	Feb. 22, 1980.

Appendix III.—*EIS's Filed with EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/acession No.	Date notice of availability published in "Federal Register"	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/No.	Date notice published in "Federal Register"	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed with EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Correction
U.S. DEPARTMENT OF THE INTERIOR				
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.	Southborough B and Pinehurst Planned Development.	Final 91161	Nov. 26, 1979	Include USDI as commenting Agency on DEIS.
	Denver Metropolitan Areawide Plan.	Final 91099	Nov. 26, 1979	Include USDI as commenting Agency on DEIS.
	Shenandoah New Community	Final 91166	Nov. 26, 1979	Include USDI as commenting Agency on DEIS.
U.S. DEPARTMENT OF TRANSPORTATION				
Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426–4357	I–275/US 19 Sunshine Highway	Final 91131	Nov. 9, 1979	Add FHWA EIS reference number: (FHWA–FLA–EIS–77–02–F).
	Interstate 84 from I–86 in East Hartford to the Connecticut-Rhode Island State Line in Killingly.	Final 91188	Nov. 30, 1979	See below expanded abstract of EIS No. 91188.

Proposed is the construction of three major road sections consisting of: (1) 3.5 miles of improvements to existing I–84 and I–86 from west of Roberts Street in East Hartford to east of West Middle Turnpike in Manchester and the construction of a full service interchange between I–84 and I–86 at the East Hartford/Manchester town line; (2) 12.6 miles of construction of I–84 between previously constructed sections from west of the Bolton/Manchester town line (route 85 interchange), easterly to east of the Coventry/Windham town line; and (3) 17.8 miles of construction of I–84 from the previously constructed section, west of U.S. Route 6 in Windham to Connecticut, route 52 (Connecticut turnpike) in Killingly. (FHWA–CT–EIS–77–01–F, HFWA–CT–EIS–72–02–F, FHWA–CT–EIS–72–06–F) (EIS order No. 91188).

[FR Doc. 79–37714 Filed 12–6–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1371-4]

Standards of Performance for New Stationary Sources; Delegation of Authority to State of Delaware

On December 23, 1971 (36 FR 24876) and on March 8, 1974 (39 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of The Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for certain categories of new stationary sources New Source Performance Standards (NSPS). Section 113(c) directs the Administrator to delegate his authority to implement and enforce NSPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On October 5, 1978, Austin P. Olney, former Secretary, Department of Natural Resources and Environmental Control, submitted to the EPA Regional Office a request for delegation of authority. The request was to add sulfuric acid plants as a section of Regulation XX dealing with NSPS. After a thorough review of that request, the Enforcement Director has determined that for the source category set forth in paragraph A of the following official letter to John E. Wilson III, Acting Secretary, Department of Natural Resources and Environmental Control, delegation is appropriate subject to the conditions set forth in paragraphs 1 through 8 of that letter:

United States Environmental Protection Agency,
Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.
October 9, 1979.

Certified Mail Return Receipt Requested

John E. Wilson III,
Acting Secretary, Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901.

Re: Delegation of Authority of New Source Performance Standards pursuant to Section 111(c), Clean Air Act, as amended.

Dear Mr. Wilson: This is in response to former Secretary Olney's letter of October 5, 1978, requesting delegation of authority for implementation and enforcement for sulfuric acid plants, under the Standards of Performance for New Stationary Sources (NSPS), to the State of Delaware's Department of Natural Resources and Environmental Control (the Department).

We have reviewed the pertinent laws of the State of Delaware and its regulations governing the control of air pollution and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS regulations by the Department. Therefore, we hereby delegate authority to the Department, as follows:

A. The Department is delegated and shall have authority for all sulfuric acid plant sources located in the State of Delaware subject to the Standards of Performance for New Stationary Sources promulgated in 40 CFR Part 60.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Department For New Source Performance Standards including:

(A) Sources determined to be applicable during that quarter;

(B) Applicable sources which started operation during that quarter or which started operation prior to that quarter which have not been previously reported;

(C) The compliance status of the above, including the summary sheet from the compliance test(s); and

(D) Any legal actions which pertain to NSPS sources.

2. Enforcement of the NSPS regulations in the State of Delaware will be the primary responsibility of the Department. Where the Department determines that such enforcement is not feasible and so notified EPA, or where the Department acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of Delaware subject to NSPS regulations.

3. Acceptance of this delegation of certain promulgated NSPS does not commit the State of Delaware to request or accept delegation of other present or future standards and requirements. A new request for delegation will be required for any additional standards not included in the State's request of October 5, 1978.

4. The Department will not grant a variance from compliance with the applicable NSPS regulations if such variance delays compliance with the Federal Standards (Part 60). Should the Department grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the Department shall also constitute grounds for revocation of delegation by EPA.

5. The Department and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a Department interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the Department.

6. If at any time there is a conflict between a Department regulation and a Federal regulation 40 CFR Part 60, the Federal regulation must be applied if it is more stringent than that of the Department. If the Department does not have the authority to enforcement the more stringent Federal regulation, this portion of the delegation may be revoked.

7. The Department will utilize the methods specified in 40 CFR Part 60, in performing source tests pursuant to the regulations.

8. If the Enforcement Director determines that a Department program for enforcing or implementing a NSPS regulation is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Department.

A Notice announcing this delegation will be published in the **Federal Register** in the near future. The Notice will state, among other things, that effective immediately, all reports required pursuant to the above-enumerated Federal NSPS regulations by sources located in the State of Delaware should be submitted to the State of Delaware, Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901, in addition to EPA, Region III. Any such reports which have been or may be received by EPA, Region III, will be promptly transmitted to the Department.

Since this delegation is effective immediately, there is no requirement that the Department notify EPA of its acceptance. Unless EPA receives from the Department written notice of objections within ten (10) days of receipt of this letter, the State of Delaware's Department of Natural Resources and Environmental Control will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

R. Sarah Compton,

Director, Enforcement Division.

Therefore, pursuant to the authority delegated by the Administrator, the Enforcement Director of Region III notified Austin P. Olney, Secretary, Department of Natural Resoures and Environmental Control, on October 9, 1979 that authority to implement and enforce certain standards of performance for new stationary sources was delegated to the State of Delaware.

Copies of that request for delegation of authority are available for public inspection at the Environmental Protection agency, Region III Office, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

Effective immediately, all reports required pursuant to the standards of performance for new stationary sources

for Sulfuric Acid Plants should be submitted to the Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dove, Delaware 19901, with copies to EPA, Region III. However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) should be sent to the Delaware Department of Natural Resources and Environmental Control, only.

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended, 42 U.S.C. 7411.

Dated: October 9, 1979.

R. Sarah Compton,

Director, Enforcement Division.

[FR Doc. 79-37656 Filed 12-6-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1203]

Petitions for Reconsideration of Actions in Rule Making Proceedings Filed

December 4, 1979.

Docket or RM No.	Rule No.	Subject	Date received
20780	15	Amendment of Part 15 to redefine and clarify the rules governing restricted radiation devices and low-power communication devices.	
		Filed by:	
		W. Michael King	11-15-79
		Aaron I. Fleischman and James Alan Cook, Attorneys for Atari, Inc	11-21-79
		Irwin Dorros, Assistant Vice President—Network Planning and Burton K. Katkin, William V. Catucci & Michael Berg, Attorneys for American Telephone and Telegraph Company	11-23-79

Note: Oppositions to petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the Federal Register. 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. 79-37633 Filed 12-6-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Annual Reports; Availability of Filing

Notice is hereby given that pursuant to Section 13 of Pub. L. 92-463 (5 U.S.C. Appendix I), Fiscal Year 1979 Annual Reports for the following Federal advisory committees utilized by the Center for Disease Control have been filed with the Library of Congress:

Immunization Practices Advisory Committee.
Safety and Occupational Health Study Section.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, and on weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, HEW North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone 202/245-6791.

Dated: November 27, 1979.

William H. Foege,

Director, Center for Disease Control.

[FR Doc. 79-37574 Filed 12-6-79; 8:45 am]

BILLING CODE 4110-86-M

Food and Drug Administration

[Docket No. 79F-0411]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for safe use of a chemical as an ultraviolet light absorber in polycarbonate resins intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Gerald L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), FDA gives notice that the Ciba-Geigy Corp., Ardsley, NY 10502, has filed a petition (FAP 7B3323) proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of 2(2'-hydroxy-5'-methylphenyl) benzotriazole [CAS No. 2440-22-4] as an ultraviolet light absorber in polycarbonate resins.

The agency has determined that the proposed action falls under § 25.1(f)(1)(v) (21 CFR 25.1(f)(1)(v)) and is exempt from the requirement of an environmental impact analysis report and that no environmental impact statement is necessary.

Dated: November 29, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 79-37431 Filed 12-6-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79F-0417]

General Foods Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: General Foods Corp. has filed a petition proposing that the food additive regulations be amended to provide for safe use of polysorbate 60 as a surfactant and wetting agent for natural and artificial colors intended for use in food.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7A3310) has been filed by General Foods Corp., Technical Center, 250 North St., White Plains, NY 10625, proposing that § 172.836 *Polysorbate 60* (21 CFR 172.836) be amended to provide the safe use of polysorbate 60 as a surfactant and wetting agent for natural and artificial colors intended for use in food.

The environmental impact of this action has been reviewed, and it has

been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the Office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m. Monday through Friday.

Dated: November 29, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 79-37430 Filed 12-6-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79F–0414]

Pfizer, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Pfizer, Inc., has filed a petition proposing that the food additive regulations be amended to provide for safe use of an additional process for the manufacture of food-grade mannitol.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9A3458) has been filed by Pfizer, Inc., 235 E. 42d St., New York, NY 10017, proposing that § 180.25 *Mannitol* (21 CFR 180.25) be amended to provide for the safe use of an additional process for the manufacture of food-grade mannitol.

The potential environmental impact of this action is being reviewed. If this petition results in a regulation, and the agency concludes that an environmental impact statement is not required, the notice of availability of the environmental impact analysis report, statement of exemption, and environmental assessment report, as applicable, will be published in the Federal Register regulation, as provided by 21 CFR 25.25(b).

Dated: November 29, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 79-37432 Filed 12-6-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79G–0420]

Transfresh Corp.; Withdrawal of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (GRAS 5G0048) proposing that TECTROL gas atmospheres containing carbon dioxide, nitrogen, oxygen, and up to 10 percent carbon monoxide are generally recognized as safe (GRAS) for the shelf life extension of red meats and poultry.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF–335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202–472–4750.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* (21 CFR 171.7) of the procedural food additive regulations, Transfresh Corp., P.O. Box 1788, Salinas, CA 93902, has withdrawn its petition (GRASP 5G0048), notice of which was published in the Federal Register of January 29, 1975 (40 FR 4173) proposing that TECTROL gas atmospheres containing carbon dioxide, nitrogen, oxygen, and up to 10 percent carbon monoxide are GRAS for the shelf life extension of red meats and poultry.

Dated: November 29, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 79-37433 Filed 12-6-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 77N–0393; DESI 7245]

Certain Inhalation Bronchodilators; Drugs for Human Use; Drug Efficacy Study Implementation; Rescission of Notice of Opportunity for Hearing and Reevaluation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice (1) rescinds a notice of opportunity for hearing on the proposal to withdraw approval of a new drug application, (2) reclassifies the combination of isoproterenol hydrochloride and phenylephrine bitartrate to effective in the treatment of bronchospasm associated with acute and chronic bronchial asthma, pulmonary emphysema, bronchitis, and bronchiectasis, and (3) announces the conditions for marketing the product.

DATE: Supplements to approved new drug applications due on or before February 5, 1980.

ADDRESSES: Communications in response to this notice should be identified with reference number DESI 7245, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Surgical-Dental Drug Products (HFD–160), Rm. 18B–08, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Requests for the report of the National Academy of Sciences—National Research Council: Freedom of Information Staff (HFI–35), Rm. 12A–16.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT: John H. Hazard, Jr., Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 7245) published in the Federal Register of March 3, 1978 (43 FR 8852), the Food and Drug Administration (FDA) offered an opportunity for a hearing on a proposal to issue an order withdrawing approval of the new drug applications for certain inhalation bronchodilators based upon lack of substantial evidence for effectiveness. The following product was included in that notice:

NDA 13–296; Duo-Medihaler containing isoproterenol hydrochloride and phenylephrine bitartrate; Riker Laboratories, 19901 Nordhoff St., Northridge, CA 91324.

In the March 3, 1978 notice, the agency cited the following two papers that had been evaluated after the initial DESI notice was published July 28, 1972 (37 FR 15187):

1. Palmer, K. N. V., "Drugs in the Treatment of Asthma," *in* "An Asthma Research Council Symposium, London, October 1973," *The Trust of Education*

and Research in Therapeutics, pp. 263–275, 1974.

2. Spector, S. L., L. Hudson, and T. L. Petty, "Effect of Bronkosol and Its Components on Cardiopulmonary Parameters in Asthmatic Patients," *Journal of Allergy and Clinical Immunology*, 59(5):371–376, 1977.

In response to the notice, Riker requested a hearing and submitted studies in support of the combination of isoproterenol and phenylephrine. FDA concludes that the studies submitted by Riker provide substantial evidence that the combination is effective in the treatment of bronchospasm. A discussion of the studies follows:

The following studies provide evidence of superiority of the combination over isoproterenol alone.

1. Cohen, A. A. and F. C. Hale, "Comparative Effects of Isoproterenol on Airway Resistance in Obstructive Pulmonary Diseases," *American Journal of the Medical Sciences*, 249:309–315, 1965.

2. Kallos, P. and L. Kallos-Deffner, "Comparison of the Protective Effect of Isoproterenol with Isoproterenol-Phenylephrine Aerosols in Asthmatics," *International Archives of Allergy and Applied Immunology*, 24:17–26, 1964.

3. Maeda, Y., et al., "Phenylephrine Added to an Isoproterenol Aerosol: A Double Blind Study in Asthmatic Patients," *Annals of Allergy*, 29:475–479, 1971.

The Maeda study also adequately demonstrates that the addition of phenylephrine significantly increases the duration of the bronchodilator effect.

The following studies are less satisfactory but are regarded as supportive of the effectiveness of the product:

1. Cohen, B., "Appraisal of the Worth of Bronchodilator Microaerosols," *Diseases of the Chest*, 48:471–478, 1965.

2. Cohen, B., "Ventilatory Responses to Aerosols of Isoproterenol and Isoproterenol-Phenylephrine," *Current Therapeutic Research*, 4:601–609, 1962.

The following two studies show that the addition of phenylephrine to isoproterenol reduces the cardiovascular effects caused by using isoproterenol without phenylephrine:

1. The Maeda study cited above.

2. Unger, D. L., D. E. Temple, and L. Unger, "Effects of Isoproterenol and Isoproterenol-Phenylephrine Aerosols on Hypertensive Asthmatic Patients," *Journal of Allergy*, 41:285–289, 1968.

Evidence that the addition of phenylephrine to isoproterenol helps prevent the arterial hypoxia frequently seen after use of isoproterenol alone is provided by the studies cited below. While this effect is not claimed by Riker, it does occur and is important in evaluating the product.

1. Harris, L. H., "Effects of Isoprenaline Plus Phenylephrine by Pressurized Aerosol on Blood Gases, Ventilation, and Perfusion in Chronic Obstructive Lung Disease," *British Medical Journal*, 4:579–582, 1970.

2. Harris, L. H., "Comparison of the Effect on Blood Gases, Ventilation, and Perfusion of Isoproterenol-Phenylephrine and Salbutamol Aersols in Chronic Bronchitis with Asthma," *The Journal of Allergy and Clinical Immunology*, 49(2):63–71, 1972.

The two studies cited by FDA in the March 3, 1978 notice of opportunity for hearing, when considered with the convincing evidence submitted by Riker, are insufficient to support withdrawl of approval of Duo-Medihaler. Of the documentation cited by FDA in the notice, the Palmer study is an individual opinion without data or references to other studies performed, and the Spector paper is a study involving phenylephrine combined with a different bronchodilator (isoetharine), making it inappropriate to support withdrawing approval of a product in which isoproterenol is the bronchodilator.

Accordingly, the March 3, 1978 notice of opportunity for hearing is rescinded as it pertains to Duo-Medihaler. The drug is now regarded as effective for the indications described in the labeling conditions below.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the product specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to the product named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug product is effective for the indications described in the labeling conditions below.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* This preparation is in liquid form suitable for inhalation.

2. *Labeling conditions.* a. The label bears the statement: "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

For the treatment of bronchospasm associated with acute and chronic bronchial asthma, pulmonary emphysema, bronchitis, and bronchiectasis.

3. *Marketing Status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before (*insert date 60 days after date of publication in the* **Federal Register**), the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, delivery system, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) containing full information with respect to items 6 (components), 7 (composition), and 8 (methods, delivery system, facilities, and controls) of new drug application form FD–356H must be obtained before marketing such products. Pursuant to 21 CFR 320.22(b), the requirement for evidence demonstrating the in vivo bioavailability of the drug is waived on the ground that the bioavailability of the drug in such products is self evident. Marketing before approval of an abbreviated new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority

delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: November 29, 1979.

J. Richard Crout,

Director.

[FR Doc. 79-37610 Filed 12-6-79; 8:45 am]

BILLING CODE 4110-03-M

Public Health Service

Hypertension Project Grants; Delegations of Authority

Notice is hereby given that in furtherance of the delegation by the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health on May 24, 1976 (41 FR 22117), the following redelegations of authority have been made under section 317(a)(1) of the Public Health Service Act, as amended, [42 USC 247b(a)(1)] for project grants relative to hypertension:

1. Redelegation by the Assistant Secretary for Health to the Administrator, Health Services Administration, with authority to redelegate, of all the authorities under section 317(a)(1) of the Public Health Service Act, as amended, excluding the authority to issue regulations.

2. Redelegation by the Administrator, Health Services Administration, to the Regional Health Administrators, Public Health Service Regional Offices, with authority to redelegate, of the authority under section 317(a)(1) of the Public Health Service Act, as amended, to award grants to State health authorities within their respective regions to assist them in meeting the costs of establishing and maintaining preventive health service programs for screening for the detection, diagnosis, prevention, and referral for treatment of, and follow up on compliance with treatment prescribed for, hypertension.

3. Redelegation by the Administrator, Health Services Administration, to the Director, Bureau of Community Health Services, Health Services Administration, with authority to redelegate, of all authorities delegated to the Administrator, Health Services Administration, under section 317(a)(1) of the Public Health Service Act, as amended, except those authorities that the Administrator, Health Services Administration, has delegated to the Regional Health Administrators.

The above delegations became effective on November 23, 1979.

The May 24, 1976 delegation by the Assistant Secretary for Health to the Regional Health Administrators (41 FR 22117) has been superseded insofar as it pertains to the authority herein cited as having been delegated to the Administrator, Health Services Administration.

Dated: November 23, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

[FR Doc. 79-37671 Filed 12-6-79; 8:45 am]

BILLING CODE 4110-84-M

Social Security Administration

Privacy Act of 1974; Report of New and Amended Routine Uses

AGENCY: Department of Health, Education, and Welfare, Social Security Administration.

ACTION: Notification of new and amended routine uses.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(11), we are proposing to add new and amended routine uses applicable to the following notices of systems of records:

(1) 09-60-0058, Master Files of Social Security Number Holders;

(2) 09-60-0059, Earnings Recording and Self-Employment Income System;

(3) 09-60-0089, Claims Folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Benefits; and

(4) 09-60-0090, Master Beneficiary Record.

We have provided background information about the routine uses in the "Supplementary Information" section below. We invite public comments on this proposal.

DATES: These routine uses will become effective January 7, 1980, unless we receive comments on or before that date, which would result in a contrary determination.

ADDRESS: Interested parties who wish to comment on this proposal should addresss their comments to the SSA Privacy Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235. We will make comments received available for public inspection in Room 4400 West High Rise Building, at the above address.

FOR FURTHER INFORMATION CONTACT: (1) For information about the routine use we are amending in systems 09-60-0058, 09-60-0059, 09-60-0089, and 09-60-0090 involving disclosure to the American Institute on Taiwan, contact Mr. Pat Caligiuri, Acting Director, Office on Central Operations, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-1900.

(2) For information about the new routine use we are adding to systems 09-60-0058, 09-60-0059, 09-60-0089, and 09-60-0090 involving disclosure to foreign countries, contact Mr. Barry Powell, Office of International Policy, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2714.

(3) For information about the new routine use we are adding to systems 09-60-0089 and 09-60-0090 involving disclosure to Federal, State, or local agencies, contact Mr. Richard Kirchner, Acting Director, Office of Insurance Programs, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2500.

(4) For information about the new routine use we are adding to system 09-60-0059 involving disclosure of earnings information to the States, contact Mr. James Trainor, Office of Family Assistance, 330 C Street, Washington, D.C. 20201, telephone (202) 245-0128.

SUPPLEMENTARY INFORMATION: System notice 09-60-0058, Master Files of Social Security Number Holder contains a record of each individial who has obtained a social security number. We use information in this system for a number of purposes such as a basic control for retaining earnings information, a control and data source to prevent issuance of multiple social security numbers, and as the means to correctly identify incorrectly reported names or social security numbers on earnings reports.

The notice of system of records 09-60-0059, Earnings Recordings and Self-Employment Income System also contains a record of each individual who has obtained a social security number. In addition, it contains a record of the earnings or self-employment income these individuals may have. We use information in this system for purposes which include determining the amount of social benefits an individual may be entitled to and recording incorrectly or incompletely reported earnings items.

System notice 09-60-0089, Claims Folder and Post-Adjudicative records of applicants and Beneficiaries for Social Security Benefits, contains records for each individual who is a claimant for retirement, survivors, disability, or health insurance benefits or black lung benefits. We use information in this system for the purposes of determining, organizing, and maintaining documents for making determinations as to eligibility to and the amount of benefits, and reviewing continuing eligibility to benefits.

System notice 09-60-0090, Master Beneficiary Record, contains a record of each individual who is currently entitled to receive social security benefits,

whose entitlement has been terminated, or whose application for benefits has been denied or disallowed.

The Privacy Act allows us to disclose information routinely without an individual's consent if the information is to be used for a purpose which is compatible with the purposes for which the information was collected. We disclose information for "routine uses" where necessary to carry out our programs. We may also routinely disclose information to other Federal, State, or local agencies for administering their programs which we have determined to be compatible with our own programs. We generally consider the programs to be compatible when they involve administering a cash or noncash income maintenance or health maintenance program. We believe the new and amended routine uses which we are adding meet this criteria. Accordingly, we are revising the above-mentioned systems notices as indicated below.

A. *Systems Notices 09–60–0068, 09–60–0059, 09–60–0089, and 09–60–0090:* 1. We have amended an existing routine use for these systems. The amended routine use previously provided for disclosure to the Department of State and the Veteran's Administration, Philippines for administering the Social Security Act in foreign countries. The routine use now includes disclosure to the American Institute for administering the Social Security Act on Taiwan. We are adding this new user category as a result of Presidential action which closed the State Department on Taiwan in February 1979 and established the American Institute as the mechanism by which departments and agencies are to carry out programs and other relations with or relating to Taiwan. The new routine use is as follows:

Disclosure may be made to the Department of State; *the American Institute on Taiwan;* and the Veterans Administration Regional Office, Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of these agencies.

2. We have also added a new routine use to these systems as indicated below: Section 233 of the Social Security Act authorizes the President to enter into international agreements for the purpose of totalization arrangements between the social security systems of the United States and foreign countries. Under these agreements, benefits are payable based on combined coverage under the two systems. Once a claim has been filed and developed, we must furnish to the other country all pertinent information in our files which relate to the claim. Accordingly, we are revising these systems to include the following new routine use:

Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.

B. *Systems notices 09–60–0089 and 09–60–0090:* 1. In addition to including the amended and new routine uses identified in A.1 and 2. above to these two systems, we are also adding another new routine use.

The social security benefits an individual receives may affect his or her eligibility to or amount of payment or benefit under a cash or noncash income maintenance or health maintenance program which may be administered by a Federal, State, or local agency. It is necessary in some instances for the Social Security Administration to provide these agencies with information about an individual's social security entitlement in order that they may effectively administer their programs. Therefore, we are revising these two systems to include the following new routine use.

Disclosure may be made to Federal, State or local agencies (or agents on their behalf) for administering cash or noncash income maintenance or health maintenance programs.

We have also made editorial and clarifying changes to the system 09–60–0090. This includes reflecting the new organization which replaced the Civil Service Commission in routine use "m"; and including a portion of routine use "o", dealing with disclosures to the States for administering the Medicaid program which was inadvertently not published with the notice on October 9, 1979; and routine use "v" which also was inadvertently not published on that date.

C. *System Notice 09–60–0059:* In addition to including the changes in A.1 and 2 above, we are also adding another routine use to the system.

Section 402(a)(29) and 411 of the Social Security Act provide that the Social Security Administration must provide earnings information in response to requests from State Welfare agencies for determining an individual's eligibility for aid or services under the State plans for Aid to Families with Dependent Children and the amount of such aid or services. Accordingly, we are proposing to add the the following routine use to this system:

Information pertaining to wages and self-employment income may be disclosed in response to requests from State welfare agencies under Section 402(a)(29) and 411 of the Social Security Act for determining an individual's eligibility for aid or services under State plans for Aid to Families with Dependent Children and the amount of such aid or services.

The above-mentioned notices of systems of records, 09–60–0058, 09–60–0059, 09–60–0089, and 09–60–0090, contain the minimum amount of information necessary to perform their functions. We make all disclosures from these systems in accordance with the provisions of the Privacy Act. Therefore, we anticipate no untoward effect on the privacy or other personal or property rights of the individuals involved.

We have established systems security for the automated records in accordance with National Bureau of Standards guidelines and the Department's *ADP Systems Manual,* "Part 6, ADP Systems Security." We safeguard the manual records by storing them in locked cabinets, limiting access to authorized employees on a need-to-know basis and employing armed guards at entrances and exits to buildings which house the records.

The notices below contain the new and amended routine uses as indicated above.

Dated:

Stanford G. Ross,

Commissioner of Social Security.

09–60–0058

SYSTEM NAME:

Master files of Social Security Number Holders HEW SSA OEER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have obtained social security numbers.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains all of the information received on original applications for social security numbers and any changes in the information on the applications that are submitted by the social security number holder. Cross-reference may be noted where multiple numbers have been issued to the same indiviudal; and indication that benefit claim has been made under this social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205(a) of the Social Security Act; Section 205(c)(2) of the Social Security Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Employers are notified of the social security number of an employee in order to complete their records for reporting FICA to the Social Security Administration pursuant to the Federal Insurance Contributions Act and Section 218 of the Social Security Act.

2. State welfare agencies are notified on written request, of the social security numbers of AFDC applicants or recipients.

3. The Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act.

4. The Department of Justice (Immigration and Naturalization Service) for the identification and location of aliens.

5. The Department of Justice (Federal Bureau of Investigation) and the Department of Treasury (United States Secret Service) for national security matters and in connection with threats on the life of the President or other dignitaries.

6. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment and for administering the Railroad Unemployment Insurance Act.

7. Energy Research and Development Administration for their study of the long-term effects of low-level radiation exposure.

8. The Treasury Department for tax administration as defined in 26 U.S.C. 6103 of the Internal Revenue Code and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.

9. Contractors under contract to the SSA for the ongoing conversion of paper documents to machine readable form for entry into magnetic tape files.

10. 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.

11. The Department of State, the Veterans Administration Regional Office, Philippines; and the American Institute on Taiwan for administering the Social Security Act in foreign countries through facilities and services of those agencies.

12. The Department of Labor for administering provisions of title IV of the Federal Coal Mine Health and Safety Act and for studies of the effectiveness of training programs to combat poverty.

13. The Veterans Administration for validation of the social security numbers of compensation/pensioners in order to provide the release of accurate pension/compensation data by the Veterans Administration to the Social Security Administration for social security program purposes.

14. The Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits, or verifying other information with respect thereto.

15. Federal agencies who use the Social Security number as a numerical identifier in their recordkeeping systems, for the purpose of validating social security numbers.

16. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

17. State Audit agencies for auditing State supplementation payments and medicaid eligibility considerations.

18. Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are maintained as paper forms, paper lists, punchcards, magnetic tape, microfilm, microfiche files, and disk with on-line access.

RETRIEVABILITY:

Records in this system are indexed both by social security number and by name. This information is used for the following purposes: by Social Security Administration as basic control for retained earnings information; by Social Security Administration as a basic control and data source to prevent issuance of multiple social security numbers; as the means to correctly identify incorrectly reported names or social security numbers on earnings reports; for resolution of earnings discrepancy cases; for statistical studies; by Health, Education, and Welfare Audit Agency for auditing benefit payments under social security programs; by Social and Rehabilitation Service (HEW) for locating deserting parents; by National Institute of Occupational Safety and Health for epidemiological research studies required by the Occupational Health and Safety Act of 1974; by Social and Rehabilitation Service (HEW) for administering Cuban refugee assistance payments.

SAFEGUARDS:

All magnetic tapes and disks are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges issued only to authorized personnel. All microfilm, microfiche, and paper files are accessible only by authorized personnel who have a need to know. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with DHEWal standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

Expansion and upgrade of SSA's telecommunications systems will result in terminals equipped with physical key locks. The terminals will also be fitted with adapters to permit the future installation of data encryption devices and devices to permit the identification of terminals users.

RETENTION AND DISPOSAL:

All paper forms are retained until they are filmed or are entered on tape, and the accuracy verified, then they are destroyed by shredding. All tape, disks, microfilms microfiche files are updated periodically. The out-of-date magnetic tapes and disks are erased. The out-of-date microfiche is shredded by the application of heat.

SYSTEM MANAGER(S) ADDRESS:

Director, Office of Enumeration and Earnings Records, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual may present a request for information as to whether this system contains records pertaining to himself by providing his name and social security number, or if the social security number is not known, date of birth, place of birth, mother's maiden name and father's name, and evidence of identity to the Director, Office Enumerations and Earnings Records, 6401 Security Boulevard, Baltimore, Maryland 21235.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with DHEW Regulations, 45 CFR, Section 5b.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with DHEW Regulations, 45 CFR, Section 5b.

RECORD SOURCE CATEGORIES:

Social security number applicants; or individual acting on their behalf. The social security number itself is assigned to the individual as a result of internal process of this system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0059

SYSTEM NAME:

Earnings Recording and Self-Employment Income System HEW SSA OEER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who has been issued a social security number and who may or may not have earnings under social security have earnings under social security or self-employment income.

CATEGORIES OF RECORDS IN THE SYSTEM:

This contains records of all social security number holders, their name, date of birth, sex, race, a summary of their yearly earnings, quarters of coverage, special employment codes (i.e. self-employment, military, agriculture, and railroad), benefit status and employer identification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205(a) of the Social Security Act and section 205(c)(2) of the Social Security Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Employers or former employers, including State social security administrators for correcting and reconstructing State employee earnings records and for social security purposes.

2. The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of social security checks and for tax administration as defined in 26 U.S.C. 6103 of the Internal Revenue Code.

3. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

4. The Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act.

5. The Department of Justice (Federal Bureau of Investigation) and the Department of Treasury United States Secret Service) for National security matters and in connection with threats on the life of the President or other dignitaries.

6. Energy Research and Development Administration for their study of low-level radiation exposure.

7. Congressional Office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. The Department of State; the Veterans Administration Regional Office, Philippines; and the American Institute on Taiwan for administering the Social Security Act in foreign countries through facilities and services of those agencies.

9. The Veterans Administration for validation of the social security numbers of compensation/pensioners in order to provide the release of accurate pension/compensation data by the Veterans Administration for social security program purposes.

10. State Audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

11. Federal agencies who use the social security number as a numerical identifier in their recordkeeping systems, for the purpose of validating social security numbers.

12. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

13. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

14. Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.

15. Information pertaining to wages and self-employment income may be disclosed in response to requests from State welfare agencies under Section 402(a)(29) and 411 of the Social Security Act for determining an individual's eligibility for aid or services under State plans for Aid to Families with Dependent Children and the amount of such aid or services.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are maintained as paper forms, paper lists, punchcards, microfilm, magnetic, and disk with on-line access tape files.

RETRIEVABILITY:

Records in this system are indexed by social security number and name. This information is used for the following purposes: As a primary working record file of all social security number holders; as a quarterly earnings record detail file to provide full data in wage investigation cases; to provide information for determining amount of benefits; to record all incorrect or incomplete earnings items; to reinstate incorrectly or incompletely reported earnings items; to record the latest employer of a wage earner; for statistical studies; for identification of possible overpayments of benefits; for

identification of individuals entitled to additional benefits; provide information to employers and former employers for correcting or reconstructing earnings records and for social security tax purposes provide worker and self-employed individuals with earnings statements or quarters of coverage statements; provide information to Health, Education and Education Audit Agency for auditing benefit payments under Social Security programs; provide information to National Institute for Occupational Safety and Health for epidemiological research studies required by the Occupational Health and Safety Act of 1974. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel with a need to know. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with DHEWal standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

SAFEGUARDS:

Expansion and upgrade of SSA's telecommunications systems will result in terminals equipped with physical key locks. The terminals will also be fitted with adapters to permit the future installation of data encryption devices and devices to permit the identification of terminals users.

RETENTION AND DISPOSAL:

All paper forms and cards are retained until they are filmed or are entered on tape and the accuracy verified, then they are destroyed by shredding. All tapes, disks, and microfilm files are updated periodically. The out of date magnetic tapes and disks are erased. The out of date microfilm is shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Enumerations and Earnings Records, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

Any individual may present a request for information as to whether this system contains records pertaining to himself by providing his social security number, name, signature, or other personal identification and referring to this system to Director, Office of Enumerations and Earnings Records, 6401 Security Boulevard, Baltimore, Maryland 21235.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with DHEW Regulations, 45 CFR, Section 5b.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with DHEW Regulations, 45 CFR, Section 5b.

RECORD SOURCE CATEGORIES:

Social security number applicants, employers, self-employed individuals, Department of Justice (Immigration and Naturalization Service), Department of Treasury (Internal Revenue Service) master beneficiary record of Social Security Administration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–60–0089

SYSTEM NAME:

Claims folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits HEW SSA OCO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Retirement and Survivors Insurance Claim: Claims folders are maintained primarily in the Program Service Centers and the Division of International Operations (see Appendix A). Disability Insurance Claims: Disabled Insurance person under age 62.

Bureau of Disability Insurance (see Appendix B) or DIO (see Appendix A). Disabled person age 62 or older-RSI Program Service Center or DIO (see Appendix A). Black Lung Claims: Bureau of Disability Insurance (see Appendix B). Supplemental Security Income Claims: Claims folders are maintained in the Chicago Federal Archives Records Center.

In addition, claims folders are transferred to numerous other locations throughout the Social Security Administration, and the General Service Administration infrequently may be temporarily transferred to other Federal agencies (Department of Justice, or Office of the General Counsel, Department of Health, Education, and Welfare). The disability claims folders are also transferred to State agencies for disability and vocational rehabilitation determinations (see Appendix B). The claims folders are generally set up in district or branch offices when claims for benefits are filed. They are retained there until all development has been completed, then are transferred to the appropriate reviewing office as set out above. Supplemental security income claims folders are held in district or branch offices pending establishment of a payment record, or until the appeal period, in a denied claim situations, has expired. The folders are then transferred to a folder-staging facility in Chicago prior to transfer to the Chicago Federal Archives Records Center. For district or branch office information, see Appendix F.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants for retirement, survivors, disability, health insurance, or black lung benefits or supplemental security income payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

The claims folder is established when a claim for benefits is filed. It contains applications for benefits, earnings record information established and maintained by the Social Security Administration, documents supporting factors of entitlement and continuing eligibility, payment documentation, and correspondence to and from claimants and/or representatives. It may also contain data collected as a result of inquiries or complaints; and evaluation and measurement study of effectiveness of claims policies. Separate files may be maintained of certain actions which are entered directly into the computer processes. These relate to reports of changes of address, work status, and other post-adjudicative reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Payment of benefits is directed by the following sections: Sections 202–205, 223, 226, 228, 1611, 1631, 1818, 1836, and 1840 of the Social Security Act and Section 411 of the Federal Coal Mine and Health Safety Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating

to the individual's capabliity to manage his affairs or his eligibility for or entitlement to benefits under the social security program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a mater of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual and it concerns one or more of the following: the individual's eligibility to benefits under a social security program; the amount of a benefit payment; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

b. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

c. A person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls; that is:

(1) An award of benefits to a new claimant precludes an award to a prior claimant; or

(2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interests of each party in a claim.

d. Employees or former employers for correcting or reconstructing earnings records and for social security tax purposes only.

The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, (including social security number verification services) and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.

f. The United States Postal Service for investigating alleged forgery of theft of social security checks.

g. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

h. *The Department of State; the Veterans Administration Regional Office, Philippines; and the American Institute on Taiwan for administering the Social Security Act in foreign countries through facilities and services of those agencies.*

i. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment and for administering the Railroad Unemployment Insurance Act.

j. The Veterans' Administration for the purpose of administering 38 U.S.C. 412, and, upon request, of information needed for determining eligibility for or amount of VA benefits or verifying other information with respect thereto.

k. The Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act.

l. State social security administrators for administration of agreements pursuant to section 218 (State and local).

m. State Welfare Departments for administering Sections 205(c)(2)(B)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes only.

n. State Welfare Departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments, for determinations of eligibility for Medicaid per section 1634, and for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, and for conducting independent quality assurance reviews of supplemental security income recipient records, provided that the agreement for federal administration of the supplementation provides for such an independent review.

o. State Vocational Rehabilitation agency, or State crippled children's service agency (or another agency providing services to disabled children) for consideration of rehabilitation services per U.S.C. and 1382d.

p. State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations, and expenditures of Federal funds by the State in support of the Disability Determination Section (DDS).

q. Private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by the Social Security Administrative or a State agency acting in accord with sections 221 or 1633.

r. Specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e).

s. Institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under section 1611e and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.

t. To applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue social security claims and receive an account of benefit payments.

u. 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.

v. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

w. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

x. To Federal, State, or local agencies (or agents on their behalf) for administering cash or noncash income maintenance or health maintenance programs.

y. Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Claims folders are maintained in file cabinets by service areas as set out in Location above.

RETRIEVABILITY:

Filed in numerical sequence by social security number. The folders are used throughout the Social Security Administration for the purposes of determining, organizing, and maintaining documents for making normal determination as to eligibility to benefits, the amount of benefits, reviewing continuing eligibility, holding hearings or administrative review processes, and to ensure that proper adjustments are made based on events affecting entitlement. The folder may be referred to State Disability Determination Sections or Vocational Rehabilitation Agencies in disability cases. They may also be used for quality review, evaluation, and measurement studies, and other statistical and research purposes.

The claims folder constitutes the basic record for payments and determinations under the Social Security Act and the Federal Coal Mine Health and Safety Act (black lung). Data are used to produce and maintain the master beneficiary record system (see Systems Notice) which is the automated payment system for retirement, survivors, and disability benefits; the supplemental security income automated system for the aged, blind, and disabled payments; the black lung payment process for black lung claims; and the Health Insurance and Billing and Collection Master record systems for Hospital and supplementary medical (medicare) insurance benefits.

This paper file is controlled by the Social Security Administration Claims Control System while the claim is pending development for adjudication in the district or branch office, and by the Case Control System once the folder has been transferred to the reviewing office (program service centers, Division of International Operations, or the Bureau of Disability Insurance).

SAFEGUARDS:

Claims folders are protected through limited access to Social Security Administration records, limited employee access to need to know. All employees are instructed in Social Security Administration confidentiality rules as a part of their initial orientation training.

RETENTION AND DISPOSAL:

The claims folder is initially maintained in the reviewing office. Later, both active and inactive folders are transferred to the Federal Archives and Records Center for storage and inactive (no one is entitled to benefits) folder are scheduled for destruction. The time for retention prior to destruction is 5-year retention—no record of surviving potential beneficiaries; 20-year retention—withdrawn claims, claims disallowed or lump-sum death payments only, and 55-year retention—potential future claimants indicated in the file. When a subsequent claim is filed on the social security number, the claims file is recalled from the Records Center. Similarly, the claims files may be recalled from the Records Center at any time by the Social Security Administration as necessary in the administration of the social security programs.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Central Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

Contact the most convenient social security office (see Appendix F for address and telephone information). An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. These notification and access procedures are in accordance with DHEW Regulations 45 CFR, Section 5b.

RECORD ACCESS PROCEDURES:

In order to find out if this system contains information about him, an individual may contact the most convenient social security office in person or in writing. The inquirer should provide his name, social security number, identify the type of claim he filed (retirement, survivors, disability, health insurance, black lung, special minimum payments, or supplemental security income) (if more than one claim was filed, each should be identified); whether he is or has been receiving benefits; whether payments are being received under his own social security number, and if not, the name and social security number under which received; if benefits have not been received, the approximate date and the place the claim was filed; and his return address or his telephone number. These access procedures are in accordance with DHEW Regulations 45 CFR, Section 5b.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with DHEW Regulations, 45 CFR, Section 5b.

RECORD SOURCE CATEGORIES:

This information is obtained from the claimants, accumulated by the Social Security Administration from reports of employers or self-employed individuals, various local, State, and Federal agencies, claimant representatives and other sources to support factors of entitlement and continuing eligibilities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0090

SYSTEM NAME:

Master Beneficiary Record HEW SSA OURV.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All social security beneficiaries currently entitled to receive retirement, survivors, disability, and special minimum social security benefits; records for beneficiaries whose entitlement has been terminated because of a termination event as defined in the Social Security Act; and denied and disallowed cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

The master beneficiary data contains data applicable to all beneficiaries maintained on the record within a particular account and reflects the social security number under which benefits are awarded, the primary insurance amount (insured) or quarters of coverage required and earned (uninsured); provides information regarding benefit computation, insured status, use of railroad or military credits, and information for statistical and control purposes; contains the effective date of onset of disability for disability cases or date and proof of death for death cases; contains information pertinent to all beneficiaries receiving payment on the record and the name and address (including ZIP Code) of the payee, the servicing social security district office code and the amount of the monthly check payable; reflects any special

status of a payment being made; contains statistical and identifying information for each individual on the record such as the beneficiary subscript, beneficiary name, date of birth, date of entitlement, sex, race and benefit payment status; contains information for those beneficiaries enrolled in the health or supplemental medical insurance provision of the Social Security Act; contains information relating to annual reports of earnings, representative payee data, and cross-reference data pertinent to any other account on which the beneficiary may be entitled to benefits; and a chronological sequence of payment history for each beneficiary. The records may be in the following form: Master Beneficiary Record Computer File; Online Data Base (Query and Response); Various Microform Files as follows: Master File—a master record in social security number order, Alpha File—an alphabetic list of beneficiaries, Transaction File—monthly supplement (accretions, deletions, and changes) to the master file, in social security number order, Offline Query and Response, Treasury Payment Tape Files and Related Transaction Files, and Returned and Cancelled Check Files, and payment reference listing, Various One-Time Work Tape Files used in computer sorting of records and in subsystems processing of the master beneficiary record. After use they are returned to stock.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Payment of benefits is directed by the following sections: Sections 202a–205, 223, 226, 228, 1818, 1836, 1840 and of the Social Security Act.

ROUTINE USES OF RECORD MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses for disclosure may be to:

a. Applicants or claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue social security claims and receive and account for benefit payments.

b. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the social security programs when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program; the amount of a benefit payment; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

c. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

d. A person (or persons) on the rolls when a claim is filed by another individual which is adverse to the person on the rolls:

(1) An award of benefits to a new claimant precludes an award to a prior claimant; or

(2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interests of each party in a claim.

e. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, (including social security number verification services) and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.

f. The United States Postal Service for investigating alleged forgery or theft of social security checks.

g. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

h. The Department of State; the Veterans Administration Regional Office, Philippines; and the American Institute on Taiwan for administering the Social Security Act in foreign countries through facilities and services of those agencies.

i. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment and for administering the Railroad Unemployment Insurance Act.

j. The Veterans' Administration for the purpose of administering 38 U.S.C. 412, and upon request, of information needed for determining eligibility for or amount of VA benefits or verifying other information with respect thereto.

k. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

l. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earning.

m. The *Office of Personnel Management (formerly the Civil Service Commission)* for the study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.

n. State social security administrators for administration of agreements pursuant to section 218 (State and local).

o. State Welfare Departments for administering Sections 205(c)(2)(B)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes and for determining a recipient's eligibility under the AFDC and Medicaid programs *and for the complete administration of the Medicaid program.*

p. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure.

q. 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.

r. Contractors under contract to the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

s. The Department of Labor, for statistical studies of the relationship of private pensions and social security benefits to prior earnings.

t. In the event litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the

Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

u. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

v. 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.

w. Federal, State, or local agencies (or agents on their behalf) for administering cash or noncash income maintenance or health maintenance programs.

x. Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, magnetic disk, microfilm, and paper.

RETRIEVABILITY:

Based on social security number on magnetic tape, disc, microfilm readers and printers, listings, and online computer terminals. Master beneficiary record data are used by a broad range of social security employees for responding to inquiries, generating followups on beneficiary reporting events, computer acception processing, statistical studies, conversion of benefits, and to generate payment records for Treasury. Data are received from the States regarding health insurance third party premium payment/buy-in information. data are made available to the Inspector General for use in the performance of his dudies.

SAFEGUARDS:

All magnetic tapes and discs are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel with a need to know. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental Standards and National Bureau of Standards guidelines. Safeguards include a lock-unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

RETENTION AND DISPOSAL:

Magnetic tape records are used to update the disc files and then are retained up to 90 days; the majority of magnetic tape reels are erased and returned to stock after processing is completed, while the disc files are continuously updated and retained indefinitely. Microfilm is disposed of by shredding after periodic replacement of a complete file. Paper records are usually destroyed after use, by shredding, except where needed for documentation of the claims folder, in which case they are retained therein indefinitely (see notices for claims folders and post-adjudicative records of applicants and beneficiaries for social security benefits).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirements and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

Contact the most convenient social security office (see Appendix F). The social security claim number (social security number plus alphabetic symbols), and name and address must be furnished with proper identification.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with DHEW Regulations, 45 CFR, Section 5b.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with DHEW Regulations, 45 CFR, Section 5b.

RECORD SOURCE CATEGORIES:

The information for the master beneficiary record comes primarily from the claims folder and/or is furnished by the beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, are given the Social Security Administration by the beneficiary; from States regarding health insurance buy-in cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 79-37558 Filed 12-6-79; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-69281, W-69282, W-69546, and W-69611]

Wyoming; Applications

November 28, 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 Cities Service Gas Company of Oklahoma City, Oklahoma filed applications for rights-of-way to construct, operate, maintain, repair, replace and remove six 4½", one 6⅝" and one 8⅝" O.D. buried pipelines for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

Serial No.	Pipe size	Land description
W-69281	4½ in	T. 22 N., R. 94 W., Secs. 2 and 10, Sweetwater County.
W-69282	Three 4½ in, one 6⅝ in and one 8⅝ in.	T. 17 N., R. 93 W., Secs. 28 and 34. T. 18 N., R. 94 W., Sec. 34, Carbon and Sweetwater Counties.
W-69546	4½ in	T. 22 N., R. 92 W., Secs. 24 and 36, Sweetwater County.
W-69611	4½ in	T. 17 N., R. 94 W., Sec. 30. T. 23 N., R. 94 W., Sec. 28. T. 16 N., R. 95 W., Sec. 2, Sweetwater County.

The proposed pipelines will serve to transport natural gas from several wells to points of connection with existing pipeline facilities as an addition to Cities Service Gas Company's gathering system all within Carbon and Sweetwater Counties, Wyoming.

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 do so promptly.

Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-37563 Filed 12-6-79; 8:45 am]

BILLING CODE 4310-84-M

[W-69613, W-69614, W-69615, W-69657, and W-69936]

Wyoming; Applications

November 27, 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 Cities Service Gas Company of Oklahoma City, Oklahoma filed applications for rights-of-way to construct, operate, maintain, repair, replace and remove five 4½", five 6⅝", and one 8⅝" O.D. buried pipelines for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridain, Wyoming

Serial No.	Pipe size	Land Description
W-69613	4½ in and 6⅝ in.	T. 21 N., R. 92 W., Secs. 26, 28, 32 and 33. T. 17 N., R. 93 W., Sec. 22, Carbon and Sweetwater Counties.
W-69613	4½ in, 6⅝ in and 8⅝ in.	T. 19 N., R. 93 W., Sec. 10. T. 20 N., R. 93 W., Secs. 24 and 34, Carbon and Sweetwater Counties.
W-69615	4½ in and 6⅝ in.	T. 22 N., R. 94 W., Sec. 22, Sweetwater County.
W-69657	4½ in and 6⅝ in.	T. 22 N., R. 94 W., Secs. 24 and 26, Sweetwater County.
W-69936	4½ in and 6⅝ in.	T. 20 N, R. 92 W., Sec. 30. T. 20 N., R. 93 W., Sec. 24, Sweetwater County.

The proposed pipelines will serve to transport natural gas from several wells to points of connection with existing pipeline facilities as an addition to Cities Service Gas Company's gathering system all within Carbon and Sweetwater Counties, Wyoming.

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 do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-37564 Filed 12-6-79; 8:45 am]

BILLING CODE 4310-84-M

[W-69195]

Wyoming; Application

November 27, 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 Colorado Interstate Gas Company of Colorado Springs, Colorado filed an amendment to their pending application for a right-of-way to construct a 6⅝" O. D. buried pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 19 N., R. 98 W.,
Sec. 24, E½SE¼.

The amendment to the application was filed to include additional public lands affected by the proposed pipeline as rerouted to transport natural gas from the TRU #41 Well located in the N½ of Section 19 to a point of connection with an existing pipeline located in the SE¼SE¼ of Section 24, all within T. 19 N., R. 98 W., Sweetwater County, Wyoming.

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.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-37566 Filed 12-6-79; 8:45 am]

BILLINC CODE 4310-84-M

[W-69285, W-69577, W-69578, W-69598, W-69601, and W-69607]

Wyoming; Applications

November 28, 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 Colorado Interstate Gas Company of Colorado Springs, Colorado filed applications for rights-of-way to construct, operate, maintain, repair, replace and remove 4½" O.D. buried pipelines and related facilities consisting of 4' x 6' meter houses and metering and dehydration facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

Serial No.	Pipe size	Land description
W-69285	4½ in. and related facilities.	T. 18 N., R. 93 W., Secs. 2 and 12, Carbon County.
W-69577	4½ in	T. 18 N., R. 93 W., Sec. 12, Carbon County.
W-69578	4½ in	T. 18 N., R. 93 W., Sec. 24, Carbon County.
W-69598		[illegible]
		T. 18 N., R. 93 W., Sec. 34, Carbon County.
W-69601	4½ in	T. 18 N., R. 93 W., Sec. 26, Carbon County.
W-69607	4½ in	T. 17 N., R. 93 W., Sec. 28, Carbon County.

The proposed pipelines and related facilities located entirely within a 50' right-of-way width will serve to transport natural gas from several wells to points of connection with existing pipeline facilities all located within Carbon County, Wyoming.

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 do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-37567 Filed 12-6-79; 8:45 am]

BILLING CODE 4310-84-M

[W-69937]

Wyoming; Application

November 28, 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 Northern Utilities, Inc., of Casper, Wyoming filed an application for a right-of-way to construct a Cathodic Protection Groundbed for the purpose of externally protecting existing gas line from corrosion affecting the following described public lands:

Sixth Principal Meridian, Wyoming

T. 33 N., R. 90 W.,
Sec. 3, lot 4.
T. 34 N., R. 90 W.,
Sec. 34, SW¼SW¼.

The proposed cathodic protection groundbelt will be located in lot 4, section 3, T. 33 N., R. 90 W., and the SW¼SW¼ of section 34, T. 34 N., R. 90 W., Fremont County, Wyoming.

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, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Operations.

[FR Doc. 79-37568 Filed 12-6-79; 8:45 am]

BILLING CODE 4310-84-M

Lahontan Cutthroat Trout Natural Area; Instant Study Area

An intensive wilderness inventory was conducted of the Lahontan Cutthroat Trout Natural Area (Instant Study Area) to determine whether wilderness characteristics were present. The inventory documented that the Lahontan Cutthroat Trout Natural Area lacked the size and naturalness necessary to be recommended for wilderness study. The natural area consisted of 12,316 acres of public land with 1256.24 acres of private land located primarily in the drainages.

The Natural Area is crisscrossed with numerous roads dividing the unit into seven separate sections. All of the units are less than 5,000 acres and, in most cases, heavily intruded with the impacts of man's past and present activities. These intrusions include four permanent structures, water troughs, mining scars, several corrals, and numerous fence lines. The quantity of the intrusions, along with their location in the drainages, makes it nearly impossible to isolate one's self from the presence of man.

An open house will be held at the Winnemucca Bureau of Land Management Office, 705 E. 4th Street, on January 8, 1980 at 7:30 P.M. to discuss the intensive inventory findings.

A 30-day comment period on the study unit will begin on December 13, 1979, and terminate January 13, 1980.

Dated: November 30, 1979.

Chester E. Conard,

For the State Director.

[FR Doc. 79-37669 Filed 12-6-79; 8:45 am]

BILLING CODE 4310-84-M

[INT DES 79-60]

Western Gulf of Alaska Outer Continental Shelf, Availability of Draft Environmental Statement; Intent To Hold Public Hearing(s) Regarding Proposed Oil and Gas Lease Sale No. 46

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 564 tracts of submerged Federal Lands off the coast of Kodiak Island, Alaska.

Single copies of the draft statement can be obtained from the Office of the Manager, Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft statement will also be available for review in the following public libraries in Alaska: Alaska Federation of Natives, 670 W. Fireweed Lane, Anchorage 99501; Department of Interior, Alaska Resources Library, 733 W. 4th Avenue, Anchorage 99501; Kenai Community Library, Box 157, Kenai 99611; North Star Borough Library, Fairbanks 99701; University of Alaska, Institute of Economics and Government Research Library, Fairbanks 99801; Z. J. Loussac Public Library, 427 F Street, Anchorage 99801; Alaska State Library, Juneau 99811; Bureau of Indian Affairs School Library, Elim 99739; Department of Defense, Army Corps of Engineers Library, Anchorage 99510; Department of Interior—Bureau of Mines Library, AF—F.O. Center, P.O. Box 550, Juneau 99802; Ketchikan Community College, 7th & Madison, Ketchikan 99901; Seldovia Public Library, Seldovia 99663; University of Alaska—Juneau Library, P.O. Box 1447, Juneau 99802; Anchor Point Public Library, Anchor Point 99556; Cordova Public Library, Cordova 99574; Elim Learning Center, Elim 99739; Haines Public Library, Haines 99827; Homer Public Library, Homer 99603; Juneau Memorial Library, Douglas Public Library, 114 W. 4th Street, Juneau 99824; Ketchikan Public Library, 629 Dock Street, Ketchikan 99901; Kodiak Public Library Association, Inc., Kodiak 99615; Metlakatla Extension Center, Metlakatla 99926; Petersburg Extension Center, Petersburg 99833; Seward Community Library, Seward 99664; Sitka Community Library, Sitka 99835; University of Alaska—Anchorage Library, 3211 Providence Drive, Anchorage 99504; University of Alaska, Elmer E. Rasmusson Library, Fairbanks 99701; Wrangell Extension Center, Wrangell 99929.

In accordance with 43 CFR 3314.1, public hearings will be held in Kodiak and Anchorage, Alaska, for the purpose of receiving comments and suggestions relating to the draft statement. The exact locations and dates of these hearings will be announced at a later date. Comments concerning the statement will be accepted until January 28, 1980, and should be sent to the Manager, Alaska OCS Office, at the above listed address.

After a public hearing is held and comments are received and considered, a final environmental statement will be prepared.

Ed Hastey,

Associate Director, Bureau of Land Management.

Approved:

James H. Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 79-37658 Filed 12-6-79; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Intent To Prepare an Environmental Impact Statement on the Proposed Preservation of Bottomland Hardwood Habitat Known as Hickman Bottoms in Fulton and Hickman Counties, Ky.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Fish and Wildlife Service (FWS) intends to gather information necessary for the preparation of an Environmental Impact Statement (EIS) for the protection and preservation of Hickman Bottoms located in Fulton and Hickman Counties, Kentucky. This area has been identified in the FWS Lower Mississippi River Delta (Habitat Category 7) Concept Plan of April 1978 as the most important bottomland hardwood area left in Kentucky. Public meetings regarding this proposal and preparation of the EIS will also be conducted. This Notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the

EIS. Comments and participation in this scoping process are solicited.

DATES: Written comments should be received on or before January 7, 1980.

Four initiating scoping sessions are planned: The first will involve the various agencies having projects or other interest in the Hickman Bottoms area, the second session will involve various conservation organizations, and their remaining two sessions are planned as public meetings to be held in Hickman and Clinton, Kentucky.

ADDRESSED: Comments should be addressed to: Area Manager, U.S. Fish and Wildlife Service, Asheville Area Office, Federal Building, Room 279, Asheville, North Carolina 28801.

FURTHER INFORMATION CONTACT: Deborah S. Paul, Ascertainment Biologist, U.S. Fish and Wildlife Service, Reelfoot National Wildlife Refuge, P.O. Box 98, Samburg, Tennessee 38254. Telephone: (901) 538–2481.

SUPPLEMENTAL INFORMATION: The proposal to preserve Hickman Bottoms reflects the FWS' intense concern about the rapid disappearance of Mississippi River bottomland hardwoods. Loss of this habitat, which is vital to our migratory waterfowl resource, is espcially severe in western Kentucky due to concentrated timbering activity and conversion of lands to agricultural use. Hickman Bottoms has been identified as the most important remaining tract of bottomland hardwood in Kentucky; its preservation would provide valuable wintering habitat for migratory waterfowl and the endangered bald eagle, and also insure the continual existence of viable populations of other wildlife and fish utilizing the area. Several projects have been proposed or initiated in the Hickman Bottoms area which have the potential to alter or destroy all or part of the existing wetland habitat. These include the West Kentucky Tributaries (Obion Creek) Project, channel alternation plans for Bayou du Chien, establishment of a Great River Road Scenic Route along the Mississippi River through Kentucky, a Columbus-to-Hickman levee proposal, and the construction of sites suitable for power generation facilities. The FWS solicits participation from other involved or concerned agencies and/or individuals in the development of feasible alternatives which would preserve and protect Hickman Bottoms. Alternatives to be explored in the EIS include but are not necessarily limited to: (1) fee title and/or easement acquisiton of Hickman Bottoms by the FWS as a National Wildlife Refuge, (2) acquisition by entities other than the FWS who would preserve the area, (3) expansion of mitigation plans for proposed dredge-and-channel projects, and (4) no action including reliance on existing zoning, legislation and other regulations to protect the area. The purpose of the scoping process in EIS preparation is to determine the scope of issues to be addressed and to identify the significant issues related to the preservation of the Hickman Bottoms area. The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), other appropriate Federal regulations, and FWS procedures for compliance with these regulations.

We estimate that the draft EIS will be available to the public by late 1980.

Kenneth E. Black,

Regional Director, U.S. Fish and Wildlife Service.

November 30, 1979.

[FR Doc. 79-37666 Filed 12-6-79; 8:45 am]

BILLING CODE 4310-55-M

Office of the Secretary

Commissioner of Reclamation; Delegation of Authority

Notice is hereby given that the Assistant Secretary of the Interior-Land and Water Resources has revised the general program delegation of authority to the Commissioner of Reclamation. The revised delegation, published in Chapter 1, Part 255 of the Department of the Interior Manual, was issued in Release No. 2205 dated October 22, 1979, and is published in its entirety below. It supersedes the version published in the **Federal Register** on July 16, 1979 (44 FR 41356).

Additional information regarding the revised delegation of authority may be obtained from the Management and Organization Officer, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202–343–4867.

Dated: November 30, 1979.

William L. Kendig,

Deputy Assistant Secretary of the Interior.

Departmental Manual

Delegation Series—Part 255 Bureau of Reclamation

General Program Delegation; Chapter 1 Commissioner of Reclamation, 255 DM 1.1

1.1 *Delegation.* The Commissioner of Reclamation is authorized, except as provided in 200 DM 1 and in 255 DM 1.2, to:

A. Perform the functions and exercise the authority now or hereafter vested in the Secretary of the Interior, or in the Department of the Interior, by:

(1) The act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 *et seq.*), and acts amendatory thereof or supplementary thereto;

(2) The Water Conservation and Utilization Act of August 11, 1939 (53 Stat. 1418; 16 U.S.C. 590y *et seq.*), as amended;

(3) The Warren Act of February 21, 1911 (36 Stat. 925; 43 U.S.C. 523 *et. seq.*);

(4) The Columbia Basin Project Act of May 27, 1937 (50 Stat. 208; 16 U.S.C. 835 *et seq.*), as amended;

(5) The Fort Peck Project Act of May 18, 1938 (52 Stat. 403; 16 U.S.C. 833 *et seq.*), as amended;

(6) The Hungry Horse Dam Act of June 5, 1944 (58 Stat. 270; 43 U.S.C. 593a *et seq.*);

(7) The Colorado River Front Work and Levee System Act of January 21, 1927 (44 Stat. 1010, 1021), as amended;

(8) The act of August 31, 1954 (68 Stat. 1045), relating to the Palo Verde Irrigation District;

(9) Coulee Dam Community Act of 1957 (71 Stat. 524);

(10) Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, and Executive Order 11200. The authorities of the Commissioner under this Act and Executive Order shall be restricted to the following:

(a) The authority to designate areas under his jurisdiction at which recreation fees will be charged as specified by Sections 1, 2, and 3 of Executive Order 11200;

(b) The authority to post such designated areas as specified by Section 4 of Executive Order 11200;

(c) The authority to select from the fees established by 36 CFR 1227 the specific fees to be charged at the designated areas in accordance with Section 5(a) of Executive Order 11200;

(11) Section 7 of the Federal Water Project Recreation Act of July 9, 1965 (79 Stat. 213) for areas under his jurisdiction, subject to review and coordination of outdoor recreation plans by the Heritage Conservation and Recreation Service;

(12) Sections 5 and 8 of the Flood Control Act of 1944 (58 Stat. 887) for areas under his jurisdiction;

(13) Section 303 of the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885; 43 U.S.C. 1501 *et seq.*) to the extent not already delegated under (1) above; and

(14) The Colorado River Basin Salinity Control Act of June 24, 1974 (88 Stat. 266) to the extent not already delegated under (1) above.

B. Act on behalf of the Secretary of the Interior in carrying out the provisions of contracts heretofore or hereafter executed pursuant to any of the foregoing acts.

1.2 *Limitations.* Excepted from 255 DM 1 is authority to:

A. Take action in matters for which authority has been delegated on a functional basis in 205 DM.

B. Acquire any interest in property by condemnation;

C. Make the findings authorizing construction of a new project, new division of a project, or supplemental works on a project, in accordance with subsection (a) of Section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187; 1193; 43 U.S.C. 485 h(a));

D. Act for the Secretary of the Interior in approving and adopting project feasibility reports as the Secretary's proposed reports or as his reports to the President and to the Congress;

E. Certify for the Secretary of the Interior as to the adequacy of soil surveys and land classification, and as to the productivity of land, as a condition precedent to the initiation of construction, in accordance with the Interior Department Appropriation Act, 1954 (67 Stat. 261, 266; 43 U.S.C. 390a);

F. Execute and issue Public Notices opening lands to homestead entry and Public Announcements offering lands for sale; however, this limitation shall not prohibit the amendment of such Public Notices or Public Announcements and their publication in the Federal Register by the Commissioner of Reclamation when, in his judgment, adjustments in the provisions thereof are in the best interest of sound project development and such adjustments do not modify the basic requirements for homestead entry on public lands of the United States;

G. Establish rates for "project use" power and energy.

H. Take the following actions under the act of August 31, 1954 (68 Stat. 1045):

(1) Approve and execute the contract with the Palo Verde Irrigation District required by section 2 of said act;

(2) Make the loan or loans to the Palo Verde Irrigation District authorized by section 4(c) of said act;

(3) Grant to the United States the interests in land within the Colorado River Indian Reservation referred to in section 4(d) of said act;

I. Act for the Secretary of the Interior under section 7(c) of the Coulee Dam Community Act of 1957 (71 Stat. 524);

J. Withdraw public lands.

1.3 *Redelegation.* The Commissioner of Reclamation may, in writing, redelegate to officers and employees of the Bureau the authority granted in 255 DM 1.1, and he may authorize written redelegations of such authority.

1.4 *Exercise of Authority.* The following administrative instructions, additional to those elsewhere prescribed, shall be observed by officers and employees of the Bureau of Reclamation in the exercise of the legal authority delegated by 255 DM 1 or redelegated pursuant to it.

A. *Lands.*—(1) The concurrence of the Bureau of Land Management shall be obtained before final action is taken to:

(a) Survey, subdivide, or sell public lands withdrawn for townsite purposes; and

(b) Effect exchanges involving public lands, except public lands within the Columbia Basin Project and the Gila Project.

(2) Prior Secretarial approval shall be obtained for issuance of any license for the construction or operation of a voltage of more than 100 kilovolts for the distribution of electric power and energy on public lands under Reclamation withdrawal or lands acquired for Reclamation purposes.

B. *Contracts.*—Before contracts of the following types, or amendments thereof or supplements thereto, are executed, such contract must have Secretarial approval as to form:

(1) Repayment contracts and water-service contracts for irrigation, municipal, domestic, or industrial water, except:

(a) Contracts for payment of construction charges for lands acquired by States for use as highway rights-of-way;

(b) Contracts to furnish water from Columbia Basin Project works for municipal supply or miscellaneous purposes in accordance with proviso numbered (2) of subsection (c) of Section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187, 1194; 43 U.S.C. 485h(c));

(c) Interim irrigation water service contracts for terms not to exceed 1 year and quantities not to exceed 10,000 acre-feet per contractor; and

(d) Interim municipal, industrial, domestic, and miscellaneous water service contracts for terms not to exceed 1 year and quantities not to exceed 500 acre-feet per contractor.

(2) Contracts for the transfer of the care, operation, and maintenance of irrigation works and facilities to water users' organizations;

(3) Recordable contracts covering excess lands;

(4) Contracts for delivery or wheeling of project use power and energy, including contracts for the sale of energy in falling water to be used in the generation of hydroelectric power and energy, when the proposed contracts contain provisions which do not conform to standard or special provisions previously approved by the Secretary of the Interior, provided that minor variations shall not be regarded as nonconformity; and

(5) Repayment contracts for development of recreation at existing Reclamation reservoirs in accordance with Section 7 of the Federal Water Project Recreation Act of 1965 (79 Stat. 213).

[FR Doc. 79-37670 Filed 12-6-79; 8:45 am]
BILLING CODE 4310-09-M

INTERNATIONAL TRADE COMMISSION

[TA-201-39]

Nonelectric Cooking Ware; Report to the President

November 5, 1979.

To The President:

In accordance with section 201(d)(1) of the Trade Act of 1974 (88 Stat. 1978), the United States International Trade Commission herein reports the results of an investigation relating to nonelectric cooking ware.

The investigation to which this report relates (investigation No. TA-201-39) was undertaken to determine whether—

nonelectric cooking ware, provided for in items 533.77, 546.38, 546.56, 546.59, 653.85, 653.93, 653.94, 653.97, 654.05, 654.10, and 654.15 of the Tariff Schedules of the United States (TSUS),

is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The Commission instituted the investigation under the authority of section 201(b) of the Trade Act of 1974 on May 15, 1979, following receipt of a petition on May 4, 1979, filed on behalf of the General Housewares Corp., Terre Haute, Ind. The investigation as originally instituted concerned only cooking ware of steel, enameled or glazed with vitreous glasses, provided for in item 653.97 of the TSUS. On June 25, 1979, the Commission expanded the scope of its investigation by adding to it nonelectric cooking ware, provided for in items 533.77, 546.38, 546.56, 546.59, 653.85, 653.93, 653.94, 654.05, 654.10, and 654.15 of the TSUS.

Notice of the institution of the porcelain-on-steel cooking ware investigation and the public hearing to be held in connection therewith was given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and by publishing the notice in the **Federal Register** of May 22, 1979 (44 FR 29740). The notice expanding the scope of the investigation and changing the hearing date was published in the **Federal Register** of July 5, 1979 (44 FR 39316). A third notice postponing the hearing date from August 14, 1979, to September 6, 1979, was published in the **Federal Register** of August 9, 1979 (44 FR 46955).

The Commission held a public hearing in connection with the investigation on September 6 and 7, 1979, in the Commission's Hearing Room in Washington, D.C. All interested parties were afforded an opportunity to be present, to present evidence, and to be heard at the hearing. A transcript of the hearing and copies of briefs submitted by interested parties in connection with the investigation are attached.[1]

The information in this report was obtained from fieldwork and interviews by members of the Commission's staff, from other Federal agencies, from responses to the Commission's questionnaires, from information presented at the public hearing, from briefs submitted by interested parties, and from the Commission's files.

By Order of the Commission:

[1] Attached to the original report sent to the President, and availabile for inspection at the U.S. International Trade Commission, except for material submitted in confidence.

Issued: December 4, 1979.

Kenneth R. Mason,

Secretary.

Determination, Findings, and Recommendation of the Commission

Determination

On the basis of the investigation, the Commission determines that—

(1) cooking ware of steel, enameled or glazed with vitreous glasses, provided for in TSUS item No. 653.97, is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles; and

(2) other types of nonelectric cooking ware provided for in TSUS items 533.77, 546.38, 546.56, 546.59, 653.59, 653.85, 653.93, 653.94, 654.05, 654.10, and 654.15 are not being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing articles like or directly competitive with the imported articles.

Findings and Recommendation

The Commission finds and recommends that to prevent or remedy the serious injury to the domestic industry it is necessary to impose rates of duty, in addition to the present rates of duty, with respect to cooking ware of steel, enameled or glazed with vitreous glasses, provided for in item 653.97 of the TSUS, as follows—

Year	Articles valued not over $2.25 per pound net weight
1st year	25 cents per pound, but not more than 50 percent ad valorem.
2nd year	25 cents per pound, but not more than 50 percent ad valorem.
3rd year	20 cents per pound, but not more than 50 percent ad valorem.
4th year	15 cents per pound, but not more than 50 percent ad valorem.
5th year	10 cents per pound, but not more than 50 percent ad valorem.

Views of Chairman Joseph O. Parker and Commissioners George M. Moore and Catherine Bedell

This investigation under section 201 of the Trade Act of 1974 was initiated by the U.S. International Trade Commission on the basis of a petition from the General Housewares Corp. The petition requested that the Commission institute an investigation to determine whether cooking ware of steel, enameled or glazed with vitreous glasses (porcelain-on-steel), is being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing like or directly competitive articles. Thereafter, the Commission broadened the scope of its investigation to include additional types of nonelectric cooking ware.

Under the amended notice of investigation, the Commission investigated whether imports of one or more of the articles under investigation are being imported in such increased quantities as to cause injury within the meaning of the statute to an industry in the United States producing an article like or directly competitive with an imported article. In our judgment, the information obtained in the investigation has established that imports of porcelain-on-steel cooking ware are causing injury within the meaning of section 201 to the domestic producers of such cooking ware. For the reasons set forth below, we have made a negative determination with respect to the other imported articles which are the subject of this investigation.

In the present investigation, the petitioner requested that the Commission examine the impact of imports of porcelain-on-steel cooking ware on the U.S. industry producing such cooking ware. As this investigation disclosed, there are a number of different types of nonelectric cooking ware produced and marketed, which are competitive in varying degrees depending upon the market and the intended use. The record shows that porcelain-on-steel cooking ware production is limited to one company, the other producer having ceased production in 1978. This cooking ware is produced in a plant devoted solely to the production of porcelain-on-steel cooking ware.

In view of the differences between porcelain-on-steel and other types of cooking ware, and its uses and its market demand, it is this segment of the cooking ware industry which is facing the full competitive impact of imports of porcelain-on-steel cooking ware from several countries. Thus, for the purposes of this investigation, we have determined that the domestic industry should be defined as the facilities used for the production of porcelain-on-steel cooking ware.

In order to make an affirmative determination, the Commission must determine that imports of the articles in question have increased either in actual terms or relative to domestic production. In 1974, imports of porcelain-on-steel cooking ware totaled 6.9 million units. They steadily increased to 19.7 million units in 1978, or by more than 180 percent. The ratio of imports of porcelain-on-steel cooking ware to domestic production of these articles increased by more than 300 percent from 1974 to 1978. Thus, it is clear that imports of porcelain-on-steel cooking ware increased within the meaning of section 201. Aggregate imports of the other types of cooking ware within the scope of the investigation increased from 18.2 million units to 45.6 million units over this period, or by 150 percent.

In our judgment, the information obtained in the Commission's investigation establishes that these increased imports of porcelain-on-steel cooking ware are a substantial cause of serious injury within the meaning of section 201. No producers of other types of cooking ware claimed injury, and the information obtained in the investigation does not establish that the producers of other types of cooking ware have been injured within the meaning of the statute.

Consumption of porcelain-on-steel cooking ware increased by 43 percent from 1974 to 1978. During this period, there was also a significant increase in market penetration by imports. In 1974, imports supplied about one third of the porcelain-on-steel cooking ware consumed in the United States; in 1978, they supplied more than two-thirds of this market.

In contrast, total apparent domestic consumption of all types of nonelectric metal cooking ware within the scope of the Commission's investigation increased from 176 million units in 1974 to 212 million units in 1978, representing an increase of 20 percent. During this period, the share of the domestic market being supplied by imports also increased rising from 14 percent to 31 percent. Thus, it is clear that imports of porcelain-on-steel cooking ware have captured a more than twice as large a share of the U.S. market as other types of cooking ware. It is significant to note that the size of the porcelain-on-steel market relative to that of the other types of cooking ware has remained the same during the period under consideration.

The increased competition from imports and the loss of market share in the porcelain-on-steel market had serious consequences for the domestic industry. Domestic production of porcelain-on-steel cooking ware declined by over 30 percent between 1974 and 1978, as did the quantity of producers' domestic shipments. Over the 5-year period, the value of such shipments also declined significantly. In contrast, the quantity of shipments of all types of nonelectric cooking ware remained essentially stable during this period, while the value of such

shipments increased from $322 million to $428 million.

Capacity utilization in the domestic porcelain-on-steel industry declined by about 35 percent from 1974 to 1978, when one of the two domestic producers ceased production. That decline and the cessation of production severely affected the number of production and related workers producing porcelain-on-steel cooking ware which declined by almost 40 percent. Man-hours worked by the employees declined at a similar rate.

The injury suffered by the domestic industry as described above is reflected in the industry's profit-and-loss experience. The U.S. producer which ceased production in 1978 suffered losses throughout 1976–78. The profit of General Housewares Corp., the remaining U.S. producer, was also affected adversely. In 1978, when imports of porcelain-on-steel cooking ware jumped by 6.5 million units, or by 50 percent, General Housewares experienced the lowest ratio of net operating profit to net sales of any year during 1974–78.

In sharp contrast to the experience of the domestic producers of porcelain-on-steel cooking ware, net sales of all types of nonelectric cooking ware by 12 major U.S. producers increased from $275 million in 1974 to $364 million in 1978, or by 32 percent. Net operating profit on these operations also increased, rising from $24.9 million in 1974 to $31.9 million in 1978, or by 28 percent. It is clear that the domestic producers of other types of nonelectric cooking ware have not been affected by increased imports to the same extent as producers of porcelain-on-steel cooking ware.

On the basis of these factors, we determined that imports of porcelain-on-steel cooking ware are being imported in such increased quantities as to be a substantial cause of serious injury or the threat thereof to the domestic producers of these articles. We have also determined that imports of the other articles set forth in the Commission's notice of investigation are not causing injury or the threat thereof within the meaning of section 201.

Views of Commissioners Paula Stern and Bill Alberger

On the basis of information obtained in this investigation, we determine that porcelain-on-steel cooking ware is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing like or directly competitive products. We have further determined that the domestic industries producing other types of nonelectric cooking ware are not being seriously injured and are not threatened with serious injury.

The Trade Act of 1974 requires that each of the following conditions be met before an affirmative determination is made:

(1) There are increased imports (either actual or relative to domestic production) of an article into the United States;

(2) A domestic industry producing an article like or directly competitive with the imported article is seriously injured, or threatened with serious injury; *and*

(3) Such increased imports of an article are a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The Domestic Industry

The Commission investigation encompassed all types of nonelectric cookware. Information obtained during this investigation revealed that other types of nonelectric cookware may, to some extent, be substituted for porcelain-on-steel cookware. However, we have concluded that porcelain-on-steel cookware constitutes a separate industry after considering the following differences between porcelain-on-steel and other types of nonelectric cookware: (1) appearance and physical properties, (2) production requirements, and (3) the dominant determinants of consumer demand.

Porcelain-on-steel cookware has a nonporous, glass surface, which in considered to be sanitary, easy to clean, but subject to chipping. Because of its ability to withstand extremely high temperatures, porcelain-on-steel cookware is available in brilliant colors which cannot be duplicated in other types of cookware. It is produced in facilities that are dedicated exclusively to such production, and the equipment, raw materials, and technology employed cannot be used in producing other types of cookware. Many of the employees producing this cookware possess special skills which are not redily transferred to production of other types of cookware.

Finally, the information obtained by the Commission indicated that porcelain-on-steel cookware supplies a unique consumer market. As a result of the Commission's investiagation, there is reason to believe that consumers of middle- to high-priced cookware behave differently than do consumers of inexpensive cookware. While medium- to high-priced merchandise is not viewed as particularly price sensitive, the demand for inexpensive cookware seems to be highly price elastic. In addition, consumers of medium- to high-priced cookware are generally more knowledgeable about differences in cooking properties of various materials. It is thus probable that various types of cookware in the medium- to high-price range compete directly with each other.

In constrast with the more expensive cookware, porcelain-on-steel cookware caters to consumers who place high priorities on low prices. Having consistently sold at the lower end of the price scale during the period covered by this investigation, porcelain-on-steel cookware has maintained a stable share of the total U.S. market. By comparison, its closest competition in terms of price, stamped aluminum cookware, has steadily lost market share. It follows, therefore, that stamped aluminum cookware has not proven to be directly competitive with porcelain-on-steel cookware.

Price has been an especially important factor in the specialty cookware market. Unlike other materials used for the production of nonelectric cookware, porcelain-on-steel can be fabricated economically into large capacity vessels. It thus has the major advantage of being particularly well-suited to the production of inexpensive specialty cookware, such as roasters and stock-pots. Although the industry markets all classes of porcelain-on-steel cookware—fashion, utilitarian, and specialty—its profitability has greatly depended upon sales in the latter two categories.

We have, therefore, determined that there is an identifiably separate industry in the United States producing porcelain-on-steel cookware. Supporting this conclusion is the fact that no domestic producer of other types of nonelectric cookware claimed injury or made an effort to represent itself at the Commission's hearing.

Thus, for the purposes of this investigation, the domestic industry should be defined as the facilities used for the production of porcelain-on-steel cooking ware. The domestic industry so defined consists of one company, General Housewares Corporation of Terre Haute, Indiana. A second producer, located in Moundsville, West Virginia, ceased production in 1978.

Increased Imports

U.S. imports of porcelain-on-steel cooking ware increased annually during 1974–78, rising from 6.9 million units in 1974, to 19.7 million units in 1978. The ratio of imports of porcelain-on-steel cookware to domestic production increased by more than 300 percent in this same period. Thus, it is evident that the first statutory requirement for an affirmative determination of increased imports has been satisfied.

Aggregate imports of the other nonelectric cooking ware considered in

this investigation also increased during 1974–78, but less rapidly than imports of porcelain-on-steel. Imports of these articles increased from 18.2 million units in 1974, to 46 million units in 1978. Within the category of all nonelectric cookware, only imports of stamped aluminum cookware did not increase. But as a practical matter, since separate data on profits, employment and other factors were not available (as they were for porcelain-on-steel) we have been forced to consider all other nonelectric cookware in a basket category. Given this limitation, we find increased imports in this basket category.

Serious Injury or Threat of Serious Injury

Sections 201(b)(2) (A) and (B) of the Trade Act provide guidelines for determining whether the domestic industry is being seriously injured or is threatened with serious injury. The Commission is to consider, among other economic factors, the significant idling of productive facilities in the industry, the inability of a significant number of firms to operate at a reasonable level of profit, significant unemployment or underemployment within the industry. Analysis of these factors indicates that the economic position of the domestic porcelain-on-steel industry is rapidly declining.

Underutilization of production capacity—It is clear that the U.S. industry producing porcelain-on-steel cooking ware has experienced a considerable idling of productive facilities. The capacity utilization rate for this industry declined by about 35 percent between 1974 and 1978.

Significant unemployment or underemployment in the industry—Employment in the production of porcelain-on-steel cooking ware fell by almost 35 percent from 1974 to 1978. Manhours worked by production employees declined at a similar rate.

U.S. production and U.S. producers' shipments—U.S. production and domestic shipments of porcelain-on-steel cookware both declined by about one-third during the 1974–1978 period. Despite the impact of inflation on cooking ware prices, the value of U.S. producers' shipments of porcelain-on-steel cooking ware declined during 1974–1978.

Inventories—U.S. producers' porcelain-on-steel inventories trended downward during 1974–1978, dropping sharply in 1978 as a result of the liquidation of U.S. Stamping Co.'s inventory.

Profitability—U.S. producers' net sales of porcelain-on-steel cookware increased by 13 percent from 1974 to 1977 and declined by 13 percent in 1978. Net operating profits declined by almost 60 percent in 1978 from their 1975 peak level. However, net profits as a share of net sales have not yet exhibited the severe decline evident in other traditional economic indicators. The trend in profitability is clearing downward, and in our judgment, absent relief, it is only a matter of time before the continuing loss of market share will erode profits significantly or cause them to disappear completely.

These downward trends in traditional economic indicators are particularly important in the face of other factors of concern to the industry. Foreign capacity to produce porcelain-on-steel cookware—particularly in Korea and Taiwan, countries which have rapidly expanded their share of the U.S. market in recent years—is scheduled to increase significantly in 1978–1980. In addition, there are signs that at least one foreign producer, Mexico, may have plans to increase its exports of specialty products, an area which has previously been a stronghold of sales for the domestic industry.

Economic data for all nonelectric metal cookware do not exhibit the same steady declines that the indices for porcelain-on-steel reveal. Capacity utilization declined by only 12 percent from 1974–1978. Employment fell approximately 8 percent from 1974–1975 and increased thereafter. Production and shipments have remained stable in quantity terms, and shipments have increased by 32 percent in terms of value. Net sales and net profits of the twelve major manufacturers of nonelectric metal cookware have increased annually during 1974–1978, resulting in a moderately healthy and constant ratio of net profits to net sales. Consequently, we do not find serious injury or threat thereof to producers of other types of nonelectric cookware.

Substantial Cause

Section 201(b)(4) of the Trade Act defines the term "substantial cause" to mean "a cause which is important and not less than any other cause." In making its determination, the Commission is to consider, among other factors, an increase in imports (either actual or relative to domestic production) and a decline in the proportion of the domestic market supplied by domestic producers.

Total apparent domestic consumption of all types of nonelectric cooking ware within the scope of the Commission's investigation increased by 19 percent during 1974–1978. Apparent consumption of porcelain-on-steel cooking ware, however, grew at a much faster rate, more than doubling the rate reported for the aggregated industries. Imports captured all of this growth in the U.S. porcelain-on-steel market at a time when U.S. producers' shipments declined absolutely. Imports as a share of the U.S. market doubled between 1974 and 1978 and consequently account for more than two-thirds of apparent consumption.

The survey of retailers conducted by the Commission indicates that porcelain-on-steel cooking ware does, to a limited extent, compete for sales with other types of cooking ware at both the retail and "final" level of competition. Thus, the domestic industry could be suffering injury from not only imported porcelain-on-steel cookware but also from competition with other types of foreign and domestically produced cookware. As previously pointed out, however, porcelain-on-steel cooking ware has maintained its relative share of total U.S. consumption of all nonelectric cookware throughout the 1974-1978 period and the growth in consumption of porcelain-on-steel products has been captured by porcelain-on-steel imports. The impact of imports on domestic producers is highlighted by the fact that the largest decline in profits for General Housewares occurred from 1977–1978 when the increased imports was largest, jumping from 13.1 to 19.7 million units. Clearly, increased imports of porcelain-on-steel imports are at least as important a cause of the serious injury or threat thereof being suffered by the domestic industry as any other factor affecting the domestic industry's performance.

Conclusion

On the basis of the issues discussed above, we have determined that the industry producing porcelain-on-steel cookware is being seriously injured or is threatened with serious injury within the meaning of Section 201 of the Trade Act of 1974, and we have determined in the negative with respect to the industries producing the other types of nonelectric cookware considered in this investigation.

Views of the Commission on Remedy

It is our view that relief in the form of increased rates of duty should be granted to the domestic industry which the Commission has found to be seriously injured or threatened with serious injury. Our finding with respect to the specific relief necessary to prevent or remedy such injury is set forth in the findings and recommendations appearing on page 3 of this report.

The recommended remedy is designed to apply the increased rates of duty to those articles of porcelain-on-steel cooking ware that compete most directly with domestically produced articles. For this reason, articles which are valued over $2.25 per pound, net weight, i.e., primarily high fashion cooking ware and better quality tea kettles, are exempted from the escape action rates.

The recommended increased rates are specific rates—cents per pound—which are more restrictive on lower priced imports as distinguished from higher priced and higher fashion imports. Thus, the major burden of the remedy will be applied to articles which are priced at a level which have the most injurious impact on the domestic industry.

We believe that an increased rate of duty of 25 cents per pound for a 2-year period is necessary to remedy the serious injury experienced by this industry. Thereafter, we recommend that this additional duty be reduced in stages so that over the 5-year period of relief that we have recommended the domestic industry will have an opportunity to adjust to whatever competitive conditions will exist after the termination of import relief.

FR Doc. 79-37689 Filed 12-6-79; 8:45 am]
BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 37-79]

Privacy Act of 1974; New System of Records

Notice is hereby given that pursuant to the provisions of the Privacy Act of 1974, the Department of Justice proposes to establish a system of records to be maintained by the Land and Natural Resources Division.

The Citizens' Mail File (JUSTICE/LDN-006) is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the **Federal Register.**

5 U.S.C. 552a(e) (4) and (11) provide that the public be given a 30-day period in which to comment; the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 60-day period in which to review the system before it is implemented. Therefore, the public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Room 1214, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. If no comments are received from either the public, OMB or the Congress by February 5, 1980, the system will be implemented without further notice in the **Federal Register.** No oral hearings are contemplated.

A report of the proposed system has been provided to the Director, OMB, to the President of the Senate and the Speaker of the House of Representatives.

Dated: November 28, 1979.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/LDN-006

SYSTEM NAME:

Citizens' Mail File.

SYSTEM LOCATION:

U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All private persons whose correspondence is directly or indirectly routed to the Land and Natural Resoures Division for action or response.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetized file, by last name of correspondent, containing his/her correspondence and any reply thereto; annual docket which identifies all mail received and disposition thereof.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This file is maintained pursuant to requirements for maintenance of records by Federal agencies (see 44 U.S.C. 3101 et seq.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This file is routinely consulted by personnel of the Land and Natural Resources Division to determine past action on specific matters and to expedite action on additional correspondence received from the individual file subject.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use of the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in file folders in form received, or in photostatic copies if additional referral for response has become necessary.

RETRIEVABILITY:

Information is retrieved by alphabetized name of the subject.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded in accordance with Departmental rules and procedures governing Justice records.

RETENTION AND DISPOSAL:

Records are retained in the alphabetical file for a year. At the end of that time, they are transferred to the File Unit, Land and Natural Resources Division, where they are segregated and refiled according to Department of Justice file number and date. Records are subject to destruction 15 years after the pertinent subject has ceased to be in an active status.

SYSTEM MANAGER(S) AND ADDRESS:

Division Control Officer; Land and Natural Resources Division; U.S. Department of Justice; P.O. Box 7415; Washington, D.C. 20044.

NOTIFICATION PROCEDURE:

Address inquiries to the Assistant Attorney General; Land and Natural Resources Division; U.S. Department of Justice; P.O. Box 7415; Washington, D.C. 20044.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing to the system manager with the envelope

and the letter clearly marked "Privacy Access Request." The request shall identify the system and sufficiently describe the record sought.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the individual subjects with whom correspondence is conducted, and in appropriate cases, those agencies furnishing information to assist in responding to the subjects.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 79-37557 Filed 12-6-79; 8:45 am]

BILLING CODE 4410-01-M

Civil Rights Division, Law Enforcement Assistance Administration

Civil Rights Compliance; Memorandum of Understanding

AGENCY: Department of Justice, Law Enforcement Assistance Administration and Civil Rights Division.

ACTION: Notice.

SUMMARY: This agreement describes the manner in which the Law Enforcement Assistance Administration (LEAA) and the Civil Rights Division (Division) coordinate their efforts to secure the civil rights compliance of LEAA recipients.

FOR FURTHER INFORMATION CONTACT: Thomas J. Madden, General Counsel, LEAA, (202) 724-7792 or David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division, (202) 633-3831.

SUPPLEMENTARY INFORMATION:

Background

The memorandum essentially sets forth the current practices of LEAA and the Division in writing. The primary purpose of the agreement is to improve the working relationship between the respective staffs of the Division, the LEAA Office of Civil Rights Compliance, and the LEAA Office of General Counsel. By putting its expectations and responsibilities in writing, each agency anticipates even smoother communications and more thorough cooperation with the staff of the other.

The memorandum has been reviewed by the Equal Employment Opportunity Commission pursuant to Executive Order 12067.

Summary

Under the memorandum, LEAA would be primarily responsible for investigating all complaints filed with it, and the Division would be similarly responsible for complaints filed with it. Any information or complaints received by the Division or LEAA about a case in which the other was engaged would be sent to the other for action. LEAA would still retain its responsibility under the LEAA Nondiscrimination Regulations, 28 CFR 42.201 et seq., to assure that any complaint of discrimination brought to its attention would be resolved expeditiously. Information pertaining to complaint investigations, compliance reviews, administrative proceedings, and litigation would be exchanged periodically, as a matter of routine. LEAA would also be given the opportunity to comment on any consent decree the Division proposed to enter into with an LEAA recipient.

(This notice is issued under the authority of Sections 501 and 508 of the Omnibus Crime Control and Safe Streets Act, as amended (42 U.S.C. 3751 and 3756).)

Memorandum of Understanding

The Law Enforcement Assistance Administration (LEAA) and the Civil Rights Division of the Department of Justice (Division) hereby agree to the following cooperative arrangement with respect to enforcing Section 518(c) of the Crime Control Act, 42 U.S.C. 3766(c), as it applies to recipients of financial assistance awarded under that Act and the Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. 5601, et seq.; Subpart D of the Department of Justice Equal Employment Opportunity Regulations, 28 CFR 42.201 *et seq.;* Titles III, VI, VII and IX of the Civil Rights Act of 1964, as amended; and Section 122(a) of the State and Local Fiscal Assistance Act of 1972, as amended, 31 U.S.C. 1242, where the public agency under investigation is also a recipient of LEAA financial assistance.

1. LEAA and the Division will inform each other of the initiation and status of full investigations and cases concerning criminal justice agencies. A full investigation means an investigation of the practices of the criminal justice agency and contact with that agency, either by written inquiry or on-site review, and any negotiations which arise out of that review or investigation. A case means a lawsuit (for the Division) or a formal administrative hearing (for LEAA). Ordinarily status reports showing the status of all full investigations or cases will be exchanged at least every thirty (30) days; and special advice will be given of new matters of mutual interest between status reports. If both LEAA and the Division are interested in initiating a full investigation against the same agency, the interested Division Section Chief and the Director of the LEAA Office of Civil Rights Compliance will attempt to resolve the question of which agency should proceed with the investigation. Failing agreement, the Administrator and the Assistant Attorney General, or their delegates, will resolve the question.

2. Unless the Administrator and the Assistant Attorney General agree in a particular case to the contrary, LEAA shall have primary responsibility for handling investigations and cases commenced by LEAA, and the Division shall have primary responsibility for handling investigations and cases commenced by the Division. LEAA cases will be handled under Section 509 or Section 518(c)(2) of the Crime Control Act, and the Division cases will be handled under Section 518(c)(3) and/or whatever other jurisdictional grounds exist, such as Titles III, VI, VII and IX of the Civil Rights Act of 1964 and the State and Local Fiscal Assistance Act of 1972.

If the Division has or receives complaints against an agency within the scope of an investigation or case for which LEAA has primary responsibility, the Division will request LEAA to investigate the complaint. If LEAA has or receives complaints against an agency within the scope of an investigation or case for which the Division has responsibility, LEAA will request the Division to investigate the complaint. The Division shall, as soon as practicable, advise LEAA whether the complaint will be resolved by its litigation. If it will not be, the Division shall promptly return the complaint to LEAA for investigation. Each party may also request the other to act on new matters uniquely within its jurisdiction.

3. Five (5) working days prior to the proposed filing of a lawsuit against a recipient of LEAA funds, the Division will forward a copy of the proposed complaint to LEAA. If the Division files suit against an LEAA recipient, alleging a pattern or practice of discriminatory conduct that violates or would violate Section 518(c)(1), and neither party within 45 days after filing has been granted preliminary relief with regard to the suspension or payment of funds as may be available by law, LEAA shall suspend further payment of any funds

under the Crime Control Act and the Juvenile Justice Act to the specific program or activity alleged by the Attorney General to be in violation of the provisions of Section 518(c)(1) until such time as the court orders resumption of payment.

4. In those matters within its primary responsibility, LEAA will institute administrative proceedings pursuant to Sections 42.210, *et seq.*, of the LEAA Nondiscrimination Regulations, Subpart D (43 FR 28794) against any recipient criminal justice agency determined to be in noncompliance with Section 518(c)(1). LEAA may, at any time, request the Division to file suit to enforce compliance with Section 518(c)(1). LEAA will monitor the litigation through the court docket and liaison with the appropriate section.

If, in a particular matter within its primary responsibility, LEAA does not believe that a determination of noncompliance or request to sue is warranted, it may refer the matter to the Division for such actions as the Division deems appropriate.

5. The Division will represent LEAA in any proceedings for judicial review of a final determination of noncompliance with Section 518(c)(1).

6. Nothing in this memorandum is intended to or shall be construed to restrict the authority or abrogate any responsibility the Administrator of LEAA may have to initiate an administrative proceeding against any recipient agency at any time.

7. In any case where both a judicial proceeding by the Division and an administrative investigation or case by LEAA have been commenced against the same recipient agency, and the Division believes that a consent decree is an appropriate resolution of the judicial proceeding, LEAA will be given the opportunity to comment on the proposed consent decree prior to its entry.* In such cases, LEAA and the Division will each continue their established practice of making available to the other information contained in their files relevant to compliance with Federal civil rights law.

8. The General Counsel of LEAA, the Director of the LEAA Office of Civil Rights Compliance, and the Chiefs of the Federal Enforcement and Special Litigation Sections of the Division will periodically discuss matters of mutual concern to attempt to improve the coordination and effectiveness of the programs of the two agencies, and to recommend to the Administrator and Assistant Attorney General any appropriate changes in this memorandum or in the procedures of the two agencies.

Henry S. Dogin,

Administrator, Law Enforcement Assistance Administration.

Drew S. Days III,

Assistant Attorney General, Civil Rights Division.

[FR Doc. 79-37756 Filed 12-6-79; 8:45 am]

BILLING CODE 4410-18-M

*If LEAA assistance to the recipient agency had previously been suspended, funding will not resume until the recipient is either in full compliance with the final order of the court, as defined in 28 CFR 42.213(b); is found in compliance by the court; or enters into a compliance agreement with LEAA pursuant to Section 518(c)(2)(D) of the Crime Control Act.

DEPARTMENT OF LABOR

Employment Standards Administration

Fire Protection and Law Enforcement Employees of Public Agencies; Study of Average Number of Hours Worked

AGENCY: Employment Standards Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor is required by the Fair Labor Standards Amendmens of 1974 to conduct studies of the average number of hours in tours of duty worked by fire protection personnel and by law enforcement personnel employed by public agencies. Under the Act, the average number of hours worked by such employees, if less than 216 hours in a 28-day work period, determines the overtime standard which applies to such employees, effective January 1, 1978. The Department has now completed the studies, and publishes the results in the **Federal Register**, as required by the 1974 amendments.

DATE: The overtime standard required as a result of the study took effect on January 1, 1978, to the extent that it is less than 216 hours in a work period of 28 consecutive days. The 216-hour standard became effective by statute on January 1, 1977.

FOR FURTHER INFORMATION CONTACT: James D. Brown, Deputy Director, Office of Program Development and Accountability, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, telephone 202-523-6591.

SUPPLEMENTARY INFORMATION: Section 7(a) of the Fair Labor Standards Act ("FLSA" or "Act") requires that premium overtime wages be paid after 40 hours in a workweek. However, section 7(k) of the Act sets forth a partial overtime exemption for fire protection and law enforcement personnel (including security personnel in correctional institutions) who are employed by public agencies. Effective January 1, 1978, section 7(k) provides as follows:

> No public agency shall be deemed to have violated [the normal 40-hour overtime standard of the Act] with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if—
>
> (1) in a work period of 28 consecutive days the employee receives for tours of duty which in the aggregate exceed the lesser of (A) 216 hours, or (B) the average number of hours (as determined by the Secretary pursuant to section 6(c)(3) of the Fair Labor Standards Amendments of 1974) in tours of duty of employees engaged in such activities in work periods of 28 consecutive days in calendar year 1975; or
>
> (2) in the case of such an employee to whom a work period of at least 7 but less than 28 days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as 216 hours (or if lower, the number of hours referred to in clause (B) of paragraph (1)) bears to 28 days, compensation at a rate not less than one and one-half times the regular rate at which he is employed.

The study referred to in section 7(k) is described in section 6(c)(3) of the Fair Labor Standards Amendments of 1974:

> The Secretary of Labor shall in the calendar year beginning January 1, 1976, conduct (A) a study of the average number of hours in tours of duty in work periods in the preceding calendar year of employees (other than employees exempt from section 7 of the Fair Labor Standards Act of 1938 by section 13(b)(20) of such Act) of public agencies who are employed in fire protection activities, and (B) a study of the average number of hours in tours of duty in work periods in the preceding calendar year of employees (other than employees exempt from section 7 of the Fair Labor Standards Act of 1938 by section 13(b)(20) of such Act) of public agencies who are employed in law enforcement activities (including security personnel in correctional institutions). The Secretary shall publish the results of each such study in the **Federal Register**.

As the statutory text makes clear, each study is to be made of specified types of employees of "public agencies," except for those employees exempted by section 13(b)(20) of the Act. "Public agency" is defined in section 3(x) of the Fair Labor Standards Act as "the government of the United States; the government of a State or political subdivision thereof; any agency of the United States (including the United States Postal Service or Postal Rate Commission), a State, or a political subdivision of a State; or any interstate governmental agency." Section 13(b)(20)

exempts any fire protection or law enforcement employee of a public agency "if the public agency employs during the workweek less than 5 employees in fire protection or law enforcement activities, as the case may be."

Accordingly, when the study was originally designed, it excluded those fire protection and law enforcement personnel (including security personnel in correctional institutions) who, as a result of the section 13(b)(20) exemption, were not subject to the special overtime standard in section 7(k).

During the time that the study was being designed, the Supreme Court took action which at first temporarily, and later permanently, prevented application of the special section 7(k) overtime standard to many other fire protection and law enforcement employees besides those exempted by section 13(b)(20). Specifically, on December 31, 1974, the day before the section 7(k) provisions became effective, the Supreme Court stayed them, as well as regulations which the Department of Labor had issued, insofar as they applied to State and local governments. The stay order specifically enjoined "enforcement by the Secretry of Labor or by any other person in any Federal court" of the provisions referred to above with respect to State and local governments (see 419 U.S. 1321 (Dec. 31, 1974)). Later, in *National League of Cities* v. *Usery*, 426 U.S. 833 (1976), the Supreme Court struck down as unconstitutional the application of the FLSA's minimum wage and overtime provisions to State and local government employees engaged in "traditional" government functions, including firefighters and law enforcement personnel. As a result of the stay order and the 1976 decision by the Supreme Court, State and local firefighters and law enforcement personnel were never subject to section 7(k) (or any other overtime provisions of the Act).

In light of this action by the Supreme Court, the Department has excluded from the studies not only those employees who are exempt from the section 7(k) overtime standard by reason of section 13(b)(20), but also those state and local government employees who are not subject to the section 7(k) overtime standard by reason of the Supreme Court's decision in *National League of Cities*.

The data with respect to the remaining public agency employees are as follows. In the case of employees engaged in fire protection activities, the average number of hours in tours of duty in work periods in calendar year 1975 was 282 hours. Consequently, the partial overtime exemption in section 7(k) for such employees will remain at 216 hours in a work period of 28 consecutive days (or a correspondingly lesser number of hours for a shorter work period).

In the case of employees engaged in law enforcement activities (including security personnel in correctional institutions), the average number of hours in tours of duty in work periods in calendar year 1975 was 186 hours. Consequently, the partial overtime exemption in section 7(k) for such employees will change from 216 hours to 186 hours in a work period of 28 consecutive days (or a correspondingly lesser number of hours for a shorter work period). As provided in section 6(c)(1)(D) of the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259, 88 Stat. 610, this change became effective January 1, 1978. The Office of Personnel Management has taken the position that where any Federal employee is entitled to additional overtime compensation as a result of the studies described herein, such overtime compensation shall be paid retroactively to the first applicable work period commencing on or after January 1, 1978.

As a result of these studies, pertinent changes will be made in 29 CFR Part 553 ("Employees of Public Agencies Engaged in Fire Protection or Law Enforcement Activities (Including Security Personnel in Correctional Institutions)").

Signed at Washington, D.C., on this 3rd day of December, 1979.

Donald Elisburg,

Assistant Secretary for Employment Standards.

[FR Doc. 79-37687 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

Ending of Extended Benefit Period in the State of Rhode Island

This notice announces the ending of the Extended Benefit Period in the State of Rhode Island, effective on December 8, 1979.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (Title II of the Employment Security Amendments of 1970, Pub. L. 91–373; 26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Umemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. This Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when unemployment in the State or in all States collectively reaches the high levels set in the Act. During an Extended Benefit Period individuals are eligible for maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when unemployment in the State is no longer at the high levels set in the Act. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Rhode Island on March 18, 1979, and has now triggered off.

Determination of "Off" Indicator

The head of the employment security agency of the State of Rhode Island has determined, in accordance with the State law and 20 CFR § 615.12(e), that the average rate of insured unemployment in the State for the period consisting of the week ending on November 17, 1979, and the immediately preceding twelve weeks, has decreased so that for that week there was an "off" indicator in that State. Therefore, the Extended Benefit Period in that State terminates with the week ending on December 8, 1979.

Information for Claimants

Persons who wish information about their rights to Extended Benefits in the State of Rhode Island should contact the nearest State Employment Office of the Rhode Island Department of Employment Security.

Signed at Washington, D.C., on December 4, 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 79-37686 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-30-M

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requries the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, NW., Washington, D.C. 20013.

Signed at Washington, D.C., this 3rd day of December 1979.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending Dec. 1, 1979

Name of applicant and location of enterprise	Principal product or activity
Lake George Steamboat Company, Inc., Lake George Village, New York.	Local water transportation and sightseeing cruises.
Goods Department Stores, Inc., Steubenville, Ohio and St. Clairsville, Ohio.	Department store sales.
Plumley Rubber Company and Subsidiaries, Paris, Tennessee	Manufacture of automotive rubber hose, wiring harnesses, weather stripping and rubber hose.
Hawthorne Industries, Inc., Dalton, Georgia	Manufacture of tufted carpet and carpet finishing services.

[FR Doc. 79-37547 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 17, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 17, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of November 1979.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Delcor Fashions Co., Inc. (company)	Jersey City, N.J.	11/26/79	11/20/79	TA-W-6,463	Contractor of ladies' coats.
Essex Group, Inc. (Alloyed Industrial Workers).	Andrews, Ind	11/21/79	11/16/79	TA-W-6,464	Power steering hose assemblies and return lines for cars and trucks.
Hyde Athletic Industries, Saucony Shoe Division (workers).	Kutztown, Pa	11/23/79	11/20/79	TA-W-6,465	Athletic shoes.
Hyde Athletic Industries, Saucony Shoe Division (workers).	Macungie, Pa	11/23/79	11/20/79	TA-W-6,466	Athletic shoes.
Indian Coal Land Company (workers)	Beckley, W. Va	11/23/79	11/19/79	TA-W-6,467	Metallurgical coal.
International Shoe Company (Footwear Division of United Food & Commercial Workers).	Marshall, Mo	11/23/79	11/19/79	TA-W-6,468	Men's and women's finished boots and shoes.
Judson Steel Corp., Northern Division (workers).	Vancouver, Wash	11/23/79	11/20/79	TA-W-6,469	Reinforcing steel.
Max Rubin Industries (company)	Baltimore, Md	11/27/79	11/27/79	TA-W-6,470	Men's clothing—suits—sportcoats.
Park Fashions, Inc. (company)	Hoboken, N.J	11/26/79	11/20/79	TA-W-6,471	Ladies' coats.
Penco Products, Inc. (company)	Oaks, Pa	11/21/79	11/14/79	TA-W-6,472	Steel lockers, cabinets, and shelves.
Republic Steel Corp., Union Drawn Division (USWA).	Massillon, Ohio	11/23/79	11/15/79	TA-W-6,473	Cold finished steel bars, carbon alloy and stainless steel.
Snob Fashions, Inc. (company)	Jersey City, N.J	11/23/79	11/19/79	TA-W-6,474	Ladies' coats.
Vinco Fashions Co., Inc. (company)	Jersey City, N.J	11/26/79	11/20/79	TA-W-6,475	Ladies' coats.

[FR Doc. 79-37685 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 17, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 17, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of November 1979.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Ashland Mining Corp. (UMWA)	Ashland W. Va	11/6/79	11/1/79	TA-W-6,476	Metallurgical coal.
Consolidation Coal Co., Eastern Region, Ireland Mine (workers).	Moundsville, W. Va	11/20/79	11/14/79	TA-W-6,477	Metallurgical coal.
Island Creek Coal Company, V.P. Mine No. 3 (UMWA).	Vansant, Va	11/2/79	10/26/79	TA-W-6,478	Metallurgical coal.
Island Creek Coal Co., Beatrice Mine (UMWA).	Keen Mountain, Va	11/19/79	10/11/79	TA-W-6,479	Metallurgical coal.
Jones & Laughlin Steel Corp. (USWA)	Hammond, Ind	11/23/79	11/9/79	TA-W-6,480	Cold finished bars.
Judy Wayne, Inc. (workers)	New York, N.Y	11/20/79	11/15/79	TA-W-6,481	Women's knit dresses, separates.
M. Lowenstein Corp. (workers)	New York, N.Y	11/5/79	10/31/79	TA-W-6,482	Textiles.
Russell, Burdsall & Ward Corp. (UAW)	Mentor, Ohio	11/23/79	11/19/79	TA-W-6,483	Nuts, bolts, screws, and washers.
Satralloy, Inc. (workers)	Steubenville, Ohio	11/14/79	11/10/79	TA-W-6,484	Ferroalloy.
Wilton Corp. (workers)	Winchester, Tenn	11/23/79	11/15/79	TA-W-6,485	Metalworking vises for hose shop use, metalworking band saws, and drill presses.

[FR Doc. 79-37684 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6263]

Keystone Uniform Manufacturing Co., Inc.; Philadelphia, Pa. Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on October 24, 1979 in response to a worker petition received on October 9, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers formerly producing uniforms at Keystone Uniform Manufacturing Company, Incorporated of Philadelphia, Pennsylvania. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Keystone Uniform Manufacturing Company, Incorporated produces custom-made uniforms for municipal police and fire departments, highway commissions, port authorities and high school bands. U.S. imports of uniforms were negligible in 1977, 1978 and the first half of 1979.

Conclusion

After careful review, I determine that all workers of Keystone Uniform Manufacturing Company, Incorporated of Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th May of November 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-37683 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6117 and TA-W-6118]

Townsend Fastening Systems, Fallston, Pa.; Ellwood City, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements to section 222 of the Act must be met.

The investigation was initiated on September 27, 1979, in response to a worker petition received on September 24, 1979, which was filed by the United Steelworkers of America on behalf of workers and former workers producing industrial fasteners at Townsend Fastening Systems, Fallston and Ellwood City, Pennsylvania. In the following determination, without regard to whether any of the criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Department survey revealed that most of the surveyed customers did not purchase imported specialty fasteners or rivets in 1978 or 1979. The one customer that did purchase imports increased purchases from Townsend.

Conclusion

After careful review, I determine that all workers of Townsend Fastening Systems, Fallston and Ellwood City, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of November 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-37682 Filed 12-6-79; 8:45]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

[Application No. D-1032]

Proposed Exemption for Certain Transactions Involving the Evans Products Co. General Pension Plan

In 44 FR 60437 of the Federal Register dated October 19, 1979, the Department of Labor (the Department) published a notice of pendency of a proposed exemption from the prohibited transactions restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1954. The notice of pendency concerned an application filed by the trustees of the Evans Products Company General Pension Plan (the Plan).

Extension of Time for Comments and Hearing Requests

In the paragraph headed "Notice to Interested Parties," page 60437, it was specified that notice of the proposed exemption would be made available to all interested parties including the trustee of the Plan and all active and retired participants or their beneficiaries, within 10 days of the publication of the notice of pendency in the Federal Register, by delivery in person or by first class mail.

By letter dated November 5, 1979, Evans Products Company (Evans) notified the Department that they were unable to comply with their representation to notify all interested persons within the time period specified in the notice of pendency. Therefore, the time period for receipt of comments and/or requests for a public hearing on the proposed exemption is hereby extended until January 14, 1980, so that participants and beneficiaries may have the opportunity to comment on the proposed exemption. Evans represented, in their November 5, 1979 letter, that (1) a copy of the October 19, 1979 notice of pendency; (2) a copy of this notice; and (3) a transmittal letter from Evans (collectively, the Documents) will be provided to all interested parties on or before December 28, 1979, by posting copies of the Documents in all Evans' operating plants and mailing copies of the Documents, by first class mail, to all retired participants and beneficiaries.

All written comments and requests for a public hearing should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. D-1032.

Changes

In the paragraph headed "Summary of Facts and Representations," page 60437, the last sentence of paragraph number 1, should read: "All of the Plan's assets were subsequently transferred to Bank of America with the exception of eleven real estate mortgage loans totalling $58,783.52 which Bank of America did not want to manage."

Dated: November 28, 1979.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S Department of Labor.

[FR Doc. 79-37420 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 79-71; Exemption Application No. D-792]

Exemption From the Prohibitions for Certain Transactions Involving the Wells Fargo Index Fund for Employee Benefit Trusts

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the purchase or sale of securities between the Wells Fargo Bank Index Fund for Employee Benefit Trusts (the Index Fund) and certain employee benefit plans (the Plans) with respect to which Wells Fargo Bank (the Bank) is a fiduciary.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216. (202) 523-7222. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On August 10, 1979 notice was published in the **Federal Register** (44 FR 47188) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restriction of section 406(a)(1)(A) and (D) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) and (D) of the Code, for the purchase or sale of securities between the Index Fund and the Plans. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No requests for a hearing were received by the Department.

Three comments were received, two of which were in favor of the exemption being granted in the same form in which it was proposed. The third comment, which was submitted by the Bank, concerned a clarification as to whether the exemption would include transactions between the Index Fund and certain Plans which respect to which the Bank is a fiduciary but which are not partially invested in the Index Fund. It was the intention of the Department in the notice of pendency that a Plan need not be invested in the Index Fund to be included in this exemption.

Upon consideration of the comments received, the Department has determined to grant the exemption in the form in which it was proposed.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(a)(1)(B), (C) and (E) and 406(b)(1) and (3) of the Act and section 4975(c)(1)(B), (C), (E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedures 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly, the restrictions of section 406(a)(1)(A) and (D) and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) and (D) of the Code shall not apply to the purchase or sale of securities between the Index Fund and the Plans.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms

of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 30th day of November, 1979.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-37421 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 79-72; Exemption Application No. D-966]

Employee Benefit Plans; Exemption From the Prohibitions for Certain Transactions Involving W. L. Gordon Company, Inc. Profit Sharing and Thrift Plan

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the donation to the W. L. Gordon Company, Inc. Profit Sharing and Thrift Plan (the Plan) and the leaseback until June 30, 1984, from the Plan of certain real property by the W. L. Gordon Company, Inc. (the Employer).

FOR FURTHER INFORMATION CONTACT: C. E. Beaver of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8882. (This is not a tollfree number.)

SUPPLEMENTARY INFORMATION: On October 19, 1979, notice was published in the **Federal Register** (44 FR 60443) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(a)(1) (A) through (E) of the Code, for transactions described in an application filed by the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transactions provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plan.

The restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the donation of certain real property, consisting of 17,065 square feet of land and 4,764 square feet of new building located at 4135 Office Parkway, Dallas, Texas by the Employer to the Plan and the leaseback, until June 30, 1984, of the same real property by the Employer from the Plan.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 30th day of November.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-37422 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 79-74; Exemption Application No. D-1521]

Exemption From the Prohibitions for Certain Transactions Involving the Carey Defined Contribution Trust

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale by the Carey Defined Contribution Trust (the Plan) of a parcel of real property in Danbury, Connecticut to Carey Industries, Inc. (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 19, 1979 notice was published in the **Federal Register** (44 FR 60435) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the sale of a parcel of real property in Danbury, Connecticut by the Plan to the Employer. The notice set forth a

summary of facts and representations contained in the application and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that he has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an eemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the cash sale by the Plan of 3.099 acres of land on Triangle Street in Danbury, Connecticut for $105,000 to the Employer provided that this amount is at least the fair market value of the land at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 30th day of November, 1979.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-37424 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-29-M

[Application No. L-1435]

Proposed Exemption for Certain Transactions Involving the Quad-City Builders—Local 111 Training Program Trust

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt from the restrictions of section 406(a) of the Act the purchase by the Quad-City Builders—Local 111 Training Program Trust (the Plan) of a parcel of real property improved by a building (the Property) form Mr. Dan Schlapkohl, a party in interest with respect to the Plan, and an extension of credit by Mr. Schlapkohl to the Plan with respect to the purchase. The proposed exemption, if granted, would affect Mr. Schlapkohl, the trustees, participants and beneficiaries of the Plan, and all contributing employers with respect to the Plan.

DATE: Written comments must be received by the Department of Labor on or before January 11, 1980.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. L–1435. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Stander, of the Department of Labor, telephone (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act. The proposed exemption was requested in an application filed on behalf of the trustees of the Plan, pursuant to section 408(a) of the Act and in accordance with procedures set forth in ERISA procedure 75–1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is a collectively bargained multiple employer training plan whose activities are exclusively devoted to the training of ironworkers in the skill categories represented by Local No. 111 of the International Association of Bridge, Structural and Ornamental Iron Workers. The estimated number of Plan

participants is 350. The training program is instrumental in supplying adequate numbers of ironworkers for construction projects in the Davenport and Bettendorf, Iowa—rock Island, Moline, and East Moline, Illinois metropolitan areas as well as surrounding areas including Clinton and Muscotine, Iowa and Galesburg, Illinois. These areas contain many different kinds of industry and manufacturing that require ironworkers on a constant and long-term basis.

2. The Plan does not have adequate training facilities available in the community and would like to acquire new training facilities which would be designed and constructed to accommodate the Plan's specific needs. The Plan expects that the acquisition of a new training facility (the Building) will alleviate the current manpower shortage in the local construction force, and enable the Plan to deal with the expected long-term increase in demand for ironworkers due to the planned construction of major industrial projects in the area.

3. As of July 1, 1979, the Plan had total assets of approximately $21,850. The Plan sought financing for the construction of the Building from local banking institutions. The First National Bank of Rock Island and several other local banks indicated to the Plan that financing for the construction of the Building would only be available upon the effecting of a down payment of at least 25% of the purchase price of the Building. Since the Plan expected that the construction of the Building would cost approximately between $250,000 and $300,000, the amount of down payment necessary for the Plan to obtain third party financing would be approximately three times the amount of the Plan's total assets. The Plan would also be charged an interest rate for any loan it received at a rate not less than the current prevailing prime rate. Therefore, the Plan intends to acquire the Property pursuant to an installment sales contract (the Contract), which customarily is known as a commercial arrangement whereby a buyer makes an initial down payment and signs a contract for the payment of the balance in installments over a period of time.

4. The Plan represents that the only contractors in the local area competent to undertake the construction of the Building are contractors who are contributing employers with respect to the Plan. The Plan's trustees developed the initial specifications for the construction of the Building, and publicly solicited bids with respect to the Property through general circulation newspapers. Two bids on the Property were received, both of which were reviewed by Mr. Wayne F. Kulow, an independent local professional engineer. Mr. Kulow determined that both bids satisfied the published specifications and recommended the acceptance of the bid of the All Steel Building Company (the Company), a contributing employer with respect to the Plan, based on its bid being $30,000 less than the other bid. Mr. Dan Schlapkohl, a principal owner of the Company and a party in interest with respect to the Plan, will provide the financing rather than the Company. No agent, employee, officer, or owner of the Company is or has been in the past four years a Plan trustee, nor has the Company contributed more than 10% of the employer contribution to the Plan for the past three years.

5. The land upon which the Building will be constructed (the Land) is situated in the County of Rock Island, State of Illinois, and is known and described as Lot 6, Turkey Hollow Industrial Park, 3rd Addition to the City of Rock Island, Illinois. Although, the total purchase price for the Property is $303,011.96, the total amount to be expended by the Plan will be $360,000 which includes interest at the rate of seven percent (7%) per annum on the unpaid principal balance. The Plan will pay the sum of $6,000 per month in sixty (60) equal monthly payments commencing on the first day of the first month following completion of the Building. The Plan will not make any down payment. The Plan will take possession of the Property upon the date of completion of the Building. Ownership of the Property will pass to the Plan upon completion of the monthly payments by the Plan. The Plan will pay all general taxes, insurance, assessments, repairs or other charges to the Property due during the five year payment period, but will not be responsible for such expenses during the construction of the Building.

6. The Plan intends to make payments pursuant to the Contract by utilizing funds contributed by contributing employers with respect to the Plan. The Plan expects that an increase in the employer contribution rate per hour worked by ironworkers of 19¢ per hour, which went into effect on July 1, 1979, will provide not less than approximately $95,000 a year in employer contributions. The monies resulting from the increase in the employer contribution rate would be allocated directly to a separate fund to be used for the acquisition and maintenance of the Building. The annual payments due pursuant to the Contract will be $72,000. Additional increases in the contribution rate will be arranged between the Plan and contributing employers if the 19¢ per hour increase is not adequate.

7. The Contract will provide for many of the customary safeguards typically provided for in such contracts. First, Mr. Schlapkohl will be required to show at the execution of the Contract that he has good and marketable title with respect to the Land. The only encumbrances upon the land will be Mr. Schlapkohl's indebtedness with respect to his purchase of the Land (the Mortgage), and easements of record which do not affect the value of the Land and are acceptable to the Plan. Mr. Schlapkohl will agree not to make or suffer additional encumbrances prior to the transfer of title of the Property to the Plan other than an additional mortgage whose payments must be less than the Plan's payments under the Contract. Second, the Plan will record the sale and therefore prevent a subsequent purchaser or lien holder from attaining superior title to the Land. Third, the Plan will not begin to make payments until an unrelated third party selected by both the Plan and the Company has certified that the Building is complete. Fourth, Mr. Schlapkohl's mortgagee will be required to promptly notify the Plan of any default by Mr. Schlapkohl with respect to the Mortgage. The Plan will have the right to make Mr. Schlapkohl's required payments, and credit such payments towards its obligations under the Contract. Fifth, a default in payment by the Plan will not result in the Plan forfeiting its rights under the Contract unless the Plan fails to make such payment or perform such other terms and conditions of the Contract in default within 30 days of the receipt of a certified or registered letter specifying which terms and conditions of the Contract have not been complied with.

8. In summary, the applicant represents that the proposed exemption satisfies the criteria of section 408(a) of the Act because (1) it allows the Plan to acquire and maintain the Property by the effecting of payments from a specific fund established and fully funded by employer contributions; (2) it enables the Plan to acquire a much needed training facility at considerably more favorable terms than if the Plan sought such financing from an independent third party, specifically (a) the Plan will not make any down payment with respect to the Contract and (b) the Plan will pay interest with respect to the purchase at a much lower rate than if the Plan secured financing from an unrelated third party; and (3) an independent professional engineer

determined that the Company's bid satisfied the Plan's specifications for the construction of the Building, and recommended the acceptance of the Company's bid.

Notice to Interested Persons

A copy of this notice of the proposed exemption will be posted prominently and continuously for a period not less than 30 days beginning within five (5) days after publication of the notice in the **Federal Register** at the office of the Plan, the hiring and dispatch hall of the local union, and all places where membership meetings of the local union are customarily held. Copies of this notice will also be mailed to all of the contributing employers of the Plan within five (5) days after publication in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive or whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act shall not apply to: (1) the purchase by the Plan from Mr. Dan Schlapkohl, a principal owner of the Company, of a certain parcel of real property known as Lot 6, Turkey Hollow Industrial Park, 3rd Addition to the City of Rock Island, Illinois, improved by a building thereon, and (2) an extension of credit by Mr. Dan Schlapkohl to the Plan with respect to the above purchase.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 30th day of November 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-37425 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D–1385]

Proposed Exemption for Certain Transactions Involving Alfa Profit Sharing Retirement and Savings Plan

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a 50% interest in a parcel of real property owned by the Alfa Profit Sharing Retirement and Savings Plan (the Plan) to Dieter P. Gerlach and Ilse M. Gerlach, parties in interest with respect to the Plan. The proposed exemption, if granted, would affect the trustee and participants of the Plan, and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before January 16, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–1385. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Stander of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on March 26, 1979, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan has seven participants all of whom joined in the application for exemption. The Plan was established on April 1, 1966. On January 31, 1977, the Board of Directors of the Alfa Machine and Tool Company, Inc., the Plan's sponsor, voted to terminate the Plan as of December 31, 1976. The Plan's assets were not distributed to its participants but were held in trust pending their complete liquidation.

2. The Plan owns a two acre parcel of vacant land known as Block 149–4, Lot 4 located in the Township of Montville in Morris County, New Jersey (the Property). The Property was acquired by the Plan from an unrelated third party on April 17, 1972 for $50,000. The Property constitutes virtually all of the Plan's assets. The Property was appraised by an independent, qualified appraiser, John P. Hurley of The Real Estate Exchange, Morris Plains, New Jersey, who determined its fair market value to be $75,000 as of July 3, 1978. The Property is not income producing and is assessed $1,776 a year in taxes by the municipality.

3. The Property has been offered for sale for over five years through recognized brokers and also by means of a sign posted on the Property. The brokerage firm of Sterling Thompson of Whippany, New Jersey, was given a ninety day exclusive listing on August 8, 1978, to sell the Property at a price of $75,000 subject to a 10% commission. This authorization expired on November 9, 1978, without any offer having been received. To date, there has not been an offer from an unrelated third party to purchase the Property.

4. Dieter P. Gerlach, a party in interest with respect to the Plan by virtue of being the trustee of the Plan and his wife, Ilse M. Gerlach, propose to purchase a 50% interest in the Property. Lawrence S. Taccone and Mary D. Taccone, unrelated third parties with respect to the Plan, will purchase the remaining interest in the Property. The proposed total sales price for the Property will be the appraised value of $75,000, provided that this price is not less than its fair market value at the time of sale. The Gerlachs propose to pay $37,500 for their 50% interest in the Property, provided that this amount is not less than the fair market value of their undivided one-half interest in the Property at the time of sale. The transaction will be for cash.

In summary, the applicant represents that the sale of the Property will be in the interests of and protective of the participants of the Plan because: (a) it would allow the Plan to dispose of a non-income producing asset that constitutes virtually all of the assets of the Plan; (b) the sale of the Property will be for cash at its independently appraised value; and (c) the sale of the Property will allow the distribution of benefits to the Plan and the complete liquidation of Plan assets to Plan participants.

Notice to Interested Persons

Notice of the proposed exemption as published in the **Federal Register** will be mailed to each of the Plan's participants and any individual receiving benefits under the Plan within 10 days of the date the notice of the proposed exemption is published in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that the transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of a 50% interest in a two acre unimproved parcel of real property located in the Township of Montville, Morris County, New Jersey by the Plan to Dieter P. Gerlach and Ilse M. Gerlach, parties in interest with respect to the Plan, for the greater of $37,500.00 cash or the fair market value of their undivided one-half interest in the Property at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 30th day of November, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-37426 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1467]

Proposed Exemption for Certain Transactions Involving the Pension Trust Fund for Operating Engineers

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the issuance by the Pension Trust Fund for Operating Engineers (the Plan) of commitments obligating the Plan to purchase mortgage loans on single-family dwelling units from financial institutions, when construction of such dwelling units is by persons who are parties in interest or disqualified persons with respect to the Plan. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the financial institutions involved, contributing employers, and other persons participating in the proposed transactions.

DATES: Written comments must be received by the Department of Labor on or before January 31, 1980.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1467. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small, of the Department of Labor, telephone (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemption was requested in an application filed by McMorgan & Company, the investment manager of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains facts and representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

(1) The Plan is a multiemployer pension plan which covers operating engineers who are employed by contractors and home builders in Northern California. In order to obtain construction loans, builders frequently must have a commitment from a mortgage banking firm or other financial institution to provide financing for the purchasers of the dwelling units which the builder proposed to build and sell. Such mortgage banking firms and other financial institutions often do not hold for their own investment all the mortgage loans they make to purchasers of the homes but instead sell the loans to long-term investors, pursuant to a written commitment made by such an investor. In many instances the mortgage banker or financial institution relies on the commitment of the long-term investor in giving its financing commitment to the builder to provide financing for the purchasers of the dwelling units. The Plan has for over five years issued written commitments to independent mortgage banking firms, which are typically state and federally chartered banks and savings and loan associations, or other corporations which have a mortgage banking business. Such commitments obligate the Plan to purchase from the mortgage banking firms a specified amount of mortgage loans made by the firm, and secured by first deeds of trust on single-family dwelling units. Such units are detached single-family homes in subdivisions, are condominiums created under applicable state law, or are planned unit developments which are multi-unit subdivisions restricted by recorded documents limiting the use of property to residential purposes and providing a plan for maintenance of common facilities. Commitments are made on behalf of the Plan by McMorgan & Company, the Plan's investment manager, for the purchase of mortgage loans which conform to certain written guidelines, regarding the type and quality of the property and the credit worthiness of the buyer, established by the trustees of the Plan. In considering whether to issue a commitment on behalf of the Plan for a particular project, McMorgan & Company considers, among other things, who the builder of the project will be. McMorgan & Company is, and is required to remain while serving as investment manager for the Plan, registered as an investment advisor under the Investment Advisor's Act of 1940, and was appointed the Plan's investment manager under section 402(c)(3) of the Act.

(2) Following purchase by the Plan of any such mortgage loans, the note and deed of trust are assigned by the mortgage banking firm to the Plan. The Plan normally charges a loan fee for issuing the commitment to purchase such loans, part of which is refundable if the loans are tendered and purchased by the Plan. Terms of the commitments prohibit sale to the Plan of any loan which is an obligation of a party in interest or disqualified person with respect to the Plan. In addition, mortgage banking firms from which the Plan purchases mortgages service the loans under separate servicing contracts with the Plan. The servicing includes collecting payments and remitting them to the Plan, sending late notice and handling foreclosures. The Plan's commitment must conform to the written guidelines which the Plan trustees have provided to the Plan's investment manager. The guidelines are in two sets, one for conventional residential, mortgages, including planned unit developments and condominium units, and the other for one-family dwellings, FHA-insured or VA guaranteed mortgages. Each set of guidelines contains requirements regarding the dwelling, the plot, water supply and sewage disposal, the area, the mortgage loan (including the borrower's income and credit) and other requirements or considerations. Some of the requirements are that the dwelling unit not be more than one year old (although) justifiable exceptions may be considered, that the loan mature in not more than 30 years (in the case of conventional loans) or 35 years (in the case of FHA-insured or VA-guaranteed loans), that conventional loans not exceed 80% of appraised value except loans of 90% of appraised value will be considered where private mortgage insurance covers the top 20%, and that title insurance and other forms of insurance be provided. These

requirements are specified in the written commitment. In addition, the commitment contains the fee charged by the Plan for issuing the commitment and the interest rate required on the loans which are to be purchased by the Plan.

(3) The terms of the commitment are similar to commitments made by other lenders, for example, insurance companies, banks and savings and loan associations. The interest rate charged is determined by the rate then prevailing in the market place.

Notice to Interested Persons

Within sixty days following publication in the **Federal Register**, the notice of the proposed exemption will be published in the monthly newspaper of Local 3 of the Operating Engineers which is distributed to both Plan participants and beneficiaries.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the Plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the Plan must operate for the exclusive benefit of the employees of the employer maintaining the Plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the Plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the Plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to issuance by the Plan of commitments, in accordance with the guidelines and procedures set forth in the application, obligating the Plan to purchase mortgage loans on single-family dwelling units from financial institutions, when construction of such dwelling units is by persons who are parties in interest or disqualified persons with respect to the Plan, and shall not apply to the purchase of mortgage loans which meet the criteria of the guidelines and procedures set forth in the application, from financial institutions which are parties in interest or disqualified persons with respect to the Plan solely by reasons of servicing mortgages which they previously have sold to the Plan. The foregoing exemption will be applicable only if the following conditions are met.

(a) At the time the transaction is entered into, the terms of the transaction are not less favorable to the Plan than the terms generally available in arms's-length transactions between unrelated parties.

(b) The Plan maintains for a period of six years from the date of the transaction the records necessary to enable the persons described in paragraph (c) of this section to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the fiduciaries of the Plan records are lost or destroyed prior to the end of the six-year period, (2) no party in interest shall be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by paragraph (c) below.

(c) Notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (b) of this section are unconditionally available at their customary location for examination during normal business hours by:

(i) Any duly authorized employee or representative of the Department of Labor or the Internal Revenue Service;

(ii) Any trustee of the Plan or any duly authorized employee or representative of such trustee;

(iii) The Plan's investment manager or any duly authorized employee or representative of the investment manager; and

(iv) Any participant or beneficiary of the Plan or any duly authorized employee or representative of such participant or beneficiary.

In addition, the proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 30th day of November, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-37427 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-29-M

[Exemption Application No. D-911]

Proposed Exemption for a Transaction Involving the International Union of Operating Engineers, Local 12 Pension Trust; Extension of Comment Period

AGENCY: Department of Labor.

ACTION: Notice of Extension of Comment Period.

SUMMARY: This document contains a notice of an extension of time in which to file comments with respect to an application filed by the Board of Trustees of the Local 12 Operating Engineers Pension Trust. The application is for an exemption from

certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by section 4975 of the Internal Revenue Code of 1954. The extension of the comment period will allow persons who would be affected by the proposed exemption to consider the complete application, including interested person comments made thereon, and additional representations which were made by the applicants after the expiration of the previous comment period on July 13, 1979.

DATES: Written comments must be received by the Department of Labor on or before February 1, 1980.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, ATTENTION: Application No. D–911. The application for exemption, including the most recent representations of the Applicants and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216, in the offices of the U.S. Department of Labor, Los Angeles Area Administrator, Pension and Welfare Benefit Programs, 300 North Los Angeles Street, Room 4334, Los Angeles, California 90012, and in the offices of the Operating Engineers, Local 12 Pension Trust.

SUPPLEMENTARY INFORMATION: By notice of pendency published in the **Federal Register** on April 20, 1979 (44 FR 23596), the Department of Labor (the Department) proposed to exempt a transaction between the Operating Engineers Pension Trust (the Plan) and Local 12 of the Operating Engineers (Local 12). The Notice stated that, if granted, the exemption would exempt from the restrictions of section 406(a)(1)(A) and (D) and 406(b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A), (D) and (E) of the Code, the sale of a certain parcel of real property (the Cordova property) by the Plan to Local 12, provided that the Plan would receive the higher of $450,000 or the fair market value of the property at time of sale.

The Notice contained the following summary of the facts and representations found in the Applicants' original request for exemption and in subsequent submissions.

1. The Plan is a pension plan administered by a joint labor-management board of trustees (the Trustees) in accordance with section 302(c)(5) of the Labor Management Relations Act. Investment decisions of the Plan are made by the Board of Trustees and its duly authorized Finance and Investment Committee which consists of members of the Board of Trustees. The Plan has approximately 29,000 participants.

2. As part of a program to improve the accessibility of the Plan and Local 12 to participants of the Plan and members of Local 12, the Plan purchased in May 1977 a small tract of land consisting of three adjoining lots in the city of Pasadena (the Cordova property) for $301,575.11. This property was purchased with the intention of constructing a lowrise office building for occupancy primarily by the administrative staff which serves the Plan and certain related employee benefit plans. At that time, Local 12 intended to purchase a separately owned parcel immediately adjacent to the Cordova property and to build on it a building for its headquarters staff so that the administrative staff of the Plan and Local 12 could serve participants and members at one location. However, the adjacent parcel was sold to a third party rather than to Local 12. Attempts by Local 12 to find other properties suitable for its needs in the Pasadena area have ended in failure.

3. The only property in the Pasadena area suitable for Local 12's needs is the Cordova property. In order to assure the close proximity of the administrative staffs of Local 12 and the Plan in Pasadena, the Plan abandoned the idea of using the Cordova property for its offices and has instead committed itself to the construction of a building which it intends to occupy. This building would be located on another parcel of land acquired by the Plan in June 1978, 4 blocks from the Cordova property. Local 12 has offered to purchase the Cordova property from the Plan, subject to the granting of this exemption, for $450,000.

4. Appraisals of the Cordova property supporting values of $425,000, $460,000 and $475,000 were made by three independent appraisers in June 1978. Local 12's offer is the approximate average of these appraisals. Local 12 has placed $450,000 in an interest bearing account so that the Plan would receive, in addition to the amount of the offer, any interest which accrues up to the date the purchase is accomplished. No real estate commissions or similar fees will be paid by the Plan on the transaction.

5. The Trustees believe that the proposed purchase is crucial to making the Plan and Local 12 more accessible to members and participants of the union and the Plan, most of whom reside in the outer fringe areas of the greater Los Angeles area. Less traffic congestion and the recent opening of a freeway (the Foothills Freeway) across the northern perimeter of Pasadena make the area accessible from all parts of Southern California.

Pursuant to the invitation to comment contained in the Notice, and by further notice of the extension of the period in which to comment, published in the **Federal Register** on June 5, 1979 (44 FR 32307), interested parties submitted to the Department written comments on the proposed exemption. Assertions made in the comments may be summarized as follows: (1) that the change in location of Plan and Local 12 offices is not in the best interests of the Plan and its participants and beneficiaries but is for the benefit of certain parties in interest; and (2) that the proposed sales price of the Cordova property does not represent the true market value of the property as reflected in offers received by the Plan from unrelated parties. By letter dated August 6, 1979, the Department informed Applicants that based on the record developed to that date, including the comments, that the Department was unable to make a determination that the proposed transaction would be in the interests of the Plan and its participants and beneficiaries and protective of the rights of participants and beneficiaries.

In response to that letter, the Applicants supplied additional information and representations with respect to the application and the comments made thereon in a letter dated September 4, 1979, which was submitted to the Department after the close of the comment period on July 13, 1979. The Applicants represented that since the date the application was submitted, the Plan had received five written offers to purchase the Cordova property (copies of which were enclosed with the letter), the highest of which would have realized $622,065 for the Plan. The Applicants further represented that to the best knowledge of the Plan's trustees no party in interest with respect to the Plan had received or would receive any payment from the Plan for additions or improvements to the Cordova property. The Applicants also submitted a list of the previous owners of the Cordova property as well as a legal description of the property identified by the Applicants as the Lake Avenue property*. Pursuant to a request for clarification by the Department, the Applicants, by letter dated November 7, 1979, represented that to the best knowledge of the Plan's trustees none of the previous owners of the Cordova and Lake Avenue properties had any relationship to the Plan, plan trustees or contributing employers.

The Applicants further represented in the November 7, 1979 letter that Local 12 had made a new offer which will realize for the Plan an amount ($622,065) equal

*The Lake Avenue property now houses the offices of the Plan and was referred to in the **Federal Register** notice which proposed the transaction as having a location four blocks from the Cordova property.

to what the Plan would have realized had it accepted the highest offer made for the Cordova property by unrelated parties. The offer is based on the footage value of the highest offer ($15 per square foot) and is subject to the condition that if the square footage of the property is determined to be more or less than currently estimated, the purchase price will be so adjusted. The reader should note that if the proposed transaction, as amended by the representations of the Applicants described in this notice, is finally approved by the Department it would be subject to the condition that the Plan receive the higher of the stipulated offer or the fair market value of the property at time of sale.

Inasmuch as interested parties have not seen nor have had an opportunity to consider and comment on the complete application including the interested party comments made thereon and the information and representations contained in the Applicants' letters of September 4 and November 7, 1979, the Department has determined to extend the period in which comments will be received until February 1, 1980.

Accordingly, all interested persons are invited to review the complete record at the locations specified above and to submit comments on the proposed exemption to the address and within the time period set forth above. All comments will be made part of the record. Comments should state the reason for the writer's interest in the proposed exemption.

The Applicants have represented that interested persons will be advised of the proceeding by the publication of this notice in the December issue of the *Engineers News Record,* which is to be mailed to the membership of Local 12 on approximately the 15th day of this months. It is expected that copies of the *News Record* will reach Local 12 members by the 20th day of this month.

Signed at Washington, D.C. this 30th day of November, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-37428 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 79-75; Exemption Application No. D-1359]

Exemption From the Prohibitions for a Certain Transaction Involving the Pension Plan for the Employees of Pilot Freight Carriers, Inc.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts a loan made from the Pension Plan for the Employees of Pilot Freight Carriers, Inc. (the Plan) to Terminal Warehouse Corporation (Terminal Warehouse), a party in interest with respect to the Plan. The loan was entered into before the effective date of the Employee Retirement Income Security Act of 1974 (the Act), but after July 1, 1974, the date specified in the transition rules contained in sections 414 and 2003 of the Act.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 357-0040. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 19, 1979 notice was published in the **Federal Register** (44 FR 60445) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed by Terminal Warehouse. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was forwarded by United States mail to the Plan Administrator and Trustee, and notification to all Plan participants was made by posting on their employee bulletin boards within 10 days of the publishing of the pendency of the proposed exemption. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fidiciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by

section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply, effective January 1, 1975, to the transaction entered into on August 1, 1974, in which the Plan loaned $500,000 to Terminal Warehouse.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 30th day of November, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-37429 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 79-73; Exemption Application No. D-1459]

Exemption From the Prohibitions for Certain Transactions Involving the Eagle Metals Co. Profit Sharing Plan

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the cash sale of certain real property in Portland, Oregon by the Eagle Metals Company Profit Sharing Plan (the Plan) to Mr. William Anderson, a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 19, 1979 notice was published in the **Federal Register** (44 FR 60447) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the cash sale of certain real property in Portland, Oregon by the Plan to Mr. William Anderson, a party in interest with respect to the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that he has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and no in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedures 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the code shall not apply to the cash sale by the Plan of certain real property located at 1211 North Loring Street in Portland, Oregon for $380,000 to Mr. William Anderson provided that this amount is at least the fair market value of the property at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 30th day of November, 1979

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-37423 Filed 12-6-79; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 79-98]

Direct Awards of $10 Million or More; List of Aerospace Contractors

The following is a list of aerospace contractors which received direct NASA awards totaling $10 million or more during Fiscal Year 1979. This list is published pursuant to section 6 of Pub. L. 91-119, as amended by section 7 of Pub. L. 91-303 (84 Stat. 372; 42 U.S.C. 2462, 1970 Supp.) and Pub. L. 94-273 (90

Stat. 375). For related NASA reporting requirements, see 14 CFR Part 1208.

Air Products & Chemicals, Inc., P.O. Box 538, Allentown, PA 18105.
Ball Corporation, 345 South High Street, Muncie, IN 47305.
The Bendix Corporation, Executive Offices, Bendix Center, 20650 Civic Center Drive, Southfield, MI 48037.
The Boeing Company, P.O. Box 3707, Seattle, WA 98124.
Boeing Services International, Inc., P.O. Box 3707, Seattle, WA 98124.
Bostrom Bergen Metal Products, 4700 Coliseum Way, Oakland, CA 94601.
Frank Briscoe Company, Inc., 141 South Harrison, East Orange, NJ 07018.
California Institute of Technology, 1201 E. California Blvd., Pasadena, CA 91125.
Computer Sciences Corporation, 650 N. Sepulveda Blvd., El Segundo, CA 90245.
Computer Sciences—Technicolor Assoc. (JV), 10210 Greenbelt Road, Seabrook, MD 20801.
Fairchild Industries, Inc., Sherman Fairchild Technology Center, 20301 Century Blvd., Germantown, MD 20767.
Ford Aerospace & Communications Corporation, 300 Renaissance Center, 20th Floor, P.O. Box 43342, Detroit, MI 48243.
General Dynamics Corporation, Pierre Laclede Center, 7733 Forsyth Blvd., St. Louis, MO 63105.
General Electric Company, 3135 Easton Turnpike, Fairfield, CT 06431.
General Motors Corporation, 767 Fifth Avenue, New York, NY 10022.
Honeywell Information Systems, 200 Smith Street, Waltham, MA 02154.
Hughes Aircraft Company, Centinela Ave. & Teale Street, Culver City, CA 90230.
International Business Machines Corp., Old Orchard Road, Armonk, NY 10504.
Kentron International Inc., 2345 W. Mockingbird Lane, Dallas, TX 75235.
Lockheed Corporation, 2555 N. Hollywood Way, Box 551, Burbank, CA 91520.
Lockheed Electronics Co., Inc., U.S. Highway 22, Plainfield, NJ 07061.
Lockheed Missiles & Space Co., Inc., P.O. Box 504, Sunnyvale, CA 94086.
Martin Marietta Corporation, 6801 Rockledge Drive, Bethesda, MD 20034.
McDonnell Douglas Corporation, P.O. Box 516, St. Louis, MO 63166.
Mechanical Technology Inc., 968 Albany-Shaker Road, Latham, NY 12110.
Northrop Services Inc., 500 E. Orangethorpe Avenue, Anaheim, CA 92801.
Pan American World Airways, Inc., 200 Park Avenue, New York, NY 10017.
Perkin-Elmer Corporation, 761 Main Avenue, Norwalk, CT 06856.
Planning Research Corporation, Suite 1100, 1850 K Street NW., Washington, DC 20006.
RCA Corporation, 30 Rockefeller Plaza, New York, NY 10020.
Rockwell International Corporation, 600 Grant Street, Pittsburgh, PA 15219.
The Singer Company, 30 Rockefeller Plaza, New York, NY 10020.
Sperry Corporation, 1290 Avenue of the Americas, New York, NY 10019.
TRW, Incorporated, 23555 Euclid Avenue, Cleveland, OH 44117.
Teledyne Industries Inc., 1901 Avenue of the Stars, Los Angeles, CA 90067.
Thiokol Corporation, P.O. Box 1000, Newtown, PA 18940.
United Space Boosters, Inc., 220 Wynn Drive, NW, P.O. Box 1626, Huntsville, AL 35807.
United Technologies Corporation, One Financial Plaza, Hartford, CT 06101.
Vought Corporation, P.O. Box 225907, Dallas, TX 75265.
Westinghouse Electric Corporation, Westinghouse Bldg., Gateway Center, Pittsburgh, PA 15222.

[FR Doc. 79-37572 Filed 12-6-79; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

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: January 2, 3, & 4, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 1025. Purpose: To review applications for the development of humanities Special Program formats submitted to the National Endowment for the Humanities for projects beginning after April 1, 1980.

2. Date: January 4, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314. Purpose: To review Summer Stipend applications in Art History submitted to the National Endowment for the Humanities for projects beginning after May 1, 1980.

3. Date: January 4, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 1130. Purpose: To review NEH Fellowships in Category C applications in American Literature submitted to the National Endowment for the Humanities for projects beginning after June 1, 1980.

4. Date: January 5, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314. Purpose: To review NEH Summer Stipend applications in 19th and 20th Century European History submitted to the National Endowment for the Humanities for projects beginning after June 1, 1980.

5. Date: January 7, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 309. Purpose: To review NEH Summer Stipend applications in Latin American and Non-Western History submitted to the National Endowment for the Humanities for projects beginning after June 1, 1980.

6. Date: January 9, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314. Purpose: To review NEH Summer Stipend applications in Sociology and Psychology submitted to the National Endowment for the Humanities for projects beginning after May 1, 1980.

7. Date: January 10, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314. Purpose: To review NEH Summer Stipend applications in Early U.S. History submitted to the National Endowment for the Humanities for projects beginning after May 1, 1980.

8. Date: January 10, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 309. Purpose: To review Summer Stipend applications in Classics and Ancient, Medieval, and Early Modern European History submitted to the National Endowment for the Humanities for projects beginning after June 1, 1980.

9. Date: January 11, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314. Purpose: To review NEH Summer Stipend applications in French and Italian Literature submitted to the National Endowment for the Humanities for projects beginning after May 1, 1980.

10. Date: January 14, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314. Purpose: To review NEH Summer Stipend applications in Recent U.S. History submitted to the National Endowment for the Humanities for projects beginning after May 1, 1980.

11. Date: January 14 & 15, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 1134. Purpose: To review the recommendations given by all other panels for applications submitted to the Translations Program for projects beginning after April 1, 1980.

12. Date: January 17, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314. Purpose: To review NEH Summer Stipend applications in American Studies and Cultural History submitted to the National Endowment for the Humanities for projects beginning after May 1, 1980.

13. Date: January 18, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314. Purpose: To review NEH Summer Stipend applications in Spanish, Portuguese, and Asian Literature submitted to the National Endowment for the Humanities for projects beginning after May 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 my 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 NW., Washington, D.C. 20506, or call 202-724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 79-37680 Filed 12-6-79; 8:45 am]

BILLING CODE 7536-01-M

Special Projects Panel; Amended Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Special Projects Panel to the National Council on the Arts (which appeared in the FR, Vol. 44, No. 223 p. 66113, Friday, November 16, 1979) is amended as follows: The meeting will be held December 6, 1979, from 9:00 a.m–5:30 p.m. and December 14, 1979, from 9:00 a.m.–5:30 p.m., in Room 1426, Columbia Plaza Building, 2401 E. St., N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation of the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washigton, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operation, National Endowment for the Arts.

November 27, 1979.

[FR Doc. 79-37565 Filed 12-6-79; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Crafts Exhibition Aid/Workshops; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Crafts Exhibition Aid/ Workshops) well be held December 10, 1979, from 9:00 a.m.–5:30 p.m.; December 11, 1979, from 9:00 a.m.–5:30 p.m.; and December 12, 1979, from 9:00 a.m.–5:30 p.m., in Room 1340, Columbia Plaza Building, 2401 E St., N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9 (D) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operation, National Endowment for the Arts.

December 4, 1979.

[FR Doc. 79-37823 Filed 12-6-79; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Metropolitan Edison Co., Et Al., Three Mile Island Nuclear Station, Unit 2; Order Granting Joint Motion To Terminate Proceeding

[Docket No. 50-320 (EPICOR-II)]

December 3, 1979.

This proceeding is pending as a result of notices of opportunity for hearing contained in the Commission's Memorandum and Order of October 16, 1979, and the Order of October 18, 1979, issued by the Director of Nuclear Reactor Regulation (44 FR 61276–8, clarified at 62633). Both orders provided that any person whose interest may be affected may request a hearing pursuant to 10 CFR 2.714 with respect to either or both orders.

The Susquehanna Valley Alliance (SVA) filed a timely petition to intervene and request for a hearing on November 5, 1979. No one else has filed a petition or request for hearing in response to the notices of opportunity to do so. This Board granted the petition and request for hearing filed by SVA in its Notice of Special Prehearing Conference issued on November 15, 1979, subject to the prompt filing of a supplement to the petition in accordance with the provisions of 10 CFR 2.714(b). A joint motion filed by the Staff for the indefinite postponement of the scheduled special prehearing conference was denied on November 29, 1979.

On November 30, 1979, the Staff filed the instant Joint Motion to Terminate Proceeding. SVA, by counsel of record, has withdrawn its petition to intervene and request for hearing which it had filed on November 5, 1979. The resulting joint motion for an order terminating this proceeding is based upon an Agreement executed by SVA and the attorney for the Licensees on November 29, and by the Solicitor of NRC on November 28, 1979. A copy of this Agreement is attached hereto and is incorporated herein by reference.

Upon consideration of the pending motion and the underlying agreement of all parties, it appears that leave should be and hereby is granted for the withdrawal of the petition and request for hearing previously filed by SVA. Inasmuch as there are no other petitions or requests for hearing, this proceeding is terminated.

It is so ordered.

Marshall E. Miller,

Chairman.

Dated at Bethesda, Maryland this 3rd day of December 1979.

AGREEMENT

1. The parties to this Agreement are: Susquehanna Valley Alliance ("SVA"); the United States Nuclear Regulatory Commission ("the NRC"); Metropolitan Edison Company, Jersey Central Power & Light Company, Pennsylvania Electric Company and General Public Utilities Corporation ("the Utilities").

2. On October 16, 1979, the NRC issued a Memorandum and Order In the Matter of Metropolitan Edison Company, et al. (Three Mile Island Nuclear Station, Unit 2), Docket No. 50–320. On October 28, 1979, the NRC's Director of Nuclear Reactor Regulation issued, in NRC docket no. 50–320, Order for Modification of License. *See* 44 FR 61276–8, clarified at 62633.

3. On November 5, 1979, SVA filed with the Atomic Safety and Licensing Board designated by the NRC a "Petition to Intervene and Request for a Hearing" pursuant to the orders described above in Paragraph 2.

4. In any proceeding initiated by SVA in a court of the United States to review the NRC's Memorandum and Order of October 16, 1979 in NRC docket no. 50–320, the NRC and the Utilities will not argue: (a) that the Memorandum and Order is not final for the purposes of judicial review; or (b) that the Memorandum and Order is not reviewable because SVA did not exhaust available administrative remedies by pursuing the hearing requested before the Atomic Safety and Licensing Board. The NRC and the Utilities expressly reserve their rights to present any argument to challenge the jurisdiction of any United States District Court to rule upon the legality of the NRC's Memorandum and Order of October 16, 1979 in NRC docket no. 50–320 or to enjoin any activity under that Order.

5. Based upon the representation made in Paragraph 4 above, SVA agrees to withdraw the Petition and Request described above in Paragraph 3, and to support a joint motion to the Atomic Safety and Licensing Board to terminate that proceeding.

6. This Agreement is contingent upon the granting by the Atomic Safety and Licensing

Board in NRC docket no. 50-320 of a joint motion to terminate that proceeding.

SEEN AND AGREED:

Susquehanna Valley Alliance.

Dated: Nov. 29, 1979.

By:

Albert J. Slap,

Public Interest Law Center of Philadelphia, 1315 Walnut Street, Suite 1600, Philadelphia, Pennsylvania 19107.

Metropolitan Edison Company; Jersey Central Power & Light Company; Pennsylvania Electric Company; General Public Utilities Corporation.

Dated: Nov. 29, 1979.

By:

Gerald Charnoff,

Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washingotn, D.C. 20036.

United States Nuclear Regulatory Commission.

Dated: Nov. 28, 1979.

By:

Stephen F. Eilperin,

Solicitor, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

[FR Doc. 79-37636 Filed 12-6-79; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; New System of Records

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of Proposed New System of Records.

SUMMARY: The NRC is proposing to establish a new system of records subject to the Privacy Act. The system will be identified as NRC-35, IE Household Move Survey. The purpose of the system is to enable the agency to determine whether employees (such as resident inspectors at nuclear power plants) are receiving fair reimbursement for costs of household moves necessitated by transfers of duty station. A survey will be taken of these employees, to obtain actual cost figures for their household moves, and figures on reimbursement by the Government for these moves.

DATE: Comment period expires January 7, 1980.

ADDRESS: All persons who desire to submit written comments or suggestions concerning the new system of records should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Betty L. Wagman, Acting Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (301) 492-7086.

SUPPLEMENTARY INFORMATION: The proposed new system, "IE Household Move Survey", NRC-35, will consist of information derived from a survey of employees whose duty station is transferred in connection with their assignment to serve as resident inspectors at nuclear power facilities. The employees will be asked to fill out a questionnaire dealing with specific costs entailed in their household moves Results of the survey will be used by NRC officials to determine whether the Government provides adequate reimbursement for such changes in duty station.

A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on December 3, 1979. The prefatory statement containing General Routine Uses applicable to all of the NRC's systems of records was published at 42 FR 49082 (September 26, 1977), and amended at 44 FR 56068 (September 28, 1979).

All interested persons who desire to submit written comments or suggestions for consideration in connection with this Notice of Proposed New System of Records should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by January 7, 1980. Copies of comments received will be available for inspection and copying at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland, this 30th day of November 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

NRC-35

SYSTEM NAME:

IE Household Move Survey.

SYSTEM LOCATION:

Executive Office for Management and Analysis, Office of Inspection and Enforcement, NRC, East West Towers Building, 4350 East West Highway, Bethesda, Md.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of questionnaires filled out by employees who change duty stations. The questionnaire includes employee name, date of household move, location of move, actual costs of move, and amount of reimbursements received from the Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 161c of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(d).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record in this system of records may be disclosed as a routine use to persons in Federal agencies involved in establishing, monitoring, or maintaining records on expenditures and reimbursements of travel and/or household moves by government employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folder.

RETRIEVABILITY:

Information is accessed by employee name.

SAFEGUARDS:

Records are maintained in lockable metal filing cabinet. Access to them is available only to persons authorized by the system manager.

RETENTION AND DISPOSAL:

Records will be maintained for one year after the survey is completed, but in any case they will be destroyed within three years after they have been received.

SYSTEM MANAGERS AND ADDRESS:

Executive Officer for Management and Analysis, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification Procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification Procedure."

RECORD SOURCE CATEGORIES:

The information in this system of records is obtained from questionnaires or surveys filled out by employees who have moved in connection with changes

of duty station. All information is provided on a voluntary basis.

[FR Doc. 79-37715 Filed 12-6-79; 8:45 am]
BILLING CODE 7590-01-M

[Dockets Nos. STN 50-528, STN 50-529, and STN 50-530]

Arizona Public Service Co., et al.; Notice of Issuance of Amendments to Construction Permits

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 2 to Construction Permits CPPR-141, CPPR-142, and CPPR-143 issued to the Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Southern California Edison Company, and Public Service Company of New Mexico for construction of the Palo Verde Nuclear Generating Station, Units 1, 2, and 3. The amendments reflect a waiver to one of the permittee's commitments made during the environmental review of the application and provide for chemical weed control along portions of the water pipeline route from the 91st Avenue Sewage Treatment Plant to the plant site. The amendments are effective as of the date of issuance.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action see (1) the application for amendments dated October 15, 1979, (2) Amendment No. 2 to Construction Permit CPPR-141, (3) Amendment No. 2 to Construction Permit CPPR-142, and (4) Amendment No. 2 to Construction Permit CPPR-143. All of these items and other related material are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC, and at the Local Public Document Room located at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona.

A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Maryland, this 30th day of November 1979.

For the Nuclear Regulatory Commission.

Donald E. Sells,

Acting Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 79-37634 Filed 12-6-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-389]

Florida Power & Light Co. (St. Lucie Nuclear Power Plant, Unit No. 2); Memorandum and Order

November 29, 1979.

By our order of November 7, 1979, we informed the parties that the evidentiary hearing on the stability of the applicant's electrical grid and the general adequacy of this plant's emergency power supplies would begin on *Tuesday, December 11, 1979* and be held in or near Miami.[1] The Office of the Secretary has now found a suitable location for the hearing. It will be held in Coral Gables, in the *University of Miami Law School's Moot Court Room.* As specified in our earlier order, on Tuesday we will begin the hearing at *9:30 A.M.* but will recess at mid-day to take a guided tour of the applicant's new System Control Center. On subsequent days, we will have to recess the hearing around 4:00 P.M. to accommodate a class that begins in the courtroom at 4:30 P.M.

In connection with the hearing, we note that the intervenors had until November 16, 1979 to file prepared testimony; they did not exercise the opportunity to do so.[2] The other parties should be prepared to elaborate upon their testimony by identifying and discussing which, if any, of the generic "design and procedural improvements" mentioned in the staff's prepared testimony (Baranowsky, pp. 5-6) have been or are being adopted at this facility.[3]

It is so ordered.

[1] A month earlier, we had given the parties advance notice that we anticipated holding the hearing in southern Florida during the week of December 10.

[2] They did belatedly take certain other action. See their letter of November 27, 1979, which reached us this afternoon.

[3] This staff testimony says that these improvements "have the potential for minimizing the accident probability for station blackout sequences."

For the Appeal Board.

C. Jean Bishop,

Secretary to the Appeal Board

[FR Doc. 79-37635 Filed 12-6-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-266]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Unit 1); Confirmatory Order for Modification of License

I

Wisconsin Electric Power Company (the licensee) is the holder of Facility Operating License No. DPR-24 which authorizes the licensee to operate the Point Beach Nuclear Plant, Unit 1, located in Two Creeks, Wisconsin, under certain specified conditions. License No. DPR-24 was issued by the Atomic Energy Commission on October 5, 1970 and is due to expire on July 25, 2008.

II

Inservice inspections of the Point Beach Unit 1 steam generators performed during the August 1979 and October 1979 outages indicated extensive general intergranular attack and caustic stress corrosion cracking on certain of the external surfaces of the steam generator tubes. As a result of information provided in discussions with the licensee and its representatives, which is documented in a letter dated November 23, 1979 from S. Burstein to H.R. Denton, and the Staff's Safety Evaluation Report, dated November 30, 1979, on Point Beach Unit 1, Steam Generator Tube Degradation Due to Deep Crevice Corrosion, it was determined that additional operating conditions would be required to assure safe operation prior to resumption of operation of Unit 1 from the current refueling outage.

III

The licensee in letters dated November 29, 1979 and November 30, 1979 has agreed to additional conditions which are necessary to provide reasonable assurance for safe operation of Unit 1 for a period of 60 effective full power days.

IV

After review of the licensee's commitment, it has been determined that this commitment should be formalized by order. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, IT IS HEREBY ORDERED THAT

the above license be amended, in the manner hereinafter provided, to include the following conditions:

1. (a) Within 30 effective full power days, a 2,000 psid primary to secondary hydrostatic test and a 800 psid secondary to primary hydrostatic test will be performed. Should any significant leakage develop as a result of either test, the leaking tubes will be identified and plugged.

(b) Within 60 effective full power days, the same primary to secondary and secondary to primary hydrostatic tests will be repeated, and an eddy current examination of the steam generator tubes will be performed. This eddy current program will be submitted to the NRC for Staff review.

2. Primary coolant activity for Point Beach Nuclear Plant Unit 1 will be limited in accordance with the provisions of sections 3.4.8 and 4.4.8 of the Standard Technical Specifications for Westinghouse Pressurized Water Reactors, Revision 2, July 1979, rather than Technical Specification 15.3.1.C.

3. Close surveillance of primary to secondary leakage will be continued and the reactor will be shut down for tube plugging on detection and confirmation of any of the following conditions:

(a) Sudden primary to secondary leakage of 150 gpd (0.1 gpm) in either steam generator;

(b) Any primary to secondary leakage in excess of 250 gpd (0.17 gpm) in either steam generator; or

(c) An upward trend in primary to secondary leakage in excess of 15 gpd (0.01 gpm) per day, when measured primary to secondary leakage is above 150 gpd.

4. The reactor will be shut down, any leaking steam generator tubes plugged, and an eddy current examination performed if any of the following conditions are present:

(a) Confirmation of primary to secondary leakage in either steam generator in excess of 500 gpd (0.35 gpm); or,

(b) Any two identified leaking tubes in any 20 calendar day period. This eddy current program will be submitted to the NRC for Staff review.

5. The NRC Staff will be provided with a summary of the results of the eddy current examination performed under items 1 and 4 above, including a description of the quality assurance program covering tube examination and plugging. This summary will include a photograph of the tubesheet of each steam generator which will verify the location of tubes which have been plugged.

6. The licensee will not resume operation after the eddy current examinations required to be performed in accordance with condition 1(b) or 4 until the Director, Office of Nuclear Reactor Regulation determines in writing that the results of such tests are acceptable.

7. The licensee will complete a review of Emergency Operating Procedure 3A, Revision 9, dated March 29, 1978, confirm that this procedure is appropriate for use in the case of a steam generator tube rupture, and have completed a retraining program for all licensed reactor operators and senior reactor operators in this procedure before return to power.

8. Unit 1 will not be operated with more than 18% of tubes plugged in either steam generator.

V

Copies of the above referenced documents are available for inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and are being placed in the Commission's local public document room at Document Department, University of Wisconsin-Stevens Point Library, Stevens Point, Wisconsin 54451.

VI

Any person whose interest may be affected by this Order may within twenty days of the date of this Order request a hearing with respect to this Order. Any such request shall not stay the effectiveness of this Order. Any request for a hearing shall be addressed to the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

In the event a hearing is requested, the issues to be considered at such hearing shall be:

(1) Whether the facts stated in Sections II and III of this Order are correct; and,

(2) Whether this Order should be sustained.

Effective date: November 30, 1979, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Edson G. Case,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-37637 Filed 12-6-79; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10961; 812-4563]

American General Enterprise Fund, Inc., and Equity Growth Fund of America, Inc.; Application

November 30, 1979.

Notice is hereby given that American General Enterprise Fund, Inc. ("Enterprise") 2777 Allen Parkway, Houston, Texas 77019 and Equity Growth Fund of America, Inc. ("Equity Growth") (hereinafter collectively referred to as "Applicants"), both registered under the Investment Company Act of 1940 ("Act") as open-end, diversified, management investment companies, filed an application on November 5, 1979, pursuant to Section 17(b) of the Act more for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed combination of Equity Growth with and into Enterprise. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the proposed combination is part of an overall plan of consolidation of certain of the mutual funds managed by American General Capital Management, Inc. ("Management"), the investment adviser of each of the Applicants and a wholly-owned subsidiary of American General Insurance Company. Such overall plan was undertaken by the independent directors of the Applicants and the other mutual funds managed by Management to effect operating economies, which are expected to benefit Applicant's stockholders.

Applicants state that, as of August 31, 1979, the net assets of Enterprise and Equity Growth were $422,928,971 and $33,422,295, respectively. On that date Enterprise had 54,906,837 shares outstanding and Equity Growth had 3,852,437 shares outstanding. Each Applicant is a Maryland corporation. Applicants represent that, since the same investment adviser, principal underwriter and stock transfer agent serve each Applicant, and since the Applicants have certain common directors, the Applicants may be deemed to be under "common control" and, therefore, "affiliated persons" of each other within the meaning of Section 2(a)(3)(C) of the Act.

Applicants state that they have entered into an Agreement and Plan of Reorganization ("Plan") dated September 7, 1979, which provides for (i) the combination of the Applicants to be

accomplished through the transfer of Equity Growth's assets to Enterprise in exchange for shares of Enterprise; (ii) the distribution on a pro rata basis to stockholders of Equity Growth of all shares of Enterprise received by Equity Growth; and (iii) the dissolution of Equity Growth after such distribution (hereinafter referred to as the "Combination"). The number of Enterprise shares to be issued to the stockholders of Equity Growth will be determined by dividing the aggregate net asset value of Equity Growth by the per share net asset value of Enterprise, all to be determined as of the close of the New York Stock Exchange on the closing date of the proposed Combination, which is expected to be December 31, 1979. If the proposed Combination had taken place on August 31, 1979, Enterprise would have issued 4,224,787 Enterprise shares valued at $32,542,121 in exchange for the net assets of Equity Growth. The valuation procedures to be used in determining the net assets of each Applicant are the same. On the effective date of the proposed Combination all of the property and assests of Equity Growth, except for approximately $10,000 which will be retained by Equity Growth to provide for the payment of accrued but unpaid Plan expenses, will be transferred to Enterprise. Each Applicant will pay its respective expenses of the proposed Combination, which are estimated to be approximately $20,000 for Enterprise and $81,000 for Equity Growth. Enterprise will assume all liabilities of Equity Growth except expenses associated with the proposed Combination.

No tax adjustment will be made to the net assets of either Applicant to reflect any potential income tax effect which might result from any differences in the proportionate amount of capital loss carryforeards of each Applicant because of the difficulty in predicting the potential use by Enterprise or Equity Growth of such loss carryforwards. Based on June 30, 1979 asset values, stockholders of Equity Growth will own 7% of the outstanding shares of Enterprise following consummation of the proposed Combination. Consequently only 35% of Equity Growth's capital loss carryforwards at the Closing Date will be available to the combined fund after the Closing Date.

The number of shares of Enterprise received by each stockholder of Equity Growth will be registered on the books of Enterprise promptly after the effective date of the proposed Combination. Each such stockholder will be advised of the number of shares so registered. Holders of certificates for shares of Equity Growth will immediately become owners of the appropriate number of shares of Enterprise, but no certificates will be issued until any outstanding Equity Growth certificate is tendered to the transfer agent. If the registration with respect to any shares is to be changed, the stockholder will be responsible for any transfer taxes incurred, and must provide a signature guarantee on the instrument of transfer. All dividends and distributions paid on shares of the combined fund will be paid to the stockholder in cash or reinvested in shares of the combined fund in accordance with any option previously in effect, unless the stockholder furnishes different instructions to the transfer agent in writing.

Applicants state that the proposed Combination is contingent upon: (1) Approval by the holders of at least 50 percent of the outstanding stock of Equity Growth; (2) Receipt of opinions of counsel that the proposed Combination will constitute a tax-free reorganization; (3) Issuance of the Order requested by the instant application; and (4) Receipt of opinions of counsel respecting certain legal matters in connection with the proposed Combination. At any time prior to consummation of the proposed Combination the Board of Directors or President of either Applicant may waive any of the terms or conditions of the Plan benefiting such Applicant, if in the opinion of the Board of Directors or President such waiver will not have a material adverse effect on the benefits intended under the Plan to accrue to the stockholders of each Applicant.

Applicants state that Enterprise's investment objective is growth of the stockholders' investment, principally through the ownership of growth common stocks. Equity Growth's primary investment objective is appreciation of capital. Protection of capital values and, to a lesser extent, current return on portfolio investments also are important, although secondary to the objective of capital appreciation. The relative proportion of the various types of securities in each Applicant's portfolio is substantially similar. In the opinion of Management the investment objectives of the Applicants are compatible.

Applicants also state that, although there are some variations in the investment restrictions applicable to Enterprise and Equity Growth, none of such variations is considered by Management to be of material significance in the management of Applicants' portfolios. If the proposed Combination is consummated, the investment restrictions and policies of Enterprise will become the investment restrictions and policies of the combined fund. In addition, the application states that, in the opinion of Management, the pro forma composition of the combined fund's portfolio is compatible with Enterprise's investment objective, investment policies and investment restrictions. Therefore, no sales of securities in the portfolio of Equity Growth will be required to conform to Enterprise's investment objective, investment policies and investment restrictions. However, the application also states that, because of differing investment strategies of the portfolio managers for the two funds, there will be some realignment of the current Equity Growth portfolio prior to the proposed Combination. The extent of such realignment will depend upon an appraisal of the fundamental attractiveness and compatibility with Enterprise's investment strategy (but not fundamental investment policies, objectives and restrictions) of the securities owned by Equity Growth. Applicants state that it is contemplated that most securities not considered compatible with Enterprise's investment strategy will be sold before the effective date of the proposed Combination. Management presently expects that such realignment might involve the sale of up to 50% of the equity securities owned by the Fund, which would be approximately 40% of Equity Growth's total net assets.

Applicants state that, as a result of the acquisition by merger of American General Capital Growth Fund ("Capital Growth") on August 31, 1979, Enterprise became a successor plaintiff in several pending class actions involving a capital loss to Capital Growth of $2,127,538 in 1971 upon the sale of securities of Viatron Computer Corporation ("Viatron"). A partial settlement with certain of the defendants has been approved in the District Court, but other defendants have appealed and oral argument before the United States Court of Appeals for the First Circuit was held on November 7, 1979. At such time as the approval of the settlement becomes final, Enterprise proposes to record as an asset the fair value as determined by its Board of Directors of its portion of the proceeds of the partial settlement. Based upon the amount of claims filed to date by class members, and based upon anticipated attorneys' fee applications, it presently is estimated that Enterprise's portion of the proceeds of the partial settlement, including reimbursement of certain legal fees and

expenses, would approximate $425,000 or less than one cent per share on the basis of 54,906,837 outstanding shares on August 31, 1979. All legal fees and expenses paid by Capital Growth (amounting to approximately $345,000 through August 31, 1979) in prosecuting this litigation have been charged off and no amounts attributable to this litigation are presently included in the calculation of Enterprise's net asset value.

If the proposed Combination is consummated, any amounts which otherwise would accrue to Enterprise after the effective date as a result of final approval of the partial settlement or any recovery from the remaining defendants as a result of the continued prosecution of the lawsuits will accrue to the combined fund. Since Equity Growth stockholders' ownership interst in the combined fund will constitute about 7% of the combined fund, the proposed Combination would have the effect of diluting by 7% the benefit received by present Enterprise stockholders from any recovery which may accrue after consummation of the proposed Combination. All legal fees incurred after the proposed Combination in connection with prosecution of the lawsuits will be borne by all stockholders of the combined fund. If the proposed Combination is not consummated, any recovery and all future legal expenses will accrue to and be borne by the present Enterprise stockholders.

The application states that the Board of Directors of Enterprise specifically considered the Viatron litigation and the dilution which would result from the proposed Combination in Enterprise's interest in any recovery realized after the effective date of the proposed Combination. The Board, after weighing the benefits of the proposed Combination and taking into account probable delays and the speculative nature of any recoveries as well as the relatively small degree of potential dilution, concluded in its business judgment that the proposed Combination was in the best interests of the stockholders of Enterprise.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, acting as principal knowingly to sell to or purchase from such investment company any security or other property, subject to certain exceptions. Section 17(b) of the Act provides that the commission may, upon application, exempt a proposed transaction from the provisions of section 17(a) of the Act if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned, and with the general purposes of the Act.

Applicants state that because the proposed Combination may be deemed to involve the purchase and sale of securities and other property between affiliated registered investment companies, unless exempted, it may be deemed to violate section 17(a) of the Act. Applicants represent that the terms of the proposed Combination are reasonable and fair and do not involve overreaching on the part of any person concerned since the assets of Equity Growth are being acquired by Enterprise in exchange for shares of Enterprise on the basis of their respective net asset values.

Applicants assert that consummation of the proposed Combination is expected to benefit their stockholders through an overall reduction in operating expenses over the long run. This reduction is expected to result (i) from a reduction in the effective investment advisory fee rate because of breakpoints in the current investment advisory fee schedule and (ii) from the elimination of certain operating expenses which would be duplicative in absence of the proposed Combination.

Notice is Further Given that any interested person may, not later than December 21, 1979 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-37614 Filed 12-6-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10964; 812-4508]

Fidelity Tax-Exempt Money Market Trust; Application

November 30, 1979.

Notice is hereby given that Fidelity Tax-Exempt Money Market Trust ("Applicant") 82 Devonshire Street, Boston, Massachusetts 02109, registered under the Investment Company Act of 1940, as amended, ("Act") as an open-end, diversified management investment company, filed an application on July 17, 1979, and amendments thereto on November 15, 1979, and November 28, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio securities using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it registered under the Act on June 19, 1979, as an investment company and is designed as an investment vehicle for substantial investors who desire tax-exempt income from a portfolio of high quality short-term municipal obligations. According to the application, Applicant's investment objective is to provide as high a level of current income as is consistent with the stability of principal and liquidity. The application also states that Fidelity Management and Research Company will serve as the investment adviser to Applicant. A registration statement on Form N–1 under the Securities Act of 1933 covering shares of common stock of Applicant has been filed with the Commission, but has not yet become effective. Thus, a public offering of Applicant's common shares has not commenced. Applicant's common shares will be offered for sale to the public at net asset value without a sales charge.

Applicant represents that it will invest in a diversified portfolio of short-term municipal obligations whose interest payments are exempt from federal income tax, and in commitments to purchase such securities on a "when-issued" basis. These securities are issued by cities, municipalities or muncipal agencies and will include Tax Anticipation Notes, Revenue Anticipation Notes, Tax and Revenue Anticipation Notes, Bond Anticipation Notes, Grant Anticipation Notes, Construction Loan Notes and Short-Term Discount Notes. Applicant may also invest in Project notes, which are instruments sold by the U.S. Department of Housing and Urban Development but issued by a state or local housing agency. The application states that the maturities of these instruments at the time of issue generally will range between three months and one year or, in some cases, slighly more than one year, and that the dollar-weighted average of the Fund's portfolio will at all times be 120 days or less. Applicant states that it may invest in municipal securities whose original maturities were in excess of one year if at the time of purchase the remaining time to maturity is less than one year.

Applicant represents that its investments will be limited to those obligations which are backed by the full faith and credit of the United States or are rated MIG–1 or MIG–2 by Moody's Investors Services, Inc. ("Moody's") and, in the case of Short-Term Discount Notes, A–1 by Standard & Poor's Corporation ("S&P") and Prime–1 by Moody's, or if the notes are not rated then the issue's long-term bond rating must be at least A as determined by Moody's or by S&P. Applicant may also purchase other types of tax-exempt instruments as long as they meet standards of quality equivalent to those described above.

The application states that all of the above instruments are generally offered on the basis of a quoted yield to maturity and the price of the security is adjusted so that relative to the stated range of interest it will return the quoted rate to the purchaser. The Applicant states that it intends to declare and pay its net income as a dividend to its shareholders on a daily basis and distribute it monthly, and that "net income" for this purpose will consist of all interest income accrued on the portfolio assets of the Applicant, less all expenses of the Applicant. The application also states that if the Applicant values its securities on an amortized cost basis there will be no calculation for realized or unrealized capital gains or losses, and that since the daily dividend will be paid in the form of additional shares of the Applicant, the Applicant's per share net asset value will remain at a constant $1.00 amount. Applicant represents that the nature of the investments which it proposes to make have characteristics which are similar to those securities which are generally designated as money market instruments.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (i) With respect to securities for which market quotations are readily available, the market value of such securities, and (ii) With respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from the provisions of Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value its portfolio securities by means of the amortized cost method of valuation (i.e., valuing securities at cost, adjusted for amortization of premium or accretion of discount).

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states that sophisticated individual, professional and institutional investors are expected to own shares representing a large portion of the Applicant's total assets and that those shareholders, as well as investors with similar circumstances, will represent the most important source of potential investments in the Applicant. In this regard, Applicant states that its experience has been that in order to attract such investors and retain them as shareholders, the Applicant must have a stable net asset value, preferably at $1.00 per share, and a constant and steady flow of investment income. Applicant also states that it will not own portfolio securities having maturities exceeding one year, and its average portfolio maturity will not exceed 120 days. Applicant further states that its experience has been that with respect to municipal securities maturing in 120 days or less, there is normally a negligible discrepancy between market value and the amortized cost value of such securities. On the basis of the foregoing, Applicant believes that the valuation of its portfolio securities on the amortized cost basis will benefit its shareholders by enabling Applicant to more effectively maintain its $1.00 price per share while providing shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures whereby its daily dividend would be adjusted by all realized and unrealized gains and losses on its portfolio securities.

Applicant consents to the following conditions being contained in any order of the Commission granting the exemptive relief requested:

(1) In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Trustees undertakes—as a particular

responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

(2) Included within the procedures to be adopted by the Board of Trustees shall be the following:

(a) Review by the Board of Trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Board of Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Board of Trustees believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio securities prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

(3) Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, the Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

(4) Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

(5) Applicant will limit its portfolio investment, including repurchase agreements if any, to those U.S. dollar-denominated instruments which the Board of Trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not so rated, of comparable quality as determined by the Board of Trustees.

(6) Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

The Applicant represents that its Trustees have determined in good faith that in light of the characteristics of the Applicant as described above and, subject to compliance with the above conditions, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for the Applicant and reflects fair value of such securities. Applicant further represents that the granting of the requested exemptions is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 21, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and order issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons

Secretary.

[FR Doc. 79-37615 Filed 12-6-79; 8:45 am]

BILLING CODE 8010—01—M

[1] Applicant states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Trustees in the exercise of its discretion to be appropriate indicators of value. In addition, Applicant states that the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Rel. No. 21318; 70–6099]

General Public Utilities Corp.; Proposed Extension of and Adjustment in Short-Term Debt Authorization

November 29, 1979.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 100 Interpace Parkway, Parsippany, New Jersey 07054, a registered holding company, has filed with this Commission a post-effective amendment to its application previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated May 4, 1979 (HCAR No. 21035), the Commission granted

GPU authority to issue or renew, from time to time until December 31, 1979, its unsecured promissory notes maturing not more than nine months after the date of issue, to various commercial banks pursuant to informal lines of credit provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time shall not exceed $150,000,000. Such promissory notes would bear interest at the lending bank's prime interest rate for commercial borrowings at the date of issuance and would be prepayable at any time without premium. By Order dated June 19, 1979 (HCAR No. 21107; Filed No. 70–6311), the Commission authorized GPU to issue, sell and renew from time to time through October 1, 1981, its promissory notes (having a maturity of not more than six months from the date of issue) pursuant to a Revolving Credit Agreement (the "loan agreement"), dated as of June 15, 1979, with a syndicate of commercial banks. GPU is authorized to incur indebtedness under the loan agreement up to an amount which, when added to GPU's borrowings outstanding hereunder, would not exceed $150,000,000.

By post-effective amendment GPU now requests that it be permitted to issue, sell and renew its unsecured promissory notes hereunder such borrowings from time to time during the period ending December 31, 1980; provided that GPU's borrowings hereunder, when added to its borrowings outstanding under the previously authorized loan agreement would not in the aggregate exceed $150,000,000. From time to time, certain lending banks have advised GPU that it would be more convenient if GPU's borrowings were made at an interest rate in excess of the bank's prime rate with a reduction in the compensating balances which GPU would otherwise normally be required to maintain. GPU is normally required to maintain compensating balances ranging from a minimum of 10 percent of the available line to a maximum of 10 percent of the line plus 10 percent of the loan outstanding. Consequently, assuming compensating balances will equal 20 percent of the aggregate amounts borrowed, the result is presently to increase the effective cost of borrowing to an amount equal to 125 percent of the prime rate. In order to provide the necessary flexibility, GPU therefore further requests authority to effect such borrowings at rates in excess of the prime rate; provided, however, that any such interest rate, after giving effect to compensating balance requirements, would not result in an effective cost to GPU in excess of 125 percent of the lending bank's prime rate in effect from time to time. Although no commitments or agreements for such borrowings have been made, GPU expects that, as and to the extent that its cash needs require, they would be effected from time to time from one or more commercial banks with which GPU would establish informal lines of credit. In all other respects the transactions as heretofore authorized by the Commission herein would remain unchanged.

A statement of the fees, commissions and expenses to be incurred in connection with the proposed transactions will be filed by amendment. It is stated that no state or federal commission, other than this commission, has jurisdiction in connection with the proposed transactions.

Notice is further given that any interested person may, not later than December 26, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application, as amended by said post-effective amendment or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-37816 Filed 12-6-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21320; 70-6283]

Metropolitan Edison Co.; Proposed Extension of and Adjustment in Short-Term Borrowing Authorization

November 29, 1979.

Notice is hereby given that Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605, an electric utility subsidiary of General Public Utilities Corporation, ("GPU") a registered holding company, has filed with this Commission a post-effective amendment to its application previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By Order dated May 4, 1979 (HCAR No. 21037), the Commission granted Met-Ed authority to issue or renew, from time to time until December 31, 1979, its unsecured promissory notes maturing not more than nine months after the date of issue, evidencing short-term bank borrowings. Such promissory notes would bear interest at the lending bank's prime interest rate for commercial borrowings at the date of issuance and would be prepayable at any time without premium. Met-Ed is authorized during such period, to issue and renew, as commercial paper, its unsecured promissory notes in denominations of $100,000 or multiples thereof, maturing not more than 270 days from the date of issue. The aggregate principal amount of unsecured promissory notes to banks and commercial paper outstanding at any one time would not exceed the lesser of (a) $97,000,000, or (b) the amount permitted by Met-Ed's Articles of Incorporation. By Order dated October 30, 1979 (HCAR No. 21276; File No. 70–6311), the Commission authorized an increase in the amount of indebtedness which Met-Ed may have outstanding under the GPU System Revolving Credit Agreement (the "loan agreement"), dated as of June 15, 1979, with a syndicate of commercial banks. As a result, Met-Ed may now incur indebtedness under that agreement which, when added to its borrowings outstanding hereunder would not exceed the lesser of (a) $125,000,000 or (b) the amount permitted by Met-Ed's Articles of Incorporation.

Met-Ed now requests that it be permitted to issue, sell and renew its

unsecured promissory notes from time to time during the period ending December 31, 1980; provided that such borrowings, when added to Met-Ed's borrowings outstanding under the previously authorized loan agreement would not in the aggregate exceed the lesser of (a) $125,000,000 or (b) the amount permitted by Met-Ed's Articles of Incorporation. As Met-Ed does not expect to sell commercial paper during this period, Met-Ed does not request that the Commission's Order herein authorize Met-Ed's issuance and sale thereof.

From time to time, certain lending banks have advised Met-Ed that it would be more convenient if Met-Ed's borrowings were made at an interest rate in excess of the bank's prime rate with a reduction in the compensating balances which Met-Ed would otherwise normally be required to maintain. Met-Ed is normally required to maintain compensating balances ranging from a minimum of 10% of the available line to a maximum of 10% of the line plus 10% of the loan outstanding. Consequently, assuming compensating balances will equal 20% of the aggregate amounts borrowed, the result is presently to increase the effective cost of borrowing to an amount equal to 125% of the prime rate. In order to provide the necessary flexibility, Met-Ed therefore further requests authority to effect such borrowings at rates in excess of the prime rate; provided, however, that any such interest rate, after giving effect to compensating balance requirements, would not result in an effective cost to Met-Ed in excess of 125% of the lending bank's prime rate in effect from time to time.

Although no commitments or agreements for such borrowings have been made, Met-Ed expects that, as and to the extent that its cash needs require, they would be effected from time to time from one or more of the following banks, the maximum to be borrowed and outstanding at any one time from each such bank being as follows:

Bank	Amount
Cumberland County National Bank	$500,000
Lafayette Trust Bank	300,000
Lebanon County Trust Co	250,000
The Merchants National Bank of Bangor	200,000
Nazareth National Bank & Trust Co	200,000
The Valley Trust Co. of Palmyra	150,000
Total	1,600,000

Met-Ed expects that there may be additional banks from which it may effect such borrowings from time to time. In all other respects the transactions as heretofore authorized by the Commission herein would remain unchanged.

A statement of the fees, commissions and expenses to be incurred in connection with the transactions will be filed by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction in connection with the proposed transactions.

Notice is further given that any interested person may, not later than December 26, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-37617 Filed 12-6-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21321; 70-5534]

New England Electric System and New England Energy, Inc.; Proposed Extension of Oil and Gas Exploration Partnership and Increased Level of Exploration Expenditures

November 30, 1979.

Notice is hereby given that New England Electric System ("NEES"), 25 Research Drive, Westborough, Massachusetts 01581, a registered holding company, and its fuel subsidiary New England Energy Incorporated ("NEEI"), have filed with this Commission post-effective amendments to their application-declaration previously filed and amended pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10 and 12 of the Act and Rules 43 and 45(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended by said post-effective amendments, which is summarized below, for a complete statement of the proposed transactions.

By order dated October 30, 1974 (HCAR No. 18635), NEES was authorized to organize NEEI, acquire its capital stock and make investments (including subordinated notes) in NEEI up to $20,250,000 through July 31, 1976, and NEEI was authorized to enter into a partnership agreement ("Agreement") with Samedan Oil Corporation ("Samedan"), a wholly owned subsidiary of Noble Affiliates, Inc., to explore for oil and gas in the continental United States (both onshore and offshore). NEEI was at that time authorized to invest a maximum of $10,000,000 in that partnership through July 31, 1976. NEEI was also authorized to acquire other interests in similar ventures for oil and gas exploration, development and production and to undertake various fuel procurement and inventory activities. Said order also granted a request for an exception from the tax allocation provisions of Rule 45(b)(6) pursuant to Rule 45(a) on terms and conditions therein set forth.

By order dated June 18, 1976 (HCAR No. 19580), NEES was authorized to increase its investment in NEEI to $45,000,000 through December 31, 1979, with NEEI to use such investments to finance its procurement and inventory activities and to finance fuel exploration and development activities with Samedan and/or other parties. Said order also continued the exception from the tax allocation provisions of Rule 45(b)(6) through the same period.

By order dated July 19, 1978 (HCAR No. 20632), NEEI was authorized to make sales of fuel oil to New England Power Company ("NEP"), an affiliate, pursuant to a fuel purchase contract on terms and conditions set forth in said order. Those terms included a pricing policy under which NEEI's total costs related to its exploration and development program, including capital costs as defined, are divided by total estimated equivalent barrels of reserves to determine a unit cost to be applied to each equivalent barrel produced. With respect to capital costs, a method was prescribed for their determination based

on a hypothetical capital structure inputed to NEEI approximately equivalent to the capital structure of NEP. In this connection, it was contemplated that NEEI would obtain outside financing and apply the proceeds to reduce the subordinated notes issued to NEES.

By order dated July 25, 1979 (HCAR No. 21158), NEEI was authorized to enter into an $80,000,000 revolving credit loan with Bank of Montreal and National Bank of North America, upon the termination of which becomes a term loan. The proceeds of the initial advance under said loan ($30,000,000) were used to reduce the amount of NEEI's subordinated notes to NEES. Said order also extended the authority granted in the order of June 18, 1976 (HCAR No. 19580), for NEES to make investments in NEEI up to $45,000,000 through December 31, 1988.

By post-effective amendments applicants-declarants request authorization to enter into an amendment to the Agreement with Samedan, which amendment would (1) extend the term of the Agreement from December 31, 1979, to December 31, 1984; and (2) increase to $30,000,000 the average annual amount which NEEI can be called upon to invest in the partnership during the period 1980–1984.

It is stated that through June 30, 1979, NEEI had invested $55,000,000 in the partnership with Samedan, that 248 of the 485 wells drilled in which the partnership participated have been found to be productive, and that NEEI's share of the total equivalent reserves of oil and gas represented by these wells is now estimated to exceed 10,000,000 barrels. Through the same date it is claimed that total savings of over $423,000 have been achieved through the pricing mechanism set forth in the order of July 19, 1978 (HCAR No. 20632), under which NEEI's proceeds from the sale of oil and gas in its exploration programs are used to purchase residual fuel oil for NEP. NEP had purchased through June 30, 1979, approximately 246,000 barrels of fuel oil related to NEEI production at prices averaging $1.72 less per barrel than the market price. NEEI's share of production from its exploration and development activities is currently estimated to be about 430,000 equivalent barrels in 1979 and about 1,700,000 equivalent barrels in 1980.

Most of the basic features of the Agreement would remain the same under the proposed amendment, including (1) Samedan's acting as managing partner, (2) a limitation on the geographical scope of the partnership's activities to the continental United States (including Alaska), both onshore and offshore, (3) each partner having a fifty percent interest in the partnership, with NEEI paying a larger share of the costs of exploration (to compensate Samedan for management and expertise in running the partnership as managing partner as well as for Samedan's accumulated geological and geophysical work in evaluating prospects), (4) each partner sharing equally the costs of development and production of successful prospects, (5) each partner being entitled to take in kind or sell one-half of the partnership production of oil and gas (with NEEI also having a first call to purchase Samedan's share of oil produced from any prospect), and (6) the partnership being terminable by either partner at the end of any calendar year on sixty days' prior notice. The amendment would, as previously mentioned, extend the Agreement through December 31, 1984, and increase to $30,000,000 the average annual amount which NEEI could be called upon to invest for exploration activities during each year of the extension period. The amendment would also change some other minor features of the Agreement. NEEI further requests authority to amend the Agreement without Commission approval from time to time as the parties may agree, except that no such amendment may permit (i) any contribution to or investment in the partnership by NEEI in excess of the limitations on capitalization and financing of NEEI imposed by order of the Commission, or (ii) participation by NEEI in partnership activities outside the continental United States (including Alaska), onshore and offshore.

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by further amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 26, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact of law raised by said application-declaration, as amended by said post-effective amendments, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendments or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-37618 Filed 12-6-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16390; File No. SR-NYSE-79-23]

New York Stock Exchange, Inc.

November 30, 1979.

On June 21, 1979, the New York Stock Exchange, Inc. (the "NYSE") 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4) (17 CFR 240.19b–4) thereunder, a proposed rule change that would revoke the NYSE's present arbitration rules and adopt the proposed Uniform Code of Arbitration (the "Code"), which was drafted by the Securities Industry Conference on Arbitration (the "SICA").[1] Notice of the NYSE's proposed rule change together with its terms of substance was given by issuance of a Commission release (Securities Exchange Act Release No. 16038 (July 18, 1979)) and by publication of that release in the Federal Register (44 FR 43378 (July 24, 1979)).

I. Background

The SICA was organized in April, 1978, in response to urgings by the Commission that the securities industry develop a dispute resolution system to settle controversies between customers and broker-dealers in a fair, simple, and inexpensive manner consistent with the

[1] *Second Report of the Securities Industry Conference on Arbitration to the Securities and Exchange Comission* (December 28, 1978).

public interest.[2] The SICA's membership consists of 10 self-regulatory organizations, the Securities Industry Association, and three representatives of the public.[3]

II. The NYSE

proposed rule change amends Article VIII of its constitution regarding arbitration, revoke its present rules,[4] and adopts the entire proposed code as new NYSE Rules 600 through 630. The proposed rule change also incorporates the simplified arbitration procedures drafted by SICA and adopted by the NYSE on May 4, 1978,[5] regarding small claims, not exceeding $2500, which ordinarily are resolved by a single arbitrator.[6] The proposed rule change will apply to arbitration of disputes between members, allied members, member firms, and/or member organizations,[7] as well as to claims against members raised by customers and non-members.[8] The rule proposal requires the appointment of panels of three to five arbitrators, the majority of whom must not be from the secutiries industry.[9] It also requires that the names and affiliations of the arbitrators be communicated to the parties at least eight days before the hearing date[10] and affords parties the right to modify a proposed panel through one peremptory challenge.[11] Generally, a proceeding may be initiated by filing a statement of claim and an agreement to arbitrate with the NYSE.[12] All parties to the proceeding have the right to representation by counsel [13] and the right to attend hearings.[14] As is customary in arbitration proceedings, the rules of evidence do not strictly apply.[15] No record of the proceeding is kept unless requested by a party,[16] and a decision by a majority of the arbitrators is final with no right of review or judicial appeal unless otherwise provided by law.[17]

III. Commission Findings

The Commission finds that the proposed rule change is consistent with the requirements of the Act and with the rules and regulations thereunder that are applicable to national securities exchanges, and, in particular, that it is consistent with the requirements of Section 6(b)(5) of the Act that the rules of an exchange be designed to promote just and equitable principles of trade.

The Commission believes that this proposal marks a substantial improvement over the various arbitration procedures currently being utilized by the securities industry and represents an important step toward establishing a uniform system for resolving investor complaints through arbitration.[18] The Commission urges the remaining self-regulatory organization members of SICA to file promptly comparable amendments to their arbitration rules.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above referenced rule change be, and hereby is, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-37619 Filed 12-6-79, 8:45 am]

BILLING CODE 8010-01-M

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[2] *See* Securities Exchange Act Release No. 13470 (April 26, 1977), 12 SEC Docket 186 (May 10, 1977), Securities Exchange Act Release No. 12974 (NOvember 15, 1976), 10 SEC Docket 955 (November 30, 1976), 41 FR 50880 (November 18, 1976); Securities Exchange Act Release No. 12528 (June 8, 1976) Second 833 June 23, 1976).

[3] The 10 self-regulatory organization members are: Americah Stock exchange, Inc.; Boston Stock. Exchange, Inc.; Boston Stock Exchange, Inc.; Chicago Board Options Exchange, Inc.; Cincinnati Stock Exchange; Midwest STock Exchange, Inc.; Municipal Securities Rulemaking Board; National Association of Securities Dealers, Inc. The three public representatives are lawyers specializing in arbitration matters: Peter R. Cella, Jr., Mortimer Goodman, and constantine N. Kastsoris.

[4] The arbitration rules revoked by the proposal are NYSE Rules 480–492B.

[5] Securities Exchange Act Release No. 14737 (May 4, 1978), 14 SEC Docket 985 (May 16, 1978), 43 FR 20585 (May 12, 1978). Eight other self regulatory organizations also have adopted SICA's proposed arbitration procedures for small claims: American STock Exchange, Inc., Securities Exchange Act Release No. 14737 (May 4, 1978), 14 SEC Docket 985 (May 10, 1978), 43 FR 20585 (May 12, 1978); Pacific Stock Exchange, Inc. and Chicago Board Options Exchange, Inc., Securities Exchange Act Release No. 14881 (June 22, 1978), 15 SEC Docket 103 (July 5, 1978), 43 FR 28278 (June 29, 1978); National Association of Securities Dealers, Inc., Securities Exchange Act Release No. 14892 (June 23, 1978), 15 SEC Docket 144 (July 12, 1978), 43 FR 28597 (June 30, 1978); Philadelphia Stock Exchange, Inc., Securities Exchange Act Release No. 14896 (June 26, 1978), 15 SEC Docket 146, (July 12, 1978), 43 FR 29202 (July 6, 1978); Midwest Stock Exchange, Inc., Securities Exchange Act Release No. 15390 (December 8, 1978), 16 SEC Docket 425 (December 26, 1978); Municipal Securities Rulemaking Board, Securities Exchange Act Release No. 15411 (December 13, 1978), 16 SEC Docket 425 (December 26, 1978), 43 FR 60681 (December 28, 1978); and Cincinnati Stock Exchange, Securities Exchange Act Release No. 15998 (July 5, 1979), 17 SEC Docket 1176 (July 17, 1979), 44 FR 48399 (August 17, 1979).

[6] NYSE Rule 601 (Code, Section 2).

[7] Proposed NYSE Rule 631 makes NYSE Rules 600–630 (*i.e.*, the Code) applicable to member disputes except in so far as they specifically apply to matters involving public customers. In addition, the NYSE has proposed a new Rule 632, a fee schedule for controversies between members that essentially follows NYSE Rule 630 (Code, Section 31), which contains the proposed fee schedule for customer controversies.

[8] NYSE Rule 600(a) (Code, Section 1(a)).

[9] NYSE Rule 607 (Code, Section 8).

[10] NYSE Rule 608 (Code, Section 9).

[11] NYSE Rule 609 (Code, Section 10).

[12] NYSE Rule 612(a) (Code, Section 13(a)).

[13] NYSE Rule 614 (Code, Section 15).

[14] NYSE Rule 615 (Code, Section 16).

[15] NYSE Rule 621 (Code, Section 22).

[16] NYSE Rule 624 (Code, Section 25).

[17] NYSE Rule 628(b) (Code, Section 29(b)).

[18] The Commission emphasizes, however, that notwithstanding the proposed rule change, arbitration clauses contained in customers' agreements that purport to bind customers to arbitrate all future disputes raising claims under the federal securities laws cannot be enforced against those customers who choose to obtain a judicial determination of such claims. *See* Securities Exchange Act Release No. 15984 (July 2, 1979), 17 SEC Docket 1167 (July 17, 1979), 44 FR 40462 (July 10, 1979).

[Rel. No. 10965; 812-4543]

Oppenheimer Directors Fund, Inc., and Centennial Capital Special Fund, Inc.; Filing of Application for an Order Exempting Proposed Acquisition and Permitting Participation in Proposed Acquisition

November 30, 1979.

Notice is hereby given that Oppenheimer Directors Fund, Inc. ("Directors Fund"), and Centennial Capital Special Fund, Inc. ("Centennial") ("Applicants"), One New York Plaza, New York, New York 10004, both open-end, diversified management investment companies registered under the Investment Company Act of 1940 (the "Act"), filed an application on October 1, 1979, and amendments thereto on November 13, 1979, and November 19, 1979, pursuant to Sections 6(c), 17(b) and 17(d) of the Act and Rule 17d–1 thereunder for an order (1) exempting the proposed acquisition of substantially all of the assets of Centennial by Directors Fund from the provisions of Section 22(c) of the Act and Rule 22c–1 thereunder to permit the proposed issuance of Directors Fund shares at net asset value, but at a price other than the price next determined after receipt of the purchase order; (2) exempting the proposed acquisition from the provisions of Section 17(a) of the Act; and (3) permitting the sharing of the expenses of such acquisition as provided in an Agreement and Plan of Reorganization ("the Agreement"). All interested persons are referred to the application on file with the Commission for a statment of the representations contained therein, which are summarized below.

Applicants state that Directors Fund was organized on May 23, 1978. As of August 31, 1979, Directors Fund had net assets of approximately 8 million dollars and was beneficially owned by approximately 121 shareholders. Directors Fund's investment adviser is Oppenheimer Management Corporation ("OMC"), a registered investment adviser under the Investment Advisers

Act of 1940. Directors Fund's principal underwriter is Oppenheimer Investor Services, Inc. ("OISI"), a wholly-owned subsidiary of OMC and a registered broker-dealer under the Securities Exchange Act of 1934.

Centennial was organized on May 20, 1969. As of August 31, 1979, Centennial had net assets of approximately 6 million dollars, beneficially owned by approximately 100 shareholders. Centennial's investment adviser is Centennial Capital Corp., a registered investment adviser under the Investment Advisers Act of 1940 and a wholly-owned subsidiary of Oppenheimer Capital Corp. ("OCC"), which is also a registered investment adviser under the Investment Advisers Act of 1940. Centennial's principal underwriter is Oppenheimer & Co., Inc. ("OPCO"), a registered broker-dealer under the Securities Exchange Act of 1934.

OMC, OCC, and OPCO are corporations controlled by Oppenheimer & Co., a New York limited partnership, which owns directly and indirectly through a wholly-owned subsidiary 90% of the common and preferred stock of OCC and OPCO and 83.925% of the common stock and 78.942% of the preferred stock of OMC. Oppenheimer & Co. has the power to and does elect all of the Directors of OCC, OPCO and OMC.

The Applicants state that, pursuant to the Agreement, Directors Fund will acquire substantially all of the assets and properties of Centennial in exchange for shares of capital stock of Directors Fund. Following the exchange of Centennial's assets for Directors Fund's stock, Centennial will dissolve and liquidate. As part of the liquidation distribution, Centennial will distribute to its shareholders in exchange for their shares of Centennial stock the Directors Fund shares it receives upon the transfer of its assets to Directors Fund. Each Centennial shareholder will be entitled to that portion of the Directors Fund shares received by Centennial as the number of shares of capital stock of Centennial owned by each shareholder bears to the total number of Centennial shares outstanding on the close of business on the day before the transaction ("the Exchange Date"). The Agreement provides that shares of Directors Fund of an aggregate net asset value equal to the value of assets of Centennial received by Directors Fund will be transferred to Centennial. Centennial will distribute such shares to its shareholders by redelivering the certificate received from Directors Fund which will set up accounts for each Centennial shareholder pursuant to instructions received from Centennial. Shareholders of Centennial holding certificates representing their shares will not be required to surrender their certificates to anyone in connection with the transaction. After the transaction it will not be necessary for such shareholders to surrender such certificates in order to redeem the shares of Directors Fund which they receive.

The net assets and net asset value per share of Centennial as of August 31, 1979, were $5,727,667 and $16.21, respectively. Directors Fund's net asset value per share on that date was $14.14. If the Exchange Date had occurred immediately following the close of business on August 31, 1979 each share of Centennial's outstanding capital stock would have been exchanged for 1.146 shares of Directors Fund's capital stock and Directors Fund would have issued a total of 405,068 shares for Centennial's net assets. These computations are pro forma and do not include adjustments with respect to distributions prior to the reorganization, unreimbursed expenses of either Directors Fund or Centennial carrying out its obligation under the Agreement and any cash reserves retained by Centennial for its final expenses.

The Agreement provides that the net asset value of Directors Fund and Centennial will not be adjusted for realized and unrealized gains and losses. As of August 31, 1979, Directors Fund had no net operating loss carryforward or capital loss carryover. For financial statement purposes it had $594,388 of net unrealized capital gains and for the eight months that ended had net realized gains of $1,069,187. As of December 31, 1978, Centennial had net operating loss carryforwards to offset future ordinary taxable income of approximately $117,000, expiring 1980 through 1985. At December 31, 1978, Centennial had capital loss carryforwards for federal tax purposes of approximately $7,800,000 of which $4,400,000 expires at December 31, 1979, $400,000 at December 31, 1980 and $3,000,000 at December 31, 1981. For the eight months ended August 31, 1979, Centennial had net realized capital gains of $1,044,733 and net operating income of $106,285. Upon the day of the transaction, the above-mentioned $4,400,000 capital loss carryforward will expire and the expiration date for the above-mentioned $400,000 capital loss carryforward will move to the first taxable year of Directors Fund ending after the day of the transaction, pursuant to Internal Revenue Code Sections 381, 382, 383 and the regulations thereunder.

Since five of Centennial's shareholders own more than 50% of its total outstanding shares it is a "personal holding company" as defined by the Internal Revenue Code. Further, Centennial does not qualify as a regulated investment company under the Internal Revenue Code and is thereby subject to corporate federal income taxes on its taxable net income and capital gains whether or not it distributes them to its shareholders. As a personal holding company, Centennial is also liable for any additional federal tax on undistributed personal holding company income. Immediately before the Exchange Date the Applicants state that Centennial will pay, or reserve sufficient assets to pay, any federal income tax due for the year 1979.

The Applicants indicate that fees and expenses to be incurred in connection with the proposed acquisition are currently estimated at $20,000 to $25,000. The Agreement provides that Directors Fund will not assume any liabilities of Centennial in connection with the acquisition except for portfolio security purchases which have not settled. Centennial will assume one-fifth of the fees and expenses, including legal, accounting, printing, filing, proxy solicitation and portfolio transfer taxes, if any, or other similar expenses included by Centennial or Directors Fund in connection with the acquisition up to an aggregate amount of $10,000 exclusive of those fees and expenses which Directors Fund incurs in the issuance and sale of its shares. All other fees and expenses, including printing, filing, proxy solicitation and portfolio transfer taxes, if any, or other similar expenses incurred by either Centennial or Directors Fund in connection with the acquisition shall be borne by Directors Fund. The Applicants state that Directors Fund shall promptly reimburse Centennial in full for such fees and expenses that are paid by Centennial in connection with the transaction in excess of the amount of such fees and expenses assumed by Centennial.

Section 22(c) of the Act, and Rule 22c-1 thereunder together provide, in part, that a registered investment company may not issue its redeemable securities except at a price based on the current net asset value of such security which is next computed as of the close of trading on the New York Stock Exchange next following receipt of an order to purchase such security.

The Agreement provides that the shares of Directors Fund and the assets of Centennial will be valued as of the time of close of trading on the New York

Stock Exchange on November 19, 1979, or such earlier or later date as may be agreed to by the parties ("the Valuation Time") and the issuance of Directors Fund shares in exchange for Centennial assets will occur on the next full business day following the Valuation Time. Thus, the "forward pricing" requirement of Section 22(c) and Rule 22c–1 will not be met.

Applicants contend that it will be impracticable to comply with Section 22(c) and Rule 22c–1, as the number of Directors Fund shares to be issued is determined by dividing the net asset value per share of Directors Fund into the total net assets of Centennial available for acquisition. Applicants submit that such a computation can be made only after the close of business when both portfolios can be fully valued. Applicants further contend that the valuation of Directors Fund's assets at the Valuation Time on the last business day immediately preceding the Exchange Date will be fair to the shareholders of Directors Fund and Centennial, and will not present any of the potential for abuse that Rule 22c–1 is intended to avoid.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the Act.

Applicants represent that an order exempting Directors Fund from the provisions of Section 22(c) and Rule 22c–1 thereunder to the extent necessary to enable valuations as of the time set forth above is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the Act.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer.

As the investment advisers of Directors Fund and Centennial are under common control, the Applicants might be deemed to be "affiliated persons" of each other within the meaning of Section 2(a)(3) of the Act. Accordingly, any disposition of portfolio securities by Centennial to Directors Fund or any acquisition by Directors Fund of the portfolio securities of Centennial pursuant to the agreement might be deemed to be prohibited by Section 17(a) of the Act. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) of the Act if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants state that the terms of the Agreement provide that the acquisition of Centennial's assets by Directors Fund shall be accomplished on the basis of the net asset value of the Funds. No adjustment is to be made in the computation of each Fund's net asset value for Centennial's capital loss carryforward, it having been determined by Centennial's Directors that the possible detriment to Centennial's stockholders from the loss of the exclusive beneficial use of a portion of Centennial's capital loss carryforward is limited and, therefore, outweighted by the advantages to Centennial from consummation of the transaction.

The costs of the transaction whereby Centennial bears one-fifth of the combined expenses up to $10,000 and Directors Fund bears the expenses in excess of that amount reflects an appraisal by both the Board of Directors of Directors Fund and Centennial as to the relative benefits to each Fund from the transaction. In this regard, the Applicants state that the Directors of Centennial and Directors Fund considered that the shareholders of Centennial would benefit from the projected reduced expense ratio that might be expected from a larger fund and, while not easily quantifiable, the benefit from the termination by Centennial of personal holding company status. The Applicants also submit that the shareholders of Directors Fund would benefit as well from projected reduced expense ratios and projected savings of brokerage commissions resulting from the transaction amounting to approximately $12,000.

Applicants represent that the transaction is also consistent with the investment objectives and policies of Directors Fund and Centennial. Directors Fund's objective is "capital appreciation in the value of its shares. Current income is not an objective." Centennial's objective is "capital appreciation. Any income received will be incidental to this objective." Applicants state that their policies in pursuing these objectives are also substantially similar. Applicants submit that in accordance with Section 17(b) of the Act, the terms of the proposed transaction are reasonable and fair to the Applicants and do not involve overreaching by either of the Applicants, and that the proposed transaction is consistent with the investment policies of each Applicant and consistent with the purposes of the Act.

Rule 17d–1, adopted by the Commission pursuant to Section 17(d) of the Act, provides, in part, that no affiliated person of any registered investment company and no affiliated person of such person, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered investment company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in the Rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered investment company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

As noted above, Directors Fund and Centennial might be deemed "affiliated persons" of each other within the meaning of Section 2(a)(3) of the Act. Thus, the proposed sale of assets by Centennial to Directors Fund and the related allocation of expenses might be deemed to be a joint enterprise or arrangement prohibited by Section 17(d) of the Act and Rule 17d–1 thereunder without Commission approval.

The Applicants represent that the terms of the proposed transaction are reasonable and fair to all parties, do not involve overreaching, and are consistent with the investment objectives of each

of the Funds and with the policies of the Act. To the extent that Directors Fund's participation in the transaction is different from that of Centennial's, each Fund represents that its participation in the transactions is as advantageous as the participation of the other Fund.

While Directors Fund shareholders will bear a higher proportion of expenses of the transaction than will Centennial shareholders, Directors Fund has the opportunity to purchase, without the necessity of the payment of additional brokerage commissions, approximately $5,000,000 of assets representing, in large part, portfolio securities which are similar to securities already held by Directors Fund. Centennial shareholders will bear a lower proportion of the expenses of the transaction and will benefit from the reduced per share expense ratio and the termination of personal holding company status. Accordingly, the Applicants submit that their participation in the proposed transaction is consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act, and to the extent that participation by each Applicant is different from the other, such participation is not less advantageous.

Notice is further given that any interested person may, not later than December 21, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-37620 Filed 12-6-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16389; File No. 4-273]

Program for Allocating Regulatory Responsibilities Pursuant to Rule 17d-2; Proposed Filing of Amendment to the NASD/CSE

In Securities Exchange Act Release No. 15191 (September 26, 1978),[1] the Commission approved, on a provisional basis, the plan filed by the National Association of Securities Dealers, Inc. (the "NASD") and the Cincinnati Stock Exchange, Inc. (the "CSE") (together, the "parties") for allocating regulatory responsibilities under Rule 17d–2.[2] The Commission conditioned its further consideration of this plan on, among other things, the filing of certain amendments to it.

The NASD and the CSE have filed an amendment to their allocation proposal which will apply to any member of the CSE which is now or is in the future designated to be inspected for compliance with applicable financial responsibility rules (a "designated member") by the NASD pursuant to Rule 17d–1 (17 CFR 240.17d–1) under the Securities Exchange Act of 1934. In brief, the amendment provides that the CSE will forward to the NASD any complaint pertaining to a designated member which it receives. Unless the CSE specifically directs otherwise, the NASD will be responsible for reviewing the complaint and taking appropriate action on it. Under the amendment the NASD will also review, in accordance with the NASD's rules, the advertising of the designated member. Finally, the amendment would establish a procedure for use by the parties resolving any disputes which may arise concerning their obligations under the plan.

In order to assist the Commission in determining whether to approve this plan amended as described herein and to relieve the CSE of the responsibilities which would be assigned to the NASD, interested persons are invited to submit written data, views and arguments concerning the submission on or before January 7, 1980. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Reference should be made to File No. 4–273.

By the Commission.

George A. Fitzsimmons,

Secretary.

November 30, 1979.

[FR Doc. 79-37621 Filed 12-6-79; 8:45 am]

BILLING CODE 8010-01-M

[1] 43 FR 46093. Originally approved for 270 days the Commission subsequently extended the period of provisional approval until January 1, 1980 in Securities Exchange Act Release No. 15941 (June 21, 1979).

[2] The Commission had published notice of the terms of that plan in Securities Exchange Act Release No. 14094 (October 25, 1977), 42 FR 57197 (1977).

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06–0226]

Energy Investors, Inc.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1979)), under the name of Energy Investors, Inc., Suite 500, 5944 Luther Lane, Dallas, Texas 75225, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the rules and regulations promulgated thereunder.

The proposed officers, directors and voting shareholders of the Applicant are as follows:

Richard D. Siegal, 343 Forest Avenue, Woodmere, New York 11898. President, Treasurer, Director; 67.0 percent shareholder.

Ronald G. Williams, 9405 Spruce Hollow Drive, Dallas, Texas 75243. Vice President, Secretary, General Manager, Director; 16.5 percent shareholder.

Manaheim Siegal, M.D., 270–28 L Grand Central Pkwy., Floral Park, New York 11005. Director; 16.5 percent shareholder.

Richard P. Perrin, 2353 North Oak Street, Falls Church, Virginia 22046. Assistant Secretary.

There will be two classes of stock authorized: One million shares of Class A voting stock and 500,000 shares of Class B non-voting stock. Initially 500,000 shares of the Class A stock will be issued at 40 cents per share to the individuals listed above, and 325,000 shares of the Class B stock to no more than ten beneficial owners at one dollar per share. The resultant private capital will be $525,000. SBA will publish in the **Federal Register** the names and addresses of any Class B shareholder(s) owning 10 percent or more of Applicant's private capital.

Since the management group will own all of the Applicant's voting stock it will be necessary for each Class B shareholder to provide SBA with a written acknowledgment that he or she is aware of the manner and means of the Applicant's capitalization, and that the management group will hold all of the voting stock.

Applicant proposes to conduct its operations primarily in the southwestern United States, including the States of Texas, Louisiana, Oklahoma, New Mexico, Arizona and Colorado.

Applicant intends to follow a diversified investment policy, with emphasis on concerns engaged in energy exploration, development, production and transmission.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than (fifteen days from the date of publication of this notice), submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Dallas, Texas, and New York City.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 30, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-37707 Filed 12-6-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1697; Amdt. No. 1]

Maryland; Declaration of Disaster Loan Area

The above numbered Declaration (see 44 FR 61718), is amended by extending the filing date for physical damage until the close of business on December 20, 1979, and the date for economic injury remains the same; i.e., until the close of business on June 16, 1980.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: November 20, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-37710 Filed 12-6-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1733]

Massachusetts; Declaration of Disaster Loan Area

Hampden County and adjacent counties within the State of Massachusetts constitute a disaster area as a result of a tornado, high winds and flooding which occurred on October 3, 1979.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 21, 1980, and for economic injury until the close of business on August 21, 1980, at: Small Business Administration, District Office, 150 Causeway Street, 10th Floor, Boston, Massachusetts 02114, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 21, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-37708 Filed 12-6-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-0137]

LeBaron Capital Corp.; Issuance of License

On May 3, 1978, a Notice was published in the **Federal Register** (43 FR 19092) stating that an application had been filed by LeBaron Capital Corporation, 4900 Bayou Boulevard, Suite 106, Pensacola, Florida 32503 with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (SBIC) (13 CFR 107.102 (1977)), for a license as an SBIC.

Interested parties were given until the close of business May 18, 1978, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958 as amended, after having considered the application and all pertinent information, the SBA issued License No. 04/04-0137 to LeBaron Capital Corporation.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies).

Dated: November 30, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-37712 Filed 12-6-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1690; Amdt. No. 1]

Virgin Islands; Declaration of Disaster Loan Area

The above-numbered declaration (see 44 FR 62387) is amended by extending the termination date for filing applications for loans for physical damage until the close of business on November 30, 1979; the economic injury closing date remains the same, i.e., June 16, 1980.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: November 21, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-37709 Filed 12-6-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0375]

Sherwood Business Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

On September 4, 1979, a Notice was published in the **Federal Register** (44 FR 51690) stating that Sherwood Business Capital Corporation, 770 King Street, Port Chester, New York 10573, had filed an application with the Small Business Administration pursuant to § 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.120 (1979)), for a license to operate as a small business investment company.

Interested parties were given until the close of business September 19, 1979, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on November 23, 1979, issued License No. 02/02-0375 to Sherwood Business Capital Corporation, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 29, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-37711 Filed 12-6-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[CM-8/249]

Presidential Advisory Board on Ambassadorial Appointments; Meeting

The Department of State announces a meeting of the Presidential Advisory Board on Ambassadorial Appointments on December 15, 1979. In accordance with Section 10(d) of the Federal Advisory Committee Act, as amended (86 Stat. 770, 5 U.S.C. App. s 10(d)), the Department has determined that the meeting should be closed. The committee will necessarily discuss information of a personal nature about candidates for ambassadorial appointments. Public disclosure would constitute a clearly unwarranted invasion of the candidates' personal privacy.

Owing to difficulties in scheduling the meeting and the fact that the determination for a closed meeting was under review at the highest levels of the Department, it was impossible to provide this notice under the customary two-week notification. Rescheduling of the meeting was not feasible owing to Presidential requirements.

Ben H. Read,

Chairman, Presidential Advisory Board on Ambassadorial Appointments.

December 4, 1979.

[FR Doc. 79-37645 Filed 12-6-79; 8:45 am]

BILLING CODE 4710-10-M

VETERANS ADMINISTRATION

Jefferson Barracks National Cemetery, Undeveloped Property; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the land development at Jefferson Barracks National Cemetery, Missouri.

The Cemetery Master Plan consists of a stage-development program. The 306.98 acre cemetery contains approximately 181.65 undeveloped acres. The undeveloped acreage will be developed in several stages with various sizes of land parcels to provide an additional 119,591 gravesites. Current phase development includes a 40 acre land parcel.

During the construction phases of the project, special attention should be given to the implementation of effective erosion and sedimentation controls because of the additional subsoil deposits from gravesite excavation and steep slopes existing above a major stream. Other mitigating actions include the use of an effective landscape and open space design, dust and fume emission controls, onsite noise abatement techniques and compatible architectural design.

The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Section 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: November 20, 1979.

By direction of the Administrator:

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-37613 Filed 12-6-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: December 4, 1979.

In our decisions of November 13, 20 and 27, 1979, a 10-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 10.2 percent, we are authorizing that the 10-percent surcharge on this traffic remain in effect. All owner-operators are to continue to receive compensation at the 10-percent level. However, we are authorizing a 1.8-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators. No change will be made in the existing authorization of a 3.8-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the governor of each State and the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday, 12:01 a.m., December 7, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Chairman O'Neal absent and not participating.

Agatha L. Mergenovich,

Secretary.

Appendix—Fuel Surcharge

Base Date and Price Per Gallon (Including Tax)

January 1, 1979, 63.5¢

Date of Curent Price Measurement and Price Per Gallon (Including Tax)

December 3, 1979, 102.0¢

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue

(1) From transportation performed by owner operators (apply to all truckload rated traffic), 16.9%. Percent surcharge developed, 10.2%. Percent surcharge allowed, 10%.

(2) Other (including less-truckload traffic), 2.9%. Percent surcharge developed, 1.8%. Percent surcharge allowed, 1.8%.

(3) Bus carriers 6.3%. Percent surcharge developed, 3.8%. Percent surcharge allowed, 3.8%.

[FR Doc. 79-37677 Filed 12-6-79; 8:45 am]

BILLING CODE 7035-01-M

Transportation of Used Household Goods in Connection With a Pack-and-Crate Operation on Behalf of the Department of Defense; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of used household goods, for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense

under the Direct Procurement Method or the Through Government Bill of Lading Method under the Commission's regulations (49 CFR 1056.40) promulgated in "Pack-and-Crate" operations in Ex Parte No. MC 115, 131 M.C.C. 20 (1978).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before December 26, 1979. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the **Federal Register**, subject to tis tariff publication effective date.

HG–38–79 (Special Certificate—Used Household Goods), filed November 29, 1979. Applicant: GENERAL WAREHOUSE CO. INC., Highway 281, South Jean Ribaut Rd., P.O. Box 208, Port Royal, SC 29935. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036. Authority sought: Between points in Beaufort, Jasper, Hampton, and Colleton Counties, SC, serving the Marine Corps Station, Beaufort, SC, the Marine Corps Recruiting Depot, Parris Island, SC, the U.S. Naval Hospital, Beaufort, SC, and the Laurel Bay Government Housing Project, which extends over Jasper County within the State of South Carolina.

HG–39–79 (Special Certificate—Used Household Goods), filed November 30, 1979. Applicant: JUDGE MOVING & STORAGE CO., INC., 1204—7th St. S., Great Falls, MT 59401. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, DC 20036. Authority sought: Between points in Cascade, Chouteau, Fergus, Glacier, Hill, Lewis & Clark, Meagher, Pondera, Teton, Toole, Blaine, Broadwater, Jefferson, Judith Basin, and Powell Counties, MT, serving Malmstrom Air Force Base, MT.

HG–40–79 (Special Certificate—Used Household Goods), filed December 3, 1979. Applicant: DAVIS MOVING & STORAGE, INC., 6700 Allied Way, Little Rock, AR 72209. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW—Ste 1200, Washington, DC 20036. Authority sought: Between points in Pulaski, Lonoke, Saline, Garland, Hot Springs, Grant, Jefferson, Arkansas, White, Prairie, Perry, Fulkner, Conway, Clebourne, Van Buren, Independence, Stone, Izard, Sharp, Fulton, Baxter, Marion and Searcy Counties, AR, serving Little Rock, Air Force Base, AR.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-37679 Filed 12-6-79; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398; Authorization Order No. 16]

Kansas City Terminal Railway Company, Directed to Operate Over—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustees)

Decided: November 29, 1979.

On September 26, 1979, the Commission directed Kansas City Terminal Railway Company (KCT) to provide service as a directed rail carrier (DRC) under 49 U.S.C. 11125 over the lines of Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI"). *See* Directed Service Order No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289 (1979), 44 FR 56343 (October 1, 1979).

RI operates four synchronized Whiting 35-ton jacks that work in tandem to lift a locomotive in order to remove the trucks and make repairs. One of the jacks, the control jack, serial number MA–1386, is in need of repairs. The cost of repairs for this jack is $3,513.29 for materials, $2,257.90 for labor, for a total repair cost of $5,771.19.

Supplemental Order No. 4 to DSO No. 1398 required the DRC to obtain prior Commission approval for all rehabilitaiton for freight cars and other non-locomotive equipment which exceeds $1,200 per unit. *See* Supplemental Order No. 4 (served October 15, 1979). [44 FR 61127, Oct. 23, 1979]. Accordingly, the DRC submitted an urgent request for authority to repair these vehicles. *See* wire to Joel E. Burns, dated November 21, 1979.

The DRC seeks Commission authorization to repair Whiting jack serial number MA–1386, on the grounds that the jack is necessary in order to properly perform locomotive repairs.

We find:

1. This action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered:

1. The DRC is authorized to make repairs to RI whiting jack serial number MA–1386, at a cost of $3,513.29 for materials, $2,257.90 for labor, for a total repair cost of $5,771.19, as requested in a telegram from DRC to Joel E. Burns dated November 21, 1979.

2. The repairs authorized above shall be completed within the directed service period.

3. This decision shall be effective on its service date.

By the Commission, Railroad Service Board, Members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-37678 Filed 12-6-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 237
Friday, December 7, 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).

CONTENTS

1

[M-258, Amdt. 2; Dec. 3, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion and addition of items to the December 6, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., December 6, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

Addition

5a. Docket 27360, *Continental Air Lines, Inc., Enforcement Proceeding,* review on Board initiative (no petitions for review filed) of ALJ's termination of proceeding on Part 252 "no-smoking" violations. (Memo 9325, OGC)

Deletion

15. Amendment of Rules of Practice in Enforcement Proceedings to simplify and expedite procedures for settlement, and to conform provisions for withholding of documents to Freedom of Information Act standards. (BCP)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 5a must be considered by the Board on short notice because, unless the Board acts on December 7, the ALJ's termination of the proceeding under Section 302.28 of the regulations, becomes the order of the Board on December 10, ten days after the time (November 30) for filing petitions for discretionary review. The case was not submitted earlier because it was impossible due to unavailability of staff coordination. Item 15 is being deleted from the December 6, 1979 calendar due to the insufficient time available for coordination with other Bureau staffs. Accordingly, the following Members have voted that agency business requires the addition of Item 5a and the deletion of Item 15 from the December 6, 1979 calendar and that no earlier announcement of these changes was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-2384-79; Filed 12-5-79; 3:47 pm]

BILLING CODE 6320-01-M

2

[M-258, Amdt. 3; Dec. 4, 1979]

CIVIL AERONAUTICS BOARD.

Notice of Addition and Closure of Item to the December 6, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., December 6, 1979.

PLACE: Room 1027 (Open), Room 1011 (Closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 16. Board position on cargo rate flexibility as proposed in H.R. 5882. (OGC)

STATUS: Open (Items 1-15), Closed (Item 16).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: At the November 29, 1979, Hearings on H.R. 5882—proposed rate flexibility for foreign air transportation of cargo—the House Aviation Subcommittee was promised further Board views on appropriate means of providing rate flexibility for foreign cargo. The staff has, since the hearigs, been considering various options for cargo rate flexibility which should be considered by the Board. Since the Committee was promised the Board's response as soon as possible, it is important that Board consideration of this matter not be delayed. Accordingly, the following Members have voted that Item 16 be added to the December 6, 1979 calendar, and that no earlier announcement of this addition was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

The Board is to consider various options for providing rate flexibility for foreign cargo. This matter involves questions of foreign rate policy which could be the subject of international negotiations. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies prior to such negotiations could seriously compromise the position of the United States to achieve agreements which would be in the best interests of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of the proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting on this item should be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.
Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Lachter.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Office of the General Director.—Mr. Michael E. Levine.
Office of the General Counsel.—Ms. Mary Schuman, Mr. Gary J. Edles, and Mr. Peter B. Schwarzkopf.
Bureau of International Aviation.—Mr. Stanford Rederer, Mr. Douglas V. Leister, Mr. Vance Fort, Mr. John H. Kiser, Mr. Richard M. Loughlin, and Mr. Ivars V. Mellups.
Bureau of Domestic Aviation.—Ms. Barbara A. Clark, Mr. Paul L Gretch, and Mr. Mark S. Kahan.
Office of Economic Analysis.—Mr. Robert H. Frank and Ms. Julie Moll.
Bureau of Consumer Protection.—Mr. Reuben B. Robertson, Ms. Patricia Kennedy, and Mr. Glenn W. Wienhoff.
Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C.

552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to the public observation:

Mary McInnis Schuman,

General Counsel.

[S-2385-79 Filed 12-5-79; 3:47 pm]

BILLING CODE 6320-01-M

3

[M-258, Amdt. 4; Dec. 5, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the December 6, 1979, meeting.

TIME AND DATE: 9:30 a.m., December 6, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 7. Docket 36419, Texas-Alberta-Alaska case (OGC).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: In Item 7, Office of the General Counsel recommended adoption of a Draft Order ruling on a petition for review of Order 79-10-139 filed in this case. However, by Order 79-11-216, the Administrative Law Judge reconsidered his ruling in Order 79-10-139, and reversed his prior position. Board Regulation § 385.53 provides that "(i)f the initial action is reversed, the petition for review shall not be submitted to the Board." Therefore, the OGC recommendation on the petition for review is unnecessary, and should be deleted. Accordingly, the following Members have voted that Item 7 be deleted from the December 6, 1979 agenda and that no earlier announcement of this deletion was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-2386-79 Filed 12-5-79; 3:47 pm]

BILLING CODE 6320-01-M

4

[M-258, Amdt. 5; Dec. 5, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the December 6, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., December 6, 1979.

PLACE: Room 1027 (Open), Room 1011 (Closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 9a. Dockets 37065 and 36499; *Application of United for Emergency Exemption* to operate one daily Chicago-West Palm Beach flight for 120 days, beginning December 13, 1979, *Denver/Chicago-Florida Show-Cause Proceeding.* (BDA)

STATUS: Open (Items 1-15), Closed (Item 16).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: United has advertised the flight for operation beginning December 13, 1979 and a number of passengers already hold confirmed reservations. Consequently it is essential that the Board consider the matter as soon as possible. Accordingly, the following Members have voted that Item 9a. be added to the December 6, 1979 agenda and that no earlier announcement of this addition was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-2387-79 Filed 12-5-79; 3:47 pm]

BILLING CODE 6320-01-M

5

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., December 11, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Title III Organization.
Proposed amendment to Section 1.12.
CFTC Reparations System.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-2379-79; Filed 12-5-79; 10:25 am]

BILLING CODE 6351-01-M

6

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:30 a.m., December 11, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Matters concerning Legislation and Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-2380-79; Filed 12-5-79; 10:25 am]

BILLING CODE 6351-01-M

7

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, December 11, 1979.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Recommendation that 706 designation not be granted to the Detroit (Michigan) Human Rights Department.
2. Proposed final 706 designation for North Dakota Department of Labor.
3. Proposed sole source contract for Demographic services.
4. Freedom of Information Act Appeal No. 79-9-FOIA-300, concerning a respondent's request for charge files and agency memoranda.
5. Federal Aviation Administration's proposed EEO regulations for Airports.
6. Proposed Interim OFCCP regulations.
7. Report on Commission Operations by the Executive Director.

Closed to the Public

Litigation Authorization: General Counsel Recommendations.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued December 4, 1979.

[S-2388-79 Filed 12-5-79; 3:47 pm]

BILLING CODE 6570-06-M

8

FEDERAL ELECTION COMMISSION.

FEDERAL REGISTER NO. 2336.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, December 6, 1979 at 10 a.m.

CHANGE IN MEETING: The following items have been added to the agenda—

1. Procedure for Tally Vote Approval for the Certification of Matching Fund Payments.
2. Federal Candidate Debate Regulations.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-2381-79; Filed 12-5-79; 10:25 am]

BILLING CODE 6715-01-M

9

FEDERAL MARITIME COMMISSION.

TIME AND DATE: December 12, 1979, 10 a.m.

PLACE: Hearing Room One—1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

1. Trailer Marine Transport Corporation—Fifteen percent general increase between United States Atlantic and Gulf ports and ports in Puerto Rico.

2. Matson Navigation Company increase in wharfage charges at West Coast ports.

3. Agreement No. 9891–7: Application for renewal of the term of approval of the Unigulf Sailing and Ratemaking Agreement.

4. Agreement Nos. 10333 and 10333–1: The Calcutta and Bangladesh/U.S.A. Pool Agreement.

5. Agreement No. 9938–3: Lloyd Brasileiro/Netumar Line Cooperative Working Arrangement—Application for extension of term of approval.

6. Agreement No. 10051–4: Mediteranean Force Majeure Agreement—Application for extension of term of approval.

7. Amendments to General Order 13 accommodating the tariff filing requirements for controlled carriers under the Ocean Shipping Act of 1978.

8. Docket No. 79–91: Pan Ocean Bulk Carriers, Ltd.—Investigation of Rates on Neo-Bulk Commodities in the Trade Between the United States and South Korea—Status report of Presiding Officer.

9. Special Docket No. 664: Application of Sea-Land Service, Inc. for the Benefit of Haynes Furniture Co., Inc—Review of initial decision.

10. Docket No. 78–46: Amendment to Financial Reports of Common Carriers by Water in the Domestic Offshore Trades—Review of comments.

Portions Closed to the Public

11. Docket No. 79–86: Japan/Korea-Atlantic and Gulf Freight Conference Rules Pertaining to Chassis Availability and Demurrage Charges That Result When Chassis are Not Made Available—Consideration of pending motions and possible consideration of the record.

2. Docket No. 79–10: Rates of Far Eastern Shipping Company—Petition for reconsideration by Far Eastern Shipping Company.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S–2377–79 Filed 12–5–79; 10:25 am]

BILLING CODE 6730–01–M

10

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 10 a.m., Wednesday, December 12, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed purchase of computer equipment by the Federal Reserve Bank of Philadelphia.

Discussion Agenda

1. Board's regulatory improvement program: Consideration of Subparts A and B of Regulation J (Collection of Checks and Other Items and Transfers of Funds) dealing with check collection and wire transfers.

2. Proposed policy statement on the disposition of income from the sale of credit life insurance.[1]

3. Proposed Federal Reserve Bank budgets for 1980.

4. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: December 5, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S–2378–79 Filed 10–5–79; 10:25 am]

BILLING CODE 6210–01–M

11

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 10 a.m., Friday, December 14, 1979. [NM–79–44]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED: *Briefing* by the National Highway Traffic Safety Administration on Federal Motor Vehicle Safety Standard 208—Passive Restraints.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–472–6022.

December 5, 1979.

[S–2383–79 Filed 12–5–79; 12:05 pm]

BILLING CODE 4910–58–M

12

PAROLE COMMISSION: National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Friday, December 7, 1979, at 9:30 a.m.

PLACE: Room 818, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 15 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: A. Ronald Peterson, Analyst: (202) 724–3094.

[s–2382–79 Filed 12–5–79; 11:25 am]

BILLING CODE 4410–01–M

13

CIVIL AERONAUTICS BOARD.

Note.—In the Federal Register of Wednesday, December 5, 1979, the Civil Aeronautics Board notice published as item 2 is a duplicate of item 1. The item 2 notice is therefore revoked, and the following notice inserted in its place.

TIME AND DATE: 9:30 a.m.—December 4, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428

SUBJECT: 1. Dockets 36445 and 36538, Air Pacific's notice to suspend service at Chico, California, (BDA). 2. dockets 36228, 36229, 36230, and 35418; United's Notices to terminate service at Modesto, Bakersfield and Stockton; Petitions of the Bakersfield Parties to Prohibit Termination of Service by United at Bakersfield; Petition of Stockton to Prohibit Termination of Service by United at Stockton. (BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: The Board would like to meet on Short notice on Item 1 so they can authorize emergency, temporary compensation to Westair to provide Chico's essential air service. Also Item 2 will be discussed so that the Baord can (a) move quickly to allow a transition at Bakersfield and (b) seek carrier proposals to provide service at Stockton and Modesto. Accordingly, the following Members have voted that a meeting be held on December 4, 1979 at 9:30 a.m. and that no earlier announcement of this meeting was possible:

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey
Member Gloria Schaffer

[FR S–2361–79 Filed 12–3–79; 3:38 pm]

BILLING CODE 6320–01–M

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[1] Note: Anyone planning to attend specifically for *Item 2* should contact the office below on Tuesday, December 11, 1979, to assure that it has not been postponed to a future meeting.

Friday
December 7, 1979

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 224–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

Georgia	GA79–1156

Modification to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Florida:	
FL79–1094	June 8, 1979
FL79–1110	July 20, 1979
FL79–1118	Aug. 17, 1979
FL76–1108	Oct. 1, 1976
FL79–1068	Apr. 13, 1979
Iowa:	
IA78–4100	Nov. 24, 1978
IA78–4101	Nov. 24, 1978
IA78–4103	Nov. 24, 1978
IA78–4104	Nov. 24, 1978
IA78–4105	Nov. 24, 1978
IA78–4106	Nov. 24, 1978
IA78–4107	Nov. 24, 1978
IA78–4109	Nov. 24, 1978
IA78–4110	Nov. 24, 1978
IA78–4111	Nov. 24, 1978
IA78–4112	Nov. 24, 1978
Kansas—MO79–4065	June 1, 1979
Kentucky:	
KY79–1031	Feb. 9, 1979
KY79–1034	Feb. 9, 1979
Pennsylvania—PA78–3069	Oct. 6, 1978
Missouri—MO79–4065	June 1, 1979
Tennessee:	
TN78–1091	Oct. 20, 1978
TN79–1104	June 29, 1979
West Virginia—WV79–3044	Nov. 2, 1979

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Georgia—GA76–1015 (GA79–1155)	Jan. 23, 1976
Kentucky—KY79–1072 (KY79–1158)	Apr. 20, 1979
Kentucky—KY79–1035 (KY79–1159)	Feb. 9, 1979
Missouri—MO79–4059 (MO79–4092)	Mar. 30, 1979

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. this 30th day of November 1979.

Gerald M. Parks,

Acting Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

NEW DECISION

STATE: GEORGIA
COUNTIES: BANKS, DAWSON, FORSYTH, FRANKLIN, HABERSHAM, HALL, LUMPKIN, RABUN, STEPHENS, TOWNS, UNION, & WHITE.
DECISION NUMBER: GA79-1156 DATE: DATE OF PUBLICATION
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 5.00				
BRICKLAYERS	6.81				
CARPENTERS	5.00				
CEMENT MASONS	5.00				
DRYWALL FINISHERS	5.44				
DRYWALL HANGERS	5.05				
ELECTRICIANS	5.06				
INSULATION INSTALLERS	4.72				
LABORERS:					
Unskilled	3.00				
Mason tenders	4.28				
PAINTERS	5.00				
PLUMBERS & PIPEFITTERS	6.14				
ROOFERS	5.07				
SHEET METAL WORKERS	5.00				
SOFT FLOOR LAYERS	4.50				
TRUCK DRIVERS	3.00				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	5.75				
Backhoe	5.73				
Front end loader	5.59				
Motor grader	5.08				
Roller	4.83				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

MODIFICATION PAGE 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #FL79-1094 - Mod. #2 (44 FR 33328 - June 8, 1979) Dade County, Florida					
Change:					
Bricklayers	$11.15	.70	.70		.07
Carpenters	10.10	.90	.55		.08
Cement Masons	11.15	.70	.70		.07
Ironworkers	11.00	.98	1.00		.10
Plumbers; Pipefitters	10.42	.92	1.30		.09
DECISION #FL79-1110 - Mod. #3 (44 FR 42858 - July 20, 1979) Dade County, Florida					
Change:					
Electricians	12.85	.70	4.6%+3%		1%
Piledrivers	10.65	.60	.70		.10
Refrigeration & Air Conditioning Mechanics:					
A/C Units over 15 tons	12.13	1.13	1.10		.14
A/C Units over 7.5 Tons but under 15 tons	9.05	1.13	1.10		.14
Sprinkler Fitters	11.06	.75	1.05		.10
DECISION #FL79-1118 - Mod. #1 (44 FR 48564 - August 17, 1979) Pinellas County, Florida					
Change:					
Sprinkler Fitters	11.06	.75	1.05		.10

MODIFICATION PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #FL76-1108 - Mod. #1 (41 FR 43555 - October 1, 1976) Brevard County, Florida (excludes Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center and Malabar Radar Site)					
Delete: Geographical area as previously published					
Add: Geographical area as listed above					
DECISION #FL79-1068 - Mod. #5 (44 FR 22309 - April 13, 1979) Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center and Malabar Radar Site)					
Delete: Geographical area as previously published					
Add: Geographical area as listed above					

MODIFICATION PAGE 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # IA78-4100-Mod. #5 (43 FR 55161-November 24, 1978) Building-Black Hawk Co., Ia.					
CHANGE:					
ASBESTOS WORKERS	$13.18	.55	1.00		.10
BRICKLAYERS & STONEMASONS	11.61	.45	1.10		.02
CARPENTERS:					
Carpenters	10.09	.45	1.50		.03
Millwrights; Piledrivermen	10.69	.45	1.50		.03
ROOFERS	10.80				
Decision # IA78-4101-Mod. #4 (43 FR 55162-November 24, 1978) Building-Cerro Gordo Co. Ia.					
CHANGE:					
ASBESTOS WORKERS	12.75	.89	1.025		
PLUMBERS & STEAMFITTERS	13.49	.65	.55		.04
SHEET METAL WORKERS	11.08	1.00	.72		.14
ROOFERS	9.52				
Decision # IA78-4103-Mod. #4 (43 FR 55165-November 24, 1978) Building-Des Moines Co., Ia.					
CHANGE:					
CARPENTERS:					
Carpenters	11.65	.75	.90		.04
Millwrights & Piledrivermen	12.35	.75	.90		.04
ASBESTOS WORKERS	13.18	.55	1.00		.10
Decision # IA78-4104-Mod. #4 (43 FR 55166-November 24, 1978) Building-Dubuque Co., Iowa					
CHANGE:					
ASBESTOS WORKERS	13.18	.55	1.00		.10
BRICKLAYERS & STONEMASONS	10.84	.45	.25		
CARPENTERS:					
Carpenters	11.22		.37		.02
Piledrivermen	11.62		.37		.02
Millwrights	11.72		.37		.02

MODIFICATION PAGE 4

IA78-4104 Continued	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS	10.59	.45	.25		
TERRAZZO WORKERS	10.59	.45	.25		
TILE SETTERS	10.59	.45	.25		
Decision # IA78-4105-Mod. #4 (43 FR 55168-November 24, 1978) Building-Johnson Co., Iowa					
CHANGE:					
ASBESTOS WORKERS	13.18	.55	1.00		.10
BRICKLAYERS & STONEMASONS	12.89		.55		.02
ELECTRICIANS	13.27	.65	3%+.50		3/4%
ROOFERS	10.30				
TILE SETTERS	11.78		.55		
Decision # IA78-4106-Mod. #4 (43 FR 55169-November 24, 1978) Building-Linn County, Iowa					
CHANGE:					
ASBESTOS WORKERS	13.18	.55	1.00		.10
BRICKLAYERS & STONEMASONS	12.89		.55		.02
ELECTRICIANS	13.27	.65	3%+.50		3/4%
ROOFERS	10.30				
TILE SETTERS	11.78		.55		
Decision # IA78-4107-Mod. #4 (43 FR 55171-November 24, 1978) Building-Polk County, Iowa					
CHANGE:					
ASBESTOS WORKERS	12.75	.89	1.025		
BRICKLAYERS & STONEMASONS	12.03	.90	1.00		.02

MODIFICATION PAGE 5

Decision # IA78-4109-Mod. #6 (43 FR 55174-November 24, 1978) Building-Scott County, Iowa	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	$13.18	.55	1.00		.10
CARPENTERS	12.01	.60	.90		.06
Decision # IA78-4110-Mod. #4 (43 FR 55175-November 24, 1978) Building-Story County, Iowa					
CHANGE:					
ASBESTOS WORKERS	12.75	.89	1.025		
Decision # IA78-4111-Mod. #4 (43 FR 55177-November 24, 1978) Building-Webster Co., Iowa					
CHANGE:					
ASBESTOS WORKERS	12.75	.89	1.025		
BRICKLAYERS & STONEMASONS	11.20		.40		.02
Decision # IA78-4112-Mod. #5 (43 FR 55178-November 24, 1978) Building-Woodbury Co., Iowa					
CHANGE:					
LATHERS	11.13				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KY79-1031 - Mod. #3 (44 FR 8497 - February 9, 1979) McCracken County, Kentucky					
CHANGE:					
Electricians:					
Wiremen	$12.05	.50	13%		¼ of 1%
Cable splicers	12.30	.50	13%		¼ of 1%
Line Construction:					
Linemen & equipment operators	11.95	.70	13%		½ of 1%
Cable splicers	12.20	.70	13%		½ of 1%
Groundmen - truck drivers	8.96	.70	13%		½ of 1%
Groundmen	8.72	.70	13%		½ of 1%
DECISION #KY79-1034 - Mod. #3 (44 FR 8504 - February 9, 1979) Henderson County, Kentucky					
CHANGE:					
Electricians:					
Wiremen	12.83	.50	3%		1/8 of 1%
Cable splicers	13.08	.50	3%		1/8 of 1%
DECISION NO. PA78-3069 MOD. NO. 8 (43 FR 46475 - October 6, 1978) Berks County, Pennsylvania					
CHANGE:					
ASBESTOS WORKERS	$11.61	1.12	.90		.01
BRICKLAYERS & STONEMASONS	10.40	.90	.85		
ELECTRICIANS:					
REMAINDER OF COUNTY	12.49	.78	3%+.30		.03
SPRINKLER FITTERS	13.55	.75	1.05		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MO79-4065 - Mod.2 (44 FR 33329 - June 1,1979 Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties, Missouri; Johnson & Wyandotte Counties, Kansas.					
Change:					
Asbestos workers	$13.27	.60	1.55		.05
Electricians:					
Zone 1	13.38	.69	3%+.70	.95	.12
Zone 2:					
Electricians (contracts exceeding 2000 man hours	13.38	.69	3%+.70	.95	.12
Electricians (contracts not exceeding 2000 man hours	12.38	.69	3%+.70	.95	.12
Zone 3:					
Electricians (contracts exceeding 2000 man hours	13.38	.69	3%+.70	.95	.12
Electricians (contracts not exceeding 2000 man hours	11.78	.69	3%+.70	.95	.12
Zone 4	13.38	.69	3%+.70	.95	.12
Glaziers	11.18	.61	1.04	19.7%	.04
Line Construction:					
Zone 1:					
Linemen	14.32	.45	3%+.25		½%
Linemen operator	13.33	.45	3%+.25		½%
Groundman	9.44	.45	3%+.25		½%
Zone 2:					
Linemen	11.96	.45	3%		½%
Cable splicers	12.56	.45	3%		½%
Powderman	9.91	.45	3%		½%
Sheet metal workers	12.83	.75	1.10		.08
Soft floor layers	9.81	.50	.85	1.00	1%

DECISION #MO79-4065 - Mod. #2 (Contd.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Line Construction:					
Zone 1:					
Groundman (1st 6 mos.)	$8.08	.45	3%+.25		½%
Zone 2:					
Groundman, over 1 year	7.44	.45	3%		½%
Groundman, 1st year	5.64	.45	3%		½%
Line truck and equipment operators:					
1st year	7.61	.45	3%		½%
2nd year	9.10	.45	3%		½%
Over 2 years' experience	9.91	.45	3%		½%
Add:					
Line Construction:					
Zone 2:					
Groundman	7.44	.45	3%		½%
Line truck and equipment operators	9.91	.45	3%		½%

DECISION #TN78-1091 - Mod. #6 (43 FR 49207 - October 20, 1978) Shelby County, Tennessee	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians:					
Wiremen & Technicians	$12.13	1.05	3% + .50		½% of 1%
Cable splicers	12.23	1.05	3% + .50		½% of 1%
Line Construction:					
Linemen	12.13	1.05	3% + .50		3/8 of 1%
Cable splicers	12.23	1.05	3% + .50		3/8 of 1%
Special equipment operators	9.10	1.05	3% + .50		3/8 of 1%
Groundmen	6.25	1.05	3% + .50		3/8 of 1%
DECISION #TN79-1104 - Mod. #3 (44 FR 38137 - June 29, 1979) Hamilton, Marion, Polk, & Rhea Counties, Tennessee					
CHANGE:					
Lathers	10.55				
DECISION NO. WV79-3044 - Mod. #1 (44 FR 63430 - November 2, 1979) Berkeley, Jefferson, and Morgan Counties, West Virginia					
Change:					
BRICKLAYERS	$ 9.89				
Add:					
SPRINKLER FITTERS	12.90	.75	1.05		.08

SUPERSEDEAS DECISION

STATE: GEORGIA
COUNTIES: BURKE, COLUMBIA, GLASCOCK, HANCOCK, JEFFERSON, JENKINS, LINCOLN MCDUFFIE, RICHMOND, TALIAFERRO, WARREN, WASHINGTON, & WILKES
DECISION NUMBER: GA79-1155 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA76-1015, dated January 23, 1976, in 41 FR 3590.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 4.84				
BRICKLAYERS	7.00				
CARPENTERS	5.90				
CEMENT MASONS	5.50				
DRYWALL FINISHERS	5.00				
DRYWALL HANGERS	6.00				
ELECTRICIANS	5.77				
GLAZIERS	5.30				
INSULATION INSTALLERS	4.86				
IRONWORKERS	7.30				
LABORERS:					
Unskilled	3.44				
Mortar mixers	3.50				
Asphalt rakers	3.77				
Pipelayers	4.75				
PAINTERS	6.50				
PLASTERERS	7.19				
PLUMBERS & PIPEFITTERS	6.59				
ROOFERS	4.45				
SHEET METAL WORKERS	5.00				
TILE SETTERS	6.16				
TRUCK DRIVERS	3.44				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	4.32				
Asphalt paver	4.75				
Backhoe	5.00				
Bulldozer	4.23				
Fork lift	4.43				
Front end loader	4.15				
Motor grader	4.60				
Roller	3.87				
Spreader	4.25				
Tractor	4.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTIES: DAVIESS, HANCOCK, & OHIO
DECISION NUMBER: KY79-1158 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY79-1072, dated April 20, 1979, in 44 FR 23736.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 5.43				
BRICKLAYERS	5.61				
CARPENTERS	4.75				
CEMENT MASONS	6.06				
DRYWALL FINISHERS	5.36				
DRYWALL HANGERS	5.67				
ELECTRICIANS	5.85				
INSULATION INSTALLERS	5.21				
LABORERS:					
Unskilled	3.50				
Mason tenders	4.00				
PAINTERS	5.02				
PLUMBERS & PIPEFITTERS	5.68				
ROOFERS	5.09				
SHEET METAL WORKERS	5.38				
SOFT FLOOR LAYERS	4.50				
TILE SETTERS	5.50				
TRUCK DRIVERS	3.97				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.28				
Bulldozer	7.14				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

STATE: KENTUCKY

COUNTIES: BOONE, CAMPBELL, KENTON, & PENDLETON

DECISION NUMBER: KY79-1159

DATE: DATE OF PUBLICATION

Supersedes Decision Number KY79-1035, dated February 9, 1979, in 44 FR 8506.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.01	.75	1.25		.02
BOILERMAKERS	10.70	1.05	1.10		.02
BRICKLAYERS & STONE MASONS	13.595	.65	.45		.02
CARPENTERS	13.20	.75	.85		.075
CEMENT MASONS	13.13	.80	.95		.30
ELECTRICIANS	13.70	.70	3% + .80		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	12.36	.745	.56	a + b	.035
Helpers	9.65	.745	.56	a + b	.035
Probationary helpers	6.18				
GLAZIERS	14.10		.60		.01
IRONWORKERS:					
Reinforcing	12.18	1.00	2.25		.02
Structural & Ornamental	13.08	1.00	1.45		.03
LATHERS	14.02		.35		.025
LINE CONSTRUCTION:					
Linemen & machine operators	13.90	.70	3% + .60		½ of 1%
Groundmen	10.41	.70	3% + .60		½ of 1%
MARBLE SETTERS	13.435	.65	.45		
MARBLE SETTER FINISHERS	12.35				
MILLWRIGHTS	13.34	.50	1.10		.10
PAINTERS:					
Brush, roller, taping, paperhanging, wall covering, & washing	13.55		.35		
Steamcleaning (40' or over)	13.70		.35		
Taping (on stilts)	13.95		.35		
Spray	14.05		.35		
Sand & water blasting	14.45		.35		
Drywall machine operators	14.55		.35		
PILEDRIVERMEN	13.20	.75	.85		.075
PIPEFITTERS	13.00	1.025	1.30		.08
PLASTERERS	13.895		.75		.02
PLUMBERS & GAS FITTERS	13.82	1.05	1.20		.07

DECISION NO. KY79-1159

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
RESILIENT FLOOR LAYERS	$11.50	.75	.85		.05
ROOFERS	14.32		.85		.01
SHEET METAL WORKERS:					
Pendleton County	12.88	1.563	1.47		.16
Remaining Counties	13.835	1.06	.85		.06
SPRINKLER FITTERS	13.33	.75	1.05		.08
TERRAZZO WORKERS	13.385	.65	.45		
TERRAZZO FINISHERS	12.35				
TILE SETTERS	13.385	.65	.45		
TILE FINISHERS	12.35				

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of the basic hourly rate of employees with 5 years or more of service, or 6% of the basic hourly rate of employees with 6 months to 5 years of service as Vacation Pay Credit.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION NO. KY79-1159

LABORERS - Boone, Campbell, & Kenton Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group A	$11.15	.80	.80		.10
Group B	11.25	.80	.80		.10
Group C	11.30	.80	.80		.10
Group D	11.35	.80	.80		.10
Group E	11.50	.80	.80		.10
Group F	11.65	.80	.80		.10
Group G	11.90	.80	.80		.10

CLASSIFICATIONS DEFINITIONS

Group A - Common laborers, cement mason tenders, hand operated mechanical mule, mechanical sweeper, signal man;

Group B - Bottom man, pipe layers;

Group C - Burning torch operator, jack hammer, mechanical and air tamper operator, mechanical concrete buggies, power operated mechanicas mule, concrete pump hose man, vibrator man;

Group D - Plaster tender, mason tender, stone mason tender, bottom jackhammer man;

Group E - Plaster mixer pump operator;

Group F - Tunnel laborer;

Group G - Gunnite nozzle operator.

DECISION NO. KY79-1159

LABORERS - Pendleton County:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 8.40	.35	.47		
GROUP II	8.80	.35	.47		
GROUP III	9.00	.35	.47		
GROUP IV	9.10	.35	.47		
GROUP V	9.60	.35	.47		
GROUP VI	9.90	.35	.47		

LABORERS' CLASSIFICATIONS DEFINITIONS

GROUP I - General laborers, water boys, concrete pouring, concrete forms stripping and wrecking, hand digging and backfilling of ditches, clearing of right-of-ways and building sites, wood sheeting and shoring, signalman for concrete bucket, and general cleaning.

GROUP II - All air tool operators, air track drills, asphalt rakers, barco tampers, batcher plant and scale man, chain saw, concrete saw, electric hand grinder, all electric bush and chipping hammers, flagman, forklift operators, form setter (street or highway), gunnite laborers, hand spiker, Introflax burning rod, joint makers, mason tenders, pipe layers, plasterer tenders, powderman helpers, power driven Georgia Buggies, power posthole digger, railroad laborers, sandblaster laborers, scow man and deck hand, signal man, sweeper and cleaner machines, vibrator operators, walk behind trenching machines, mortar mixer machines, water pumpman.

GROUP III - Gunnite nozzleman and gunnite nozzle machine operator, sand blaster nozzleman, concrete or grout pumpman, plaster pumpman.

GROUP IV - Powderman and Blaster.

GROUP V - Caisson holes (6 ft. & over) pressure and free air including tools.

GROUP VI - Tunnel man and tunnel sand miner, cofferdam (pressure and free air) sand hog or mucker (pressure or free air.

DECISION NO. KY79-1159

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$13.16	.96	1.00		.11
GROUP B	13.00	.96	1.00		.11
GROUP C	12.64	.96	1.00		.11
GROUP D	11.86	.96	1.00		.11
GROUP E	11.53	.96	1.00		.11
GROUP F	9.33	.96	1.00		.11

GROUP A: A-frame; Air compressor on steel erection; all rotary drills used on caisson work for foundations and substructure work; Boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation); Boom trucks (all types); Cableways; Cherry pickers; Combination concrete mixer and tower; Concrete pumps; Cranes (all types); Derricks (all types); Draglines; Dredge (dipper, clam or suction) 3 man crew; Elevating grader or euclid loader; Floating equipment; Gradalls; Helicopter operator, (hoisting builders materials); Helicopter winch operator (hoisting builders materials); Hoes (all types); Hoisting engines (two or more drums); Lift slab or panel jack operator; Locomotives (all types); Maintenance engineer (mechanic or welder); Mixer paving (multiple drum); Mobile concrete pumps with boom; Panelboard (all types on site); Pile driver; Power shovels; Side booms; Slip form pavers; Straddle carriers (building construction on site); Trench machines (over 24" wide); Tug boat

GROUP B: Asphalt paver; Bulldozer; CMI type equipment; End loaders; Kohlman type loaders (dirt loading); Mucking machines; Power grader; Power scoops; Power scrapers; Push cats; Lead greaseman

GROUP C: Air compressor, pressurizing shafts or tunnels; All asphalt rollers; Fork lifts; Hoist (one drum); House elevators; Man lift; Power boilers (over 15 lbs., pressure); Pump operator installing or operating well points or other type of dewatering system; Pumps (4" and over discharge); Submersible pumps (4" and over discharge); Trenchers (24" and under)

GROUP D: Compressors on building construction; Conveyors building material; Gunite machines; Mixers (cap., more than one bag); Mixers (one bag cap., side loader); Post driver; Post hole digger; Pavement breaker (hydraulic or cable); Road widening trencher; Rollers; Welder operator; Generators

GROUP E: Backfillers and tampers; Batch plant; Bar and joint installing machine; Bull floats; Burlap and curing machines; Clefplanes; Concrete spreading machines; Crushers; Drum fireman asphalt; Farm type tractors, pulling attachments; Finishing machines; Form trenchers; High pressure pumps (over ½" discharge); Hydro seeders; Self propelled powered spreader; Self propelled sub-grader; Tire repairman; Tractors (pulling sheep foot roller or grader); Vibratory compactors with integral power); Deckhand

GROUP F: Oiler, Helper, Signalman; Light plant operator; Power driven heaters (oil fired); Power boilers (less than 15 lbs., pressure); Pumps (under 4" discharge); Submersible pumps (under 4" discharge); Inboard, Outboard motor boat launch

SUPERSEDEAS DECISION

STATE: Missouri COUNTY: Statewide
DECISION NO.: MO79-4092 DATE: Date of Publication
Supersedes Decision No. MO79-4059 dated March 30, 1979 in 44 FR 19111
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

CARPENTERS & PILEDRIVERMEN:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1	11.76	.65	.70	.50	.03
Zone 1A	11.36	.65	.70	.50	.03
Zone 2	11.21	.65	.70	.50	.03
Zone 3	11.90	.50	.40		.03
Zone 4	11.30	.50	.40		.03
Zone 5	10.35	.65	.70	.50	.03
Zone 6	11.87	.33			.03
Zone 7	11.87	.33			.03
Zone 7A	11.57	.33	.30		.03
Zone 8	11.47	.53			.03
Zone 9	11.00	.50	.30		.05
Zone 10	11.66	.75	.90		

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

Zone 1 - Franklin, Jefferson, St. Charles, Counties
Zone 1A - Lincoln, Warren Counties
Zone 2 - Pike, St. Francois & Washington Counties
Zone 3 - Cass and Lafayette Counties
Zone 4 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
Zone 5 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon & Texas Counties
Zone 6 - Boone, Cooper & Howard Counties
Zone 7 - Adair, Audrain, Benton, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
Zone 7A - Callaway, Cole, Miller, Moniteau and Osage Counties
Zone 8 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
Zone 9 - Clay, Jackson, Platte and Ray Counties
Zone 10 - St. Louis County & City

DECISION NO. MO79-4092

CEMENT MASONS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1	11.675	.65	.50		
Zone 2	10.93				
Zone 3	9.50	1.00	.95		
Zone 4	12.50	.65	.50		
Zone 5	7.50	.85	.50	.55	
Zone 6	8.75				
Zone 7	10.43				
Zone 8	11.05				
Zone 9	7.40				
Zone 10	11.30	.65	.50		
Zone 11	10.55				
Zone 12	10.15	1.00	.95		

AREAS COVERED BY CEMENT MASONS ZONES

Zone 1 - Bates, Carroll, Cass and Lafayette Counties
Zone 2 - Dent, Phelps, Pike, Pulaski and Texas Counties
Zone 3 - Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren & Washington Counties on projects less than $100,000.00
Zone 4 - Clay, Jackson, Platte and Ray Counties
Zone 5 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
Zone 6 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster & Wright Counties
Zone 7 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
Zone 8 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Linn, Macon, Moniteau, Monroe, Randolph, Shelby, Schuyler, Sullivan, and Putnam Counties
Zone 9 - Barry, Barton, Jasper, Lawrence, McDonald, Newton and Vernon Counties
Zone 10 - Andrew, Atchinson, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties
Zone 11 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery and Osage Counties
Zone 12 - St. Louis City and County, Jefferson, and St. Charles Counties, and Counties of Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren and Washington on projects $100,000.00

DECISION NO. MO79-4092

ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Electrical contract over $15,000.00	11.65	.49	3%	11.5%	¼%
Electrical contracts $15,000.00 & under	9.94	.49	3%	11.5%	¼%
ZONE 2	13.38	.69	3%+.70	.95	.12
ZONE 3					
Electrical contracts not to exceed 2000 man hours	12.72	.69	3%+.70	.95	.12
Electrical contracts 2000 man hours and over	13.72	.69	3%+.70	.95	.12
ZONE 4					
Electrical contracts not to exceed 2000 man hours	12.72	.69	3%+.70	.95	.12
Electrical contracts 2000 man hours and over	13.72	.69	3%+.70	.95	.12
ZONE 5					
Electrical contract not to exceed 2000 man hours	12.12	.69	3%+.70	.95	.12
Electrical contracts 2000 man hours and over	13.72	.69	3%+.70	.95	.12
ZONE 6	12.25	.70	3%+5½%	15½%	.12
ZONE 7					
Electrical contracts over $15,000.00	12.25	.70	3%+5½%	15½%	.10
ZONE 8					
Electrical contract $15,000.00 and under	11.46	.70	3%+5½%	15½%	.10
ZONE 9					
Electrical contract $15,000.00 and under	8.86	.70	3%+5½%	15½%	.10
ZONE 10					
Electrical contract $15,000.00 and under	6.26	.70	3%+5½%	15½%	.10

DECISION NO. MO79-4092

ELECTRICIANS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 11	12.305	.47	3%+1.00	6%	.02
ZONE 12	12.795	.47	3%+1.00	6%	.02
ZONE 13	11.84	.60	3%+1.00	7%	.02
ZONE 14					
Electricians	10.54	.65	3%+.50	5%	.01
Cable splicers	10.89	.65	3%+.50	5%	.01
ZONE 15					
Electricians	12.53	.47	3%+.75	5%	.01
Cable splicers	12.78	.47	3%+.75	5%	.01

AREAS COVERED BY ELECTRICIANS ZONES

ZONE 1 - Adair, Audrain (that part of east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Cos.
Electrical contracts over $15,000.00
Electrcial contracts $15,000.00 and under

ZONE 2 - Area bounded on the North by State Highway 92 in Platte & Clay Counties; east by a straight line from Intersection of State Highway 92 & 33 in Clay County Intersection of U. S. Highway 24 & State Highway 7 in Jackson County; south on Highway 7 to Pleasant Hill; South from Pleasant Hill due west to the Missouri-Kansas State Line; West by the Missouri-Kansas State Line. Towns of Pleasant Hill & Blue Springs are excluded

ZONE 3 - Portion of Cass, Clay, Jackson and Platte Counties not included in Zone 2

ZONE 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Cos.

ZONE 5 - Carroll, Cooper, Morgan, Ray and Saline Counties

ZONE 6 - St. Charles County, St. Louis County and City

ZONE 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington, and Wayne Cos.:
Electrical contract over $15,000.00

ELECTRICIANS (CONT'D)

ZONE 8 - Franklin, Jefferson, Lincoln, and Warren Counties.
Electrical contracts $15,000.00 and under

ZONE 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois, and Ste. Genevieve Counties:
Electrical contracts $15,000.00 and under

ZONE 10 - Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Ripley, Reynolds, Stoddard, Washington, and Wayne Counties:
Electrical contracts $15,000.00 and under

ZONE 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster, and Wright Counties

ZONE 12 - Pulaski County

ZONE 13 - Andrew, Buchanan, Clinton, and DeKalb Counties

ZONE 14 - Barry, Barton, Caldwell, Cedar, Dade, Daviess, Gentry, Holt, Jasper, McDonald, Newton, Nodaway, St. Clair, Vernon, and Lawrence Counties

ZONE 15 - Atchinson, Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Grundy, Harrison, Howard, Livingston, Maries, Mercer, Miller, Moniteau, Osage, Phelps, Randolph and Worth Counties

DECISION NO. MO79-4092

IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1	12.075	.55	1.05		.09
Zone 2	11.60	.75	1.40	1.00	.05
Zone 3	11.485	.75	1.40	1.00	.05
Zone 4	11.30	.75	.65		.12
Zone 5	12.25	.55	1.05		.06
Zone 6	10.00	.45	.55		.04
Zone 7	9.90	.45	.65		.02

AREAS COVERED BY IRONWORKERS ZONES

ZONE 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Texas, Warren, Washington, and Wright Cos.
ZONE 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Cos.
ZONE 3 - Christian, Dade, Douglas, Greene and Webster Cos.
ZONE 4 - Barry, Jasper, Lawrence, McDonald, Newton and Stone Cos.
ZONE 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Cos.
ZONE 6 - Howell, Oregon, Ozark and Taney Cos.
ZONE 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties.

DECISION NO. MO79-4092

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1					
Zone 1	9.03	.60	.60	.50	.10
Zone 2	7.63	.60	.60	.50	.10
Zone 3	10.10	.60	.50		.10
Zone 4	9.20	.60	.50		.10
GROUP 2					
Zone 1	9.18	.60	.60	.50	.10
Zone 2	7.78	.60	.60	.50	.10
Zone 3	10.25	.60	.50		.10
Zone 4	9.35	.60	.50		.10
GROUP 3					
Zone 1	9.33	.60	.60	.50	.10
Zone 2	7.93	.60	.60	.50	.10
Zone 3	10.40	.60	.50		.10
Zone 4	9.50	.60	.50		.10
GROUP 4					
Zone 1	9.53	.60	.60	.50	.10
Zone 2	8.13	.60	.60	.50	.10
Zone 3	10.60	.60	.50		.10
Zone 4	9.70	.60	.50		.10
GROUP 5					
Zone 1	9.78	.60	.60	.50	.10
Zone 2	8.38	.60	.60	.50	.10
Zone 3	10.85	.60	.50		.10
Zone 4	9.85	.60	.50		.10

DECISION NO. MO79-4092 (LABORERS CONT'D)

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - General Laborer - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers

GROUP 2 - First Semi-skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman

GROUP 3 - Second Semi-skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-skill - Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, manhole builder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills string line man for electronic grade control; pressure groutmen

GROUP 5 - Fourth Semi-skill - Manhole builders, - brick or block; dynamite and powder men; welder

DECISION NO. MO79-4092

LABORERS (CONT'D)

AREA COVERED BY LABORERS

ZONE 1 - Buchanan, Cass and Lafayette Counties

ZONE 2 - Andrew, Atchison, Barry, Barton, Bates, Benton, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Greene, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Morgan, Newton, Nodaway, Ozark, Pettis, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Wright and Worth Counties

ZONE 3 - Franklin, Jefferson and St. Charles Counties

ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Dunklin, Gasconade, Howard, Howell, Iron, Knox, Lewis, Linn, Lincoln, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Warren, Washington and Wayne Counties

DECISION NO. MO79-4092

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 5					
Group 1	9.65	.60	.60	.75	.10
Group 2	9.80	.60	.60	.75	.10
Group 3	9.95	.60	.60	.75	.10
Group 4	10.15	.60	.60	.75	.10
Group 5	10.45	.60	.60	.75	.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; from setter helpers; puddlers (paving only)

GROUP 3 - Second Semi-skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used.

GROUP 4 - Third Semi-skill - Spreader on screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortar men on brick or block manholes; sand blasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels

GROUP 5 - Fourth Semi-skill - Manhole builder (brick or block); dynamite and powder men.

AREA COVERED BY LABORERS

ZONE 5 - Clay, Jackson, Platte and Ray Counties

DECISION NO. MO79-4092

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 6 - St. Louis City and County:					
General laborer	10.575	.45	1.00		
Dynamiter or powderman	11.075	.45	1.00		
Pier hole	10.825	.45	1.00		
LINE CONSTRUCTION:					
ZONE 1					
Lineman	14.32	.45	3%+.25		½%
Lineman operator	13.33	.45	3%+.25		½%
Groundman powderman	9.94	.45	3%+.25		½%
Groundman	9.44	.45	3%+.25		½%
Groundman (1st 6 mos.)	8.08	.45	3%+.25		½%
ZONE 2					
Lineman	13.68	.45	3%+.25		½%
Lineman operator	13.04	.45	3%+.25		½%
Groundman powderman	9.48	.45	3%+.25		½%
Groundman	8.75	.45	3%+.25		½%
Groundman (1st 6 mos.)	6.64	.45	3%+.25		½%
ZONE 3					
Lineman & cable splicers	12.16	.50	3%	12½%	½%
Groundman - winch driver	8.93	.50	3%	12½%	½%
Groundman - driver	8.61	.50	3%	12½%	½%
Equipment operator	10.87	.50	3%	12½%	½%
Groundman - 1st 6 mos.	6.91	.50	3%	12½%	½%
Groundman - next 12 mos.	7.20	.50	3%	12½%	½%
Groundman - next 12 mox.	7.90	.50	3%	12½%	½%
Groundman - thereafter	8.61	.50	3%	12½%	½%
ZONE 4					
Lineman	12.70	.45	3%+7%		½%
Groundman equipment op.	11.27	.45	3%+7%		½%
Groundman - Class A	7.99	.45	3%+7%		½%
ZONE 5 - Railroad and Cross County Transmission Lines					
Lineman	12.13	.45	3%+.25		½%
Lineman operator	11.22	.45	3%+.25		½%
Groundman powderman	8.34	.45	3%+.25		½%
Groundman	7.78	.45	3%+.25		½%
Pole treating specialist	12.73	.45	3%+.25		½%
Pole treating truck driver	8.34	.45	3%+.25		½%
Pole treating groundman	7.78	.45	3%+.25		½%

DECISION NO. MO79-4092

AREA COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties
ZONE 2 - Andrew, Atchinson, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Jasper, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties
ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage,Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties
ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties
ZONE 5 - Atchinson, Andrew, Buchanan, Bates, Benton, Barton, Barry, Clinton, Caldwell, Clay, Carroll, Cass, Cedar, Christian, DeKalb, Daviess, Dallas, Dade, Douglas, Grundy, Greene, Gentry, Harrison, Holt, Henry, Hickory, Jackson, Johnson, Jasper, Livingston, Lafayette, Laclede, Lawrence, Mercer, McDonald, Nodaway, Newton, Ozark, Platte, Pettis, Polk, Ray, Saline, St. Clair, Stone, Taney, Vernon, Worth, Webster and Wright Counties

DECISION NO. MO79-4092

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1					
Brush and roller	11.53	.55	.70		.08
Spray	12.53	.55	.70		.08
Bridge	12.28	.55	.70		.08
ZONE 2					
Brush	9.70		.25		
Spray	10.45		.25		
ZONE 3					
Brush	7.85				
Spray	8.35				
ZONE 4					
Brush and roller	10.25	.70	.35		
Spray, structural steel and sandblasting	11.50	.70	.35		
ZONE 5					
Brush	10.75				
Bridge	11.50				
Spray, sandblasting opr.; work performed on bridges 75 ft. in height	11.75				
All structural steel over 50 ft. in height	11.50				
ZONE 6					
Brush	10.95	.85	.35		
Spray	11.95	.85	.35		
Steel, storage bin & tank	12.25	.85	.35		
Bridge, stage; belt; bazooka	12.35	.85	.35		
ZONE 7					
Brush	7.25				
Spray	7.75				
ZONE 8					
Brush, roller	9.87		.45		
Spray	10.245		.45		
ZONE 9					
Brush	10.20		.20		
Spray	10.70		.20		
ZONE 10					
Brush	11.24	.68	.33		.08
Spray	12.74	.68	.33		.08
ZONE 11					
Brush	9.90	.50			
Spray, bridgemen, steelmen	10.40	.50			

DECISION NO. MO79-4092

PAINTERS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 12					
Brush	7.50				
Structural steel	8.00				
Spray	6.80				
ZONE 13					
Brush	8.00				

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Clinton, Cass, Clay, Daviess, Grundy, Henry, Harrison, Jackson, Johnson, Lafayette, Livingston, Mercer, Platte, and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard Counties
ZONE 3 - Lincoln and Pike Counties
ZONE 4 - Camden, Crawford, Dent, Laclede, Maries, Miller, Phelps, Pulaski and Texas Counties
ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis, and Saline Counties
ZONE 6 - Andrew, Atchinson, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties
ZONE 7 - Adair,Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 8 - Barry, Barton, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 9 - Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties
ZONE 10 - Jefferson, St. Charles and St. Louis & City Counties
ZONE 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 12 - St. Francois and Ste. Genevieve Counties
ZONE 13 - Marion County

DECISION NO. MO79-4092

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
GROUP I	11.90	.75	1.00	.75	.10
GROUP II	11.65	.75	1.00	.75	.10
GROUP III	10.95	.75	1.00	.75	.10
GROUP IV	9.45	.75	1.00	.75	.10
GROUP V	12.15	.75	1.00	.75	.10
GROUP VI	11.90	.75	1.00	.75	.10
GROUP VII	9.95	.75	1.00	.75	.10
ZONE 2					
GROUP I	10.52	.50	1.00		
GROUP II	9.97	.50	1.00		
GROUP III	9.52	.50	1.00		
GROUP IV:					
(a)	11.32	.50	1.00		
(b)	12.07	.50	1.00		
(c)	12.52	.50	1.00		
(d)	13.27	.50	1.00		
(e)	11.02	.50	1.00		
ZONE 3					
GROUP I	11.85	.75	1.00	.40	.02
GROUP II	11.65	.75	1.00	.40	.02
GROUP III	11.45	.75	1.00	.40	.02
GROUP IV	10.85	.75	1.00	.40	.02
GROUP V	12.10	.75	1.00	.40	.02
GROUP VI	12.35	.75	1.00	.40	.02
GROUP VII	12.60	.75	1.00	.40	.02
ZONE 4					
GROUP I	10.85	.75	1.00	.40	.02
GROUP II	10.50	.75	1.00	.40	.02
GROUP III	10.30	.75	1.00	.40	.02
GROUP IV	9.45	.75	1.00	.40	.02
GROUP V	11.10	.75	1.00	.40	.02
GROUP VI	11.35	.75	1.00	.40	.02
GROUP VII	11.60	.75	1.00	.40	.02

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POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 5					
GROUP I	11.90	.75	1.00	.75	.10
GROUP II	11.65	.75	1.00	.75	.10
GROUP III	10.95	.75	1.00	.75	.10
GROUP IV	9.95	.75	1.00	.75	.10
GROUP V	12.15	.75	1.00	.75	.10
GROUP VI	12.40	.75	1.00	.75	.10
GROUP VII	12.65	.75	1.00	.75	.10
ZONE 6					
GROUP I	10.80	.75	1.00	.75	.10
GROUP II	10.45	.75	1.00	.75	.10
GROUP III	10.25	.75	1.00	.75	.10
GROUP IV	8.45	.75	1.00	.75	.10
GROUP V	11.05	.75	1.00	.75	.10
GROUP VI	11.30	.75	1.00	.75	.10
GROUP VII	11.55	.75	1.00	.75	.10
ZONE 7					
GROUP I	11.55	.50	.75		.02
GROUP II	11.20	.50	.75		.02
GROUP III	11.00	.50	.75		.02
GROUP IV	8.95	.50	.75		.02
GROUP V	11.80	.50	.75		.02
GROUP VI	12.05	.50	.75		.02
GROUP VII	12.30	.50	.75		.02
ZONE 8					
GROUP I	11.55	.50	.75		.02
GROUP II	11.20	.50	.75		.02
GROUP III	11.00	.50	.75		.02
GROUP IV	8.95	.50	.75		.02
GROUP V	11.80	.50	.75		.02
GROUP VI	12.05	.50	.75		.02
GROUP VII	12.30	.50	.75		.02
ZONE 9					
GROUP I	11.30	.75	1.00	.40	.02
GROUP II	11.10	.75	1.00	.40	.02
GROUP III	10.90	.75	1.00	.40	.02
GROUP IV	10.30	.75	1.00	.40	.02
GROUP V	11.55	.75	1.00	.40	.02
GROUP VI	11.80	.75	1.00	.40	.02
GROUP VII	12.05	.75	1.00	.40	.02

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1

GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled;highloader-fork lift; and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; pushcat operator; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Air Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip form paver (CMI, REX, OR Equal); throttle man; truck crane; welding machine maintenance operator-2

GROUP II - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; roller operator, other than dredge; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1

GROUP IV - Mechanic's helper, oiler

GROUP V - Clamshells, 3 yd. capacity or over, crane or rigs 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels and backhoes, 3 yd. capacity or over

GROUP VI - Hoist (each additional drum over 1 drum)

GROUP VII - Oiler driver, all types

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

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POWER EQUIPMENT OPERATORS ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradeall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer, shovel, power (steam, gas, electric, or other powers), switch boat; whirley, air tugger 2/air compressor; anchor-placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine, boat operator-push boat or tow boat (job-site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than five ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as a pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers jack-hammers and barco equipment - no engineer required); elevating grader; engineman, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist; concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist; stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-green); mechanic, on job site; mixer, paving; mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machines; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine; automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

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POWER EQUIPMENT OPERATORS ZONE 2 CONT'D:

GROUP II - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street, welding machine, one over 400 amp.; winch operating from truck

GROUP III - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP IV - (a) Air pressure, oiler engineer; operating under ten pounds (b) Air pressure, oiler engineer operating over ten pounds (c) Air pressure engineer operating under ten pounds. (d) Air pressure engineer operating over ten pounds. (e) Crane-piledriving and extracting; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds. and over; crane, climbing such as Linden); derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

Crane with boom (including jib), over 100' from pin to pin (add 1¢ per foot to maximum of 75¢) above basic rate for crane

Work in tunnel or tunnel shaft, .25¢ above base rate.

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POWER EQUIPMENT OPERATORS ZONES 3, 4, and 9

GROUP I - Asphalt finishing machine & trench widening spreader, asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boiler - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline opr.; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel operator

GROUP II - A-Frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; dredge oiler; elevating grader operator; fork lift; grease fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker powerbroom - self propelled; power shield; rooter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttleman; tractor operator (over 50 hp); winch truck

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor over 105 CFM 2 - 3 pumps 4" & over; 2 - 3 light plant 7.5 KWA or any combination thereof; clef plane opr.; compressor operator; compressor maintenance operator 2 or 3; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator (50 hp or less); hydrobroom

GROUP IV - Oiler, grout machine

GROUP V - Crane with 3 yds. & over buckets; Dragline operator - 3 yds. & over; shovel - 3 yds. & over; piledrivers - all types; clamshell - 3 yds. & over; crane rigs, 100' of boom (including jib); hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs 150' to 200' or over (incl. jib)

GROUP VII - Crane, rigs 200' or over (incl. jib)

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POWER EQUIPMENT OPERATORS ZONES 5, 6, 7 and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clam-shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled;highloader; hoisting engine - 2 active drums; launchhammer wheel locomotive operator; - standard guage; mechanics and welder; mucking machine; piledriver operator; sideboom cats; skimmer scoop operators all types; trenching machine operator; truck crane; scoop operators - all types

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fire-man (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator, crusher operator; dredge oiler; ele-vating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple com-pactor, pavement breaker; power - broom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); winch truck

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; concrete saw operator (self-pro-pelled); curb finishing machine; distributor operator; finish-ing machine operator; flex plane operator; float operator;form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric, or similar spreader; vibrating machine operator, not hands; tractor operator (50 hp or less)

GROUP IV - Oiler; oiler driver, fireman - rig; maintenance opera-tors

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' of boom or over (incl. jib), hoists - each additional active drum over 2 drums

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POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8 CONT'D:

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers 150' to 200' of boom (inc. jib)
GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties
ZONE 2 - St. Louis City and County
ZONE 3 - Franklin, Jefferson, St. Charles Counties
ZONE 4 - Adair,Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties
ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties
ZONE 6 - Andrew, Atchinson, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties
ZONE 7 - Christian, Greene, Jasper, Lawrence and Taney Counties
ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk. St. Clair, Stone, Vernon, Webster and Wright Counties
ZONE 9 - Lincoln and Warren Counties

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - St. Louis City and County					
GROUP 1	6.99	a	b	c&d	
GROUP 2	7.19	a	b	c&d	
GROUP 3	7.29	a	b	c&d	

FOOTNOTES:
a - Employer contribution of $12.50 per week
b - Employer contribution of $12.50 per week
c - Paid Holidays; New Year's Day, Thanksgiving Day, Memorial Day, Independence Day, Friday after Thanksgiving Day, Labor Day, Veterans Day, Christmas.
d - Paid vacation of 3 days for 600 hours of service any one contract year;
4 days paid vacation for 800 hours of service in any one contract year;
5 days paid vacation for 1,000 hours of service in any one contract year

CLASSIFICATION DEFINITIONS

GROUP 1 - Truck or trailers of a water level capacity of 11.99 cu. yds. or less for lift trucks, job site ambulances, pick-up trucks, flat bed trucks

GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity

GROUP 3 - Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2					
GROUP 1	9.99	.75	1.25	.75	
GROUP 2	10.19	.75	1.25	.75	
GROUP 3	10.50	.75	1.25	.75	
GROUP 4	10.65	.75	1.25	.75	
GROUP 5	9.765	.75	1.25	.75	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle

GROUP 2 - Two teams; material tandem; semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump excavating, 5 cu. yds. & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment

GROUP 3 - A-frame, low boy, boom

GROUP 4 - Mechanics & welders

GROUP 5 - Mechanic's helpers, oilers, & greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3					
GROUP 1	12.80				
GROUP 2	12.95				
GROUP 3	13.02				
GROUP 4	12.91				
GROUP 5	12.70				
ZONE 4					
GROUP 1	11.75				
GROUP 2	11.90				
GROUP 3	11.97				
GROUP 4	11.86				
GROUP 5	11.65				
ZONE 5					
GROUP 1	11.34	.75	1.00		
GROUP 2	11.49	.75	1.00		
GROUP 3	11.56	.75	1.00		
GROUP 4	11.45	.75	1.00		
GROUP 5	11.24	.75	1.00		
ZONE 6					
GROUP 1	10.13	.75	1.00		
GROUP 2	10.28	.75	1.00		
GROUP 3	10.40	.75	1.00		
GROUP 4	10.29	.75	1.00		
GROUP 5	10.03	.75	1.00		
ZONE 7					
GROUP 1	9.40	.75	1.00		
GROUP 2	9.55	.75	1.00		
GROUP 3	9.67	.75	1.00		
GROUP 4	9.56	.75	1.00		
GROUP 5	9.30	.75	1.00		

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CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
GROUP 2 - Flat bed trucks - tandem axle; material trucks, tandem axle; tank wagon - tandem axle
GROUP 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
GROUP 4 - Agitator and transit mix trucks
GROUP 5 - Warehouseman

AREAS COVERED BY TRUCK DRIVERS ZONES

ZONE 3 - Franklin, Jefferson and St. Charles Counties
ZONE 4 - Lincoln and Warren Counties
ZONE 5 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 6 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Jasper, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion,Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois,Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Cuunties
ZONE 7 - Adair, Atchison, Barry, Butler, Clark, Dunklin Gentry, Grundy, Harrison,Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney and Worth Counties

Unlisted classifications needed for work not including within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(ii).

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federal register

Friday
December 7, 1979

Part III

Department of Health, Education, and Welfare

Office of Education

National Student Direct Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Parts 174, 175, and 176

National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: On November 8, 1978 the Commissioner published a notice of proposed rulemaking (NPRM) to revise several sections of the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Program Regulations. These three programs are commonly known as the "campus-based" Federal programs of student financial aid. That NPRM proposed the first phase of a new funding process designed to assure that each institution receives its fair share of the funds available for each program. Phase I of the new funding process was implemented in award year 1979–80. The final regulations were published in the Federal Register on August 13, 1979.

Throughout this preamble, a single number (e.g. section 3) will be used to refer to the same section in the regulations for each program (174.3, NDSL; 175.3, CWS; and 176.3, SEOG). In each case, that section covers the same topic. The November 8 NPRM proposed revisions of sections 3, 4, 5, 6, 7, and 16.

The Commissioner is now proposing to revise section 4 and section 6 of these regulations. These revisions are a result of the Office of Education's experience with Phase I and of panel recommendations. There is no need to revise sections 3, 5, 7, and 16. The preamble will discuss only the aspects of the procedures that are being revised. However, the public may desire to comment on other aspects of the overall funding process.

DATES: Comments must be received on or before January 7, 1980. There will be hearings in Albuquerque, Kansas City, and Atlanta on January 9, 1980, and in Philadelphia and San Francisco on January 10, 1980.

ADDRESSES: Comments should be addressed to Ms. Lynn Laverentz, Room 4018, ROB–3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

January 9—Albuquerque, N.M., Pete McDavid Conference Room, University of New Mexico, South Campus, University and Stadium Streets, S.E., Albuquerque, New Mexico. 9:00 a.m. to 4:00 p.m. Contact person for scheduling presentation times: Ms. Carol Sivright. 214–767–3568.

January 9—Kansas City, Federal Office Building, 601 East 12th Street, Room 140, Kansas City, Missouri. 9:00 a.m. to 4:00 p.m. Contact person for scheduling presentation times: Steve Dorssom, 816–374–5875.

January 9—Atlanta, Georgia, Howard Johnson Motel Hotel, I 85 & Virginia Avenue, Atlanta, Georgia. 10:00 a.m. to 4:00 p.m. Contact person for scheduling presentation times: Judy Brantley, 404–221–5010.

January 10—Philadelphia, Pennsylvania, Creese Student Center, Drexel University, 32nd & Chestnut Street, Philadelphia, Pennsylvania. 10:00 a.m. to 4:00 p.m. Contact person for scheduling presentation times: Beatrice Rosenfeld, 215–596–5441.

January 10—San Francisco, California, Knuth Hall, San Francisco State University, School of Creative Art, 1600 Holloway Avenue, San Francisco, California. 10:00 a.m. to 5:00 p.m. Contact person for scheduling presentation times: Ernest Robles, 415–556–0137.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Laverentz, telephone no. 202–245–9720.

SUPPLEMENTAL INFORMATION: This notice of proposed rulemaking (NPRM) prescribes funding procedures for the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs in response to recommendations from a panel of experts in student financial aid. The panel's recommendations appear in the June 1978 BSFA Bulletin and in the preamble to the NPRM in the **Federal Register** of November 8, 1978.

The panel recommended a three-phase process for changing the method of distributing campus-based program funds. This process gave both current participants and new applicants a conditionally guaranteed level of funding. In phase I, the 1979–80 award year, institutions received a conditional guarantee equal to their 1977–78 actual expenditures or projected expenditures for 1978–79. Institutions desiring a higher level of funding had the option of requesting an added amount by filing data on costs, enrollment, and other aid available to students. If an institution did not file the information needed by the Office of Education to make this calculation, it received its conditional guarantee.

The November 8 NPRM proposed changes in sections 3,4,5,6,7, and 16 of each of the campus-based program regulations. (Section 16 relates only to verifying information on student applications and is not relevant to the funding process.) After receiving written comments and holding public hearings, the Commissioner has revised these sections and published the final regulations in the **Federal Register** on August 13, 1979.

Section 4 is being revised to establish priorities for the distribution on funds available for reallocation. These funds will be used first to increase awards to institutions whose students have suffered financial hardships as a result of natural disaster, second to increase awards to institutions that have not received their "fair shares", and third if any funds still remain, the Commissioner will reallocate the funds in a manner that best carries out the purposes of these programs.

As promised in the November 8 NPRM, the Commissioner has reviewed the results of Phase I and is now proposing further changes. These changes require revision of section 6. In brief, the changes include the following:

1. *Definitions.* The Commissioner is adding a definition of "base year," which means the twelve-month period ending on the June 30 preceding the closing date for filing the application.

2. *Conditional guarantee.* Two systems for computing the conditional guarantee are proposed. The first one, set forth in the body of the proposed regulation, provides that institutions that received funds in award year 1977–78 or 1978–79 or both will receive as a conditional guarantee 90 percent of the greater of their expenditure in 1977–78 or 1978–79. Institutions that did not receive funds in the base year will receive $5,000 per program. New institutions that did receive funds in the base year will receive 90 percent of their actual expenditures in the first year they received funds. The second proposed system, set forth in the preamble only, would set an institution's conditional guarantee at 90 percent of its expenditures in the base year.

3. *Fair share.* Several changes in the method of calculating an institution's fair share of program funds are being made:

a. All institutions having base year data will be required to file the information needed to calculate their fair share. In Phase I, this filing was opitional.

b. The income grids for dependent and independent students are being expanded at the low and high income ends.

c. The base year for reporting data needed for calculating and institution's fair share will be updated annually

except for State and institutional grants. For these, 1977–78 will be used.

d. The procedure for determining the State increase is being revised.

4. *"Brokeraging."* The provision for "brokeraging" is being deleted.

5. *NDSL Federal Capital Contribution.* For purposes of calculating an institution's FCC, the Commissioner is proposing standards for reduction of the institution's default rate. The proposed standards take into account, in a preliminary way, the new authority contained in the Higher Education Technical Amendments of 1979 for the Commissioner to collect defaulted NDSL's referred to the Commissioner by an institution. For the purposes of this NPRM, these "referred" loans are being excluded from an institution's default rate in determining whether it is to receive new Federal Capital Contributions. However, this treatment is limited to NDSL's referred before September 15, 1979. The treatment of loans referred after that date has not yet been decided.

A separate NPRM will be issued to incorporate in Subpart C of the NDSL regulations this new "referral" authority. Subpart C sets forth the due diligence requirements of the NDSL program. When that separate NPRM is issued, it will also include a proposed standard for calculating an institution's default rate as of June 30, 1980, and will specify how loans referred to the Commissioner after September 15, 1979 will be treated.

The following sections will discuss these changes in greater detail.

Conditional Guarantee

Phase I of the funding process gave both current participants in the campus-based programs and new applicant a conditionally guaranteed level of funding. The conditional guarantee for a current participant was the greater of its actual 1977–78 expenditures or its projected 1978–79 expenditures.

The conditonal guarantee for a new applicant was the product of its enrollment times the average grant per enrolled student for similar institutions in the prior year.

An institution is considered a new applicant for two years. Applications are filed annually, usually in October. The program year runs from July 1 of one year through June 30 of the following year.

In October of the first year (e.g., 1979), an institution applies for the funds that it will spend in the second year (1980–81). It receives those funds effective July 1, 1980 and is permitted to spend them until June 30, 1981.

In October of 1980 that institution applies for the funds it will need for the third year (1981–82). At that time it has just recently begun its first year of expenditures. Therefore its conditional guarantee cannot be based on a full year's expenditures and must instead be based on other factors.

The Commissioner is proposing two systems for determining an institution's conditional guarantee.

I. Under the proposal set forth in the proposed regulation all institutions fall one of two categories:

A. Institutions that received campus-based funds in 1977–78 or 1978–79. An institution in this category would receive a conditional guarantee equal to 90 percent of the greater of its 1977–78 or 1978–79 expenditures.

B. All other institutions.

Category "B" is further divided into two groups:

1. Institutions that did not receive any campus-based funds in the base year. An institution in this group will receive a conditional guarantee of $5,000.

2. Institutions that received campus-based funds in the base year.

An institution in group "2" will receive a conditional guarantee equal to 90 percent of its actual expenditure in the first year that it received funds.

Institutions that received campus-based funds for the first time in 1979–80 will be treated as a special group. When applying for funds for the 1980–81 and 1981–82 award years, these institutions will receive a conditional guarantee of $5,000. When applying for funds for 1982–83 and later award years, these institutions will use 1980–81 (not 1979–80) as the first year in which they received funds.

II. Under the alternative proposal, an institution's conditional guarantee is 90 percent of its expenditures in the base year. If it did not participate in any campus-based programs in the base year, its conditional guarantee is $5,000 per program.

Under *both* proposals a new applicant can receive more than $5,000 per program *only* if it submits fair share data and its fair share is greater than $5,000.

Public comment is invited on both the proposal set forth in the body of the proposed regulation and on the alternative set forth above.

Calculation of Fair Share

A detailed explanation of the calculation of an institution's fair share is provided in the preamble to the November 8 NPRM. In Phase I, the Commissioner computed an institution's fair share of each appropriation by two formulas, one for SEOG and the other for CWS and NDSL (self-help). The Commissioner will continue to use the same formulas. However, a number of procedural changes will be made.

All institutions that have the information necessary for calculating their fair share will be required to file that information. This filing was optional in Phase I. The reduction in the conditional guarantee by 10 percent for 1980–81 means that fair share data are needed to assure that every institution receives its full and fair funding. If, in future years, the conditional guarantee is reduced further, the need for these data will increase even more.

In Phase I, institutions furnished information on the number of eligible undergraduate and graduate, dependent and independent, aid applicants by income categories. The grids on which this information was reported in Phase I included income categories for independent students ranging from 0 to $999 in the lowest cell to $9,000 and over. The range has been extended to $15,000 and over, once again by $1,000 increments. Similarly, for dependent students, the range has been extended. The lowest and highest cells in Phase I were 0 to $5,999 and $30,000 and over respectively. Now, the corresponding cells will be 0 to $2,999 and $45,000 and over. It should be noted that the lowest cell for Phase I (0 to $5,999) has been expanded into two cells (0 to $2,999) and ($3,000 to $5,999). The purpose for these changes is to provide greater sensitivity to differences among institutions in calculating the expected family contributions.

The income charts that appear in section 6 of this NPRM differ from the grids that will appear in the application. Institutions are required to supply only the information requested in the column headed "Number of Students." The charts are provided as worksheets to assist institutions to understand the way in which the Commissioner computes an institution's need.

The base year for reporting all fair share data except State and institutional grants will be updated annually. For State and institutional grants, the base year is 1977–78. Institutions that were not in existence in 1977–78 should report zero.

The living expense figure used in calculating an institution's fair share will be updated annually. This figure will be equal to the sum of three fourths of the family size offset for single self-supporting students as calculated for distributing Basic Grants for the base year in whch the FISAP is submitted and books and supplies. For the 1980–1981 award year, this figure will be $2,600.

State Increase

The Commissioner increases awards if the combined conditional guarantees of all institutions in the State are less than the state allotment required by statute.

The state increase is calculated according to the following fraction:

$$\frac{\text{The institution's state shortfall}}{\text{the state shortfalls of all institutions in the state.}} \times \text{the available funds under the program for meeting state shortfall}$$

Definitions of the specific terms used in the fraction for determining state increase are included in Section 6.

Shifting Funds in Self-Help Programs

A procedure is currently in effect during Phase I which enables the Office of Education to increase the funding in one self-help program for an institution which requested less in the other self-help program than the funding to which it would have otherwise been entitled. This step in the funding formula is called "brokeraging".

The original intent of this procedure was to enable maximum flexibility of shifting funds to meet remaining needs of institutions between the two programs which were governed by the self-help formula.

After an analysis of the results of Phase I, the Commissioner has concluded that brokeraging should not be continued. Because the NDSL appropriation for the 1979–80 award year was the same amount as for 1978–79, the great majority of available funds was used to meet conditional guarantees and to bring some State allotments up to the amount required by the legislatively mandated State allotment formula. Approximately 40 percent of the funds remaining to meet fair share were distributed to a relatively few institutions which brokered CWS excess funds. The Commissioner believes that the limited NDSL funds available to meet fair share shortfalls should be distributed to all eligible institutions, and these funds should not be linked to the CWS program where the appropriation for 1979–80 was increased substantially.

NDSL FCC

In the determination of the NDSL Federal Capital Contribution under Phase I, an institution's NDSL default rate was one of the factors considered by the Commissioner when projecting an institution's collections.

Collections were expected to increase 10 percent per year under the NDSL Program. Therefore, collections for 1979–80 were projected to be 121 percent of the collections for 1977–78.

The Commissioner is now proposing to update the base year annually. Collections will be projected to be 121 percent of the amount collected in the base year.

An institution will receive FCC only if—

a. Its default rate is 10 percent or less;

b. Its default rate is more than 10 percent, but the default rate has declined by at least 25 percent during the base year (for example from 20 percent to 15 percent). Notes that have been accepted by the Office of Education before September 15, 1979 will not be included in the default rate; or

c. Its default rate is more than 10 percent, but the institution shows under § 174.7 that it is exercising due diligence under Part 174 Subpart C.

Dated: September 10, 1979.

John Ellis,

Executive Deputy Commissioner for Educational Programs.

Approved: November 26, 1979.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance No. 13.471 National Direct Student Loan; 13.463 College Work-Study; and 13.418 Supplemental Educational Opportunity Grant)

Section 174.4 is revised to read as follows:

§ 174.4 Allocation, reallocation, and payment to institutions.

(a)(1) If funds available for Federal capital contributions within a State are insufficient to honor all requests for funds by institutions in that State, the Commisioner distributes the funds as described in § 174.6.

(2) Allocations to proprietary institutions may not exceed the difference between $190,000,000 and the amount appropriated for Federal capital contributions. If the amounts approved for proprietary institutions exceed that difference, the Commissioner reduces their allocations proportionately.

(b)(1) If an institution anticipates not lending all its allocated funds by the end of an award year, it must specify the anticipated unused amount to the Commissioner, who reduces the institution's allocation accordingly.

(2) Other institutions may apply for those funds on the form and at the time specified by the Commissioner.

(3) The Commissioner distributes those funds to applicant institutions in accordance with paragraph (c) of this section.

(c)(1) If the funds that become available under paragraph (b) of this section come from the State's initial allotment under § 174.3(a)(1), the Commissioner reallocates those funds proportionately to other institutions in that State. If no institution in the State needs those funds, the Commissioner reapportions them in accordance with paragraph (c)(2) of this section.

(2) The Commissioner distributes the remaining funds as follows:

(i) The Commissioner first increases awards to institutions whose students have suffered financial hardships as a result of natural disasters within the preceding 12 months.

(ii) If any funds remain, the Commissioner then increases awards to institutions whose awards are less than their national fair shares determined under § 174.6. The Commissioner calculates each applicant's increase as follows:

$$\frac{\text{institution's remaining shortfall}}{\text{remaining shortfall of all applicants for reallocation.}} \times \text{remaining amount available for reallocation}$$

(An institution's remaining shortfall is the difference between its national fair share and its award calculated in § 174.6 and this section through subparagraph (c)(2)(i).)

(iii) If any funds still remain, the Commissioner reallocates the funds in a manner that best carries out the purposes of this part.

(d) The Commissioner allocates new Federal capital contributions for a specific period of time. The Commissioner pays funds to an institution in advance or by reimbursement. The Commissioner bases the amount to be paid on periodic fiscal reports.

(20 U.S.C. 1087bb.)

Section 174.6 is revised to read as follows:

§ 174.6 Funding procedure.

(a) *General.* (1) Each institution applying for NDSL funds receives an approved level of expenditure computed in the following three stages—

(i) A "conditional guarantee";

(ii) A State increase based on its "fair share" of the State apportionment; and

(iii) A national increase based on its "fair share" of the national appropriation.

(2) The terms "conditional guarantee" and "fair share" refer only to the level of expenditure. The Commissioner computes the Federal capital contribution (FCC) according to § 174.6a.

(3) *Definition*—As used in this section "base year" means the 12-month period ending on the June 30 preceding the closing date for filing an application.

(b) *Conditional guarantee for 1977–78 or 1978–79 participants.* (1) For any year, an institution that received campus-based funds in award year 1977–78 or

1978–79 receives a conditional guarantee equal to the greater of 90% of its—

(i) 1977–78 level of expenditure; or

(ii) 1978–79 level of expenditure.

(2) An institution's level of expenditure equals the amount of loans made in that award year plus the amount it claimed for administrative expenses.

(c) *Conditional guarantee for other institutions.* For any year, an institution that did not participate in any campus-based program in either award year 1977–78 or 1978–79 receives a conditional guarantee as follows:

(1) *No funds in base year.* If the institution did not receive any campus-based funds in the base year, it receives a conditional guarantee of $5,000.

(2) *Funds in base year.* If the institution received any campus-based funds in the base year, its conditional guarantee is 90% of its CWS expenditure in the first year it received campus-based funds.

(3) *Exception for first-time participants in 1979–80.* Notwithstanding paragraphs (c) (1) and (2) of this section, if an institution participated in the campus-based programs for the first time in awards year 1979–80, it—

(i) When applying for funds for awards year 1981–82, receives its conditional gurantee under paragraph (c)(1) of this section; and

(ii) When applying for funds after award year 1981–82, uses as the first year it received funds, award year 1980–81.

(d) *Self help need of an institution.* (1) The Commissioner allocates additional funds to an institution under paragraph (6) of this section (State increase) and paragraph (h) of this section (National increase) based in part on the institution's self help need. Self help need is the need for funds from work and loan sources. The institution's self help need is the sum of the self help need of its graduate students and the self help need of its undergraduate students.

(2) The Commissioner calculates the self help need of an institution's graduate students in accordance with paragraph (e) of this section and the self help need of its undergraduate students in accordance with paragraph (f) of this section.

(3) As used in paragraph (e) and (f) of this section:

(i) *Cost of education* means attendence costs for eligible undergraduate and graduate students including tuition, fees, standard living expenses, books, and supplies. (The institution reports its total tuition and fee revenues, and the Commissioner prorates this amount for eligible students.)

(ii) *Eligible students* means students who satisfy the eligibility requirements of § 174.9 (a)(1) through (a)(4).

(e) *Self help need of graduate students.* To determine the self help need of an institution's graduate students, the Commissioner—

(1) Establishes various income categories for dependent and independent graduate students:

(2) Establishes an expected family contribution (EFC) for each income category of dependent and independent graduate students, using a need analysis method approved under § 174.13;

(3) Determines the average cost of education for graduate students;

(4) Substracts from the average cost of education for graduate students, the computed EFC for each income category of dependent students and each income category of independent students. However, the average cost of education minus the EFC for any income category may not be less than zero;

(5) Multiplies those amounts by the number of students in each category;

(6) Adds the amounts obtained for each income category of dependent students and each income category of independent students; and

(7) Totals those two amounts.

The following charts show the income categories and calculations for graduate students.

1 Income	2 Expected family contribution	3 Average cost	4 Average cost less expected family contribution	5 Number students	6 Self help need, col. 4 × col. 5
Determination of Self Help Need for Dependent Graduate Students					
0 to $2,999					
$3,000 to $5,999					
$6,000 to $8,999					
$9,000 to $11,999					
$12,000 to $14,999					
$15,000 to $17,999					
$18,000 to $20,999					
$21,000 to $23,999					
$24,000 to $26,999					
$27,000 to $29,999					
$30,000 to $32,999					
$33,000 to $35,999					
$36,000 to $38,999					
$39,000 to $41,999					
$42,000 to $44,999					
$45,000 and over					
7 Total self help need for dependent graduate students					$
Determination of Self Help Need for Independent Graduate Students					
0 to $999					
$1,000 to $1,999					
$2,000 to $2,999					
$3,000 to $3,999					
$4,000 to $4,999					
$5,000 to $5,999					
$6,000 to $6,999					
$7,000 to $7,999					
$8,000 to $8,999					
$9,000 to $9,999					
$10,000 to $10,999					
$11,000 to $11,999					
$12,000 to $12,999					
$13,000 to $13,999					
$14,000 to $14,999					
$15,000 and over					
7 Total self help need for independent graduate students					$

Summary

1 Total self help need for dependent graduate students	$
2 Total self help need for independent graduate students	$
3 Total self help need for all graduate students (1+2)	$

(f) *Self help need of undergraduate students.* To determine the self help need of an institution's undergraduate students, the Commissioner—

(1) Establishes various income categories for dependent and independent undergraduate students;

(2) Establishes an EFC for each income category of dependent and independent undergraduate students, using a need analysis method approved under § 174.13;

(3) Computes 30 percent of the average cost of education for undergraduate students;

(4) Multiplies the number of dependent students in each income category by the lesser of—

(i) 30 percent of the average cost of education for undergraduate students; or

(ii) The average cost of education for undergraduate students minus the EFC determined under paragraph (f)(2) of this section, for that income category. However, the average cost of education minus the EFC may not be less than zero;

(5) Adds the amounts obtained for each income category of dependent students;

(6) Multiplies the number of independent students in each income category by the lesser of—

(i) 30 percent of the average cost of education of undergraduate students; or

(ii) The average cost of education for undergraduate students minus the EFC determined under paragraph (f)(2) of this section, for that income category. However, the average cost of education minus the EFC may not be less than zero;

(7)Adds the amounts obtained for each income category of independent students; and

(8) Adds the amounts obtained under paragraphs (f)(5) and (7) of this section.

The following charts show the income categories and calculations for undergraduate students.

1	2	3	4	5	6
Income	Expected family contribution	30 pct × average cost	Average cost less expected family contribution	Number students	Need: lesser of col. 3 × col. 5 or col. 4 × col. 5
Determination of Self Help Need for Dependent Undergraduate Students					
0 to $2,999					
$3,000 to $5,999					
$6,000 to $8,999					
$9,000 to $11,999					
$12,000 to $14,999					
$15,000 to $17,999					
$18,000 to $20,999					
$21,000 to $23,999					
$24,000 to $26,999					
$27,000 to $29,999					
$30,000 to $32,999					
$33,000 to $35,999					
$36,000 to $38,999					
$39,000 to $41,999					
$42,000 to $44,999					
$45,000 and over					
7 Total self help need for dependent undergraduate students					$
Determination of Self Help Need for Independent Undergraduate Students					
0 to $999					
$1,000 to $1,999					
$2,000 to $2,999					
$3,000 to $3,999					
$4,000 to $4,999					
$5,000 to $5,999					
$6,000 to $6,999					
$7,000 to $7,999					
$8,000 to $8,999					
$9,000 to $9,999					
$10,000 to $10,999					
$11,000 to $11,999					
$12,000 to $12,999					
$13,000 to $13,999					
$14,000 to $14,999					
$15,000 to $15,999					
7 Total self help need for independent undergraduate students					$

Summary

1 Total self help need for dependent undergraduate students	$
2 Total self help need for independent undergraduate students	$
3 Total self help need for all undergraduate students (1 + 2)	$

(g) *State increase.* (1) In any year the Commissioner increases awards to institutions in a State ("State increase") if the combined FCC's resulting from conditional guarantees of all institutions in that State are less than the State apportionment under § 174.3(a)(1). However, no institution receives a State increase if it does not qualify for FCC under § 174.6a.

(2) The Commissioner calculates an institution's State increase according to the following formula:

$$\text{Institution's State increase} = \frac{\text{Institution's State shortfall}}{\text{State shortfall of all institutions in the State}} \times \text{FCC available for State shortfall} \times 1.11$$

(3) As used in the formula in paragraph (g)(2) of this section—

(i) "Institution's State shortfall" means the difference between an institution's conditional guarantee and its State fair share determined in paragraph (g)(4) of this section.

(ii) "FCC available for State shortfall" means the State apportionment minus the FCC used for conditional guarantees.

(4) The Commissioner determines an institution's State fair share according to the following formula:

$$\text{Institution's State fair share} = \frac{\text{Institution's self-help need}}{\text{self-help need of all institutions in the State applying for NDSL or CWS funds}} \times \text{total State NDSL funds}$$

(5) As used in the formula in paragraph (g)(4) of this section, "total State NDSL funds" means the sum of —

(i) The State apportionment of FCC and the matching institutional capital contribution;

(ii) 121 percent of loan repayments in the base year; and

(iii) Reimbursement for Direct loan cancellation in the base year.

(h) *National increase.* (1) For any year the Commissioner will further increase awards to institutions ("national increase") if the sum of the conditional guarantees and State increases awarded to institutions is less than the total NDSL funds for that year (see paragraph (h)(4)(i) of this section).

(2) The Commissioner calculates an institution's national increase according to the following formula—

$$\text{Institution's national increase} = \frac{\text{its national shortfall}}{\text{national shortfall of all institutions}} \times \text{NDSL funds available for national shortfall}$$

(3) As used in the formula in paragraph (h)(2) of this section—

(i) "NDSL funds available for national shortfall" is calculated by—

(A) Adding the conditional guarantees and State increases for all institutions; and

(B) Subtracting that sum from total NDSL funds; and

(ii) An institution's "national shortfall" is calculated by subtracting from its "national fair share" its conditional guarantee and State increase.

(4) As used in paragraph (h)(3) of this section—

(i) "Total NDSL funds" is calculated by adding—

(A) The appropriation for FCC plus the matching institutional capital contribution;

(B) 121 percent of loan repayments in the base year; and

(C) Reimbursements for Direct Loan cancellations in the base year; and

(ii) An institution's "national fair share" is calculated as follows—

$$\text{Institution's national fair share} = \frac{\text{its self-help need}}{\text{self-help need of all institutions applying for CWS or NDSL funds}} \times \text{total NDSL funds}$$

(i) No institution may receive a higher level of expenditure than it requests.

(20 U.S.C. 1087bb)

Section 174.6a is added to read as follows:

§ 174.6a Funding procedure—Federal capital contributions (FCC).

(a) For any year, an institution receives Federal capital contributions if its default rate—

(1) Is 10 percent or less;

(2) Is more than 10 percent, but has declined by at least 25 percent during the base year or;

(3) Is more than 10 percent but the institution demonstrates that it exercised due diligence according to the provisions of Subpart C during the base year and is currently exercising due diligence.

(b) To determine an institution's FCC the Commissioner—

(1) Adds the institution's conditional guarantee, State increase, and national increase;

(2) Subtracts from the sum obtained in paragraph (b)(1) of this section, loan repayment and reimbursements for Direct loan cancellations received in the base year; and

(3) Multiplies the remainder obtained in paragraph (b)(2) of this section by 90 percent.

(c) For purposes of paragraph (b)(2) of this section, loan repayments equal 121 percent of the amount collected in the base year.

(d) The definition of default rate is set forth in § 174.2. However for purpose of this section, the Commissioner excludes—

(1) Notes referred to the Commissioner for collection or assigned to the Commissioner on or before September 15, 1979 for which the institution has received either a notification of acceptance or a receipt from the Office of Education; and

(2) Notes that have been in default but on which borrowers have made satisfactory arrangements to resume payment.

(e) No institution may receive more Federal capital contribution than it requested.

(20 U.S.C. 1087bb.)

Section 175.4 is revised to read as follows:

§ 175.4 Allocation, reallocation, and payment to institutions.

(a) If funds available within a State are insufficient to honor all requests for funds by institutions in that State, the Commissioner distributes the funds as described in § 175.6.

(b)(1) If an institution anticipates not using all its allocated funds by the end of an award year, it must specify the anticipated unused amount to the Commissioner, who reduces the institution's allocation accordingly.

(2) Other institutions may apply for those funds on the form and at the time specified by the Commissioner.

(3) The Commissioner distributes those funds to applicant institutions in accordance with paragraph (c) of this section.

(c)(1) If the funds that become available under paragraph (b) of this section come from the State's initial allotment under § 175.3(b)(1), the Commissioner reallocates those funds equitably to other institutions in that State. If no institution in the State needs those funds, the Commissioner reallots them in accordance with paragraph (c)(2) of this section.

(2) The Commissioner distributes the remaining funds as follows:

(i) The Commissioner first increases awards to institutions whose students have suffered financial hardships as a result of natural disasters within the preceding 12 months.

(ii) If any funds remain, the Commissioner then increases awards to institutions whose awards are less than their national fair share determined under § 175.6. The Commissioner calculates each applicant's increase as follows:

$$\frac{\text{institution's remaining shortfall}}{\text{remaining shortfall of all applicants for reallocation}} \times \text{remaining amount available for reallocation}$$

(An institution's remaining shortfall is the difference between its national fair share and its award calculated in § 175.6 and this section through paragraph (c)(2)(1)).

(iii) If any funds still remain, the Commissioner reallocates the funds in a manner that best carriers out the purposes of this part.

(d) The Commissioner allocates funds for a specific period of time. The Commissioner pays funds to an institution in advance or by reimbursement. The Commissioner bases the amount to be paid on periodic fiscal reports.

(42 U.S.C. 2756)

Section 175.6 is revised to read as follows:

§ 175.6 Funding procedure.

(a) *General.* (1) Each institution applying for CWS funds receives an amount computed in the following three stages:

(i) A "conditional guarantee";

(ii) A State increase based on its "fair share" of the State apportionment; and

(iii) A national increase based on its "fair share" of the national appropriation.

(2) *Definition*—As used in this section "base year" means the 12-month period ending on the June 30 preceding the closing date for filing an application.

(b) *Conditional guarantee for 1977–78 or 1978–79 participants.* For any year, an institution that received campus-based funds in award year 1977–78 or 1978–79 receives a conditional guarantee equal to the greater of 90% of its—

(1) 1977–78 CWS expenditures; or

(2) 1978–79 CWS expenditures;

(c) *Conditional guarantee for other institutions.* For any year, an institution that did not participate in any campus-based program in either award year 1977–78 or 1978–79 receives a conditional guarantee as follows:

(1) *No funds in base year.* If the institution did not receive any campus-based funds in the base year, it receives a conditional guarantee of $5,000.

(2) *Funds in base year.* If the institution received any campus-based funds in the base year, its conditional guarantee is 90% of its CWS expenditure in the first year it received campus-based funds.

(3) *Exception for first-time participants in 1979–80.* Notwithstanding paragraphs (c)(1) and (2) of this section, if an institution participated in the

campus-based programs for the first time in award year 1979–80, it—

(i) When applying for funds for award year 1981–82, receives its conditional guarantee under subparagraph (c)(1) of this section;

(ii) When applying for funds after award year 1981–82, uses as the first year it received funds, award year 1980–81.

(d) *Self-help need of an institution.* (1) The Commissioner allocates additional funds to an institution under paragraph (g) of this section (State increase) and paragraph (h) of this section (national increase) based in part on the institution's self-help need. Self-help need is the need for funds from work and loan sources. The institution's self-help need is the sum of the self-help need of its graduate students and the self-help need of its undergraduate students.

(2) The Commissioner calculates the self-help need of an institution's graduate students in accordance with paragraph (e) of this section and the self-help need of its undergraduate students in accordance with paragraph (f) of this section.

(3) As used in paragraphs (e) and (f) of this section:

(i) *Cost of education* means attendance costs for eligible undergraduate and graduate students including tuition, fees, standard living expenses, books, and supplies. (The institution reports its total tuition and fee revenues, and the Commissioner prorates this amount for eligible students.)

(ii) *Eligible students* means students who satisfy the eligibility requirements of § 175.9 (a)(1) through (a)(4).

(e) *Self-help need of graduate students.* To determine the self-help need of an institution's graduate students, the Commissioner—

(1) Establishes various income categories for dependent and independent graduate students;

(2) Establishes an expected family contribution (EFC) for each income category of dependent and independent graduate students, using a need analysis method approved under § 175.13;

(3) Determines the average cost of education for graduate students;

(4) Subtracts from the average cost of education for graduate students, the computed EFC for each income category of dependent students and each income category of independent students. However, the average cost of education minus the EFC for any income category may not be less than zero;

(5) Multiplies those amounts by the number of students in each category;

(6) Adds the amounts obtained for each income category of dependent students and each income category of independent students; and

(7) Totals those two amounts.

The following charts show the income categories and calculations for graduate students.

1 Income	2 Expected family contribution	3 Average cost	4 Average cost less expected family contribution	5 Number students	6 Self help need, col. 4 × col. 5
Determination of Self Help Need For Dependent Graduate Students					
0 to $2,999					
$3,000 to $5,999					
$6,000 to $8,999					
$9,000 to $11,999					
$12,000 to $14,999					
$15,000 to $17,999					
$18,000 to $20,999					
$21,000 to $23,999					
$24,000 to $26,999					
$27,000 to $29,999					
$30,000 to $32,999					
$33,000 to $35,999					
$36,000 to $38,999					
$39,000 to $41,999					
$42,000 to $44,999					
$45,000 and over					
7 Total self help need for dependent graduate students					$
Determination of Self Help Need For Independent Graduate Students					
0 to $999					
$1,000 to $1,999					
$2,000 to $2,999					
$3,000 to $3,999					
$4,000 to $4,999					
$5,000 to $5,999					
$6,000 to $6,999					
$7,000 to $7,999					
$8,000 to $8,999					
$9,000 to $9,999					
$10,000 to $10,999					
$11,000 to $11,999					
$12,000 to $12,999					
$13,000 to $13,999					
$14,000 to $14,999					
$15,000 and over					
7 Total self help need for independent graduate students					$

Summary

1 Total self help need for dependent graduate students	$
2 Total self help need for independent graduate students	$
3 Total self help need for all graduate students (1+2)	$

(f) *Self-help need of undergraduate students.* To determine the self-help need of an institution's undergraduate students, the Commissioner—

(1) Establishes various income categories for dependent and independent undergraduate students;

(2) Establishes and EFC for each income category of dependent and independent undergraduate students, using a need analysis method approved under § 175.13;

(3) Computes 30 percent of the average cost of education for undergraduate students;

(4) Multiplies the number of dependent students in each income category by the lesser of—

(i) 30 percent of the average cost of education for undergraduate students; or

(ii) The average cost of education for undergraduate students minus the EFC determined under paragraph (f)(2) of this section for that income category. However, the average cost of education minus the EFC may not be less than zero;

(5) Adds the amounts obtained for each income category of dependent students;

(6) Multiplies the number of independent students in each income category by the lesser of—

(i) 30 percent of the average costs of education for undergraduate students; or

(ii) The average cost of education for undergraduate students minus the EFC determined under paragraph (f)(2) of this section for that income category. However, the average cost of education minus the EFC may not be less than zero;

(7) Adds the amounts obtained for each income category of independent students; and

(8) Adds the amounts obtained under paragraphs (f)(5) and (7) of this section.

The following charts show the income categories and calculations for undergraduate students.

1	2	3	4	5	6
Income	Expected family contribution	30 pct × Average cost	Average cost less expected family contribution	Number students	Need: lesser of col. 3 × col. 5 or col. 4 × col. 5
Determination of Self Help Need for Dependent Undergraduate Students					
0 to $2,999					
$3,000 to $5,999					
$6,000 to $8,999					
$9,000 to $11,999					
$12,000 to $14,999					
$15,000 to $17,999					
$18,000 to $20,999					
$21,000 to $23,999					
$24,000 to $26,999					
$27,000 to $29,999					
$30,000 to $32,999					
$33,000 to $35,999					
$36,000 to $38,999					
$39,000 to $41,999					
$42,000 to $44,999					
$45,000 and over					
7 Total self help need for dependent undergraduate students					$
Determination of Self Help Need for Independent Undergraduate Students					
0 to $999					
$1,000 to $1,999					
$2,000 to $2,999					
$3,000 to $3,999					
$4,000 to $4,999					
$5,000 to $5,999					
$6,000 to $6,999					
$7,000 to $7,999					
$8,000 to $8,999					
$9,000 to $9,999					
$10,000 to $10,999					
$11,000 to $11,999					
$12,000 to $12,999					
$13,000 to $13,999					
$14,000 to $14,999					
$15,000 and over					
7 Total self help need for independenmt undergraduate students					$

Summary

1 Total self help need for dependent undergraduate students	$
2 Total self help need for independent undergraduate students	$
3 Total self help need for all undergraduate students (1+2)	$

(g) *State increase.* (1) For any year the Commissioner increases awards to institutions in a State ("State increase") if the combined conditional guarantees of all institutions in that State are less than the State's allotment under § 175.3.

(2) The Commissioner calculates an institution's State increase according to the following formula—

$$\text{Institution's State increase} = \frac{\text{its State shortfall}}{\text{State shortfalls of all institutions in State}} \times \text{CWS funds available for State shortfall.}$$

(3) As used in the formula in paragraph (g)(2) of this section—

(i) An institution's "State shortfall" is calculated by subtracting from an institution's State fair share its conditional guarantee.

(ii) "CWS funds available for State shortfall" is calculated by subtracting from the State allotment, the conditional guarantees of all institutions in the State.

(4) An institution's "State fair share" is calculated as follows—

$$\text{Institution's State fair share} = \frac{\text{its self-help need}}{\text{self-help need of all institutions in the State applying for CWS funds or NDSL funds}} \times \text{State allotment for CWS}$$

(h) *National increase.* (1) For any year the Commissioner will further increase awards to institutions ("national increase") if the sum of the conditional guarantees and State increases awarded to institutions is less than the CWS appropriation for that year.

(2) The Commissioner calculates an institution's national increase according to the following formula—

$$\text{Institution's national increase} = \frac{\text{its national shortfall}}{\text{national shortfall of all institutions}} \times \text{CWS funds available for national shortfall}$$

(3) As used in the formula in paragraph (h)(2) of this section—

(i) "CWS funds available for national shortfall" is calculated by subtracting from the CWS appropriation the conditional guarantees and State increases of all institutions.

(ii) An institution's national shortfall is calculated by subtracting from its "national fair share", its conditional guarantee and State increase.

(4) An institution's "national fair share" is calculated as follows—

$$\text{Institution's national fair share} = \frac{\text{its self-help need}}{\text{self-help need of all institutions applying for CWS or NDSL funds}} \times \text{CWS appropriation}$$

(i) No institution may receive more CWS funds than it requests.

(42 U.S.C. 2756)

Section 176.4 is revised to read as follows:

§ 176.4 Allocation, reallocation, and payment to institutions.

(a) If funds available within a State are insufficient to honor all requests for funds by institutions in that State, the Commissioner distributes the funds as described in § 176.6.

(b)(1) If an institution anticipates not using all its allocation for initial and continuing grants by the end of an award year, it must specify the anticipated unused amount to the Commissioner, who reduces the institution's allocation accordingly.

(2) Other institutions may apply for those funds on the form and at the time specified by the Commissioner.

(3) The Commissioner distributes those funds to applicant institutions in accordance with paragraph (c) of this section

(c)(1) If the funds that become available under paragraph (b) of this section come from the State's initial year allotment under § 176.3(a)(1), the Commissioner reallocates those funds equitably to other institutions in that State. If no institution in the State needs those funds, the Commissioner reapportions them in accordance with paragraph (c)(2) of this section.

(2) The Commissioner distributes the remaining funds as follows:

(i) The Commissioner first increases awards to institutions whose students have suffered financial hardships as a result of natural disasters within the preceding 12 months.

(ii) If any funds remain, the Commissioner then increases awards to institutions whose awards are less than their national fair shares determined under § 176.6. The Commissioner calculates each applicant's increase as follows:

$$\frac{\text{institution's remaining shortfall}}{\text{remaining shortfall of all applicants for reallocation.}} \times \text{remaining amount available for reallocation}$$

(An institution's remaining shortfall is the difference between its national fair share and its award calculated in § 176.6 and this section through paragraph (c)(2)(i).)

(iii) If any funds still remain, the Commissioner reallocates the funds in a manner that best carries out the purposes of this part.

(d) The Commissioner allocates funds for initial and continuing grants for a specific period of time. The Commissioner pays funds to an institution in advance or by reimbursement. The Commissioner bases the amount to be paid on periodic fiscal reports.

(20 U.S.C. 1070b–3.)

Section 176.6 is revised to read as follows:

§ 176.6 Funding procedure.

(a) *General.* (1) Each institution applying for SEOG initial year (IY) or continuing year (CY) funds receives an amount computed in the following three stages:

(i) A "conditional guarantee";

(ii) A State increase based on its "fair share" of the State's IY apportionment; and

(iii) A national increase based on its "fair share" of the national appropriation.

(2) *Definition.* As used in this section "base year" means the 12-month period ending on the June 30 preceding the closing date for filing an application.

(b) *Conditional guarantee for 1977–78 or 1978–79 participants.* For any year, an institution that received campus-based funds in award year 1977–78 or 1978–79 receives a conditional guarantee equal to the greater of 90% of its—

(i) 1977–78 SEOG expenditure; or

(ii) 1978–79 SEOG expenditure.

(c) *Conditional guarantee for other institutions.* For any year, an institution that did not participate in any campus-based program in either award year 1977–78 or 1978–79 receives a conditional guarantee as follows:

(1) *No funds in base year.* If the institution did not receive any campus-based funds in the base year, it receives a conditional guarantee of $5,000.

(2) *Funds in base year.* If the institution received any campus-based funds in the base year, its conditional guarantee is 90% of its SEOG expenditure in the first year it received campus-based funds.

(3) *Exception for first-time participants in 1979–80.* Notwithstanding paragraphs (c) (1) and (2) of this section, if an institution participated in the campus-based programs for the first time in award year 1979–80, it—

(i) When applying for funds for award year 1981–82, receives its conditional guarantee under paragraph (c)(1) of this section; and

(ii) When applying for funds after award year 1981–82, uses as the first year it received funds, award year 1980–81.

(4) *IY and CY funds.* The Commissioner divides each institution's conditional guarantee between IY and CY funds. The Commissioner bases this division on the percentage that the institution's request for each type of grant bears to its total request.

Example: An institution that requests $100,000, $45,000 in IY funds and $55,000 in CY funds, has a conditional guarantee of 45% for IY grants and 55% for CY grants.

(d) *SEOG need of an institution.* (1) The Commissioner allocates additional funds to an institution under paragraph (f) of this section (State increase), paragraph (g) of this section (IY national increase), and paragraph (h) of this section (CY national increase) based in part on the institution's need for SEOG funds.

(2) The Commissioner computes an institution's need for IY and CY SEOG funds by the following formula:

SEOG need = 70% if cost of education − (Total expected family contribution + Basic Grants + State grants + 50% of institutional grants).

(3) The Commissioner divides each institution's need between IY and CY based on the institution's request for each (see paragraph (c)(4) of this section).

(4) As used in paragraph (e) of this section:

(i) *Cost of education* means attendance costs for eligible undergraduate students including tuition, fees, standard living expenses, books, and supplies. (The institution reports its total tuition and fee revenues, and the Commissioner prorates this amount for eligible students.)

(ii) *Eligible students* means students who satisfy the eligibility requirements of § 176.9(a)(1) through (a)(4).

(iii) *State grant* means the sum of all State grants and scholarships received by undergraduate students at an institution during the award year 1977–78.

(iv) *Institutional grants* means the sum of undergraduate gift aid included in determining the maintenance of effort amount under § 176.20 during the award year 1977–78.

(5) Seventy percent of the average cost of education minus EFC may not be less than zero.

(e) *SEOG need of undergraduate students.* To determine the need for SEOG funds of an institution's undergraduate students, the Commissioner—

(1) Establishes various income categories for dependent and independent undergraduate students;

(2) Establishes an EFC for each income category of dependent and independent undergraduate students, using a need analysis method approved under § 176.13;

(3) Multiplies the number of dependent students in each income category by the EFC for that income category;

(4) Multiples the number of independent students in each income category by the EFC for that income category; and

(5) Adds the amount obtained in all categories.

The following charts show the income categories and calculations.

1 Income	2 70 pct × cost	3 Expected family contribution	4 Need: col. 2 less col. 3	5 Number students	6 Col. 4 × col. 5
Determination of SEOG Need for Dependent Undergraduate Students					
0 to $2,999					
$3,000 to $5,999					
$6,000 to $8,999					
$9,000 to $11,999					
$12,000 to $14,999					
$15,000 to $17,999					
$18,000 to $20,999					
$21,000 to $23,999					
$24,000 to $26,999					
$27,000 to $29,999					
$30,000 to $32,999					
$33,000 to $35,999					
$36,000 to $38,999					
$39,000 to $41,999					
$42,000 to $44,999					
$45,000 and over					
7 Total for dependent undergraduate students					$
Determination of SEOG Need for Independent Undergraduate Students					
0 to $999					
$1,000 to $1,999					
$2,000 to $2,999					
$3,000 to $3,999					
$4,000 to $4,999					
$5,000 to $5,999					
$6,000 to $6,999					
$7,000 to $7,999					
$8,000 to $8,999					
$9,000 to $9,999					
$10,000 to $10,999					
$11,000 to $11,999					
$12,000 to $12,999					
$13,000 to $13,999					
$14,000 to $14,999					
$15,000 and over					
7 Total for independent undergraduate students					$

Summary and Calculation of SEOG Need

1	Total for dependent undergraduate students	$
2	Total for independent undergraduate students	$
3	Total for all undergraduate students (1+2)	$
4	All BEOG	$
5	All State grant aid	$
6	50% of all institutional grant aid	$
7	Total of items 4, 5, and 6	$
8	Item 3 (total all undergraduate students) less item 7 equals total SEOG need	$

(f) *State increase.* (1) For any year the Commissioner increases awards to institutions in a State ("State increase") if the combined IY conditional guarantees of all institutions in that State are less than the State's IY apportionment under § 176.3(a).

(2) The Commissioner calculates an institution's State increase according to the following formula—

$$\text{Institution's State increases} = \frac{\text{institution's IY State shortfall}}{\text{IY State shortfalls of all institutions in the State}} \times \text{SEOG IY funds available for State shortfall}$$

(3) As used in the formula in paragraph (f)(2) of this section—

(i) An institution's "IY State shortfall" is calculated by subtracting from an institution's IY State fair share its IY conditional guarantee.

(ii) "SEOG IY funds available for State shortfall" is calculated by subtracting from the State IY apportionment, the IY conditional guarantees of all institutions in the State.

(iii) An institution's "IY State fair share" is calculated as follows—

$$\text{Institution's IY State fair share} = \frac{\text{institution's SEOG IY need}}{\text{SEOG IY need of all institutions in the State applying for SEOG funds}} \times \text{State apportionment for SEOG IY}$$

(g) *IY national increase.* (1) For any year the Commissioner will further increase awards to institutions ("IY national increase") if the sum of the IY conditional guarantees and State increases awarded to institutions is less than the SEOG IY appropriation for that year.

(2) The Commissioner calculates an institution's IY national increase according to the following formula—

$$\text{Institution's IY national increases} = \frac{\text{its IY national shortfall}}{\text{IY national shortfall of all institutions}} \times \text{SEOG IY funds available for national shortfall}$$

(3) As used in the formula in paragraph (g)(2) of this section.

(i) "SEOG IY funds available for national shortfall" is calculated by subtracting from the SEOG appropriation the IY conditional guarantees and State increases of all insitutions.

(ii) An institution's "IY national shortfall" is calculated by subtracting from its "IY national fair share", its IY conditional guarantee and State increase.

(4) An institution's "IY national fair share" is calculated as follows:

$$\text{Institution's IY national fair share} = \frac{\text{its SEOG IY need}}{\text{SEOG IY need of all institutions applying for SEOG funds}} \times \text{SEOG IY appropriation}$$

(h) *CY national increase.* (1) For any year the Commissioner will further increase awards to institutions ("CY national increase") if the sum of the CY conditional guarantees awarded to institutions is less than the SEOG CY appropriation for that year.

(2) The Commissioner calculates an institution's CY national increase according to the following formula—

$$\text{Institution's CY national increases} = \frac{\text{its CY national shortfall}}{\text{CY national shortfall of all institutions}} \times \text{SEOG CY funds available for national shortfall}$$

(3) As used in the formula in paragraph (h)(2) of this section—

(i) "SEOG CY funds available for national shortfall" is calculated by subtracting from the SEOG CY appropriation the CY conditional guarantees of all institutions.

(ii) An institution's "CY national shortfall" is calculated by subtracting from its "CY national fair share", its CY conditional guarantee.

(4) An institution's "CY national fair share" is calculated as follows:

$$\text{Institution's CY national fair share} = \frac{\text{its SEOG CY need}}{\text{SEOG CY need of all institutions applying for SEOG funds}} \times \text{SEOG CY appropriation}$$

(i) No institution may receive more IY or CY SEOG funds than it requests.

(20 U.S.C. 1070b–3)

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federal register

Friday,
December 7,
1979

Part IV

Environmental Protection Agency

Priority List of Chemical Substances Recommended for Testing; Fifth Report of the Interagency Testing Committee to the Administrator, EPA, Receipt of the Report, Request for Comments; and Corrections to the Fourth Report of the Interagency Testing Committee

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1371-3]

Fifth Report of the Interagency Testing Committee to the Administrator, Environmental Protection Agency: Receipt of the Report and Request for Comments Regarding Priority List of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: This notice requests comments on recent additions to the Interagency Testing Committee's (ITC) priority list of chemical substances recommended for testing under section 4(a) of the Toxic Substances Control Act (TSCA).

SUMMARY: The ITC, established under section 4(e) of TSCA, has transmitted its Fifth Report to the Administrator of EPA. This report revises and updates the Committee's priority list of chemicals. The Report adds two individual chemical substances and three categories to the Committee's list of chemicals for priority consideration by EPA in the promulgation of test rules under section 4(a) of the Act.

The Fifth Report is being published with this Notice. The Agency invites interested persons to submit comments on the Report.

SUPPLEMENTARY INFORMATION:

Background

Section 4(a) of TSCA authorizes the Administrator of EPA to promulgate regulations requiring testing of chemical substances in order to develop data revelant to determining the risks that such chemical substances may present to health and the environment.

Section 4(e) of TSCA established an Interagency Testing Committee to make recommendations of chemical substances to the Administrator of EPA for priority consideration for proposing test rules under section 4(a). The Committee may at any one time designate up to 50 of its recommendations for special priority consideration by EPA. Within 12 months of that designation, EPA must initiate rulemaking to require testing or publish in the **Federal Register** its reasons for not doing so.

The Committee's initial recommendations to the priority list, of four substances and six categories of substances, were published in the **Federal Register** on October 12, 1977 (42 FR 55026). EPA's response to the initial recommendations appeared in the **Federal Register** on October 26, 1978 (43 FR 50134). The ITC's revisions to the initial list appeared in the Committee's Second Report and were published in the **Federal Register** on April 19, 1978 (43 FR 16684). Those revisions were the addition of four substances and four categories of substances to the priority list. EPA responded to the second ITC Report on May 14, 1979 (44 FR 28095). In its Third Report, published in the **Federal Register** on October 30, 1978 (43 FR 50631), the Committee recommended the addition of one chemical substance and two categories of chemical substances to the priority list. In its Fourth Report, the Committee recommended the addition of 11 individual chemicals and one category to its priority list, each designated for priority consideration by EPA. The ITC's Fifth Report was received by the Administrator on November 7, 1979.

Availability

The ITC's Fifth Report follows this Notice.

REQUEST FOR COMMENTS: EPA invites interested persons to submit comments on the ITC's new recommendations. The Agency requests comments be submitted no later than February 5, 1979. All comments received by that date will be considered by the Agency in determining whether to propose test rules in response to the Committee's new recommendations.

Comments should bear the identifying notation OTS-410001 and should be submitted to the Document Control Officer, Chemical Information Division, Office of Pesticides and Toxic Substance (TS-793), Room 447, EPA, 401 M Street SW., Washington, D.C. 20460. All written comments will be available for public inspection in Room 447, East Tower, at the same address, between 8:30 a.m. and 4:30 p.m., weekdays.

Dated: November 28, 1979.

Steven D. Jellinek.

Assistant Administrator for Pesticides and Toxic Substances.

Fifth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency

Toxic Substances Control Act

Interogency Testing Committee

Member agencies—Council on Environmental Quality, Department of Commerce, Environmental Protection Agency, National Cancer Institute, National Institute of Environmental Health Sciences, National Institute for Occupational Safety and Health, National Science Foundation, Occupational Safety and Health Administration

Liaison agencies—Consumer Product Safety Commission, Department of Defense, Department of the Interior, Food and Drug Administration

November 6, 1979.

Hon. Douglas M. Costle,

Administrator, Environmental Protection Agency (A-100), Room 1200 W, 401 M Street, S.W., Washington, D.C.

Dear Mr. Costle: On behalf of the TSCA Interagency Testing Committee I wish to inform you that the Committee now recommends further revision of the Section 4(e) Priority List with the addition and designation of two individual chemicals and three categories of chemical substances. These recommendations and supporting information are presented in the enclosed document, the Fifth Report of the Committee.

This report highlights our recent deliberations on dyes and pigments from which recommendations on certain dyes are made. Essentially, our first recommendation is a generic recommendation for the study of human health effects. I would emphasize the need for scientific investigation rather than routine testing of these materials since great uncertainties regarding the composition of each substance and its complex pharmacodynamics and fate simply preclude isolation upon a specific effect. This recommendation does not imply that testing for mutagenicity, carcinogenicity, teratogenicity and other end-points is inappropriate but that the evaluation of these materials must be a global evaluation to include the parent material, its constituents and metabolites and transformation products.

Our second major recommendation is with respect to the environmental fate and effects of the three categories of dyes. The Committee cannot recommend testing for specific environmental effects at this time. This is because the chemical composition, and hence the environmental fate, of all components of the dyes in each category is not known. Also, both the toxicity and the environmental fate of these dyes will be affected by the metabolic fate of their various components. However the Committee does urge the development of a sequenced approach, in which the results of environmental fate studies are used to determine the environmental compartments in which these chemical substances or their derivatives may be of concern. The organisms, species and effects which are most appropriate for testing can then be determined.

Certainly, the dyes and pigments are a complicated group of chemical substances—from their composition, chemistry and usage to their effective regulation. I personally believe that acceptable use patterns for these materials can only be advanced through a coordinated, comprehensive program of research and testing involving the joint efforts of industry and the Federal Government. And I would suggest that serious consideration be given to finding ways to involve the National Toxicology Program with this effort.

I trust that you will find our recommendations responsive to the intentions of the Toxic Substances Control Act, and I want to assure you that the

Committee continues to regard its mission as a sensitive and serious responsibility.

Sincerely yours,

Carter Schuth,

Chairperson, TSCA Interagency Testing Committee.

Enclosure

cc: Mr. Jellinek

Fifth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, November 1979

Contents

Summary

Section 4 of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94469) provides for the testing of chemicals in commerce which may pose an unreasonable risk to human health or the environment. This section of the Act also provides for establishment of a Committee, composed of representatives from eight designated Federal agencies, to recommend chemical substances or mixtures to which the Administrator of the U.S. Environmental Protection Agency (EPA) should give priority consideration for the promulgation of testing rules. The Committee makes such revisions in the Section 4(e) Priority List as it determines to be necessary and transmits them to the Administrator, at least every six months.

As a result of its deliberations during the past six months, the Committee is revising the TSCA Section 4(e) Priority List by the addition of 2 individual substances and 3 categories. As provided in the law these substances are designated for action by EPA within twelve months. the Committee considers each newly designated addition to be of equal priority with those previously designated. The additions to the Priority List are presented, together with the types of studies recommended, as follow:

Substances and Categories Designated and Recommended Studies

Benzidine-based dyes—Environmental Fate and Effects
o-Dianisidine-based dyes—Human Health Effects, Environmental Fate and Effects
o-Tolidine-based dyes—Human Health Effects, Environmental Fate and Effects
Hydroquinone—Carcinogenicity, Teratogenicity, Epidemiology, Environmental Fate and Effects
Quinone—Carcinogenicity, Teratogenicity, Environmental Fate and Effects

TSCA Interagency Testing Committee

Statutory Member Agencies

Council on Environmental Quality—Nathan J. Karch
Department of Commerce—Orville E. Paynter, Bernard Greifer, Alternate
Environmental Protection Agency—Warren R. Muir, Amy Rispin, Alternate[1]
National Cancer Institute—James M. Sontag
National Institute of Environmental Health Sciences—Richard R. Bates, Warren T. Piver, Alternate
National Institute for Occupational Safety and Health—Vera W. Hudson,[2] Michael Blackwell, Alternate [3]
National Science Foundation—Carter Schuth, Chair
Occpational Safety and Health Administration—Fred W. Clayton, Vice-Chair, Joseph K. Wagoner, Alternate

Liaison Agencies

Consumer Product Safety Commission—Joseph McLaughlin
Department of Defense—Bernard P. McNamra [4]
Department of the Interior—Charles R. Walker
Food and Drug Administration—Allen H. Heim, Winston deMonsabert, Alternate
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Fifth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, October 1979

Chapter 1. Introduction

1.1 *Background.*—The Interagency Testing Committee (Committee) was established under Section 4(e) of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94–469). The specific mandate of the Committee is to identify and recommend to the Administrator of the U.S. Environmental Protection Agency (EPA) chemical substances or mixtures in commerce which should be tested to determine their potential hazard to human health and/or the environment. The Act specifies that the Committee's recommendations to the Administrator will be in the form of a list (Section 4(e) Priority List) to be published in the **Federal Register.** The Committee also is directed to make such revisions in the list as it determines to be necessary and transmit them to the Administrator, at least every six months after submission of its initial list.

The current Committee members, alternates, and liaison representatives are identified in the front of this report. The Committee's chemical review procedures and previous recommendations have been presented elsewhere (References 1–5).

1.2 *Committee Activities in this Reporting Period.*—In August 1979 the Committee completed a second round of scoring of chemicals from its master file (see reference 2 for methodology). Newly scored chemicals will be reviewed for the purpose of making future recommendations to the Administrator.

A significant development since the Committee's last report to the Administrator has been the publication by the EPA of the Toxic Substances Control Act Chemical Substances Inventory. The Committee has begun to utilize the Inventory for production information in its evaluation of chemicals.

Public comments on the Committee's Fourth Report have been reviewed. Based on this review, the Committee does not plan to revise its testing recommendations or alter further the format of its reports.

As in its previous reports, the rationales in this Fifth Report do not contain references to all planned or ongoing studies, although the Committee may be aware of such studies. In this regard, the Committee's reasoning remains the same as stated and explained in Section 3.2 of the Third Report (4):

> The Committee generally does not regard knowledge that studies are planned or ongoing as a sufficient basis to defer consideration of a substance for designation for the effect under investigation or for any other effect. The Committee's judgment as to whether a substance has been adequately tested for health and environmental effects must rest with the data that are presently available. Such data do not exist for planned studies and may be in various stages of generation for ongoing studies.

1.3 *EPA's Response to the Committee's Previous Reports.*—In this Report, twenty one entries appear on the

[1] Dr. Rispin replaced Mr. Joseph Merenda as Alternate on June 29, 1979.

[2] Ms. Hudson replaced Dr. Jean French as Member on August 9, 1979.

[3] Dr. Blackwell replaced Ms. Vera Hudson as Alternate on August 9, 1979.

[4] Dr. McNamara replaced Dr. Seymour Freiss on September 27, 1979.

[5] Dr. Fairchild joined the Committee on September 21, 1979.

Section 4(e) Priority List with designations for EPA action by October 1978, April 1979, and October 1979. Although these chemicals were designated for action by the Administrator in the Committee's previous reports, they are still retained on the Section 4(e) Priority List as shown in Table 1.

1.4 *Liaison Members.*—The Committee continues to rely on input from its liaison agency members and recommends that consideration be given to statutory membership for their agencies.

Chapter 2. Recommendations of the Committee

2.1 *Chemical Substances Designated for Action by EPA Within Twelve Months.*—The Committee is revising its TSCA Section 4(e) Priority List by the designation of an additional 2 individual substances and 3 categories for which initiation of testing rules is recommended. These designations were made after consideration of the factors identified in TSCA Section 4(e)(1)(A), and with the professional judgment of Committee members. The recommended studies deemed appropriate for determining the potential hazard(s) of each new entry and the reasons for such recommendations are described in Section 2.2 of this report and summarized in Table 2. As allowed by Section 4(e)(1)(A) of TSCA, the Committee designates these chemicals and categories for action by EPA within twelve months of the date of this Report.

In previous reports, the Committee has recommended studies for specific health effects. In the present report however, the Committee makes the generic recommendation for human health effects testing of *o*-dianisidine and *o*-tolidine based dyes. Further elaboration can be found in Section 2.2.

The Committee is recommending environmental fate studies for both of the chemicals and all three of the categories of chemicals which are included in this report. The Committee has refrained from recommending specific environmental effects studies for these chemicals and categories until information concerning their fate is sufficient to establish the identity of metabolities and degradation products and whether significant environmental concentrations are likely to occur. Appropriate tests are conditional on the environmental fate of the chemicals in question.

Although the three categories which are being designated in this report are listed separately, they are closely related to each other and are therefore discussed in a single rationale.

Table 1.—*The TSCA Section 4(e) Priority List*

	Designated for action by
Acetonitrile	April 1980
Acrylamide	April 1979**
Alkyl epoxides	October 1978*
Alkyl phthalates	October 1978*
Aniline and bromo, chloro, and/or nitroanilines.	April 1980
Antimony (metal)	April 1980
Antimony sulfide	April 1980
Antimony trioxide	April 1980
Aryl phosphates	April 1979**
Benzidine-based Dyes	November 1980
Chlorinated benzenes, mono- and di-	October 1978*
Chlorinated benzenes, tri-, tetra- and penta-.	October 1979
Chlorinated naphthalenes	April 1979**
Chlorinated paraffins	October 1978*
Chloromethane	October 1978*
Cresols	October 1978*
o-Dianisidine-based Dyes	November 1980
Dichloromethane	April 1979**
1,2-Dichloropropane	October 1979
Cyclohexanone	April 1980
Glycidol and its derivatives	October 1979
Halogenated alkyl epoxides	April 1979**
Hexachloro-1,3-butadiene	October 1978*
Hexachlorocyclopentadiene	April 1980
Hydroquinone	November 1980
Isophorone	April 1980
Mesityl oxide	April 1980
4,4'-Methylenedianiline	April 1980
Methyl ethyl ketone	April 1980
Methyl isobutyl ketone	April 1980
Nitrobenzene	October 1978*
o-Tolidine-based Dyes	November 1980
Polychlorinated terphenyls	April 1979**
Pyridine	April 1979**
Quinone	November 1980
Toluene	October 1978*
1,1,1-Trichloroethane	April 1979**
Xylene	October 1978*

* Designated by the Committee in its First Report (2) and responded to by the Administrator in 43 FR 50134–50138.

** Designated by the Committee in its Second Report (3) and responded to by the Administrator in 44 FR 28095–28097.

Table II.—*Summary of Studies Recommended in This Report*

Substance or category	Recommended Studies				
	Carcinogenicity	Teratogenicity	Human Health Effects	Epidemiology	Environmental fate and effects
Benzidine-based dyes					X
o-Dianisidine-based dyes			X		X
o-Tolidine-based dyes			X		X
Hydroquinone	X	X		X	X
Quinone	X	X			X

References

1. Preliminary List of Chemical Substances for Further Evaluation, Toxic Substances Control Act Interagency Testing Committee, July 1977.

2. Initial Report to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, October 1, 1977. Published in the **Federal Register**, Vol. 42, 197, Wednesday, October 12, 1977, pp. 55026–55080. Corrections published in **Federal Register** Vol. 42, November 11, 1977, pp. 58777–58778. The report and supporting dossiers also were published by the Environmental Protection Agency, EPA 560–10–78/001, January 1978.

3. Second Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, April 1978. Published in the **Federal Register**, Vol. 43, No. 76, Wednesday, April 19, 1978, pp. 16684–16688. The report and supporting dossiers also were published by the Environmental Protection Agency, EPA 560–10–78/002, July 1978.

4. Third Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, October 1978. Published in the **Federal Register**, Vol. 43, No. 210, Monday, October 30, 1978, pp. 50630–50635.

5. Fourth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, April 1979. Published in the **Federal Register**, Vol. 44, No. 107, Friday, June 1, 1979, 31866–31889.

2.2 Rationales

Benzidine-, o-Dianisidine- and o-Tolidine-Based Dyes

Recommended Studies: It is the Committee's view that benzidine-based dyes are an established health hazard. The health effects of *o*-tolidine- and *o*-dianisidine-based dyes, on the other hand, are not as clearly demonstrated. The Committee, therefore, recommends health effects testing for the *o*-tolidine- and *o*-dianisidine-based dyes. These general human health effects recommendations are based on uncertainty about the metabolic fate of each dye in these categories and about the carcinogenic potential of the parent *o*-tolidine and *o*-dianisidine.

The environmental fate and potential environmental effects of these three categories of dyes are largely unknown. This lack of information coupled with their large environmental release causes the Committee to recommend environmental fate and effects testing.

With regard to all three categories of dyes, it is the view of the Committee that specific environmental effects tests cannot be recommended at this time. This is because the chemical composition, and hence the environmental fate, of all components of

the dyes in each category is not known. Also, both toxicity and environmental fate of these dyes will be affected by the metabolic fate of their various components. For these reasons we believe that the evaluation of environmental effects of these three categories of dyes can be most effectively ascertained through a sequenced approach, in which the results of environmental fate studies are used to determine the environmental compartments in which these chemical substances or their derivatives may be of concern. The organisms, species and effects which are most appropriate for testing can then be determined.

The Committee hopes that its recommendation for testing for health or environmental effects does not encourage the premature replacement of the designated dyes with others about which even less test data are available and which might prove hazardous.

The ITC is aware of the fact that considerable attention is being focused on dyes and pigments, including the three categories of dyes which are the subject of this recommendation, by various agencies of the federal government. We believe that the complexity of dye chemistry, the variety of dye uses, the ubiquity of their distribution and the uniqueness of their exposure potential create special problems with regard to their evaluation and effective regulation, possibly exceeding the resources of the EPA under TSCA. Indeed, a coordinated, multi-agency approach to these chemicals may be required.

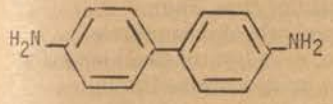
Category Identification. These three categories of dyes which are based on benzidine, *o*-tolidine (3,3'-dimethylbenzidine) and *o*-dianisidine (3,3'-dimethoxybenzidine). The three parent compounds constitute a family of similar synthetic aromatic compounds (see Fig. A) and are referred to in this report as "benzidine and its congeners." The three categories of dyes represent about 90 commercially available dyes in the United States; namely 23 benzidine-based dyes, 37 *o*-dianisidine-based dyes, and 33 *o*-tolidine-based dyes.

The Dyes Environmental and Toxicology Organization, Inc. (DETO) supplied the Committee with the following definition of dyes:

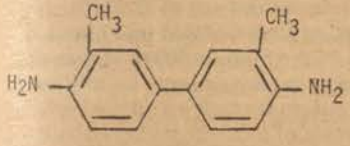
Dyes are intensely colored or fluorescent organic substances which impart color to a substrate by selective adsorption of light. Dyes are water soluble and/or go through an application process which, at least temporarily, destroys any crystal structure of the color substances. Dyes are retained in the substrate by adsorption, solution, and mechanical retention, or by ionic or covalent chemical bonds.

Dyes based on benzidine, *o*-tolidine and *o*-dianisidine are water soluble and non-volatile.

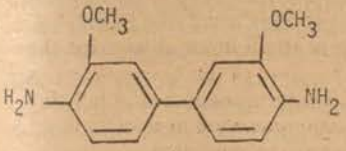
FIGURE A.



Benzidine



o-Tolidine (3,3'-dimethylbenzidine)



o-Dianisidine (3,3'-dimethoxybenzidine)

Production and Importation. According to a 1979 industry survey conducted by DETO for the Committee, benzidine-based dyes in commerce in 1978 from domestic production and imports totaled almost 2 million pounds. *o*-Tolidine-based dyes in commerce totaled at least 1 million pounds and *o*-dianisidine dyes at least 1.3 million pounds for the same year. Not all importers and manufacturers of these dyes contributed to this survey. DETO indicated that the combined production of the companies not contributing to the survey was probably insignificant relative to the totals given although four of the five importers surveyed by DETO did not respond. Since the United States International Trade Commission does not monitor all ports of entry, the Committee does not have an adequate estimate of imports. Currently there is no estimate of quantities of these dyes entering the country in dyed articles of commerce.

Exposure. The dyes derived from benzidine and its congeners are an important class of direct dyes, i.e., dyes which are colorfast without requiring an extra mordant process. Some of them are key dyes for cellulosic fibers. They are used to color textiles, rubber and plastics products, printing inks, paints and lacquers, leathers and paper products.

Dyes derived from *o*-tolidine, *o*-dianisidine, and benzidine are used in consumer products which may result in significant human exposure. Dyes in textiles, leather, paper and fur may rub off by abrasion. Clothing may be subject to perspiration, urine, or saliva. Dyes may be decomposed through the heat of ironing or drying. This exposure may be especially important in the case of fabrics with low attraction between fiber and dye; for example, those derived from batik, tie dyeing or home dyeing rather than from industrial dyeing (Sheldrick et al. 1979).

Exposure to these dyes occurs through three primary paths: inhalation (Genin, 1977; NIOSH, 1979), unintentional ingestion (Yoshida and Miyakawa, 1973) and skin absorption (McKinney, 1979). Industrial workers, professional craft dyers and hobbyists, and individuals using fabric dyes at home or in arts and crafts classes comprise populations of potential high exposure.

Skin absorption as an important route of exposure to both the dyes and their parent compounds is supported by a recent study (McKinney, 1979). This study indicates that Direct Black 38, a

benzidine-based dye, or the benzidine portion of the molecule, is rapidly absorbed from the unbroken skin of experimental animals. The dye, labelled in the benzidine moiety, was painted on the skin of rabbits. By the sixth day after exposure, 90% of the labelled dose had been recovered in the urine and feces.

A NIOSH investigation has examined benzidine levels in the urine of workers exposed to benzidine-based dyes. Four facilities—two benzidine-based dye manufacturing plants, a leather tanning plant, and a papermill—were studied. Samples were collected from the environment to determine the amount of potential exposure to the dyes. There was a good correlation between the amount of benzidine-based dyes in the environment and the occurrence of benzidine in urine. The urinary levels of benzidine was considered to be too high to have come only from impurities in the dye. (NIOSH, 1979).

Human Health Effects. Dyes in these three categories have been reported to undergo reductive cleavage of the azo linkages, resulting in the release of the benzidine or benzidine-congener parent compound in both mammals and anaerobic intestinal bacterial enzyme systems. (Walker, 1970; Chung et al., 1978).

Benzidine is well established as a carcinogen in humans and animals (IARC, 1972). *o*-Tolidine and *o*-dianisidine have been tested for carcinogenicity in rats (IARC, 1974; Pliss, 1965; Pliss and Zabenzbinsky, 1970; Hadidian et al., 1968.) Although there was some indication of carcinogenicity, the protocols used did not permit satisfactory evaluation of the results. *o*-Tolidine and *o*-dianisidine are currently under test for carcinogenicity at the National Center for Toxicological Research.

Two *o*-tolidine-based dyes, commercial grade Evans Blue and Trypan Blue, have been reported to be carcinogenic in rats (Marshall, 1953). There is some question about the purity of the tested compounds. A recent study shows that Trypan Blue contains substantial quantities of monoazo dye impurities (Field et al., 1977). In this study, rats injected with the purified *o*-tolidine-based component of Trypan Blue gave only weak indications of pre-cancerous hepatic changes. Three purified benzidine dyes, Direct Black 38, Direct Brown 95 and Direct Blue 5, were carcinogenic in rats after a treatment period of only 13 weeks (NCI, 1978a).

Epidemiological studies (Meigs et al. 1954; Kiese et al., 1968) show that occupational exposure to benzidine-based dyes is associated with bladder cancer in humans. Yoshida et al. (1973) studied 200 kimono painters who used benzidine-based dyes. Seventeen (8.5%) developed bladder cancer; this was 6.8 times the expected rate. Approximately 47% had ingested dyes by moistening the brushes on their tongues. The workers had used these dyes, Direct Black 38, Direct Green 1, Direct Red 17, and Direct Red 28.

Field et al., (1977) reported the teratogenicity of the pure *o*-tolidine-based component of Trypan Blue. Administration of aqueous solutions of the purified dye to rats on the seventh day of pregnancy resulted in a significantly increased incidence of resorptions and malformations.

o-Tolidine, *o*-dianisidine and benzidine have been reported to be mutagenic in the Ames *Salmonella* assay (Urwin et al., 1976; Ames et al., 1973; Garner et al., 1975; Ferretti et al., 1977).*o*-Tolidine and *o*-dianisidine were weakly mutagenic.

Sugimura et al. (1977) reported on the mutagenicity of an *o*-tolidine dye (Benzopurpurine 4B), a dianisidine dye (Pontacyl sky blue 4BX) and two benzidine based dyes (Congo red and chlorazol violet N). These dyes were mutagenic to Salmonella TA98 with S–9 mix (liver homogenate with TPNH) in the presence of riboflaving. When tested without riboflavin, the results were negative. Trypan Blue (based on *o*-tolidine) was mutagenic only when pretreated anaerobically with a cell free bacterial extract containing azo-reductase, or when first chemcially reduced with dithionite (Hartman et al., 1978). These results suggest that the mutagenic activity of Trypan Blue is due to release of the *o*-tolidine group from the dye.

Four benzidine-based dyes (Direct Black 38, Direct Blue 6, Direct Brown 95 and Direct Red 28) have been reported to be metabolized to free benzidine in Rhesus monkeys (Rinde and Troll, 1975). Incubation of benzidine-based dyes (Direct Reds 10, 17, 28, Direct Orange 8 and Direct Black 38) with common intestinal bacteria has demonstrated that the azo linkages can be cleaved enzymatically to release the benzidine-derived moiety (Chung et al., 1978; Diekhues, 1961). Studies being conducted at the National Institute of Environmental Health Sciences indicate that benzidine dyes (Direct Blue 2, Direct Black 4, Direct Brown 2, Direct Red 28, Direct Orange 8 and Direct Green 1) are cleaved metabolically in dogs to release free benzidine (Matthews, 1979, Personal Communication.) Preliminary results in these studies also indicate the release in the urine of *o*-tolidine from Direct Red 2 and Direct Red 39, and *o*-dianisidine from Direct Blue 1.

As discussed earlier, metabolism of benzidine based dyes in humans leading to the release of free benzidine was indicated by a study of workers exposed to dyes (NIOSH, 1979).

Structurally, the *o*-dianisidine, and *o*-tolidine based dyes are similar to three benzidine-based dyes known to cause cancer in animals. The teratogenic potential of one *o*-tolidine-based dye has been reported. Although it is not known precisely how these dyes act in the body, the pattern of evidence appears to support initial reductive cleavage of the dyes to release the toxic biphenylamines. The structure-activity relationships of these chemicals are based on the ease of enzymatic cleavage of these dyes with different substituents near the azo groups and the relative biological activity of the benzidine-containing congener.

Environmental Fate. The environmental fate of these three categories of dyes has received virtually no scientific investigation. That benzidine is an environmentally signficant degradation product of benzidine-based dyes is supported by the finding by Takemura et al. (1965) of levels ranging from 0.082 to 0.233 ppm of benzidine in the Sumida River which, at the time, was receiving large quantities of waste waters from dye and pigment plants. Levels of total aromatic amines in the river were reported as 0.205 to 0.562 ppm. The biodegradability of benzidine under carefully controlled conditions has been reported (Tabak and Barth, 1978; Baird et al., 1977); but none of the studies available to the Committee is adequate to determine the

fate of benzidine in the environment. Further, these studies are not applicable to environmental conditions and real-life wastewater treatment conditions. Their main inadequacy is that only the disappearance of parent benzidine was measured, leaving unresolved the identity of intermediates and end-products of the many reactions possible under environmental or use conditions. Possible products of concern include hydroxylated derivatives of benzidine, 4-aminobiphenyl, *o*-toluidine and aniline. Studies on the metabolism of benzidine are not conclusive as to the identity of the ultimate carcingoen, but hydroxylated forms cannot be ruled out (IARC, 1972). 4-Aminobiphenyl is carcinogenic to several species of animals and was strongly associated with human bladder cancer in an epidemiological study of workers (IARC, 1972). *o*-Toluidine and aniline have been reported to be carcinogenic in laboratory animals (NCI, 1978b; NCI, 1979). The Committee reviewed the possible human and environmental health risks associated with aniline in its Fourth Report. The Committee is not aware of studies on the fate and persistence of the benzidine congeners.

The reduction of azo bonds to release the parent amines has been reported to occur via several different reactions, all of which may be applicable to environmental or use conditions. These include photo-degradation (van Beek and Heertges, 1963), heat decomposition (Mel'nikov and Kirillova 1969), enzymatic cleavage in animals (Rinde and Troll, 1975; Miller and Miller, 1953; Radomski, 1974; Radomski and Mellinger, 1962; Fouts et al., 1957) and by bacteria and cell-free extracts (dieckhues, 1961; Hartman et al., 1978; Yoshida et al., 1973; Idaka et al., 1978). Other reactions of dyes include demethylation (Miller et al., 1945), ring hydroxylation (terayama, 1967), N-hydroxylation (Miller, 1970), and N-acetylation and O-conjugation of metabolites (Terayama, 1967). A myriad of other reactions can be postulated based on the typical structure of these dyes: aromatic ring fission following hydroxylation, reduction of nitro groups to amino groups, oxygen- and nitrogen-dealklyation, olefin oxidation, ester hydrolysis, acetylation, aliphatic hydroxylation and oxygen- and nitrogen-conjugation. The Committee is concerned that these dyes may be converted to free amines, substituted anilines and other chemicals that may pose a potential environmental hazard. Games and Hites (1977) have demonstrated the variety of chemicals in a river receiving dye plant effluents. Many dyes may have the same intermediate and final degradation products in the environment. Identification of the common metabolites and products is prerequisite to an understanding of the environmental fate of the parent compounds and their dyes.

Calculation of the environmental release of dyes is problematic. Consideration of annual production and import data on dyestuffs fails to account for the dyes which are part of dyed materials and articles. In addition to wastewaters and sludges containing some proportion of annual production and imports, one must also account for the disposal of all dyed materials, many of which were produced several to many years ago. Yoshida et al., (1973) report that a benzidine-based dye on cotton cloth lost color in 72 hours when incubated with river water, ostensibly releasing free benzidine which resisted further bacterial degradation. Another study shows that these dyes with their high affinity for cellulosic materials are adsorbed to sludges in biological treatment (Hitz et al., 1978). This would likely lead to additional environmental release when the sludges are disposed of, used as a soil supplement or incinerated. Anaerobic digestion of the dye-containing sludge might also release aromatic amines and other degradation products. The classical emphasis on decolorization of dye wastes without attention to the degradation products possible formed is also a serious concern, particularly if these wastes are chlorinated (Gardiner and Borne, 1978). In real world situations of wastewater treatment, the lack of nutrient chemicals in industrial waste streams may lead to incomplete substrate oxidation and the resulting effluent may contain a variety of unexpected chemicals.

The *in vitro* and *in vivo* conversion of dyes to possibly hazardous products in the environment has not been adequately studied. The Committee therefore recommends that EPA give high priority to assessing the environmental behavior of dyes, in all forms which are released to the environment.

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Hydroquinone

Recommended Studies: The Committee recommends the hydroquinone be studied for environmental fate and health effects. The widespread use of the chemical by consumers having little knowledge of safety and environmental control is of particular concern. The formation of the relatively stable semiquinone radical and the reversibility of the oxidation-reduction system of quinone-semiquinone-hydroquinone are further cause for concern. Information is needed on the stability of this entire system within the environment, rather than simply on the loss of a single component. The Committee believes that existing studies are inadequate to evaluate the potential carcinogenicity of hydroquinone in either experimental animals or in human beings. Evaluation of teratogenicity is also needed, especially in view of the apparent increase in fetal resorption in one reproduction study. Thus, the Committee recommends studies of environmental fate, carcinogenicity, and teratogenicity. Epidemiologic studies are recommended if an appropriate cohort can be identified.

Physical and Chemical Identification

CAS number: 123-31-9

Structural formula:

Molecular formula: $C_6H_6O_2$ Molecular weight: 110.11

Melting point: 173-174°C Vapor pressure: 1 mm at 132.4°C

Hydroquinone is a white crystalline solid at room temperature. It discolors upon exposure to air and light. It is very soluble in water, ethanol and actone; and soluble in alkali, ether, chloroform carbon tetrachloride and hot benzene. It acts chemically as a reducing agent, being readily oxidized to quinone (IARC, 1977). This occurs in two steps

through the formation of a relatively stable semiquinone radical. The reaction is reversible (NIOSH, 1978).

Production, Release and Exposure. Production volume in 1977 was at least 11 million pounds as compiled from non-confidential information in the TSCA Inventory. Any production in excess of this figure in 1977 is not publicly available. Hydroquinone has been reported to be present in cigarette smoke (Schlotzhauer et al., 1978), in effluents from chemical plants (IARC, 1977) and as a glucoside in the leaves and bark of many plants (IARC, 1977).

Hydroquinone is used as a photographic developer; as an antioxidant and polymerization inhibitor in fats, oils, turpentine, paints and motor fuels; in dermatologic preparations designed to bleach hyperpigmented skin; and as an intermediate in the production of dyes and other chemicals (IARC, 1977).

The National Institute for Occupational Safety and Health (NIOSH) has estimated that about 475,000 U.S. workers are potentially exposed (NIOSH, 1979).

Review of Published Studies: Carcinogenicity. Bladder carcinomas were induced in 6 of 19 mice with pellets of cholesterol containing 20% hydroquinone implanted into the bladder (Boyland et al, 1964). Topical application 3 times weekly for 1 year of the highest dose that did not damage the skin did not induce skin tumors (Van Duuren and Goldschmidt, 1976). Simultaneous application of hydroquinone and benzo(a)pyrene according to this regimen resulted in a slight inhibition of the carcinogenicity of the hydrocarbon. Hydroquinone had no promoting activity in a two-stage study. Systemic effect of topical application of hydroquinone was not reported by these authors.

A two-year feeding study on Sprague-Dawley rats was performed by Carlson and Brewer (1953). In one experiment of this study, ten rats of each sex were fed 0.0%, 0.1%, 0.5%, or 1% hydroquinone. In another experiment, 16 to 23 rats of each sex were fed 0.0%, 0.1%, 0.25% or 0.5% hydroquinone that had been heated together with lard for 30 minutes at 190°C. In a third experiment, 20 rats of each sex were fed 0.0%, 0.1%, 0.5% or 1.0% hydroquinone along with 0.1% citric acid. In most of the high dose and some other groups, the weights of treated groups were 8–20% reduced at the end of the experiment, but in most groups the difference was not statistically significant. Histological sections were made of liver, omentum, kidney, spleen, heart, lung, bone marrow, stomach, pancreas, adrenal, subperitoneal and intramuscular abdominal fat. Hemoglobin, erythrocyte and differential white blood cell counts were also done. An unspecified number of animals were necropsied at intervals during the course of the experiments. Histopathologic and hematologic findings were reported as "negative," but no data were reported. Another group of rats fed 5% hydroquinone lost 46% weight over 9 weeks and were reported to show aplastic anemia,; atrophy of liver, lymphoid tissue, fat and muscle; and ulceration of the stomach.

Thus, hydroquinone caused bladder tumors by pellet implantation, but this test is not generally recognized as definitive. Other long term studies were negative, but they do not meet current testing or reporting standards.

Mutagenicity. Several studies of the effect of hydroquinone on plant chromosomes have reported gaps and breakage but no rearrangements (Valadaud and Izard, 1971; Sharma and Chaterjee, 1964; Loveless, 1951; Chaterjee and Sharma, 1972). In a test reported to correlate well with mutagenicity and carcinogenicity, hydroquinone did not inhibit testicular DNA systehsis (Seiler, 1977). Hydroquinone did not mutate *Micrococcus (Staphylococcus) aureus* to penicillin or streptomycin resistance (Clark, 1953). An abstract reporting another bacterial mutation study indicated that it was positive in the *E. coli* pol A test, but no data were published (Bilmoria, 1975).

Reproduction and Teratogenicity. One study reported a significant increase in fetal resorption in rats given a total of 0.5 gm hydroquinone in the diet during pregnancy (Telford et al, 1962). Another study reported no effect on litter size or viability from feeding 0.003 or 0.3% hydroquinone in the diet to pregnant rats (Ames et al., 1956). No teratogenicity studies have been found.

Other Toxic Effects. A large number of acute toxicity studies have been done in several kinds of rodents, rabbits, dogs, cats, pigeons and goldfish. Several routes of administration have been used. Acute effects have included vomiting, labored breathing, cyanosis, coma, convulsions and death (NIOSH, 1978). Intravenous administration resulted in acute renal tubular necrosis (Calder et al., 1973). Subacute poisoning caused hemolytic jaundice, anemia, leukocytosis, hypoglycemia and cachexia (Deichmann and Keplinger, 1963). A chronic study in rats was referred to above under "carcinogenicity" (Carlson and Brewer, 1953). These same authors fed 100 mg/Kg/day of hydroquinone to 5 adult dogs for 26 weeks and doses ranging from 1.6 to 40 mg/Kg/day for 80 weeks to 3 dogs beginning at 4 months of age. Hematologic and histopathologic findings were reported to be similar to controls except for reduced "hemosiderosis" in spleen, liver and bone marrow. A study by Woodward (NIOSH 1978), however, indicated that daily administration of 25 or 50 mg/Kg of hydroquinone in gelatin capsules resulted in hyperplasia of the bone marrow and excessive pigment deposits in the spleens of all dogs after 809 days.

Epidemiology. As would be expected from its pharmaceutic effect, repeated topical exposure with hydroquinone can cause depigmentation of the skin. In addition, prolonged topical exposure has resulted in erythema, hyper-sensitivity, dermatitis, ochronosis and colloid milium. Damage to the cornea and conjunctiva are generally proportional to the amount and time of exposure. Mild effects include conjunctivitis, photophobia, lacrimation and pigmentation. Erosion of the epithelium, changes in thickness and curvature of the cornea and loss of visual acuity were seen in more severe cases. A few reported cases of oral ingestion of acutely toxic amounts of hydroquinone have been characterized by gastroenteritis, cyanosis, tinnitus, convulsions and loss of consciousness (NIOSH, 1978; Hooper et al., 1978).

Environmental Fate and Effects. Hydroquinone has been reported to be readily degraded by algae (Timofeeva, et al, 1975) and readily oxidized in air (IARC, 1977). The principle metabolic products, however, are water soluble conjugates and the relatively insoluble oxidation product, quinone (IARC, 1977). Since hydroquinone and quinone have been reported to reach equilibrium by 90 minutes in tissue culture (Guillerm et al., 1968), a significant portion of the degraded hydroquinone may be in a form available for regeneration to the parent compound. The reversible oxidation-reduction system of hydroquinone and quinone has been reported to involve the formation of a relatively stable semiquinone radical (NIOSH, 1978).

Hydroquinone is rapidly metabolized and excreted by mammals (NIOSH 1978). It is not likely to bioaccumulate. BOD5 has been reported as 0.478 and 1.00 (Verschueren, 1977).

Effects that have been observed experimentally include inhibition of seed germination (Stom and Leonova, 1973), inhibition or stimulation of plant growth depending on dose (Georgiev and Ivanova, 1972), attraction and repellance of beetles (Norris et al., 1970), molluscidal action (El Sebae et al., 1978), inhibition of protoplastic streaming in

algae (Stom et al., 1974) and stimulation of insect feeding (Meyer and Norris et al., 1974).

Summary. There is substantial opportunity for human and environmental exposure to hydroquinone and possibly to its metabolic and oxidation products, semiquinone and quinone. More information is needed on both the environmental fate of hydroquinone and its metabolism in humans in order to estimate the extent of exposure to semiquinone and quinone. Acute and subacute effects of hydroquinone have been well characterized. Such chronic study reports as exist tend to be reassuring, but they do not meet current standards of test design or reporting. No published reports of epidemiologic studies of chronic effects have been found. No teratology studies have been reported. Several mutagenicty studies reported in the literature are negative, but one abstract which provides no data reported hydroquinone to be mutagenic.

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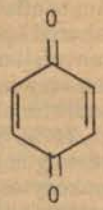
Recommended Studies:

The Committee recommends that quinone be studies for environmental fate and health effects. It is particularly concerned about the formation of the relatively stable semiquinone radical and the reversibility of the oxidation-reduction system of quinone-semiquinone-hydroquinone. Information in needed on the stability of this entire system within the environment, rather than simply on the loss of a single component. The electrophilic nature of quinone is compatible with its being carcinogenic; several bioassays support this possibility. No information on teratogenicity is available, but the inhibition of aggregation of embryonic cells raises concern. Reports of effects in humans are inadequate to assess chronic effects. The Committee recommends that studies of environmental fate, corcinogenicity and teratogenicity be done.

Physical and Chemical Identification:

CAS number: 106-51-4

Structural formula:



Synonym: p-Benzoquinone

Molecular formula: $C_6H_4O_2$

Molecular weight: 108.1

Melting point: 105.7°c

Vapor pressure: 98 mm Hg at 25°C

Quinone is a yellow crystallne solid at room temperature. It is slightly soluble in water, and soluble in ethanol, ether, and hot petroleum ether. It acts as as oxidizing agent while being reduced to hydroquinone (IARC, 1977). This occurs through the formation of a relatively stable semiquinone radical. The reaction is reversible (NIOSH, 1978).

Production, Release and Exposure

Production volume in 1977 was at least 100,00 pounds as compiled from non-confidential information in the TSCA Inventory. Any production in excess of this figure in 1977 is not publicly available. NIOSH (1979) estimates that 3,700 workers may be exposed. It is used as an oxidizing agent, an inhibitor of polymerization, a tanning agent, a photographic chemical and as an intermediate in the synthesis of hydroquinone and other chemicals. It has also been reported to occur naturally in some arthropods (IARC, 1977). Other sources of exposure may result from oxidation of hydroquinone through metabolic or environmental processes (Deichman & Keplinger, 1963) and from ozonation of aromatic amines (Glabisz and Tomaszewska, 1977).

Review of Published Studies

Carcinogenicity

Sugishita (1950) reported results of daily topical application of 0.2% quinone for up to 758 days. Among 14 mice surviving more than 100 days, there was 1 skin cancer, 2 mice with "papillomatous atypical proliferation in the skin", 1 lung cancer, and 6 with "atypical proliferation in their lungs." Sex and strain of mice were not reported, nor was information about control animals. In a similar experiment using 0.2% quinone exposed to light, 5 of 20 mice developed "papillomatosis" of the skin (Takizawa and Sugishita, 1948). Among ten that were necropsied, 1 had "atypical proliferation of the small bronchial tube", 2 had severe atypical proliferation and 1 had "adenomatous carcinoma" of the lung. Again, sex and strain were not specified and no mention was made of controls.

Several studies by Takizawa reported the apparent induction of skin, liver and lung tumors by lifetime topical application to the skin of mice of unspecified strain and sex. In one of these (1940a), among 44 mice receiving 0.25% quinone in benzene and surviving 200 days, 3 had skin papillomas, 1 had skin cancer and 5 had liver cancer. After 0.1% quinone, 6 had skin papillomas, 2 had skin cancer and 10 had liver cancer among 41 survivors. Forty-six benzene-treated controls had 1 papilloma, no skin cancers, and 2 liver cancers. Lung cancer incidence was reported to be increased in quinone-treated mice, but data were not reported. In a subsequent study (Takizawa, 1941), 54.5% of mice surviving topical application of quinone for 200 days had epithelial proliferation in the lung and bronchi compared with 7.1% of benzene treated controls. Three out of 99 of the former had carcinomas and 4 adenomas compared with 0 and 1 respectively among 28 controls. Another study (Takizawa, 1940b) reported 9 mice with skin papillomas, 3 with skin cancer and 8 with lung cancer among 87 mice receiving topical application of quinone and surviving more than 200 days; among 46 benzene-treated controls, 1 had papilloma, none had skin cancer, and 1 had a lung cancer.

In contrast, Tiedemann (1953) applied 1% quinone solution in benzene 6 days a week for 47% days to the skin of albino mice. No skin tumors were seen in these animals or benzene treated controls.

Two local sarcomas were induced in 24 rats by weekly subcutaneous injections for 394 days (IARC, 1977). No lifetime feeding studies appear to have been done, and inhalation studies were inadequate for evaluation (IARC, 1977).

Mutagenicity

Quinone failed to induce chromatid translocations in human leukocyte cultures (Luers and Obe, 1972), *Vicia faba* or *Triturus* (Loveless, 1951), though breaks and gaps did occur. It was not found to be mutagenic by dominant lethal test in mice (Roehrborn and Vogel, 1967) or *Drosophila* (Vogel, 1972), by recessive lethal tests in Drosophila (Luers and Obe, 1972) or in forward or reserve mutation tests in *Neurospora* (Reissig, 1963).

Reproduction and Teratology

No studies of reproductive or teratologic effects of quinone have been found. It has been reported to inhibit aggregation of chick fibroblasts (Jones, 1965) and chick embryo muscle cells (Kemp and Jones, 1970).

Other Toxic Effects

Quinone is readily absorbed through the gastro-intestinal tract and from subcutaneous tissues. In large doses it causes respiratory difficulties, drop in blood pressure and chronic convulsions. Death results from paralysis of medullary centers in the brain (Deichmann and Keplinger, 1963). Intravenous administration is toxic to kidneys (Calder et al, 1973).

Epidemology

Exposure of skin to quinone causes discoloration, severe irritation, erythema, swelling, and formation of papules and vesicles. Prolonged contact leads to necrosis of the skin. Exposure of the eyes to vapors of quinone results in pigmentation of the conjunctiva and cornea, disturbance of vision and corneal ulceration (Deichmann and Keplinger, 1963).

Environmental Fate and Effects

Hydroquinone and quinone are reported to form a reversible oxidation-reduction system through the formation of a relatively stable semiquinone radical (NIOSH, 1978). Quinone can be metabolized to hydroquinone (Deichmann and Keplinger, 1963). Thus, environmental effects of hydroquinone may also be relevant to quinone.

Experimental observations of effects of quinone include breaking dormancy of grass seed (Shimizu and Ueki, 1972), inhibition of oxidation of indoleacetic acid by pea roots (Ugrekhelidze et al, 1972); inhibition of protoplasmic streaming (Stom and Rogozina, 1976), O_2 uptake (Stom and Beim, 1976), and CO_2 fixation (Pristavu, 1975) in algae; and inhibition of growth of plant rootlets (Stom, 1975; Le Thi Muoi et al., 1974). Some of its effects may result from its interaction with sulfhydryl groups (Men'shikova et al., 1975; Stom and Kuzevanova, 1976).

Summary

Although estimates of direct occupational exposure to quinone are relatively small, human and environmental exposure could be significant as a result of oxidation of hydroquinone. More information is needed on metabolism and environmental fate of both hydroquinone and quinone. Quinone has been relatively well studied for mutagenicity and found negative. Carcinogenicity studies are conflicting, raising questions about purity of the chemical administered and quality of experimental observations; better studies are needed. No data are available on teratogenicity.

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[Fr Doc. 79–37662 Filed 12–6–79; 8:45 am]
BILLING CODE 6560–01–M

[OPTS–410001B, FRL 1371–1]

Fourth Report of the Interagency Testing Committee; Receipt of the Report and Request for Comments; Corrections

In FR Doc. 79–16820 appearing at page 31866 in the issue of Friday, June 1, 1979, various typographical and editorial errors in the fourth report of the Interagency Testing Committee were published. These errors are corrected as follows:

1. P. 31867, column 1, line 14 of the first complete paragraph is corrected to read: "addition to be of equal priority with those";

2. P. 31868, column 1, line 12 of the first complete paragraph is corrected to read: "basis of their knowledge of scoring";

3. P. 31869, "Table II" is corrected to read "Table 2";

4. P. 31869, column 1 of Table 2, line 11 is corrected to read: "4,4'–Methylenedianiline";

5. P. 31870, column 2, line 13 is corrected to read: "Fassett, D. W. 1963, Cyanides and Nitriles . . .";

6. P. 31878, column 3, 10th line of the final paragraph is corrected to read: "mining, hauling, and smelting of ore,";

7. P. 31878, column 3, 14th line of the final paragraph is corrected to read: "and asphalt concrete . . .";

8. P. 31881, column 2, line 3 of the first complete paragraph is corrected to read: "Weller and Griggs (1973, 1976) and Griggs";

9. P. 31882, column 3, under *Mutagenicity,* line 5 is corrected to read: "liver microsomes (Bonse and Goggleman, 1977),";

10. P. 31885, column 3, line 17 of paragraph is corrected to read: "raw material in the production of QianaR";

11. P. 31886, column 1, line 6 of the first complete paragraph is corrected to read: "[Stienhoff and Grundmann 1970a; . . .";

12. P. 31886, column 1, paragraph 2, line 5 is corrected to read: "compound, 4,4'–diamino-diphenylether on";

13. P. 31886, column 2, the last line of the second complete paragraph is corrected to read: "personal communication reported by McGill and Motto, 1974).";

14. P. 31888, column 2, in alphabetical order, after the eighth entry is added: "Perry, J. J., 1968. Substrate specificity in hydrocarbon utilizing microorganisms. Antonie van Leeuwenhoek J. Microbiol. Serol. 34:27–36.";

15. P. 31888, column 3, line 6 is corrected to read: "Methyl Isobutyl Ketone"; and

16. P. 31889, column 3, line 7 is corrected to read: "1946. Further studies on sensory response".

Dated November 28, 1979.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 79–37623 Filed 12–6–79; 8:45 am]
BILLING CODE 6560–01–M

federal register

Friday
December 7, 1979

Part V

Department of the Interior

Fish and Wildlife Service

Certification of Endangered Status of Virgin Islands Tree Boa, Epicrates Monensis Granti

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Clarification of Endangered Status of Virgin Islands Tree Boa, Epicrates Monensis Granti

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service is presently reviewing the status of various species of animals listed as Endangered or Threatened prior to 1975. During the course of the review, it was discovered that a change in the scientific nomenclature of the Virgin Islands tree boa may create confusion over its endangered status. This rule clarifies this species' status and gives notice that this species is protected as Endangered under provisions of the Endangered Species Act of 1973, as amended in 1978.

DATES: The Virgin Islands tree boa was listed as a subspecies of the Puerto Rican boa on October 13, 1970. This clarification is effective immediately.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

Section 4(c)(4) of the Endangered Species Act of 1973, as amended, requires the Service to conduct a status review of all species listed at least once every five years. Accordingly, a notice of status review was published in the **Federal Register** of May 21, 1979 (44 FR 29566–29577) that such a review would be conducted. Included among the species to be reviewed was the "Puerto Rican" boa, *Epicrates inornatus*. This species, including all subspecies, was listed as Endangered on October 13, 1970 (35 FR 16047). During the course of the review, the Service discovered that because of a change in nomenclature, boas indigenous to the Virgin Islands had been omitted from the U.S. List of Endangered and Threatened Wildlife and Plants.

In the early 1970's, Dr. James A. Peters (U.S. National Museum) and a committee on Rare and Endangered Wildlife Species prepared a list of species and subspecies of amphibians and reptiles which was submitted to the then Bureau of Sport Fisheries and Wildlife. While not every species recommended was eventually listed, this recommendation formed the basis for listing the Puerto Rican Boa. In his report, Peters gave the range as "Puerto Rico; a single recent record from St. Thomas; reported from Tortola in the British Virgin Islands". In addition, he gave examples of problems this snake encountered in the Virgin Islands. At this time, the Virgin Islands population was recognized as a subspecies, *Epicrates inornatus granti* (see Stull, 1933, Occ. Papers Mus. Zool. Univ. Michigan (267):1). It is therefore clear that the Virgin Islands boas were included as Endangered under the name *Epicrates inornatus*.

In 1974, Sheplan and Schwartz (1974, Ann. Carnegie Mus. 45(5):102) relegated the Virgin Islands population to the species *Epicrates monensis*, which then recognized *E. m. monensis* from Mona Island in Puerto Rico and *E. m. granti* from the U.S. and British Virgin Islands. This nomenclatural change was never included in the **Federal Register** or 50 CFR 17.11 so it has generally been overlooked that boas in the Virgin Islands are protected as Endangered. The purpose of this notice is to clarify this confusion, and insure that boas in the Virgin Islands are accorded full protection of the Endangered Species Act of 1973, as amended.

Because this rule is only a technical correction to the Endangered Species list, there is good cause to waive notice and comment for this rule, and to make it effective immediately. The technical change only updates the taxon's correct scientific name, and so it is unnecessary as well as contrary to the public interest to delay the listing by requiring a proposed rulemaking or to delay its effective date.

Accordingly, the List of Endangered and Threatened Wildlife (Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations) should be corrected as follows:

1. By adding the Virgin Islands tree boa alphabetically, under "Reptiles" as indicated below:

§ 17.11 Endangered and threatened wildlife.

Species			Range		Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion endangered			
Boa, Virgin Islands tree	*Epicrates monensis granti*	NA	U.S. and British Virgin Islands	Entire	E	2	NA

This notice was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species (703/235–1975).

Note.—The Service has determined that this document is not a significant rule nor does it require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR 14.

Dated: November 27, 1979.

Robert E. Gilmore,

Acting Director, Fish and Wildlife Service.

[FR Doc. 79-37657 Filed 12-6-79; 8:45 am]

BILLING CODE 4310-55-M

federal register

Friday
December 7, 1979

Part VI

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for the Illinois Mud Turtle and Beaver Dam Slope Population of the Desert Tortoise

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for Two Species of Turtles

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reproposal of Critical Habitat for the Illinois mud turtle and Beaver Dam slope population of the desert tortoise.

SUMMARY: The Service reproposes Critical Habitat for the Illinois mud turtle (*Kinosternon flavescens spooneri*) and Beaver Dam slope population of the desert tortoise (*Gopherus agassizii*). Endangered status and Critical Habitat were originally proposed for these species on July 6, 1978 (43 FR 29152–29154) and August 23, 1978 (43 FR 37662–37665) respectively.

The Critical Habitat portion of these proposals was withdrawn by the Service on March 6, 1979 (44 FR 12382–84) because of the procedural and substantive changes in prior law made by the Endangered Species Act Amendments of 1978. The proposed rule comports with these requirements.

DATES: Comments on this proposed rule must be submitted by February 5, 1980. Public meetings on this proposal will be held January 31, 1980 at 7 p.m. at the Holiday Inn, Muscatine, Iowa, January 10, 1980 at 8 p.m. at the Hilton Inn in St. George, Utah, and January 30, 1980 at 7 p.m. at the Sheraton Inn, 3090 Stevens Dr., Springfield Illinois at 7 p.m.

DATES: Comments on this proposed rule must be submitted by February 5, 1980. Public hearings on this proposal will be held January 31, 1980 in Iowa, January 10, 1980 in Utah and January 30, 1980 in Illinois.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rulemaking are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201. The time and place of the public meetings on this proposal are presented in the table below.

FOR FURTHER INFORMATION CONTACT: For further information on the original proposals, as well as on this supplement, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/254–2771).

SUPPLEMENTARY INFORMATION:

Background

The Illinois mud turtle and the Beaver Dam slope population of the desert tortoise were proposed as Endangered with Critical Habitat on July 6, 1978 and August 23, 1978, respectively. Before final action could be taken on these proposals, however, Congress passed the Endangered Species Act Amendments of 1978, which substantially modified the procedures the Service must follow when designating Critical Habitat. The present rulemaking will bring the Critical Habitat proposal into conformity with the amendments.

The Illinois mud turtle was described in 1951 and is presently known to occur in a few scattered localities in Missouri, Illinois and Iowa. Total population estimates are not available although several scientists informally place the number at fewer than 650. The status of this subspecies is at present extremely precarious although a study currently in progress has managed to relocate several populations previously reported. The Illinois mud turtle had been reported from Missouri and was thought to be extinct. However, researchers in Missouri have located what appears to be a small population in Clark County.

Detailed summaries of the present knowledge surrounding the present and past distribution of this subspecies are available and studies underway, largely through the efforts of Monsanto, Inc. and Iowa-Illinois Gas and Electric, have yielded new information on the biology of the turtle. However, no information has been received to date which would modify the summary of status of the subspecies as published in the original proposal.

On August 8, 1977, the U.S. Fish and Wildlife Service was petitioned by Dr. Glenn R. Stewart on behalf of the Desert Tortoise Council to list the Utah desert tortoise population as Endangered under provisions of the Endangered Species Act of 1973. Included in the petition was a recommendation for Critical Habitat. The main threats to this unique population include competition from grazing animals, overgrazed habitat, and problems with collection of individuals.

After careful review of the petition by the Office of Endangered Species, the Director of the Service notified the Desert Tortoise Council on August 30, 1977, that the petition did indeed qualify as formal petition.

On August 23, 1978, the Fish Wildlife Service published a proposal to list this unique population as Endangered and included a 35 square mile area of Bureau of Land Management administered land in southwestern Utah as Critical Habitat.

Summary of Factors Affecting the Species

Illinois mud turtle—As previously stated, the Illinois mud turtle is presently known to occur in limited areas in Iowa, Illinois, and Missouri. It seems well documented that the turtle was much more widely distributed; studies by researchers in universities, the Illinois Department of Conservation, and that currently being sponsored by Monsanto and Iowa-Illinois Gas and Electric Co. (I–IGE), have confined the absence of the turtle in areas where it was previously encountered and in areas where it might be expected to occur based on habitat types.

The major threats to the Illinois mud turtle include destruction or modification of habitat, including ponds, wetlands and adjacent nesting sites, collection of individuals, predation, and pollution of water sites. Examples of activities that could be detrimental to the environment of this species and lead to further reduction of its range include:

1. Fluctuation of water levels in ponds or wetlands,
2. Development or modification of land adjoining such ponds or wetlands thus leading to increased siltation or pollution of the water source,
3. Draining of ponds or wetlands known to contain this species,

Dumping of pollutants directly into ponds or wetlands,

Increased disturbance to nesting areas adjacent to ponds by humans and their pets, and

6. Collection and harassment by people.

Beaver Dam slope population of the desert tortoise—This unique population of the desert tortoise is primarily Endangered through habitat modification by grazing animals (competition and actual destruction of feed plants, shelter and overwintering sites, and trampling). Other factors which have contributed to the status of the population include overcollection of individuals for sale to tourists, predation, and habitat modification caused by the use of off road vehicles. Examples of activities that could be detrimental to the environment of this population and lead to further reduction of its viability include:

1. The allowance of unregulated grazing by domestic animals,
2. Development which would destroy burrows and overwintering sites,

3. The unregulated use of off road vehicles in the area, and

4. Collection and harassment by people.

Comments on Critical Habitat

An extensive study sponsored by Monsanto and I–IGE has yielded additional information on the distribution of the Illinois mud turtle on Big Sand Mound in Iowa. As a result of receiving this informaton, the Service now believes that certain modifications should be made to the Critical Habitat area as originally published in the **Federal Register** of July 6, 1978 (43 FR 37662–37665). Accordingly, Critical Habitat is hereby reproposed as follows:

Illinois. Mason County. A circular area with a one mile radius, the center being a point on Sand Ridge Road one mile west of its junction with Cactus Drive; Iowa, Muscatine and Louisa Counties.—(1) SW¼ Section 34 T76N R2W, (2) an area including Spring Lake and the shores of Spring Lake including Monsanto Bay, in Sections 33 and 34 T76N R2W; this boundary should extend approximately 100 meters inland on the south shore as shown on the accompanying map but not inland elsewhere around the lake (3) W½ Section 3 T75N R2W, (4) E¼ Section 4 T75N R2W, (5) a rectangular area beginning at the intersection of Sections 33 and 34 T76N R2W and extending north 1200 feet, thence west 800 feet, thence south 1200 feet, thence east 800 feet back to the intersection of Sections 33 and 34 T76N R2W and Sections 3 and 4 T76N R2W.

To date, no biological information has been received by the Service which would cause a change to be made at this time of the boundaries proposed as Critical Habitat for the Beaver Dam slope population of the desert tortoise. (See the **Federal Register** of August 23, 1978 (43 FR 37662–37665) for details of the original proposal).

A detailed summary of comments received to both the original proposals for listing these species, as well as this reproposal of Critical Habitat, will appear at the time of final rulemaking.

Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain ponds and adjacent land areas within the geographical area occupied by the Illinois mud turtle, as well as desert areas inhabited by the Beaver Dam slope population of the desert tortoise, should be designated as Critical Habitat. Both species occupy a limited range and are highly susceptible to changes in their habitat. Because physical or chemical changes in the waters and land areas occupied by the Illinois mud turtle may result in extinction, designation of Critical Habitat is essential for this turtle's conservation. Likewise, because changes in the plant community, as well as the physical destruction or alteration of burrows and over-wintering sites, may result in the tortoise's extinction designation of Critical Habitat is essential to conservation efforts. The physical and biological features of these habitats are such as to require special management considerations and protection.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes at this time that economic and other impacts of this action are not significant in the foreseeable future. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for either the Illinois mud turtle or the Beaver Dam slope population of the desert tortoise.

Effect of this Proposal if Published as a Final Rule

Section 7(a) of the Act provides:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of Endangered species and Threatened species listed pursuant to Section 7 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an 'agency action') does not jeopardize the continued existence of any Endangered species or Threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to Subsection (h) of Section 7 of the Endangered Species Act Amendments of 1978.

Provisions for Interagency Cooperation are codified at 50 CFR Part 402. If published as a final rule this proposal would require Federal agencies not only to insure that activities they authorize, fund, or carry out, do not jeopardize the continued existence of the Illinois mud turtle or the Beaver Dam slope population of the desert tortoise, but also to insure that their actions do not result in the destruction or adverse modification of these Critical Habitats which have been determined by the Secretary to be critical.

Section 4(f)(4) of the Act requires, to the maximum extent practicable that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by such designation. Such activities are identified below for these species. It should be emphasized that Critical Habitat designation may not affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through Section 7 of the Act.

1. With regard to the Illinois mud turtle, a major threat to the continued existence of this species is the adverse modification of the water quality and levels of the ponds on which it depends. Any significant alteration of the water levels, as by groundwater pumping, or reduction in water quality which would reduce or eliminate vegetation and aquatic prey items of this turtle could adversely modify Critical Habitat. Siltation resulting from land clearing adjacent to ponds or wetlands or pollution of the groundwater could eliminate vegetation and aquatic invertebrates.

2. Because the Illinois mud turtle uses wetlands and ponds, the draining of wetlands and ponds within the Critical Habitat could adversely affect the species.

3. Shoreline modification, filling, and dredging for beaches, dikes, real estate development or similar types of activity could be considered to adversely affect Critical Habitat since they could affect water quality, levels of shoreline, and nesting, hibernation and estivation sites for the species.

4. With regard to the Beaver Dam

slope population of the desert tortoise, overgrazing of the habitat could be expected to adversely modify Critical Habitat since cows trample burrows, may trample young tortoises, destroy cover sites, and compete for food items, especially during the spring and early summer.

5. The driving of off road vehicles through the habitat could eliminate burrows, overwintering sites, and cover as well as destroy browse and directly kill or injure tortoises.

Public Meetings

The Service hereby announces that public meetings will be held on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal. Specific information relating to the public meetings are set out below:

Place	Date	Time	Subject
1. Holiday Inn, Muscatine, Iowa	Jan. 31, 1980	7 p.m	Illinois mud turtle.
2. Hilton Inn, St. George, Utah	Jan. 10, 1980	8 p.m	Beaver Dam slope population of the desert tortoise.
3. Sheraton Inn, Springfield, Ill	Jan. 30, 1980	7 p.m	Illinois mud turtle

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of the Illinois mud turtle and Beaver Dam slope population of the desert tortoise. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of this proposed rule are solicited. The Service particularly requests comments on the following:

1. Biological and other relevant data concerning any threat (or lack thereof) to these species;

2. Additional information concerning the range and the distribution of the species;

3. Current or planned activities in the subject areas;

4. The probable impacts on such activities if the area is designated as Critical Habitat; and

5. The foreseeable economic and other impacts of the Critical Habitat designation.

National Environmental Policy Act

A draft environmental assessment has been prepared and is on file in the Service's Washington Office Endangered Species. The assessment will be the basis for a decision as to whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

Note.—The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Act 12044 and 43 CFR Part 14.

Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

§ 17.95 [Amended]

1. It is proposed that § 17.95(c), Reptiles, be amended by adding Critical Habitat of the Illinois mud turtle after that of the Plymouth red-bellied turtle as follows:

Illinois Mud Turtle

(Kinosternon flavescens spooneri)

Illinois. Mason County. A circular area with a one mile radius, the center being a point on Sand Ridge Road one mile west of its junction with Cactus Drive; Iowa, Muscatine and Louisa Counties, (1) SW¼ Section 34 T76N R2W, (2) an area including Spring Lake and the shores of Spring Lake, including Monsanto Bay, in Section 33 and 34 T76N R2W; this boundary should extend approximately 100 meters inland on the south shore as shown on the accompanying map but not inland elsewhere around the lake, (3) W½ Section 3 T75N R2W, (4) E½ Section 4 T75N R2W, (5) a rectangular area beginning at the intersection of Sections 33 and 34 T76N R2W and Sections 3 and 4 T75N R2W and extending north 1200 feet, thence west 800 feet, thence south 1200 feet, thence east 800 feet back to the intersection of Section 33 and 34 T76N R2W and Section 3 and 4 T75N R2W.

§ 17.95 [Amended]

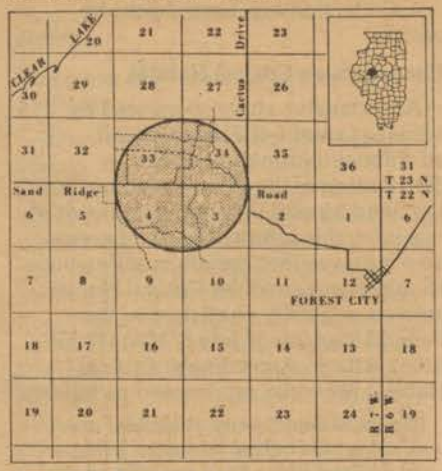
2. Section 17.95(c), Reptiles, is further proposed to be amended by adding Critical Habitat of the Beaver Dam slope population of the desert tortoise after that of the Illinois mud turtle as follows:

Beaver Dam Slope Population of the Desert Tortoise

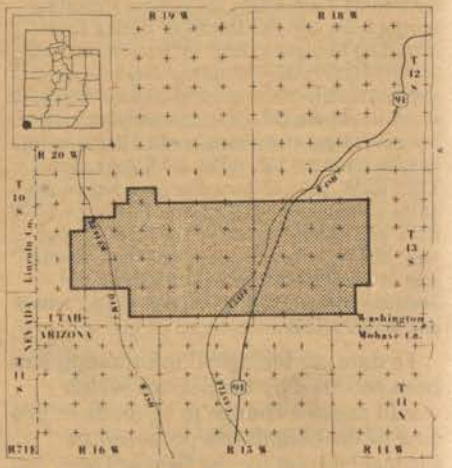
(Gopherus agassizii)

Utah. Washington County. E½ Sections 13 and 24, T43S R20W; S½ Section 7, all of Sections 8 through 28, E½ Section 29, SE ¼ Section 5, SW¼ Section 4, T43S R19W; all of Sections 7 through 10, 15 through 22, 28 through 30, and W½ Section 27, T43S R18W.

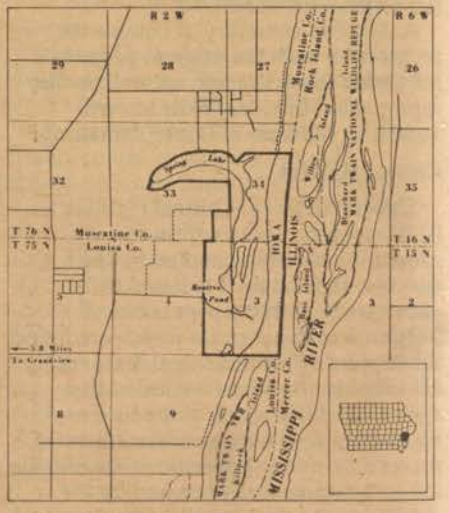
Illinois Mud Turtle
(Mason County, Ill.)



Desert Tortoise
Beaver Dam Slope Population



Illinois Mud Turtle
(Louisa and Muscatine Counties, Iowa)



Dated: November 8, 1979.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 79-37659 Filed 12-6-79; 8:45 am]

BILLING CODE 4310-55-M

federal register

Friday
December 7, 1979

Part VII

Department of Agriculture

Food and Nutrition Service

Food Stamp Act of 1977; SSI/Food Stamp Joint Application Processing

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 273

[Amdt 158]

Food Stamp Act of 1977; SSI/Food Stamp Joint Application Processing

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: The Department is proposing procedures that would enable households applying for or receiving Supplemental Security Income (SSI) to apply for food stamp benefits in Social Security Administration (SSA) offices. These rules are intended to make it easier for such households to obtain food stamp benefits.

DATE: Comments must be received on or before February 7, 1980 in order to be assured consideration. After reviewing all comments, we will publish final regulations. It is proposed that final rules be implemented on the first day of the month following the one hundred and twentieth day after their publication, in order to provide national uniformity in implementation.

ADDRESS: Comments should be submitted to: Claire Lipsman, Director, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250. All written comments will be open to public inspection at the office of the Food and Nutrition Service, USDA, during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 500 12th Street S.W., Washington, D.C. Room 678.

FOR FURTHER INFORMATION CONTACT: Larry R. Carnes, Chief, Regulations and Policy Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250; 202–447–8918.

SUPPLEMENTARY INFORMATION:

Introduction

The regulations implementing the Food Stamp Act of 1964 made households consisting exclusively of SSI recipients categorically eligible for food stamps. The Food Stamp Act of 1977 ended categorical eligibility for these households and required that their eligibility be determined on the same basis as that of all other households. Section 11(i)(2) of the 1977 Act also mandates the Department of Agriculture, in conjunction with the Department of Health, Education and Welfare (HEW) to develop procedures to enable households in which all members recieve SSI benefits to apply for food stamp benefits at SSA Offices and to be certified on the basis of information contained in SSA files.

Extensive meetings were held with HEW to develop procedures which would most efficiently and effectively meet the objectives of the 1977 Act. Due to the basic incompatibility between key elements of eligibility and program procedures in the SSI and Food Stamp Programs, we encountered some serious problems in developing joint procedures. We closely examined the legislative history of the Act to determine the intended extent of SSA involvement in the food stamp certification process. In order to publish proposed rules, both Departments had to reach full agreement on all aspects of the joint procedures. SSA has agreed to procedures proposed in this rulemaking in a Memorandum of Understanding between the Commissioner of SSA and the Administrator of the Food and Nutrition Service (FNS). The Memorandum of Understanding represents FNS and SSA agreement on the fundamental procedures to be proposed, and if necessary can be modified to reflect changes that are made in the final rules based on public comment. Therefore we strongly encourage the public to submit comments. All comments received on or before February 8, 1980 will be fully considered before we draft final rules.

Who would be eligible for these joint procedures?

"Supplemental Security Income" includes only Supplemental Security Income payments made under Title XVI of the Social Security Act, State supplemental payments made under section 1616 of that Act, or payments made under Section 212(a) of Pub. L. 93–66.

The Food Stamp Act of 1977 specifically directs that these joint procedures apply to households in which all members are applying for or receiving SSI benefits—"pure" SSI households. The procedures would pertain to such households which are not already participating in or having an application processed for the Food Stamp Program. We propose that joint processing procedures initially apply only to such "pure" SSI households. These would include households applying for SSI beneifts, being redetermined for SSI benefits, or SSI households who were in the SSA office for any other reason, such as reporting changes in circumstances. The joint procedures would not apply to SSI households currently certified for food stamps and applying for food stamp recertifications.

We decided to limit the initial application of these rules to pure SSI households because of the differences in eligibility criteria and certification units between the two programs. While the basic certification unit of service in the Food Stamp Program is the household, SSA certifies only individuals. This poses no problem for joint processing of pure SSI households. However, because SSA usually does not collect information for any household member(s) *not* applying for or receiving SSI, joint processing of households which contain non-SSI members would substantially increase the workload of SSA workers. It would also require greater familiarity on their part with provisions of the food stamp regulations that do not usually apply to SSI beneficiaries.

While our proposed rules would initially apply only to pure SSI households, except where applications are processed by a colocated State agency worker at an SSA office, the Departments may consider extending these rules to include households containing non-SSI members and the Title II Social Security population after SSA has developed some experience with the Title XVI population under the mandatory joint processing provisions.

Note.—For the sake of brevity, the term "SSI household" is used hereafter to refer to households in which all members are applying for or receiving SSI payments. Households with any members not applying for or receiving SSI payments are referred to as "non-SSI households."

The joint processing procedures will not apply in food stamp cash-out States as defined in § 273.6.

Initial Application

To apply for food stamps, all households must submit signed applications, be interviewed by an eligibility worker and provide required verification of their statements. We are proposing to offer State agencies two options for processing SSI households who wish to apply for food stamps at SSA offices. Under the first option, SSA workers would accept applications, interview applicants, obtain required verification and forward all information to the State agency for an eligibility determination. Under the second option, State agency personnel stationed in SSA offices would perform these functions. These two options are described herein. A State agency could adopt one option for all SSA offices in the State or it could adopt the first option for some

SSA offices and the second option for others.

Regardless of the option selected, joint processing procedures would have to be available during the same hours in which SSI services are provided.

Option one: SSA processing

Under the first option SSA would accept food stamp applications, interview applicants, obtain verification, forward applications and all available verification to the State agency. The State agency would perform all eligibility determinations based on the information forwarded by SSA. Households interviewed by an SSA worker would not be required to see a State agency eligibility worker or be otherwise subject to a State agency interview in order to obtain food stamp benefits. However, the State agency could contact the household to obtain any required verification that had not been provided, to verify questionable information, or to complete the application form, if necessary in order to complete the certification process. This contact might be established by telephone, by home visit or by mail, as such households could not be required to make a separate trip to the food stamp office.

SSA would be required to explain to all SSI households that they could apply for food stamps at SSA offices without having to make a separate trip to a food stamp certification site.

We believe we have met the intent of Congress even though a simplified affidavit is not used.

Application forms. FNS and SSA considered developing a shortened food stamp affidavit to be used nationwide by SSA for joint application purposes. It was assumed that much of the information ordinarily collected on the SSI application/redetermination form could simply be transferred to the food stamp affidavit, and that little additional information would be required for food stamp purposes. We found, however, that much of the information needed to determine food stamp eligibility is not needed to determine SSI eligibility and the affidavit therefore could not be developed as a short form attachment to the SSI application/redetermination form.

We therefore propose that State agencies have the option of using the national food stamp application form, or an approved State form. State agencies that wish to use a State food stamp form instead of the national form would have to submit their forms to SSA and FNS for prior approval. To be approved, a State form could not exceed the national food stamp form in length or complexity.

SSI redeterminations. Households redetermined for SSI eligibility by telephone would be interviewed for food stamp purposes by the SSA worker at the same time, if the household wished to apply for food stamps. SSA would fill out the application and send it to the applicant for signature.

Households redetermined for SSI eligibility by mail would be advised by SSA of the following: the right to file a food stamp application at the local food stamp office; and the right to an out-of-office food stamp interview if the household was unable to appoint an authorized representative.

Determining whether households wish to apply for food stamps. SSA would add two food stamp questions to the SSI application/redetermination form. The first question would ask whether the household is currently receiving food stamp benefits or has applied for them in the past 30 days. The second question would ask, if the household were not currently participating and had not applied, if it now wished to apply for food stamp benefits. SSA would also verbally ask these questions of all SSI households at initial application and at redeterminations, and would explain that SSI households could apply for food stamp benefits at SSA offices without having to make a separate trip to a food stamp office. All pure SSI households indicating a desire to apply for food stamps would be provided with a food stamp application form. The SSA worker would then assist the applicant in completing the form and would accept it for processing.

The State Data Exchange (SDX) files, which contain the information required for SSI eligibility determinations, would include data indicating whether an individual was or was not currently receiving food stamps; and, if not, whether a food stamp application was filed with SSA.

Processing standards. The Act mandates that State agencies complete the certification process and provide benefits to eligible households not later than 30 days following the date signed applications are submitted. These rules propose that signed food stamp aplications taken at SSA Offices be considered filed on the date they are received by SSA. The normal 30-day processing standard described in section 273.2(g) of the food stamp regulations would begin on that date. SSA would forward food stamp applications to the State agency within one working day following the day the SSA worker interviewed the household. Many of the food stamp certification functions would have been performed by SSA before the State agency received the application form and related information. Because most SSI households are interviewed on the same day they contact SSA offices and submit SSI applications and most SSI applications are completed on the day of the interview for SSI benefits, the State agency would probably receive food stamp applications and accompanying verification from SSA within no more than 5 days after the date the food stamp application was filed with SSA. This permits at least 25 days for State agencies to complete the certification process and provide benefits to eligible households. We do not foresee any significant administrative problems that would make it difficult for State agencies to determine eligibility and provide benefits within the 30-day standard, as the incomes and other circumstances of the SSI population are generally stable and needed verification should be relatively easy to obtain.

The State agency would be responsible for providing SSA District Offices with the State agency addresses to which SSA would forward food stamp applications and verification. In the event the food stamp file was sent to an incorrect food stamp office, the State agency would have one working day to forward the file to the correct food stamp office. With FNS and SSA approval State agencies could develop means of transmitting applications other than through the Postal Service.

Where SSA outstations field representatives at branch offices or satellite contact stations, the outstation SSA field representatives would ask SSI households whether they wish to apply for food stamps and would complete applications for those households who did; would interview those households for food stamp purposes; and would forward completed applications and all accompanying information to the proper food stamp office. The regulations as proposed would require that the 30-day standard for processing these applications begin on the date they are received by an SSA representative in such situations as well.

Non-SSI households. SSA would not accept food stamp applications from households containing non-SSI members, but would refer such households to the correct food stamp office, if they wished to apply for food stamp benefits. As the geographic areas administered by SSA District Offices are much larger than food stamp project areas, several counties or project areas may be served by one SSA District Office administrative area. The State agency would be responsible for ensuring that SSA is familiar with the

location of all food stamp offices and can determine to which food stamp office each non-SSI household should be referred.

Expedited service. All of the expedited processing standards of § 273.2(i) would apply to SSI households entitled to expedited service. However, while the 30-day processing standard would begin on the date that the application is received by the SSA, the processing standard for expedited processing would begin the date the application is received by the correct food stamp office.

SSA would prescreen all applications to identify those indicating probable entitlement to expedited service and would mark "Expedited Processing" on the first page of those applications. The State agency would be required to screen *all* applications, rather than just those identified by SSA, to determine which were eligible for expedited service. Those which were identified by SSA as potentially qualifying for expedited service would receive special handling.

SSA would be required to inform households that appeared to qualify for expedited service that they might receive food stamp benefits a few days sooner if they applied directly to the food stamp office. As with all other applications received by SSA, applications marked "Expedited Processing" would be forwarded to the State agency within one working day following the interview with the household.

Administrative costs. The administrative costs to the SSA for performing these food stamp certification functions will be reimbursed by USDA in accordance with the interagency Memorandum of Understanding. We do not foresee significant State agency administrative costs arising from these procedures. We particularly encourage comments on significant State agency costs that could be incurred or administrative difficulties that might arise because of these procedures.

Quality control error rates. Because State agencies will base eligibility determinations largely on information gathered by SSA staff, the question arises as to whether the State agency ought to be held liable for errors caused by SSA staff or rising from information obtained through the State data exchange system. We will shortly propose a modification to our quality control rules that would define any errors arising from SSA processing as administrative deficiencies. Such deficiencies would not be counted against a State agency's cumulative allotment error rate.

Option two: Colocation

The second option available to State agencies for SSI/food stamp joint processing proposes the colocation of at least one full-time State agency food stamp eligibility worker at the SSA District or branch office. The State agency worker would be required to provide applications to an accept applications from both pure SSI households and "mixed" SSI households (those with both SSI and non-SSI members). The worker would also have to interview such households and assist them in completing applications, if necessary. For these households, both the 30-day and expedited processing standards would begin on the date the colocated worker received a signed food stamp application form.

If State agency eligibility workers are colocated in SSA offices, the State agency shall determine whether or not those workers would actually determine eligibility, or whether they would forward the completed applications and verification to the correct food stamp office for eligibility determinations.

Colocated State agency workers will be required to accept applications from households with persons applying for or receiving Title II Social Security Benefits under the same procedures as proposed for SSI households. However, it is proposed that the colocated worker could interview these persons in the SSA office only with the approval of the SSA.

The State agency would be required to assign additional workers to the SSA office as the workload would indicate.

State agencies could also colocate an eligibility worker at an SSA contact station along with an outstationed SSA field representative. The outstationed food stamp eligibility worker would be subject to the same requirements as the food stamp eligibility workers stationed in SSA District or branch offices.

Where colocation was used, the SSA worker would refer households who wished to apply for food stamps to the food stamp eligibility worker after the SSA interview was conducted and would forward to the food stamp eligibility worker a copy of the completed SSA application and any verification and/or redetermination information. The food stamp eligibility worker would then conduct a separate interview for food stamp purposes.

This process would have to be continuous whereby there would be no significant delay between interviews; both interviews would be completed within the same visit, unless there was insufficient time to process the application. While this procedure would not provide a single interview for both SSI and food stamp benefits, it would meet Congressional intent that there be a one-stop application process for both SSI and food stamp benefits.

Geographic jurisdictions. Because SSA District Offices generally administer areas geographically larger than a single food stamp project area, the colocated food stamp eligibility worker would be required to accept food stamp applications from all SSI households that would normally transact business at that SSA office. The eligibility worker could not refer food stamp applicants to a food stamp office because they resided in a food stamp project area or county other than the one in which the SSA office was located. The "correct" SSA office would be the one serving the area in which the household resided. The food stamp worker would not, however, be required to provide service to households that did not reside in the SSA office's district.

Expedited service. The colocated food stamp eligibility worker would screen all households applying for food stamps at the SSA office for entitlement to expedited service. The expedited processing standards would begin on the date that the colocated worker received a signed food stamp application from the household.

Overall State agency responsibilities

The State agency would be responsible for determining which option it wished to adopt for each SSA office and, through the SSA Regional Offices, for making all arrangements necessary for the colocation of State agency food stamp eligibility workers at SSA Offices or for arranging with SSA to accept applicants and interview households. Individual food stamp offices wishing to colocate workers at SSA Offices would not contact SSA directly, but would ask the State office to do so.

Verification

We propose that all of the verification requirements of § 273.2(f) apply to SSI households applying for food stamps at SSA offices under both above options. In order to limit verification burdens on SSI households and facilitate their verification, the Act mandates the implementation of procedures for using information in SSA files for food stamp certification purposes. SSI eligibility information is recorded by SSA on the SDX. We propose that State agencies use SDX information as much as possible to verify information about SSI households for food stamp purposes.

Release of SDX information. HEW rulemaking published in the July 20, 1979 **Federal Register** authorized State agencies to access SDX data for food stamp certification purposes without a signed release statement from the household. State agencies must either make appropriate requests for data under the Freedom of Information Act or amend their data exchange agreements with SSA. State agencies wishing routine user status for the purpose of verifying information about SSI households for food stamp purposes would be responsible for establishing necessary agreements with SSA. Until such agreement is established or if it were not desired, State agencies would be required to obtain a signed release statement from each household member in order to access SDX data.

Use of other than SDX. For households newly applying for SSI benefits, no information will be present in SDX at the time of application. In such cases, verification would have to be obtained from the household. Further, some State agencies may not have the capability to receive and process SDX data from SSA on a timely basis. We propose that these agencies be able to verify through information provided by the household. We also propose that households have the right to provide verification of any statements which are contradicted by information in SDX.

For required verification which is not available at all through SDX, State agencies would seek verification through the household.

The Department proposes that State agencies shall not require food stamp applicants and recipients to personnally present verification at a food stamp office. This provision is designed to prohibit what would amount to a second interview by an SSA worker. Such a second interview would defeat the intent of the Congress, which was to allow one stop application for households applying for food stamps and SSI. Because this proposal is consistent with § 273.2(f)(5) as it now stands, the Department proposes to apply this provision to all households.

Other verification rules. When SSA interviews applicants for food stamps, SSA would forward all verification provided by the household along with the signed application to the designated office of the State agency within one working day following the interview. The State agency would then determine eligibility based on that information. The State agency would not be allowed to contact the household for additional verification unless mandatory verification required by § 273.3(f)(1) were missing, or the State agency determined that certain information on the application was questionable. The State agency would not be allowed to contact SSA for verification of information other than through the SDX system. Conversely, the State agency would not re-verify any information verified through SDX, unless there was reason to believe it was questionable.

Certification periods

In keeping with the legislative intent that participation of SSI households in the food stamp program be facilitated, we propose that State agencies certify households subject to this rulemaking for up to 12 months. If, after two months from the date the household was certified for food stamps, a household applying for SSI benefits had not yet reported to the State agency the results of its SSI eligibility determination, the State agency would verify the results. If the household had been determined eligible for SSI benefits, its food stamp benefits would be adjusted to reflect SSI income, according to the current regulations on processing changes.

If the SSI eligibility determination were still pending, the State would verify the results of the determination at two month intervals until such time as the final determination was made. This procedure would certify households for the longest period possible, while still ensuring that their benefits were adjusted to reflect SSI income. However, the procedure would depend upon a State agency ability to identify all jointly processed SSI households for at least two months following their certification for food stamps and two months thereafter as required. We appreciate comments on the feasibility of this provision and alternatives to it.

Reporting Changes

We propose that households processed under these rules have the same reporting requirements as all other food stamp households and that they be provided with the standard food stamp change report form. We do not propose a joint SSI/food stamp change reporting requirement. For households interviewed by SSA, we propose that the State agency have the option of requiring the household to report the initial SSI payment or of relying on SDX data for that information. If the household were notified at the time of certification for food stamps that its food stamp benefits would be reduced upon receipt of the SSI payment, the State agency would not have to send an individual notice of adverse action to such households when it reduced their benefits for this reason.

Mass changes. Cost-of-living adjustments and other Federal adjustments to SSI benefits would be handled in accordance with food stamp rules governing mass changes. In the October 30, 1979 **Federal Register**, USDA proposed modifications to these rules.

Recertification

State agencies would be required to provide a notice of expiration to all SSI households certified for food stamps in accordance with the notification requirements of § 273.14(b). All applications for recertification would be submitted to the State agency and the State would complete all application processing. The rules proposed for joint SSA/State agency processing would not apply to applications for recertification.

In accordance with § 273.2(e)(2) of the food stamp regulations, any SSI household which was unable to appoint an authorized representative would be entitled to an out-of-office interview. State agencies will also be permitted to recertify SSI households on the basis of an application submitted by mail, without the need for an interview.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

1. An additional sentence is added to § 273.2(f)(5)(ii) and new paragraphs (F)(8) and (K) are added to § 273.2 to read as follows:

§ 273.2 Application processing.

* * * * *

(f) * * *

* * * * *

(5) *Responsibility for obtaining verification.*

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(ii) * * * The State agency shall not require the household to personally present verification at a food stamp office.

* * * * *

(8) *State Data Exchange (SDX).* The State agency shall have the option of verifying SSI benefit payments through the State Data Exchange (SDX) or through verification provided by the household. In addition, the State agency may use SDX data to verify other food stamp eligibility criteria provided the household is given an opportunity to verify the information from another source if the SDX information is contradictory to the household's information or unavailable. However, determination of a household's eligibility and benefit level shall not be delayed past the application processing time standards of § 273.(g) if the SDX data is unavailable. The State agency may access SDX data without a release

statement from the household provided the State agency makes the appropriate data request to SSA or executes any SDX data exchange agreements required by the SSA. The State agency may access SDX on a need-to-know basis.

* * * * *

(k) *SSI households.* Except in SSI cash-out States (273.6), households all of whose members are participating in or applying for the Supplemental Security Income (SSI) program, and who are not participating in the Food Stamp Program or have not applied for food stamps in the thirty preceding days shall be allowed to apply for food stamp benefits at the Social Security Administration (SSA) office where they apply for SSI benefits. These households' food stamp eligibility and benefit levels shall be based solely on food stamp eligibility criteria. Such households shall be certified in accordance with the notice, procedural and timeliness requirements of the Food Stamp Act of 1977 and its implementing regulations. The State agency shall make an eligibility determination based on information provided by SSA or by the household.

(1) *Initial application and eligibility determination.* The State agency may either arrange for SSA to complete and forward food stamp applications or may colocate State food stamp eligibility workers at the SSA Offices, based upon an agreement negotiated between the State agency and the SSA.

(i) If the State agency arranges with the SSA to complete and forward food stamp applications the following actions shall be taken:

(A) Whenever a member of an SSI household entitled to joint processing transacts SSI business at an SSA office, the SSA shall inform the household of:

(*1*) Its rights to apply for food stamps at the SSA office without going to the food stamp office; and

(*2*) Its rights to apply at a food stamp office if it chooses to do so.

(B) The SSA will accept and complete food stamp applications received at the SSA Office from SSI households and forward them within one working day after the household is interviewed to a designated office of the State agency. The SSA will also forward all available verification and documentation to the State agency with the application. The SSA will use the national food stamp application form for joint processing. State agencies may substitute a State food stamp only application, which is no longer or more complex than the national form provided that prior approval is received from both FNS and SSA.

(C) SSA will accept and complete food stamp applications from SSI households received by SSA field representatives. The outstationed worker will forward all food stamp applications from SSI households to the designated food stamp office.

(D) The State agency shall designate an address for the SSA to forward food stamp applications and accompanying information to the State agency for eligibility determination. Applications and accompanying information must be forwarded to the agreed upon address within one working day.

(E) The State agency shall make an eligibility determination and issue food stamp benefits to eligible SSI households within 30 days following the date the application was received by the SSA. Applications shall be considered filed for normal processing purposes when the signed application is received by SSA. The filing date for expedited services is the date the correct food stamp office receives the application. Food Stamp applications and supporting documentation sent to an incorrect food stamp office shall be sent to the correct office, by the State agency, within one working day of their receipt.

(F) Households in which all members are applying for or participating in SSI will not be required to see a State eligibility worker, other than colocated workers, or otherwise be subjected to additional State interview requirements to obtain the benefits of both programs. Following the SSA interview, the food stamp application will be processed by the State agency. The State agency shall not contact the household further in order to obtain information for certification food stamp benefits unless: the application is improperly completed; mandatory verification required by § 273.2(f)(2) is missing; or, the State agency determines that certain information on the application is questionable. In no event would the applicant be required to appear at the food stamp office to finalize the eligibility determination.

(G) The SSA shall refer non-SSI households to the correct food stamp office. The State agencies shall process those applications in accordance with the procedures noted in § 273.2. Application from such households shall be considered filed on the date the signed application is taken at the correct State agency office, and the normal and expedited processing time standards shall begin on that date.

(H) The SSA shall prescreen all applications for entitlement to expedited services on the day the application is received at the SSA office and shall mark "Expedited Processing" on the first page of all households' applications that appear to be entitled to such processing. The SSA will inform households which appear to meet criteria for expedited service that benefits may be issued a few days sooner if the household applies directly at the food stamp office.

(I) The State agency shall prescreen all applications received from the SSA for entitlement to expedited service on the day the application is received at the correct food stamp office. All SSI households entitled to expedited service shall be certified in accordance with § 273.2(i) except that the expedited processing time standard shall begin on the date the application is received at the correct State agency office.

(J) The State agency shall develop and implement a method to determine if members of SSI households whose applications are forwarded by the SSA are already participating in the Food Stamp Program directly through the State agency.

(K) If SSA takes an SSI application or redetermination on the telephone, a food stamp application shall also be completed during the telephone interview. In these cases, the food stamp application shall be mailed to the claimant for signature. Although the State agency may not require the household to be interviewed again in the food stamp office the State agency is not precluded from conducting an out-of-office interview, even though the individual's contact was with SSA.

(L) To a household redetermined for SSI by mail, the SSA shall send a notice informing it of the following: its right to file a food stamp application at the local food stamp office and its right to an out-of-office food stamp interview if the household is unable to appoint an authorized representative.

(M) SSA shall not be responsible for work registration procedures. The State agency is responsible however, to perform all work registration functions in accordance with § 273.7.

(N) Section 272.4 bilingual requirements shall not apply to the Social Security Administration

(ii) If the State agency chooses to colocate eligibility workers at SSA District Offices, the following actions shall be completed.

(A) SSA will provide adequate space for State food stamp eligibility workers in District or Branch Offices.

(B) The State agency shall have at least one colocated worker on duty at all time periods during which SSI households may be referred for food stamp application processing. In most cases this would require the availability of a colocated worker throughout normal business hours.

(C) The State agency may permit the eligibility worker colocated at the SSA to determine the eligibility of households, or may require that completed applications be forwarded to the food stamp office for the final eligibility determination.

(D) The State agency shall accept applications from, and interview, households who would normally obtain services at the SSA office and who express a desire to apply for food stamps. These households may be composed entirely of SSI applicants and recipients. They may also contain SSI clients and others. These households shall be interviewed for food stamps on the day of application unless there is insufficient time to conduct an interview.

(E) The State agency shall not refuse to provide service to persons served by the SSA office because they do not reside in the county or project area in which the SSA office is located, provided, however, that they reside within the jurisdictions served by the SSA office. The State agency is not required to accept food stamp application from persons who are not residing within the SSA office jurisdiction.

(F) The colocated State agency worker shall accept applications from applicants for and recipients of Social Security benefits. At the option of the State agency and with the approval of SSA, the colocated worker may also interview these applicants and/or recipients.

(iii) Regardless of whether the State agency or SSA conducts the food stamp interview, the following actions shall be taken:

(A) *Verification.* (1) The State agency shall verify all of the information required by § 273.2(f) prior to certification for households initially applying. Households entitled to expedited certification services shall be processed in accordance with § 273.2(i).

(2) The State agency has the option of verifying SSI benefit payments as much as possible through the State Data Exchange (SDX) and/or through verification provided by the household.

(3) The State agency may verify other income through the SDX. Information verified through SDX shall not be reverified unless it is questionable. Households shall be given the opportunity to provide verification from another source if all necessary information is not available on the SDX or if the SDX information is contradictory to other household information.

(B) *Certification periods.* The State agency shall certify households consisting entirely of SSI recipients for up to 12 months, except for States which must assign the initial certification period to coincide with adjustments to the SSI grant as designated in § 273.2(k)(l)(iii)(C).

(C) *Changes in Circumstances.* (*1*) SSI households shall report changes in gross monthly income of more than $25 changes in household composition, changes in residence and shelter costs, the acquistion of vehicles, and when liquid assets exceed $1750 in accordance with requirements contained in § 273.12.

(*2*) The State agency has the option of requiring the household to report the amount and the date of the initial SSI payment or relying on the SDX. The State agency shall rely on SDX to the greatest extent possible. Two months after certification, the State agency shall verify the amount and date of the initial SSI payment if the household has not done so. If a final determination is still pending, the State agency will check on the status of the SSI determination at two month intervals thereafter, until a final determination is made.

(*3*) The State agency shall procees adjustments to SSI cases resulting from mass changes, in accordance with provisions of § 273.12(e).

(D) *SSI households applying at the food stamp office.*

The State agency shall allow SSI households to submit food stamp applications to local food stamp offices rather than through the SSA if the household chooses. In such cases all verification, including that pertaining to SSI program benefits, shall be provided by the SSI household or obtianed by the State agency rather than being provided by the SSA.

(2) *Recertification.* The State agency shall complete the application process and approve or deny timely applications for recertification in accordance with § 273.14 of the food stamp regulations. A face-to-face interview shall be waived if requested by a household consisting entirely of SSI participants which does not appoint an authorized representative. The State agency shall provide SSI households with a notice of expiration in accordance with § 273.14(b), except that such notification shall inform households consisting entirely of SSI recipients that they are entitled to a waiver of a face-to-face interview if the household is unable to appoint an authorized representative.

The joint application processing requirements of § 273.2(k)(1) shall not apply to applications at recertification. The State agency may, however, use the SSA State Data Exchange (SDX) to verify information at recertification.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011—2027))

Note.—This proposal has been reviewed under USDA critieria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as significant. An impact statement has been prepared and is available from Claire Lipsman, Director, Program Development Division, Food and and Nutrition Service, U.S. Department of Argriculture, Washington D.C. 20250.

(Catalogue of Federal Domestic Programs No. 10.551, Food Stamps)

Dated: December 4, 1979.

Carol Tucker Foreman,

Assistant Secretary.

[FR Doc. 79-37713 Filed 12-6-79; 8:45 am]

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Federal Register

Friday
December 7, 1979

Part VIII

Department of Energy

Standby Federal Conservation Plan

DEPARTMENT OF ENERGY

10 CFR Part 576

[CAS-RM-79-507]

Standby Federal Conservation Plan

AGENCY: Department of Energy.

ACTION: Notice of Inquiry.

SUMMARY: The recently enacted Emergency Energy Conservation Act of 1979 (the Act) directs a variety of actions at both Federal and State levels to further reduce public and private use of available energy resources. Title II of the Act establishes a mechanism for restraining domestic energy demand for energy sources such as gasoline, diesel, and home heating oil (1) when a severe energy supply interruption exists, (2) when such an interruption is imminent, or (3) when required to fulfill certain international obligations of the United States.

Upon a finding by the President that any of the foregoing circumstances exists with respect to any energy source, he may establish monthly emergency conservation targets for that energy source for the Nation generally and for each State. Under the Act, such targets are to be met in the States by activating emergency energy conservation plans developed by each State and approved by the Secretary of Energy. However, should the President find, after a reasonable period of time, that a given State's target is not being substantially met and is likely to continue to be unmet, he must impose all or part of a standby Federal emergency conservation plan.

The standby Federal emergency conservation plan is required by the Act to be established by the Department of Energy by February 4, 1980, whether or not conservation targets for specific energy sources have been established.

This notice requests comments on the types of measures which should, or should not, be included in the standby Federal emergency conservation plan, the rationale for such measures, and the level of shortage (i.e., mild or acute) at which those measures should be brought into effect.

DATE: Written response to this Notice of Inquiry should be received by DOE no later than December 20, 1979, 4:30 p.m.

ADDRESS: Send comments to Ms. Carol Snipes, Hearings and Dockets, Conservation and Solar Energy, Department of Energy, 20 Massachusetts Avenue, N.W., Mail Stop 2221C, Washington, D.C. 20585, telephone (202) 376-1651.

FOR FURTHER INFORMATION CONTACT:

Henry G. Bartholomew or Lorn Harvey, Conservation and Solar Energy, Department of Energy, 1000 Constitution Avenue, S.W., Room GE-004A, Washington, D.C. 20585, (202) 252-4966.

Lewis W. Shollenberger, Jr. or Christopher T. Smith, Office of General Counsel, Department of Energy, Mail Stop 2221C, Room 3228, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585, (202) 376-9297.

SUPPLEMENTAL INFORMATION: Title II of the Emergency Energy Conservation Act of 1979 (Pub. L. 96-102) provides the framework for a coordinated national response to a severe energy supply interruption. Title II of this Act is appended to this notice and all references are to sections in that Title. If the President finds that an interruption exists or is imminent, or that actions to restrain domestic energy demand are necessary to fulfill the obligations of the United States under the international energy program, he can establish monthly emergency conservation targets for each affected energy source, for example, gasoline or home heating oil, for the Nation and for each State (section 211(a)). Within 45 days after these targets are established, States must submit emergency conservation plans which contain measures they will enforce to reduce consumption of each targeted energy source in compliance with the applicable target (section 212(a)).

Under this statute, the Department of Energy (DOE) is directed to establish a standby Federal emergency conservation plan by February 4, 1980. The Federal plan is to provide for the emergency reduction in the public and private use of energy (section 213(a)). It will contain the emergency energy conservation measures which the Secretary of Energy believes will be most effective in achieving the emergency reduction in the use of each energy source for which a target is or may be in effect under section 211 of the Act. The President must impose this plan in any State which he finds is not, after a reasonable period of time, substantially meeting a conservation target established under section 211 (section 213(b)). The plan will also serve as an example which States can follow in preparing their own conservation plans pursuant to section 212 of the Act.

By this notice, the Department of Energy solicits comment and suggestions on types of measures the standby Federal conservation plan should contain. Since the Federal plan must provide for emergency reduction in the use of any targeted energy source, DOE seeks comments on measures which conserve specific energy sources, such as gasoline, home heating oil, diesel fuel, residual fuel oil, and natural gas. At this time, comments on measures to conserve gasoline would be particularly useful. In addition, since the Federal plan must contain measures which can offset shortages of varying degrees of severity, comments should, if possible, specify when or how a measure would be applied at different levels of shortages. Comments received by December 20, 1979 will be considered in the course of developing the Federal plan.

After considering the comments received in response to this notice and to the extent time permits, DOE intends to publish for comment selected conservation measures which may be appropriate for inclusion in a standby Federal energy conservation plan. The standby Federal plan is scheduled to be published as an interim final rule on February 4, 1980.

All responses to this notice should be sent to Ms. Carol Snipes, Conservation and Solar Energy, Department of Energy, 20 Massachusetts Avenue, N.W. Room 2221-C, Washington, D.C. 20585, telephone (202) 376-1651. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Standby Federal Conservation Plan", Docket No. CAS-RM-79-507. Twenty copies should be submitted.

All comments received by December 20, 1979, 4:30 p.m., will be considered by DOE in developing the standby Federal plan. All comments received by DOE will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room GA-142, Forrestal Building, Independence Avenue and L'Enfant Plaza, S.W., Washington, D.C. 20585, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Emergency Energy Conservation Act of 1979, Pub. L. 96-102; Department of Energy Organization Act, Pub. L. 95-91.

John M. Deutch,

Under Secretary.

BILLING CODE 6450-01-M

TITLE II—EMERGENCY ENERGY CONSERVATION

SEC. 201. FINDINGS AND PURPOSES.

42 USC 8501.

(a) FINDINGS.—The Congress finds that—

(1) serious disruptions have recently occurred in the gasoline and diesel fuel markets of the United States;

(2) it is likely that such disruptions will recur;

(3) interstate commerce is significantly affected by those market disruptions;

(4) an urgent need exists to provide for emergency conservation and other measures with respect to gasoline, diesel fuel, home heating oil, and other energy sources in potentially short supply in order to cope with market disruptions and protect interstate commerce; and

(5) up-to-date and reliable information concerning the supply and demand of gasoline, diesel fuel, and other related data is not available to the President, the Congress, or the public.

(b) PURPOSES.—The purposes of this title are to—

(1) provide a means for the Federal Government, States, and units of local government to establish emergency conservation measures with respect to gasoline, diesel fuel, home heating oil, and other energy sources which may be in short supply;

(2) establish other emergency measures to alleviate disruptions in gasoline and diesel fuel markets;

(3) obtain data concerning such fuels; and

(4) protect interstate commerce.

SEC. 202. DEFINITIONS.

42 USC 8502.

For purposes of this title—

(1) The term "severe energy supply interruption", when used with respect to motor fuel or any other energy source, means a national energy supply shortage of such energy source which the President determines—

(A) is, or is likely to be, of significant scope and duration;

(B) may cause major adverse impact on national security or the national economy; and

(C) results, or is likely to result, from an interruption in the energy supplies of the United States, including supplies of imported petroleum products, or from sabotage or an act of God.

(2) The term "international energy program" has the meaning given that term in section 3(7) of the Energy Policy and Conservation Act (42 U.S.C. 6202).

(3) The term "motor fuel" means gasoline and diesel fuel.

(4) The term "person" includes (A) any individual, (B) any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company, and (C) the government or any agency of the United States or any State or political subdivision thereof.

(5) The term "vehicle" means any vehicle propelled by motor fuel and manufactured primarily for use on public streets, roads, and highways.

(6) The term "Secretary" means the Secretary of Energy.

(7) The term "Governor" means the chief executive officer of a State.

(8) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

Part A—Emergency Energy Conservation Program

SEC. 211. NATIONAL AND STATE EMERGENCY CONSERVATION TARGETS.

42 USC 8511.

(a) DETERMINATION AND PUBLICATION OF TARGETS.—(1) Whenever the President finds, with respect to any energy source for which the President determines a severe energy supply interruption exists or is imminent or that actions to restrain domestic energy demand are required in order to fulfill the obligations of the United States under the international energy program, the President, in furtherance of the purposes of this title, may establish monthly emergency conservation targets for any such energy source for the Nation generally and for each State.

Transmittal to Congress.

(2) Any finding of the President under paragraph (1) shall be promptly transmitted to the Congress, accompanied by such information and analysis as is necessary to provide the basis for such finding, and shall be disseminated to the public.

(3)(A) The State conservation target for any energy source shall be equal to (i) the State base period consumption reduced by (ii) a uniform national percentage.

"State base period consumption."

(B) For the purposes of this subsection, the term "State base period consumption" means, for any month, the product of the following factors, as determined by the President:

(i) the consumption of the energy source for which a target is established during the corresponding month in the 12-month period prior to the first month for which the target is established; and

(ii) a growth adjustment factor, which shall be determined on the basis of the trends in the use in that State of such energy source during the 36-month period prior to the first month for which the target is established.

(C)(i) The President shall adjust, to the extent he determines necessary, any State base period consumption to insure that achievement of a target established for that State under this subsection will not impair the attainment of the objectives of section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 753(b)(1)).

(ii) The President may, to the extent he determines appropriate, further adjust any State base period consumption to reflect—

(I) reduction in energy consumption already achieved by energy conservation programs;

(II) energy shortages which may affect energy consumption; and

(III) variations in weather from seasonal norms.

(D) For purposes of this subsection, the uniform national percentage shall be designed by the President to minimize the impact on the domestic economy of the projected shortage in the energy source for which a target is established by saving an amount of such energy source equivalent to the projected shortage, taking into consideration such other factors related to that shortage as the President considers appropriate.

Publication in Federal Register

(b) NOTIFICATION AND PUBLICATION OF TARGETS.—The President shall notify the Governor of each State of each target established under subsection (a) for that State, and shall publish in the Federal Register, the targets, the base period consumption for each State and other data on which the targets are based, and the factors considered under subsection (a)(3).

(c) ESTABLISHMENT OF TARGETS FOR FEDERAL AGENCIES.—In connection with the establishment of any national target under subsection (a) the President shall make effective an emergency energy conservation plan for the Federal Government, which plan shall be designed

to achieve an equal or greater reduction in use of the energy source for which a target is established than the national percentage referred to in subsection (a)(3)(D). Such plan shall contain measures which the President will implement, in accordance with other applicable provisions of law, to reduce on an emergency basis the use of energy by the Federal Government. In developing such plan the President shall consider the potential for emergency reductions in energy use—

(1) by buildings, facilities, and equipment owned, leased, or under contract by the Federal Government; and

(2) by Federal employees and officials through increased use of car and van pooling, preferential parking for multipassenger vehicles, and greater use of mass transit.

(d) REVIEW OF TARGETS.—(1) From time to time, the President shall review and, consistent with subsection (a), modify to the extent the President considers appropriate the national and State energy conservation targets established under this subsection.

(2) Any modification under this paragraph shall be accompanied by such information and analysis as is necessary to provide the basis therefor and shall be available to the Congress and the public.

(3)(A) Before the end of the 12th month following the establishment of any conservation target under this section, and annually thereafter while such target is in effect, the President shall determine, for the energy source for which that target was established, whether a severe energy supply interruption exists or is imminent or that actions to restrain domestic energy demand are required in order to fulfill the obligations of the United States under the international energy program. The President shall transmit to the Congress and make public the information and other data on which any determination under this subparagraph is based. Transmittal to Congress.

(B) If the President determines such an energy supply interruption does not exist or is not imminent or such actions are not required, the conservation targets established under this section with respect to such energy source shall cease to be effective.

(e) DETERMINATION AND PUBLICATION OF ACTUAL CONSUMPTION NATIONALLY AND STATE-BY-STATE.—Each month the Secretary shall determine and publish in the Federal Register (1) the level of consumption for the most recent month for which the President determines accurate data is available, nationally and for each State, of any energy source for which a target under subsection (a) is in effect, and (2) whether the targets under subsection (a) have been substantially met or are likely to be met. Publication in Federal Register.

(f) PRESIDENTIAL AUTHORITY NOT TO BE DELEGATED.—Notwithstanding any other provision of law, the authority vested in the President under this section may not be delegated.

SEC. 212. STATE EMERGENCY CONSERVATION PLAN.

(a) STATE EMERGENCY CONSERVATION PLANS.—(1)(A) Not later than 45 days after the date of the publication of an energy conservation target for a State under section 211(b), the Governor of that State shall submit to the Secretary a State emergency conservation plan designed to meet or exceed the emergency conservation target in effect for that State under section 211(a). Such plan shall contain such information as the Secretary may reasonably require. At any time, the Governor may, with the approval of the Secretary, amend a plan established under this section. 42 USC 8512.

(B) The Secretary may, for good cause shown, extend to a specific date the period for the submission of any State's plan under subparagraph (A) if the Secretary publishes in the Federal Register notice of that extension together with the reasons therefor. Publication in Federal Register.

(2) Each State is encouraged to submit to the Secretary a State emergency conservation plan as soon as possible after the date of the enactment of this Act and in advance of such publication of any such target. The Secretary may tentatively approve such a plan in accordance with the provisions of this section. For the purposes of this part such tentative approval shall not be construed to result in a delegation of Federal authority to administer or enforce any measure contained in a State plan.

(b) CONSERVATION MEASURES UNDER STATE PLANS.—(1) Each State emergency conservation plan under this section shall provide for emergency reduction in the public and private use of each energy source for which an emergency conservation target is in effect under section 211. Such State plan shall contain adequate assurances that measures contained therein will be effectively implemented in that State. Such plan may provide for reduced use of that energy source through voluntary programs or through the application of one or more of the following measures described in such plan:

(A) measures which are authorized under the laws of that State and which will be administered and enforced by officers and employees of the State (or political subdivisions of the State) pursuant to the laws of such State (or political subdivisions); and

(B) measures—

(i) which the Governor requests, and agrees to assume, the responsibility for administration and enforcement in accordance with subsection (d);

(ii) which the attorney general of that State has found that (I) absent a delegation of authority under Federal law, the Governor lacks the authority under the laws of the State to invoke, (II) under applicable State law, the Governor and other appropriate State officers and employees are not prevented from administering and enforcing under a delegation of authority pursuant to Federal law; and (III) if implemented, would not be contrary to State law; and

(iii) which either the Secretary determines are contained in the standby Federal conservation plan established under section 213 or are approved by the Secretary, in his discretion.

(2) In the preparation of such plan (and any amendment to the plan) the Governor shall, to the maximum extent practicable, provide for consultation with representatives of affected businesses and local governments and provide an opportunity for public comment.

(3) Any State plan submitted to the Secretary under this section may permit persons affected by any measure in such plan to use alternative means of conserving at least as much energy as would be conserved by such measure. Such plan shall provide an effective procedure, as determined by the Secretary, for the approval and enforcement of such alternative means by such State or by any political subdivision of such State.

(c) APPROVAL OF STATE PLANS.—(1) As soon as practicable after the date of the receipt of any State plan, but in no event later than 30 days after such date, the Secretary shall review such plan and shall approve it unless the Secretary finds—

(A) that, taken as a whole, the plan is not likely to achieve the emergency conservation target established for that State under section 211(a) for each energy source involved,

(B) that, taken as a whole, the plan is likely to impose an unreasonably disproportionate share of the burden of restric-

tions of energy use on any specific class of industry, business, or commercial enterprise, or any individual segment thereof,

(C) that the requirements of this part regarding the plan have not been met, or

(D) that a measure described in subsection (b)(1) is—

(i) inconsistent with any otherwise applicable Federal law (including any rule or regulation under such law),

(ii) an undue burden on interstate commerce, or

(iii) a tax, tariff, or user fee not authorized by State law.

(2) Any measure contained in a State plan shall become effective in that State on the date the Secretary approves the plan under this subsection or such later date as may be prescribed in, or pursuant to, the plan.

(d) STATE ADMINISTRATION AND ENFORCEMENT.—(1) The authority to administer and enforce any measure described in subsection (b)(1)(B) which is in a State plan approved under this section is hereby delegated to the Governor of the State and the other State and local officers and employees designated by the Governor. Such authority includes the authority to institute actions on behalf of the United States for the imposition and collection of civil penalties under subsection (e).

(2) All delegation of authority under paragraph (1) with respect to any State shall be considered revoked effective upon a determination by the President that such delegation should be revoked, but only to the extent of that determination.

Statement to Governor and President.

(3) If at any time the conditions of subsection (b)(1)(B)(ii) are no longer satisfied in any State with respect to any measure for which a delegation has been made under paragraph (1), the attorney general of that State shall transmit a written statement to that effect to the Governor of that State and to the President. Such delegation shall be considered revoked effective upon receipt by the President of such written statement and a determination by the President that such conditions are no longer satisfied, but only to the extent of that determination and consistent with such attorney general's statement.

(4) Any revocation under paragraph (2) or (3) shall not affect any action or pending proceedings, administrative or civil, not finally determined on the date of such revocation, nor any administrative or civil action or proceeding, whether or not pending, based upon any act committed or liability incurred prior to such revocation.

(e) CIVIL PENALTY.—(1) Whoever violates the requirements of any measure described in subsection (b)(1)(B) which is in a State plan in effect under this section shall be subject to a civil penalty of not to exceed $1,000 for each violation.

(2) Any penalty under paragraph (1) may be assessed by the court in any action brought in any appropriate United States district court or any other court of competent jurisdiction. Except to the extent provided in paragraph (3), any such penalty collected shall be deposited into the general fund of the United States Treasury as miscellaneous receipts.

(3) The Secretary may enter into an agreement with the Governor of any State under which amounts collected pursuant to this subsection may be collected and retained by the State to the extent necessary to cover costs incurred by that State in connection with the administration and enforcement of measures the authority for which is delegated under subsection (d).

SEC. 213. STANDBY FEDERAL CONSERVATION PLAN.

42 USC 8513.

(a) ESTABLISHMENT OF STANDBY CONSERVATON PLAN.—(1) Within 90 days after the date of the enactment of this part, the Secretary, in accordance with section 501 of the Department of Energy Organization Act (42 U.S.C. 7191), shall establish a standby Federal emergency conservation plan. The Secretary may amend such plan at any time, and shall make such amendments public upon their adoption.

(2) The plan under this section shall be consistent with the attainment of the objectives of section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 753(b)(1)), and shall provide for the emergency reduction in the public and private use of each energy source for which an emergency conservation target is in effect or may be in effect under section 211.

(b) IMPLEMENTATION OF STANDBY CONSERVATION PLAN.—(1) If the President finds—

(A) after a reasonable period of operation, but not less than 90 days, that a State emergency conservation plan approved and implemented under section 212 is not substantially meeting a conservation target established under section 211(a) for such State and it is likely that such target will continue to be unmet; and

(B) a shortage exists or is likely to exist in such State for the 60-day period beginning after such finding that is equal to or greater than 8 percent of the projected normal demand, as determined by the President, for an energy source for which such conservation target has been established under section 211(a);

then the President shall, after consultation with the Governor of such State, make effective in such State all or any part of the standby Federal conservation plan established under subsection (a) for such period or periods as the President determines appropriate to achieve the target in that State.

(2) If the President finds after a reasonable period of time, that the conservation target established under section 211(a) is not being substantially met and it is likely that such target will continue to be unmet in a State which—

(A) has no emergency conservation plan approved under section 212; or

(B) the President finds has substantially failed to carry out the assurances regarding implementation set forth in the plan approved under section 212,

then the President shall, after consultation with the Governor of such State, make effective in such State all or any part of the standby Federal conservation plan established under subsection (a) for such period or periods as the President determines appropriate to achieve the target in that State.

(c) BASIS FOR FINDINGS.—Any finding under subsection (b) shall be accompanied by such information and analysis as is necessary to provide a basis therefor and shall be available to the Congress and the public.

(d) SUBMISSION OF STATE EMERGENCY CONSERVATION PLAN.—(1) The Governor of a State in which all or any portion of the standby Federal conservation plan is or will be in effect may submit at any time a State emergency conservation plan, and if it is approved under section 212(c), all or such portion of the standby Federal conservation plan shall cease to be effective in that State. Nothing in this paragraph shall affect any action or pending proceedings, administrative or civil, not finally determined on such date, nor any administrative or civil action or proceeding, whether or not pending, based

upon any act committed or liability incurred prior to such cessation of effectiveness.

(e) STATE SUBSTITUTE EMERGENCY CONSERVATION MEASURES.—(1) After the President makes all or any part of the standby Federal conservation plan effective in any State or political subdivision under subsection (b), the Secretary shall provide procedures whereby such State or any political subdivision thereof may submit to the Secretary for approval one or more measures under authority of State or local law to be implemented by such State or political subdivision and to be substituted for any Federal measure in the Federal plan. The measures may include provisions whereby persons affected by such Federal measure are permitted to use alternative means of conserving at least as much energy as would be conserved by such Federal measure. Such measures shall provide effective procedures, as determined by the Secretary, for the approval and enforcement of such alternative means by such State or by any political subdivision thereof.

(2) The Secretary may approve the measures under paragraph (1) if he finds—

(A) that such measures when in effect will conserve at least as much energy as would be conserved by such Federal measure which would have otherwise been in effect in such State or political subdivision;

(B) such measures otherwise meet the requirements of this paragraph; and

(C) such measures would be approved under section 212(c)(1)(B), (C), and (D).

(3) If the Secretary approves measures under this subsection such Federal measure shall cease to be effective in that State or political subdivision. Nothing in this paragraph shall affect any action or pending proceedings, administrative or civil, not finally determined on the date the Federal measure ceases to be effective in that State or political subdivision, nor any administrative or civil action or proceeding, whether or not pending, based upon any act committed or liability incurred prior to such cessation of effectiveness.

(4) If the Secretary finds after a reasonable period of time that the requirements of this subsection are not being met under the measures in effect under this subsection he may reimpose the Federal measure referred to in paragraph (1).

(f) STATE AUTHORITY TO ADMINISTER PLAN.—At the request of the Governor of any State, the President may provide that the administration and enforcement of all or a portion of the standby Federal conservation plan made effective in that State under subsection (b) be in accordance with section 212(d) (1), (2), and (4).

(g) PRESIDENTIAL AUTHORITY NOT TO BE DELEGATED.—Notwithstanding any other provision of law (other than subsection (f)), the authority vested in the President under this section may not be delegated.

(h) REQUIREMENTS OF PLAN.—The plan established under subsection (a) shall—

(1) taken as a whole, be designed so that the plan, if implemented, would be likely to achieve the emergency conservation target under section 211 for which it would be implemented,

(2) taken as a whole, be designed so as not to impose an unreasonably disproportionate share of the burden of restrictions on energy use on any specific class of industry, business, or commercial enterprise, or any individual segment thereof, and

(3) not contain any measure which the Secretary finds—

(A) is inconsistent with any otherwise applicable Federal law (including any rule or regulation under such law),

(B) is an undue burden on interstate commerce,

(C) is a tax, tariff, or user fee, or

(D) is a program for the assignment of rights for end-user purchases of gasoline or diesel fuel, as described in section 203(a)(1) (A) and (B) of the Energy Policy and Conservation Act (42 U.S.C. 6263).

(i) PLAN MAY NOT AUTHORIZE WEEKEND CLOSINGS OF RETAIL GASOLINE STATIONS.—(1) Except as provided in paragraph (2), the plan established under subsection (a) may not provide for the restriction of hours of sale of motor fuel at retail at any time between Friday noon and Sunday midnight.

(2) Paragraph (1) shall not preclude the restriction on such hours of sale if that restriction occurs in connection with a program for restricting hours of sale of motor fuel each day of the week on a rotating basis.

(j) CIVIL PENALTIES.—(1) Whoever violates the requirements of such a plan implemented under subsection (b) shall be subject to a civil penalty not to exceed $1,000 for each violation.

(2) Any penalty under paragraph (1) may be assessed by the court in any action brought in any appropriate United States district court or any other court of competent jurisdiction. Except to the extent provided under paragraph (3), any such penalty collected shall be deposited into the general fund of the United States Treasury as miscellaneous receipts.

(3) The Secretary may enter into an agreement with the Governor of any State under which amounts collected pursuant to this subsection may be collected and retained by the State to the extent necessary to cover costs incurred by that State in connection with the administration and enforcement of that portion of the standby Federal conservation plan for which authority is delegated to that State under subsection (f).

SEC. 214. JUDICIAL REVIEW.

42 USC 8514.

(a) STATE ACTIONS.—(1) Any State may institute an action in the appropriate district court of the United States, including actions for declaratory judgment, for judicial review of—

(A) any target established by the President under section 211(a);

(B) any finding by the President under section 213(b)(1)(A), relating to the achievement of the emergency energy conservation target of such State, or 213(b)(2), relating to the achievement of the emergency energy conservation target of such State or the failure to carry out the assurances regarding implementation contained in an approved plan of such State; or

(C) any determination by the Secretary disapproving a State plan under section 212(c), including any determination by the Secretary under section 212(c)(1)(B) that the plan is likely to impose an unreasonably disproportionate share of the burden of restrictions of energy use on any specific class of industry, business, or commercial enterprise, or any individual segment thereof.

Such action shall be barred unless it is instituted within 30 calendar days after the date of publication of the establishment of a target referred to in subparagraph (A), the finding by the President referred to in subparagraph (B), or the determination by the Secretary referred to in subparagraph (C), as the case may be.

(2) The district court shall determine the questions of law and upon such determination certify such questions immediately to the United

States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(3) Any decision by such court of appeals on a matter certified under paragraph (2) shall be reviewable by the Supreme Court upon attainment of a writ of certiorari. Any petition for such a writ shall be filed no later than 20 days after the decision of the court of appeals.

(b) COURT OF APPEALS DOCKET.—It shall be the duty of the court of appeals to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under subsection (a)(2).

(c) INJUNCTIVE RELIEF.—With respect to judicial review under subsection (a)(1)(A), the court shall not have jurisdiction to grant any injunctive relief except in conjunction with a final judgment entered in the case.

SEC. 215. REPORTS.

(a) MONITORING.—The Secretary shall monitor the implementation of State emergency conservation plans and of the standby Federal conservation plan and make such recommendations to the Governor of each affected State as he deems appropriate for modification to such plans. 42 USC 8515.

(b) ANNUAL REPORT.—The President shall report annually to the Congress on any activities undertaken pursuant to this part and include in such report his estimate of the energy saved in each State and the performance of such State in relation to this part. Such report shall contain such recommendations as the President considers appropriate.

Part B—Other Automobile Fuel Purchase Measures

SEC. 221. MINIMUM AUTOMOBILE FUEL PURCHASES.

(a) GENERAL RULE.—If the provisions of this subsection are made applicable under subsection (c), no person shall purchase motor fuel from a motor fuel retailer in any transaction for use in any automobile or other vehicle unless— 42 USC 8521.

(1) the price for the quantity purchased and placed into the fuel tank of that vehicle equals or exceeds $5.00; or

(2) in any case in which the amount paid for the quantity of motor fuel necessary to fill the fuel tank of that vehicle to capacity is less than $5.00, such person pays to the retailer an additional amount so that the total amount paid in that transaction equals $5.00.

Any person selling motor fuel in transactions to which the provisions of this subsection apply shall display at the point of sale notice of such provisions in accordance with regulations prescribed by the Secretary.

(b) $7.00 TO BE APPLICABLE IN THE CASE OF 8-CYLINDER VEHICLES.—In applying subsection (a) in the case of any vehicle with an engine having 8 cylinders (or more), "$7.00" shall be substituted for "$5.00".

(c) APPLICABILITY.—(1) Unless applicable pursuant to paragraph (2), the requirements of subsection (a) shall apply in any State and shall be administered and enforced as provided in subsection (g) only if—

(A) the Governor of that State submits a request to the Secretary to have such requirements applicable in that State; and

(B) the attorney general of that State has found that (i) absent a delegation of authority under a Federal law, the Governor lacks the authority under the laws of the State to invoke

comparable requirements, (ii) under applicable State law, the Governor and other appropriate State officers and employees are not prevented from administering and enforcing such requirements under a delegation of authority pursuant to Federal law, and (iii) if implemented such requirements would not be contrary to State law.

Subject to paragraph (2), such provisions shall cease to apply in any State if the Governor of the State withdraws any request under subparagraph (A).

(2) The requirements of subsection (a) shall apply in every State if there is in effect a finding by the President that nationwide implementation of such requirements would be appropriate and consistent with the purposes of this title.

Publication in Federal Register.

(3) Such requirements shall take effect in any State beginning on the 5th day after the Secretary or the President (as the case may be) publishes notice in the Federal Register of the applicability of the requirements to the State pursuant to paragraph (1) or (2).

(4) Notwithstanding any other provision of law, the authority vested in the President under paragraph (2) may not be delegated.

(d) EXEMPTIONS.—The requirements of subsection (a) shall not apply to any motorcycle or motorpowered bicycle, or to any comparable vehicle as may be determined by the Secretary by regulation.

(e) ADJUSTMENT OF MINIMUM LEVELS.—The Secretary may increase the $5.00 and $7.00 amounts specified in subsections (a) and (b) if the Secretary considers it appropriate. Adjustments under this subsection shall be only in even dollar amounts.

(f) CIVIL PENALTIES.—(1) Whoever violates the requirements of subsection (a) shall be subject to a civil penalty of not to exceed $100 for each violation.

(2) Any penalty under paragraph (1) may be assessed by the court in any action under this section brought in any appropriate United States district court or any other court of competent jurisdiction. Except to the extent provided in paragraph (3), any such penalty collected shall be deposited into the general fund of the United States Treasury as miscellaneous receipts.

(3) The Secretary may enter into an agreement with the Governor of any State under which amounts collected pursuant to this subsection may be collected and retained by the State to the extent necessary to cover costs incurred by that State in connection with the administration and enforcement of the requirements of subsection (a) the authority for which is delegated under subsection (g).

(g) ADMINISTRATION AND ENFORCEMENT DELEGATED TO STATES.—(1) There is hereby delegated to the Governor of any State, and other State and local officers and employees designated by the Governor, the authority to administer and enforce, within that State, any provision of this part which is to be administered and enforced in accordance with this section. Such authority includes the authority to institute actions on behalf of the United States for the imposition and collection of civil penalties under subsection (f).

(2)(A) All delegation of authority under paragraph (1) with respect to any State shall be considered revoked effective (i) upon the receipt of a written waiver of authority signed by the Governor of such State or (ii) upon a determination by the President that such delegation should be revoked, but only to the extent of that determination.

(B) If at any time the conditions of subsection (c)(1)(B) are no longer satisfied in any State to which a delegation has been made under paragraph (1), the attorney general of that State shall transmit a written statement to that effect to the Governor of that State and to the President. Such delegation shall be considered revoked effective

upon receipt by the President of such written statement and a determination by the President that such conditions are no longer satisfied, but only to the extent of that determination and consistent with such attorney general's statement.

(C) Any revocation under subparagraph (A) or (B) shall not affect any action or pending proceedings, administrative or civil, not finally determined on the date of such revocation, nor any administrative or civil action or proceeding, whether or not pending, based on any act committed or liability incurred prior to such revocation.

(D) The Secretary shall administer and enforce any provision of this part which has been made effective under subsection (c)(2) and for which a delegation of authority is considered revoked under subparagraph (A).

(h) COORDINATION WITH OTHER LAW.—The charging and collecting of amounts referred to in subsection (a)(2) under the requirements of subsection (a), or similar amounts collected under comparable requirements under any State law, shall not be considered a violation of—

(1) the Emergency Petroleum Allocation Act of 1973 or any regulation thereunder; or 15 USC 751 note.

(2) any Federal or State law requiring the labeling or disclosure of the maximum price per gallon of any fuel.

SEC. 222. OUT-OF-STATE VEHICLES TO BE EXEMPTED FROM ODD-EVEN MOTOR FUEL PURCHASE RESTRICTIONS.

(a) GENERAL RULE.—Notwithstanding any provision of any Federal, State, or local law, any odd-even fuel purchase plan in effect in any State may not prohibit the sale of motor fuel to any person for use in a vehicle bearing a license plate issued by any authority other than that State or a State contiguous to that State. 42 USC 8522.

(b) DEFINITIONS.—For purposes of this section the term "odd-even fuel purchase plan" means any motor fuel sales restriction under which a person may purchase motor fuel for use in any vehicle only on days (or other periods of time) determined on the basis of a number or letter appearing on the license plate of that vehicle (or on any similar basis).

Part C—Building Temperature Restrictions

SEC. 231. AMENDMENT TO ENERGY POLICY AND CONSERVATION ACT.

Section 202 of the Energy Policy and Conservation Act (42 U.S.C. 6262) is amended by adding at the end thereof the following new subsection:

"(d)(1) In the case of an energy conservation contingency plan that regulates building temperatures, any State or political subdivision thereof may submit to the President a comparable plan, as described in subsection (b)(1), and include in such plan procedures permitting any person affected by such contingency plan to use alternative means of conserving at least as much energy in affected buildings as would be conserved by the energy conservation contingency plan that regulates building temperatures. Such plan shall include effective procedures for the approval and enforcement of such alternative plans by such State or such political subdivision thereof.

"(2) The alternative plan under paragraph (1) need not conserve energy in the same fashion as the energy conservation contingency plan that regulates building temperatures.

"(3) Nothing in this subsection shall preclude any political subdivision of a State from applying directly to the President for approval of a comparable plan under paragraph (1).".

Part D—Studies

SEC. 241. STUDIES.

(a) STUDY OF COMMERCIAL AND INDUSTRIAL STORAGE OF FUEL.—Not later than 180 days after the date of the enactment of this part, the Secretary shall conduct a study and report to the Congress regarding the commercial and industrial storage of gasoline and middle distillates (other than storage in facilities which have capacities of less than 500 gallons or storage used exclusively and directly for agricultural, residential, petroleum refining, or pipeline transportation purposes). Report to Congress. 42 USC 8531.

(b) CONTENTS OF REPORT.—Such report shall—

(1) indicate to what extent storage activities have increased since November 1, 1978, and what business establishments (including utilities) have been involved;

(2) the estimated amount of gasoline and middle distillates (in the aggregate and by type and region) which are in storage within the United States at the time of the study, the amounts which were in storage at the same time during the calendar year preceding the study, and the purposes for which such storage is maintained; and

(3) contain such findings and recommendations for legislation and administrative action as the Secretary considers appropriate, including recommendations for improving the availability and quality of data concerning such storage.

SEC. 242. MIDDLE DISTILLATE MONITORING PROGRAM.

(a) MONITORING PROGRAM.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish and maintain a data collection program for monitoring, at the refining, wholesale, and retail levels, the supply and demand levels of middle distillates on a periodic basis in each State. 42 USC 8532.

(2) The program to be established under paragraph (1) shall provide for—

(A) the prompt collection of relevant demand and supply data under the authority available to the Secretary under other law; and

(B) the submission to Congress of periodic reports each containing a concise narrative analysis of the most recent data which the Secretary determines are accurate, and a discussion on a State-by-State basis of trends in such data which the Secretary determines are significant. Reports to Congress.

(3) All data and information collected under this program shall be available to the Congress and committees of the Congress, and, in accordance with otherwise applicable law, to appropriate State and Federal agencies and the public.

(4) Nothing in this subsection authorizes the direct or indirect regulation of the price of any middle distillate.

(5) For purposes of this section, the term "middle distillate" has the same meaning as given that term in section 211.51 of title 10, Code of Federal Regulations, as in effect on the date of the enactment of this section. "Middle distillate."

(b) REPORT.—Before December 31, 1979, the President shall submit a report to Congress in which the President shall examine the middle distillate situation, summarizing the data, information, and analyses described in subsection (a) and discussing in detail matters required to be addressed in findings made pursuant to section 12(d)(1) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 760(d)(1)). Report to Congress. 15 USC 760a.

Part E—Administrative Provisions

SEC. 251. ADMINISTRATION.

(a) INFORMATION.—(1) The Secretary shall use the authority provided under section 11 of the Energy Supply and Environmental Coordination Act of 1974 for the collection of such information as may be necessary for the enforcement of the provisions of parts A and B of this title. 42 USC 8541. 15 USC 796.

(2) In carrying out his responsibilities under this title, the Secretary shall insure that timely and adequate information concerning the supplies, pricing, and distribution of motor fuels (and other energy sources which are the subject of targets in effect under section 211) is obtained, analyzed, and made available to the public. Any Federal agency having responsibility for collection of such information under any other authority shall cooperate fully in facilitating the collection of such information.

(b) EFFECT ON OTHER LAWS.—No State law or State program in effect on the date of the enactment of this title, or which may become effective thereafter, shall be superseded by any provision of this title, or any rule, regulation, or order thereunder, except insofar as such State law or State program is in conflict with any such provision of section 213 or 221 (or any rule, regulation, or order under this part relating thereto) in any case in which measures have been implemented in that State under the authority of section 213 or 221 (as the case may be).

(c) TERMINATION.—(1) The provisions of parts A, B, D, and E of this title, including any actions taken thereunder, shall cease to have effect on July 1, 1983.

(2) Such expiration shall not affect any action or pending proceeding, administrative or civil, not finally determined on such date, nor any administrative or civil action or proceeding, whether or not pending, based upon any act committed or liability incurred prior to such expiration date.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
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DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
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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

ENERGY DEPARTMENT

64776 11–7–79 / Federal energy management and planning program; Federal photovoltaic utilization program

64602 11–7–79 / Residential conservation service program

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner—

64403 11–7–79 / Mortgage insurance for land development (Title X); Computation of maximum mortgage amount-application and commitment procedures

INTERIOR DEPARTMENT

Fish and Wildlife Service—

64730, 64738, 64741, 64744, 64736 11–7–79 / Endangered and threatened wildlife and plants:
- Alerce, or Chilean false larch
- Davis' green pitaya and Nellie Cory cactus
- Sneed pincushion cactus
- Spineless hedgehog cactus
- Tobusch fishhook cactus

List of Public Laws

Last Listing December 5, 1979

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 1686 / Pub. L. 96–134 To designate the building known as the Federal Building in Wilmington, Delaware, as the "J. Caleb Boggs Building". (Dec. 5, 1979; 93 Stat. 1055) Price $.75.