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NOTE:
Due to a shortage of newsprint, today's **Federal Register** is printed on a higher quality paper. As supplies become available, the **Federal Register** will resume the use of newsprint.

Highlights

Note.—In the Highlights for Monday, December 17, 1979, in the entry for "Consumers' Education Program", the application closing date of 2–15–79 is incorrect. No definite closing date has been established yet (see 44 FR 73163).

74781 **International Trade Agreements** Presidential memorandum

74785 **Railway Labor Disputes** Executive order creating emergency board to investigate

74787 **Zimbabwe-Rhodesia Trade Sanctions** Executive order revoking sanctions

74789 **National Unity Day** Presidential proclamation

74946 **Legal Services** LSC describes specific guidelines for expanded funding of programs to Native Americans

74808 **Securities** SEC publishes an interpretation regarding certain management remuneration disclosures

75054 **Sea Grant Colleges and Regional Consortia** Commerce/NOAA publishes guidelines of procedure; effective 12–18–79 (Part V of this issue)

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Highlights

75078 **Geothermal Program** DOE revises its rules under which it will issue Federal guaranty on loans; effective 12–18–79 (Part IX of this issue)

74799 **Federal Credit Union** NCUA sets forth interpretation of the effect of a compensating balance upon interest rates on loans; effective 12–18–79

74844 **Standby Federal Conservation** DOE extends comment period to 12–27–79 for type of measures which should, or should not be included in the plan.

74832 **Fuel-Efficient Light Trucks** GSA provides policy and procedures governing acquisition; effective 10–1–79; comments by 2–1–80

75024 **Instructional Media for the Handicapped** HEW/OE proposes to change its rules to facilitate program management and greatly reduce confusion from the public; comments by 2–1–80 (Part III of this issue)

74922 **Family Median Income by State** HEW/HDSO issues a notice for the purpose of determining the extent of Federal financial participation in State expenditures.

75058 **United States Savings Bonds** Treasury/FS publishes regulations governing issuing agencies; effective 1–1–80 (Part VI of this issue)

74801 **Interest Rate Control** FDIC publishes rules to implement the reporting requirements of certain financial institutions; effective 12–31–79

75028 **Organic Toxic Pollutants** EPA issues corrections to proposal amending list of approved analytical techniques by adding test procedures; comments by 2–1–80 (Part IV of this issue)

74826 **National Historic Landmarks** Interior/HCRS sets forth interim rules used to study, designate, register, and monitor the programs; effective 12–18–79 with specific exceptions; comments by 2–19–80

74858 **Improving Government Regulations** VA issues semiannual agenda of regulations; comments by 2–19–80

74971 **Sunshine Act Meetings**

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75024 **Part III, HEW/OE**
75028 **Part IV, EPA**
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Presidential Documents

Title 3—

The President

Memorandum of December 14, 1979

Determination Regarding the Multilateral Trade Negotiations

Memorandum for the Special Representative for Trade Negotiations

I have signed the enclosed document concerning certain international trade agreements pursuant to the authority vested in me under the Constitution and laws of the United States, including the Trade Agreements Act of 1979 (Public Law 96–39, 93 Stat. 144) and section 301 of title 3 of the United States Code.

On my behalf, please transmit copies of this document to the Speaker of the House of Representatives and the President of the Senate.

This document shall be published in the **Federal Register.**

Jimmy Carter

THE WHITE HOUSE,
Washington, December 14, 1979.

Presidential Determination Regarding the Acceptance and Application of Certain International Trade Agreements

1. Pursuant to section 102 of the Trade Act of 1974 (19 U.S.C. 2112(b)), I, through my duly empowered representative, on April 12, 1979, entered into the international agreements negotiated in the Tokyo Round of Multilateral Trade Negotiations. These agreements were:

(i) Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade;

(ii) Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade;

(iii) Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade;

(iv) Agreement on Government Procurement;

(v) Agreement on Technical Barriers to Trade;

(vi) Agreement on Import Licensing Procedures;

(vii) Agreement on Trade in Civil Aircraft;

(viii) International Dairy Arrangement; and

(ix) Arrangement Regarding Bovine Meat.

These agreements are collectively referred to herein as the "MTN agreements".

2. In accordance with sections 102 and 151 of the Trade Act of 1974 (19 U.S.C. 2112 and 2191), the MTN agreements were submitted to Congress for its approval. Section 2 of the Trade Agreements Act of 1979 (93 Stat. 147) approves the MTN agreements and authorizes the President to accept each of the MTN agreements provided that the President determines that all, or all but one, of the major industrial countries (as defined in section 126(d) of the Trade

Act of 1974 (19 U.S.C. 2136(d)) is also accepting the agreement. If the President determines that only one major industrial country is not accepting an agreement, the President may nevertheless accept such an agreement if he determines that the acceptance of that agreement by that country is not essential to the effective operation of the agreement, and if:

(A) that country is not a major factor in trade in the products covered by that agreement;

(B) the President has authority to deny the benefits of the agreement to that country and has taken steps to deny the benefits of the agreement to that country; or

(C) a significant portion of United States trade would benefit from the agreement, notwithstanding such nonacceptance, and the President determines and reports to the Congress that it is in the national interest of the United States to accept the agreement.

3. Section 2 of the Trade Agreements Act of 1979 also provides that no agreement accepted by the President shall apply between the United States and any other country unless the President determines that such country:

(A) has accepted the obligations of the agreement with respect to the United States, and

(B) should not otherwise be denied the benefits of the agreement with respect to the United States because such country has not accorded adequate benefits, including substantially equal competitive opportunities for the commerce of the United States to the extent required under section 126(c) of the Trade Act of 1974 (19 U.S.C. 2136(c)), to the United States.

4. Section 701 of the Tariff Act of 1930, as amended effective January 1, 1980 (93 Stat. 151) provides that the President must determine that certain conditions must be met before a country can be considered a "country under the Agreement" and, therefore, entitled to the injury determination provided for in section 703(a) and 705(b) of the Tariff Act of 1930 (93 Stat. 152 and 159).

5. Section 601(a) of the Trade Agreements Act of 1979 (93 Stat. 267) authorizes the President to proclaim certain modifications in the Tariff Schedules of the United States if the President determines that the conditions under section 2(b) of the Trade Agreements Act of 1979 (93 Stat. 147) on acceptance of the Agreement on Trade in Civil Aircraft have been fulfilled.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of sections 2 and 601(a) of the Trade Agreements Act of 1979 (93 Stat. 147 and 267), herein referred to as "the Act", section 701 of the Tariff Act of 1930, as amended effective January 1, 1980 (93 Stat. 151), and section 301 of title 3 of the United States Code do hereby

1. Determine that:

a. With respect to the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, the Agreement on Technical Barriers to Trade, the Agreement on Import Licensing Procedures, and the Agreement on Trade in Civil Aircraft,

(i) in accordance with section 2(b)(1) and (3) of the Act (93 Stat. 147), each major industrial country (as defined in section 126(d) of the Trade Act of 1974 (19 U.S.C. 2136 (d)) is also accepting the agreement with the exception of Japan;

(ii) in accordance with section 2(b)(3) of the Act (93 Stat. 147), the acceptance of these agreements by Japan is not essential to the effective operation of the agreements for that period of time during which Japan is completing its Constitutional procedures to accept the agreements and in light of the stated intention of the Government of Japan to act in the interim in line with the agreements within its existing powers; and

(iii) in accordance with section 2(b)(3)(C) of the Act (93 Stat. 148), a significant portion of United States trade will benefit from these agreements, notwithstanding the anticipated short delay in acceptance by Japan, and it is in the national interest of the United States to accept these agreements.

b. The conditions in section 701(b)(3)(A), (B) and (C) of the Tariff Act of 1930, as amended effective January 1, 1980 (93 Stat. 151), will have been met with respect to Venezuela, Honduras, Nepal, North Yemen, El Salvador, Paraguay and Liberia.

c. With respect to the International Dairy Arrangement,

(i) in accordance with section 2(b)(1) and (3) of the Act (93 Stat. 147), each major industrial country (as defined in section 126(d)) is also accepting the agreement with the exception of Canada;

(ii) in accordance with section 2(b)(3) of the Act (93 Stat. 147), the acceptance of this agreement by Canada is not essential to the effective operation of the agreement; and

(iii) in accordance with section 2(b)(3)(A) of the Act, Canada is not a major factor in trade in the products covered by the agreement.

d. With respect to the Arrangement Regarding Bovine Meat, in accordance with section 2(b)(1) and (3) of the Act (93 Stat. 147), each major industrial country (as defined in section 126(d) of the Trade Act of 1974 (19 U.S.C. 2136(d)) is also accepting the agreement.

e. In accordance with section 601(a) of the Trade Agreements Act of 1979 (93 Stat. 267),

(i) the conditions under section 2(b) of that Act (93 Stat. 147) on acceptance of the Agreement on Trade in Civil Aircraft have been fulfilled;

(ii) the modifications provided for in section A of Annex II to Proclamation No. 4707 of December 11, 1979, which were authorized by section 601(a) of the Trade Agreements Act of 1979 (93 Stat. 267), shall be effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1980; and

(iii) the amendment to section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) provided for in section 601(a)(3) of the Trade Agreements Act of 1979 (93 Stat. 268) shall be effective with respect to entries made under section 466 on and after January 1, 1980.

2. Authorize the United States Special Representative for Trade Negotiations, or his designee, on behalf of the United States of America,

(a) to sign and accept the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, the Agreement on Technical Barriers to Trade, the Agreement on Import Licensing Procedures, the Agreement on Trade in Civil Aircraft, the International Dairy Arrangement and the Arrangement Regarding Bovine Meat;

(b) to sign the Agreement on Government Procurement subject to satisfactory completion of negotiations on entity coverage under the Agreement; and

(c) to sign the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade subject to acceptance.

3. Delegate the functions of the President under section 2(b) of the Trade Agreements Act of 1979 (the Act) and section 701(b) of the Tariff Act of 1930, as amended by section 101 of the Act, to the Special Representative for Trade Negotiations who shall exercise such authority with the advice of the Trade Policy Committee and in accordance with the provisions of this determination.

Jimmy Carter

THE WHITE HOUSE,
December 14, 1979.

[FR Doc. 79-38893
Filed 12-14-79; 4:10 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12182 of December 14, 1979

Creating an Emergency Board To Investigate a Dispute Between the Long Island Rail Road and Certain of its Employees

A dispute exists between The Long Island Rail Road and certain of its employees represented by Participating Labor Organizations designated in list attached hereto and made a part hereof.

This dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

This dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), it is hereby ordered as follows:

1–101. *Establishment of Board.* There is established a board of three members to be appointed by the President to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

1–102. *Report.* The board shall report its finding to the President with respect to the dispute within 30 days from the date of this Order.

1–103. *Maintaining Conditions.* As provided by Section 10 of the Railway Labor Act, as amended, from this date and for 30 days after the board has made its report to the President, no change, except by agreement, shall be made by The Long Island Rail Road, or by its employees, in the conditions out of which the dispute arose.

Jimmy Carter

THE WHITE HOUSE,
December 14, 1979.

Participating Labor Organizations

International Brotherhood of Teamsters (IBT)

United Transportation Union (UTU)

Brotherhood of Locomotive Engineers (BLE)

Brotherhood of Railroad Carmen (BRC)

Brotherhood of Railroad Signalmen (BRS)

Railroad Yardmasters of America (RYA)

Police Benevolent Association (PBA)

EDITORIAL NOTE: The President's announcement of Dec. 14, 1979, on establishing the Board and the appointment of the membership to the Board, are printed in the Weekly Compilation of Presidential Documents (Vol. 15, No. 50).

[FR Doc. 79–38947
Filed 12–17–79; 11:15 am]
Billing code 3195–01–M

Presidential Documents

Executive Order 12183 of December 16, 1979

Revoking Rhodesian Sanctions

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and in order to terminate current limitations relating to trade and other transactions involving Zimbabwe-Rhodesia, it is hereby ordered as follows:

1–101. (a) Subject to the provisions of this order, the following are hereby revoked with respect to transactions occurring after the effective date of this order:

(1) Executive Order 11322 of January 5, 1967 (32 F.R. 119);

(2) Executive Order 11419 of July 29, 1968 (33 F.R. 10837); and

(3) Executive Order 11978 of March 18, 1977 (42 F.R. 15403).

(b) To the extent consistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, licenses, contracts, agreements, and other actions made, issued, taken, or entered into under the provisions of such Executive orders and not previously revoked, superseded, or otherwise made inapplicable, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1–102. (a) The Secretaries of State, the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall retain the authority and responsibility for the enforcement of Executive Orders 11322, 11419, and 11978 with respect to transactions occurring prior to the effective date of this order.

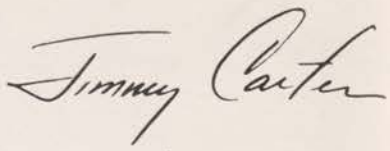
(b) The revocation, in Section 1–101 of this order, of such prior Executive orders shall not affect:

(1) any act done or omitted to be done or any suit or proceeding finished or started in civil or criminal cases prior to the revocation, but all such liabilities, penalties, and forfeitures under the Executive orders shall continue and may be enforced in the same manner as if the revocation had not been made; or

(2) any violation of any rules, regulations, orders, licenses, or other forms of administrative action under those revoked orders during the periods those orders were in effect.

1–103. (a) The Secretaries of State, the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall take the appropriate measures to implement this order.

(b) In carrying out their respective functions and responsibilities under this order, the Secretaries of the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall, as appropriate, consult with the Secretary of State. Each such Secretary and agency head and the Secretary of State shall also consult with other government agencies and private persons, as appropriate.



THE WHITE HOUSE,
December 16, 1979.

[FR Doc. 79-38948
Filed 12-17-79; 11:16 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4709 of December 16, 1979

National Unity Day, 1979

By the President of the United States of America

A Proclamation

Fifty American citizens are being held hostage in Iran by a mob and a government that have become one and the same. The United States has made it clear to the leaders of Iran that we hold them personally and fully responsible for the well-being and safe return of every American in their hands.

The people of the United States are unanimous in their concern for their fellow citizens held in Iran. Americans have shown this concern in numerous ways that are consistent with our country's respect for law—the ringing of church bells, letters to the Iranian Mission at the United Nations, and messages to the hostages themselves.

A most fitting symbol of this concern is the American flag itself. We respect our flag because we know that it stands for freedom. It stands for justice. It stands for human dignity. It stands too for our united determination to uphold these great ideals.

To demonstrate support for the hostages in Iran, the Congress has, by joint resolution, designated December 18, 1979, as "National Unity Day." It has requested the President of the United States to call upon all citizens and organizations to observe that day by prominently displaying the American flag.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate December 18, 1979, as National Unity Day. I direct the appropriate officials of the Government to display the flag on all Government buildings during that day. I urge all Americans to observe National Unity Day, December 18, 1979, by flying the Stars and Stripes from their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord nineteen hundred seventy-nine, and of the independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 79-38949
Filed 12-17-79; 11:17 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4798 of December 10, 1979

National Unity Day, 1979

By the President of the United States of America

A Proclamation

Fifty Americans citizens are being held hostage in Iran by a mob and a government that have become one and the same. The United States has made it clear to the leaders of Iran that we hold them personally and fully responsible for the well-being and safe return of every American in their hands.

The people of the United States are unanimous in their concern for their fellow citizens held in Iran. Americans have shown this concern in numerous ways that are consistent with our country's respect for law—the ringing of church bells, letters to the leaders of the United Nations, and messages to the hostages themselves.

A most fitting symbol of this concern is the American flag itself. We respect our flag because we know that it stands for freedom. It stands for justice. It stands for human dignity. It stands too for our united determination to uphold these great ideals.

To demonstrate support for the hostages in Iran, the Congress has, by joint resolution, designated December 18, 1979, as "National Unity Day." It has requested the President of the United States to call upon all citizens and organizations to observe that day by prominently displaying the American flag.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate December 18, 1979, as National Unity Day. I direct the appropriate officials of the Government to display the flag on all Government buildings during that day. I urge all Americans to observe National Unity Day, December 18, 1979, by flying the Stars and Stripes from their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord nineteen hundred seventy-nine, and of the independence of the United States of America the two hundred and fourth.

[FR Doc. 79-38994
Filed 12-11-79; 11:32 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 44, No. 244
Tuesday, December 18, 1979

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

PRESIDENT'S COMMISSION ON THE ACCIDENT AT THREE MILE ISLAND

1 CFR Part 480

Freedom of Information Act Regulations

AGENCY: President's Commission on the Accident at Three Mile Island.

ACTION: Final rule.

SUMMARY: The President's Commission on the Accident at Three Mile Island is to be abolished in compliance with E.O. 12130 (44 FR 22027, April 13, 1979), which created the Commission.

EFFECTIVE DATE: December 21, 1979.

FOR FURTHER INFORMATION CONTACT: Frank Hoban (202) 653–7680.

SUPPLEMENTARY INFORMATION: Commission hereby removes Part 480 from 1 CFR.

Dated: December 11, 1979.

Frank Hoban,

Director of Administration.

[FR Doc. 79–38775 Filed 12–17–79; 8:45 a.m.]

BILLING CODE 6820–AJ–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

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

EFFECTIVE DATE: December 18, 1979.

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

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, January 5, 1979, (44 FR 1364) and September 28, 1979 (44 FR 55791), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

Commuted Traveltime Allowances

[In hours]

Location covered	Served from	Metropolitan area: Within	Metropolitan area: Outside
Delete:			
* * * * *			
Illinois:			
Peoria	Watseka		5
* * * * *			
Indiana:			
Mt. Vernon	Huntington		4
* * * * *			
Ohio:			
Ashtabula	Perry		2
Cleveland	Perry		3
Lockbourne AFB	Cleveland		6
* * * * *			
Add:			
* * * * *			
Indiana:			
Madison	Franklin		4
Do	Frankfort		5
* * * * *			
Ohio:			
Ashtabula	Cleveland		3
Rickenbacker AFB	Cleveland		6
* * * * *			
Pennsylvania:			
Allentown-Bethlehem-Easton Airport	Moosic		5
Do	Allentown	2	
Do	Carlisle		5
Willow Grove NAS	Moosic		6
Do	Allentown		5
Do	Carlisle		6
* * * * *			

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

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

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

Note.—This final rulemaking is being published under emergency procedures as authorized by E.O. 12044 and Secretary's Memorandum No. 1955. It has been determined by James O. Lee, Jr., Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, that the emergency nature of these commuted traveltime allowances warrant the publication of this rule without waiting for public comment. This amendment, as well as the complete regulation, will be scheduled for review under provisions of E.O. 12044 and Secretary's Memorandum No. 1955. The review will include preparation of an Impact Analysis Statement which will be available from Regulatory Support Staff, Room 633, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8237.

Done at Washington, D.C., this 11th day of December 1979.

T. G. Darling,

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

[FR Doc. 79–38396 Filed 12–17–79; 8:45 am]

BILLING CODE 3410–34–M

Federal Crop Insurance Corporation

7 CFR Part 403

[Amendment No. 2]

Peach Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Peach Crop Insurance Regulations for the 1979 and Succeeding Crop Years by (1) amending the third sentence of § 403.40, relative to publishing the names of the counties where peach crop insurance is available, and (2) adding an appendix to the regulations which lists such counties, as required by the provisions of § 403.40 of the regulations. This action is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 18, 1979.

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

SUPPLEMENTARY INFORMATION: On December 1, 1978, the Federal Crop Insurance Corporation published a notice of Final Rule in the **Federal Register** (43 FR 56205), prescribing procedures for insuring peach crops effective with the 1979 crop year.

These regulations are found in 7 CFR 403 and were promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

The third sentence in § 403.40 of the Peach Crop Insurance Regulations for the 1979 and Succeeding Crop Years provides that "The counties designated by the Manager shall be published by appendix to this section."

In prior years, the requirement of § 403.40 has been met by publishing an amendment to the regulations to list those counties where peach crop insurance is available, with the last such publication in the **Federal Register** being made on Tuesday, January 9, 1979 (44 FR 1964), as Amendment No. 1. The appendix, outlined below, supersedes the list of counties in Amendment No. 1.

The Corporation is presently conforming its regulations for insuring various commodities to a uniform format which includes the publication of an "Appendix", which lists the counties where insurance is available, to the respective part number of 7 CFR for the particular crop to be insured. In the case of the Peach Crop Insurance Regulations, it is necessary, therefore, to change the language of the last sentence of § 403.40 to indicate that such an appendix to this "part" instead of this "section" will be published, and, at the same time, conforming the language of the third sentence to match the language in the other crop insurance regulations of the Corporation.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Peach Crop Insurance Regulations for the 1979 and Succeeding Crop Years (7 CFR Part 403), are amended as follows:

1. By amending the last sentence of 7 CFR 403.40 to read as follows:

§ 403.40 Availability of peach insurance.

* * * * *

"Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which peach insurance will be offered."

2. By amending the Peach Crop Insurance Regulations by adding at the end thereof, an appendix to read as follows:

Appendix

Counties Designated for Peach Crop Insurance—7 CFR 403

In accordance with the provisions of 7 CFR 403.40, the following counties are designated for peach crop insurance:

Alabama

Chilton

Arkansas

Cross	Lee
Johnson	St. Francis

Georgia

Houston	Upson
Peach	

South Carolina

Aiken	Greenville
Allendale	Lexington
Barnwell	Spartanburg
Chesterfield	York
Edgefield	

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

Inasmuch as the change in the language in § 403.40 is minor and nonsubstantive, and the publication of the list of counties where peach crop insurance is available merely provides guidance for the general public and will benefit present and future policyholders, it is found and determined that good cause exists for issuing this rule without compliance with the 60-day notice provision of Executive Order No. 12044 and the notice, public participation and 30-day effective day requirements of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)) because it is unnecessary and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

This action has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Approved by the Board of Directors on September 6, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: October 12, 1979.

James D. Deal,

Manager.

[FR Doc. 79–38636 Filed 12–17–79; 8:45 am]

BILLING CODE 3410–08–M

7 CFR Part 404

[Amendment No. 3]

Western United States Apple Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Western United States Apple Crop Insurance Regulations for the 1977 and Succeeding Crop Years by (1) amending the last sentence of § 404.20, relative to listing counties where apple crop insurance is available, and (2) adding an appendix to provide such listing, as required by the provisions of § 404.20 of the regulations. This action is promulgated under the authority of the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 18, 1979.

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

SUPPLEMENTARY INFORMATION: On November 29, 1976, the Federal Crop Insurance Corporation published a notice of Final Rule in the **Federal Register** (41 FR 52289), prescribing procedures for insuring apple crops in the Western United States effective with the 1977 crop year.

These regulations are found in 7 CFR 404 and were promulgated under the

authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

The last sentence in § 404.20 of the Western United States Apple Crop Insurance Regulations for the 1977 and Succeeding Crop Years provides that "The counties designated by the Manager shall be published by appendix to this section."

In prior years, the requirements of the provision of § 404.20 have been met by publishing an amendment to the regulations to list those counties in the Western United States where apple crop insurance is available, with the last such publication in the **Federal Register** being made on Tuesday, January 9, 1979 (44 FR 1964), as Amendment No. 2. The appendix outlined below, supersedes the list of counties in Amendment No. 2.

The Corporation is presently conforming its regulations for insuring various commodities to a uniform format which includes the publication of an "Appendix", which lists the counties where insurance is available, to the respective part number of 7 CFR for the particular crop to be insured. In the case of the Western United States Apple Crop Insurance Regulations, it is necessary, therefore, to change the language of the last sentence of § 404.20 to indicate that such an appendix to this "part" instead of "section" will be published and, at the same time, conforming the language of the last sentence to match the language in the other crop insurance regulations of the Corporation.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Western United States Apple Crop Insurance Regulations for the 1977 and Succeeding Crop Years (7 CFR Part 404), are amended as follows:

1. By amending the last sentence of 7 CFR 404.20 to read as follows:

§ 404.20 Availability of apple insurance.

* * * * *

"Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which apple insurance will be offered."

2. By amending the Western United States Apple Crop Insurance Regulations by adding at the end thereof, an appendix to read as follows:

Appendix

Counties Designated for Apple Crop Insurance—7 CFR 404.20

In accordance with the provisions of 7 CFR 404.20, the following counties are designated for apple crop insurance:

Oregon

Umatilla

Washington

Benton	Douglas
Chelan	Okanogan
Columbia	Yakima

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

Inasmuch as the change in the language in § 404.20 is minor and nonsubstantive, and the publication of the list of counties in the Western United States where apple crop insurance is available merely provides guidance for the general public and will benefit present and future policyholders, it is found and determined that good cause exists for issuing this rule without compliance with the 60-day notice provision of Executive Order No. 12044 and the notice, public participation and 30-day effective day requirements of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)) because it is unnecessary and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

This action has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Approved by the Board of Directors on September 6, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: October 12, 1979.

James D. Deal,

Manager.

[FR Doc. 79-38633 Filed 12-17-79; 8:45 a.m.]

BILLING CODE 3410-08-M

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7 CFR Part 406

[Amendment No. 2]

California Orange Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the California Orange Crop Insurance Regulations for the 1977 and Succeeding Crop Years by (1) amending the last sentence of § 406.1, relative to listing counties where orange crop insurance is available, and (2) adding an appendix to provide such listing as required by the provisions of § 406.1 of the regulations. This action is promulgated under the authority of the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 18, 1979.

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

SUPPLEMENTARY INFORMATION: On August 8, 1977, the Federal Crop Insurance Corporation published a notice of Final Rule in the **Federal Register** (42 FR 39953), prescribing procedures for insuring orange crops in California effective with the 1977 crop year.

These regulations are found in 7 CFR 406 and were promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

The second sentence in § 406.1 of the California Orange Crop Insurance Regulations for the 1977 and Succeeding Crop Years provides for the designation by the Manager of the counties in which orange crop insurance will be offered.

Subsequent to the publication of the California Orange Crop Insurance Regulations for the 1977 and Succeeding Crop Years (42 FR 39953, August 8, 1977), the listing of orange crop insurance counties in California was published as Amendment No. 1 (44 FR 1965, January 9, 1979). The Corporation is presently conforming its regulations to a uniform format which includes the publication of an "Appendix", which lists the counties where the insurance is available, to the respective part number of 7 CFR for the particular crop to be insured. In the case of the California Orange Crop Insurance Regulations, it is necessary to change the language of § 406.1 to indicate that such an appendix to this Part 406 will be published, and, at the same time, conforming the language of the last sentence to match the language in the other crop insurance regulations of the Corporation.

Amendment No. 1 to the California Orange Crop Insurance Regulations for the 1977 and Succeeding Crop Years is hereby superseded by the appendix as outlined below.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the California Orange Crop Insurance Regulations for the 1977 and Succeeding Crop Years (7 CFR Part 406), amended as follows:

1. By amending the last sentence of 7 CFR 406.1 to read as follows:

§ 406.1 Availability of California orange insurance.

* * * * *

"Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which orange insurance will be offered."

2. By amending the California Orange Crop Insurance Regulations by adding at the end thereof, an appendix to read as follows:

APPENDIX

Counties Designated for Orange Crop Insurance—7 CFR 406

In accordance with the provisions of 7 CFR 406.1, the following counties are designated for orange crop insurance:

California

Fresno	Tulare
Kern	

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

Inasmuch as the change in the language in § 406.1 is minor and nonsubstantive, and the publication of the list of counties where orange crop insurance is available merely provides guidance for the general public and will benefit present and future policy holders, it is found and determined that good cause exists for issuing this rule without compliance with the 60-day notice provision of Executive Order No. 12044 and the notice, public participation and 30-day effective day requirements of the Administrative Procedure Act (5 U.S.C. 553(b) and (c)) because it is unnecessary and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

This action has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S., Department of Agriculture, Washington, D.C. 20250.

Approved by the Board of Directors on September 6, 1979.

Peter F. Cole, *Secretary,*

Federal Crop Insurance Corporation.

James D. Deal,

Manager.

Dated: October 12, 1979

[FR Doc. 79-38632 Filed 12-17-79; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 410

[Amendment No. 3]

Florida Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Florida Citrus Crop Insurance Regulations for the 1976 and Succeeding Crop Years by (1) amending the last sentence of § 410.1, relative to listing counties where citrus crop insurance is available, and (2) adding an appendix to provide such listing as required by the provisions of § 410.1 of the regulations. This action is promulgated under the authority of the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 18, 1979.

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

SUPPLEMENTARY INFORMATION: On February 4, 1976, the Federal Crop Insurance Corporation published a notice of Final Rule in the **Federal Register** (41 FR 5106-5109), prescribing procedures for insuring citrus crops in Florida effective with the 1976 crop year.

These regulations are found in 7 CFR 410 and were promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

The last sentence in § 410.1 of the Florida Citrus Crop Insurance Regulations for the 1976 and Succeeding Crop Years provides that "The counties designated by the Manager shall be published by appendix to this section."

In prior years, the requirements of the provisions of § 410.1 have been met by publishing an amendment to the regulations to list those counties where citrus crop insurance is available, with the last such publication in the **Federal Register** being made on Tuesday, January 9, 1979 (44 FR 1967), as Amendment No. 2.

The Corporation is presently conforming its regulations for insuring various commodities to a uniform format which includes the publication of an appendix, which lists the counties where insurance is available, to the respective part number of 7 CFR for the particular crop to be insured. In the case of the Florida Citrus Crop Insurance Regulations, it is necessary to change the language in the last sentence of § 410.1 to indicate that such an appendix to this "part" instead of "section" will be published and, at the same time, conforming the language of the section to match the language in the other crop insurance regulations of the Corporation.

Amendment No. 2 to the Florida Citrus Crop Insurance Regulations for the 1976 and Succeeding Crop Years is hereby superseded by the appendix as outlined below.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Florida Citrus Crop Insurance Regulations for the 1976 and Succeeding Crop Years (7 CFR Part 410), are amended as follows:

1. By amending the last sentence of 7 CFR 410.1 to read as follows:

§ 410.1 Availability of Florida citrus insurance.

* * * * *

"Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which Florida citrus insurance will be offered."

2. By amending the Florida Citrus Crop Insurance Regulations by adding at the end thereof, an appendix to read as follows:

Appendix

Counties Designated for Florida Citrus Crop Insurance—7 CFR 410

In accordance with the provisions of 7 CFR 410.1, the following counties in Florida are designated for citrus crop insurance:

Florida

Brevard	Manatee
DeSoto	Marion
Glades	Martin
Hardee	Orange
Hendry	Osceola
Hernando	Palm Beach
Highlands	Pasco
Hillsborough	Polk
Indian River	St. Lucie
Lake	Seminole

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

Inasmuch as the change in the language in § 410.1 is minor and nonsubstantive, and the publication of the list of counties in Florida where citrus crop insurance is available merely

provides guidance for the general public and will benefit present and future policyholders, it is found and determined that good cause exists for issuing this rule without compliance with the 60-day notice provision of Executive Order No. 12044 and the notice, public participation and 30-day effective day requirements of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)) because it is unnecessary and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

This action has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Approved by the Board of Directors on September 6, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

James D. Deal,

Manager.

Dated: October 12, 1979.

[FR Doc. 79-38634 Filed 12-17-79; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 411

[Amendment No. 2]

Grape Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Grape Crop Insurance Regulations for the 1977 and Succeeding Crop Years by (1) amending the last sentence of § 411.1, relative to listing counties where grape crop insurance is available, and (2) adding an appendix to provide such listing, as required by the provisions of § 411.1 of the regulations. This action is promulgated under the authority of the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 18, 1979.

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

SUPPLEMENTARY INFORMATION: On September 1, 1976, the Federal Crop Insurance Corporation published a notice of Final Rule in the **Federal Register** (41 FR 36792-36795), prescribing procedures for insuring grape crops effective with the 1977 crop year.

These regulations are found in 7 CFR 411 and were promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

The last sentence in § 411.1 of the Grape Crop Insurance Regulations for the 1977 and Succeeding Crop Years provides that "The counties designated by the Manager shall be published by appendix to this section."

In prior years, the requirements of the provisions of § 411.1 have been met by publishing an amendment to the regulations to list those counties where grape crop insurance is available, with the last such publication in the **Federal Register** being made on Tuesday, January 9, 1979 (44 FR 1967), as Amendment No. 1.

The Corporation is presently conforming its regulations for insuring various commodities to a uniform format which includes the publication of an "Appendix", which lists the counties where insurance is available, to the respective part number of 7 CFR for the particular crop to be insured. In the case of the Grape Crop Insurance Regulations for the 1977 and Succeeding Crop Years, it is necessary to change the language of the last sentence of § 411.1 to indicate that such an appendix to this "part" instead of this "section" will be published and, at the same time, conforming the language of the section to match the language in the other crop insurance regulations of the Corporation.

Amendment No. 1 to the Grape Crop Insurance Regulations for the 1977 and Succeeding Crop Years is hereby superseded by the appendix as outlined below.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Grape Crop Insurance Regulations for the 1977 and Succeeding Crop Years (7 CFR Part 411), are amended as follows:

1. By amending the last sentence of 7 CFR 411.1 to read as follows:

§ 411.1 Availability of grape insurance.

* * * * *

Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which grape insurance will be offered.

2. By amending the Grape Crop Insurance Regulations by adding at the end thereof, an appendix to read as follows:

Appendix

Counties Designated for Grape Crop Insurance—7 CFR 411

In accordance with the provisions of 7 CFR 411.1 the following counties are designated for grape crop insurance:

California

Merced	Stanislaus
San Joaquin	

New York

Chautauqua	Seneca
Niagara	Steuben
Ontario	Yates
Schuyler	

Pennsylvania

Erie

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

Inasmuch as the change in the language of § 411.1 is minor and nonsubstantive, and the publication of the list of counties where grape crop insurance is available merely provides guidance for the general public and will benefit present and future policyholders, it is found and determined that good cause exists for issuing this rule without compliance with the 60-day notice provision of Executive Order No. 12044 and the notice, public participation and 30-day effective day requirements of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)) because it is unnecessary and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

This action has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Approved by the Board of Directors on October 6, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

James D. Deal,

Manager.

Dated: October 12, 1979.

[FR Doc. 79-38638 Filed 12-17-79; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 413

[Amendment No. 2]

Texas Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Texas Citrus Crop Insurance Regulations for the 1977 and Succeeding Crop Years by (1) amending the last sentence of § 413.20, relative to listing counties where citrus crop insurance is available, and (2) adding an appendix to provide such listing as required by the provisions of § 413.20 of the regulations. This action is promulgated under the authority of the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 18, 1979.

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

SUPPLEMENTARY INFORMATION: On June 2, 1977, the Federal Crop Insurance Corporation published a notice of Final Rule in the **Federal Register** (42 FR 28141–28144), prescribing procedures for insuring citrus in Texas effective with the 1977 crop year.

These regulations are found in 7 CFR 413 and were promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et. seq.*).

The last sentence in § 413.20 of the Texas Citrus Crop Insurance Regulations for the 1977 and Succeeding Crop Years provides that "The counties designated by the Manager shall be published by appendix to this section."

Subsequent to the publication of the Texas Citrus Crop Insurance Regulations as Part 413 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR 413) in the **Federal Register** on June 2, 1977 (42 FR 28141), the listing of the citrus crop insurance counties in Texas was published as Amendment No. 1 to the Texas Citrus Crop Insurance Regulations for the 1977 and Succeeding Crop Years—7 CFR 413 (**Federal Register** at 44 FR 1968, January 9, 1979).

The Corporation is presently conforming its regulations for insuring various commodities to a uniform format which includes the publication of an appendix, which lists the counties where insurance is available, to the respective part number of 7 CFR for the particular crop to be insured. In the case of Texas Citrus Crop Insurance Regulations, it is necessary, therefore, to change the language of the last sentence of § 413.20 to indicate that such an appendix to this "part" instead of "section" will be published and, at the same time, conforming the language of the last sentence to match the language in the other crop insurance regulations of the Corporation.

Amendment No. 1 to the Texas Citrus Crop Insurance Regulations for the 1977 and Succeeding Crop Years is hereby superseded by the appendix outlined below.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Texas Citrus Crop Insurance Regulations for the 1977 and Succeeding Crop Years (7 CFR Part 413), are amended as follows:

1. By amending the last sentence of 7 CFR 413.20 to read as follows:

§ 413.20 Availability of Texas citrus insurance.

* * * * *

"Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which Texas citrus insurance will be offered."

2. By amending the Texas Citrus Crop Insurance Regulations by adding at the end thereof, an appendix to read as follows:

Appendix

Counties designated for Texas Citrus Crop Insurance—7 CFR 413

In accordance with the provisions of 7 CFR 413.20, the following counties in Texas are designated for citrus crop insurance:

Texas

Cameron	Willacy
Hidalgo	

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

Inasmuch as the change in the language in § 413.20 is minor and nonsubstantive, and the publication of the list of counties in Texas where citrus crop insurance is available merely provides guidance for the general public and will benefit present and future policyholders, it is found and determined that good cause exists for issuing this rule without compliance with the 60-day notice provision of Executive Order No. 12044 and the notice, public participation and 30-day effective day requirements of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)) because it is unnecessary and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

This action has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Approved by the Board of Directors on September 6, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

James D. Deal,

Manager.

Dated: October 12, 1979.

[FR Doc. 79–38635 Filed 12–17–79; 8:45 am]

BILLING CODE 3410–08–M

7 CFR Part 414

[Amendment No. 2]

Forage Seeding Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Forage Seeding Crop Insurance Regulations for the 1978 and Succeeding Crop Years by (1) changing the designation of "section" to "part" in § 414.1 of the regulations, and (2) adding an appendix, which lists the counties where forage seeding crop insurance is available, as required by the provisions of § 414.1. This action is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 18, 1979.

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

SUPPLEMENTARY INFORMATION: On April 20, 1978, the Federal Crop Insurance Corporation published a notice of Final Rule in the **Federal Register** (43 FR 16693–16697), prescribing procedures for insuring forage crops as forage seeding effective with the 1978 crop year.

These regulations are found in 7 CFR Part 414 and were promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

The last sentence in § 414.1 of the Forage Seeding Crop Insurance Regulations for the 1978 and Succeeding Crop Years provides that "Before insurance is offered in any county, there shall be published by appendix to this section the name of the county and the crops on which insurance will be offered."

The word "section", as found in the last sentence of § 414.1 of the regulations cited above, is incorrect and is changed to read "part". Subsequent to the publication of the Forage Seeding Crop Insurance Regulations as a new Part 414 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 414) in the **Federal Register** on April 20, 1978 (43 FR 16693), the listing of the forage seeding crop insurance counties was published as Amendment No. 1 to the Forage Seeding Crop Insurance Regulations for the 1978 and Succeeding Crop Years—7 CFR Part 414 (**Federal Register** at 44 FR 1968, January 9, 1979).

It has become necessary to reissue the list of forage crop insurance counties as an "Appendix" to the Forage Seeding Crop Insurance Regulations under the Corporation's present system of bringing its regulations under a uniform format.

Amendment No. 1 to the Forage Seeding Crop Insurance Regulations for the 1978 and Succeeding Crop Years is hereby superseded by the appendix outlined below.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Forage Seeding Crop Insurance Regulations for the 1978 and Succeeding Crop Years (7 CFR Part 414), are amended as follows:

1. By amending the last sentence of 7 CFR 414.1 to read as follows:

§ 414.1 Availability of forage seeding insurance.

* * * * *

"Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which forage seeding insurance will be offered."

2. By amending the Forage Seeding Crop Insurance Regulations by adding at the end thereof, an Appendix to read as follows:

Appendix

Counties Designated for Forage Seeding Crop Insurance—7 CFR Part 414

In accordance with the provisions of 7 CFR 414.1, the following counties are designated for forage seeding crop insurance: New York, Ontario; North Dakota, Morton; Wisconsin, Dane.

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

Inasmuch as the change in the language in § 414.1 is minor and nonsubstantive, and the publication of the list of counties where forage seeding crop insurance is available merely provides guidance for the general public and will benefit present and future policyholders, it is found and determined that good cause exists for issuing this rule without compliance with the 60-day notice provision of Executive Order No. 12044 and the notice, public participation and 30-day effective day requirements of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)) because it is unnecessary and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

This action has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Approved by the Board of Directors on September 6, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: October 12, 1979.

James D. Deal,

Manager.

[FR Doc. 79-38637 Filed 12-17-79; 8:45 am]

BILLING CODE 3410-08-M

Commodity Credit Corporation

7 CFR Part 1427

Standards for Approval of Warehouses for Cotton or Cotton Linters; Correction

AGENCY: Commodity Credit Corporation, United States Department of Agriculture.

ACTION: Correction to final rule.

SUMMARY: This action corrects a previous **Federal Register** Document, FR Doc. 79-36077, beginning at page 67084 of the issue for Firday, November 23, 1979, which revised the Standards for Approval of Warehouses for Cotton or Cotton Linters. In that document language was in error.

EFFECTIVE DATE: November 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Eugene A. Williams, Inventory Management Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013; (202) 447-7335.

SUPPLEMENTARY INFORMATION: The Commodity Credit Corporation issued a Final Rule with an effective date of November 23, 1979. Action is taken herein to correct an error in § 1427.1087 of the final rule. Since the change is merely clarifying in nature, notice and public procedure thereon are not considered necessary.

In FR Doc. 79-36077 appearing on page 67087 in the **Federal Register** of November 23, 1979, the following correction is hereby made:

§ 1427.1087 [Corrected]

The second sentence of § 1427.1087, paragraph (b) beginning with the words "Warehouseman approved under" should be "deleted".

Signed at Washington, D.C., on December 10, 1979.

John E. Gibbs,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-38673 Filed 12-17-79; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Regulation 3, Amendment 5]

Oranges, Grapefruit, Tangerines and Tangeloes Grown in Florida; Limitation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment establishes a total limitation of shipment regulation for fresh Florida oranges, grapefruit, tangerines, and tangelos during the period beginning at 6:00 p.m., e.s.t., December 21, 1979, and ending 12:01 a.m., e.s.t., December 28, 1979. The regulation is needed to assist in preventing the accumulation of excessive market supplies of the specified fruits during the Christmas Holiday period specified, in which it is anticipated there will be a greatly reduced market demand.

EFFECTIVE DATE: December 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Malvin E. McGaha, (202) 447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* (1) This regulation is issued under marketing agreement and Order No. 905, both as amended (7 CFR Part 905),

regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations of the committee established under the marketing agreement and order, and upon other information. It is found that the limitation of shipments of oranges, grapefruit, tangerines, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of the marketing situation during the period immediately prior to the week in which Christmas Day occurs and for the period immediately following. It is anticipated that shipments of fresh oranges, grapefruit, tangerines, and tangelos prior to Christmas Day will result in market supplies in excess of market needs. An accumulation of excessive quantities of any variety of citrus fruit in the markets during the period immediately prior to and following Christmas contributes to unstable marketing conditions. It is reported that, absent the shipping holiday, excessive shipments of the specified fruits would occur, causing an accumulation of these varieties of fruit in the market prior to and during the post-holiday period, a period in which there is a drop in consumer demand. Hence the curtailment of orange, grapefruit, tangerine, and tangelo shipments, as hereinafter specified, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

(3) It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment 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 amendment is based and the effective date necessary to effectuate the declared policy of the act. A reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this amendment effective at the time specified. Shipments of Florida oranges, grapefruit, tangerines, and tangelos are currently regulated through October 12, 1980. Determination as to the need for, and extent of, regulation under § 905.52(a)(3) must await the development of the crop and the availability of information about market supplies and the demand for such fruits. The recommendation and supporting information for such regulation, were promptly submitted to the Department after an open meeting of the committee, after notice to growers, shippers and others, and interested persons were afforded an opportunity to submit information and views. Information regarding specifications of the regulation has been provided to shippers, and the regulation is identical with the recommendations of the committee. Compliance with the regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before 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, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, phone (202) 447–5975.

Accordingly, it is found that the provisions in paragraph (a) of § 905.303 Orange, Grapefruit, Tangerine, and Tangelo Regulation 3 (44 FR 59195, 65962, 66779, 69917) should be and hereby are revised by modifying the proviso in said paragraph applicable to shipments of oranges, grapefruit, tangerines, and tangelos to read as follows:

§ 905.303 Orange, Grapefruit, Tangerine, and Tangelo Regulation 3.

Order. (a) * * * unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) hereof) specified for such variety in columns (3) and (4) of such table: *Provided,* That during the period beginning at 6:00 p.m., e.s.t., December 21, 1979, and ending 12:01 a.m. e.s.t., December 28, 1979, no handler shall ship between the production area any any point outside thereof in the continental United States, Canada, or Mexico, any oranges, grapefruit, tangerines, and tangelos, of the varieties or types, specified in paragraph (a) Table I of this section, grown in the production area.

* * * * *

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

Dated, December 13, 1979, to become effective 6:00 p.m., e.s.t., December 21, 1979.

D. S. Kuryloski,

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

[FR Doc. 79–38839 Filed 12–17–79; 1:49 pm]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1421

Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed; Corrections

AGENCY: Commodity Credit Corporation, United States Department of Agriculture.

ACTION: Correction to final rule.

SUMMARY: This action corrects a previous **Federal Register** Document, FR Doc. 79–36076, beginning at page 67077 of the issue for Friday, November 23, 1979, which revised the Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed. In that document, language was inadvertently omitted and a subparagraph was misdesignated.

EFFECTIVE DATE: November 23, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Eugene A. Williams, Inventory Management Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013; (202) 447–7335.

SUPPLEMENTARY INFORMATION: The Commodity Credit Corporation issued a Final Rule with an effective date of November 23, 1979. Action is taken herein to correct errors in § 1421.5557 of the Final Rule. Since the changes are merely clarifying in nature, notice and public procedure thereon are not considered necessary.

In FR Doc. 79–36076 appearing on page 67080 in the **Federal Register** of November 23, 1979, the following corrections are hereby made:

§ 1421.5557 [Corrected]

1. The second sentence of § 1421.5557, (a) *Exemption from requirements,* should be designated (b), as follows:

* * * * *

"(b) Warehousemen who are currently under contract with CCC will be required to meet the terms and conditions of these regulations at the time of renewal of their contract."

2. In § 1421.5557, the last paragraph, which is not a part of the Final Rule should be as a Note as follows:

Note.—This Final Rule has been reviewed under the USDA criteria established to implement Executive Order 12044,

"Improving Government Regulations", and has been classified "significant". An approved Final Impact Statement is available from Mr. Eugene A. Williams, ASCS, (202) 447–7335.

Signed at Washington, D.C., on December 10, 1979.

John E. Gibbs,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79–38672 Filed 12–17–79; 8:45 am]

BILLING CODE 3410–05–M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletin

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration hereby amends Appendix A—REA Bulletins to provide a temporary waiver for a requirement in REA Bulletin 345–74, REA Specification for Improved 500 Type Telephone Sets. The surge test requirement in paragraph 8.41 for DTMF (pushbutton dial) telephones in the off-hook condition with one button depressed is temporarily waived.

DTMF telephone sets which comply with the surge test requirements of this specification cannot be relied on to operate with loop currents of less than 20mA which is common in subscriber carrier applications. This has caused serious concern to telephone systems that are converting to DTMF telephone sets and have a relatively high percentage of subscriber carrier loops. Most earlier DTMF dials will operate with subscriber carrier but will not meet the surge test requirements of PE–41.

This waiver will permit REA to finance the use of older, non-surge resistant dials with subscriber carrier until new surge resistant, carrier compatible dials are developed.

EFFECTIVE DATE: December 11, 1979.

FOR FURTHER INFORMATION CONTACT: C. F. Buster, Jr., telephone (202) 447–3917.

SUPPLEMENTARY INFORMATION: In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data, or arguments to the Administrator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, Attention: Telephone Operations and Standards Division. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, the File With to REA Bulletin 345–74 shall remain in effect, thus permitting the public business to proceed more expeditiously.

An impact analysis for this revision has been prepared and is available for public inspection.

Dated: December 11, 1979.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 79–38662 Filed 12–17–79; 8:45 am]

BILLING CODE 3410–15–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Chapter VII

Rate of Interest; Interpretive Ruling

AGENCY: National Credit Union Adminstration.

ACTION: Interpretation of General Applicability.

SUMMARY: This statement sets forth the National Credit Union Administration's interpretation of the effect a compensating balance has upon the rate of interest on Federal Credit Union (FCU) loans for purposes of section 107(5)(A)(vi) of the Federal Credit Union Act. Under this interpretation, a compensating balance required on an FCU loan must be considered in determining the rate of interest on the loan. Pursuant to section 107, the resulting rate of interest may not exceed 1% per month (12% per year).

EFFECTIVE DATE: Immediately on December 18, 1979.

ADDRESS: National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Robert M. Fenner, Assistant General Counsel, or Edward J. Dobranski, Senior Attorney, both of the Office of General Counsel, National Credit Union Administration, at the above address. Phone: (202) 357–1030.

Interpretation [IRPS No. 79–9]

This interpretation states that the effect of a compensating balance must be considered in order to determine the rate of interest on a Federal Credit Union (FCU) loan to a member for purposes of section 107(5)(A)(vi) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(vi)). That section states that the rate of interest on a loan to a member shall not exceed 1% per month (12% per year) on the unpaid balance inclusive of all service charges.

I. Definition of Compensating Balance

1. The term "compensating balance" means a deposit in a Federal Credit Union (FCU):

(a) that the FCU requires that the member/borrower make; [1]

(b) that is created from either (i) part or all of the proceeds of the loan or (ii) from any outside source (including the borrower's own funds); and

(c) that is not accessible to the member/borrower for a given period of time.

2. The term does not include any deposit in the FCU that the member/borrower has made previously without regard to any loan requirement or lending policy that such a deposit be made, and the amount of which is given as security for the loan.

An explanation of the terms used in the definition is set forth below.

The term "deposit" refers to a share account of any type, or a share certificate account,[2] or a certificate of indebtedness. It does not include the $5 share membership requirement, for that requirement exists independently of any loan (even if given concurrently with a loan) and is mandated by section 109 of the Federal Credit Union Act (12 U.S.C. 1759).

The term "requires that the member/borrower make" means that funds must be placed in the FCU in order to obtain a particular loan. It is important to note that this requirement can arise in a number of ways; for example, on the face of the loan agreement (such as a security requirement or a requirement of deposit [with or without security]); as an FCU lending policy (e.g., that to qualify for a loan the member/borrower must have 20% of the loan amount in shares); or a requirement that is conveyed orally to a particular borrower (e.g., by the loan officer).

The term "created from the loan proceeds" is essentially self explanatory, i.e., part of the loan is kept in an account in the FCU.[3]

The term "created from any outside source (including the borrower's own funds)" covers the situation where the borrower receives the entire amount contracted for in the loan agreement, but is required to place a certain amount of

[1] Systematic loan/savings plans do not fall within the scope of this interpretive ruling. The issue of whether such plans must be considered for purposes of 12 U.S.C. 1757(5)(A)(vi) will be addressed in a subsequent interpretive ruling.

[2] Thus, if a share certificate is required to be purchased as a condition of a loan, and it is required to be given as security on the loan, then a compensating balance arises.

[3] Note that estate loans (where the borrower requests that all proceeds of the loan be placed into shares, and which are inaccessible), will be addressed in a subsequent interpretive ruling.

funds (from any source) in the FCU, and such funds may not be withdrawn for a given time period.

The term "not accessible to the member/borrower" means funds to which a borrower does not have an automatic, unfettered right of withdrawal.[4] Thus, e.g., funds that are placed with the FCU as a requirement of the loan, and that are subject to withdrawal only with credit committee approval pursuant to a separate requirement in the loan agreement or pursuant to a security interest in those shares, would be considered not accessible for purposes of this interpretation.

The term "compensating balance" as used herein does not include any funds that were previously and independently placed into a share account (without regard to any lending policy or loan requirement) *and* that are subsequently offered as security for the loan. Such funds do not affect the 1% per month interest rate limitation. For example, suppose an FCU requires 20% of the loan balance to be maintained in shares in order to qualify for a loan. If a member wishes to borrow $5,000, in order to be eligible to borrow such an amount, $1,000 must be in shares (with such $1,000 being inaccessible for a certain period of time). If the member already had $1,000 in shares (and no portion of the $1,000 was placed in shares for the purpose of meeting the FCU 20% requirement for a contemplated loan), and if the shares are given as security on the loan, no compensating balance arises, even though the funds are inaccessible until the loan balance is less than the share amount. However, if the member had only $600 in shares, and put $400 from his or her own pocket into the share account in order to qualify for the loan (or agreed to place $400 from the loan proceeds into shares), then a $400 compensating balance exists and that compensating balance must be considered in determining the rate of interest for purposes of section 107(5)(A)(vi) of the Federal Credit Union Act.

II. Legal Rationale

As stated above, the pertinent provision of the Federal Credit Union Act is section 107(5)(A)(vi) (12 U.S.C. 1757(5)(A)(vi), which provides that the rate of interest on an FCU loan shall not exceed 1% per month (12% per year) on the unpaid balance inclusive of all service charges. The issue which has arisen concerning the relationship between section 107 and compensating balances is best illustrated through an example. If a loan of $1,000 is contracted for, with monthly payments, and if the FCU requires that $200 of such loan be placed in the borrower's share account (to be inaccessible for a given period of time), upon what amount may the FCU charge 12% per year (i.e., what is the unpaid balance)? [5]

It is NCUA's position that 12% per year may not be assessed upon the entire amount of the loan ($1,000 in the example). This position is predicated upon recognition of the time value of money and upon the resolution of this issue reached by a vast majority of those courts that have addressed it.

The term "interest", by definition, mandates consideration of the funds a borrower has use of and of the time the borrower has use of such funds.[6] Interest is thus the value of funds available for one's use. That value varies depending upon how long the funds may be used, i.e., the time value of money. When funds "borrowed" may not be used for a period of time, the value of those funds decreases. The resulting value is termed "present value". Thus, for example, given a loan of $1,000 with a $200 compensating balance, 1% per month may be assessed only upon the sum of $800 plus the present value of the $200 compensating balance. (That is, the FCU will be permitted to charge 1% per month [12% per year] on an amount somewhere between $800 and $1,000, depending upon the present value of the $200). The present value will vary depending upon how long the $200 is inaccessible. The longer the period of inaccessibility, the less its present value. In the alternative, the unpaid balance can be carried on the FCU's books as $1,000 in the example. In that situation, the monthly interest rate factor assessed upon that $1,000 cannot be 1%, because of the time value of money, and thus must necessarily be less that 1% (how much so again depends upon how long the $200 is inaccessible).[7]

The concept of the time value of money, and why it must be considered when determining the relationship between a compensating balance and section 107, is clearly evident when a compensating balance type loan is compared to a multiple advance loan. Given a loan for $1,000 for one year, if the FCU states that it will advance $250 to the borrower at once, $250 after one month, and $500 after six months, it is clear that if the FCU charges 1% per month on $1,000 from the date of the first advance, the rate of interest is greater that 1% per month on the unpaid balance. Such a scheme would generate a greater rate of interest to the FCU than if the transaction was viewed as three separate loans, with 1% being charged on $250 for one year, 1% on $250 for 11 months, and 1% on $500 for six months. The crucial aspect in this type of determination is the time value of money (i.e., the funds the borrower has use of). A compensating balance is similar. If the FCU withholds part of the loan until a later date, ($200 in the example), the maximum interest rate may not be assessed upon that $200 if the borrower does not have immediate use of it.[8] Of course, time value methods of computation exist so that present value and the resulting rate of interest may be determined at the inception of a compensating balance loan. This rate may not exceed 12% per year.

As noted previously, a number of courts have addressed the issue of whether a compensating balance must be considered in determining the rate of interest on a loan, and the vast majority have concluded that such a consideration is necessary.[9] It is important to note that the cases referred to dealt with state law usury provisions. In short, many of the courts determined not only whether an excessive rate was actually reserved or received, but also determined whether the lender intended to reserve or receive such an excessive rate. This dual determination was necessary in those cases for each involved a provision imposing a penalty for charging an excessive rate of

[4] Pursuant to the same rationale applicable to the $5 share membership requirement, the imposition by the FCU of the 60 day notice of withdrawal requirement on all accounts, as provided for in Article III, section 5(a) of the Federal Credit Union Bylaws, does not render shares inaccessible for purposes of this ruling.

[5] Stated another way, what is the maximum monthly interest rate factor that may be applied to the full $1,000? It is understood that FCU's will of necessity perceive the computation as a determination of the periodic interest rate factor and treat the loan as one for $1,000. The discussion in the text is used simply to more clearly explain the issue.

[6] "Interest" is universally defined as compensation received by a lender for the use of money. See, e.g., 47 C.J.S. Interest § 1 and 45 Am. Jur. 2d Interest § 1, for a listing of a number of cases that have recognized this definition. Interest can also be viewed as compensation of the creditor's loss of the use of funds. Thus, when a compensating balance is required for a given time period, the creditor is not deprived of the use of funds for such time.

[7] As noted in footnote 5, since the FCU will choose to consider the unpaid balance to be the full amount of the loan, the monthly interest rate factor must be arrived at by considering the elements of use and time (i.e. the time value of money).

[8] Given the concept of the use of money, it makes no difference whether the compensating balance is created from the loan proceeds or from the borrower's own funds.

[9] For a general overview of case law addressing the question of whether usury results when a creditor requires a deposit of debtor's funds, see 92 ALR 3d 769.

interest. The cases thus dealt with allegations of usury, i.e., excessive interest rates and allegations that such rates were charged by a lender with usurious intent, the latter being necessary to invoke the penalty provisions.

Unlike the court decisions, this interpretation does not address an entire usury provision. The usury provision of the Federal Credit Union Act is composed of two sections, section 107(5)(A)(vi) and section 107(5)(A)(vii). The former sets forth the maximum interest rate (1% per month); the latter, the penalty a borrower may invoke in court for a knowing violation of that limit. This interpretation necessarily encompasses only section 107(5)(A)(vi) for it is solely that section of the usury provision for which NCUA is charged with regulatory responsibility. That responsibility extends only to interpreting what is necessary to determine the "rate of interest on the unpaid balance". It does not extend to making a determination of whether any particular action is usurious, i.e., taken with knowledge that an excessive rate was reserved or received (or cloaked with an intent that evidences such knowledge) so that the penalty provision of section 107(5)(A)(vii) would be invoked. That type of determination is for a court, in an action brought by a borrower under section 107(5)(A)(vii) (12 U.S.C. 1757(5)(A)(vii)).[10]

Again, the courts, although making the dual determination noted, have overwhelmingly concluded that the imposition of the maximum interest rate on the amount contracted for, without consideration of the loss of use of money for a period of time which results from the imposition of a compensating balance, constitutes the charging of an excessive rate of interest.

Given such judicial precedent, and given present day concepts of the time value of money, NCUA interprets section 107(5)(A)(vi) of the Federal Credit Union Act as requiring that compensating balances and their resulting loss of use of money must be considered when determining the rate of interest on the unpaid balance. This does not mean, of course, that compensating balances are illegal. It does mean, however, that a violation of Section 107(5)(A)(vi) occurs if, given consideration of any compensating balance, the rate of interest exceeds 1% per month (12% per year) on the unpaid balance inclusive of all service charges.

III. Computation

As noted previously, accepted methods of computation for determining the effects of a compensating balance may be employed.[11] Such methods determine how the compensating balance affects the rate of interest through consideration of the length of time the funds are inaccessible to the borrower and the amount of such funds. The computation for this determination must be done pursuant to such accepted methods of determining present value (i.e., determining the present value of funds that are inaccessible for a given period of time). Once the present value of the compensating balance is determined, the unpaid balance can be computed. Or, in the alternative, the FCU can compute the maximum periodic rate factor which may be applied so that the rate of interest does not exceed 1% per month (12% per year). Although NCUA will advise any FCU that intends to impose a compensating balance of the methods of calculation, it should be noted that any FCU that does impose a compensating balance will bear the burden of demonstrating that the rate of interest does not exceed 1% per month (12% per year) on the unpaid balance. In this regard, FCU's should note that since the computations are somewhat difficult, they should ensure that they can accurately perform them. This is especially important given section 107(5)(A)(vii), the penalty provision.

Two other aspects of the computation deserve note. First, any dividends paid on a compensating balance may be considered in determining the rate of interest. Thus, the greater the dividends paid on the compensating balance, the lower the rate of interest.[12] Consideration of dividends is not mandatory (since dividends serve to lower the rate of interest), however, they may be considered by any FCU that can compute their effect.

Second, since an FCU by law [13] may not freeze shares in excess of any loan balance, portions of the compensating balance must be made available whenever the compensating balance exceeds the outstanding loan balance. If this happens, the staggered accessibility of funds can be considered in calculating the interest rate, if the FCU so chooses (and if it has the capability of performing the requisite mathematical computations). However, in making its calculations to determine the effect of the compensating balance, the FCU may also choose to simply treat the compensating balance as though it is not accessible for the life of the loan.

IV. Scope

NCUA recognizes that this interpretation raises a host of other questions concerning a myriad of situations that do not fall within the definition of the term "compensating balance" as set forth herein. It is the agency's intent to address in a subsequent interpretive ruling a number of those situations, such as FCU thrift plans, open end loans, estate loans, prepaid interest, and funds that are withheld from the borrower but are not placed in a deposit account or CI (e.g. in escrow with a third party).

Rosemary Brady,

Secretary, National Credit Union Administration Board.

December 12, 1979.

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[10] We recognize, of course, that an agency pronouncement such as this could very well be perceived by a court, in an action by a borrower under section 107(5)(A)(vii) against an FCU, as imparting knowledge to an FCU for purposes of that section. That resolution, however, is for the judiciary, not NCUA, and will necessarily turn upon the facts in each particular case.

[11] For example, Supplement I to the Federal Reserve Board's Regulation Z sets out such a method. Note, however, that that method encompasses the actuarial computation of interest, not the U.S. Rule computation. Supplement I can be adapted to fit the U.S. Rule method however.

[12] Although FCU's do not know in advance what the dividend rate will be (nor can they guarantee a rate), legally no objection exists to the use of a good faith estimate based upon past dividend rates or reasonable projections.

[13] Artcle III, Section 5(c) of the Federal Credit Union Bylaws.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 304 and 349

Implementation of Reporting Requirements of the Financial Institutions Regulatory and Interest Rate Control Act of 1978

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final Regulation.

SUMMARY: These final regulations are issued to implement the reporting requirements of Titles VIII and IX of the Financial Institutions Regulatory and Interest Rate Control Act of 1978. Title VIII requires the principal shareholders and executive officers of federally-insured banks to file confidential reports with the banks Board of Directors. Title VIII also requires each insured bank to file with the appropriate Federal banking agency annual reports listing each executive officer or principal shareholder who filed reports of indebtedness with the Board of Directors. Title IX of the Act requires the banks to file annual reports listing the principal shareholders and executive officers who borrowed money from the

bank during the year, all executive officers, principal shareholders and their related business interest who filed a report of borrowing from one or more of the banks correspondent banks, and the aggregate amount of the indebtedness.

EFFECTIVE DATE: December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Daniel Wm. Persinger, Assistant General Counsel, (202) 389–4387, or Barbara I. Gersten, Attorney, (202) 389–4261, FDIC.

SUPPLEMENTARY INFORMATION: Title VIII of FIRIRCA (*Correspondent Accounts)* which amends section 106(b) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972), became effective March 10, 1979. Title VIII requires executive officers and principal shareholders of federally-insured banks to file a confidential report with the board of directors of their banks concerning their indebtedness and the indebtedness of their related business interests to correspondent banks. Title VIII further requires each insured bank to file with the appropriate Federal banking agency an annual report listing by name each executive officer or principal shareholder who files a report of indebtedness with the bank's board of directors, and listing the aggregate amount of all extensions of credit made to these persons and their related business interests by all correspondent banks.[1]

Title IX of FIRIRCA (*Disclosure of Material Facts*), which amends Section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817), became effective on March 10, 1979. Title IX requires all federally-insured banks to file annually a public report with the appropriate Federal banking agency listing (1) the bank's principal shareholders, (2) all of the bank's executive officers and principal shareholders who borrowed (or whose related business interests borrowed) from the insured bank during the year, (3) all such persons and their related business interests who filed with the bank a report of borrowing from one or more of the bank's correspondent banks during the year, and (4) the aggregate amount of indebtedness incurred under (2) and (3).

On March 9, 1979, the Federal banking agencies published for public comment proposed regulations to implement the reporting requirements of Titles VIII and IX of FIRIRCA. Docket No. R–0210, 44 FR 13035. The public comment period closed on April 20, 1979. Approximately 96 comments were received by FDIC.

Many comments focused on the difficulty of complying with the reporting requirements, in particular the cost of compiling reports and the burden of submitting a year-end report in addition to other year-end reports required of insured banks. The regulations were termed inappropriate for use in certain situations, especially those involving foreign banks. Comments on proposed definitions of key terms were numerous. Concern was expressed over the public availability of the Title IX report, terming this an invasion of privacy. A recurring comment was that these additional regulations constitute the "over-regulation" of banks, and require the duplicate reporting of information already available to the Federal banking agencies.

The regulations are effective December 31, 1979. This action is taken under the authority granted in section 553(d)(3) of the Administrative Procedure Act (5 U.S.C. 553(d)(3)) to dispense with publication of a substantive rule not less than 30 days before its effective date. The Board of Directors of the Federal Deposit Insurance Corporation has determined it is not in the public interest to delay the effective date of the regulations for 30 days.

The Board of Governors of the Federal Reserve System has already published regulations (in substance similar to those of FDIC) which will become effective December 31, 1979. The industry is aware of the requirements of these regulations and of the reporting requirements of Titles VIII and IX of FIRIRCA (effective March 10, 1979) which the regulations of FDIC and the Federal Reserve implement. While the regulations do impose restrictions (*i.e.,* reporting requirements) on executive officers, principal shareholders and banks, these restrictions are actually already imposed by Titles VIII and IX. In addition, due to the initial reporting deadline of January 31 (for executive officers and principal shareholders to report to their bank on their indebtedness to its correspondent banks pursuant to Title VIII) it is necessary that the regulations become effective no later than year end. This will allow sufficient time to meet the January 31 reporting deadline.

In accordance with Executive Order 12044, "Improving Government Regulations" (43 FR 12661), and policy statements of the Federal banking agencies, the agencies have determined that the regulations impose no reporting burdens or recordkeeping costs that are not required by statute.

Upon review of the comments received and after a thorough reconsideration of the regulations as published for comment, FDIC has made certain changes as reflected in the final regulations set forth below. An explanation of the final regulations and a discussion of the comments received are also set forth below.

A. Reporting Requirements of Titles VIII and IX [2]

1. *Title VIII Reports by Executive Officers and Principal Shareholders.* Under Title VIII, executive officers[3] and principal shareholders[4] of insured banks are required to report to the board of directors of their bank annually the following information:

(a) The "maximum amount of indebtedness" during the preceding year of the executive officer or principal shareholder and of that person's "related interests" (*i.e.,* controlled companies or political or campaign committees) to each "correspondent bank" (*i.e.,* each bank that maintains a correspondent account for the reporting person's bank);[5]

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[1] Title VIII of FIRIRCA prohibits all banks (whether or not federally insured) that maintain a correspondent account relationship with each other from extending credit to each other's executive officers, directors, or principal shareholders unless the extension of credit is not preferential, that is, (1) is made on substantially the same terms as those prevailing at the time for comparable transactions with other persons, and (2) does not involve more than the normal risk of repayment or present other unfavorable features. Title VIII also prohibits the opening of a correspondent account relationship between banks where there is a preferential extension of credit from one of the banks to an executive officer, director, or principal shareholder of the other bank. The prohibitions of Title VIII are referred to in § 349.1; however, the provisions of Part 349 relate only to the reporting requirements of Title VIII.

[2] For the purposes of Title VIII, no reports will be required of an executive officer of a U.S. branch or agency of a foreign bank (including insured branches), or of an executive officer of the foreign bank itself. Similarly, a foreign bank is not considered a "principal shareholder" for reporting purposes but an individual who is a principal shareholder of a foreign bank is subject to the reporting requirements of Title VIII.

Consistent with Title I of FIRIRCA (§ 22(h) of the Federal Reserve Act, 12 U.S.C. 375(b)) and Federal Reserve Regulation O, Subpart A (12 CFR 215.1–.11) which exclude foreign banks, the reporting requirements of Title IX do not apply to foreign banks or their U.S. branches or agencies (including insured branches).

[3] For the purposes of Titles VIII and IX and Parts 304 and 349, an executive officer of an insured State nonmember bank does not include an executive officer of a bank holding company of which the bank is a subsidiary or of any other subsidiary of that bank holding company unless that person is also an executive officer of the insured State nonmember bank.

[4] The term "principal shareholder" has been defined in Part 349 as synonymous with the term "stockholder of record" as that term is used in those provisions of Titles VIII and IX pertaining to reporting requirements.

[5] Under Title VIII, the executive officer or principal shareholder must file a report if the person is indebted during the year to a correspondent bank.

Footnotes continued on next page

(b) The amount of indebtedness of the executive officer or principal shareholder and of each of that person's related interests to each correspondent bank outstanding as of a date not more than 10 days before the report is filed with the bank's board of directors; and

(c) The terms and conditions (including the range of interest rates) of each extension of credit included in the figure reported as the maximum amount of indebtedness.[6]

The bank is not required to make these reports available to the public, however, the bank must maintain these reports for three years. The appropriate Federal banking agency may direct the bank to maintain the reports for an additional period of time and make them available for review by its examiners.

2. *Title VIII Reports by Insured Banks.* Title VIII requires each insured bank to compile the reports submitted to it by its executive officers and principal shareholders and to furnish such compilation annually to the appropriate Federal banking agency. The regulation specifies that this compilation requirement will be satisfied if the bank does no more than furnish the information required to be filed by insured banks under Title VIII. This Title VIII report will be made a part of the report filed by the insured bank under Title IX, which report must be made available to the public by the appropriate Federal banking agency and by the bank itself.

Title VIII requires each insured bank to file with the appropriate Federal banking agency an annual report listing:

(a) The name of each executive officer or principal shareholder who files a report of indebtedness with the bank's board of directors; and

(b) The "aggregate amount of all extensions of credit"[7] made to these persons and their related interests by all of the bank's correspondent banks.

3. *Title IX Report by Insured Banks.* Title IX requires each insured bank to file with the appropriate Federal banking agency an annual report which must be made available to the public by the bank and by the agency. The report must list the following:

(a) The name of each of the bank's principal shareholders as of December 31 of the reporting year;

(b) The name of each executive officer or principal shareholder who borrowed or whose related interest borrowed, from the bank during the reporting year;[8] and

(c) The "aggregate amount of all extensions of credit" made by the insured bank during the year to these persons and their related interests.

B. Definition of Key Terms Used in Titles VIII and IX

1. *Correspondent Account.* While the prohibitions and reporting requirements of Title VIII are based on the presence of a correspondent account relationship, the statute does not define the term "correspondent account". The proposed regulation defined the term as an account maintained by one bank with another for the deposit or placement of funds. In the final regulation, time deposits as well as accounts maintained solely for federal funds and Eurodollar transactions at prevailing market rates have been excluded from the definition of "correspondent account". These exclusions are consistent with the legislative intent of the statute, which focused on noninterest-bearing demand accounts. By limiting the exclusion to time deposits and accounts for effecting federal funds and Eurodollar transactions at "prevailing market rates", the regulation minimizes the possibility that abusive correspondent account relationships will go unreported.

Most comments received agreed with the proposed definition and with the suggestion in the notice accompanying the proposed regulation that exclusions for time deposits and federal funds be adopted. While a number of commenters proposed additional exclusions (such as accounts maintained for credit card facilities or travelers checks, accounts opened in a fiduciary capacity, accounts maintained to clear checks or for securities transactions, accounts used for correspondent business of small banks, or accounts maintained for brief periods of time), these exclusions are not warranted. The legislative history indicates that the reason for the enactment of provisions in Title VIII prohibiting, without exception, preferential extensions of credit coupled with the maintenance of correspondent accounts is the difficulty in determining whether an account (such as one used to clear checks) is being used solely for legitimate purposes.

2. *Correspondent Bank.* The regulation published for comment proposed to limit reporting the indebtedness of an insured State nonmember bank's executive officers and principal shareholders to those correspondent banks that maintained correspodent accounts of $100,000 or more during the reporting year.

Most of the commenters favored a cut-off figure for the correspondent accounts based on an average balance during the year, since a correspondent account could exceed $100,000 for only a few days during the year and thus might not accurately reflect the extent of the correspondent relationship between the banks. While a *de minimus* figure as a cut-off for correspondent banks is appropriate, it is believed that an average balance of $100,000 during the year may be too high in the case of smaller banks. The final regulation specifies that executive officers or principal shareholders are not required to report on their indebtedness to banks that maintain correspondent accounts that do not exceed an average daily balance of $100,000 or one-half of one percent of the insured State nonmember bank's total deposits (as reported its first consolidated report of condition for the year), whichever is smaller.

3. *Principal Shareholder.* The prohibitions of Title VIII apply to *any* person (company or individual) that directly or indirectly owns, controls, or has power to vote more than 10 percent of a bank's voting shares.[9] The reporting requirements of Titles VIII and IX, however, apply to each "stockholder of record" who directly or indirectly owns, controls, or has the power to vote more than 10 percent of a bank's voting shares. The term "stockholder of record" is not defined in Title VIII or Title IX. The proposed regulation separately defined "principal stockholder of record" and "principal shareholder" as a person who directly or indirectly owns, controls, or has the power to vote the bank's shares, in conformity with the definition used in applying the prohibitions of Title VIII. The definitions would include the actual owner of the shares, whether or nor that person's name appears on the bank's stock

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Footnotes continued from last page

Where the person is not indebted, but a related interest is indebted, the regulation requires the person to file a report concerning indebtedness of the related interest.

[6] The regulation does not require a report on the terms and conditions of extensions of credit included in any indebtedness outstanding not more than 10 days before the report is filed unless the extension of credit was also outstanding during the preceding year.

[7] The term "aggregate amount of all extensions of credit" has been defined in the regulation as a single figure that represents the sum of the "maximum amounts of indebtedness" reported to the insured bank's board of directors by the bank's executive officers and principal shareholders.

[8] The proposed regulation required the reporting bank to list each executive officer and principal shareholder, whether or not that person was indebted. The final regulation requires that the bank list only borrowers.

[9] Shares of a bank holding company held by a member of an individual's immediate family are considered to be held by the individual for the purpose of determining principal shareholder status.

register as the owner of the shares.[10] No adverse comment was received on this aspect of the definition. This interpretation is consistent with the legislative history of Titles VIII and IX, which shows a clear Congressional intent to cover the actual principal shareholders of the bank, rather than just the persons whose names appear on the bank's stock register.[11] If Title VIII's reporting requirements were confined solely to shareholders whose names appear on the bank's stock register, the reporting requirements of the statute would not be coextensive with the prohibitions. The final regulation adopts the term "principal shareholder" (which is *synonymous* with "stockholder of record") as that term was defined in the proposed regulations.

A bank that controls another bank could be viewed as a principal shareholder subject to the reporting requirements of Titles VIII and IX. This situation would arise primarily in the case of foreign banks, since U.S. banks are generally prohibited from owning shares of another bank. The comments on this aspect of the regulation indicated that it would be extremely burdensome and costly (if not impossible) for banks that are principal shareholders to compile the necessary information and to file the reports required of principal shareholders under Title VIII. Inclusion of inter-bank transactions (correspondent bank loans to banks that are principal shareholders) would also inflate the aggregate figure reported by the bank, and thus would be misleading. The final regulation excludes banks (including insured banks and foreign banks) from the definition of principal shareholder for purposes of the reporting requirements of Titles VIII and IX. This exclusion is consistent with the restrictions on direct loans in Title I which do not include insured banks as principal shareholders. It is also consistent with the exemption from the affiliate lending restrictions in section 23A of the Federal Reserve Act (12 U.S.C. 371c), and with the legislative history of Title VIII which indicates that Congress did not mean to disrupt reciprocal transactions between a bank and its correspondents.[12] Individuals and nonbanking companies controlling banks that control other banks are principal shareholders covered by the reporting requirements of Titles VIII and IX.

4. *Related Interests.* Under Title IX, each insured State nonmember bank must report the aggregate amount of credit extended to its principal shareholders (which by definition would include the bank's parent bank holding company) and their related interests (which would include all "controlled" subsidiaries, including banks, of the parent bank holding company). In the case of multi-bank holding companies, the volume of indebtedness between bank subsidiaries could be substantial. The commenters focused on the practical difficulties this presents, in particular the burden and cost of calculating and keeping track of these inter-bank transactions. Some commenters indicated that it would be impossible to comply because of the number and extent of their subsidiaries' operations. Commenters also indicated that this inter-bank indebtedness would tremendously inflate the aggregate amount of debt reported and render the figure meaningless.

The same problem exists in connection with reporting under Title VIII, which requires a principal share holder of an insured bank to report indebtedness of the principal shareholder and of each of the principal shareholder's related interests to each of the insured bank's correspondent banks. Since a bank holding company qualifies as a principal shareholder, a bank holding company must report not only on its indebtedness to each correspondent of each of its subsidiary banks, but also on the indebtedness of each of its related interests (including each subsidiary bank) to each correspondent bank of each subsidiary bank. In the case of a multi-bank holding company system, the number and complexity of the reports and the corresponding recordkeeping burden would be substantial.[13] To comply with the reporting requirements, a holding company would have to maintain records on the daily transactions between each of its subsidiary banks and all correspondents of all of its other subsidiary banks. Considering the volume of inter-bank transactions between correspondents and the number of correspondent banks involved, the recordkeeping burden would be substantial, and would exceed any benefit derived from the report. Reporting alone could tend to disrupt normal banking relationships.

In view of the reporting problems, banks (including foreign banks) have been excluded from the definition of "related interest" in the final regulation implementing the reporting requirements of Titles VIII and IX.[14] This exclusion is consistent with the statutory definition of "company" in Title I of FIRIRCA which expressly excludes insured banks. Since the Title IX report was intended by Congress as a report on indebtedness of executive officers and principal shareholders to their bank under Title I, the Federal banking agencies believe that it is appropriate to exclude banks from the definition of "related interest" for purposes of the Title IX reporting requirements.

The exclusion is also consistent with the purpose of Title VIII, which is to prohibit misuse of a bank's correspondent account(s) through preferential extensions of credit to its executive officers and principal shareholders. This rationale does not apply to routine inter-bank transactions involving credit extensions by a correspondent bank to the depositing bank itself where there is no executive officer or principal shareholder involved.[15]

5. *Maximum Amount of Indebtedness Reported.* Under Title VIII, the executive officers and principal shareholders of an insured bank must report to the board of directors of their bank the "maximum amount of indebtedness" of themselves and of each of their related interests, to each of the insured bank's correspondent banks. The proposed regulation defined "maximum amount" as the highest indebtedness outstanding during the year. The final regulation retains this definition of maximum

[10] The definition would also include those persons who control the bank's parent bank holding company. A person (individual or company) that controls a bank's parent bank holding company would "indirectly" control the bank. "Control of a company" is defined, as in Title I of FIRIRCA and Subpart A of Federal Reserve Regulation O, as generaly control of 25 percent of the company's outstanding voting shares, control of the election of a majority of the company's board of directors, or the power to exercise a controlling influence over the management or policies of the company.

[11] *See* H. Rep. No. 95–1383, 95th Cong., 2d Sess. 6, 16 (1978); and 124 *Cong. Rec.* H 11724 (Oct. 5, 1978) (remarks of Rep. St Germain).

[12] Since foreign banks and their U.S. bank subsidiaries deal with many of the same correspondent banks, the inclusion of the foreign bank as a principal shareholder would restrict (and in some cases prohibit) normal transactions between the foreign bank and its own correspondent banks. Such a result does not appear to have been intended by Congress.

[13] In many cases affiliated banks have correspondent account relationships with many of the same banks. The statute was not intended to require reports on extensions of credit to a bank from its correspondent banks. Inclusion of banks as related interest would have this effect.

[14] Information on inter-bank transactions among bank holding company subsidiary banks is routinely available to the Federal banking agencies through reports and examination of bank holding companies. Similar information could be obtained with respect to transactions between any two insured banks.

[15] *See* H. Rep. No. 1383, 95th Cong., 2d Sess. 8, 13 (1978). The Focus of Congressional attention in this area was on individuals who had used their bank positions for personal benefit. There is no evidence that Congress intended to treat bank subsidiaries of bank holding companies as related interests.

amount but allows the reporting person the option of reporting instead the highest end of the month indebtedness outstanding during the year. A number of commenters favored the highest end of the month balance because smaller banks do not maintain records that show borrower indebtedness on a day-to-day basis. This option would allow the reporting person to check only the monthly loan statements from his or her lending bank, thereby reducing the time and burden of the reporting requirement to the reporting person as well as to any correspondent banks.

In the notice to the proposed regulation, comment was requested on whether "maximum amount" should be defined as simply the sum of all extensions of credit made during the year and whether this alternative definition would be less burdensome for the reporting person. The commenters universally recommended against this approach on the basis that it would yield a highly inflated and misrepresentative figure. The commenters also did not believe that it would reduce the reporting burden to any significant extent. Accordingly, the idea of simply adding up all separate credit extensions has not been adopted.

Under Title VIII, the insured bank reports to the appropriate Federal banking agency "the aggregate amount of all extensions of credit" to its executive officers and principal shareholders and their related interests from correspondent banks. The agencies have defined the aggregate amount as the sum of the maximum amounts of indebtedness reported to the bank's board of directors by its executive officers and principal shareholders. In other words, the bank is only required to total the figures reported to it by its executive officers and principal shareholders and submit this total (a single figure) to the appropriate agency.

Under Title IX, the insured bank reports to the appropriate agency the "aggregate amount of all extensions of credit" the insured bank makes to its executive officers and principal shareholders and their related interests (under Title I). Consistent with the definition in Title VIII, the agencies have defined "aggregate amount" in Title IX as the sum of the highest amounts of credit extended by the bank during the year (or as an alternative the highest end of the month indebtedness outstanding during the year) to each of its executive officers and principal shareholders and to each of their related interests. The sum of the highest amounts (rather than the sum of all credit extensions) would be reported. This approach will, as in the Title VIII report, more accurately reflect the extent to which the bank is extending credit to its executive officers and principal shareholders. The commenters strongly favored such a definition of "aggregate amount" for that reason.

Executive officers and principal shareholders are required by Title VIII to report information on the terms and conditions (including the range of interest rates) of any indebtedness to correspondent banks. The final regulation requires the reporting person to submit information on the terms and conditions (including the range of interest rates, the original amount, date, maturity, payment terms, security, if any, and any other unusual term or condition) of each extension of credit that is included in the maximum amount of indebtedness reported. The terms and conditions must be reported for extensions of credit to the reporting person as well as related interests of the reporting person. The reporting person is not required to provide this information for extensions of credit included in any indebtedness reported not more than 10 days before the report is filed (unless the same loan was outstanding during the preceding year).

6. *Types of Indebtedness Reported.* Under Title VIII, executive officers and principal shareholders must report on their indebtedness and any indebtedness of their related interests to correspondent banks. The proposed regulation incorporated the definition of "extension of credit" contained in what is now Subpart A of Federal Reserve Regulation O. Under that definition, a purchase by a correspondent bank of commercial paper, or publicly traded bonds or debentures issued by a principal shareholder of a bank (or a related interest of the principal shareholder) would constitute an extension of credit and would be reportable. Commenters indicated that the burden imposed on the reporting person would be considerable. If the paper is in negotiable form, the person may not know which, if any, correspondent banks hold the paper.

The final regulation defines the term "indebtedness" as an extension of credit as defined in Subpart A of Federal Reserve Regulation O, but excludes commercial paper, bonds, debentures and other types of marketable securities issued in the ordinary course of business. The agencies believe that Congress did not intend to require reports on this type of debt, as it appears to have little if any potential for the correspondent account abuse that the reporting requirements of Title VIII were intended to reveal.

Also excluded from the term "indebtedness" is consumer credit aggregating $5,000 or less from each correspondent bank, provided the indebtedness is incurred under terms that are not more favorable than those offered to the general public. This exclusion carries forward the exclusion of $5,000 in open-end credit from the definition of "extension of credit" in Subpart A of Federal Reserve Regulation O but broadens it to include all consumer credit.

C. Reports

1. *Time for Filing Reports.* The proposed regulation required executive officers and principal shareholders to file reports of indebtedness to correspondents with their bank's board of directors by January 10 of each year. This would mean reporting extensions of credit outstanding no earlier than December 31 of the preceding year. The insured bank was required to file its report with the appropriate banking agency by January 31. Many commenters indicated that the January 10 date is too close to the end of the year when numerous other reports must be filed. A date later than the bank's January 31 reporting date was also suggested. In view of these comments, the final regulation provides that executive officers and principal shareholders must report to their bank on or before January 31 of each year. The bank must report to the appropriate agency by March 31 of each year.

Under Title VIII, executive officers and principal shareholders must report on indebtedness from correspondent banks outstanding not more than 10 days before the date the report is filed with their bank's board of directors. A number of commenters indicated that the 10 day period did not provide enough time to obtain the information required. The 10 day time limit is a requirement of the statute, however, in view of the fact that the reporting person may not be able to accurately determine this amount in the short time period provided, the final regulation specifies that the amount of indebtedness reported as outstanding not more than 10 days before the report is filed may be supplemented within the next 30 days. This will allow the person to estimate the amount outstanding not more than 10 days before the filing date of the report and to correct that amount when the person receives more accurate information on indebtedness from the correspondent bank.

Reports required to be filed for the calendar year 1979 need cover only the

period from July 1 through December 31, as suggested in the notice accompanying the proposed regulation. This is reasonable since the reporting persons and banks should have been allowed sufficient time between the publication of the proposed regulation and the beginning of the reporting period to make the necessary recordkeeping arrangements.

2. *Forms.* A form for the public reports required to be filed by insured banks under Titles VIII and IX has been adopted for use by the banking agencies by the Federal Financial Institutions Examination Council established under Title X of FIRIRCA, 12 U.S.C. 3301 *et seq.* A recommended form for the reports to be filed by executive officers and principal shareholders with the board of directors of their bank has also been adopted as a guide to assist these persons in complying with the Title VIII reporting requirements. The forms will be distributed to all insured banks in sufficient time to allow the orderly filing of reports on January 31 and March 31, 1980, by executive officers and principal shareholders, and by their banks, respectively.

3. *Responsibility of Insured Banks to Inform Executive Officers and Principal Shareholders of Requirements of Title VIII.* The regulations require that each insured bank advise its executive officers and principal shareholders (to the extent known by the bank) of the reports required by Title VIII and make available to these persons a list of the insured banks correspondent bank's. This is necessary to ensure that all such persons are aware of the statutory requirements and are provided with the information necessary to comply with those requirements.

Title 12 of the Code of Federal Regulations is amended as follows:

PART 304—FORMS, INSTRUCTIONS, AND REPORTS

1. Part 304 of FDIC's regulations is amended by adding a new § 304.4 to read as follows:

§ 304.4 Report of loans to executive officers and principal shareholders.

(a) *Filing and Content.* On or before March 31 of each year, each insured State nonmember bank shall file with the FDIC the report required by section 7(k)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(k)(1)). The report shall include the following information with respect to the preceding calendar year:

(1) A list by name of each principal shareholder of the reporting bank as of December 31;

(2) A list by name of each executive officer and principal shareholder of the reporting bank during the preceding calendar year who borrowed from the reporting bank during that period; [1]

(3) The aggregate amount of all extensions of credit made by the reporting bank to such executive officers, principal shareholders and their related interests during the preceding calendar year; [1] and

(4) The information on indebtedness to correspondent banks required to be included under § 349.4(b) of Part 349 of this chapter.

(b) *Definitions.* For the purpose of this section:

(1) The terms "executive officer" and "extension of credit" have the meanings provided in § 215.2 of Federal Reserve Regulation O, Subpart A (12 CFR 215.2); and

(2) The terms "principal shareholder" and "related interest" have the meanings provided in § 215.10(a) of Federal Reserve Regulation O, Subpart A (12 CFR 215.10(a)), except that the term "principal shareholder" is synonymous with the term "stockholder of record" as that term is used in the reporting provisions of Titles VIII and IX of FIRIRCA (12 U.S.C. 1972(2)(G), 12 U.S.C. 1817(a)). All references to the term "member bank" in §§ 215.2 and 215.10(a) shall be deemed to refer to an insured State nonmember bank for the purposes of this section.

PART 349—REPORTS ON INDEBTEDNESS OF EXECUTIVE OFFICERS AND PRINCIPAL SHAREHOLDERS TO CORRESPONDENT BANKS

2. A new Part 349 is added to read as follows:

Sec.
349.1 Authority, purpose and scope.
349.2 Definitions.
349.3 Reports by Executive Officers and Principal Shareholders.
349.4 Report by Insured State Nonmember Banks.

Authority: Title VIII of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 ("FIRIRCA", Pub. L. 95–630, 12 U.S.C. 1972(2)), and under authority of Sections 7(a) and 9 (Tenth) of the Federal Deposit Insurance Act, 12 U.S.C. 1817(a), 1819 (Tenth). Title VII of FIRIRCA (cited in this Part 349 as "Title VIII") specifically authorizes the FDIC to promulgate regulations establishing procedures necessary for its implementation. 12 U.S.C. 1972(2)(F)(vi).

[1] For 1979 only, the reporting period is from July 1 to December 31, inclusive.

§ 349.1 Authority, purpose and scope.

(a) *Authority.* This part 349 is issued pursuant to Title VIII of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 ("FIRIRCA", Pub. L. 95–630, 12 U.S.C. 1972(2)), and under authority of Sections 7(a) and 9(Tenth) of the Federal Deposit Insurance Act, 12 U.S.C. §§ 1817(a), 1819(Tenth). Title VIII of FIRIRCA (cited in this Part 349 as "Title VIII") specifically authorizes the FDIC to promulgate regulations establishing procedures necessary for its implementation. 12 U.S.C. 1972(2)(F)(vi).

(b) *Purpose and Scope.* Title VIII prohibits (1) preferential lending by a bank to executive officers, directors and principal shareholders of another bank when there is a correspondent account relationship between the banks, or (2) the opening of a correspondent account relationship between banks when there is a preferential extension of credit by one of the banks to an executive officer, director or principal shareholder of the other bank. Title VIII also imposes requirements on executive officers and principal shareholders to submit reports on their indebtedness to correspondent banks.[1] This Part 349 implements the reporting requirements of Title VIII as they apply to insured State nonmember banks.

§ 349.2 Definitions.

For the purposes of the reporting requirements of Title VIII and this Part 349, the following definitions apply:

(a) "Bank" has the meaning provided in 12 U.S.C. 1841(c), and includes a branch or agency of a foreign bank, or a commercial lending company controlled by a foreign bank or by a company that controls a foreign bank, where the branch or agency is maintained in a State of the United States or in the District of Columbia or the commercial lending company is organized under State law.

(b) "Company", "control of a company or bank," "executive officer,"[2] "extension of credit," "immediate family," and "person" have the meanings provided in § 215.2 of Subpart A of Federal Reserve Regulation O (12 CFR 215.2). All references to the term

[1] As specified in § 308.69 of FDIC's regulations (12 CFR 308.69), a civil penalty of not more than $1,000 per day may be assessed for a violation of Title VIII (section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, 12 U.S.C. 1972(2)). Civil penalties may be assessed for violations of both the prohibitions in sections (2)(A)–(D) and the reporting requirements in section 2(G) of Title VIII.

[2] For the purposes of this Part 349, executive officers of an insured State nonmember bank do not include an executive officer of a bank holding company of which such bank is a subsidiary or of any other subsidiary of the bank holding company, unless the executive officer is also an executive officer of the insured State nonmember bank.

"member bank" in § 215.2 shall be deemed to refer to an insured State nonmember bank for the purposes of this Part 349.

(c) "Correspondent account" is an account that is maintained by an insured State nonmember bank with another bank for the deposit or placement of funds. A correspondent account does not include:

(1) Time deposits at prevailing market rates; or

(2) An account maintained in the ordinary course of business solely for the purpose of effecting federal funds transactions at prevailing market rates or making Eurodollar placements at prevailing market rates.

(d) "Correspondent bank" means a bank that maintains one or more correspondent accounts for an insured State nonmember bank during a calendar year that in the aggregatete exceed an average daily balance during that year of $100,000 or one-half of one percent of the insured State nonmember bank's total deposits (as reported in its first consolidated report of condition during that calendar year), whichever amount is smaller.

(e) For the purpose of this Part 349, "principal shareholder" and "related interest" have the meanings provided in § 215.10(a) of Federal Reserve Regulation O, Subpart A (12 CFR 215.10(a)), except that the term "principal shareholder" is synonymous with the term "stockholder of record" as that term is used in the reporting provisions of Titles VIII and IX of FIRIRCA (12 U.S.C. 1972(2)(G), 12 U.S.C. 1817(a)). All references to the term "member bank" in § 215.10(a) shall be deemed to refer to an insured State nonmember bank for the purposes of this Part 349.

§ 349.3 Reports by executive officers and principal shareholders.

(a) *Annual Report.* If during any calendar year an executive officer or principal shareholder of an insured State nonmember bank or a related interest of such a person has outstanding an extension of credit from a correspondent bank, the executive officer or principal shareholder must make a written report to the board of directors of the insured State nonmember bank on or before January 31 of the following year.[3]

(b) *Contents of Report.* The report required by this section shall include the following information:

(1) The maximum amount of indebtedness of the executive officer or principal shareholder and of each of that person's related interests to each of the insured State nonmember bank's correspondent banks during the calendar year; and

(2) The amount of indebtedness of the executive officer or principal shareholder and of each of that person's related interests outstanding to each of the insured State nonmember bank's correspondent banks not more than ten business days before the report required by this section is filed; [4] and

(3) A description of the terms and conditions (including the range of interest rates, the original amount and date, maturity date, payment terms, security, if any, and any other unusual terms or conditions) of each extension of credit included in the indebtedness reported under paragraph (b)(1) of this section.

(c) *Definitions.* For the purposes of this section:

(1) "Indebtedness" means an extension of credit, but does not include:

(i) Commercial paper, bonds, debentures and other types of marketable securities issued in the ordinary course of business; or

(ii) Consumer credit (as defined in 12 CFR 226.2(p)) in an aggregate amount of $5,000 or less from each of the insured State nonmember bank's correspondent banks, provided the indebtedness is incurred under terms that are not more favorable than those offered to the general public.

(2) "Maximum amount of indebtedness" means, at the option of the reporting person, either (i) the highest outstanding indebtedness during the calendar year for which the report is made, or (ii) the highest end of the month indebtedness outstanding during the calendar year for which the report is made.

(d) *Retention of Reports.* The reports required by this section must ordinarily be retained at the insured State nonmember bank for a period of three years, but the Federal Deposit Insurance Corporation may require that they be retained by the bank for an additional period of time. The reports filed under this section are not required by this regulation to be made available to the public and shall not be filed with the Federal Deposit Insurance Corporation unless specifically requested.

(e) *Bank's Responsibility.* Each insured State nonmember bank shall advise each of its executive officers and each of its principal shareholders (to the extent known by the bank) of the reports required by this section and make available to each of these persons a list with the name and address of each of the insured State nonmember bank's correspondent banks.

§ 349.4 Report by insured State nonmember banks.

(a) On or before March 31 of each year, each insured State nonmember bank shall compile the reports filed under § 349.3 of this Part 349 and shall forward a compilation of such reports to the Federal Deposit Insurance Corporation. The compilation need contain only the information required in paragraph (b) of this section.

(b) Each insured State nonmember bank shall include in the report required under section 7(k)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(k)(1)) and § 304.4 of the Federal Deposit Insurance Corporation's rules and regulations (12 CFR 304.4) to be filed by March 31 of each year, the following information:

(1) A list by name of each executive officer or principal shareholder that files a report under § 349.3 of this Part 349; and

(2) The aggregate amount (or sum) of the maximum amounts of indebtedness reported to the insured State nonmember bank under § 349.3(b)(1) of this Part 349 by such bank's executive officers and principal shareholders and their related interests.

By Order of the Board of Directors, dated December 10, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 79-38787 Filed 12-17-79; 8:45 am]

BILLING CODE 6714-01-M

[3] Persons reporting under this section are not required to include information on extensions of credit that are fully described in a report by a person they control or a person that controls them, provided they identify their relationship with such other person.

[4] If the amount of indebtedness outstanding to a correspondent bank ten days before the filing of the report is not available or cannot be readily ascertained, an estimate of the amount of indebtedness may be filed with the report, provided that the report is supplemented within the next 30 days with the actual amount of indebtedness.

CIVIL AERONAUTICS BOARD

14 CFR Part 379

[Reg. SPR-167; Amdt., No. 4]

Nondiscrimination in Federally Assisted Programs of the Board—Effectuation of Title VI of the Civil Rights Act of 1964

AGENCY: Civil Aeronautics Board.

ACTION: Editorial Amendment.

SUMMARY: The CAB is correcting a drafting error in its rules prohibiting

racial discrimination in Federally assisted programs. The second and third sub-paragraphs of 14 CFR 379.3(b) were inadvertently deleted by a previous amendment.

DATES: Effective: January 7, 1980. Adopted: December 12, 1979.

FOR FUTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: This editorial amendment is issued under the delegation of authority from the Board to the General Counsel in 14 CFR 385.19. Procedures for review of this amendment are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 through 385.54).

The Board amends 14 CFR Part 379, *Nondiscrimination in Federally Assisted Programs of the Board—Effectuation of Title VI of the Civil Rights Act of 1964* by restoring the second and third sub-paragraphs of paragraph 379.3(b) so that it reads:

§ 379.3 Discrimination prohibited.

* * * * *

(b) *Specific discriminatory actions prohibited.* (1) No air carrier shall subject any person to discrimination on the ground of race, color, or national origin in connection with air transportation for which such carrier is receiving or has claimed compensation payable under section 406 or section 419 of the Federal Aviation Act of 1958.

(2) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this part applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Civil Rights Act of 1964 or this part.

(3) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which the part applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purpose of the Civil Rights Act of 1964.

* * * * *

(Section 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board:

Mary M. Schuman,

General Counsel.

[FR Doc. 79–38760 Filed 12–17–79; 8:45 am]

BILLING CODE 6320–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231 and 241

[Release No. 33–6166, 34–16419, IC–10980]

Disclosure of Management Remuneration

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation of Item 4 of Regulation S–K.

SUMMARY: The Division of Corporation Finance is issuing its interpretive views regarding the management remuneration disclosure requirements embodied in Item 4 of Regulation S–K. Because of the volume of requests for interpretive advice and in response to problems encountered by the staff of the Division in its administration of the requirements, the Commission authorized it to publish this release to provide current information on the interpretations of the Division.

FOR FURTHER INFORMATION CONTACT: Registrants with specific remuneration questions should contact the staff members directly responsible for reviewing the documents they file with the Commission. General questions may be directed to Bruce S. Mendelsohn at (202) 272–2589 or Joseph G. Connolly, Jr. at (202) 272–2696.

SUPPLEMENTARY INFORMATION: The Commission hereby issues Release No. 33–6166, 34–16419, IC–10980 to be added to Parts 231, 241 and 271 of Title 17 Chapter II of the Code of Federal Regulations as given below.

Disclosure of Management Remuneration

On December 4, 1978, the Commission issued Securities Act Release No. 6003, 43 FR 58181, which amended the management remuneration disclosure requirements in Item 4 of Regulation S–K. On February 22, 1979, the Commission authorized the Division of Corporation Finance to publish its interpretative views regarding certain aspects of the amendments.[1] Because of the volume of requests for interpretive advice and in response to problems encountered by the staff of the Division in its administration of the requirements, the Division of Corporation Finance has received the Commission's authorization to publish this release to provide current information on the interpretations of the Division.

Set forth below is a series of interpretations, primarily in a question and answer format. In conjunction with the interpretations, the release re-emphasizes certain concepts applicable to areas where compliance difficulties have arisen. In some cases, experience in administering the rules and observing their operation has led to some modification of interpretations previously expressed by the staff orally or in writing.

Finally, the Division has informed the Commission that it will not recommend to the Commission any amendments to Item 4 or Regulation S–K for adoption prior to the 1980 proxy season.

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I. Basic Principles

The Division believes that it is first important to reiterate some of the basic disclosure concepts involved in the remuneration table.

(1) Except in specified circumstances, the purpose of the remuneration disclosure is to match all services rendered in a given year with all remunerative amounts attributable to employees received for performing those services, whether the amounts are

[1] Securities Act Release No. 33–6027 (February 22, 1979).

vested or contingent, or are payable currently or at some future time. Accordingly, except to the extent that reporting in a different fashion is called for as a result of the second principle set forth below, amounts relating to services rendered in prior years should not be included in the remuneration table.

(2) If the actual amount of remuneration for service in the most recent fiscal year is not determined at the time of reporting, the full amount must eventually be reported. In this regard, registrants should note that column C should "also include any amount actually distributed in the latest fiscal year which relates to services rendered in a prior fiscal year, less any amount relating to the same contract, agreement, plan, or arrangement previously included in the remuneration table for a prior fiscal year."[2] Therefore although the same remunerative amount should never be reported in more than one year, there are cases where, because of practical necessity, remuneration must be reported in the present year even though it relates to a prior year's services.[3]

(3) It is not necessary to report remuneration in the current year which would have been previously reported in the table had the new rules been in effect. Thus, in complying with the requirements, registrants should report as if the revised Item 4 had been in effect in all prior reporting years.

(4) With respect to a person who becomes, for the first time, a person whose remuneration is to be reported in the table, it is not necessary to report remuneration which would have been reported in the table had the person been included in prior years.

(5) Although Item 4 of Regulation S–K embodies the express disclosure requirements with regard to management remuneration, in the interest of full disclosure, the Division encourages registrants to describe the components of compensation included in Column C2, particularly amounts relating to the exercise of stock options which may tend to distort the Column C2 disclosure.

(6) In reporting remuneration in the table, *no* adjustments should be made because of tax benefits accruing to a registrant. Thus, there is no reduction in the amount reported because of the fact that it may be deductible for tax purposes or because it may be fully or partially subsidized by a tax credit.

(7) As a general rule the amount to be reported in Column C should equal the amount expensed during the period covered by the report under generally accepted accounting principles ("GAAP"). Obviously, however, there are exceptions to this rule. Some items such as certain stock options, for example, must be reported even though not ordinarily expensed under GAAP. (It should be noted, however, that reporting in Column D is always keyed to *expensed* amounts. See Instruction 3 to Item 4(a).)

(8) The same remunerative amount need not be reported in more than one fiscal year's remuneration table. For example, if an amount previously reported in Column D is paid in a subsequent year, that *same* amount need not be reported in Column C.

(9) The period covered by the remuneration table is the "last fiscal year." However, it should be noted that Item 4(d), which referes to options, warrants or rights, covers the period "since the beginning of the registrant's last fiscal year." Accordingly, when a filing is made which contains Item 4(d) information, such information should include all relevant data through a period ending shortly prior to the filing date.

II. Composition and Mechanics of the Remuneration Table

Item 4(a) of Regulation S–K requries tabular disclosure of total aggregate remuneration for the five most highly compensated executive officers and directors of reporting entities, naming such persons, and for all officers and directors as a group (the "Remuneration Table"). Instruction 2 to Item 4(a) of Regulation S–K provides for the inclusion in Column C1 of all salaries and fees paid with respect to services rendered during the registrant's last fiscal year and the inclusion in Column C2 of other cash or cash equivalent amounts. Instruction 3 to Item 4(a) requires that Column D include specified forms of remuneration the distribution, the unconditional vesting or the measurement of which is subject to future events.[4]

Many of the questions received by the Division have related to the mechanics of the remuneration table. Indeed, allocation of the components of the compensation package to the proper columns has appeared to have caused some difficulty. The following questions derive from a request for interpretative advice[5] and from other common inquiries with regard to this problem.

A. General

1. Question: Must its registrant list all columns specified in Item 4(a)(3) in a remuneration table regardless of their applicability?

Response: No. The registrant is required to include only those columns for which it has information required to be reported in the remuneration table.

2. Question: May a registrant include additional columns in its table? If so, must these additional columns be aggregated?

Response: Instruction 5 to Item 4(a) specifically permits the inclusion of additional columns. It is unnecessary, however, to aggregate them. It has been the Division's experience that some registrants split out bonus payments from Column C1 and place them into a separate column. The Division encourages this practice.

3. Question: Are all cash amounts received as remuneration included in Column C1?

Response: No. Only the traditional forms of cash remuneration for services rendered, *i.e.*, salaries, fees, commissions, bonuses and directors' fees, should be included in Column C1. All other forms of cash remuneration, for example, cash received with respect to stock appreciation rights, are included in Column C2. See Instruction 2 to Item 4(a). Once the determination has been made that an amount should be reported in Column C rather than Column D, the fact that the distribution of such amount will be deferred is of no importance in determining whether Column C1 or C2 is the appropriate column.

B. Stock Options

4. Question: How should the grant of a stock option be reported in the remuneration table?

Response: If the grant of the stock option is not expensed under Generally Accepted Accounting Principles ("GAAP"), then it need not be reported in the remuneration table.

5. Question: How is the exercise of a stock option reported?

Response: The spread, if any, between the acquisition price and the fair market price of the underlying security on the date of exercise should be reported in Column C2, less any amount previously

[2] See Instruction 2 to Item 4(a) of Regulation S–K.

[3] For example, under many plans, bonuses are actually awarded for the last fiscal year after the filing of the proxy statement, Form 10–K, etc. See *Bonus Plans, infra.*

[4] Column D is captioned "aggregate of contingent forms of remuneration."

[5] Letter to Mr. Bret H. Reed from the Division of Corporation Finance, re: Coldwell Banker & Co. (available July 1979).

reported with respect to such option prior to exercise.[6]

6. Question: For a security traded over-the-counter, is the fair market value the asked price or the bid price?

Response: When a security has a two-way quotation, the fair market value for purposes of Instruction 2(b) to Item 4(a) is the mean between the bid and asked prices.

7. Question: Is it permissible to discount the fair market value of the security acquired through the exercise of the option because the recipient has a required holding period pursuant to Rule 144 under the Securities Act of 1933 or Section 16(b) of the Securities Exchange Act of 1934?

Response: No. The fair market value may not be discounted when calculating the spread between the acquisition price and the fair market value at the time of exercise.

C. Columns C and D

To assist in the understanding of the next three sections it may be helpful to restate the distinction between Columns C and D. Column C is to be used for remuneration that has been (1) distributed to or for the account of the specified person or group, or (2) accrued and with *reasonable certainty* will be distributed or unconditionally vested in the future. See Instruction 2. Column D is to be used for remuneration amounts that have been expensed for financial reporting purposes but as to which distribution or unconditional vesting is contingent upon future events. See Instruction 3. Therefore, problems of allocation generally center around the determination of whether there is "reasonable certainty" of distribution or vesting.

Because there is sometimes uncertainty as to the amount or timing of distribution, amounts less than initially reported in Column C or D may actually be paid. That spread, a negative adjustment, should be reported in Column D, even though the adjustment relates to an amount previously reported in Column C. Negative adjustments against prior Column C or Column D disclosure are *always* reported in Column D. See, Instructions 2 and 3(b)(ii).

D. Stock Appreciation Rights

8. Question: Officers have stock options with stock appreciation rights (SAR'S) attached. Annual market value change is expensed (positive or negative but not below zero) in conformity with the current FASB interpretation of APB No. 25. How are these SAR's to be treated in years prior to exercise?

Response: In years prior to exercise, the amount expensed due to annual market value change should be reported in Column D, including negative amounts.[7]

For example, suppose an issuer grants to an officer an option to acquire the issuer's stock with an SAR attached. The option execise price is equal to the fair market value at the time of grant, which is $5.

(a) *Year 1:* There is no exercise and no change in market value in the first year.

Reporting: Since the reporting with regard to the grant would be the same as with any stock option, nothing would be reported in the table because the exercise price was equal to market value at time of grant (non-compensatory stock option).

(b) *Year 2:* No exercise is made in the second fiscal year. The fair market value of the issuer's shares is $9 at the end of the second fiscal year.

Reporting: The issuer would expense the $4 difference between the fair market value at the previous year end and the fair market value at the latest year end and Column D should reflect that amount.

(c) *Year 3:* No exercise is made in the third fiscal year. The fair market value of the issuer's shares is $7 at the end of the third fiscal year.

Reporting: A negative entry of $2 should be reported in Column D reflecting the registrant's corresponding credit to its remuneration expense for financial reporting purposes.

(d) *Year 4:* The officer elects to exercise the SAR at a time when the fair market value of the issuer's shares is $10. He receives $5 in cash in settlement of the SAR.

Reporting: Column C2 should reflect a $3 entry (the $5 distribution less the net amount previously reported, i.e., $4 in year two minus $2 in year three).

9. Question: With regard to the previous question, what if the SAR had been granted prior to the effective date of the amendments to Item 4 of Regulation S–K, (so that market value changes were not reported prior to 1979) and what if there is a current year value decline which includes a reversal of some portion of the pre-1979 (prior to the new rules) appreciation. How is the pre-1979 portion treated in a year prior to execise?

Response: The basic concept is that reporting in the table should be done as if the revised rules had always been in effect. Thus, in the staff's view, the full current year value decline should be reported in Column D, including the reversal of a portion of the pre-1979 appreciation, provided a brief explanation of the pre-1979 reversal is included in a footnote to the remuneration table. For example, suppose that in the example given in Question 8 the third year was the first fiscal year subject to the new rules. In that case, the negative adjustment of $2 may be reported in Column D since the $9 increase in year two would have been reported had the rules been in effect for that year.

10. Question: How is the exercise of an SAR treated?

Response: If cash is received in settlement of the SAR, the amount reportable in Column C2 would be the amount of cash received less any amounts previously reported or which would have been previously reported had the new rules been in effect at the time of grant. If securities are received in settlement of the SAR, the amount reportable in Column C2 would be the spread between the acquisition price, if any, and the fair market price of securities received less any amount previously reported or which would have been previously reported in the remuneration table had the rules been in effect at the time of grant.

11. Question: An officer whose option includes SAR's may elect to exercise the underlying option in lieu of the SAR. Under the present interpretation of APB No. 25, upon exercise current and prior year accured appreciation is recognized as consideration for the stock issued; the option exercise has no effect on expense. What is the reporting treatment upon exercise?

Response: The gross spread between the market price on the date of exercise and the exercise price would be reportable in Column C2 as with a normal option exercise. However, any prior year SAR appreciation that has been expensed and reported in Column D may be used to offset the gross spread on the option, since this previously reported amount relates to the same plan or arrangement, notwithstanding the exercise of the option in lieu of the SAR. See Instruction 2(b) to Item 4(a). Any negative amounts would be reportable in Column D.

E. Allocations Between Columns C and D

12. Question: The Company awards annual bonuses in the form of Performance Share "Units." The actual shares of the employer's common stock are issued from one to two years later

[6] An amount may have been previously reported for a compensatory stock option that was expensed for financial reporting purposes at the time of grant.

[7] It should be noted that in the usual case annual market value change of the issuer's securities is not expensed with regard to outstanding stock options and is therefore not reported in the table.

and, until issuance, the number of shares awarded is forfeitable upon earlier termination of employment. Operations are charged for the fair market value of an equivalent number of shares of the company's common stock at the date of award and the amount is properly reported in Column D because of the contingency. Dividends on the units equal to dividends paid on the issuers' common stock during the period prior to actual issuance are paid in cash and are reported in Column C1. However, under GAAP there is no subsequent charge or credit to earnings reflecting market value changes, either annually or upon eventual issuance of the shares,[8] except that upon forfeiture original expense amounts are reversed. How should the spread between the issue date and the award date value be treated?

Response: The positive spread between the market value at the issue date and at the date of award should be included in Column C2. Any negative spread would be reportable in Column D.

13. Question: A present officer was awarded Performance Share Units prior to election as an officer and therefore the award date value was never reported. What is reportable upon issuance of shares?

Response: Instruction 2 to Item 4(a) permits the exclusion of amounts relating to the same plan previously included in the table for a prior fiscal year. In Securities Act Release No. 6027 (February 22, 1979), it was indicated that no objection would be made if the same concept is applied to exclude any amounts not disclosed in prior proxy statements due to the fact that the employee/participant, at such earlier time, was not in the remuneration table either as a named individual *or* as a member of the group. Accordingly, on issuance of shares, Column C2 should include any positive spread between the market value on the issue date and award date value reduced by amounts previously expensed for the account of this officer that would have been reportable in the table had he been an individual or group member as to whom disclosure would have been required.

14. Question: The Company has a deferred compensation plan under which a participant may voluntarily elect to defer a portion of his annual bonus which is then credited to a "phantom stock" account. Amounts deferred are non-forfeitable and are reported in Column C1. Appreciation measured by market value changes is subject to forfeiture and is expensed as with SARs and is reported in Column D. All payments are made only after termination of employment. In a year of market value decline which "offsets" a portion of the appreciation not previously reported, either because (1) it was accrued prior to 1979 (effectiveness of the new rules) or (2) it was accrued in years before the person became an officer, what is the treatment in the table?

Response: The analysis is the same as with SARs. See Question 9 above.

F. Column D

15. Question: The Company's tax-qualified profit sharing retirement plan has the following vesting schedule: year 1—0%, year 2—10%, year 3—20%, and 10% increments in the following years. No benefits are payable until after termination. How would the company's annual contributions of $1,000 to the plan for an officer/director be reported in the table?

Response: The vested portion of profit-sharing or other retirement plans would be reportable in Column C2, and the unvested portion in Column D. To the extent that a presently vested amount has already been reflected in a previous Column D entry, or which would have been so reported prior to 1979 had the rules been in effect, any potential Column C2 entry may be offset by the amounts previously reported or reportable in Column D.

Accordingly, with regard to the specific inquiry, the disclosure should be as follows:

First year disclosure:

Col. C2	Col. D
0	$1,000

(There is no vesting in year 1)

Second year disclosure:

Col. C2	Col. D
$100	$900

(The schedule calls for 10% vesting. However, since the prior year's contribution has already been reported in Column D, no reporting is necessary for any amount reported in Column D in year 1 that vests in year 2. Thus, only the second year's contributions must be reported.)

Third year disclosure:

Col. C2	Col. D
$200	$800

(Again, the basic principle is that no reporting is required for amounts previously reported in Column D that vest in subsequent years.)

The table need not disclose cumulative account balances, nor any additions (or deductions) to a participant's account resulting from the annual allocation of trust earnings (or losses) or of amounts reallocated as forfeiture from the accounts of terminated employees who were not fully vested.

16. Question: The Company has a deferred bonus plan under which amounts are presently expensed but benefits are payable only if the participant is living at the date of payment. Is the remuneration reported in Column C1 or D?

Response: The registrant must determine whether a true contingency exists. Under normal circumstances, if by standard actuarial tables the officer or director is expected to be living at the payment date, then no true contingency is present and the amount "accrued" for the officer or director should be reported in Column C1. Column C1 would be used instead of Column C2 because, notwithstanding the fact that the distribution is deferred, the amount relates to a bonus. See Instruction 2(a).

17. Question: Since Instruction 3(a)(i) to Item 4(a) (with regard to Column D) refers to amounts expensed under deferred compensation plans, does that mean that such amounts are always reported in Column D?

Response: No. Column D is to be used only if the distribution of remuneration under the plan or the unconditional vesting or measurement of benefits under the plan is subject to future events which represent true contingencies.

18. Question: But, is Column D exclusively for contingent remuneration?

Response: All positive entries in Column D should be for remuneration subject to a true contingency but nevertheless expensed during the fiscal year for financial reporting purposes. However, negative adjustment entries with respect to amounts previously reported in Column C (and, of course, against amounts previously reported in Column D) are always to be reported in Column D. See the reponse to Question

[8] The accounting treatment should be in accordance with APB No. 25, and therefore in certain fact situations the reporting for financial statement purposes may be different.

20 for an example. See also Instructions 2 and 3(b)(ii) to Item 4(a).[9]

19. Question: What type of disclosure is necessary if negative adjustments are reported in Column D?

Response: Instruction 3(b)(ii) to Item 4(a) provides, "If amounts credited pursuant to this instruction are so reflected in the table [in Column D], include a footnote stating the amount of such credit and briefly describing such treatment."

20. Question: From previous questions, it is clear that credits can be taken against prior Column C2 disclosure and prior Column D disclosure. Can negative entries be made in Column D against previous Column C1 disclosure?

Response: Although the third sentence of Instruction 2 indicates that if a credit may be taken, it should be reflected in Column D *rather than Column C2,* the staff has taken the position that credits may also be taken against Column C1 disclosures. For example, a registrant may have a bonus plan pursuant to which amounts are included in Column C since they are "accrued and with reasonable certainty will be distributed or unconditionally vested in the future." However, for one reason or another, the amount eventually distributed to a given individual is forfeited or is less than was expected.

21. Question: Since footnote disclosure can become extremely complex when there are several types of plans generating negative data and where virtually everyone in the remuneration table is a participant in each plan, what is the correct reporting format for negative entries included in Column D in accordance with Instructions 2 and/or 3(b)(ii) of Item 4(a)?

Response: Instruction 3(b)(ii) to Item 4(a) provides that "[i]f amounts credited pursuant to this instruction are so reflected in the table [in Column D], [the registrant shall] include a footnote stating the amount of such credit and briefly describing such treatment." To the extent that negative entries in Column D for individuals and for the group are attributable to the same factors, the footnote disclosure required by Instruction 3(b)(ii) may be generic in nature. If negative entries reflect changes in several types of plans or other factors not common to all individuals and the group, and separate disclosure would result in lengthy narrative, the staff would not object to a general explanation of the circumstances giving rise to negative entries without a separate explanation of the components of each negative entry for individuals or the group. Excessive detail should be avoided; a brief footnote describing only the material aspects of the entries is all that is required.

III. Termination of Employment

22. Question: Is anything reportable which relates solely to termination of employment—for example, (1) expense reversals recorded on books as of the termination date due to previously accrued benefits such as SAR appreciation being forfeited; or (2) option exercises accomplished shortly after the termination date (as permitted by the plan) but within the same fiscal year? (In both cases, the person is still included in the reportable group for the year during which such events or entries occur, covering the period to termination date.)

Response: Instruction 1 to Item 4(a) states that the Item applies to any person who was an executive officer, officer or director at any time during the fiscal year. Information need not be given for any portion of the period during which such person did not serve in those capacities, provided a statement to that effect is made. If an individual terminates employment and information is required for that portion of the reporting period during which he served as an executive officer, officer or director, expense reversals reported on the books as of the termination date due to previously accrued benefits should be reflected in Column D of the remuneration table for the individual or in the entry for the group, as applicable. In the Division's view, option exercises made subsequent to termination during the same fiscal year pursuant to the terms of the plan should also be reflected in the table, notwithstanding that exercises may occur shortly after the termination date. If such exercises are made after the close of the fiscal year in which the officer retired, no reporting is necessary in the table, although detailed disclosure with respect to the options may be required under Item 4(d) since that item calls for the disclosure of options exercised by the officer since the beginning of the registrant's last fiscal year.[10]

IV. Bonus Plans—Allocations Subsequent to Fiscal Year End

23. Question: The Company has a bonus plan for officers and directors for which the total amount of the bonus pool for the latest fiscal year is known at the time the proxy statement is filed with the Commission but the amounts allocated to each participant will not be determined until after the proxy statement is mailed. (a) What must be disclosed in accordance with Item 4(a) for the named individuals? (b) What must be disclosed in accordance with Item 4(a) for the group of all officers and directors?

Response: (a) With regard to the disclosure for the individuals named in the table, the registrant should include a footnote indicating (1) that a bonus plan exists for the latest fiscal year, (2) the persons named in the table who are participants in the plan, and (3) the fact that amounts have not been allocated from the bonus plan to the individuals and thus are not included in the remuneration table. In addition, registrants are required to disclose amounts subsequently allocated to the individuals in the remuneration table for the next fiscal year.[11]

(b) In the usual case where not all participants in the bonus pool are officers and directors, a footnote should be included disclosing (1) that a bonus plan exists for the latest fiscal year and (2) that an amount has not been allocated from the pool to the reportable group and therefore is not included in the table. Of course, the footnotes contemplated by responses (a) and (b) above can be consolidated. However, in the unusual case, if the bonus pool participants are all officers and directors, then the aggregate amount should be included in the group disclosure.

24. Question: With regard to Question 23, if the allocation of the bonus pool among participants is determined after

[9] Instruction 2 (with regard to Column C) provides, in part (starting with the second sentence of the Instruction): Column C shall also include any amount actually distributed in the latest fiscal year which relates to services rendered in a prior fiscal year, less any amount relating to the same contract, agreement, plan, or arrangement previously included in the remuneration table for a prior fiscal year. However, if this calculation results in a credit, any such credit should be reflected in Column D and not Column C2. See Instruction 3(b)(ii). Instruction 3(b)(ii) reads: If the registrant has expensed amounts for financial reporting purposes and reported such amounts in the remuneration table and in a subsequent year, in connection with the same plan or arrangement, credits its remuneration expense for financial reporting purposes, for any proper reason, including a decline in the market price of the securities, such credit may be reflected as a reduction of the remuneration reported in Column D. If amounts credited pursuant to this instruction are so reflected in the table, include a footnote stating the amount of such credit and briefly describing such treatment.

[10] Instruction 3(ii) to Item 4(d) states that Item 4(d) disclosure is necessary if the total market value on the dates of purchase of all securities acquired pursuant to the exercise of options exceeds $10,000.

[11] The second sentence of Instruction 2 to Item 4 states, "Column C shall also include any amount actually distributed in the latest fiscal year which relates to services rendered in a prior fiscal year less any amount relating to the same contract, agreement, plan, or arrangement previously included in the remuneration table for a prior fiscal year."

the end of the fiscal year but prior to the filing of the proxy, is disclosure required in the table?

Response: If such amounts are known, they should be included in the appropriate columns for the named individuals. In most cases these amounts would be included in Column C1 since they would be accrued for the named individuals and with reasonable certainty would be distributed or unconditionally vested in the future.

V. Personal Benefits—Instruction 2(d) to Item 4(a)

Instruction 2(d) to Item 4(a) requires the inclusion in the remuneration table of "[t]he value of personal benefits which are not directly related to job performance, other than those provided to broad categories of employees and which do not discriminate in favor of officers or directors, furnished by the registrant or its subsidiaries * * *." Subpart (i) of the instruction indicates how such perquisites should be valued, subpart (ii) sets forth an exclusion from the disclosure requirements if the registrant cannot without unreasonable effort or expense determine the specific amount of certain personal benefits or the extent to which benefits are personal rather than business, and subpart (iii) requires expanded disclosure regarding perquisites if such personal benefits aggregate to a specific threshold.

In this regard, it should be noted that except in a limited number of specific instances the perquisite disclosure requirements of Item 4 have not superseded the Commission's two earlier releases relating to the disclosure of personal benefits in the remuneration table. Rather, Instruction 2(d) of the Item 4(a) codifies the Commission's views expressed in Securities Act Release No. 5856 (August 18, 1977) that personal benefits received by management from the corporation are forms of remuneration which, except in specified circumstances,[12] should be included within the remuneration reported. Further, the adoption of Item 4 has not altered the majority of interpretive responses expressed in Securities Act Release No. 5904. As will be noted, several of the responses in that release have been rendered inapplicable by the very nature and scope of the new remuneration item (for example, interpretive responses 1, 3 and 4 of 33–5904); interpretive responses 11 and 19 of that release have been revised by Instruction 2(d)(ii) and 2(d)(i) to Item 4(a); and the interpretive position expressed in this release has altered others (for example, responses to interpretive questions 8) (other than the last sentence), 10 and 27 of Release No. 33–5904 have been superseded by intrepretive responses 35, 30 and 33 respectively of this release. Furthermore, although Instruction 2(d)(i) to Item 4(a) sets forth a valuation methodology based upon actual incremental cost, the Division of Corporation Finance would raise no objection to the valuation of personal benefit based upon interpretive responses 7 (other than subparts (d) and (e)), 21, 23, 35 (other than subpart (b)) and 37 in Release No. 33–5904.

A. Conditional Exclusion of Personal Benefits—Instruction 2(d)(ii) to Item 4(a).

25. Question: If the registrant pursuant to Instruction 2(d)(ii) cannot determine without unreasonable effort or expense the specific amount of certain personal benefits or the extent to which benefits are personal rather than business, and after reasonable inquiry the registrant has concluded that the aggregate amounts of such personal benefits do not in any event exceed $10,000, must an affirmative statement that the conditional exclusion has been utilized be included in the covering letter submitted to the commission with the proxy statement, report or registration statement?

Response: If the conditional exclusion has been utilized by the registrant this fact should be noted in the covering letter which accompanies the filed document.

26. Question: Is the conditional exclusion a *de minimis* perquisite exclusion?

Response: No. The conditional exclusion is not a *de minimis* perquisite exclusion. It is only available where the registrant cannot determine without unreasonable effort or expense the specific amount of certain personal benefits or the extent to which benefits are personal rather than business. The specific amounts of any personal benefits, no matter how small, are to be included if they can be determined with reasonable effort or expense.

27. Question: If an issuer has utilized the $10,000 conditional exclusion for a particular individual should the amount of such "indeterminable" personal benefits be included for the purpose of determining whether the footnote disclosure describing such benefits called for by Instruction 2(d)(iii) is required?

Response: The amount of such indeterminable personal benefits is not required to be included for the purpose of the footnote disclosure. The footnote requirement of Instruction 2(d)(iii) only relates to amounts representing personal benefits included in Column C2.

28. Question: If an individual has over $10,000 of "indeterminable" personal benefits, should the entire amount or only the amount in excess of $10,000 be included in Column C2?

Response: The entire amount of such personal benefits would be included in Column C2, not merely the amount in excess of $10,000.

B. Valuation—Instruction 2(d)(i) to Item 4(a)

29. Question: When is the footnote disclosure called for by Instruction 2(d)(i) required?

Response: Instruction 2(d)(i) requires footnote disclosure when the aggregate actual incremental costs for such personal benefits are significantly less than the aggregate amounts the recipient would have had to pay to obtain the benefits. For the purposes of Instruction 2(d)(i), the comparison of incremental cost to the personal value to the recipient is to be done on an aggregate basis individual by individual, and not perquisite by perquisite.

30. Question: If the aggregate incremental costs of personal benefits is significantly less than the aggregate amounts the recipient would have had to pay to obtain the benefits, may the registrant include the value to the recipient in Column C2 and omit the required footnote disclosure?

Response: In this case, the staff would not object if the value to the recipient were included in Column C2. If the value of a benefit is included in the table, the footnote disclosure called for by Instruction 2(d)(i) would not be required.

C. Disclosure

31. Question: Does disclosure in response to Instruction 2(d) satisfy all other disclosure requirements of Item 4?

Response: No. Instruction 2(d) and the other Item 4 provisions may overlap and therefore additional disclosure may be necessary. For example, a low interest loan obtained from the registrant by an officer or director may be required to be described under Item 4(e) of Regulation S–K apart from it being reported as a personal benefit in the remuneration table. However, duplicate disclosure is unnecessary where a form of disclosure satisfies all the requirements of the pertinent provisions.

32. Question: Instruction (d) to Item 4(a) requires the disclosure of personal benefits which are not directly related to job performance and which discriminate in favor of officers or directors. What factors should be considered in

[12] See the conditional exclusion included in Instruction 2(d)(ii) to Item 4(a).

determining whether or not a particular benefit is discriminatory?

Response: Although the determination as to whether or not a particular personal benefit discriminates in favor of the registrant's officers and directors is a factual one, the staff will consider the following factors: (a) Whether the scope of the plan or arrangement is discriminatory; (b) whether the terms of the plan or arrangement are in fact discriminatory; and (c) whether the plan or arrangement in operation discriminates in favor of officers or directors. These factors are relevant to all personal benefit plans and to group health plans, group life or health insurance, medical reimbursement plans, and to other similar plans, as described in Instruction 2(c) and Item 4(b). For Example, a plan or arrangement would be discriminatory if it provided an opportunity to purchase the registrant's products or services at a substantial discount which was technically made available to a broad category of employees but which in operation, either as a result of the expense involved or because of the nature of the products or services, was utilized disproportionately by officers or directors.

33. Question: Should a remunerative amount arising as a result of a life, health or medical reimbursement plan which is to be reported pursuant to Instruction 2(c) of Item 4 be deemed a perquisite when determining whether footnote disclosure is required under Instruction 2(d)(iii)?

Response: No. The staff would not object if registrants excluded such amounts for the Instruction 2(d)(iii) calculation in determining whether the footnote disclosure is necessary.

34. Question: Is specific disclosure required for all perquisites provided by a registrant?

Response: Outside of the footnote provisions called for by Instruction 2(d)(i) which requires disclosure where the personal benefit is significantly in excess of reported cost and by Instruction 2(d)(iii) which requires disclosure where aggregate amounts exceed certain limits, there is no specific requirement for separate disclosure of personal benefits *per se.* However, registrants may include additional columns or sub-columns pursuant to Instruction 5 of Item 4(a). In practice, some registrants have provided information regarding the components of compensation reported in Column C2.

VI. Item 4(a)(2)—All Officers and Directors as a Group

35. Question: Which officers are contemplated by Item 4(a)(2) which requires that all officers and directors as a group be included in the remuneration table?

Response: Item 4(a)(2) is unchanged from what had been required in Item 7(a) of Schedule 14A and continues to elicit information concerning aggregate management remuneration for the fiscal year. Of course, the term "officers" in Item 4(a)(2) includes a broader group of management persons than does the term "executive officers" which is used in Item 4(a)(1) and defined in Instruction 1(b).[13] The officers included in the group disclosure should have policy and decision-making responsibilities with respect to activities of the registrant a significant subsidiary, division or function. This status determination is, by nature factual. For example, in a large bank holding company situation with a very large number of vice presidents, only those with policy-making responsibilities would be included in the group. Therefore, in this case, a vice president managing one of 300 branches would generally not be included. However, in a smaller bank holding company with only 2 branches, the vice president managing one of the branches would, in most cases, serve in a policy-making position and thus would be included in the group. Therefore, titles of individuals may be of little importance in determining Item 4(a)(2) status.

Section V, *Personal Benefits, supra,* may assist in the understanding of the next two questions.

36. Question: It is noted that the conditional exclusion for personal benefits provided in Instruction 2(d)(ii) is available if "after reasonable inquiry, the registrant has concluded that the aggregate amounts of personal benefits which cannot be specifically or precisely ascertained do not in any event * * * exceed $10,000 for each person in the group * * *." If one officer/director has no "indeterminable" perquisites, may his $10,000 maximum be allocated to other group members?

Response: The company may *not* allocate the "unused" portion of one officer/director's conditional exclusion to another officer/director who has over $10,000 of indeterminable personal benefits.

37. Question: How does the footnote disclosure requirement of Instruction 2(d)(iii) with regard to personal benefits apply to the group disclosure?

Response: Instruction 2(d)(iii) requires footnote disclosure only for the persons named in the remuneration table and not for the group. As stated previously, some registrants provide a description of the components of remuneration reported in C2 for the named individuals and for the group.

VII. Tax Benefits to Registrants

38. Question: If an issuer gives an officer/director a personal benefit which is tax deductible to the company as compensation expense, may the incremental cost that must be reported pursuant to Instruction 2(d) be discounted to account for the value of the tax deduction to the company?

Response: The incremental cost to the company is to be computed without regard to tax benefits. In reporting remuneration there is no provision for adjustments relating to tax benefits accruing to a registrant.[14] See Basic Principle No. 6, *supra.*

39. Question: A TRAS)P is an employee stock ownership program established to permit the corporation to take advantage of a dollar for dollar income tax credit relating to the company's contributions to the plan not to exceed the 1½% maximum tax credit allowed by the Tax Reduction Act of 1975, as amended. Is a company's TRASOP contribution reportable as remuneration since the amount paid is a tax credit to an amount otherwise payable to the government?

Response: Yes. The reporting principle stated in response to Question 38 is applicable—tax benefits are not to be reflected in the table. Thus, the company's contribution, allocation or accrual for a participant's account in a TRASOP is reportable as remuneration. The amount reportable in the remuneration table would be the interest attributed to or accrued for the account of the individual.[15]

VIII. Item 4(b)—Proposed Remuneration

Item 4(b) requires a brief description of all remuneration payments proposed to be made in the future pursuant to any existing plan or arrangement to persons and groups specified in the remuneration table.

40. Question: What is required in the "brief description" of a plan?

Response: The registrant should describe a plan in such a way that it can

[13] Instruction 1(b) states: An "executive officer" of a person includes its president, secretary, treasurer, any vice president in charge of a principal business unit, division, or function (such as sales, administration or finance), and any other person who performs similar policy-making functions.

[14] Indeed, there may be situations where the tax benefit may be equal to or greater than the out-of-pocket cost to the registrant. However, the company's total contribution, notwithstanding any resulting tax benefit, would be reported for Item 4(a) purposes.

[15] There is no prohibition to disclosing tax benefits in a footnote or in the text.

be fairly understood by the reader. In cases where payments under such plans are a function of company performance, brief disclosure should be given with regard to payment formulas and general payment schedules under the plans. Usually a general explanation of the plan's operation will suffice. In addition, the Division encourages registrants to disclose any amount included in the table with respect to such a plan or to split out such amount into a separate column, see Question 2.

41. Question: Is it necessary to provide narrative disclosure under Item 4(b) for a bonus plan when present year payments under the plan have been included in Column C1?

Response: Yes. If the plan is operative for future years, Item 4(b) disclosure is required.

IX. Pension Plans—Instruction 3(a) and Item 4(b)

The staff has received numerous questions about the disclosure of amounts relating to defined benefit or similar pension plans. Among other things, registrants have been concerned with (1) the necessity of reporting amounts in the remuneration table; (2) the necessity and composition of footnote disclosure to the remuneration table; and (3) the requirements of the pension table described in Item 4(b). With this in mind, the following discussion will address the requirements of the present rules and, in addition, will suggest an alternative disclosure format which the Division will accept in filing.

Requirements of the Present Rule

The first issue, and in most cases the most important issue, concerns (1) whether the amount reflecting company contributions to a plan must be included in the remuneration table at all; and (2) if no entry in the table is necessary, the composition of the required disclosure. With regard to the majority of these plans, Instruction 3(a)(i) states that, in the case of a defined benefit or actuarial plan, if the "amount of the contribution, payment or accrual [with] respect [to] a specified person is not and cannot readily be separately or individually calculated by the regular actuaries of the plan"[16] then such amounts may be omitted from the remuneration table provided a footnote is included disclosing that such amounts have been excluded, indicating the percentage which the aggregate contributions to the plan bears to the total covered remuneration of the plan participants, and briefly describing the remuneration covered by the plan. (The Division has found that many of such footnotes have not included all the required information, especially the requisite description of remuneration covered by the plan.)

The second issue concerns the appropriate column to use in the unusual case when amounts are to be included in the remuneration table. Because many pension plans involve arrangements in which the "distribution of such [pension] remuneration or the unconditional vesting or measurement of benefits thereunder is subject to future events," the instructions which specifically address such plans appear in the rules as instructions to Column D.[17] However, it should be noted that certain plans may involve arrangements to which the above condition does not apply and, instead, there is *accrued* or distributed for the account of the participant a cash or cash-equivalent amount. In the latter situation, Instruction 2, which pertains to Column C, would govern and the relevant amount reflecting the contribution for the year should be included in Column C2. See also Securities Act Release No. 6027 (February 22, 1979).

Pension Table Requirement

If amounts are excluded from the remuneration table pursuant to Instruction 3(a)(i) and, in turn, are described in the footnote called for by Instruction 3(a)(ii) (discussed in the above paragraph), Item 4(b) requries that a separate pension plan table be included showing the estimated annual benefits payable upon retirement to persons in specified remuneration and years-of-service classifications. It should be emphasized that under the present instructions the pension plan table is required only when amounts are excluded from the remuneration table pursuant to Instructions 3(a)(i) and (ii) to Item 4(a). The following questions related to the current requirements.

42. Question: As to defined benefit or actuarial plans for which the amount of contribution, payment, or accrual cannot be separately calculated, may a registrant estimate such amount and include it in the table in lieu of providing the footnote disclosure called for by Instruction 3(a)(ii) and the Item 4(b) pension plan table?

Response: With regard to defined benefit and like plans, our experience and all of the comments we have received indicate that there are no cases where reasonable estimates can be made. Therefore, under these plans, unless the registrant can justify the basis of its calculation, the disclosure should include (1) the footnote required by Instruction 3(a)(ii) along with the Item 4(b) pension table; or (2) the alternate format discussed below.

43. Question: What should be included in the remuneration table concerning a defined *contribution* plan or "individual account plan"?

Response: The amount of the contribution attributed to or allocated for the account of an officer/director should be reflected in table. Since there usually is no waiting period prior to vesting under these plans, company contributions will generaly be reported in Column C2. It should be noted that a brief description of such plan is required by Item 4(b).

44. Question: Should the pension table be structured so as to reflect the retirement benefits for all salaried employees including even low-paid employees or should the table reflect data only as to officers and directors?

Response: The pension table should be keyed to the Item 4(a) individuals so that a shareholder will be provided with information on the type of retirement benefits being offered its officers and directors. For example, assume that the Item 4(a) remuneration table includes the following:

	Column C1
Mr. A	190,000
Mr. B	175,000
Ms. C	150,000
Ms. D	140,000
Mr. E	120,000

Further, assume that the remuneration covered by the plan in determining the level of benefit payments includes all the types of compensation reported in Column C1. The Item 4(b) pension table should be structured to key on the compensatory levels disclosed for the individuals named above. A possible format is the following:

	Years of service				
	15	20	25	30	35
Remuneration:					
125,000					
150,000					
175,000					
200,000					
225,000					

Note.—The highest remuneration level should be sufficiently high to reflect reasonably expected increases in compensation.

45. Question: Does Item 4(b) require a specified number of columns or set increments in both the remuneration and years of service classifications for the pension table?

Response: No. Since the staff is not in a position to determine what is appropriate disclosure for the myriad of retirement plans, neither the number of

[16] See Question 42 below.

[17] See Instruction 3(a).

columns nor the increments of amounts has been mandated. However, most issuers appear to be reflecting four or five classifications each as to remuneration and years of service.

46. Question: If a registrant maintains several defined plans, must it provide separate pension tables?

Response: If it is possible to consolidate the plans into one table which accurately reflects the registrant's retirement formula, the company may disclose only one table. However, if such a consolidation is not possible, separate tables would be required.

47. Question: Is a narrative explanation of the plan required under Item 4(b) even if the amounts expensed under the plan are included in the Remuneration table?

Response: Yes. See Section VIII of this release dealing with "Proposed remuneration," specifically Question 41.

48. Question: If amounts are *not* included in the remuneration table pursuant to Instruction 3(a)(i) and the appropriate footnote disclosure under 3(a)(ii) and the pension table disclosure under Item 4(b) is given, must the registrant also include a brief description of the plan under Item 4(b)?

Response: Yes. In the Division's view, the first sentence of Item 4(b) requires a brief narrative description of the plan.

Such disclosure should be used to make the pension table presentation meaningful.

49. Question: Is the pension table as well as the percentage footnote disclosure required if only one Item 4(a) individual is covered?

Response: If the registrant is able to provide information similar to that which the percentage footnote and the table would provide as to the one participant, the staff would not object to omission of a full table. Comparable information would include information as to potential benefits reflecting any increases in remuneration and years of service.

Alternate Format

Since under most of these plans it is impossible to calculate the amount of contribution attributable to each participant, the footnote disclosure required by Instruction 3(a)(ii) and the Item 4(b) pension table have created many interpretative questions. With these problems in mind and in the interim before any amendments are proposed by the Division for adoption by the Commission, the staff will raise no objection if registrants report in the following manner. The footnote disclosure required by Instruction 3(a)(ii) need not be included if (1) the years of service of the persons named in the remuneration table who are plan participants are indicated; (2) the pension table required by Item 4(b) is present; and (3) the type of remuneration covered by the plan is disclosed (e.g. salary, salary and bonus, etc.). In addition, in those few plans where amounts are expensed and the pension table would not be required, registrants may exclude such expensed amounts from the remuneration table if the disclosure follows (1), (2) and (3) above.

In our view, this approach would combine the best of the past and present rules. In order to ascertain the "estimated annual benefits upon retirement" as required by the old rules, the company would have had to use a similar table to that required by Item 4(b). Instead of relying on static assumptions, the pension table discloses information as to potential benefits reflecting increases in remuneration and years of services. Moreover, the disclosure of individual years of service will make the table more meaningful.

Note.—When this alternate format is used, Questions 44 through 49 would be applicable where they are appropriate.

X. Life Insurance—Instruction 2(c) and Item 4(b)

50. Question: With regard to split-dollar life insurance, must Column C2 reflect all of the premiums paid by the registrant?

Response: Instruction 2(c) requires the inclusion of the *cost* of the premiums paid by the registrant or its subsidiaries. Therefore, if under a split-dollar life insurance policy the company will recoup some or all of its premiums from the proceeds of the policy, the Division will raise no objection if the registrant includes only the amounts relating to the policy that have been expensed for financial reporting purposes. Registrants should also be aware of their obligation to briefly describe such a plan under Item 4(b).

51. Question: Instruction 2(c) and Item 4(b) indicate that information need not be furnished with respect to any group life, health, hospitalization or medical reimbursement plans which do not discriminate in favor of officers and directors and which are available generally to all salaried employees. In order to qualify for this exception must a policy taken out with an insurance company be involved?

Response: No, "reimbursement" plans, similar to life insurance or otherwise, need not be funded by an insurance company policy to qualify for this exception.

XI. Item 4(c)—Remuneration of Directors

Item 4(c) requires the disclosure of standard and other arrangements by which directors of registrants are compensated for all services as directors.

52. Question: Must a plan of deferred compensation for services as a director be disclosed pursuant to Item 4(b)?

Response: Yes. In addition, if such an arrangement is not standard for all directors, the name of each director participating in such an arrangement and the amount of such remuneration earned by each should be indicated. Cross-references to the remuneration tale may be used for this purpose.

XII. Item 4(e)—Indebtedness of Management

53. Question: For purposes of Item 4(e), may issuers who are broker-dealers report margin accounts of officers, directors and nominees for directors in the same format that banks report loans to such persons?

Response: Yes, the Division will raise no objection to such disclosure. That is, if the margin account of such an individual is in excess of $10,000 and (1) came about in the ordinary course of business, (2) included substantially the same terms as those prevailing at the time of comparable transactions with other persons, and (3) did not involve more than normal risk of collectability or present other unfavorable features, then the disclosure may consist of a statement affirming (1), (2) and (3) above.

By the Commission.

George A. Fitzsimmons,

Secretary.

December 12, 1979.

[FR Doc. 79-38782 Filed 12-17-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 177

[Docket No. 79F-0119]

Indirect Food Additives: Polymers Olefin Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the use limitation on the optical brightener 7-(2*H*-naphtho[1, 2-*d*]-triazol-2-yl)-3-phenyl-coumarin in olefin polymers

intended for food-contact applications. The action is being taken in response to a petition filed by Sandoz Colors and Chemicals, Division of Sandoz, Inc.

DATES: Effective December 18, 1979; objections by January 17, 1980.

ADDRESS: Written objections to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

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, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: A notice published in the **Federal Register** of May 4, 1979 (44 FR 26167), announced that a petition (FAP 9B3431) had been filed by Sandoz Colors and Chemicals, a Division of Sandoz, Inc., E. Hanover, NJ 07936, proposing to amend § 177.1520 *Olefin Polymers* (21 CFR 177.1520) to express the use limitation on the optical brightener 7-(2*H*-naphtho[1, 2-*d*]-triazol-2-yl)-3-phenyl-coumarin in olefin polymers intended for food contact as the product of the concentration of the optical brightener in the polymer times the thickness of the polymer.

FDA has evaluated data in the petition and other relevant material and concludes that the food additive regulations should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 177 is amended in § 177.1520(b) by revising the listing for "7-(2*H*-Naphtho[1, 2-*d*]-triazol-2-yl)-3-phenyl-coumarin" to read as follows:

§ 177.1520 Olefin polymers.

* * * * *

(b) * * *

Substance

7-(2*H*-Naphtho[1, 2-*d*]-triazol-2-yl)-3-phenyl-coumarin [Chemical Abstracts Service Registry No. 3333–62–8] having a melting point of 250° to 251° C and a nitrogen content of 10.7 to 11.2 percent.

Limitations

For use as an optical brightener only at levels such that the product of concentration of the optical brightener (expressed in parts per million by weight of the olefin polymer) multiplied by the thickness of the olefin polymer (expressed in thousandths of an inch and limited to no more than 0.400 inch) shall not exceed 500; provided that the level of the brightener shall not exceed 20 parts per million by weight of the olefin polymer, and further that the olefin polymers shall comply with specifications for items 1.1, 2.1, 3.1, 3.3, and 4 of paragraph (c) of this section and are used under the conditions described in § 176.170(c) of this chapter, table 2 under conditions of use E, F, and G.

* * * * *

Effective date. This regulation shall be effective December 18, 1979.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: December 10, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–38512 Filed 12–17–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Parts 201 and 202

[Docket No. 75N–0066]

Content and Format for Labeling for Human Prescription Drugs; Stay of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Notice of Stay of Effective Date of Final Rule.

SUMMARY: The Food and Drug Administration (FDA) advises that the effective date of its June 26, 1979 final rule amending FDA's prescription drug advertising regulations has been stayed. Objections to the final advertising regulations and requests for a public hearing have been filed, and their filing operate to stay the effectiveness of the amendment. The agency's action on the objections and requests for a public hearing will be addressed in the **Federal Register** at a later date.

EFFECTIVE DATE: The final rule becomes effective as specified in the **Federal Register** of June 26, 1979 (44 FR 37434), except that the provisions for prescription drug advertisements (§§ 202.1(e)(6) (ii) and (vii) (21 CFR 202.1(e)(6) (ii) and (vii))) are stayed.

FOR FURTHER INFORMATION CONTACT: Michael C. McGrane, Bureau of Drugs (HFD–30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 26, 1979 (44 FR 37434), FDA published final regulations designating a required format for professional labeling for prescription drug products for human use. The agency also amended § 202.1(e)(6) (ii) and (vii) (21 CFR 202.1(e)(6) (ii) and (vii)), which concerns prescription drug advertising, to conform to the revised prescription drug labeling regulations.

Under section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 352(n)), the amendment of § 202.1(e)(6) (ii) and (vii) of FDA's prescription drug advertising regulations is subject to the formal rulemaking procedures specified in section 701(e) of the act (21 U.S.C. 371(e)). Thus, any person adversely affected by the final advertising regulations had until July 26, 1979, to file objections to them and to request a public hearing on the objections. Under section 701(e)(2) of the act, the filing of objections and requests for a public hearing operate to stay the effectiveness of the provisions of the advertising regulations to which objections are made until FDA takes final action upon the objections and requests for a public hearing under section 701(e)(3) of the act.

FDA has received objections to the advertising regulations from Merck Sharp & Dohme, Schering Corp., the Association of Independent Clinical Publications, Inc., the Pharmaceutical Manufacturers Association, The Upjohn Co., the Pharmaceutical Advertising Council, Inc., and Johnson & Johnson. Each submission objects to all or part of the amendment of § 202.1(e)(6) (ii) and (vii), states the grounds for the objections, and requests a public hearing on the objections. The agency's action on these objections and requests for a public hearing will be addressed in the **Federal Register** at a later date; copies of the objections are on file in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

The objection and hearing procedures specified in section 701(e) of the act do not apply, however, to the amendment of § 201.100(d)(3) and (e) (21 CFR 201.100(d)(3) and (e)), the revision of § 201.56 (21 CFR 201.56), and the establishment of § 201.57 and 201.58 (21 CFR 201.57 and 201.58) that apply to prescription drug labeling. Accordingly, those regulations are not subject to this stay and they are effective December 26, 1979, except as otherwise provided under the June 26, 1979 final rule.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 503, 505, 506, 507, 701, 52 Stat. 1050–1053 as amended, 1055–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended (21 U.S.C. 352, 353, 355, 356, 357, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the amendment to § 202.1(e)(6)

(ii) and (vii) published in the **Federal Register** of June 26, 1979 (44 FR 37467) is stayed until further notice.

Dated: December 10, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-38845 Filed 12-13-79; 12:28 pm]

BILLING CODE 4110-03-M

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21 CFR Part 510

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect the change of sponsor for several new animal drug applications (NADA's) from Burns-Biotec Laboratories Division, Chromalloy Pharmaceuticals, Inc., to Burns-Biotec Laboratories, Inc.

EFFECTIVE DATE: December 18, 1979.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Burns-Biotec Laboratories' new parent company, Schering-Plough Corp., has submitted supplements to several NADA's providing for the change of sponsor. The regulations are amended to reflect the change.

Under the agency's supplemental approval policy for new animal drug applications the change requested is a Category I change. Accordingly, approval of the request does not require a reevaluation of the data and information in the parent applications.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 510 is amended in § 510.600 in paragraph (c) (1) and (2) by revising the entry for Burns-Biotec Laboratories to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) Alphabetical listing of sponsors.

Firm name and address

* * * * *

Burns-Biotec Laboratories, Inc., 8536 K St., Omaha, NE 68127.

Drug labeler code

000845.

* * * * *

(2) Numerical listing of sponsors.

Drug labeler code

* * * * *

000845.

Firm name and address

Burns-Biotec Laboratories, Inc., 8536 K St., Omaha, NE 68127.

* * * * *

Effective date. This amendment is effective December 18, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 10, 1979.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79-38514 Filed 12-17-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Anthelin Tablets NAS/NRC Update

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulation for anthelin tablets to indicate those conditions of use for which approval for identical products need not include certain types of efficacy data. These conditions of use were classified as effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Group evaluation of the product. In lieu of certain efficacy data, approval may require submission of bioequivalence or similar data. An earlier **Federal Register** publication reflected that this product is in compliance with the conclusions of the review.

EFFECTIVE DATE: December 18, 1979.

FOR FURTHER INFORMATION CONTACT: Donald A. Gable, Bureau of Veterinary Medicine (HFV-101), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville MD 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of January 29, 1969 (34 FR 1406). In that document, the Academy concluded, and FDA concurred, that the product was effective for the removal of tapeworms from dogs.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., Kansas City, MO 64141, responded to the notice by submitting a supplemental NADA (7-226V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product for the removal of tapeworms from dogs. The supplemental application was approved by a regulation published in the **Federal Register** of August 3, 1973 (38 FR 20822). The regulation reflecting this approval established a new section for the drug (21 CFR 135c.116, recodified at 21 CFR 520.120). The new section did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulation to provide those conditions of use for which approval for identical products need not include certain types of efficacy data required for approval by 514.111(a)(5)(vi) of the new animal drug regulations. In lieu of those data, approval of such products may be obtained if bio-equivalency of similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520, § 520.120 is amended by adding after paragraph (c)(1), (2), and (3) the footnote reference "1" and by adding at the end of the section the footnote to read as follows:

§ 520.120 Anthelin tablets.

* * * * *

(c) *Conditions of use.* (1) * * *[1]

(2) * * *[1]

(3) * * *[1]

Effective date. This regulation is effective December 18, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bio-equivalency and safety information.

Dated: December 7, 1979.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79-38513 Filed 12-17-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Henwood Feed Additives, Inc., providing for use of a 1.6-grams-per-pound tylosin premix for making complete swine feeds.

EFFECTIVE DATE: December 18, 1979.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Henwood Feed Additives, Inc., 211 Western Rd., Box 577, Lewisburg, OH 45338, filed a supplemental NADA (45-690) providing for safe and effective use of a premix (1.6 grams of tylosin (as tylosin phosphate) per pound) in manufacturing a complete swine feed to be used for increased rate of weight gain and improved feed efficiency. Under the original application, the firm holds approval for use of 4-, 10-, and 20-grams-per-pound tylosin premixes for the same conditions. The regulations are amended to reflect approval of this supplement.

Approval of this application is based on safety and effectiveness data contained in Elanco Products Co.'s approved NADA 12-491. Use of the data in NADA 12-491 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (see the **Federal Register** of December 23, 1977 (42 FR 64367)), the approval of this supplemental NADA did not require reevaluation of the safety and effectiveness data in NADA 12-491 or in NADA 45-690.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application is available for public examination at the office of the Hearing Clerk (HFA-305), Rm. 4-65, Food and Drug Administraiton, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(15), to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(15) To 026186: 1.6, 4, 10, and 20 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This amendment is effective December 18, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 11, 1979.

Lester M. Crawford,

Director, Bureau, of Veterinary Medicine.

[FR Doc. 79-38646 Filed 12-17-79; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1952, 1977

Approved State Plans for Enforcement of State Standards and Discrimination Against Employees Exercising Rights Under the Williams-Steiger Occupational Safety and Health Act of 1970; Correction

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Correction of final rules.

SUMMARY: Due to a typographical error in FR Doc. 75-9741, the citation following § 1952.152 made reference to 29 U.S.C. 257(g)(2) when it was published on April 15, 1975, at 40 FR 16843. The reference is hereby corrected to read 29 U.S.C. 657(g)(2).

Due to a typographical error in FR Doc. 73-1653, the authority for Part 1977 made reference in the second line to 26 U.S.C. 657 when it was published on January 29, 1973 at 38 FR 2681. The reference is hereby corrected to read 29 U.S.C. 657.

FOR FURTHER INFORMATION CONTACT: John J. Hynan, Deputy Associate Solicitor, Division of Occupational Safety and Health, Office of the Solicitor, Department of Labor, Room S4004, New Department of Labor Bldg., 200 Constitution Ave., NW., Washington, D.C., 20210, phone 202-523-7727. (This is NOT a toll free number.)

Signed at Washington, D.C., on the 13th day of December 1979.

Eula Bingham,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 79-38794 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 230

[DOD Directive 1000.10]

Credit Unions Serving DOD Personnel; Correction

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 79-37699, concerning credit unions serving DOD personnel appearing at page 70460 in the issue for Friday, December 7, 1979, on page 70461, third column, change "§ 230.8" to read "§ 230.7."

FOR FURTHER INFORMATION CONTACT: Margaret Weber Healey (202) 697-4111.

H. E. Lofdahl,

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

December 11, 1979.

[FR Doc. 79-38774 Filed 12-17-79; 8:45 am]

BILLING CODE 3810-70-M

Department of the Air Force

32 CFR Part 888h

Separation Documents and General Separation Procedures

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising Part 888h of Chapter VII, Title 32, of the Code of Federal

Regulations. This revision established procedures on how to prepare, control and distribute separation documents. It implements DOD Instruction 1336.1, December 14, 1978. It applies to all members of the Air Force who are leaving active duty, being separated from one active duty status to another, or being removed from the Temporary Disability Retired List (TDRL). Included are officers, warrant officers, airmen and cadets who leave by discharge, retirement, transfer, dismissal or release.

EFFECTIVE DATE: July 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. June Hughes, HQ AFMPC/MPCAKE, Randolph AFB, TX 78148, telephone (512) 652–2148.

SUPPLEMENTARY INFORMATION: Part 888h of Subchapter I, Chapter VII, Title 32, of the Code of Federal Regulations has been revised. The revision provides for members to receive a copy of the DD Form 214 containing all the information shown on the record copy; requires mailing separation documents on the date the separation is effective, if they are not delivered personally; and adds Department of Labor to the list of Government Agencies receiving copies of DD Form 214.

Title 32 of the Code of Federal Regulations is amended by revising Part 888h to read as follows:

PART 888h—SEPARATION DOCUMENTS AND GENERAL SEPARATION PROCEDURES

Sec.

888h.0 Purpose.
888h.1 Purpose of separation documents.
888h.2 Naturalized personnel separated under other than honorable conditions.
888h.3 Aliens discharged for alienage and desertion.
888h.4 When DD Form 214 is issued.
888h.5 Distributing DD Form 214.
888h.6 Incomplete DD Form 214.
888h.7 Correcting DD Form 214.
888h.8 Copies of DD Form 214.
888h.9 Requests for reissuing DD Form 214.
888h.10 Narrative explanations.
888h.11 Replacing separation certificates.
888h.12 Table for distributing DD Form 214.
888h.13 Table for issuing DD Form 214.
888h.14 Table for discharge review procedures.
888h.15 Table for agencies authorized to correct or issue copies of DD Form 214.

Authority: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 10 U.S.C. 1168, 1169; and as otherwise stated herein.

Note.—This part is derived from Air Force Regulation, 35–6, July 13, 1979.

Note.—Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 888h.0 Purpose.

This part gives procedures for controlling, preparing, and distributing separation documents and for controlling lists of Separation Program Designators. It applies to all members of the Air Force who are leaving active duty, being separated from one active duty status to continue in another, or being removed from the Temporary Disability Retired List (TDRL) and discharged. This includes officers, warrant officers, airmen, and cadets who are discharged, retired, transferred, dismissed, or released. It also applies to persons to whom discharge documents are issued under AFR 30–45. This part implements DOD Instruction 1336.1, December 14, 1978 and is effective October 1, 1979.

§ 888h.1 Purpose of separation documents.

(a) DD Form 214, Certificate of Release or Discharge From Active Duty. This form is not intended to have any legal effect on ending a member's military status. It meets the legal requirements for issuing a certificate (10 U.S.C. 1168) and provides:

(1) The Military Services with information about military personnel for administration. It may be used to help determine eligibility for reenlistment.

(2) The separating member with a brief, clear record of active military service at the time of transfer, release, or discharge.

(3) Government agencies with authoritative information they need in the administration of Federal and State laws applying to persons who have been discharged, otherwise released, or transferred to a reserve component.

(b) DD Form 214-ws, Certificate of Release or Discharge From Active Duty (Worksheet). Personnel use the worksheet to help prepare the DD Form 214 and make sure the data entered on the form is accurate.

(c) DD Form 215, Correction of DD Form 214, Certificate of Release or Discharge From Active Duty. The form:

(1) Corrects errors found after a DD Form 214 is issued; or

(2) Completes a DD Form 214 by adding information that was not available when the DD Form 214 was issued.

(d) Separation Order. A special order effects discharge or release from active duty (see AFR 10–7, Administrative Orders). Use a PB series order to discharge airmen for reenlistment within 24 hours.

(e) Discharge Certificate. A discharge certificate attests to the character of the service rendered. There are five types of discharge certificates:

(1) DD Form 256AF, Honorable Discharge.

(2) DD Form 257AF, General Discharge.

(3) DD Form 259AF, Bad Conduct Discharge.

(4) DD Form 260AF, Dishonorable Discharge.

(5) DD Form 794AF, Discharge Under Other Than Honorable Conditions.

§ 888h.2 Naturalized personnel separated under other than honorable conditions.

(a) Revoking Citizenship. Persons may be naturalized through service in the United States Armed Forces during specified periods (see AFM 211–28, Naturalization and Citizenship, and 8 U.S.C. 1440). Persons who were naturalized this way may have their citizenship revoked if they are separated under other than honorable conditions.

(b) Notifying the Immigration and Naturalization Service. The Immigration and Naturalization Service acts in cases in paragraph (a) of this section. As a rule, only the naturalization records show the law under which a person was naturalized. Therefore, when a naturalized member is separated under other than honorable conditions, the separating activity notifies the Immigration and Naturalization Service, 425 I Street NW, Wash DC 20536. See 888h.12, note 1. The letter reporting the separation gives the person's:

(1) Full name.

(2) Date and place of separation.

(3) Future home address.

(4) Certificate of naturalization number.

(5) Name under which naturalized, if different from name at separation.

(6) Date and place of birth.

(7) Date and place of naturalization.

888h.3 Aliens discharged for alienage and desertion.

HQ AFMPC/MPCAKE may authorize discharge in absentia when an alien deserter goes to live in a foreign country. A discharge for alienage and desertion usually bars the person from returning to the United States as an immigrant alien. When an alien is discharged for alienage and desertion, the separating facility:

(a) Sends the Department of State Visa Office SCA/VO, State Annex No 2, Wash DC 20520, a copy of the original DD Form 214. Enter the place of birth in block 18. The letter of transmittal explains that the person was discharged in absentia for alienage and desertion. See 888h.12, note 1. This information

helps prevent issuing a visa when the person does not qualify for one.

(b) Reports the details of the discharge to the Immigration and Naturalization Service, 425 I Street NW, Wash, DC 20536. See 888h.12, note 1. The letter states that the airman was discharged for alienage and desertion, gives the dates of the unauthorized absence and the member's:

(1) Full name, address, and SSAN.

(2) Country of birth.

(3) Complete address in the country of residence when discharged.

(4) Alien registration number if known.

(5) Declarant number shown on the DD Form 4, Enlistment or Reenlistment Agreement—Armed Forces of the United States.

(6) Date of enlistment in the Air Force.

§ 888h.4 When DD Form is issued.

To find out the types of separation action and when a DD Form 214 must be issued, see 888h.13. HQ AFMPC/MPCAKE may also direct issuance under other conditions. Once a DD Form 214 has been issued, it will not be reissued except when:

(a) Directed by an appellate authority, Executive Order, or by the Office of the Secretary of the Air Force.

(b) A DD Form 215 has been issued and further correction is needed.

(c) Correcting or completing the original DD Form 214 would require using more than DD Form 215.

(d) The correction involves the name, SSAN, service characterization, authority or narrative reason for discharge or the effective date of separation.

§ 888h.5 Distributing DD Form 214.

(a) Hand the original DD Form 214 to the separatee before he or she leaves the separation facility on the date:

(1) Separation from active duty is effective; or

(2) Authorized travel time starts for a Reserve member reverting to inactive status.

(b) At the same time, give copy four to a member who asks for it. Counsel members about the value of copy four. Make sure they understand its value as an official record showing the character of their service, reenlistment eligibility, and specific reason for separation. Encourage them to ask for and keep this copy. It could help them if they apply for benefits based on military service, request review of the discharge action (see 888h.14), or seek to reenter one of the Armed Forces.

Note.—A member requests copy four by initialing block 30 on the DD Form 214.

(c) Mail the original DD Form 214 to the separatee on the effective date of separation when it is not possible to deliver it personally. This is done when the member is:

(1) On terminal leave.

(2) At home awaiting disability separation.

(3) In civil confinement.

(4) Separated in absentia under other conditions when this action is authorized.

(d) Deliver the original (and copy four, if requested) in person or by mail to the next of kin or guardian for an incompetent member.

(e) Mail copies three, five, and six the first workday after the separation date (see 888h.12). If the member is an alien discharged in absentia, or a naturalized member discharged under other than honorable conditions, refer to 888h.2 and 888h.3.

§ 888h.6 Incomplete DD Forms 214.

Each DD Form 214 must be as complete as possible when it is issued. When a DD Form 214 must be issued without all the required entries, the separating activity:

(a) Tells the separatee that DD Form 215 will be issued when the information is available and by whom it will be issued (see 888h.15).

(b) Tells the separatee to contact that agency, if the DD Form 215 is not received within 60 days.

(c) Notes the requirement for issuing the DD Form 215 on the DD Form 214, block 18 (remarks section).

(d) Obtains the missing information as soon as possible.

(e) Sends the FRGp to HQ ARPC/DPFSB or HQ AFMPC/MPCDOB, (see AFR 35–44, Military Personnel Records System), with a letter explaining the need for the DD Form 215. If any part of the information needed for the DD Form 215 has not been obtained, the letter tells what action was taken to try to get it. This letter must be signed by the Chief, CBPO or a similar official in other separation facilities. It is stapled to the front of the FRGp.

§ 888h.7 Correcting DD Form 214.

CBPOs and other separation facilities in the field are not authorized to correct errors found after the original DD Form 214 has been delivered. For agencies authorized to issue DD Form 215 to correct such errors, see 888h.15. If none of the rules in 888h.15 applies, send the request for correction to the custodian of the master personnel record (MPerR) (see AFR 35–44, table 1–3). The separation facility notifies the responsible agency if an error on the DD Form 214 is found after it has been distributed. The distribution and Privacy Act accountability of the DD Form 215 are the same as those of the DD Form 214 it corrects. For information about reissuing DD Form 214, when correction by DD Form 215 is not proper, see 888h.4

§ 888h.8 Copies of DD Forms 214.

Former members who want copies of the DD Form 214 held in their MPerRs must ask for them in writing. For agencies authorized to issue copies, see 888h.15.

(a) DD Forms 214 Issued After October 1, 1979. The agency sends the member one copy with the Special Additional Information Section and one copy without it.

(b) DD Forms 214 Issued Before October 1, 1979. The agency sends the member one copy with all the items of information completed and one copy with the following deleted:

(1) Specific authority for separation.

(2) Narrative reason for separation.

(3) Reenlistment eligibility code.

(4) SPD or Separation designation Number (SDN).

(c) Copies to Other Persons or Agencies. If a former member authorizes, in writing, issuing a copy of a DD Form 214 to another person or agency, the copy sent must not contain the Special Additional Information Section. If the DD Form 214 was issued before October 1, 1979, delete the items listed in paragraph b of this section.

(d) Use of Copies. Copies are given to authorized personnel for official purposes only.

§ 888h.9 Requests for reissuing DD Form 214.

New DD Forms 214 need not be prepared for persons who were given prior editions of the form, unless that form needs to be reissued for some other reason (see 888h.4).

§ 888h.10 Narrative explanations.

A person may take an original DD Form 214 to the nearest CBPO for a narrative explanation of the reason for discharge from that period of service.

(a) If the reason for separation can be found in the DD Form 214, CBPO/DPMQS:

(1) Gives the narrative explanation in a letter signed by a person authorized to sign DD Forms 214.

(2) Returns the original DD Form 214 to the person with the original letter.

(3) Sends a copy of the letter to the custodian of the MPerR.

(b) If the reason for separation cannot be found in DD Form 214, CBPO/DPMQS:

(1) Refers the request to HQ AFMPC/MPCAKE, Randolph AFB, TX 78148.

Send the original DD Form 214, the person's mailing address, and a copy of the separation order, if one is available.

(2) Notifies the person of the referral.

§ 888h.11 Replacing separation certificates.

Applications for replacing separation certificates are processed under Part 887 of this chapter. It tells how and where to apply for a certificate instead of a lost or destroyed certificate of service, discharge, or retirement.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

BILLING CODE 3910-01-M

§888h.12 Table for distributing DD Form 214.

Copy	Recipient	Instructions
1	Member	If the member is an alien, comply with 888h.2 and 888h.3.
2	Master Personnel Record	Send to record custodian (AFR 35-44) with FRGp.
3	Veterans Administration (see notes 1 and 2)	Mailing address: Veterans Administration, Data Processing Center (214) 1615 E. Woodward Street, Austin TX 78772. Destroy if the member is continuing on active duty (see 888h.13).
4	Member (optional)	Given only to those members who request it by initialing Block 30. Send forward with copy two for inclusion in the Master Personnel Record, if not requested by member.
5	Department of Labor (see note 1)	Mailing address: US Department of Labor, Unemployment Insurance Systems Design Center, P.O. Box 44246, Capitol Station, Baton Rouge LA 70804.
6	State Director of Veterans Affairs (see note 1)	Forward only if member requests by initialing Block 20. Member must specify state.
7	Field Record Group	For NONPRIOR SERVICE PERSONNEL at end of Initial Active Duty Training only. Otherwise, destroy.
8	As required by special instructions	HQ AFMPC/MPCAKE may issue special instructions applicable to all, or limited to certain categories for specific times. MAJCOMs may request copies for special review procedures subject to HQ AFMPC/MPCAKE coordination. Destroy copy 8 when no special instructions from HQ AFMPC ● MAJCOM are in effect.

NOTES: 1. Accounting for disclosure of personal data is required by AFR 12–35. Update disclosure accountings to Privacy Act Tracking System (PATS) according to AFM 30–130 EXCEPTION PAIS accounting is not required for those members discharged or retired when the disclosure is recorded in item 18, copies two and four.

2. Reproduce copy three to be forwarded with the medical records to:

a. The VA hospital, if a member is transferred there; or

b. The VA regional office having jurisdition over the member's permanent address, if the person completes VA Form 21–526c, Veterans Application for Compensation or Pension at Separation from Service.

§888h.13 Table for issuing DD Form 214.

RULE	A	B	C
	If a member is being separated	and the reason is	then a DD Form 214
1	from a period of active duty, active duty for training, full time training duty, a special tour of active duty, or a full time manning tour, according to 10 U.S.C. 672, 32 U.S.C. 503 or 32 U.S.C. 505	completing or ending active service as a member of the Regular Air Force	is issued.
2		disability	
3		completing 90 continuous calendar days or more active duty by an ANGUS or USAFR member (see note)	
4		ending an initial tour of active duty training (by an ANGUS or USAFR airman)	
5		release from a status legally determined to be void	
6		dismissal from the service under a sentence of general court-martial	
7		an order of the Secretary of the Air Force that the member be dropped from the rolls of the Air Force	need not be issued.
8		death	
9		any circumstance when the Secretary of the Air Force directs that no discharge documents be issued	
10	from one status to continue in another	immediate reenlistment or enlistment	
11		ending a Reserve appointment to integrate into the Regular Air Force	
12		discharge from enlisted status to accept appointment as a commissioned or warrant officer	is issued.
13		ending an officer appointment to accept appointment in another service or to enlist in the Regular Air Force	
14		retirement with entitlement to pay	
15		removal from TDRL	is not issued.
16	without entering on active duty	physical disqualification for entry when reporting for active duty	

NOTE: Includes ending ANG military full time training and administration (MFTTA) active duty tour.

§888h.14 Table for discharge review procedures.

	If the member is discharged	RULE 1	RULE 2	RULE 3
		administratively under an authority that bars reenlistment	administratively with other than an honorable discharge or by sentence of special court-martial	by sentence of general court-martial
	then the CBPO/DPMQS			
A	explains the purpose and scope of the Air Force Discharge Review Board	X	X	
B	gives the member a copy of AFR 20-10 and DD Form 293 on request	X	X	
C	explains the purpose and scope of the Air Force Board for the Correction of Military Records	X	X	X
D	gives the member a copy of AFR 31-3 and a DD Form 149 on request	X	X	X
E	gives the member a Department of Labor Exemplary Rehabilitation Certificate Brochure available from US Department of Labor, Veterans Employment Service, Patrick Henry Building, 601 D Street NW, WASH DC 20213 ATTN: VES		X	X

§888h.15 Table for agencies authorized to correct or issue copies of DD Form 214.

RULE	A If member has been	B and military status is	C then send request to
1	retired (on TDRL)	officer (includes general officer)	HQ AFMPC/MPCDOO, Randolph AFB TX 78148
2		airman	HQ AFMPC/MPCDOA, Randolph AFB TX 78148.
3	retired (with pay)	general officer	HQ AFMPC/MPCDOO, Randolph AFB TX 78148
4		other officer or airman	NPRC/MPR, GSA, 9700 Page Blvd, St Louis MO 63132.
5	discharged		
6		USAF Academy cadet	USAFA/DPA, USAF Academy CO 80840.
7	released from active military service to the ANGUS or USAFR	officer or airman	HQ ARPC/DPFSB, Denver CO 80280.
8	separated to continue in active service	officer	HQ AFMPC/MPCDOO, Randolph AFB TX 78148.
9		airman	HQ AFMPC/MPCDOA, Randolph AFB TX 78148.

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DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

36 CFR Part 1205

National Historic Landmarks Program; Interim Rules and Request for Comments

AGENCY: Heritage Conservation and Recreation Service, Department of the Interior.

ACTION: Interim Regulations and request for comments.

SUMMARY: These interim regulations set forth the process used to study, designate, register, and monitor National Historic Landmarks including the criteria of the National Historic Landmarks Program. These interim regulations will make available to other Federal agencies, State and local governments, private organizations and individuals information on the National Historic Landmarks Program, and make formal the Secretary of the Interior's procedures and criteria for designating National Historic Landmarks. The regulations will be effective on December 18, 1979 on an interim basis as the program is ongoing and, accordingly, there is an immediate need for program guidance.

DATES: Effective December 18, 1979 as interim regulations, not applicable to the prospective National Historic Landmarks reviewed by the April 1979 meeting of the Consulting Committee on potential National Historic Landmarks where the owner desires early designation for the property as National Historic Landmark. These properties will be considered by the Secretary at the request of the owners. All comments received concerning those properties will be forwarded to the Secretary for his consideration in his decision on designation. Interested parties are encouraged to submit written comments or recommendations concerning these proposed regulations by February 18, 1980.

ADDRESSES: Comments should be sent to the Director, Heritage Conservation and Recreation Service, 440 G Street NW., Washington, D.C. 20243, (Attention: National Register of Historic Places).

FOR FURTHER INFORMATION CONTACT: Mr. Ronald M. Greenberg, Acting Chief, Division of the National Register of Historic Places, Heritage Conservation and Recreation Service, 440 G Street NW., Washington, D.C. 20243 (202–343–6404).

SUPPLEMENTARY INFORMATION: The National Historic Landmarks Program, administered by the Heritage Conservation and Recreation Service through the Division of the National Register of Historic Places, is the program of the Department of the Interior for studying, identifying, designating, and monitoring National Historic Landmarks.

National Historic Landmark recognition calls attention to historic places judged to have exceptional value to the Nation as a whole rather than to a particular State or locality. It recognizes and encourages the preservation efforts of State, local and private agencies and groups. It encourages the owners of landmark properties to observe preservation precepts. In addition, properties designated as National Historic Landmarks are listed in the National Register of Historic Places with consequences as described in 36 CFR Part 1202. Also, such properties are subject to the provisions of section 2124 of the Tax Reform Act of 1976, as amended, and the Revenue Act of 1978. If the property contains coal resources and is listed in the National Register, certain provisions of the Surface Mining and Control Act of 1977 make it less likely that surface mining of the coal will be permitted by the State or Federal Government.

Section 8 of the National Park System General Authorities Act of 1970, as amended, (90 Stat. 1940, 16 U.S.C. 1a–5) directs the Secretary of the Interior to prepare an annual report to the Congress which identifies all National Historic and Natural Landmarks which exhibit known or anticipated damage or threats to the integrity of their resources. This annual report is prepared by the Heritage Conservation and Recreation Service. The National Parks and Recreation Act of 1978 (92 Stat. 3518, 16 U.S.C. 1a–5 authorizes $1.5 million for monitoring the welfare and integrity of natural and historic landmarks.

Authority for the National Historic Landmarks Program is based on the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461) which established a national policy to preserve "historic sites, buildings, and objects of national significance."

The originators of these interim regulations are James Sheire, Polly Matherly, and Bill Lebovich, Division of the National Register of Historic Places, Heritage Conservation and Recreation Service, 440 G Street NW., Washington, D.C. 20243.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Heritage Conservation and Recreation Service has prepared an environmental assessment of these proposed regulations. It has been administratively determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment, and that an environmental impact statement is not required. The environmental assessment is on file in the National Register of Historic Places Division, Heritage Conservation and Recreation Service, 440 G Street, NW., Washington, D.C. 20243.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Title 36 of the Code of Federal Regulations is amended by adding a new Part 1205 as an interim regulation reading as follows:

PART 1205—NATIONAL HISTORIC LANDMARKS PROGRAM

Sec.

1205.1 Purpose.
1205.2 Authority.
1205.3 Definitions.
1205.4 Designation of National Historic Landmarks.
1205.5 Registration.
1205.6 Monitoring National Historic Landmarks.
1205.7 Alterations in National Historic Landmark Boundaries.
1205.8 Withdrawal of National Historic Landmark Designation.
1205.9 National Historic Landmark Criteria.

Authority: 49 Stat. 666, 16 U.S.C. 461 et seq.

§ 1205.1 Purpose.

The purpose of the National Historic Landmarks Program is to identify and designate as National Historic Landmarks nationally significant sites, buildings, and objects that illustrate or commemorate the history of the United States. The purpose of these interim regulations is to set forth the procedures used by the Department of the Interior for conducting the National Historic Landmarks Program. The interim regulations set forth the process used to identify, designate, and monitor National Historic Landmarks and include the newly revised criteria which properties must meet in order to be designated National Historic Landmarks.

§ 1205.2 Authority.

(a) In the Historic Sites Act of 1935, 49 Stat. 666, 16 U.S.C. 461 et. seq. the Congress found and declared:

* * * That it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

(b) To implement that policy, the act authorizes the Secretary of the Interior, through the Heritage Conservation and Recreation Service, to perform the following duties and functions, among others:

(1) To make a survey of historic and archeologic sites, buildings, and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States;

(2) To make necessary investigations and researches in the United States relating to particular sites, buildings, or objects to obtain true and accurate historical and archeological facts and information concerning the same;

(3) To erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historic or archeological significance.

§ 1205.3 Definitions.

As used in this Part:

(a) "Consulting Committee" means an advisory board of authorities in several fields of knowledge such as archeology, architecture, history, anthropology, and architectural history, chosen by the Director, Heritage Conservation and Recreation Service. The Consulting Committee reviews prospective National Historic Landmarks and advises the Director on their eligibility for designation under the National Historic Landmark Criteria. The Consulting Committee may also, at the request of the Director, advise him or her on other issues pertaining to historic preservation.

(b) "Advisory Council" means the Advisory Council on Historic Preservation, established under Title II of the National Historic Preservation Act of 1966 (16 U.S.C. 470). Address: Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005.

(c) "National Historic Landmark" means a site, building, or object, in private or public ownership, judged by the Secretary of the Interior to possess national significance in American history, architecture, archeology, or culture.

(d) "National Register" means the National Register of Historic Places, which is a register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, maintained by the Secretary of the Interior under authority of section 2(b) of the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461) and section 101(a)(1) of the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470), as amended (84 Stat. 204 (1970) and 87 Stat. 139 (1973)). Address: Chief, Division of The National Register, Heritage Conservation and Recreation Service, 440 G Street, NW., Washington, D.C. 20243.

(e) "National Historic Landmarks Program" means the program conducted by the Heritage Conservation and Recreation Service for the identification and study of prospective national historic landmarks. Address: Division of the National Register of Historic Places, Heritage Conservation and Recreation Service, 440 G Street, NW., Washington, D.C. 20243.

(f) "Secretary" means the Secretary of the Interior or the designee authorized to carry out the Secretary's responsibilities.

(g) "Director" means the Director, Heritage Conservation and Recreation Service.

(h) "State Historic Preservation Officer" means the official within each State, designated by the Governor at the request of the Secretary of the Interior, to act a liaison for the purpose of implementing historic preservation programs within the States.

(i) "Owner" means a person or organization who owns a property. Also it may refer to a public agency responsible for administering publicly owned property.

(j) "Sites, buildings, and objects" mean properties that are sites, buildings, objects, or structures or that collectively form a district(s).

§ 1205.4 Designation of National Historic Landmarks.

(a) Potential National Historic Landmarks are identified by means of theme and special studies conducted by the Landmarks Program. In undertaking these studies, information or recommendations of the State Historic Preservation Officers will be solicited. State Historic Preservation Officer participation is voluntary.

(b)(1) Heritage Conservation and Recreation Service will notify, in writing, (i) the owner(s), (ii) the municipality or county, (iii) the State Historic Preservation Officer, (vi) the members of Congress who represent the district and State in which the property is located that a property is going to be studied to determine potential for designation as a National Historic Landmark. This notice will provide information on the National Historic Landmark Program, the designation process, and the implications of the designation.

(2) When the property has more than 50 owners, Heritage Conservation and Recreation Service will notify (i) municipality or county, (ii) the State Historic Preservation Officer, (iii) the members of Congress who represent the district and State in which the property is located and (iv) provide general notice to the property owners. This general notice will be published in one or more local newspapers of general circulation in the area in which the potential National Historic Landmark is located and will provide information on the National Historic Landmarks program, the designation process, and the implications of designation.

(c) The researcher will visit the property and, in the case of districts with more than 50 owners or a request by the municipality or county, hold an informational meeting.

(d)(1) Properties appearing to qualify for designation as National Historic Landmarks and comments pertaining to them are presented to the Consulting Committee for evaluation. The Consulting Committee usually meets semi-annually. Interested parties are encouraged to attend and an opportunity to address the Consulting Committee concerning a property's significance, integrity, or boundaries will be provided. The Consulting Committee evaluates a property's significance, integrity, and boundaries. Prior to Consulting Committee review of a property, the Heritage Conservation and Recreation Service, will notify, in writing, (i) the owner(s), (ii) the municipality or county, (iii) the State Historic Preservation Officer, (iv) the members of Congress who represent the district and the State in which the property is located that it is to be considered by the committee. Such notice will be sent not less than 30 days and not more than 60 days before the consulting committee meeting.

(2) In the case of properties with more than 50 owners, the procedures of 1205.4(b) will be used. The notice will state date and location of consulting committee meeting, solicit written comments, and describe the implications of National Historic Landmark designation. Summaries of the research report will be sent to (i) the State Historic Preservation Officer, (ii) the owner(s), (iii) and other parties requesting it. Notice will also be published in the **Federal Register.**

(e) The Consulting Committee recommends to the Director those properties which it believes meet the criteria for recognition as National Historic Landmarks. A simple majority is required to make this recommendation.

(f) The Secretary of the Interior receives the recommendations of the Director and, based on the criteria set forth herein, makes a decision on

National Historic Landmark designation. Properties that are designated National Historic Landmarks are listed in the National Register of Historic Places.

(g) Notice of National Historic Landmark designation is sent (1) to the landmark owner(s) as outlined in 1205.4(b), (2) to the State Historic Preservation Officer, (3) to the Representative of the Congressional District in which the property is located, (4) to the State's United States Senators, (5) to the municipality or county in which the landmark is located, (6) and in certain cases to other interested authorities, individuals or organizations.

(h) In special circumstances where necessary to promote the public interest in historic preservation, the Secretary may designate National Historic Landmarks without reference to the Consulting Committee.

§ 1205.5 Registration.

(a) Following the designation of a property by the Secretary as a National Historic Landmark, the owner (or in the case of multiple ownership, a majority of the owners) is invited to sign an agreement with the Heritage Conservation and Recreation Service indicating willingness to adopt management practices which protect the landmark's nationally significant values. When the agreement is signed, the property becomes a registered National Historic Landmark. The owner(s) gives up none of the rights and privileges of ownership or use of the property, nor does the Department of the Interior gain any property interest in land so designated. The owner(s) may request a certificate signed by the Secretary of the Interior and the Director of the Heritage Conservation and Recreation Service, and a bronze plaque. The Heritage Conservation and Recreation Service provides one certificate and plaque for the National Historic Landmark through its appropriate Regional Office. Upon request, the Regional Office will help arrange and participate in a presentation ceremony.

(b) If the agreement is not signed, the property retains its status as a National Historic Landmark, but it is not a registered National Historic Landmark and the owner is awarded neither the certificate nor the plaque.

(c) There is no time limit for signing the preservation agreement and accepting the certificate and plaque. The owner may choose to do so at any time after the designation of the property as a National Historic Landmark.

(d) When the ownership of a registered National Historic Landmark changes, a new agreement is required to maintain registration.

§ 1205.6 Monitoring National Historic Landmarks.

(a) The Heritage Conservation and Recreation Service, through its Regional Offices, maintains a continuing relationship with the owners of National Historic Landmarks by periodic visits and other means to determine whether landmarks have retained their integrity, to advise the owners concerning accepted preservation standards and techniques, and to update administrative records on the properties. Reports of monitoring activities are filed with the National Historic Landmarks Program. These reports form the basis for the annual report submitted to Congress by the Secretary of the Interior on National Historic Landmarks which exhibit known or anticipated damages or threats to the integrity of the property as mandated by Section 8, National Park System General Authorities Act, 1970, as amended. (90 Stat. 1940 16 U.S.C. 1a–5).

(b) Whenever the Secretary of the Interior determines a National Historic Landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, the Secretary shall notify the person conducting such activity and submit a report thereon. The report will include the basis for the Secretary's finding that such activity may cause irreparable loss or destruction of a National Historic Landmark. It will be submitted to the Advisory Council on Historic Preservation, along with a request for advice from the Council as to alternative measures that may be taken by the United States to mitigate or abate such activity. Authority for this action is mandated by section 9, Mining in National Parks Act of 1976 (90 Stat. 1342, 16 U.S.C. 1908).

§ 1205.7 Alterations in National Historic Landmark Boundaries.

(a) Two justifications exist for enlarging the boundary of a National Historic Landmark: Documentation of previously unrecognized significance, or professional error in the original designation. Enlargement of a boundary will be approved only when the area proposed for addition to the National Historic Landmark possesses the characteristics for which the landmark was designated. The same process as used for a new designation will be followed (§ 1205.4 (a) through (h)).

(b) Two justifications exist for reducing the boundary of a National Historic Landmark: Loss of integrity, or professional error in the orginal designation. Reduction of a boundary will be approved only when the area to be deleted from the National Historic Landmark does not possess or has lost the characteristics for which the property was designated a National Historic Landmark. The same process as used for a new designation will be followed (§ 1205.4 (a) through (h)).

(c) A proposal for enlargement or reduction of a National Historic Landmark boundary shall be submitted to or can originate at the National Register of Historic Places, Heritage Conservation and Recreation Service, 440 G Street NW., Washington, D.C. 20243. The Division Chief may initiate a restudy of the National Historic Landmark by the staff of the National Register and subsequently a proposal if appropriate in the same manner as a new designation (§ 1205.4 (a) through (h)).

(d) A technical correction to a boundary does not require Consulting Committee review or Secretarial Approval. The Division Chief of the National Register must approve a technical correction.

(e) The Landmarks Program will provide written notice of any alteration in a National Historic Landmark boundary to (1) the landmark owner(s), (2) the municipality or county in which the landmark is located, (3) the U.S. Representative who represents the district in which the landmark is located, (4) the U.S. Senators who represent the State in which the landmark is located, and (5) the State Historic Preservation Officer.

(f) When a boundary has been proposed for a National Historic Landmark designated before 1970 the Heritage Conservation and Recreation Service shall notify, in writing, (1) the owner, (2) municipality or county, (3) the State Historic Preservation Officer, (4) the members of Congress who represent the district and State in which the property is located of the proposed boundary, and provide not less than 30 and not more than 60 days for submitting written comments before the boundary is approved by the Chief of the Division of the National Register.

(g) In the case of more than 50 owners, the general notice specified in § 1205.4(b) will be used.

§ 1205.8 Withdrawal of National Historic Landmark Designation.

(a) Three justifications exist for the withdrawal of a National Historic Landmark designation: Loss or destruction of the characteristics for which a property originally met the National Historic Landmark criteria; professional error in the designation; or substantial failure to follow the

procedures for designation set forth in § 1205.4.

(b) Information concerning loss of integrity, professional error, or procedural error should be submitted to the National Register, Heritage Conservation and Recreation Service, 440 G Street NW., Washington, D.C. 20243. The National Register may initiate a restudy of the National Historic Landmark by its staff and subsequently a proposal for withdrawal of the landmark designation if appropriate in the same manner as a new designation (§ 1205.4 (a) through (h)). Where professional error as to a property's national significance has been made, the property will remain listed in the National Register.

(c) Upon withdrawal of a National Historic Landmark designation, the landmark certificate and plaque will be reclaimed. The Heritage Conservation and Recreation Service will provide written notice of the withdrawal and a copy of the report on which the action is based to (1) the owner(s), (2) the municipality or county in which the landmark is located, (3) the U.S. Representative who represents the district in which the landmark is located, (4) the U.S. Senators who represent the State in which the landmark is located, and (5) the State Historic Preservation Officer. Notice of such removals will be published periodically in the **Federal Register.**

§ 1205.9 National Historic Landmark Criteria.

Introduction

(a) National Historic Landmark designation recognizes nationally significant properties essential to the American understanding and appreciation of the Nation's history, development, ideals, and character. Landmarks include districts, sites, buildings, structures, and objects, which have been pivotal in the development of American history, architecture, archeology or culture. Landmark designation is not applied to all properties once associated with national development; nor can all facets of the Nation's history be logically or clearly represented by physical resources. National Historic Landmark designation is reserved for resources which by strength and clarity of historic association, architectural or design excellence, or extraordinary information content are or clearly have the potential to be publicly and professionally recognized, understood, and appreciated for their significance to the Nation as a whole.

(b) The National Historic Landmark program was established by the 1935 Historic Sites Act that gave the Secretary of the Interior responsibility for systematically identifying nationally significant properties. In 1966 the National Historic Preservation Act made landmark designation one distinct part of the National Register of Historic Places program. Designated landmarks are automatically placed in the National Register if they have not been listed there previously.

(c) Designation does not require that a property be preserved, but in accordance with the spirit of the Historic Sites Act and the 1966 Preservation Act it insures that a property must be deliberately considered in Federal agency planning and encourages private and public preservation commitments.

(d) Hence, evaluation of potential landmarks shares many of the principles that pertain to evaluating the broader range of potential Register properties. The criteria for both programs also parallel each other in arrangement and form. But the associative, architectural, aesthetic, or informational quality required of National Historic Landmarks is significantly greater than that required of other Register property and must pertain to the development of the Nation as a whole rather than to the history of a single place or group of people.

(e) Although assessments of national significance should reflect both *public perceptions and professional judgments,* the final evaluation of properties being considered for landmark designation must be undertaken by professionals including historians, architectural historians, archeologists, and anthropologists familiar with the broad range of the Nation's resources and historical themes. The criteria applied by these professionals to potential landmarks do not define significance or set a rigid standard for quality. Rather the criteria establish the qualitative framework in which a comparative, professional analysis of national significance can occur.

Historic and prehistoric sites, buildings, and objects, are eligible for designation as National Historic Landmarks if it can be demonstrated that:

I. *Association.* They have been associated with and are now the primary tangible resources that illustrate, recall, or characterize

individuals,
groups,
events,
processes,
institutions,
movements,
lifeways,
folkways,
ideals,
beliefs, or
other patterns or phenomena

that had a decisive impact on or pivotal role in the historic or prehistoric development of the Nation as a whole, *and/or*

II. *Appearance, design, and construction.* They are or they illustrate

architectural styles,
building types,
types of methods of construction vernacular, popular, or traditional building design,
landscape architecture,
urban design or planning,
works of master architects, designers, builders, or planners,
monumental sculpture,
industrial, technological, or engineering design, or
other architectural, aesthetic, or engineering expressions

that are

rare,
unique,
masterpieces of type,
exceptionally illustrative examples of type, or that were of pivotal influence in later development of architecture, construction, landscape design, or aesthetic accomplishment

in the context of the Nation as a whole, *and/or*

III. *Information.* They contain information about or evidence of historic or prehistoric

events,
processes,
institutions,
design,
construction,
settlement,
migration,
ideals,
beliefs,
lifeways,
folkways, or other facets of development and cultural systems

that is essential to professional or public understanding of human development in cultural groups or systems important to the Nation, *and*

IV. *Integrity.* They must possess an exceptionally high degree of integrity of form, material, and settling, retaining those historic characteristics, such as

physical features,
evidences of workmanship,
fabric,
location, and surroundings

that convey, support, represent, or contain the values and qualities for which they are judge significant.

Exclusions

I. *Religious and Commemorative Properties.* Properties owned by

religious institutions, used for religious purposes, or primarily commemorative in nature will not be considered for landmark designation unless they also possess architectural, artistic, historic, cultural, or information significance that would qualify them for listing within Criteria I–IV.

II. *Moved Structures.* A. Buildings, structures, and objects moved from their original or historically significant location will not be eligible for landmark designation unless they were originally designed to be moved or the qualities that would have made them eligible for landmark designation on their original location are fully retained.

B. Buildings, structures, and objects that have been taken from their historic location and placed in artificial assemblages will not be eligible for designation as landmarks unless the act of relocating the properties is itself of historical or cultural significance to the Nation.

III. *Reconstructed Buildings.* Reconstructed properties will not be considered for landmark designation unless they have attained in their own right historical, architectural, cultural, artistic, information value that would qualify them for listing within Criteria I–IV.

IV. *Properties of Recent Significance.* Properties that have achieved significance or have been constructed recently will not be considered eligible for landmark designation unless sufficient time has passed to permit professional evaluation of them in their historical context. The passage of time insures sufficient perspective to evaluate properties for their historical value or role rather than for their contemporary interest. Because 50 years from the time of construction or historic use or association has traditionally been assumed to provide that perspective, that period is suggested but not required for landmark designation. Many categories of properties can be professionally evaluated within a shorter span of time.

V. *Birthplaces, Cemeteries, and Graves.* Birthplaces, cemeteries, and graves will not be considered for landmark designation unless no property associated with the productive life of a group or individual extremely significant in the Nation's history or prehistory exists or unless the property possesses qualities that would qualify it for designation under Criteria II or III and Criterion IV.

Dated: December 13, 1979.

Chris Therral Delaporte,

Director.

[FR Doc. 79-38659 Filed 12-17-79; 8:45 am]

BILLING CODE 4310-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1377-3]

Approval and Promulgation of Implementation Plans; Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This rule approves portions of the revisions to the Texas State Implementation Plan (SIP) which were submitted by the Governor to fulfill the requirements of the Clean Air Act, as amended in August 1977 (the Act) for attainment and maintenance of the National Ambient Air Quality Standards. The revisions being acted on today are those exclusively related to the establishment of an inspection/maintenance (I/M) program required under Section 172 (b)(11)(B) of the Act, and the use of emission reductions resulting from the pilot program as credit for new source growth.

EFFECTIVE DATE: Effective on December 18, 1979.

FOR FURTHER INFORMATION CONTACT: Jerry M. Stubberfield, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Region 6, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION:

Background

On April 13, 1979, the Governor of Texas submitted revisions to the Texas SIP which included provisions for the establishement of a schedule of implementation for an inspection/maintenance (I/M) program for Harris County. This portion of the SIP delineated the legislative action that had taken place in providing the Texas Air Control Board (TACB) with the necessary authority to implement an I/M program consistent with the intent of the legislation. House Bill 726 was introduced into the Texas Legislature on March 9, 1979. This bill proposed to amend the Texas Clean Air Act to require the TACB, in cooperation with the Texas Department of Public Safety and the State Department of Highways and Public Transportation to do the following:

1. Conduct an I/M pilot program
2. Study various feasibility and implementation I/M program options
3. Prepare for an I/M program in Harris County to allow for full implementation of the program not later than December 31, 1982, and
4. Report to the 67th Session of the Texas Legislature concerning these requirements on or before December 1, 1980.

EPA had reviewed the draft legislation prior to its introduction into the Legislature and had notified the State that the passage of such legislation would satisfy the requirements of the Clean Air Act Amendments.

Since the SIP was submitted prior to House Bill 726 being signed into law by the Governor, only a draft was submitted by the State with the SIP.

In addition, the State discussed a number of measures which could be imposed between 1982 and 1987 to provide additional reductions in order to demonstrate attainment of the ozone standard in Harris County (page 42 of the SIP). One of these measures was the implementation of an I/M program for which the State estimated and emission reduction of 10,000 tons or four percent of the total 1977 baseline emissions. However, the State specified that these measures were only being considered and that no commitment was made to impose these control measures at this time.

On August 1, 1979, (at 44 FR 45204) the EPA proposed approval of that portion of the Texas SIP that dealt with I/M on the condition that (a) enacted legislation is substantially the same as the draft included with the SIP, (b) it is submitted as part of the SIP, and (c) necessary changes are made to the SIP to commit to the implementation of the legislation.

In response to these conditions, the State submited revisions to this portion of the SIP on August 9, 1979, under signature of the Governor. Included in these revisions was a copy of House Bill 726 which the Governor had signed into law on June 13, 1979. EPA has reviewed the enacted legislation included in this submittal and determined that it is substantially the same as the draft which was submitted with the SIP. In addition, the State revised the original SIP (i.e. page 42) by removing the statement that no commitment would be made to impose these additional control measures (which included I/M) at this time. EPA interprets the removal of this statement as a commitment by the State to implement the legislation. Therefore, EPA has determined that the State has satisfied all conditions specified at 44 FR 45206 (August 1, 1979) and under this notice is approving that portion of the Texas SIP specific to the I/M program.

EPA is acting on this portion of the SIP at this time, rather than under a notice promulgating final rulemaking for the entire SIP, for the purpose of expediting the initiation of the program since the TACB is required to report to the Legislature on their findings on or before December 1, 1980. Since the legislation stipulates that the TACB is not authorized to act prior to EPA approving this portion of the plan, the EPA feels it is necessary to act on these revisions as expeditiously as possible.

Public Comments

In addition to stating EPA's proposed actions with regard to the Texas SIP, the August 1, 1979 **Federal Register** notice solicited comments on what items should be conditionally approved and the proposed time schedule for correction. Numerous comments were received. However, only those comments germaine to the I/M issue will be addressed in this notice. All other comments, including those which were to be considered as part of the record for each state plan, will be addressed in a separate **Federal Register** notice promulgating final action on the remainder of the SIP. Four comments were received specific to the issue of I/M. One commentor stated that the vehicle inspection program proposed under House Bill 726 was a positive step toward improving the air quality and that such a program should be applicable to all classes of vehicles. EPA concurs that such a program will result in air quality benefits. However, the State may determine the classes of vehicles to be included in the program, provided that it meets EPA's reduction criterion.

Two comments were received relative to the use of emission reductions achieved through the pilot I/M program as credit or offsets for new source growth. One commentor objected to the use of such credits for sources locating in the Harris County area on the basis that such a condition appeared to be a subsidization of industry by the general public and that the constitutents of vehicular emissions are not identical to the emissions from industry, thereby resulting in an inequitable trade-off. In addition, the commentor objected that the public was never informed of this compromise. Under the Interpretative Ruling of January 16, 1979, (at 44 FR 3285) the Agency states that reductions in mobile source emissions may be used to offset new source growth. Therefore, since the State has not claimed the use of these credits, in the demonstration of reasonable further progress (RFP), EPA concurs with the State that the use of such credits as offsets for new source growth is justifiable under the Interpretive Ruling. In addition, EPA believes that the public has been adequately informed on this issue since it was discussed at length in the Texas SIP which was available to the public.

The second comment relative to this issue concerned the use of emission reductions from I/M inspected vehicles registered outside the Houston nonattainment area, as offsets to allow new source growth in Harris County. This commentor objected to this on the basis that this area is having difficulty in meeting the ozone standard even by the delayed date of December 31, 1987. Again, EPA believes that the use of the reductions achieved from the pilot program can justifiably be used as offsets since the State did not account for these reductions in attaining reasonable further progress in Harris County. In addition, the Interpretative Ruling as amended on January 16, 1979, provides that, for major proposed sources of volatile organic compounds (VOC), offsets should be obtained from within the same Air Quality Control Region (AQCR). It is desirable to have the offsetting sources located as close to the proposed source as possible. Location within the same nonattainment area is not required. However, if the offsetting source would be located at a greater distance from the new source the ratio of required offsets could be increased.

A fourth commentor questioned why the final legislation was not submitted with the SIP. As previously noted, the SIP was submitted prior to the legislation being signed into law. Therefore, the State had not alternative but to submit the draft legislation. This commentor also objected to that language in the legislation that states that the effective date of the legislation would occur upon EPA approval of the I/M submission; and that EPA should require the submission of a commitment to enact the I/M program as detailed in the legislation prior to granting approval. The provision that EPA approval is necessary for implementation for the program does not, in the Agency's opinion, force EPA's approval. However, EPA concurs with the commentor that the State commit to the implementation of the program consistent with the legislation. As previously noted, EPA considers the revisions to the SIP submitted on August 9, 1979, as fulfilling this condition.

Current Action

This action approves the revisions to the Texas SIP exclusively related to the establishment of an I/M program, and the use of emission reductions resulting from the pilot program as credit for new source growth. No other portions of the SIP are affected by this action.

Even though the Agency is approving this portion of the SIP, in the event that the report to the 67th Session of the Texas Legislature, required under House Bill 726, should result in a determination that there is no I/M program which would be feasible for implementation in Harris County, and subsequently result in no program being implemented according to the specified schedule, EPA will view such an outcome as making the State liable to the imposition of economic and growth limitations and/or federal enforcement action in that area as provided for in the Clean Air Act. In addition, should the Texas Legislature determine that a mandatory I/M program for Harris County would be feasible, a schedule should be developed, for inclusion in the SIP, indicating milestones leading up to actual implementation of the program.

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 final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: December 12, 1979.

Douglas M. Costle,

Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding new paragraphs (18) and (19) to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(18) Draft inspection/maintenance legislation and a schedule for conducting a pilot inspection/maintenance study were submitted by the Governor on April 13, 1979.

(19) Adopted inspection/maintenance legislation and administrative revisions concerning inspection/maintenance were submitted by the Governor on August 9, 1979.

2. Section 52.2272 is revised by adding a new paragraph (b) to read as follows:

§ 52.2272 Extensions.

* * * * *

(b) The Administrator hereby extends to December 31, 1987, the attainment date for primary and secondary standards for ozone in Harris County.

§ 52.2290 [Reserved]

3. Section 52.2290 is revoked and reserved.

[FR Doc. 79-38758 Filed 12-17-79; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. G-42]

Acquisition of Fuel-Efficient Light Trucks by the Federal Government

AGENCY: Transportation and Public Utilities Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation provides policy and procedures governing the acquisition of light trucks by executive agencies during fiscal year 1980.

DATES: Effective date: October 1, 1979. Expiration date: September 30, 1980. Comments due on or before: February 1, 1980.

ADDRESS: Comments should be addressed to: General Services Administration (TMM), Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT: Mr. L. A. Stockdale, Director, Federal Fleet Management Division (703-557-1327).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter G to read as follows:

Federal Property Management Regulations—Temporary Regulation G-42

December 11, 1979.

To: Heads of Federal agencies

Subject: Acquisition of fuel-efficient light trucks by the Federal Government

1. *Purpose.* This regulation establishes policy and procedures governing the acquisition of light trucks by executive agencies during fiscal year 1980.

2. *Effective date.* This regulation is effective October 1, 1979.

3. *Expiration date.* This regulation expires September 30, 1980, unless sooner revised or superseded. Before the expiration date, this regulation will be codified in the permanent regulations of the General Services Administration (GSA) appearing in Title 41 CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to executive agencies as defined in subparagraph 5d.

5. *Background.*

a. Title III of the Energy Policy and Conservation Act added Title V, Improving Automotive Efficiency, to the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.). Executive Order 11912, dated April 13, 1976, designated and empowered the Administrator of General Services to perform the functions vested in the President by section 510 of the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 2010).

b. Subsequent to the publication of Executive Order 11912, Executive Order 12003, dated July 20, 1977, was issued, which requires that the Administrator of General Services promulgate rules that ensure that each class of nonpassenger automobiles (hereinafter referred to as light trucks) acquired by all executive agencies, beginning in fiscal year 1980, achieve a fleet average fuel economy equal to or greater than the fuel economy standard established for that model year by the Secretary of Transportation, pursuant to Public Law 94-163.

c. To implement the provisions of Executive Order 12003, GSA issued FPMR Temporary Regulation G-39, dated November 16, 1978. This regulation, which established the policy and procedures governing the acquisition of light trucks by executive agencies during fiscal year 1979, expired September 30, 1979.

d. The applicable fleet average fuel economy objectives by fiscal year are as follows:

	Fleet average fuel economy miles per gallon (mpg)	
	4 by 2	4 by 4
Fiscal year:		
[1] 1980	16.0	14.0
[1] 1981	16.7	15.0
1982-1985	([2])	([2])

[1] Gross Vehicle Weight Rating (GVWR) limit of vehicles covered by the average fuel economy standards program has been raised from 6,000 to 8,500 pounds beginning in fiscal year 1980.

[2] To be determined by the Secretary of Transportation.

e. As used in this regulation:

(1) "Fleet average fuel economy" means the total number of light trucks acquired during a fiscal year by executive agencies (excluding light trucks designed to perform combat-related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work) divided by a sum of terms, each term of which is a fraction created by dividing the number of light trucks so acquired of a given model type by the fuel economy of that model type.

(2) "Executive agency" means an executive department, a Government corporation, or an independent establishment.

(3) "Acquired" means purchased or leased for a period of 60 continuous days or more but does not include light trucks obtained on assignment from the Interagency Motor Pool System or rented for periods less than 60 days through the Federal Supply Schedule or other source.

(4) "Light trucks" means any truck up to 8,500 pounds GVWR which is a 4-wheeled vehicle propelled by fuel (gasoline or diesel oil), is manufactured primarily for use on public streets, roads, and highways, and is covered by Federal Standard No. 307 (trucks, light, commercial, two wheel drive) or No. 292 (trucks, light, commercial, four wheel drive).

6. *Policy and procedures.*

a. The policy and procedures set forth in this regulation governing the acquisition of light trucks by executive agencies during fiscal year 1980 are in compliance with Executive Orders 11912 and 12003. Attachment A outlines the procedures for acquiring fuel-efficient light trucks, the suggested format for an agency's forecast, and the procedure to be used to calculate an agency's fleet average fuel economy.

b. Requisitions submitted to GSA for light trucks shall be in conformance with the requirements of § 101-26.501 and Subpart 101-38.13.

c. Additionally, requisitions for light trucks submitted to GSA in accordance with agency forecasts developed in compliance with this regulation shall contain a certification that the acquisition is in conformance with Executive Order 12003, as implemented by this regulation. Each civilian executive agency, the Office of the Secretary of Defense, the military services, and defense agencies shall designate an official who shall be responsible for providing this certification and shall furnish the name, address, and telephone number of the official to the General Services Administration (TM), Washington, DC 20406.

d. The fleet average fuel economy for all light trucks acquired by an executive agency must meet or exceed the fleet average fuel economy for their respective classes of light trucks as shown in the corresponding fiscal year column in subparagraph 5d of this regulation or acquired to be used outside the conterminous United States, Alaska, Hawaii, Guam, the Virgin Islands, and the Commonwealth of Puerto Rico.

(1) The provisions of this regulation are not applicable to light trucks designed to perform combat-related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work.

(2) An agency may request an exemption from the provisions of subparagraph d, above, for individual light trucks or for specific categories of light trucks used for special purposes, such as fire support. These requests shall be submitted in writing to the General Services Administration (A), Washington, DC 20405, and shall state the reasons supporting the proposed acquisition of a light truck that will not enable the agency to meet the fleet average fuel economy established by Executive Order 12003 and this regulation. The Administrator of General Services will review the request and, with the concurrence of the Secretary of Energy, determine the merits of the request, then inform the requesting agency of the determination. Light trucks exempted under the provisions of this subparagraph 6d(2) shall not be included in the calculation of an agency's fleet average fuel economy.

7. *Agency comments.* Agency comments regarding clarification of the policy and procedures in this regulation may be sent to the General Services Administration (TMM), Washington, DC 20406, no later than February 1, 1980, for consideration and possible incorporation into the permanent regulation.

8. *Reports.* The report required by this regulation is in conformance with the provisions of Subpart 101–11.11 and has been assigned interagency report control number 0162–GSA–AN.

R. G. Freeman III,

Administrator of General Services.

Attachment A

Acquisition of fuel-efficient light trucks

1. *Authority.* Section 1(b) of Executive Order 12003, dated July 20, 1977, requires that the Administrator of General Services expand the program for the acquisition of fuel-efficient motor vehicles to include light trucks beginning in fiscal year 1979.

2. *Implementation.* In compliance with the Executive order, GSA will administer a consolidated Federal fleet acquisition plan for light trucks acquired by executive agencies. The plan will be composed of two sections, covering both 4 by 2 and 4 by 4 light trucks. It will be based on forecasts of total light truck acquisition requirements by item number (from the Federal standard) submitted by executive agencies to GSA by December 15 of each fiscal year. This forecast will substantiate that each agency's acquisition plan is in conformance with the provisions of the Executive order; i.e., the agency plan will result in the achievement of the fleet average fuel economy prescribed for the applicable fiscal year. GSA will administer the plan by maintaining a master record of the miles per gallon rating for light trucks acquired by each agency during the fiscal year. Periodically, each agency will be furnished a listing of vehicles acquired with the cumulative fleet average fuel economy attained to compare with its forecast. This will enable an agency to adjust future vehicle acquisitions, when necessary, to comply with the Executive order by the end of the fiscal year. The Federal fleet plan will enable GSA to predict the total fleet average fuel economy to be achieved by all excutive agencies before the end of the fiscal year and to provide management assistance to agencies, when necessary, to ensure compliance with the Executive order. Forecasts of planned acquisitions shall be sent to the General Services Administration (TM), Washington, DC 20406, not later than December 15 for the fiscal year, in the format illustrated in figure A–1 of this attachment. Interagency report control number 0162–GSA–AN has been assigned to this requested forecast. The miles per gallon ratings to be used will be published in an FPMR bulletin to enable agencies to plan their acquisitions and to prepare their forecasts.

3. *Agency responsibilities.*

a. Executive agencies shall furnish GSA a forecast of the total light truck acquistion requirements for each fiscal year based on the combined city/highway mileage ratings for light trucks developed by the Environmental Protection Agency (EPA). Despite EPA's decision to publicize only the estimated mileage ratings for vehicles 8,500 pounds GVWR and under in model year 1980, EPA will provide the combined city/highway ratings to GSA. In turn, GSA will furnish this information to agencies to enable them to plan the acquisitions and to prepare the forecasts. Agencies that do not plan purchases or commercial leases or that satisfy their total vehicle requirements through the GSA Interagency Motor Pool System shall furnish a negative forecast. Agencies which need additional copies of the mpg ratings (for 49 States and California vehicles) may write to the General Services Administration (TM), Washington, DC 20406. A sample calculation to clarify how the fleet average fuel economy is derived is illustrated in figure A–2 of this attachment.

b. The forecast of the total agency light truck acquistion requirements shall include trucks to be procured or leased and used in the conterminous United States, Alaska, Hawaii, Guam, the Virgin Islands, and the Commonwealth of Puerto Rico. The forecast shall not include light trucks (1) procured or leased and/or to be used outside the foregoing areas, (2) designed to perform combat-related missions for the Armed Forces, (3) designed to be used in law enforcement work or emergency rescue work, or (4) specifically exempted by the Administrator of General Services in accordance with subparagraph 6d(2).

c. Requisitions for light trucks sent to GSA for procurement action but for which a contract is not effected during the same fiscal year the requisitions are submitted should be included in the agency's acquisition forecast for the following fiscal year.

d. When a light truck lease contains an option to renew and the option is exercised, that renewal action shall count as a new acquisition and shall be included in the applicable year's forecast.

e. In order to maintain a master record of all light truck acquisitions, agencies shall forward to the General Services Administration (TM), Washington, DC 20406, copies of all agreements for the leasing of light trucks for a period of 60 continuous days or more, including agreements to renew existing leases. When the lease agreement does not provide the following information, it shall be submitted as an attachment to the lease:

(1) Year,
(2) Make,
(3) Model,
(4) Transmission type (if manual, number of forward speeds),
(5) Cubic inch displacement,
(6) Fuel system (fuel injection or carburetor (number of barrels)),
(7) Whether it is a 4 by 2 or 4 by 4, and
(8) If leased in California.

4. *GSA responsibilities.*

a. Upon receipt of the mileage ratings from the EPA, GSA will publish a G-

series FPMR bulletin which will contain the light trucks mpg ratings to be used in the preparation of each agency's light truck forecast.

b. GSA will develop the Federal fleet plan from forecasts of light truck acquisition requirements received from executive agencies. GSA assistance may be requested in preparing forecasts for submission.

c. GSA periodically will furnish each agency a listing showing the status of light trucks acquired with the fleet average fuel economy achieved to enable the agency to determine the extent to which it is in conformance with the forecast originally submitted to GSA. The listing will enable an agency to make adjustments to its acquisition plan, when necessary, to ensure that its fleet average fuel economy is achieved for the applicable fiscal year.

d. Submission of requisitions for procurement or requests for authority to lease light trucks which, in the opinion of GSA, will result in noncompliance with the fleet average fuel economy by the end of the fiscal year may result in requisitions being held in abeyance pending adjustment to the agency's acquisition plan.

Figure A–1.—Suggested format for agency acquisition forecast

General Services Administration (TM)
Washington, D.C. 20406.

The forecast for the total 4 by 2 light trucks to be acquired (procured or leased for 60 continuous days or more, but not obtained from the Interagency Motor Pool System) by (agency) during fiscal year 1980 is as follows:

4 by 2

Van-wagon and Van-panel (items 20 and 30)
- 100—49 States, where the lowest EPA city/highway fuel economy rating for a 6-cylinder automatic is 17 mpg.
- 50—California, where the lowest EPA city/highway fuel economy rating for an 8-cylinder automatic is 14 mpg.

Pickup (item 40)
- 200—49 States, 6-cylinder automatic (17 mpg).
- 50—California, 8-cylinder automatic (14 mpg).

Pickup, compact (item 60)
- 150—49 States, 4-cylinder automatic (22 mpg).
- 25—California, 4-cylinder, 4-speed manual (24 mpg).

Sedan, delivery (item 110)
- 25—49 States, 6-cylinder automatic (19 mpg).

The forecast for the total 4 by 4 light trucks to be acquired by (agency) during fiscal year 1980 is as follows:

4 by 4

Trucks, utility (items 5 and 6)
- 180—49 States, 6-cylinder automatic (18 mpg).
- 10—California, 8-cylinder, 3-speed manual (15 mpg).

Excluding light trucks designed to perform combat-related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work, the total planned acquisitions for fiscal year 1980 are calculated to yield a fleet average fuel economy for 4 by 2 trucks of 17.7 miles per gallon and for 4 by 4 trucks of 17.8 miles per gallon.

Interagency report control number 0162–GSA–AN is assigned to this forecast.

Name of official preparing forecast———————
———————
Title ———————
Address———————
Telephone number ———————

BILLING CODE 6820-AM-M

Figure A-2. Illustration of sample calculation to (Part 1 of 2) determine fleet average fuel economy

The fleet average fuel economy is determined by dividing the total number of light trucks of a certain configuration (4 by 2 and 4 by 4) to be acquired by a sum of terms, each term of which is a fraction created by dividing the number of light trucks of a given model type by the fuel economy of that model type.

The method of calculating the fleet average fuel economy uses harmonic averaging and is specifically required by section 510 of the Motor Vehicle Information and Cost Savings Act (89 Stat. 915, 15 U.S.C. 2010) for passenger automobiles. It is being extended to apply to the calculation of the light truck fleet average fuel economy.

The fleet average fuel economy shown in figure A-1 of this attachment has been calculated as follows:

4 by 2

Total number of light trucks (600) divided by:

1. Six-cylinder automatic transmission van-wagons and van-panels for use in 49 States (100) divided by 17 mpg, plus
2. Eight-cylinder automatic transmission van-wagons and van-panels for use in California (50) divided by 14 mpg, plus
3. Six-cylinder automatic transmission pickups for use in 49 States (200) divided by 17 mpg, plus
4. Eight-cylinder automatic transmission pickups for use in California (50) divided by 14 mpg, plus
5. Four-cylinder automatic transmission compact pickups for use in 49 States (150) divided by 22 mpg, plus
6. Four-cylinder, 4-speed manual transmission compact pickups for use in California (25) divided by 24 mpg, plus
7. Six-cylinder automatic transmission sedan deliveries for use in 49 States (25) divided by 19 mpg.

$$= \frac{600}{\frac{100}{17} + \frac{50}{14} + \frac{200}{17} + \frac{50}{14} + \frac{150}{22} + \frac{25}{24} + \frac{25}{19}}$$

$$= \frac{600}{5.88 + 3.57 + 11.76 + 3.57 + 6.82 + 1.04 + 1.32}$$

$$= \frac{600}{33.96} = 17.7 \text{ (Rounded to the nearest 0.1 mpg)}$$

4 by 4

Total number of light trucks (190) divided by:

1. Six-cylinder automatic transmission utility trucks for use in 49 States (180) divided by 18 mpg, plus
2. Eight-cylinder, 3-speed manual transmission utility trucks for use in California (10) divided by 15 mpg.

$$= \frac{190}{\frac{180}{18} + \frac{10}{15}}$$

$$= \frac{190}{10.0 + .67}$$

$$= \frac{190}{10.67} = 17.8 \text{ (Rounded to nearest 0.1 mpg)}$$

[FR Doc. 79-38586 Filed 12-17-79; 8:45 am]

BILLING CODE 6820-AM-C

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5690

[C-23211]

Colorado; Revocation of Executive Order No. 8085

AGENCY: Bureau of Land Management, Interior

ACTION: Public land order.

SUMMARY: This order will revoke an Executive order which withdrew 40 acres of public land as an administrative site for the Forest Service for use as a summer horse pasture. The land is no longer needed by the Forest Service for this or any other purpose.

EFFECTIVE DATE: January 16, 1980.

FOR FURTHER INFORMATION CONTACT: Sue Bosma, (202) 343–6486.

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 8085 of April 11, 1939, which withdrew the following described public land as a Forest Service administrative site is hereby revoked:

Sixth Principal Meridian

T. 14 S., R. 86 W.,
Sec. 1, SE¼SW¼.

The area described contains 40 acres in Gunnison County.

2. At 10:00 a.m., on January 16, 1980, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All valid applications received at or prior to 10:00 a.m., on January 16, 1980, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location under the United States mining laws at 10:00 a.m., on January 16, 1980. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Guy R. Martin,
Assistant Secretary of the Interior.
December 11, 1979.

[FR Doc. 79-38748 Filed 12-17-79; 8:45 am]
BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 78-220; RM-3063]

FM Broadcast Stations in Conway, Arkansas and Jacksonville, Arkansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action assigns FM Channel 224A to Conway, Arkansas, as that community's second FM assignment. The provision of a second local FM service to this community is more important even if it precludes a proposed improvement in facilities at Station KOTN(FM) in Pine Bluff, Arkansas.

EFFECTIVE DATE: January 24, 1980.

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

FOR FURTHER INFORMATION CONTACT: Stanley P. Wiggins, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: December 10, 1979.
Released: December 14, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Mayflower, Conway and Jacksonville,[1] Arkansas), BC Docket No. 78–220, RM–3063.

1. By *Notice of Proposed Rule Making,* adopted July 17, 1978, 43 FR 32832, the Commission proposed to amend § 73.202(b) of the Commission's Rules, the FM Table of Assignments, by assigning FM Channel 224A to Conway, Arkansas. The *Notice* was issued in response to a petition filed by Michael D. Harrison, who had requested the same assignment for the nearby community of Mayflower. Mayflower (pop. 469) presently lacks any local aural service, and Conway (pop. 15,510) has two occupied frequencies assigned to it. However, because one of these frequencies is used at Jacksonville, some 38 kilometers (24 miles) distant, Conway actually has only one local FM service. The *Notice* also proposed reassignment of Conway Channel 262 to Jacksonville to reflect its use there.

2. Conway is the seat of Faulkner County and the apparent population center of the county. Conway is served by one FM station and two AM stations (one daytime-only and one fulltime). Those factors, combined with technical constraints on the transmitter location for a Channel 224A facility, suggested that the proposed channel's principal service area would actually be Conway rather than Mayflower. No significant preclusion is created by the proposal, but the *Notice* requested petitioner to submit a showing of first and second FM and aural service. For the reasons set forth below, we have decided to adopt the assignments proposed.

3. Opposition to the proposed Conway assignment were filed by Communications Media Corporation ("CMC"), licensee of KWEE(AM) and KKLF(FM) in Conway, and by Joellen Broadcasting Corporation ("Joellen"), licensee of KOTN(FM) in Pine Bluff, Arkansas. CMC contends the assignment of Channel 224A to Conway for use at Mayflower conflicts with the 10-mile rule (Section 73.203(b)), because that rule limits such assignments to one per communty. CMC also contends the proposal provides no first aural service, and will cause Conway, which already has a Class C channel assigned, to be intermixed. Joellen's opposition is premised on its simultaneously filed application for improved facilities for KOTN(FM), which would result in a second aural service to 573 persons in a 453 square kilometer (175 square miles) area.[2] Joellen asserts this improvement in facilities constitutes a better utilization of broadcast spectrum than the Class A facility proposed for Conway, which petitioner concedes will not provide any first or second aural or FM service.

4. Although the proposed assignment would not bring first or second aural or FM service, it would bring a second local FM service for Conway. In our view, this opportunity should not be foreclosed simply because of the modest second aural service gains projected for the proposed KOTN(FM) modification. In addition, Joellen has not shown, or even alleged, that its proposed site is the only other location that will serve the purposes or provide desired service to

[1] This community has been added to the caption.

[2] Joellen's engineering statement asserts there will be first aural service to 84 persons in a 70 square kilometer (27 square miles) area, but Commission staff analysis indicates an error concerning the contour of Station KYK(FM), Little Rock, which when corrected eliminates any first aural service.

underserved areas. KOTN(FM) remains free to explore possible alternative approaches to improving its facilities, but the gains from its modification proposal do not warrant the prevention of a second local FM service to a community of 15,000.

5. As for the prohibition in Section 73.203(b) of removing more than one channel from a community, CMC is correct that the rule applies here despite our reassignment of Channel 262 to Jacksonville to reflect its use there. If an applicant wishes to apply to use Channel 224A at a community other than Conway, it may request a waiver of that section.[3] Finally, the Conway assignment will cause intermixture there. However, the Commission has long permitted intermixture of a Class A channel with an existing Class C channel where no other Class C channels are available (as is the case here) and the petitioner indicates his willingness to operate under such conditions. *Yakima, Wash.*, 43 F.C.C. 2d 548 (1973). Petitioner has assured the Commission in comments of his interest in applying for the assignment.

6. Accordingly, it is ordered, That the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, is amended as follows:

City	Channel No.
Conway, Arkansas	224A, 286
Jacksonville, Arkansas	262

7. Authority for the adoption of the amendments contained herein appears 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.

8. It is futher ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Stanley P. Wiggins, 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. 79-38715 Filed 12-17-79; 8:45 am]

BILLING CODE 6712-01-M

[3] If applicants wish to apply for Channel 224A on a dual-city identification basis pursuant to 47 CFR 73.1201, they are free to do so, but this is not necessary in order to comply with 47 CFR 73.203(b).

47 CFR Part 73

[BC Docket No. 79-120; RM-3197]

FM Broadcast Station in Haskell, Tex.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a Class C FM channel to Haskell, Texas, in response to a petition filed by Kenneth Lane. The station will provide a first and second FM service to a substantial area and significant population in addition to rendering a first local aural broadcast service to Haskell.

EFFECTIVE DATE: January 24, 1980.

ADDRESS: 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: December 10, 1979.

Released: December 14, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Haskell, Texas), BC Docket No. 79-120, RM-3197.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, adopted May 15, 1979, 44 FR 30128, proposing the assignment of Class C FM Channel 238 to Haskell, Texas, in response to a petition filed by Kenneth Lane ("petitioner"). Petitioner filed supporting comments. ABKO Broadcasting Company ("ABKO"), licensee of Station KDWT (AM), Stamford, Texas, filed reply comments to which petitioner filed a Motion to Strike. ABKO filed an opposition to the Motion and petitioner filed a reply.

2. In the *Notice*, we stated that where a community, such as Haskell, has a small population, it would be the usual practice to assign a Class A channel. However, we noted that exceptions were made where a Class C channel could bring a significant amount of first or second FM service or when a Class C channel represented the best means of serving a sparsely populated area. In this case, petitioner had shown that a first and second FM service could be provided to a substantial area and significant population. On that basis the Commission decided to propose a Class C channel even though no first or second nighttime aural service would be provided.

3. Petitioner filed comments supporting the proposal and stated that it would apply for the channel, if assigned. ABKO, in reply comments, contends that petitioner did not submit sufficient evidence to justify the assignment of a Class C channel to Haskell. ABKO argues that no attempt was made by petitioner to determine and compare the areas and populations which would receive a first and second service from a Class A facility at Haskell. It states further that petitioner made no showing as to whether the proposed Class C channel would provide any first or second nighttime aural service. ABKO asserts that in view of the considerable preclusive impact the petitioner should submit showings that justify the Class C channel for Haskell. Then, if the request is justified, the assignment should be conditioned on the use of reasonable facilities (75 kW ERP at 500 feet).

4. In its Motion to Strike, petitioner claims that ABKO had an opportunity to file comments during the time set for that purpose and failed to do so. He contends that ABKO's reply is not responsive to his comments which were the only comments filed in the proceeding, in which he merely reaffirmed his continuing interest in the proposed assignment. Petitioner contends that ABKO, in essence, is proposing a Class A instead of a Class C channel at Haskell, and as such, is in violation of § 1.420(d) of the Commission's Rules which prohibits a counterproposal from being advanced in reply comments.

5. ABKO, in opposing the Motion, claims that it has not advanced a counterproposal but only stated that petitioner had failed to present the studies required to justify an exception to the Commission's policy of assigning a Class C channel only to communities much larger than Haskell. ABKO asserts that its reply comments are directed to the general proposition as are petitoner's comments of whether the proposed assignement should be made to Haskell.

6. In reply, petitioner reiterates his view that ABKO's reply comments are an attempt to submit late comments which should not be allowed to delay this proceeding.

7. Since the Motion to Strike and related pleadings are of a procedural nature, we will deal with that matter first. Petitioner claims that ABKO's comments are late-filed and should be stricken from the record. Although an argument can be made that ABKO's reply comments are responsive to petitioner's comments, the better practice would have been to make the

same points in initial comments. Nonetheless, to have a complete record before us we are rejecting the Motion to Strike and shall consider the arguments set forth in ABKO's reply comments.

8. Haskell (pop. 3,655),[1] seat of Haskell County (pop. 8,512), is located approximately 80 kilometers (50 miles) north of Abilene, Texas. It has no local aural broadcast service.

9. The *Notice* proposing a Class C assignment was issued based on the showing that a Class C station would provide needed service that a Class A station could not provide. For example, a Class C station operating with reasonable facilities could provide a first FM service to 16,908 persons in a 6,364 square kilometer (2,457 square miles) area.[2] The *Notice* did not request information concerning the provision of first and second service from a Class A facility because it was clear to us from the engineering data included in the original petition that a Class A facility would cover substantially less of the unserved and underserved areas than would be served by any Class C station. Finally, we did not believe that preclusion would be an impediment because one or more channels were available for assignment to the precluded area. Based on this information, the *Notice* was issued on what was held to be adequate justification to propose assignment of a Class C channel to a community the size of Haskell. Therefore, we must reject ABKO's contentions.

10. We have given careful consideration to the proposal and believe it would be in the public interest to assign Channel 238 to Haskell, Texas. The assignment would provide for an FM station which could render a first local aural broadcast service to Haskell, and also provide first and second FM service to a substantial area and population that is significant even if no first or second aural service is involved.

11. 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.

12. In view of the foregoing, it is ordered, that effective January 24, 1980, § 73.202(b) of the Commission's rules, the FM Table of Assignments, as regards Haskell, Texas, is amended as follows:

City	Channel No.
Haskell, Texas	238

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

14. 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. 79-38751 Filed 12-17-79; 8:45 am]

BILLING CODE 6712-01-M

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

[2] ABKO alleges that petitioner failed to deal with the issue of possible first or second aural service, but it did so on page 2 of the engineering statement where it acknowledged that such service would not be provided.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1043, 1045B and 1046

[Ex Parte No. MC 96 (Sub-2)]

Passenger Broker Entry Control; Correction of Effective Date

AGENCY: Interstate Commerce Commission.

ACTION: Correction of effective date.

SUMMARY: The Commission recently adopted final rules establishing a simplified licensing procedure for obtaining a passenger broker license, at 44 FR 70167 (December 6, 1979). This notice is to correct an inadvertent error in that publication regarding the date when the new rules take effect. The proper effective date for these rules is February 4, 1980. Applications will not be accepted until February 4, 1980.

FOR FURTHER INFORMATION CONTACT: Peter Metrinko 202–275–7885 or Donald Shaw 202–275–7292.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-38654 Filed 12-17-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 26

Opening of Certain National Wildlife Refuges in Arizona, California, and New Mexico

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to public access, use, and recreation of certain national wildlife refuges in Arizona, California and New Mexico is compatible with the objectives for which the areas were established, and will provide additional recreational opportunity to the public through a nonconsumptive use. This document establishes special regulations effective for the upcoming public entry and use season.

DATES: Effective on date of publication from January 1, 1980 through December 31, 1980.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

Albert W. Jackson, Area Manager, U.S. Fish and Wildlife Service, 2953 West Indian School Road, Phoenix, AZ 85017. Telephone: 602–261–6833.

SUPPLEMENTARY INFORMATION:

General

Public access, use, and recreation is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR 26 and the following Special Regulations. Portions of refuges which are open to public access, use and recreation are designated by signs and/or delineated on maps available from addresses indicated below.

No vehicle travel is permitted except on designated, maintained roads and trails. Special conditions applying to individual refuges are listed on leaflets from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 3106, Albuquerque, NM 87103.

The Refuge Recreation Act of 1963 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and consistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that such recreational use will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. The determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the

administration of the recreational activities permitted by these regulations.

Public entry shall be in accordance with all applicable Federal and State laws and regulations subject to the following conditions:

§ 26.34 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

Public access, use, and recreation is permitted on the following areas:

Arizona

Cabeza Prieta National Wildlife Refuge, P.O. Box 418, Ajo, AZ 85321. Contact: James R. Fisher, Refuge Manager at 602–387–6483. Special condition:

The Cabeza Prieta National Wildlife Refuge, Arizona, is open to public access, use, and recreational activities from January 1 through December 31, 1980, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations and all official signs posted in the area. Since the refuge is adjacent to the Williams Bombing Range, public access will be restricted to those days when the range is not in use. For purposes of protecting human safety as well as the fragile environment of the 860,000 acre Cabeza Prieta National Wildlife Refuge, all entry into the refuge is subject to the possession of a valid permit issued by the Refuge Manager or his designated assistant. Such permit may be obtained at the offices of the U.S. Fish and Wildlife Service located at 1611 North 2nd Avenue, Ajo, Arizona, or at 356 West 1st Street, Yuma, Arizona, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Fridays (except holidays).

One permit will be required for each vehicle entering the refuge. Vehicles are restricted to designated access roads. Each person entering the refuge by means other than motorized vehicles is also required to possess an entry permit, obtainable as required for vehicular entry. Additionally, each person entering the refuge must sign a hold harmless agreement due to military use of the area for overflights to and from the Williams Bombing Range.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1980.

Kofa National Wildlife Refuge, P.O. Box 1032, Yuma, AZ 85364. Contact: Milton K. Haderlie, Refuge Manager at 602–783–7861. Special condition:

For purposes of protecting wildlife habitat and the fragile environment of the 660,000-acre Kofa National Wildlife Refuge, Arizona, camping is limited for each person to 14 days during any 12-month period.

Recreational (non-commercial) rockhounding, including digging with simple hand tools, is permitted only in the designated area known as Crystal Hill.

The areas described aggregate 3,684.39 acres.

On the remainder of the Kofa National Wildlife Refuge outside the designated Crystal Hill area, collecting of rocks or minerals, or both, is restricted to materials that are exposed and collectible without the use of tools.

Pets are permitted only if they are confined or kept on a leash, not to exceed ten (10) feet in length, one end of which is secured so as to restrict the movement of the animal. (Except the use of dogs when hunting with special hunting regulations.)

There is no hunting permitted inside the area designated as Crystal Hill campground.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on Wildlife Refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1980.

Arizona and California

Cibola National Wildlife Refuge, Box AP, Blythe, Calif. 92225. Contact: Wesley V. Martin, Refuge Manager at 714–922–2129. Special condition:

(1) The minimum altitude for aircraft flying over the Cibola National Wildlife Refuge shall be 2,000 feet above ground elevation. This regulation is meant to prevent harassment of wildlife and to promote quality recreational experiences for the visiting public.

(2) Wildlife observation, photography and hiking are permitted except in areas posted closed to public entry.

(3) Open fires are prohibited. Fires, if contained in grills or other suitable equipment, are permitted provided they are used in unvegetated areas. The clearing of vegetation for any purpose is prohibited.

(4) Waterskiing is prohibited in the Old River Channel section of the Colorado River north of Walter's Camp. This closure is for the protection of wildlife values and possible danger to skiers from submerged hazards. The above described waters lie north of the refuge boundary in Section 24, T2S, Arizona and Section 6, T11S, California.

(5) Waterskiing is permitted in the Cibola Dry Cut section of the Colorado River.

(6) Motorized vehicles, including motorcycles, are permitted only on designated developed roads. Motorized vehicles must be licensed and registered and in compliance with state vehicle codes, and vehicle operators must possess a valid state driver's license. Driving off roads, or on roads closed by signs or barriers, or across farmlands is prohibited.

(7) Overnight camping is prohibited on Cibola National Wildlife Refuge.

(8) The period of use on Cibola National Wildlife Refuge is daylight to dark with the following exceptions:

(a) Fishing—permitted at night in areas open to fishing within the season.

(b) Frogging—permitted at night in area opened to frogging.

The degree of public access, use and recreational activities permitted on Cibola National Wildlife Refuge is described below for the three refuge public use zones.

Zone I. This area is designated on the refuge recreation leaflet map and is marked by signs and described as including all lands bordered on the north by Baseline Road, on the east by the refuge boundary, on the south by an unimproved dirt road one-fourth mile above the Bishop Ranch, and on the west by the centerline of the Colorado River. The above-described lands include all refuge lands east of the Cibola Dry Cut section of the Colorado River lying within Sections 1, 2, 11, 12, 13, 14, 23 and 24, T1S, R24W, and Sections 6, 7, 18 and 19, T1S, R23W. Zone I is closed to hunting. Also closed to public entry and use in Zone I is that area within the above-described zone that lies east of the Bureau of Reclamation tie-back levee as marked by signs and as designated on the refuge recreational leaflet map.

Zone II. This area is marked by signs and described as all refuge lands west of the Cibola Dry Cut section of the Colorado River and north of Zone III, and all refuge lands east of the Dry Cut, south of Zone I and north of Zone III. Zone II is open to public recreation throughout the year under provisions and special conditions listed above in Special Conditions 1 through 8.

Zone III. This area is marked by signs and described as including all lands bordered by the refuge boundary on the east and south, the centerline of the New River Channel and Old River Channel sections of the Colorado River in the west, and the Hartmine Wash Levee which follows the east-west quarter section line that bisects Sections 7, 13, 19, 24, 30 and 31, T2S, R23W. Zone III is closed to hunting. *It is also closed to fishing, boating and hiking from* January 1 through March 14, 1980, and from September 6 through December 31, 1980. Wildife observation and photography are permitted from vehicles traveling on established levee roads and from boats traveling on the Colorado River channel during this period Zone III is open to fishing, boating, hiking, wildlife observation and photography from March 15 through September 5, 1980.

Havasu National Wildlife Refuge, P.O. Box A, Needles, Calif. 92363 Contact: Tyrus W. Berry, Refuge Manager at 714–326–3853. Special condition:

(1) The minimum altitude for aircraft flying over the Havasu National Wildlife Refuge shall be 2,000 feet above ground elevation. This regulation is meant to prevent harassment of wildlife and to promote quality recreational experiences for the visiting public.

(2) Waterskiing is permitted only on the channelized segment of the Colorado River except for the portion of the river called "Topock Gorge", which is designated by buoys and signs as being "Closed to Waterskiing". The north buoy line is located between the I–40 highway bridge and the A.T. & S.F. Railroad bridge. The south buoy line is located on a imaginary line between a point one-fourth mile south of Jops Harbor on the Arizona shoreline and a point one-fourth mile south of the southern entrance to Clear Bay on the California shoreline.

(3) Wildlife observation, photography and hiking are permitted except in those areas posted closed to public entry.

(4) Overnight camping is permitted at the two concessions on Topock Marsh and along the Arizona shoreline below the buoy line designating the southern entrance to Topock Gorge. However, camping is prohibited at Mesquite Bay, located within this stretch of shoreline.

(5) Boating is permitted in all waters of the refuge except in those areas posted closed to public entry. Wakeless speed only is permitted east of the buoys on the Bill Williams River and within the harbors of Five Mile Landing and Catfish Paradise. In these "No Wake" areas the boat speed may not exceed 5 mph and the wake must be held to a low, noncresting roll.

(6) Motorized vehicles are permitted on designated developed roads and parking areas only. Driving off roads and on roads closed by sign or barrier is prohibited.

(7) Fires may be built only in areas where camping is allowed.

(8) Litter facilities are provided only for recreational users who are swimming, boating, picnicking, fishing, hunting, hiking or camping.

(9) Additional attachments to mobile homes and travel trailers located at refuge concessions must be limited to cabanas, awnings, or similar types of shades that are easily removable, portable and not permanently fixed to the ground. They may be equipped with windbreaks of a similar portable nature that do not completely enclose the sides, but may not be utilized for regular living or sleeping space or to house household equipment other than lounge furniture.

(10) Residents are required to maintain their lots and trailers in a neat, orderly and hazard-free condition. Trailer slabs, porches, and cabanas are not to be used for permanent living space, storage of household goods or other miscellaneous items with the exception of lounge furniture. No storage will be allowed under the mobile home, travel trailer or porch area. The interior of the mobile, travel trailer, storage shed or storage yard are the only authorized storage areas.

(11) Concession operators and tenants will maintain their facilities and residences in accordance with Title 25, Housing and Community Development; Chapter 5, Mobile Home Parks, Special Occupancy Trailer Parks and Campgrounds; California Administration Code; State of California.

(12) All trailers, attachments, and other structures on the lots must be capable of being removed within 24 hours of notice. All tires must remain on the mobile home or travel trailer at all times.

(13) The mooring of unattended boats is allowed *only* at designated boat slips at Five Mile Landing and Catfish Paradise concessions.

(14) Concession residents who repeatedly violate refuge regulations can and will be barred from living on or using refuge lands and facilities.

Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, Arizona 85304. Contact: Gerald E. Duncan, Refuge Manager at 602–783–3400. Special condition:

(1) An area on the west end of Martinez Lake, consisting of approximately 175 acres and an area of approximately 1,400 acres in the north end of Ferguson Lake, shall be closed to public entry during the periods from January 1 through March 1, 1980, and from October 1 through December 31, 1980.

(2) Waterskiing and towing of any device except boats with a person aboard, for recreational purposes, is permitted only on certain sections of the main stream (channels) of the Colorado River where designated by signs.

(3) Boating is permitted in all waters of the refuge except in those areas posted closed to public entry.

(4) Blocking of boat ramps or routes of public access is prohibited.

(5) Wildlife observation, photography and hiking are permitted except in those areas posted closed to public entry.

(6) The removal or disturbance of sand, gravel, rocks or minerals is prohibited.

(7) Overnight camping is prohibited.

(8) The removal or disturbance of deadwood or live vegetation is prohibited.

(9) Pets are permitted only if they are confined or kept on a leash not to exceed 10 feet in length, one end of which is secured so as to restrict the movement of the animal.

(10) The minimum altitude for aircraft flying over the Imperial National Wildlife Refuge shall be 2,000 feet above the ground elevation. This regulation is meant to prevent harassment of wildlife and to promote quality recreational experience for the visiting public.

New Mexico

Bitter Lake National Wildlife Refuge, Box 7, Roswell, New Mexico 88201. Contact: LeMoyne B. Marlatt, Refuge Manager at 505–622–6755. Special conditions:

Public recreational use of Bitter Lake National Wildlife Refuge, New Mexico, is permitted on approximately 15,500 acres of land and water, as designated by signs and by informational leaflets available from both the refuge headquarters, 13 miles northeast of Roswell, New Mexico and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. The following special conditions apply to the Salt Creek Wilderness portion of the refuge: (1) Entry is limited to foot travel and horseback riding. (2) Overnight camping is permitted, but only after obtaining written permission from the Refuge Manager. (3) Camping is limited to three consecutive nights, after which the Refuge Manager must be notified of departure. (4) Open campfires are permitted, but must be left cold and completely buried in the ground after use, so as to leave no evidence. (5) All trash must be hauled out of the wilderness, not buried or otherwise left behind.

The following special conditions apply to non-wilderness portions of the Refuge: (1) All visitors are required to register before entry into the South Unit public use area. (2) Sightseeing, nature observation, photography and hiking are permitted year-round within designated areas. (3) The refuge public use areas are open to use from one hour before sunrise to one hour after sunset only, unless otherwise posted. (4) Picnicking is permitted in conjunction with above listed recreational activities at designated sites. (5) Fires are permitted in the picnic grills only. Only dead and fallen brush and trees may be taken for firewood. (6) Boating is permitted only within designated waterfowl hunting areas and designated seasons.

Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, New Mexico 87801. Contact: Ronald L. Perry, Refuge Manager at 505–835–1828. Special conditions:

(1) Permitted recreational uses include wildlife/wildland observation, nature study, photography, fishing as regulated, and hunting as regulated. All public access and use not expressly permitted is prohibited.

(2) The refuge is open to public access and use from one-half hour before sunrise to one-half hour after sunset only.

(3) Portions of the refuge which are closed to public access and use are designated by signs and/or delineated on maps available from any of the following addresses upon request: Refuge Manager, P.O. Box 1246, Socorro, New Mexico 87801; Area Manager, U.S. Fish and Wildlife Service, 2953 West Indian School Road, Phoenix, Arizona 85017; Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Maxwell National Wildlife Refuge, P.O. Box 276, Maxwell, New Mexico 87728. Contact: Jon Brock at 505–375–2331. Special conditions:

The following activities are permitted: Wildlife observation and photography are permitted except in those area posted closed to public entry.

Fishing as regulated.

All public use, access and recreational activity not otherwise expressly permitted is prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

Note.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A–107.

Albert W. Jackson,

Area Manager, Fish and Wildlife Service, Phoenix, Arizona.

[FR Doc. 79–38639 Filed 12–17–79; 8:45 am]

BILLING CODE 4310–55–M

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50 CFR Part 33

Sport Fishing; National Wildlife Refuges in Washington

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges in Washington is compatible with the objectives for which these areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming sport fishing seasons.

DATES: January 1, 1980 to December 31, 1980.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of Special Regulations.

FOR FURTHER INFORMATION CONTACT: Joseph R. Blum, Area Officer Manager, U.S. Fish and Wildlife Service, 2625 Parkmont Lane, Olympia, Washington 98502, Telephone: FTS 434–9578 or 9579 Com'l 206–753–9578 or 9579.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that no area of the refuge system is used for forms of recreation not directly related to the primary purposes for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the National Wildlife Refuge(s) were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Sport fishing is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR 33 and the following Special Regulations. Portions of refuges which are open to sport fishing are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions and maps applying to individual refuges are available as pamphlet handouts at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, Lloyd 500 Building, 500 N.E. Multnomah Street, Portland, Oregon 97232. Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

1. Sport fishing is allowed on the following refuge areas: *Columbia National Wildlife Refuge,* P.O. Drawer "F," Othello, Washington 99344. Contact Refuge Manager at 509–488–2668. (1) The following waters are open to fishing March 1 to September 30, 1980: Bobcat Creek and Ponds; Cattail Lake; Cpypte Creek and Ponds; Crab Creek from Highway 26 to McMannaman Road; Deadman Lake; Hampton Lake and Sloughs; Hays Creek and Ponds; Hutchinson Lake; Juvenile Lake; McMannaman Lake; Pillar Lake; Para Lake; Royal Lake; Shiner Lake; Widgeon Lake; Quail Lake (see special conditions); Shoveler Lake. All other waters are open year-round. (2) Quail Lake is open to the use of artificial flies with barbless hooks only, and all fish must be released immediately. (3) Boats or any floating devices are prohibited on all lakes located between Soda and Upper Hampton Lakes. Boats without motors are allowed on Upper Hampton Lake and Crab Creek and impoundments from O'Sullivan Dam to Goose Lake Road (Marsh Unit 1). The use of powered or non-powered is permitted on all other waters open for fishing.

Conboy Lake National Wildlife Refuge, Glenwood, Washington 98619. Contact Refuge Manager at 509–364–3410 for any special conditions.

Little Pend Oreille National Wildlife Refuge, Route 1, Colville, Washington 99114. Contact Refuge Manager at 509–684–5343 for any special conditions.

McNary National Wildlife Refuge, P.O. Box 308, Burbank, Washington 99523. Contact Refuge Manager at 509–547–4942. (1) The refuge is closed to fishing during the migratory waterfowl hunting season. (2) The use of boats or other floating devices is prohibited.

Ridgefield National Wildlife Refuge, P.O. Box 457, Ridgefield, Washington 98642. Contact Refuge Manager at 206–887–4071 for any special conditions.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882. Contact Wildlife Manager at 503–922–3232 for any special conditions.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally and which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

The primary author of this document is Joseph R. Blum, Area Office Manager; Telephone FTS 434–9578 or 9579, Com'l 206–753–9578 or 9579.

Dated: December 10, 1979.

Joseph R. Blum,

Washington Area Manager.

[FR Doc. 79–38747 Filed 12–17–79; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 530

Rhodesian Sanctions Regulations

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Rhodesian Sanctions Regulations by revoking all the prohibitions on transactions with Rhodesia. The need for the amendments is to implement Executive Order 12183, 42 FR 74787, terminating United States sanctions against Rhodesia. The purpose and effect of the amendments is to remove all formerly prohibited transactions with Rhodesia from Treasury control.

EFFECTIVE DATE: December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington D.C. 20220, (202) 376–0236.

SUPPLEMENTARY INFORMATION: Treasury retains authority to investigate any violation of any provision of the Regulations that occurred prior to the revocation thereof and to institute appropriate enforcement measures. The revocation shall also not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action during the period that they were in effect.

In keeping with the retention of Treasury investigatory and enforcement authority, certain relevant sections of the Regulations, including the recordkeeping and reporting provisions (§§ 530.601 and 530.602) and the penalties provision (§ 530.701) have not been revoked.

The Rhodesian Sanctions Regulations Part 530 are amended by the revocation of the following subparts and sections:

Subpart A, Subpart B, Subpart C, 530.401, 530.403, 530.404, 530.405, 530.406, 530.407, 530.408, 530.409, 530.410, Subpart E and Subpart H.

(E.O. 12183, December 16, 1979, Sec. 5, 59 Stat. 620, as amended, 22 U.S.C. 287c.)

Dated: December 17, 1979.

Stanley L. Sommerfield,

Director.

Approved:

Richard J. Davis,

Assistant Secretary.

[FR Doc. 79–38953 Filed 12–17–79; 12:02 am]

BILLING CODE 4810–25–M

Proposed Rules

Federal Register
Vol. 44, No. 244
Tuesday, December 18, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 20

Export Sales Reporting of Cattle Hides and Skins

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rule would amend the export sales reporting regulations to provide for reporting of cattle hides and skins. The rule is proposed in order to provide for the collection of data with respect to export sales of animal hides and skins required by Section 7(g) of the Export Administration Act of 1979 (Pub. L. 96–72). This rule also proposes a generally applicable procedure for submission of monthly reports to be followed in the event such reporting is required in the future.

DATE: In order to be considered, written comments must be received on or before February 19, 1980.

ADDRESS: Mail all written comments to the Director, Export Sales Reporting Division, Foreign Agricultural Service, U.S. Department of Agriculture, Room 4919–South Building, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the above address during business hours from 8:15 a.m. to 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Richard J. Finkbeiner, Director, Export Sales Reporting Division, FAS, Room 4919–South Agriculture Building, Washington, D.C. 20250, telephone (202) 447–5651.

SUPPLEMENTARY INFORMATION: Section 7(g) of the Export Administration Act of 1979 (Pub. L. 96–72) provides that the Secretary of Agriculture, by exercising the authorities which the Secretary has under other applicable provisions of law, shall collect data with respect to export sales of animal hides and skins. The legislative history of this section indicates that the intent of the Congress was to monitor only cattle hides and skins and that this be accomplished under the mandatory reporting requirements of Section 812 of the Agricultural Act of 1970, as amended. It is proposed that this provision of law be implemented by amending Appendix 1 of the export sales reporting regulations (7 CFR Part 20) to include specific hide and skin items as indicated herein. As a result, the current procedures and requirements of 7 CFR Part 20 would be fully applicable to these items.

Generally, weekly reporting and publication of data is required under § 812. However, Section 812 provides that the Secretary of Agriculture may require reporting on a monthly rather than weekly basis with respect to any commodity during any period in which he determines that there is a domestic supply of such commodity substantially in excess of the quantity needed to meet domestic requirements, and that total supplies of such commodity in the exporting countries are estimated to be in surplus, and that anticipated exports will not result in excessive drain on domestic supplies, and that to require the reports to be made will unduly hamper export sales.

Presently, no export sales are required to be reported monthly. It is felt that the regulations should be amended to encompass such reporting in the event it is required in the future. Comments are specifically requested as to the applicability of these provisions to the reporting of export sales of cattle hides and skins.

The Department is presently (through December 10, 1979) receiving public comment on a proposed rule to amend the regulations as part of an effort to provide a shorter period of time between the making of export sales transactions and the inclusion of such transactions in the compilation of export sales published by the Department. This proposed rule was published in the Federal Register on Tuesday, October 9, 1979 (44 FR 57931). Implementation of that rulemaking will not be delayed pending consideration of the present proposal. For the sake of convenience, paragraph references of this proposed rule are based on § 20.6(k)(2) as it would be revised by the proposed rule published at 44 FR 57931. Therefore, the numbering system is subject to change.

Proposed Rule

In consideration of the foregoing it is proposed to amend Part 20 of 7 CFR as follows:

1. Section 20.6(b) is amended by adding at the end thereof a new sentence to read as follows:

§ 20.6 Submission of reports.

* * * * *

(b) *Monthly reports.* * * * The forms specified in paragraph (a) of this section shall be utilized to furnish the information required to be reported monthly, and such information shall be filed in the manner and at the time required by § 20.6(k).

2. Section 20.6(k)(2) is amended by adding between the second and third sentence a new sentence as follows:

§ 20.6 Submission of reports.

* * * * *

(k) *Manner of and time of reporting.* * * *

(2) *Time of filing reports.* * * *

Information required to be reported monthly must be received in the office specified in § 20.10 no later than 4:45 p.m., Washington, D.C. time the fourth business day following the end of the reporting month, or such other time as may be approved in advance by that office, setting forth the required information as to export sales transactions made during the reporting month ending midnight the last day of such month.

3. Section 20.7 is amended by adding a sentence at the end thereof to read as follows:

§ 20.7 Confidentiality of reports.

* * * Information from monthly reports filed by exporters will be compiled and published in compilation form in the weekly report no later than the week following the time of filing specified in § 20.6(k).

4. Appendix 1 is amended to add the following under the indicated column headings:

Appendix 1.—*Commodities Subject to Reports, Units of Measure To Be Used in Reporting, and Beginning and Ending Dates of Marketing Years*

* * * * * * *

Commodity to be reported	Unit of measure to be used in reporting	Beginning of marketing year	End of marketing year
Cattle hides and skins—whole cattle hides	Pieces	January 1	December 31.
Cattle hides and skins—whole calf skins	Pieces	January 1	December 31.
Cattle hides and skins—whole kip skins	Pieces	January 1	December 31.
Cattle hides and skins—cut into croupons, crops, dossets, sides, butts, or butt bends.	Pieces	January 1	December 31.
Cattle hides and skins—other	Pounds	January 1	December 31.

(Sec. 812, Public Law 91–524, as added by Pub. L. 93–86, Sec. 1(27)(B), 87 Stat. 238 (7 U.S.C. 612c–3); sec. 7(g), Pub. L. 96–72, 93 Stat. 519 (50 U.S.C. app. 2406(g))

Note.—This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Draft Impact Analysis has been prepared and is available from the Director, Export Sales Reporting Division, FAS, Room 4919—South Agriculture Building, Washington, D.C. 20250.

Issued at Washington, D.C., this 13th day of December 1979.

Thomas R. Hughes,

Administrator, Foreign Agriculture Service.

[FR Doc. 79–38750 Filed 12–17–79; 8:45 am]

BILLING CODE 3410–10–M

Agricultural Stabilization and Conservation Service

7 CFR Part 724

Proposed Determinations of Marketing Quotas for the 1979–80, 1980–81 and 1981–82 Marketing Years for Fire-Cured (Type 21), Fire-Cured (Types 22–24), Dark Air Cured (Types 35–36), Virginia Sun Cured (Type 37), Cigar-Binder (Types 51 & 52), and Cigar Filler and Binder (Types 42–44; 53–55) Tobaccos

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture is preparing to determine and announce national marketing quotas for Fire-cured, Dark air-cured, Virginia sun-cured, Cigar-binder, and Cigar-filler and binder kinds of tobacco for the 1980–81 marketing year. The quotas must be announced by February 1, 1980, in compliance with the Agricultural Adjustment Act of 1938. Interested persons are invited to submit written comments, views and recommendations concerning the proclamation and announcement of quotas, the referendum to be held, and other related matters.

DATES: Written comments must be received by January 18, 1980 in order to be sure of consideration.

ADDRESSES: Send comments to the Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to the notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 3741—South Building, 14th and Independence Avenue, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, ASCS, (202) 447–6733.

SUPPLEMENTARY INFORMATION: The Agricultural Adjustment Act of 1938, as amended, (hereinafter referred to as the "Act"), requires the Secretary (1) with respect to Virginia Sun-Cured (type 37) tobacco, to proclaim national marketing quotas for the 1979–80, 1980–81, and 1981–82 marketing years and to conduct, within 30 days after proclamation of such national marketing quotas, referendums of farmers engaged in the 1979 production of such respective kinds of tobacco to determine whether they favor or oppose markeing quotas for such years; and (2) with respect to fire-cured (type 21), fire-cured (types 22–24), dark air-cured, Virginia sun-cured, cigar-binder (types 51 & 52), and cigar filler and binder (types 42–44 & 53–55) tobacco, to determine and announce the amounts of the national marketing quotas for each of such kinds of tobacco for the 1980–81 marketing year; to convert such marketing quotas into national acreage allotments and announce the allotments; to apportion such allotments, less reserves of not to exceed 1 per centum of each respectively, through the local county ASCS committees among old farms; and to apportion the reserves for use in (a) establishing acreage allotments for new farms and (b) making corrections and adjusting inequities in old farm allotments.

Section 312(a) of the Act (7 U.S.C. 1312(a)) requires the Secretary to proclaim marketing quotas, not later than February 1, 1980, for Virginia Sun-Cured (type 37) tobacco for the three marketing years beginning October 1, 1980, because the 1979–80 marketing years is the last year of the three consecutive years for which marketing quotas previously proclaimed will be in effect for these kinds of tobacco.

Quotas were previously proclaimed, referendums conducted, and quotas approved by growers as follows: Fire-cured and dark air-cured tobacco for the 1979–80, 1980–81, and 1981–82 marketing years (44 FR 7109); Virginia sun-cured tobacco for the 1977–78, 1978–79 and 1979–80 marketing years (42 FR 6819); and Cigar binder tobacco (types 51 & 52) and cigar-filler and binder tobacco (types 42–44 & 53–55) for the 1978–79, 1979–80, 1980–81 marketing years (43 FR 16410).

Section 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tabacco listed below comprising the types specified as classified in Service and Regulatory Announcement Number 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, & 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23, & 24;
Dark air-cured tobacco, comprising types 35 & 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar filler and cigar binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, & 55; and
Cigar filler tobacco, comprising type 41.

Section 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a

difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 FR 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Pursuant to such authority, the Secretary has also determined (22 FR 367) that cigar-binder (types 51 and 52) tobacco, beginning with the 1957–58 marketing year, shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Type 45 tobacco is no longer grown. No further action under this section is comtemplated at this time.

Section 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall determine and announce, not later than the first day of February 1980 with respect to kinds of tobacco other than flue-cured tobacco, the amount of the national marketing quota which will be in effect for the 1980–81 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Section 312(b) of the Act provides further that the amount of the 1980–81 national marketing quota so announced may, not later than March 1, 1979, be increased by not more than 20 per centum if the Secretary determines that such increases is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

Section 301(b) of the Act (7 U.S.C. 1301(b)) defines the "total supply" of any kind of tobacco (except type 46) for any marketing year as the carry-over at the beginning of the marketing year (or on January 1 of such marketing year in the case of Maryland tobacco) plus the estimated production in the United States during the calendar year in which such marketing begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity of tobacco produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

A "normal year's" exports is defined as the yearly average quantity of tobacco produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

Section 312(c) of the Act (7 U.S.C. 1312(c)) requires that within 30 days after a national marketing quota is proclaimed under § 312(a) of the Act for a kind of tobacco, the Secretary shall conduct a referendum of farmers engaged in the production of the crop of such kinds of tobacco harvested immediately prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to quotas for the next three succeeding marketing years. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose the quotas, such results shall be proclaimed by the Secretary and the national marketing quotas so proclaimed shall not be in effect, but such results shall in no way affect or limit the subsequent proclamation and submission to a referendum, as otherwise provided in § 312, of a national marketing quota.

Section 313(g) of the Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert the national marketing quota into a national acerage allotment on the basis of the national average yield for the five years immediately preceding the year in which the national marketing quota is proclaimed and to apportion the national acreage allotment (less a reserve of not to exceed 1 per centum thereof for new farms and for making corrections and adjusting inequities in old farm allotments) among old farms.

Proposed Rule

The Secretary is preparing to determine and announce for the 1980–81 marketing year for the minor kinds of tobacco:

1. The amount of the reserve supply level for fire-cured (type 21), fire-cured (types 22–24), dark air-cured, Virginia sun-cured, cigar binder (types 51 & 52) and cigar filler and binder (types 42–44 & 53–55) tobaccos.

2. The amount of the national marketing quota for each of these kinds of tobacco for the 1980–81 marketing year.

3. The national factors for apportioning national acreage allotments to old farms.

4. The amounts of the national acreage allotments to be reserved for new farms and for making corrections and adjusting inequities in old farm allotments.

5. The date or period of the referendum on quotas for the 1980–81, 1981–82, and 1982–83 marketing year for Virginia Sun-Cured (type 37) tobacco, and whether the referendum should be conducted at polling places rather than by mail ballot (31 FR 12011).

Note.—This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations". A determination has been made that this action should not be classified "significant" under those criteria. This action is being proposed without a full 60-day comment period as specified in Executive Order 12044 and Secretary's Memorandum No. 1955 because of the statutory deadlines which require that the determinations in question be announced no later than February 1, 1980. A draft impact analysis has been prepared and is available form Robert L. Tarczy, Price Support and Loan Division, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

Signed at Washington, D.C. on: December 13, 1979.

Ray Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-38799 Filed 12-17-79; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF ENERGY

10 CFR 477

[CAS-RM-79-507]

Standby Federal Conservation Plan; Extension of Comment Period

AGENCY: Department of Energy.

ACTION: Notice of extension of comment period.

SUMMARY: As required by the Emergency Energy Conservation Act of 1979 (the Act), the Department of Energy (DOE) is developing a standby Federal conservation plan. With this notice, DOE extends the period for submitting comments on the types of measure which should, or should not, be included in the standby Federal conservation plan, the rationale for such measures, and the level of shortage (i.e. mild or acute) at which those measures should be implemented.

DATE: Comments now must be received by December 27, 1979.

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 Independence Avenue SW., 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 NW., Washington, D.C. 20585, (202) 376-9297.

SUPPLEMENTARY INFORMATION: DOE established the original comment period in a Notice of Inquiry which was published in the **Federal Register** on December 7, 1979, at page 70692. After consultation with some potential respondents, DOE has concluded that the comment period should be extended until December 27, 1979, to allow interested persons more time to prepare and submit comments.

In the original **Federal Register** notice, DOE indicated that the standby Federal conservation plan would be codified at 10 CFR Part 576. DOE has decided that this plan should be located in the series which is dedicated to general conservation measures. Accordingly the plan will be codified at 10 CFR Part 477.

Emergency Energy Conservation Act of 1979, Pub. L. 96-102; Department of Energy Organization Act, Pub. L. 95-91.

Issued in Washington, D.C. December 14, 1979.

Maxine Savitz,

Acting Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 79-38835 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 761 0081]

Eli Lilly & Co.; Consent Agreement and Analysis To Aid Public Comment; Extension of Time

AGENCY: Federal Trade Commission.

ACTION: Comment period extended for thirty days.

SUMMARY: The period of time for filing comments on the consent agreement has been extended. The agreement, entered into by the Commission and Eli Lilly & Co., concerns anticompetitive practices in the U.S. finished insulin industry.

DATES: Comments will be accepted until January 17, 1980.

ADDRESSES: 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: Paul W. Turley, Director, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Illinois 60603. 312-353-4423.

SUPPLEMENTARY INFORMATION: A consent agreement and analysis to aid public comment were published in the **Federal Register** on September 21, 1979, 44 FR 54726. The Commission has received a request for an extension of time within which to file comments.

The extension is for the purpose of commenting on the differences in treatment of foreign and domestic companies with regard to licensing of existing and future technology. Accordingly, notice is hereby given that the Commission has extended the comment period for thirty days after the Notice to the **Federal Register** is published (January 17, 1980).

By direction of the Commission, dated December 7, 1979.

Carol M. Thomas,

Secretary.

[FR Doc. 79-38776 Filed 12-17-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Parts 182, 184

[Docket No. 78N-0272]

Phosphates; Proposed Affirmation of and Deletion From GRAS Status as Direct and Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This proposal affirms the generally recognized as safe (GRAS) status of calcium phosphate (mono-, di-, and tribasic), calcium pyrophosphate, phosphoric acid, potassium phosphate (mono-, di-, and tribasic), potassium tripolyphosphate, sodium acid pyrophosphate, sodium hexametaphosphate, sodium phosphate (mono-, di-, and tribasic), tetrapotassium pyrophosphate, tetrasodium pyrophosphate, and sodium tripolyphosphate as direct and indirect human food ingredients. In addition, it is proposed that calcium hexametaphosphate and potassium polymetaphosphate be deleted from the GRAS list as direct human food ingredients.

DATE: Comments by February 19, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTRACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is conducting a comprehensive safety review of direct and indirect human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposed regulations in the **Federal Register** of July 26, 1973 (38 FR 20040), initiating this review. Under this review, the safety of calcium hexametaphosphate, calcium phosphate (mono-, di-, and tribasic), calcium pyrophosphate, phosphoric acid, potassium phosphate (mono-, di-, and tribasic), potassium polymetaphosphate, tetrapotassium pyrophosphate, potassium tripolyphosphate, sodium acid pyrophosphate, sodium phosphate (mono-, di-, and tribasic), tetrasodium pyrophosphate, sodium tripolyphosphate, and sodium hexametaphosphate has been evaluated. In accordance with § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of these ingredients, with the exception of calcium hexametaphosphate and potassium polymetaphosphate.

Ammonium phosphate (mono- and dibasic), ferric phosphate, ferric pyrophosphate, magnesium phosphate, ferric sodium phosphate, sodium aluminim phosphate, copper phosphate, copper pyrophosphate, and manganese phosphate are not covered by this proposal, but will be covered in other proposals on the appropriate cations. Additionally, the various glycerophosphates are not covered by this proposal, but will be covered in the proposal on the glycerophosphates.

The phosphate ion plays a vital role in the synthesis of compounds essential to life. Phosphorus, as the phosphate ion, is found in various types of nucleic acids vital to genetic reproduction and to restoration of injured tissues. This anion is an essential and active component of many enzyme systems. Phosphate is also involved in the synthesis and metabolism of carbohydrates, fats, and proteins, and in the formation and structure of such tissues as brain, muscle, and skeleton.

No living organism is capable of synthesizing the phosphate ion; therefore, it must be absorbed through the food supply. All organic forms of phosphorus naturally occurring in the body can be synthesized from the orthophosphates in food. The orthophosphates contain one phosphate

moiety: one phosphorus atom surrounded by four oxygen atoms. The anion, PO_4^{-3}, is tribasic, and its three valences can be satisfied by hydrogen, metal ions, or a combination of the two. Phosphoric acid, also known as orthophosphoric acid, is prepared by burning elemental yellow (white) phosphorus to form the oxide (P_4O_{10}). The hot oxide vapors are hydrated and cooled by adding water. The resulting liquid and mist are collected, further cooled, and treated with hydrogen sulfide to remove impurities. After filtration, the liquid is diluted to 75 or 85 percent phosphoric acid. Phosphoric acid is used in the commercial production of polyphosphates, metaphosphates, and other orthophosphates.

The pyrophosphates and straight-chain polyphosphates are groups of compounds having two or more phosphorus atoms joined by an oxygen bridge. The pyrophosphates have one phosphorus to oxygen to phosphorus linkage (pyrophosphate anion). Sodium pyrophosphate is prepared by heating disodium phosphate at temperatures above 400° C, but below its melting point of 880° C. Polyphosphates have one or more additional orthophosphate units attached to the pyrophosphate anion. Sodium tripolyphosphate is prepared by heating an intimate mixture of mono- and disodium or orthophosphates.

Cyclic polyphosphates also exist but there is no evidence, except for sodium trimetaphosphate, that they are used in foods. Section 172.892 (21 CFR 172.892) of the regulations permits the use of sodium trimetaphosphate in the modification of starch, provided the residual phosphate, calculated as phosphorus, does not exceed 0.04 percent.

The following substances are listed in Part 182, Subpart B, as GRAS for use as multiple purpose food substances under regulations published in the Federal Register of November 20, 1959 (24 FR 9368): calcium phosphate, tribasic (§ 182.1217 (21 CFR 182.1217)); phosphoric acid (§ 182.1073 (21 CFR 182.1073)); and sodium tripolyphosphate (§ 182.1810 (21 CFR 182.1810)). Calcium phosphate (mono- and dibasic) (§ 182.1217 (21 CFR 182.1217)); sodium acid pyrophosphate (§ 182.1087 (21 CFR 182.1087)), and sodium phosphate (mono-, di-, and tribasic) (§ 182.1778 (21 CFR 182.1778)) are also listed under this category, under the regulations published in the Federal Register of January 31, 1961 (26 FR 938). Also, calcium pyrophosphate was judged to be GRAS by an opinion letter for use in food under this category.

The following substances are listed in Part 182, Subpart F, as GRAS for use as nutrients and/or dietary supplements under the regulations published in the Federal Register of November 20, 1959 (24 FR 9368): calcium phosphate (mono-, di-, and tribasic) (§ 182.5217 (21 CFR 182.5217)), and sodium phosphate (mono-, di-, and tribasic) (§ 182.5778 (21 CFR 182.5778)). Calcium pyrophosphate (§ 182.5223 (21 CFR 182.5223)) is also listed as GRAS for the above use under the regulations published in the Federal Register of January 31, 1961 (26 FR 938).

The following substances are listed in Part 182, Subpart G, as GRAS for use as sequestrants under the regulations published in the Federal Register of November 20, 1959 (24 FR 9368): calcium hexametaphosphate (§ 182.6203 (21 CFR 182.6203)), dipotassium phosphate (§ 182.6285 (21 CFR 182.6285)), disodium phosphate (§ 182.6290 (21 CFR 182.6290)), sodium acid phosphate (§ 182.6085 (21 CFR 182.6085)), sodium hexametaphosphate (§ 182.6760 (21 CFR 182.6760)), sodium metaphosphate (§ 182.6769 (21 CFR 182.6769)), sodium phosphate (mono-, di-, and tribasic) (§ 182.6778 (21 CFR 182.6778)), sodium pyrophosphate (§ 182.6787 (21 CFR 182.6787)), tetrasodium pyrophosphate (§ 182.6789 (21 CFR 182.6789)), and sodium tripolyphosphate (§ 182.6810 (21 CFR 182.6810)). Calcium phosphate, monobasic (§ 182.6215 (21 CFR 182.6215)) is also listed in this section for use as a sequestrant under the regulations published in the Federal Register of January 31, 1961 (26 FR 938). Also, an opinion letter was issued that indicated that potassium phosphate (mono- and tribasic) and tetrapotassium pyrophosphate were GRAS for use in food as sequestrants.

Tetrasodium pyrophosphate and sodium tripolyphosphate are listed in Part 182, Subpart A, in § 182.70 (21 CFR 182.70) as GRAS under the regulations published in the Federal Register of June 10, 1961 (26 FR 5224) as substances migrating to food from cotton and cotton fabric food-packaging materials. Sodium tripolyphosphate and sodium hexametaphosphate are listed in § 182.90 (21 CFR 182.90) as GRAS under the regulations published in the Federal Register of June 17, 1961 (26 FR 5421) as substances migrating to food from paper and paperboard food-packaging materials. In addition, an opinion letter was issued that indicated that sodium phosphate (di- and tribasic), sodium hexametaphosphate, sodium pyrophosphate, and sodium tripolyphosphate are also considered GRAS for use in paper and paperboard used for food packaging.

Several of the phosphates are also permitted for use in foods for which definitions and standards of identity have been established, including: (1) phosphates in frozen "heat and serve" dinners (§ 104.47 (21 CFR 104.47)); (2) phosphorus in special diets (§ 105.85 (21 CFR 105.85)); (3) dipotassium phosphate, phosphoric acid, sodium acid pyrophosphate, sodium hexametaphosphate, sodium phosphate (mono-, di-, and tribasic), and tetrasodium pyrophosphate in cheeses (Part 133 (21 CFR Part 133)); (4) phosphoric acid in frozen desserts (§§ 135.20, 135.30, 135.70, and 135.90 (21 CFR 135.20, 21 CFR 135.30, 21 CFR 135.70, 21 CFR 135.90)); (5) disodium phosphate, sodium hexametaphosphate, and tetrasodium pyrophosphate in ice cream (§ 135.30 (21 CFR 135.30)); (6) monocalcium phosphate in bakery products (§ 136.110 (21 CFR 136.110)); (7) calcium phosphate (mono-, di-, and tribasic), disodium phosphate, and sodium acid pyrophosphate in cereal flours and related products (§§ 137.105, 137.165, 137.175, 137.180, 137,185, and 137.305 (21 CFR 137.105, 21 CFR 137.165, 21 CFR 137.175, 21 CFR 137.180, 21 CFR 137.185, and 21 CFR 137.305)); (8) disodium phosphate in macaroni products (§ 139.110 (21 CFR 139.110)); (9) monocalcium phosphate, sodium hexametaphosphate, and sodium phosphate (mono-, di-, and tribasic) in artifically sweetened fruit jelly and fruit preserves and jams (§§ 139.141 and 150.161 (21 CFR 139.141 and 21 CFR 150.161)); (10) monocalcium phosphate in canned vegetables (§§ 155.190(a) and 155.200 (21 CFR 155.190(a) and 21 CFR 155.200)); (11) monopotassium phosphate and monosodium phosphate in frozen eggs (§ 160.110 (21 CFR 160.110)); (12) sodium acid pyrophosphate in canned tuna (§ 160.190(a) (21 CFR 160.190(a))); and (13) sodium hexametaphosphate in French dressing (§ 169.115 (21 CFR 169.115)).

Numerous specific food uses of the phosphates have been approved by issuance of the following regulations: (1) in § 73.85 (21 CFR 73.85), phosphoric acid, potassium phosphate (mono- and dibasic), and sodium phosphate (mono- and dibasic) in the production of caramel; (2) in § 74.302 (21 CFR 74.302), sodium tripolyphosphate as a diluent for an aqueous suspension of Citrus Red No. 2; (3) in § 172.892 (21 CFR 172.892), monosodium orthophosphate, sodium trimetaphosphate, and sodium tripolyphosphate in starch modification; (4) in § 173.310 (21 CFR 173.310), potassium tripolyphosphate, sodium

hexametaphosphate, sodium phosphate (mono-, di-, and tribasic), sodium tripolyphosphate, and tetrasodium pyrophosphate as boiler water additives; (5) in § 175.105 (21 CFR 175.105), potassium phosphate (mono-, di-, and tribasic) and potassium tripolyphosphate as components of adhesives; (6) in § 175.210 (21 CFR 173.210), disodium hydrogen phosphate and tetrasodium pyrophosphate as components of acrylate ester copolymer coatings; (7) in § 175.300 (21 CFR 175.300), calcium phosphate (mono-, di-, and tribasic), disodium hydrogen phosphate, phosphoric acid, sodium pyrophosphate, and tetrasodium pyrophosphate as components of resinous and polymeric coatings; (8) in § 177.2260 (21 CFR 177.2260), phosphoric acid as a component of filters, resin-bonded; (9) in § 178.3520 (21 CFR 178.3520), phosphoric acid as a modifier of industrial starch-modified; (10 in § 181.29 (21 CFR 181.29), calcium hydrogen phosphate, calcium phosphate, disodium hydrogen phosphate, sodium pyrophosphate, and sodium tetrapyrophosphate as substances used in the manufacture of food-packaging materials; (11) in § 240.1051 (27 CFR 240.1051), phosphates as yeast food in distilling material and wine products; and (12) in § 318.7 (9 CFR 318.7), potassium pyrophosphate, sodium acid pyrophosphate, sodium hexametaphosphate, sodium phosphate (mono-, di-, and tribasic), sodium pyrophosphate, sodium tripolyphosphate, tricalcium phosphate, and phosphoric acid for use in the preparation of meat products. Additionally, FDA records indicate that dipotassium phosphate and tripotassium phosphate can be substituted for the corresponding sodium compounds currently identified in § 173.310.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which phosphate compounds were used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to these substances. The amounts of the various phosphates reported used in 1970 were as follows: calcium phosphate (mono-, di-, and tribasic), 84 million pounds; phosphoric acid, 17 million pounds; potassium phosphate (mono-, di-, and tribasic), 5 million pounds; sodium phosphate (mono, di-, and tribasic), 31 million pounds; sodium metaphosphate, 4 million pounds; sodium tripolyphosphate, 31 million pounds; potassium tripolyphosphate, 4,000 pounds; sodium acid pyrophosphate, 35 million pounds; and sodium pyrophosphate, 4 million pounds. No reports were received on the amounts of calcium hexametaphosphate, calcium pyrophosphate, potassium pyrophosphate, and sodium hexametaphosphate used in food.

Phosphate compounds have also been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 1,015 abstracts were reviewed and 83 particularly pertinent reports have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB):

The Select Committee has found many reports of experiments involving phosphate administration by routes other than by mouth. With rare exceptions, only the literature concerning oral administration is relevant here. Many of these reports concern the sodium salts. Should the total dietary load of the cation contributed by any of these phosphate compounds become a matter of concern, it will need to be considered separately. However, the Select Committee feels it is improbable that the effects of the ammonium and potassium moieties of the salts, in the amounts used in foods, would be significantly different from the sodium salts and has no reports that indicate otherwise.

Because the calcium:phosphorus ratios of the calcium orthophosphates under consideration are physiologically favorable, the effects of such compounds, unless otherwise noted, are essentially alike and determined in large part by the total amount ingested. Although the importance of the ratio of calcium to phosphorus in the diet, under various circumstances, has been recognized more than 50 years, the interrelationships of these nutrients with several other components of the diet have not been so commonly recognized. Such components include vitamin D, phytic acid, oxalic acid, zinc, magnesium, iron, manganese and protein.

It is well recognized that the requirements for vitamin D, calcium, and phosphorus are mutually dependent. The amount of vitamin D required is minimal as an optimum is approached in the amount and ratio of calcium and phosphorus in the diet. Newer knowledge has greatly extended the understanding of calcium and phosphorus absorption and the role of the liver, kidney, intestines, and parathyroid gland in the complex metabolic patterns of vitamin D.

Much of the dietary phosphorus is absorbed from the small intestine as free orthophosphate. Among the majority of adults in the United States approximately 30 percent of the ingested phosphate is excreted in the feces and 70 percent in the urine. Many factors involved in phosphate retention and the control of serum phosphate levels remain to be more fully characterized. Some of these factors, including a phosphorus-specific transport system in the intestine, various aspects of calcium metabolism and vitamin D metabolites have been reviewed recently. The operation of some type of regulatory process was demonstrated early in rats on diets extremely deficient in phosphorus; their urine contained only a trace of phosphate. Hypophosphatemia stimulates 1,25-dihydroxyvitamin D_3 synthesis which produces elevation of serum phosphate levels even in rats on a low phosphorus diet. This vitamin D metabolite also stimulates calcium absorption from the gut. Parathyroid hormone, secreted in response to hypocalcemia, effects inhibition of tubular reabsorption of phosphate by the kidneys which limits serum phosphate elevation, and in conjunction with 1,25-dihydroxyvitamin D_3, it causes resorption (demineralization) of bone.

The extent and rate of absorption of phosphorus from polyphosphates are dependent on their hydrolysis to orthophosphate. In young rats, no difference was detected in the uptake of phosphorus-32 6 hours after oral administration of [^{32}P] orthophosphate (Na_2HPO_4, 110 mg P per kg body weight)and [^{32}P] pyrophosphate ($Na_4P_2O_7$, 165 mg P per kg body weight) by gavage. However, the rate of uptake of label from sodium [^{32}P] hexametaphosphate (177 mg P per kg body weight) was lower and more of the label remained in the gut lumen for fecal excretion. All of the excreted phosphate (80 percent in urine and 20 percent in feces) from rats fed 5 percent pyrophosphate in the diet was identified as orthophosphate.

In an earlier study, significant amounts of orthophosphate and only a trace of "labile" phosphate were recovered in the urine of rats and rabbits given calcium or sodium hexametaphosphate and tripolyphosphate by stomach tube. Evidence for the hydrolysis of cyclic oligomers in the alimentary tract was provided by the same laboratory. Two fasted male rats were given sodium trimetaphosphate orally (estimated dose, 46 to 100 mg P per kg body weight). Urinary excretion accounted for 40 percent of the dose, 2 percent was "labile" phosphate and 38 percent was orthophosphate. In a similar experiment 22 percent of a sodium tetraphosphate dose was recovered as 4 percent labile phosphate and 18 percent orthophosphate. After parenteral doses of the cyclic phosphates to rats and rabbits, the compounds were recovered largely intact in the urine, thus indicating that the alimentary tract is important in the hydrolysis of

polyphosphates to orthophosphates. Other investigators have confirmed that after oral administration of sodium pyrophosphate, tripolyphosphate, and polyphosphate (P_2O_5 equal to 64 percent) to rats, only orthophosphate is absorbed.

The consequences of massive ingestion of phosphoric acid salts (other than calcium phosphates) and readily utilizable esters are acidosis and hypocalcemia. The amounts of these compounds needed to produce death in animals after acute oral administration are very large and relative acute toxicities often are estimated from data obtained after injection.

The minimum lethal oral dose of monobasic sodium phosphate for the guinea pig is greater than 2 g per kg body weight and the LD_{50} of sodium pyrophosphate per os in rats was estimated as greater than 4 g per kg body weight. No abnormalities were revealed by autopsy after oral administration of 1600 mg sodium pyrophosphate per kg per day for 10 days. However, in the same report the median LD_{50} of sodium pyrophosphate after intraperitoneal injection was calculated to be 233 mg per kg.

As estimated from the intraperitoneal LD_{50}, the toxicity of the sodium salts in decreasing order is pyrophosphate (59 mg P per kg), tripolyphosphate (135 mg P per kg), hexametaphosphate (192 mg P per kg), orthophosphate (326 mg P per kg), tetrametaphosphate (741 mg P per kg), and trimetaphosphate (1130 mg P per kg) for the rat. The toxicity of sodium hexametaphosphate was manifest by immediate behavioral agitation even at sublethal doses (100 mg P per kg) with subsequent weight loss. No signs of pain or anorexia were obvious after similar doses of calcium hexametaphosphates. The 24-hour LD_{50} of calcium hexametaphosphate was three times larger than that of the sodium.

Many reports of short-term experiments designed to determine the effects of the addition of orthophosphates and polyphosphates to the diets of laboratory animals, usually the rat, have been reviewed and evaluated. The significant factors are the total intake of phosphate, calcium and vitamin D, and the acid-base balance of the food mixture as a whole. One of the sensitive criteria for the effect of phosphate overdosage is the occurrence of metastatic calcification in the kidney, stomach, and aorta. Also, resorption of bone is characteristic. The pathology of calcification and necrosis of the tubular epithelium in the kidneys of rats has been reported in detail. The borderline is indistinct between those levels of dietary phosphate that produce definite nephrocalcinosis and those that cause early indications of such changes. Even on diets moderately low in phosphate, 1 percent of sodium pyrophosphate (about 1 g P per kg body weight), some rats in seemingly healthy condition may have some areas of renal damage after 100 days. After 44 days on a diet with approximately 1 percent added phosphorus (1 g P per kg), as phosphoric acid, sodium orthophosphates, or potassium orthophosphates, 70-day-old female rats had enlarged kidneys with permanent histological lesions. Slight renal calcification was observed in rats fed a basal diet (Sherman, 0.63 percent P) for six months with 0.4 percent added phosphorus as disodium phosphate, sodium pyrophosphate, or sodium polyphosphate (approximately 1 g P per kg body weight); however, renal calcification also was found in some of the controls.

In one extensive study, the no-effect level of the four condensed phosphates (hexametaphosphate, tripolyphosphate, and cyclic trimetra- and tetrametaphosphates) when added to a laboratory ration for rats over a period of one month was at least 2 percent in all cases. In weanling rats, growth impairment occurred in all groups receiving 10 percent supplements. Renal tubular necrosis (phosphate nephritis) was excessive in animals receiving the hexametaphosphate and prominent in those receiving the cyclic phosphates at 10 percent (about 2.5 g P per kg).

In another study four groups of rats, including 20 males and 20 females each, were fed 1.0, 2.5, or 5.0 percent sodium pyrophosphate or 5.0 percent disodium hydrogen phosphate in the diet for 16 weeks. A control group was fed a basal diet which supplied 0.6 precent calcium and 0.5 percent phosphorus. In both groups receiving 5 percent of added phosphate (approximately 1.6 percent phosphorus) there was no difference between those receiving pyrophosphate and those getting orthophosphate concerning the proportion of phosphate excreted in the urine and feces. It was approximately 75 to 80 percent and 15 percent, respectively, and all of the phosphate was orthophosphate. In the kidneys, medullary calcification and necrosis, chronic inflammation and tubular casts were chiefly found at the 2.5 to 5.0 percent pyrophosphate and 5 percent orthophosphate levels. Exudate, hemorrage and other evidence of renal damage were characteristically equivalent at all levels for the pyrophosphate (1 percent pyrophosphate added is approximately 1.5 g P per kg) and orthophosphate supplements. The kidney weights were significantly increased in the groups receiving 5 percent of pyrophosphate and in the group getting 5 percent orthophosphate. The authors have postulated that if there is validity in the transference of such laboratory data to humans, and if a reasonable margin of safety is 100X, then the limit of daily intake for an adult 70 kg man should be 420 mg of added pyrophosphate, 98 mg P, in a diet supplying 220 mg P from other utilizable phosphates. However, for phosphate a margin of safety of 100X is unreasonably high. For example, based on a sound analysis of the present knowledge, the Recommended Dietary Allowance for phosphorus for adults is 800 mg per day.

An 8 percent supplement of sodium metaphosphate or orthophosphate in the diet of rats for seven months, or until the animals died, caused gradual bone decalcification with metastatic calcium deposits, significant hypertrophy and hyperplasia of the parathyroids, inorganic phosphaturia and renal calcium depostion. Histological and histochemical changes in the kidneys have been reported in rats fed for 24 to 72 hours on a diet containing 10 percent disodium hydrogen phosphate (3.2 g P per kg body weight).

Four young adult dogs received standard laboratory rations supplemented with sodium hexametaphosphate, tripolyphosphate, trimetaphosphate, or tetrametaphosphate daily for one month at the level of 100 mg per kg body weight; another group of four dogs received supplemental phosphates that were increased over a five month feeding trial from 1000 mg to 4000 mg per kg body weight. On the high phosphate level there was weight loss, eosinophilia and neutropenia, cardiomegaly, left heart hypertrophy and renal tubule injury resembling rat phosphate nephritis.

A series of experiments with rats kept on the diets for six months included observations in which tetrasodium pyrophosphate was added in concentrations of 1.8, 3, and 5 percent. Other groups received the same amount of phosphate as disodium hydrogen phosphate. As compared with controls, groups receiving 3 and 5 percent of added phosphate had decreased growth and renal calcification occurred. There appeared to be no difference between the phosphates in the amount of injury observed. However, renal calcificaion has been reported in rats on a Sherman-Kost diet (basically two-thirds whole corn meal and one-third whole milk powder: 0.54 percent Ca and 0.47 percent P) to which 1 percent of a 2:3 mixture of monobasic and dibasic sodium phosphate was added to give a total phosphorus content of 0.71 percent. Addition of dipotassium hydrogen phosphate to a diet at levels of 1.3 percent phosphorus and 0.5 percent calcuim (Ca:P ratio=0.38) did not produce renal calcification in 12 rats within 150 days. There was some increase in the weight of the kidneys. Similarly, in the guinea pig, a diet containing 0.9 percent phosphorus (sodium phosphate, monobasic) and 0.8 percent calcium or higher levels of phosphorus produced some calcification in the soft tissues.

Four physically active men receiving a nurtritionally adequate basal diet and a daily supplement of 750 mg phosphorus as phosphoric acid for one week showed a slight decrease in the calcium excretion in their urine. The basal diet furnished about 450 mg calcium and 1400 mg phosphorus daily. Higher levels of phosphate supplementation up to periods of 12 weeks produced a greater decrease in urinary calcium excretion. However, no decrease in the utilization of calcium was apparent as determined by this metabolic balance method. The results by this short-term method suggest that adults receiving 450 to 600 mg calcium can ingest at least 2000 mg phosphorus daily without adverse effect on calcium balance. In another study when six women on a basal diet supplying 300 mg calcium and 800 mg phosphorus were shifted to a diet supplying 1500 mg calcium and 1400 mg phosphorus, phosphorus had a depressing effect on calcium utilization when compared to a second group of six women shifted to a diet supplying 1500 mg calcium and 800 mg phosphorus.

In another study 15 young adults drank 2 to 4 g of phosphoric acid in fruit juices daily for 10 days. There were no apparent changes in the composition of the urine in any of the subjects suggestive of a disturbed

metabolism. In this study the daily intake of 6 g of sodium dihydrogen phosphate for 15 days by two adults did not cause any apparent adverse effects.

Relatively few definitive experiments have been reported in which phosphates have been administered under controlled conditions for much of the normal lifespan. Useful long-term feeding studies in rats have been reported for sodium tripolyphosphate, trimetaphosphate, and hexametaphosphate. Groups of 50 weanling rats were maintained on a standard laboratory chow diet with 0.05, 0.5, or 5 percent sodium tripolyphosphate supplementation for 2 years. At the highest supplement level (about 630 mg P added per kg body weight), there was growth retardation with some evidence of anemia. In both sexes the Ca:P ash ratios were normal but the femurs were shorter than in rats given less phosphate. Convoluted tubule dilation with interstitial and glomerular fibrosis and intertubular calcification occurred in the animals receiving 5 percent supplementation.

In the rats given dietary supplements of 0.1, 1, or 10 percent sodium trimetaphosphate, for 2 years, males but not females on the 1 percent supplement (about 146 mg P added per kg body weight) were slightly retarded in growth during the first 6 months. The highest level produced substantial growth retardation in both sexes and evidence of anemia in females. The femurs in both sexes were shorter. In comparable rats fed diets supplemented with 0.05, 0.5, or 5 percent sodium hexametaphosphate for 2 years, males at the highest level (about 850 mg P added per kg body weight) had substantial growth retardation, but the females were only slightly affected. The femurs appeared to be radiologically normal in all the groups. Sixty-five percent of the rats examined in the 5 percent group presented intertubular calcification as distinguished from the coexistent chronic pyelonephritis present in old rats.

Monocalcium phoshpate was administered on day 6 through day 15 of gestation to pregnant mice (up to 465 mg per kg) and pregnant rats (up to 410 mg per kg) with no clearly discernible effects on nidation or on maternal or fetal survival and no increase in abnormalities in skeletal and soft tissues was observed over controls. This substance had neither toxic nor teratogenic effects on the developing chick embryo between 1.0 and 50 mg per kg.

Monocalcium phosphate, monopotassium phosphate, and monosodium phosphate exhibited no genetic activity when evaluated by *in vitro* microbial assays with and without the addition of mammalian activation preparations. The indicator organisms were *Saccharomyces cerevisiae*, Strain D4 and *Salmonella typhimurium*, strains TA1535, TA1537, and TA1538. Mammalian activation preparations were from the liver, lung and testes of mouse, rat, and monkey.

No toxicity or teratogencity was shown for monopotassium phosphate by tests in the developing chicken embryo. The compound was administered in water via the air cell or yolk at 0 hours (10 to 200 mg per kg egg) and at 96 hours (5 to 100 mg per kg egg). A teratologic evaluation of monopotassium phosphate was also negative when the compound was administered on day 6 through day 15 of gestation to pregnant mice (up to 320 mg per kg) and rats (up to 282 mg per kg).

Sodium acid pyrophosphate, when evaluated for toxic and teratogenic effects using the chick embryo test, was toxic in 0 and 96 hour air cell administrations and produced significantly elevated numbers of abnormal embryos under the conditions of the test. No evidence of mutagenic effects for this compound was obtained in a study that included: (a) host-mediated assay in mice using *Salmonella typhimurium* TA1530 and mitotic recombination frequency in *Saccharomyces cerevisiae* D3; (b) *in vitro* mutagenic assay with *S. typhimurium* strains TA1535, TA1536, TA1537, and TA1538 in the presence and absence of metabolic activation; (c) dominant lethal test in rats; and (d) translocation test in mice. In this study, the single dose oral LD_{50} for Swiss Webster mice (weighing 20 to 22 g) and Spraque-Dawley rats (weighing 278 to 344 g) were measured as 2.3 and 1.8 g per kg body weight, respectively. Sodium acid pyrophosphate was administered on day 6 through day 15 of gestation to pregnant mice (up to 335 mg per kg) and pregnant rats (up to 169 mg per kg) with no clearly discernible effect on nidation or on maternal or fetal survival. The number of abnormalities seen in either soft of skeletal tissues of the test group did not differ from the number occurring spontaneously in the sham-treated controls. Similar results were obtained using pregnant hamsters receiving up to 166 mg per kg on day 6 through day 10 of gestation and pregnant rabbits receiving up to 128 mg per kg on day 6 through day 18 of gestation.

The toxic and teratogenic effects of monosodium phosphate, tetrasodium pyrophosphate, sodium tripolyphosphate, and sodium hexametaphosphate were tested on the developing chick embryo. Concerning monosodium phosphate, it was concluded that the salt "is moderately toxicity when administered through the yolk, and is teratogenic when administered via the yolk or air cell to a 96-hour-old chicken embryo." The investigator noted the possibility that pH and osmotic effects may play a role in the observed toxic and teratogenicity to the chicken embryo and concluded that both tetrasodium pyrophosphate and sodium hexametaphosphate are toxic and teratogenic under the conditions of the test employed. It was noted, particularly for the latter, that pH and osmotic effects may have been important. Sodium tripolyphosphate was embryo toxic but not teratogenic in the avian embryo when tested at levels up to 125 mg per kg of egg. Each of these phosphate compounds was evaluated for teratogenic effects in mice and rats, and in the case of sodium tripolyphosphate, hamsters and rabbits were also used. The results of these tests for teratogenic effects and additional tests for mutagenicity are summarized below.

Monosodium phosphate was administered on day 6 through day 15 of gestation to pregnant mice (up to 370 mg per kg) and pregnant rats (up to 410 mg per kg) with no clearly discernible effects on nidation or on maternal or fetal survival. The number of abnormalities seen in the test groups was not different from the number occurring spontaneously in control groups.

Tetrasodium pyrophosphate was administered on day 6 through day 15 of gestation to pregnant mice (up to 130 mg per kg) and pregnant rats (up to 138 mg per kg) with negative results. Mutagenic evaluation of this compound by microbial assays with and without the addition of mammalian enzyme preparations was negative. The indicator organsims were *S. cerevisiae*, strain D4, and *S. Typhimurium*, strains: TA1535, TA1537, TA1538.

Sodium tripolyphosphate was tested for mutagenic effects in a study that included: (a) host-mediated assay (mice), *in vivo* and *in vitro* tests against *S. typhimurium*, strains TA1530 and G46 and against *S. cerevisiae* D3; (b) cytogenetic study *in vivo* of rat bone marrow cells and *in vitro* of human embryonic lung cells in tissue culture; and (c) dominant lethal test (rats). No evidence of mutagenic effects was obtained except for an apparent non-dose-related response *in vivo* by *S. cerevisiae* D3 that was not confirmed in repeat tests. Sodium tripolyphosphate was administered on day 6 through day 15 of gestation to pregnant mice (up to 238 mg per kg) and pregnant rats (up to 170 mg per kg). This compound was also administered on day 6 through day 10 of gestation to pregnant hamsters (up to 141 mg per kg) and on day 6 through day 18 of gestation to pregnant rabbits (up to 250 mg per kg). No effects on nidation or on maternal or fetal survival and no evidence of a significant increase in the number of abnormalities in soft or skeletal tissues were noted in any of the test groups of the four species.

Sodium hexametaphosphate was evaluated for mutagenic activity in *S. cerevisiae* D4 and *S. typhimurium*, strains TA1535, TA1537, and TA1538. No evidence of mutagenic effects was reported. This compound was administered on day 6 through day 15 of gestation to pregnant mice (up to 370 mg per kg) and pregnant rats (up to 240 mg per kg) with no evidence of teratogenic effects.

After feeding rats diets with supplements of up to 10 percent sodium trimetaphosphate, 5 percent sodium tripolyphosphate or 5 percent sodium hexametaphosphate for 2 years, no correlation existed between tumor incidence and the level of phosphate supplementation. In reproductive studies, no effects were observed on fertility or litter size through F_2 with dietary supplements of 0.5 percent sodium tripolyphosphate, 0.05 percent sodium trimetaphosphate or 0.5 percent sodium hexametaphosphate. The Select Committee is not aware of additional long-term feeding studies specifically designed to test the phosphates described in this report for carcinogenicity.

Many reports have been published concerning the effects of supplemental phosphates in the diet on the incidence of dental caries. In a comprehensive review of the literature it was concluded that "evidence is nearly unanimous that phosphates are effective anticaries agents in rodents." However, such effects have occurred when the normal phosphorus content of the diets was approximately doubled. The effects appear to be due largely to a local action on the tooth as the phosphates pass through the

mouth or a systemic-local action after the phosphates return to the mouth in the saliva. Certain clinical investigations have raised doubt that humans may experience significant protection from dental caries when supplemental phosphate is used. Although some have reported beneficial effects on the teeth without apparently considering any additional effects, others have reported no effects.

The Joint FAO/WHO Expert Committee on Food Additives noted "the necessity for tests for cyclic phosphate, which may occur in polyphosphates and create certain health hazards." The hazards were not detailed. However, in one comprehensive study it was reported that in rats fed sodium trimetaphosphate, a cyclic compound, for 24 months there was an absence of significant toxic effect up to at least 0.5 percent in the diet. The same committee also estimated the lowest level that might conceivably produce nephrocalcinosis in man as 6600 mg phosphorus per day based on 1 percent phosphorus in the diet producing nephrocalcinosis in rats.

Draper and his associates have extensively examined the effects of dietary phosphorus on calcium metabolism in intact and parathyroidectomized rats. In one study, two levels on dietary phosphorus, 0.6 percent and 1.2 percent, were compared regarding their effect on bone resorption and calcium metabolism in male Sprague-Dawley rats initially weighing 100 g. The diets apparently furnished adequate amounts of all the essential nutrients including vitamin D and monobasic calcium phosphate was the principal source of phosphorus. Rats receiving the 1.2 percent phosphorus diet (1.2 g per kg body weight) for 34 weeks (Ca:P ratio=1:1) had a greater loss of calcium from the body than did animals receiving only one-half as much phosphorus (Ca:P ratio=2:1). These effects were not seen in parathyroidectomized rats. The amount of calcium absorbed and the growth rate were the same at the two levels of phosphorus. The study indicated that this level of dietary phosphorus, 1.2 percent, accelerates the rate of bone resportion in adult rats. The effect was mediated by the parathyroid glands. Essentially the same conclusion was reached by Krook in studying some realtionships between dietary calcium and phosphorus and lameness in the horse. These studies have shown in experimental animals that an excess of dietary phosphorus is accompanied by hyperphosphatemia, hypocalcemia, and secondary hyperparathyroidism even when dietary calcium is fed at moderate or excessive levels.

The more favorable effect on the maintenance of bone mineralization in the bones of adult rats when the Ca:P ratio is 2:1 rather than 1:1 confirms the observation of Clark that a ratio of about 2:1 is necessary for maximum depression of parathyroid activity in mature rates. The importance of the Ca:P ratio is impressively demonstrated through the extensive work of Cox and Imboden who found a ratio of 1.0, at a calcium level of 0.490 percent, to be the ideal mineral level and ratio for successful gestation and lactation in rats.

In a study of osteoporosis induced by high-phosphorus diets in aging rats, bone demineralization was increased if the amount of dietary phosphorus exceeded the 0.3 percent level. In this study phosphorus was 0.3, 0.6, 1.2, or 1.8 percent of the diet and the calcium level was 0.6 percent. The experimental period was 6 months. The cumulative calcium-45 excretion from deeply labeled bone over the period was 16, 37, and 30 percent greater in the rats fed 0.6, 1.2, and 1.8 and 1.8 percent phosphorus, respectively, than in those fed 0.3 percent phosphorus. Even so, the absorption of dietary calcium was unaffected. The calcium and phosphorus in the femurs, lumbar vertebrae, and mandibles were clearly reduced in the rates receiving the higher levels of phosphorus. In addition, the excretion of hydroxyproline was doubled in rats receiving 1.8 percent phosphorus in the diet. It was not significantly elevated in the rats receiving lower levels of phosphorus. These findings (dietary calcium, 0.6 percent) have shown that Ca:P ratios lower than 2:1 accelerate the rate of bone resorption in adult rats, and they verify earlier results from studies in which the dietary calcium level was 1.2 percent. Similar conclusions were reached from studies on mice.

Related studies showed that in young adult male rates on diets containing 20 percent lard, 0.6 percent calcium, and 0.3 percent phosphorus there was a slightly greater excretion of deep labeled calcium-45 from the bones when the level of dietary protein was only 10 percent as compared with rats receiving 20 or 40 percent protein. This indicated that this lower level of protein was sub-optimal. There was no difference between the 20 and 40 percent protein groups in the total excretion of labeled calcium. However, increasing the level of dietary phosphorus to 1.2 percent led to an increase in labeled calcium excretion of about 50 percent at all levels of protein, indicating that the increase in calcium absorption induced by increasing the intake of protein above the suboptimal level does not counteract the stimulus to bone resorption caused by a relatively high intake of phosphorus.

Young adult rats on a phosphorus intake of 1.2 percent showed a significantly lower plasma calcium concentration (but within the normal physiological range) as compared with rats given 0.3 percent phosphorus. In both groups the dietary calcium was 0.6 percent. The depression in plasma calcium was associated with an increase in bone calcium excretion, which was evidence of a net increase in bone resorption. Switching the diets resulted in a prompt reversal of plasma calcium levels and rates of calcium excretion. Also, the production of parathyroid hormone was increased as indicated by an increase in the uptake of α-aminoisobutyric acid. After the high-phosphorus diet had been fed for several days the plasma calcium level remained depressed even at the end of an 11-hour fast.

Ten female adult dogs of approximately 13 kg body weight were fed a diet (1 g Ca and 1 g P per day) supplemented with potassium phosphate to furnish approximately 2.8 g phosphorus daily for 4 months and 3.1 g phosphorus for an additional 6 months (Ca:P ratio, 1:31). There was increased bone porosity, loss in bone mass and the serum parathyroid hormone level, as determined by immunoassay, was doubled. The well established pattern calification in the kidneys and some other soft tissues occured.

Understanding of the human requirements for phosphorus is important. This is generally recognized but much more attention is given to calcium than phosphorus. In the Recommended Dietary Allowances it is recognized that the need for phosphorus, except for the young infant, is approximately the same as for calcium. For young infants (0–0.5 yr) the allowance ratio for calcium and phosphorus is 1:0.7 (360 mg Ca, 240 mg P), but for all age groups older than 1 year, including pregnant and lactating women, the ratio is 1:1. A ratio of approximately 2:1 is required for the inhibition of excessive bone resorption in mature mice and rats. In adult humans ingesting 1 g of supplemental phosphorus as phosphate, a 60 to 125 percent increase in serum parathyroid hormone concentration and a slight decrease in serum calcium was observed. Thus, as pointed out by Anderson and Draper, it is important to consider whether under some conditions

the dietary intake of phosphorus may be sufficiently high to induce secondary hyperparathyroidism with attendant bone resorption.

The first health and nutrition examination survey (HANES) used Chvostek's sign (contraction of the perioral muscles on tapping the malar process) as a possible clinical sign of calcium-phosphorus imbalance indicating a deficit of calcium and a relative excess of phosphorus in the blood. A report of preliminary findings from HANES indicates the prevalence of positive Chvostek's sign exceeds 10 percent in some segments of the U.S. population. The significance of these preliminary findings cannot be assessed until correlations are made with appropriate data of blood chemistry and nutrient intakes.

Excessive levels of phosphorus in the diet cannot be fully compensated for by the ingestion of higher levels of calcium. As pointed out in a review by Jowsey, the osteoporosis attributable to a high intake of phosphorus can be generally benefited through an increase in the intake of calcium. This is supported in the review by McBean and Speckmann on the interrelationships of calcium with phosphorus and certain other dietary components. Their review of the literature leads them to the conclusion that "a low dietary Ca:P ratio, regardless of how achieved, results in significant bone loss in man." Davis concluded that, in general, levels of calcium in excess of 1 percent of the diet have a depressing effect upon the utilization of phosphorus and certain other nutrients. In the comprehensive work of Cox and Imboden on gestation and lactation in rats, it was found that at a level of 2.45 percent calcium or 2.45 percent phosphorus in the diet the reproductive performance is poor regardless of the Ca:P ratio. The Select Committee is not aware of any research which is contrary to these findings.

Physiologically, calcium and magnesium are antagonistic. The practical aspects of such relationships are more recognizable when the intake of phosphorus is relatively low and the intake of magnesium is high. This may result in a loss of calcium or at least poor utilization of this nutrient. On the other hand, a high intake of calcium and low intake of magnesium leads to magnesium deficiency. Increasing the intake of phosphorus may accentuate the symptoms of magnesium deficiency. It has been shown that the utilization of manganese is impaired in poultry, pigs, and rabbits through an increase in the content of calcium and/or phosphorus in the diet.

As reviewed by Davis, anemia has been produced in rats and mice when a high intake of calcium has been imposed on a diet containing barely enough iron to meet the nutritional requirements at a lower level of dietary calcium. Conversely on a diet very low in calcium, moderately adequate in iron, and relatively high in phosphorus rats became moderately anemic. The addition of some calcium carbonate to the diet, but not iron phosphate or calcium phosphate, alleviated the anemic condition.

The complex aspects of protein intake in relation to calcium utilization and calcium requirement have been briefly reviewed. In general, it appears that high protein diets decrease the absorption and retention of calcium. In metabolic studies on young men an increase in the protein intake from approximately 50 g to 140 g daily was accompanied by an increase in urinary calcium and negative calcium balance. The calcium intake was approximately 800 mg daily and the phosphorus about 1000 mg. Since the high protein effect may be only transitory, it is presumed that long-term studies will be made.

Several reports concern inherently toxic substances such as lead or presumably adventitious substances such as aluminum. Six and Goyer gave rats enough lead in the drinking water to produce "sub-clinical" toxicity. A low-level of dietary calcium enhanced the absorption, accumulation, and excretion of lead. Much earlier Lederer and Bing showed that in rats fed lead acetate the deposition of lead in the femurs could be effectively increased by lowering the dietary calcium.

Owing to the marked insolubility of aluminum phosphate it could be predicted that substantial intakes of aluminum compounds would impair the uitilization of phosphorus. This has been demonstrated in several different studies. For example, Lotz *et al.* showed that the long-term ingestion of aluminum hydroxide gel by man impairs phosphorus retention.

All of the available safety information on the phosphates has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion f the Select Committee that:

* * * many variables [have] to be considered regarding the safety to the public of the current uses of phosphates in foods. These include: (a) the variety and different characteristics of phosphate and their scope of use; (b) the close metabolic interrelationships between vitamin D, calcium, and phosphorus; and (c) the possible variations between different segments of the population in the level of phosphate consumed both in foods and in beverages. Better data are needed on the calcium and phosphorus intakes of individuals; uncertainty exists concerning both the total phosphorus intake and the Ca:P ratio of the U.S. diet. It is probable that many adults in the U.S. ingest less than 800 mg of calcium and more than 800 mg of phosphorus per day, which are the Recommended Dietary Allowances.

Although there is a difference of scientific opinion, it is the opinion of the Select Committee that the Ca:P ratio of the diet is important, especially if it varies substantially from 1:1 owing to the relatively high intake of phosphorus. Most of the evidence shows that in general a desirable Ca:P ratio is between 2:1 and 1:1. Thus, if the calcium intake is 800 mg per person per day the total phosphorus intake should not greatly exceed that amount. The fragmentary data available suggest that the typical Ca:P ratio in this country is lower than 1:1. Some estimates suggest it may be substantially lower. In laboratory animals and presumably in man, nutritional secondary hyperparathyroidism and bone resorption may be induced when the diet furnishes an otherwise adequate amount of calcium but excessive levels of phosphorus.

None of the GRAS phosphates is intrinsically harmful and their use in foods does not present a hazard when the total amount of phosphorus ingested and the intakes of calcium, magnesium, vitamin D, and other nutrients are satisfactory. The current use of calcium phosphates in food processing is without harmful effects on the health of consumers and, in some instances, may be advantageous. The phosphorus supplied by GRAS phosphates, other than calcium phosphates, added to foods is low in relation to the total amount of phosphorus naturally present in the diet. However, the possibility that unreasonable increases in the usage of these phosphates in common foods would significantly lower the Ca:P ratio and increase the total phosphorus intake for some segments of the population, must be considered in assessing the probability of a health hazard existing because of the ingestion of excessive levels of phosphorus. The Select Committee has no evidence that the use of any of these non-calcium phosphates as food ingredients at current levels is creating such a problem. However, if distortion of the Ca:P ratio should become of concern, this question should be accorded separate study.

It is the conclusion of the Select Committee that there is no evidence in the available information on calcium hexametaphosphate; calcium phosphate, dibasic; calcium phosphate, monobasic;

calcium phosphate, tribasic, calcium pyrophosphate; phosphoric acid; potassium phosphate, dibasic; potassium phosphate monobasic; potassium phosphate, tribasic; potassium polymetaphosphate; potassium pyrophosphate; potassium tripolyphosphate; sodium acid pyrophosphate; sodium phosphate; dibasic; sodium phosphate, monobasic; sodium phosphate, tribasic; tetrasodium pyrophosphate; sodium tripolyphosphate; and straight-chain sodium polyphosphates (including sodium hexametaphosphate, sodium metaphosphate, and sodium tetraphosphate) that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they are used at levels that are now current or might reasonably be expected in the future. Based upon its own evaluation of all available information on the phosphates, the agency concurs with this conclusion. Therefore, based upon available safety data, the agency concludes that, except for calcium hexametaphosphate and potassium polymetaphosphate, no change in the current GRAS status of those phosphates already listed as GRAS is justified.

On April 13, 1973 (38 FR 9310), the agency proposed that calcium hexametaphosphate be removed from the GRAS list because the survey of food manufacturers on the use of GRAS ingredients did not indicate that this substance was used in human food. Comments on this proposal were received asking that calcium hexametaphosphate not be removed from the GRAS list. Subsequent correspondence with these respondents revealed that the ingredient was being used in animal feed, but not in human food. Moreover, the survey of food manufacturers did not reveal direct human food uses of potassium polymetaphosphate. Consequently, the agency proposes that calcium hexametaphosphate and potassium polymetaphosphate be removed from GRAS status as direct human food ingredients unless evidence of use (foods that the substances are added to, levels of addition, intended technical effects, and food-grade specifications) is submitted as comments on this proposal during the comment period. It should be emphasized that use information is very important in judging the safety of food ingredients because it facilitates assessment of total dietary intake.

Although the Select Committee considered sodium tetraphosphate in its evaluation of the phosphates, available information indicates that this compound is not used in food. The agency therefore, proposes that sodium tetraphosphate not be affirmed as GRAS. These substances which are not being affirmed as GRAS can receive further consideration through either comments on this proposal or a petition submitted in accordance with § 170.35 (21 CFR 170.35) or § 171.1 (21 CFR 171.1).

Although the Select Committee did not specifically address the use of potassium phosphate (mono- and tribasic) as a sequestrant, the agency has evaluated all available data and concludes that the information developed during the Select Committee review forms a sound scientific basis for affirming this use of these phosphate salts as GRAS for direct food use.

Calcium pyrophosphate was also proposed to be removed from the GRAS list (38 FR 9310) because the survey of food manufacturers did not reveal direct human food uses of calcium pyrophosphate. Comments on the proposal revealed that the ingredient is used as a pH control agent and as a nutrient supplement in soft candy. Because the information developed for this safety review forms a sound scientific basis for judging its safety, the agency proposes to affirm the GRAS status of calcium pyrophosphate as a direct human food ingredient.

FMC Corporation, New York, NY 10017, submitted a petition (3G0022) in accordance with § 170.35, proposing affirmation of GRAS status for the use of tetrapotassium pyrophosphate in foods. The petition was subsequently withdrawn without prejudice pending completion of the Select Committee's evaluation of the phosphates.

The survey of food manufacturers did not reveal direct human food uses of tetrapotassium pyrophosphate. However, during the agency's review of the phosphates, several letters were received which stated that tetrapotassium pyrophosphate is used as an indirect human food ingredient. Additionally, an opinion letter of March 25, 1968 issued by the agency stated that tetrapostassium pyrophosphate could be substituted for tetrasodium pyrophosphate for those purposes covered under Parts 181 and 182. Consistent with the agency's and FASEB's recent expressed concern about the increasing sodium content in foods, and because the information developed for this safety review forms a sound scientific basis for judging its safety, the agency proposes to affirm the GRAS status of tetrapostassium pyrophosphate as a direct and indirect human food ingredient.

The agency notes that there are numerous use situations covered by this document where it may be possible for the calcium or potassium form of a phosphorus-containing salt, used for a specific technological purpose or in a certain food class, to be substituted for the corresponding sodium form. Wherever technolgocially and/or economically practicable, the agency urges that such substitution be considered.

In order to eliminate needless confusion, the term "sodium pyrophosphate" will be replaced by the more descriptive "tertrasodium pyrophosphate" terminology. Further, the term "sodium metaphosphate" will be replaced by the more specific "sodium hexametaphosphate." Sodium metaphosphate is a common name used for some straight-chain sodium polyphosphates as well as some cyclic phosphate compounds. The survey of food manufacturers did not separate the various metaphosphates but asked for data under the term "sodium metaphosphate." The agency believes that use of the term metaphosphate by food manufacturers has, in fact, implied hexametaphosphate. In the current review of GRAS substances, each substance should be accurately identified with adequate specifications to eliminate confusion and needless duplication. Therefore, the agency invites comments in response to this proposal concerning the use of metaphosphates other then sodium hexametaphosphate in foods. Data on the use levels of the specific metaphosphates, the specific foods in which they are used, the intended technical effect(s), food-grade specifications, and the method of manufacture should be submitted in order that a determination can be made about their status.

In the past, when a substance has been listed in Part 182 as GRAS for both direct and indirect uses, FDA has proposed separate GRAS affirmation regulations in Parts 184 and 186 to govern its direct and indirect GRAS uses, respectively. Under § 184.1(a), however, ingredients affirmed as GRAS for direct food use in Part 184 are considered to be GRAS for indirect uses without there being a separate listing in Part 186. In light of § 184.1(a), FDA has reconsidered its traditional practice of establishing separate listings in Part 186 for substances it affirms as GRAS for direct use in Part 184 and has concluded that the duplicative listing in Part 186 is unnecessary, as a general rule, and may cause confusion. Thus, unless it is necessary based on safety considerations to impose specific purity specifications or other restrictions on

the indirect use of a GRAS substance, FDA will no longer list in Part 186 substances that are affirmed as GRAS for direct use in Part 184. In keeping with this change in policy, FDA is not proposing separate listings in Part 186 for the indirect uses of sodium hexametaphosphate, tetrasodium pyrophosphate and sodium tripolyphosphate. The indirect uses of these ingredients are authorized under §§ 184.1759, 184.1872 and 184.1810, respectively, and § 184.1(a).

The agency also has determined that an indirect substance whose GRAS status for indirect use is based on its affirmation as GRAS in Part 184 need not comply, as a general rule, with the purity specifications made applicable to the direct use of the substance in this Part 184 regulation, as long as it is of a purity suitable for its intended indirect use in accordance with § 170.30(h)(1). This conclusion is based on the fact that indirect uses generally result in extremely low levels of consumer exposure to the additive and correspondingly low levels of exposure to any impurities that may be present. As noted in the preceding paragraph, however, if specific purity specifications for the indirect use of GRAS substance are necessary based on safety considerations, a regulation establishing such specifications will be promulgated in Part 186. In the case of sodium hexametaphosphate, tetrasodium pyrophosphate and sodium tripolyphosphate, no specific purity specifications are necessary for their indirect use.

Although the policies discussed in the two preceding paragraphs are not inconsistent with FDA's current regulations, FDA will publish a proposal in the near future to amend its procedural regulations in Parts 184 and 186 to reflect clearly the current policies.

Copies of the scientific literature review on phosphate; reports of teratogenic and mutagenic evaluations for calcium phosphate (monobasic), sodium phosphate (monobasic), potassium phosphate (monobasic), sodium hexametaphosphate, tetrasodium pyrophosphate, and sodium tripolyphosphate; a teratogenic evaluation report for sodium acid pyrophosphate; and the report of the Select Committee are available for review at the Office of the Hearing Clerk, Rm. 4–65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22151, as follows:

Title	Order No.	Price code	Price*
Phosphates (scientific literature review)	PB-221-224	A08	$8.00
Calcium phosphate, monobasic (teratogenic evaluation	PB-234-866/AS	A03	4.50
Calcium phosphate, monobasic (mutagenic evaluation)	PB-245-509/AS	A03	4.50
Sodium phosphate, monobasic (teratogenic evaluation)	PB-245-527/AS	A03	4.50
Sodium phosphate, monobasic (mutagenic evaluation)	PB-245-508/AS	A03	4.50
Potassium phosphate, monobasic (teratogenic evaluation)	PB-245-521/AS	A03	4.50
Potassium phosphate, monobasic (mutagenic evaluation)	PB-245-513/AS	A03	4.50
Sodium hexametaphosphate (teratogenic evaluation)	PB-245-535/AS	A03	4.50
Sodium hexametaphosphate (mutagenic evaluation)	PB-245-486/AS	A03	4.50
Tetrasodium pyrophosphate (teratogenic evaluation)	PB-245-534/AS	A03	4.50
Tetrasodium pyrophosphate (mutagenic evaluation)	PB-245-489/AS	A03	4.50
Sodium tripolyphosphate (teratogenic evaluation, hamsters, mice, rats)	PB-221-808	A03	4.50
Sodium tripolyphosphate (teratogenic evaluation, rabbits)	PB-223-826/AS	A02	4.00
Sodium tripolyphosphate (mutagenic evaluation)	PB-245-462/AS	A07	7.25
Sodium acid pyrophosphate (teratogenic evaluation)	PB-223-831/AS	A04	5.25
Phosphates (Select Committee report)	PB-262-651/AS	A03	4.50

*Price subject to change.

Some food uses of phosphates, different from those previously considered GRAS, were reported during the survey of food manufacturers on the use of GRAS ingredients, or were requested during this safety review. It was requested that sodium hexametaphosphate be permitted as an optional ingredient in flour to function as a dough strengthener and texturizer at a level of 0.001 percent. Since sodium hexametaphosphate has a history of safe use in food, and because the information developed for this safety review forms a sound scientific basis for judging its safety, the agency is proposing that these uses be affirmed as GRAS. However, the agency advises that the flour standard (§ 137.105 (21 CFR 137.105)) does not currently provide for the use of sodium hexametaphosphate.

The agency has also reviewed the data on the calcium-phosphorus ratio, and its shares the concern of the Select Committee about the calcium-phosphorus balance of the United States diet. Because of concerns of this type, FDA has been conducting for several years a program of chemical analysis of composite food samples. Each sample consists of foods from one of the food groups making up the total diets of adults, infants, and toddlers. Selection of food items has been based on a dietary program using a wide variety of foods which are known through food surveys to be integral parts of U.S. diets and, as a whole, are presumed to provide adequate nutrition. These total diet studies assume that all food items are prepared and eaten in the home. The compositional information thus developed for these diets allows for judgments relative to the consumption of, among other things, various added food ingredients. The analysis of total diet samples during 1974 and 1976 indicated that the Ca:P ratio in these infant and toddler diets was 1:1, and in these adult diets was 1:1.5 to 1:1.6. While there is no evidence of a health risk due to increased phosphorus levels, it is anticipated that this ratio will be further monitored in future total diet samples. If distortion of the Ca:P ratio should become of concern, the agency will propose any needed regulations to further address this potential health effect. Meanwhile, the use by food processors of calcium phosphorus-containing salts, rather than similar salts with other cations, where technologically and/or economically feasible, would help to reduce further distortion of the Ca:P ratio.

This proposed action does not affect the present use of the phosphates for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended, (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. Part 182 is amended:

§ 182.70 [Amended]

a. In § 182.70 *Substances migrating from cotton and cotton fabrics used in dry food packaging* by deleting the entries for "Sodium tripolyphosphate" and "Tetrasodium pyrophosphate."

§ 182.90 [Amended]

b. In § 182.90 *Substances migrating to food from paper and paperboard products* by deleting the entries for "Sodium hexametaphosphate" and "Sodium tripolyphosphate."

§§ 182.1073, 182.1087, 182.1217, 182.1778, 182.1810, 182.5217, 182.5223, 182.5778, 182.6085, 182.6203, 182.6215, 182.6285, 182.6290, 182.6760, 182.6769, 182.6778, 182.6787, 182.6789, and 182.6810 [Deleted]

c. By deleting §§ 182.1073 *Phosphoric acid,* 182.1087 *Sodium acid pyrophosphate,* 182.1217 *Calcium phosphate,* 182.1778 *Sodium phosphate,* 182.1810 *Sodium tripolyphosphate,* 182.5217 *Calcium phosphate,* 182.5223*Calcium pyrophosphate,* 182.5778 *Sodium phosphate,* 182.6085 *Sodium acid pyrophosphate,* 182.6203 *Calcium hexametaphosphate,* 182.6215 *Monobasic calcium phosphate,* 182.6285 *Dipotassium phosphate,* 182.6290 *Disodium phosphate,* 182.6760 *Sodium hexametaphosphate,* 182.6769 *Sodium metaphosphate,* 182.6778 *Sodium phosphate,* 182.6787 *Sodium pyrophosphate,* 182.6789 *Tetrasodium pyrophosphate,* and 182.6810 *Sodium tripolyphosphate.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended by adding new §§ 184.1073, 184.1214, 184.1215, 184.1216, 184.1223, 184.1638, 184.1639, 184.1639a, 184.1644, 184.1722, 184.1760, 184.1779, 184.1780, 184.1781, 184.1810, 184.1870, and 184.1872 to read as follows:

§ 184.1073 Phosphoric acid.

(a) Phosphoric acid (H_3PO_4, CAS Reg. No. 007664–38–2) is also referred to as orthophosphoric acid. It is prepared by burning elemental yellow (white) phosphorus to form the oxide (P_4O_{10}). The hot oxide vapors are hydrated and cooled by adding water. The resulting liquid and mist are collected, further cooled, and treated with hydrogen sulfide to remove impurities. After filtration, the liquid is diluted to 75 or 85 percent phosphoric acid.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as a flavor enhancer as defined in § 170.3(o)(11) of this chapter, flavoring agent as defined in § 170.3(o)(12) of this chapter, pH control as defined in § 170.3(o)(23) of this chapter, sequestrant as defined in § 170.3(o)(26) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, and synergist as defined in § 170.3(o)(31) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.16 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 0.2 percent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 0.5 percent for cheeses as defined in § 170.3(n)(5) of this chapter, 0.2 percent for imitation dairy products as defined in § 170.3(n)(10) of this chapter and for frozen dairy products as defined in § 170.2(n)(20) of this chapter, 0.3 percent for soft candy as defined in § 170.3(n)(38) of this chapter, and 0.1 percent percent or less for all other food categories.

§ 184.1214 Calcium phosphate, dibasic.

(a) Calcium phosphate, dibasic ($CaHPO_4$, CAS Reg. No. 007757–93–9) is also referred to as dicalcium phosphate. It is being prepared by adding a dilute lime (CaO) slurry to a dilute solution of phosphoric acid (H_3PO_4). At low temperature, under 40°C, the dihydrate will be formed, while at a temperature above 70°C, the anhydrous product will crystallize. The crystals are separated from the mother liquid, washed, and dried.

(b) The ingredient meets the specification of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as a dough conditioner as defined in § 170.3(o)(6) of this chapter, firming agent as defined in § 170.3(o)(10) of this chapter, flour-treating agent as defined in § 170.3(o)(13) of this chapter, formulation aid as defined in § 170.3(o)(14) of this chapter, humectant as defined in § 170.3(o)(16) of this chapter, leavening agent as defined in § 170.3(o)(17) of this chapter, mutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 2.0 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 1.9 percent for breakfast cereals as defined in § 170.3(n)(4) of this chapter, 2.3 percent for imitation dairy products as defined in § 170.3(n)(10) of this chapter, 4.5 percent for seasonings and flavorings as defined in § 170.3(n)(26) of this chapter, 2.0 percent for reconstituted vegetable protein as defined in § 170.3(n)(33) of this chapter, 1.4 percent for infant baked goods and infant formulas, and 0.5 percent or less for all other food categories.

§ 184.1215 Calcium phosphate, monobasic.

(a) Calcium phosphate, monobasic ($Ca(H_2PO_4)_2$, CAS Reg. No. 007758–23–8) is also referred to as monocalcium phosphate, calcium biophosphate, and acid calcium phosphate and exists in both the anhydrous and hydrated states. The monohydrate form is prepared by reacting hydrated lime ($CA(OH)_2$) with phosphoric acid (H_3PO_4), and the product dried by total evaporation. Anhydrous monocalcium phosphate is made by reacting hot lime with phosphoric acid at between 140°C and 170°C. Aluminum, sodium, and potassium in trace amounts are added to facilitate crystallization.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972), as amended by the Second Supplement (1975).[1]

(c) The ingredient is used as a dough strengthener as defined in § 170.3(o)(6) of this chapter, firming agent as defined in § 170.3(o)(10) of this chapter, flavoring agents as defined in § 170.3(o)(12) of this chapter, formulation aid as defined in § 170.3(o)(14) of this chapter, leavening agent as defined in § 170.3(o)(17) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, and synergist as defined in § 170.3(o)(31) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 2.0 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 1.1 percent for breakfast cereals as defined in § 170.3(n)(4) of this chapter, 0.8 percent for egg products as defined in § 170.3(n)(11) of this chapter 0.6 percent for gelatin and puddings as defined in § 170.3(n)(22) of this chapter, 1.8 percent for grain products and pasta as defined in § 170.3(n)(23) of this chapter, 0.2 percent for gravies as defined in § 170.3(n)(24) of this chapter, 0.5 percent for processed vegetables as defined in § 170.3(n)(36) of this chapter, 0.04 percent for infant formulas, and 0.02 percent or less for all other food categories.

§ 184.1216 Calcium phosphate, tribasic.

(a) Calcium phosphate, tribasic ($Ca_3(PO_4)_2$, CAS Reg. No. 007758–87–4) is also referred to as tricalcium phosphate and precipitated calcium phosphate. It is

[1] Copies may be otained from: National Academy of Sciences, 2101 Constitution Ave., NW., Washington, DC 20037.

prepared by the addition of a dilute solution of phosphoric acid (H_3PO_4) to a dilute lime (CaO) slurry. The precipitate is separated from the mother liquor, washed, dried, and milled.

(b) The ingredient meets the specifications of the Food Chemicals Codes, 2d Ed. (1972), as amended by the Second Supplement (1975).[1]

(c) The ingredient is used as an anticaking agent as defined in § 170.3(o)(1) of this chapter, curing agent as defined in § 170.3(o)(5) of this chapter, flavor enhancer as defined in § 170.3(o)(11) of this chapter, flavoring agent as defined in § 170.3(o)(12) of this chapter, flour treating agent as defined in § 170.3(o)(13) of this chapter, formulation aid as defined in § 170.3(o)(14) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, surface-finishing agent as defined in § 170.3(o)(30) of this chapter, synergist as defined in § 170.3(o)(31) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 1.0 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 0.14 percent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 3.3 percent for breakfast cereals as defined in § 170.3(n)(4) of this chapter, 2.0 percent for condiments and relishes as defined in § 170.3(n)(8) of this chapter, 2.0 percent for seasonings and flavorings as defined in § 170.3(n)(26) of this chapter, 0.8 percent for milk products as defined in § 170.3(n)(31) of this chapter, 1.4 percent for soft candy as defined in § 170.3(n)(38) of this chapter, 2.6 percent for cooked or uncooked ready-to-eat infant cereals, 0.5 percent for infant formulas, and 0.5 percent or less for all other food categories.

§ 184.1223 Calcium pyrophosphate.

(a) Calcium pyrophosphate ($Ca_2P_2O_7$, CAS Reg. No. 007790-76-3) is also referred to as calcium diphosphate. The ingredient is prepared by heating dibasic calcium phosphate at temperatures above 500°C.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter, and pH control agent as defined in § 170.3(o)(23) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 1.9 percent in soft candy as defined in § 170.3(n)(38) of this chapter and 0.2 percent for all other good categories.

§ 184.1638 Potassium phosphate, dibasic.

(a) Potassium phosphate, dibasic (K_2HPO_4, CAS Reg. No. 007758-11-4) is also referred to as dipotassium monophosphate and dipotassium phosphate. It is prepared by reacting orthophosphoric acid (H_3PO_4) with potassium carbonate (K_2CO_3) or potassium hydroxide (KOH) and crystallizing from solution. It is either anhydrous or the dihydrate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as an emulsifier as defined in § 170.3(o)(8) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined § 170.3(o)(23) of this chapter, and stabilizer and thickener as defined in § 170.3(o)(28) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.42 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 0.05 precent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 2.9 percent for imitation dairy products as defined in § 170.3(n)(10) of this chapter, 0.2 percent for gelatin and puddings as defined in § 170.3(n)(22) of this chapter, 0.15 percent for milk products as defined in § 170.3(n)(31) of this chapter, 0.06 percent for processed vegetables as defined in § 170.3(n)(36) of this chapter, and 0.4 percent for sweet sauces as defined in § 170.3(n)(43) of this chapter.

§ 184.1639 Potassium phosphate, monobasic.

(a) Potassium phosphate, monobasic (KH_2PO_4, CAS Reg. No. 07778-77-0) is also referred to as potassium biphosphate, potassium dihydrogen phosphate, and monopotassium phosphate. It is prepared by reacting orthophosphoric acid with potassium carbonate (K_2CO_3) or potassium hydroxide (KOH). The product is obtained either by direct crystallization or by drum drying. It is usually anhydrous or the monohydrate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, and sequestrant as defined in § 170.3(o)(26) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.03 percent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 3.2 percent for imitation dairy products as defined in § 170.3(n)(10) of this chapter, 0.5 percent for egg products as defined in § 170.3(n)(11) of this chapter, 0.02 percent for processed fruits as defined in § 170.3(n)(35) of this chapter, and 0.0005 percent for soft candy as defined in § 170.3(n)(38) of this chapter.

§ 184.1639a Potassium phosphate, tribasic.

(a) Potassium phosphate, tribasic (K_3PO_4, CAS Reg. No. 007778-53-2) is also referred to as tripotassium phosphate. It is prepared be reacting orthophosphoric acid (H_3PO_4) with potassium hydroxide (KOH). The liquor is dried at a high temperature in a rotary kiln.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter and sequestrant as defined in § 170.3(o)(26) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.004 percent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, and 3.9 percent for imitation dairy products as defined in § 170.3(n)(10) of this chapter.

§ 184.1644 Potassium tripolyphosphate.

(a) Potassium tripolyphosphate ($K_5P_3O_{10}$) is also referred to as pentapotassium triphosphate and potassium triphosphate. It is prepared by heating an intimate mixture of mono- and dipotassium orthophosphates.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as a sequestrant as defined in § 170.3(o)(26) of this chapter.

(d) The ingredient is used in nonalcoholic beverages, at levels not to exceed good manufacturing practice results in a maximum level, as served, of 0.003 percent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter.

§ 184.1722 Sodium acid pyrophosphate.

(a) Sodium acid pyrophosphate ($Na_2H_2P_2O_7$, CAS Reg. No. 007758–16–9) is also referred to as disodium pyrophosphate, disodium diphosphate, disodium dihydrogen pyrophosphate, and disodium dihydrogen diphosphate. It is prepared by controlled heating of monosodium phosphate (NaH_2PO_4) in the temperature range of 200–250° C.

(b) The ingredient meets the specifications of the Food Chemicals Codex 2d Ed. (1972), as amended by the First Supplement (1974).[1]

(c) The ingredient is used as an emulsifier as defined in § 170.3(o)(8) of this chapter, formulation aid as defined in § 170.3(o)(14) of this chapter, humectant as defined in § 170.3(o)(16) of this chapter, leavening agent as defined in § 170.3(o)(17) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, processing aid as defined in § 170.3(o)(24) of this chapter, sequestrant as defined in § 170.3(o)(26) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, synergist as defined in § 170.3(o)(31) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 2.1 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 0.5 percent for condiments and relishes as defined in § 170.3(n)(8) of this chapter, 0.5 percent for fish products as defined in § 170.3(n)(13) of this chapter, 0.7 percent for grain products and pasta as defined in § 170.3(n)(23) of this chapter, 0.5 percent for meat products as defined in § 170.3(n)(29) of this chapter, 0.5 percent for poultry products as defined in § 170.3(n)(34) of this chapter, and 0.3 percent or less for all other food categories.

§ 184.1760 Sodium hexametaphosphate.

(a) Sodium hexametaphosphate ($(NaPO_3)_6$, usual formula, CAS Reg. No. 010124–56–8) is one of a group of metaphosphates. It is prepared by heating monosodium phosphate (NaH_2PO_4) rapidly to a clear melt, which occurs slightly above 625° C. Rapid chilling of this melt produces a very soluble glass which is then crushed or milled.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972), as amended by the First (1974) and Second (1975) Supplements.[1]

(c) The ingredient is used as a curing agent as defined in § 170.3(o)(5) of this chapter, dough strengthener as defined in § 170.3(o)(6) of this chapter, emulsifier as defined in § 170.3(o)(8) of this chapter, firming agent as defined in § 170.3(o)(10) of this chapter, flavor enhancer as defined in § 170.3(o)(11) of this chapter, flavoring agent as defined in § 170.3(o)(12) of this chapter, humectant as defined in § 170.3(o)(16) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, processing aid as defined in § 170.3(o)(24) of this chapter, sequestrant as defined in § 170.3(o)(26) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, surface-active agent as defined in § 170.3(o)(29) of this chapter, synergist as defined in § 170.3(o)(31) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.17 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 0.03 percent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 3.0 percent for cheeses as defined in § 170.3(n)(5) of this chapter, 0.2 percent for frozen dairy desserts as defined in § 170.3(n)(20) of this chapter, 0.5 percent for gelatin and puddings as defined in § 170.3(n)(22) of this chapter, 0.52 percent for jams and jellies as defined in § 170.3(n)(27) of this chapter, 0.5 percent for meat products as defined in § 170.3(n)(29) of this chapter, 1.0 percent for milk products as defined in § 170.3(n)(31) of this chapter, 3.0 percent for poultry products as defined in § 170.3(n)(34) of this chapter, 0.38 percent for processed vegetables as defined in § 170.3(n)(36) of this chapter, 0.16 percent for snack foods as defined in § 170.3(n)(37) of this chapter, 0.04 percent for infant formulas, and 0.05 percent or less for all other food categories.

§ 184.1779 Sodium phosphate, dibasic.

(a) Sodium phosphate, dibasic (Na_2HPO_4, CAS Reg. No. 007558–79–4) is also referred to as disodium phosphate, disodium hydrogen phosphate, and disodium monohydrogen monophosphate. It is prepared by reacting orthophosphoric acid (H_3PO_4) with twice the amount of sodium carbonate(Na_2CO_3) as is used in the manufacture of the monobasic salt. It either contains two molecules of water of hydration or is an hygroscopic anhydrous salt.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as a curing agent as defined in § 170.3(o)(5) of this chapter, emulsifer as defined in § 170.3(o)(8) of this chapter, flavoring agent as defined in § 170.3(o)(12) of this chapter, humectant as defined in § 170.3(o)(16) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, processing aid as defined in § 170.3(o)(24) of this chapter, sequestrant as defined in § 170.3(o)(26) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, surface-active agent as defined in § 170.3(o)(29) of this chapter, surface-finishing agent as defined in § 170.3(o)(30) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 1.0 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 0.0003 percent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 1.0 percent for breakfast cereals as defined in § 170.3(n)(4) of this chapter, 3.0 percent for cheeses as defined in § 170.3(n)(5) of this chapter, 1.9 percent for gelatin and puddings as defined in § 170.3(n)(22) of this chapter, 1.0 percent for grain products and pasta as defined in § 170.3(n)(23) of this chapter, 1.2 percent for gravies as defined in § 170.3(n)(24) of this chapter, 3.0 percent for milk products as defined in § 170.3(n)(31) of this chapter, 0.01 percent for infant formulas, and 0.5 percent or less for all other food categories.

§ 184.1780 Sodium phosphate, monobasic.

(a) Sodium phosphate, monobasic (NaH_2PO_4, CAS Reg. No. 007558–80–7) is also referred to as monosodium phosphate, sodium biphosphate, monosodium dihydrogen monophosphate, and acid sodium

phosphate. It is prepared by reacting orthophosphoric acid (H_3PO_4) with sodium carbonate (Na_2CO_3). The product can be obtained either by direct crystallization or by drum drying. It is usually anhydrous or the monohydrate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as an antioxidant as defined in § 170.3(o)(3) of this chapter, emulsifier as defined in § 170.3(o)(8) of this chapter, flavor enhancer as defined in § 170.3(o)(11) of this chapter, formulation aid as defined in § 170.3(o)(14) of this chapter, leavening agent as defined in § 170.3(o)(17) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.9 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 0.12 percent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 3.0 percent for cheeses as defined in § 170.3(n)(5) of this chapter, 0.36 percent for imitation dairy products as defined in § 170.3(n)(10) of this chapter, 0.5 percent for egg products as defined in § 170.3(n)(11) of this chapter, 0.18 percent for gelatin and puddings as defined in § 170.3(n)(22) of this chapter, 1.0 percent for poultry products as defined in § 170.3(n)(34) of this chapter, 0.3 percent for snack foods as defined in § 170.3(n)(37) of this chapter, and 0.08 percent or less for all other food categories.

§ 184.1781 Sodium phosphate, tribasic.

(a) Sodium phosphate, tribasic (Na_3PO_4, CAS Reg. No. 007601–54–9) is also referred to as trisodium phosphate and trisodium monophosphate. It is prepared by reacting orthophosphoric acid (H_3PO_4) with sodium hydroxide (NaOH) and subsequent crystallization. The anhydrous form can be prepared by heating a solution containing three moles of (Na_2O and one mole of P_2O_5 at temperatures greater than 400° C. Based upon the method of preparation, the product is either anhydrous, or contains 1 or 12 molecules of water of hydration.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as an emulsifier as defined in § 170.3(o)(8) of this chapter, formulation aid as defined in § 170.3(o)(23) of this chapter, processing aid as defined in § 170.3(o)(14) of this chapter, pH control agent as defined in § 170.3(o)(24) of this chapter, sequestrant as defined in § 170.3(o)(26) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, and surface-active agent as defined in § 170.3(o)(29) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.21 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 0.003 percent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 0.23 percent for breakfast cereals as defined in § 170.3(n)(4) of this chapter, 3.0 percent for cheeses as defined in § 170.3(n)(5) of this chapter, 0.47 percent for fats and oils as defined in § 170.3(n)(12) of this chapter, 0.2 percent for gravies as defined in § 170.3(n)(24) of this chapter, 0.4 percent for meat products as defined in § 170.3(n)(29) of this chapter, 0.39 percent for snack foods as defined in § 170.3(n)(37) of this chapter, and 0.07 percent or less for all other food categories.

§ 184.1810 Sodium tripolyphosphate.

(a) Sodium tripolyphosphate ($Na_5P_3O_{10}$, CAS Reg. No. 007758–29–4) is also referred to as pentasodium triphosphate and tripolyphosphate. It is prepared by heating an intimate mixture of mono- and disodium orthophosphates. Anhydrous sodium tripolyphosphate occurs in two forms: The low temperature variety (Form II) is obtained by heating to a temperature of 350–450° C, which can be converted to the high temperature variety (Form I) by heating to 500–550° C.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as an antioxidant as defined in § 170.3(o)(3) of this chapter, curing agent as defined in § 170.3(o)(5) of this chapter, flavor enhancer as defined in § 170.3(11) of this chapter, humectant as defined in § 170.3(o)(16) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, sequestrant as defined § 170.3(o)(26) of this chapter, stabilizer and thickener and defined in § 170.3(o)(28) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.5 percent for fish products as defined in § 170.3(n)(13) of this chapter, 0.7 percent for gelatin and puddings as defined in § 170.3(n)(22) of this chapter 0.5 percent for seasonings and flavorings as defined in § 170.3(n) of this chapter, 0.6 percent for meat products as defined in § 170.3(n)(29) of this chapter, and 0.5 percent for poultry products as defined in § 170.3(n)(34) of this chapter.

§ 184.1870 Tetrapotassium pyrophosphate.

(a) Tetrapotassium pyrophosphate ($K_4P_2O_7$, CAS Reg. No. 007320–34–5) is also referred to as potassium pyrophosphate. It is prepared by heating dipotassium phosphate (K_2HPO_4) at temperatures above 400° C.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as specified in § 184.1872(c) for tetrasodium pyrophosphate.

(d) The ingredient is used in food, at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in maximum levels, as served, as provided for in § 184.1872(d) for tetrasodium pyrophosphate.

§ 184.1872 Tetrasodium pyrophosphate.

(a) Tetrasodium pyrophosphate. ($Na_4P_2O_7$CAS Reg. No. 007722–88–5) is also referred to as sodium phyrphosphate and tetrasodium diphosphate. It is prepared by heating disodium phosphate (Na_2HPO_4) at temperatures above 400° C but below its melting point of 880° C.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as an antioxidant as defined in § 170.3(o)(3) of this chapter, curing agent as defined in § 170.3(o)(5) of this chapter, emulsifier as defined in § 170.3(o)(8) of this chapter, formulation aid as defined in § 170.3(o)(14) of this chapter, humectant as defined in § 170.3(o)(16) of this chapter, leavening agent as defined in § 170.3(o)(17) of this chapter, nutrient supplement as defined in § 170.3(o)(17) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, sequestrant as defined in § 170.3(o)(26) of this chapter, stabilizer and thickener

as defined in § 170.3(o)(28) of this chapter, surface-active agent as defined in § 170.3(o)(30) of this chapter, and synergist as defined in § 170.3(o)(31) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 1.4 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 0.001 percent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 3.0 percent for cheeses as defined in § 170.3(n)(5) of this chapter, 0.92 percent for imitation dairy products as defined in § 170.3(n)(10) of this chapter, 2.2 percent for gelatin and puddings as defined in § 170.3(n)(22) of this chapter, and 0.5 percent or less for all other food categories.

The agency hereby gives notice that it is unaware of any prior sanctions for the use of these ingredients in foods under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181) incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before February 19, 1980 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order.

Dated: August 7, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–38647 Filed 12–17–79; 8:45 a.m.]

BILLING CODE 4110–03–M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefits Program

29 CFR Part 2550

Rules and Regulations for Fiduciary Responsibility; Proposed Regulations Relating to Definition of Plan Assets and to Establishment of Trust; Reopening of Comment Period

AGENCY: Department of Labor.

ACTION: Notice of reopening of comment period.

SUMMARY: The Department of Labor (the Department) is reopening the comment period on the proposed regulations which would clarify what will be regarded as assets of an employee benefit plan under the Employee Retirement Income Security Act of 1974 (the Act) and provide certain exemptions from the requirement that assets of an employee benefit plan be held in trust. The proposed regulations were set forth in the notice of rulemaking published in the Federal Register at 44 FR 50363 (August 28, 1979). In view of the importance of, and the wide-spread interest in, the proposed regulations, this action is being taken to provide interested persons an additional opportunity to present their views to the Department.

DATE: The comment period is reopened through January 7, 1980.

ADDRESS: Submit comments (preferably six copies) to: Office of Fiduciary Standards, Pension and Welfare Benefits Program, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Plan Asset Regulations.

FOR FURTHER INFORMATION CONTACT: Robert R. Bitticks, Esq., Office of the Solicitor, U.S. Department of Labor, Washington, D.C. (202) 523–8620.

SUPPLEMENTARY INFORMATION: On August 28, 1979, the Department issued a notice of proposed rulemaking concerning what constitutes "assets" of an employee benefit plan and proposing certain exemptions from the requirement that plan assets be held in trust. In that notice the Department invited all interested persons to submit written data, views or arguments concerning the proposed regulations. In a subsequent notice, published in the Federal Register on October 26, 1979, the period for public comment was extended until November 29, 1979.

As noted above, the Department believes that in view of the importance of, and the widespread interest in, the proposed regulations, it is appropriate to reopen the comment period. Accordingly, this notice reopens the comment period during which comments on the proposed regulation will be received until January 7, 1980.

Notice of Extension of Comment Period

Notice is hereby given that the period of time for the submission of public comments on the proposed regulations relating to what will be regarded as assets of an employee benefit plan under the Act and providing certain exemptions from the requirement that assets of an employee benefit plan be held in trust (proposed at 44 FR 50363, August 28, 1979), is hereby reopened through January 7, 1980. All interested persons are invited to submit written data, views or arguments concerning the regulations proposed at 44 FR 50363 (August 28, 1979) on or before January 7, 1980. These data, views or arguments (preferably six copies) should be submitted to the address set forth above.

Signed at Washington, D.C., this 14th day of December 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefits Program, Labor-Management Services Administration, United States Department of Labor.

[FR Doc. 79–38894 Filed 12–17–79; 8:45 am]

BILLING CODE 4510–29–M

VETERANS ADMINISTRATION

38 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Veterans Administration.

ACTION: Semiannual notice of agenda of regulations, significant and nonsignificant, under development or review.

SUMMARY: This agenda announces the regulations, both significant and nonsignificant, that the Veterans Administration will have under development and review during the 6-month period from December 17, 1979 through June 13, 1980. The Veterans Administration's purpose in publishing this agenda is to give the public notice

for comment on those regulations under development or review during this 6-month period.

DATE: Comments must be received on or before February 19, 1980.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: Celia Fasone, Management Services (61), 810 Vermont Avenue NW., Washington, D.C. 20420, (202–389–3770).

SUPPLEMENTARY INFORMATION:

Additional Comment Information

Comments should be addressed to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments will be available for public inspection until February 29, 1980 at the above address, room 132, between the hours of 8 am and 4:30 pm Monday through Friday (except holidays). Persons visiting the VA Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit (271A) in room 132. Persons visiting or calling VA field stations will be informed that the records are available for inspection only in Central Office.

Executive Order 12044, "Improving Government Regulations" requires that executive agencies publish, every 6 months, in the **Federal Register** a semiannual agenda of regulations under development and review. The Veterans Administration's next semiannual agenda of regulations will be published in the June 18, 1980 issue of the **Federal Register.**

Approved: December 12, 1979.

Max Cleland,
Administrator.

Legal authority	Title	Brief description	Contact
Significant Regulations Proposed or Under Development			
Pub. L. 93–43, National Cemeteries Act, June 18, 1973.	Disinterment of Remains from National Cemeteries.	38 CFR 1.621 provides procedures and requirements for disinterment of remains from National Cemeteries.	Earl Zieg, (202) 389–5235.
Pub. L. 95–476, Veterans' Housing Benefits Act of 1978, October 18, 1978 and 38 U.S.C. 1810(a)(4).	Energy Conservation Home Improvement Loan Regulations and Home Improvement Loan Regulations for Alterations, Improvements, or Repairs.	To establish a home improvement loan program for energy conservation improvements and to revise the present home improvement loan program for alterations, improvements or repairs.	George D. Moerman, (202) 389–3042.
Pub. L. 96–22, Veterans' Health Care Amendments of 1979, June 13, 1979.	Definitions	Redefine Veterans Administration facilities to provide authority for furnishing outpatient care at private facilities for veterans receiving aid and attendance or housebound benefits.	Joseph F. Fleckenstein, (202) 389–3785.
Pub. L. 96–22	Medical Care for Certain Philippine Beneficiaries.	Provides authority for furnishing hospital and nursing home care and medical services in the United States at VA health care facilities for treatment of the service-connected disabilities of Commonwealth Army veterans and New Philippine Scouts.	Do.
Pub. L. 96–22	Authorization of Outpatient Dental Treatment.	Provides authority for furnishing outpatient dental treatment: (1) for service-connected, noncompensable dental conditions or disabilities of those veterans who had been prisoners of war for a period of not less than six months, and (2) for any dental disability from which a veteran who has a service-connected disability rated as total is suffering.	Do.
38 U.S.C. 1682(e)	Independent Study	To define "independent study" for VA purposes	June C. Schaeffer, (202) 389–2092.
38 U.S.C. Chapter 31	Vocational Rehabilitation	To improve and modernize the Vocational Rehabilitation Program.	Do.
(These regulations were listed in the June 18, 1979, agenda as Significant Regulations Scheduled for Review. The review has been completed and all regulations require revision.)			
NOTE.—Our agenda of June 18, 1979, contained a notice of proposed regulations on "Financial Disclosure for Executive Personnel" under Pub. L. 95–521, Ethics in Government Act of 1978. After a review of this subject we found that the government-wide regulations on this matter will suffice and no additional VA regulations will be required.			
Significant Regulations Scheduled for Review			
38 CFR 36.4300–36.4393	Loan Guaranty or Insurance of Home Loans to Veterans.	Sets forth basis requirements for loan origination, loan service, and loan termination of VA guaranteed and insured home and condominium loans, and specifies the rights, duties, and obligations of veterans, lenders, holders, builders, and other entities engaged in activities relating to the VA guaranteed and insured loan programs.	George D. Moerman, (202) 389–3042.
(These regulations were listed in the agenda of June 18, 1979. Review of this large body of regulations is approximately 75% complete.)			
Nonsignificant Regulations Proposed or Under Development			
38 CFR 1.450–1,455	Investigation	Covers investigation policies, jurisdiction, and regulations pertaining to Central Office investigations.	William L. Rettew, (202) 389–3093.
38 CFR 1.513 and 1.514	Medical Records Disclosure	To permit medical records disclosure to treating physicians without prior written authorization from the veteran.	Neal Lawson, (202) 389–3294.
38 CFR 1.579	Access to One's Own Records	To establish special procedures for disclosure of an individual's records if they would be harmful to the individual's mental or physical health.	Do.
38 CFR 14.633	Limitation of Recognition	To provide for suspension of agent and attorneys after notice and opportunity for hearing.	Martin D. Gussow, (202) 389–2440.
38 CFR 17.60b	Outpatient Care for VA Employees and Others in Emergencies.	Provides authority for furnishing outpatient care in emergencies to individuals attending national conventions of VA recognized service organizations who are not eligible for medical services as veterans.	Joseph F. Fleckenstein, (202) 389–3785.

Legal authority	Title	Brief description	Contact
Nonsignificant Regulations Proposed or Under Development—Continued			
38 CFR 17.60g	Priorities for Medical Services	Establishes outpatient treatment priority for compensation examinations.	Do.
38 CFR 36.4212	Combination Interest Rate on Mobile Home Loans.	To establish a single interest rate for any loan in which the veteran is to acquire both a mobile home and a lot on which to site a mobile home.	George D. Moerman, (202) 389-3042.
38 CFR 36.4301, 4303, 4312, 4335	Simultaneous Home Acquisition and Home Improvement Loans and Liberalization of reporting requirements on VA guaranteed and insured home loans.	To authorize home purchasers to simultaneously acquire an existing home and make home imporvements including energy conserving improvements. To increase the allowable number of days in which a lender may timely report a fully disbursed home loan to the VA and request a Certificate of Guaranty or Insurance.	Do.
38 CFR 36.4313	Attorney Fees	To increase the allowable attorney fees which may be paid to an attorney handling the foreclosure of a VA guaranteed or insured home or condominium loan.	Raymond L. Brodie, (202) 389-3668.
Nonsignificant Regulations Scheduled for Review			
38 CFR 1.512	Disclosure of Information from Loan Guaranty files.	To revise the general regulation governing the release of information from Loan Guaranty files to assure compliance with the Privacy Act of 1974 and the Freedom of Information Act.	George D. Moerman, (202) 389-3042.
38 CFR 3.401(a)	Effective date of award of aid and attendance or housebound benefits.	Amend current effective date regulations to clarify when an award of aid and attendance or housebound benefits is effective.	T. H. Spindle, (202) 389-3005.
(This regulation was listed in the agenda of June 18, 1979 but is still in review process of developing agency positions.)			
38 CFR 19.1-19.5	General Appellate Regulations	General appellate jurisdiction, delegation of authority, subject matter of appeals, disclosure of information, restrictions on payments.	Jan Donsbach, (202) 389-2978.
38 CFR 19.101-19.156	Rules 1-56	Rules of Practice for the Board of Veterans Appeals	Do.
38 CFR 36.4350	Easements	To establish that certain easements for drainage and irrigation ditches do not affect the title or the reasonable value of properties offered as security on VA loans.	Lyman T. Miller, (202) 389-2691.
38 CFR 6.79, 6.80, and 6.88	United States Government Life Insurance Reinstatement.	Change in job titles to Assistant Director for Insurance. Makes the necessary gender changes.	Murray Zuckerman, (215) 486-5733.
38 CFR 6.90	Physical Examinations and Inspections	Enables a physician's assistant to make certain examinations for insurance purposes. Gender changes.	Do.
38 CFR 8.0	National Service Life Insurance Eligibility	To include the Modified Life at Age 70 plan. Gender changer.	Do.
38 CFR 8.1	Definition of and criteria for "good health"	Gender changes	Do.
38 CFR 8.3	Premiums	To include the 20-Payment Life Plan where appropriate.	Do.
38 CFR 8.24	Application and Medical Evidence	Change in job title to Assistant Director for Insurance. Gender changes.	Do.
38 CFR 8.27	Cash Value	States how long paid-up additions must be in force for cash values.	Do.
38 CFR 8.29	Extended Term and Paid-Up Insurance	To make the necessary changes for the Modified Life at 70 Plan.	Do.
38 CFR 8.33-8.36	Change in Plan	To make the necessary changes for the Modified Life at 70 Plan and 20-Payment Life Plan. Gender changes.	Do.
38 CFR 8.64-8.65	Examinations	Enables a physician's assistant under certain conditions to make an examination. Changes the title to Director for the head of a regional office Gender changes.	Do.
38 CFR 8.70	Claims Alleging Insurance where there is no Application for Insurance on file.	Changes the title of person charged with making original determinations as to valid contracts.	Do.
38 CFR 8.99c	Total Disability Income Provisions	Provides for updated pamphlets dealing with premiums for the Total Disability Income Provisions. Add the 20-Payment Life Plan where appropriate.	Do.
38 CFR 8.100	Insurance Provided by Special Legislation	Gender changes	Do.
38 CFR 8.102	National Service Life Insurance Appropriations.	Provides for the 20-Payment Life plan where appropriate.	Do.
38 CFR 8.103	National Service Life Insurance Nonparticipating Funds.	Provides for the 20-Payment Life plan where appropriate and gender changes.	Do.
38 CFR 8.106	National Service Life Insurance Policy Forms.	Updates the applicable forms. Includes the Modified Life at Age 70 Plan and the 20-Payment Life plan where appropriate.	Do.
38 CFR 8.110-8.112b	National Service Life Insurance issued on or after April 25, 1951.	Includes the Modified Life at 70 Plan where appropriate and gender changes.	Do.
38 CFR 13.1-13.111	Veterans Assistance—DVB Fiduciary Activities.	Administration of benefits due to incompetent adult beneficiaries or minors.	Charles F. Lee, (202) 389-3643.
38 CFR 36.4283(f)	Resale of Repossessed Mobile Home Units.	To authorize the Administrator to enter into agreements with holders of VA mobile home loans authorizing the lenders to sell the repossessed mobile homes to new purchasers and make partial claims under the Loan Guaranty certificates based on losses incurred as a result of repossessions.	Raymond L. Brodie, (202) 389-3668.
38 CFR 36.4283(h)	Repairs to Repossessed Mobile Home Units	To require loan holders to obtain VA prior approval of repairs to a repossesed mobile home unit if the repairs will cost more than $400.	Do.

[FR Doc. 79-38661 Filed 12-17-79; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1376-8]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve a revision to the Ohio State Implementation Plan for sulfur dioxide as it applies to The Toledo Edison Company's Acme, Bay Shore and Water Street Stations which are located in Lucas County, Ohio. The proposed approval is based upon the results of an extensive air quality dispersion modeling study which demonstrates that the revised emission limitations will not jeopardize the attainment and maintenance of the ambient air quality standards and will result in an improvement in the air quality in Lucas County. The purpose of this notice is to invite public comment on U.S. EPA's proposed revision to the Ohio State Implementation Plan.

DATE: Comments must be received on or before January 17, 1980. Requests for a public hearing on this revisions must be received no later than January 2, 1980.

ADDRESSES: Comments and requests for a hearing should be submitted to Steve Rothblatt, Chief, Air Programs Branch, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The docket (#5A-79-6) for the revision is available for inspection and copying during normal business hours at the above address and at the Central Docket Section, Room 2903B, U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6048.

SUPPLEMENTARY INFORMATION: On May 31, 1977 (42 FR 27588) the U.S. EPA promulgated final regulations establishing a state implementation plan (SIP) for the control of sulfur dioxide (SO_2) in Ohio. This proposed rule would amend that SIP as it applies to certain sources operated by The Toledo Edison Company in Lucas County, Ohio.

On July 27, 1978, Toledo Edison requested a revision of certain of the SO_2 emission limitations applicable to its sources located in Lucas County, Ohio. That request was accompanied by a dispersion modeling study which had been performed by the Company's consultant using U.S. EPA's Urban Ram Model. After reviewing this study, U.S. EPA requested further technical documentation from Toledo Edison in support of the revision request. An analysis of good engineering practice (GEP) stack heights at Bay Shore was submitted in December 1978. A supplemental dispersion modeling study was submitted to U.S. EPA in September 1979. The September 1979 dispersion modeling study employs a greatly expanded receptor network, five years of meteorological data, an updated and expanded emissions inventory, more critical days, and it models Lucas County as a unit rather than as four separate regions.

Based upon the results of the dispersion modeling study, it is proposed that the SO_2 emission limitation for the coal-fired units at the Acme Station be revised from 3.00 lbs. SO_2/MMBTU to 1.20 lbs. SO_2/MMBTU; the SO_2 emission limitation for the oil-fired units at the Water Street Station be revised from 1.06 lbs. SO_2/MMBTU to 1.00 lbs. SO_2/MMBTU; and the SO_2 emission limitation for the coal-fired units at the Bay Shore Station be revised from 1.20 lbs. SO_2/MMBTU to 1.94 lbs. SO_2/MMBTU. The emission limitations for the Acme oil-fired units and the Bay Shore peaking unit will remain unchanged.

The 1.94 lbs. SO_2/MMBTU emission limitation proposed for the Bay Shore Station takes into account the employment of a new stack that Toledo Edison has constructed at the Station. This new stack is expected to be on-line with all four of the coal-fired units by April 14, 1980.

Although the new stack is actually 475 feet in height, U.S. EPA has determined that Toledo Edison may only claim credit for 385 feet of stack height based upon the application of U.S. EPA's empirical GEP stack height equation. The GEP height of 385 feet was used in the air quality dispersion modeling. A stack height change at the Acme Station was also considered in the development of the proposed emission limitations. Due to structural deterioration, a 275 foot stack at Acme was reduced to 225 feet. This 225 foot stack height was found to be in compliance with U.S. EPA's empirical GEP stack height equation and was, thus, used in the modeling.

No PSD analysis was required because as of the applicable baseline date, all Toledo Edison sources were emitting at levels in excess of those which would be permitted under the proposed revision. Therefore, no air quality increment will be consumed.

Additionally, Toledo Edison has requested that the wording in § 52.1881(b)(39)(iii)(B) relating to the Bay Shore peaking unit be changed from "fossil fuel fired steam generating units" to "fossil fuel fired peaking unit" to accurately reflect the nature of the unit. U.S. EPA proposes this word change as requested, as the rewording does not change the intent of the original regulation.

Toledo Edison's petition for a revision includes a request for the establishment of a new compliance date of April 15, 1980 for the Acme coal-fired units and the Water Street Station steam plant oil-fired units. The Company's request is premised upon the fact that the proposed emission limitations for these stations are more stringent than the limitations promulgated by U.S. EPA. Thus, some period of time is necessary to consume fuel supplies on site and to secure compliance fuel. In its request, Toledo Edison points out that the existing fuel supplies which would be burned at these stations until April 15, 1980 would comply with the current U.S. EPA promulgated emission limitations. For the Bay Shore plant, the compliance date will not be extended since the new limits are less restrictive than the existing SIP. The Bay Shore station is being given two alternative emission limits, 1.20 pounds SO_2 per million BTU if the present stack is used and 1.94 pounds SO_2 per million BTU when emissions are vented through the new taller stack.

Based upon the Agency's review of the technical documentation submitted, U.S. EPA has determined that approval of the proposed SIP will result in an improvement in air quality in Lucas County and will not jeopardize the attainment and maintenance of the National Ambient Air Quality Standards. Thus, U.S. EPA proposes to approve the revised emission limitations for The Toledo Edison Company's Acme, Bay Shore and Water Street

Stations. U.S. EPA also proposes to approve the new compliance dates for the Acme and Water Street Stations since the new limits are more stringent than the existing SIP, and the ultimate compliance date is a expeditious as practicable and prior to the June 17, 1980 attainment date.

Final promulgation of this revision will follow an analysis of all comments submitted and will depend on its consistency with section 110 of the Clean Air Act. Comments are being solicited.

Note.—The U.S. EPA has determined that this document is not a significant regulation and does not require preparation of regulatory analysis under Executive Order 12044.

(Section 110 of the Clean Air Act, as amended 42 U.S.C. 7410)

Dated: December 6, 1979.

John McGuire,

Regional Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

1. § 52.1881 is amended by revising paragraphs (b)(39)(iii)(B), adding a new paragraph (b)(39)(iii) (C), and by revising paragraphs (b)(39)(vii) and (ix).

§ 52.1881 Control Strategy: Sulfur Oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio

* * * * *

(39) In Lucas County * * *

* * * * *

(iii) The Toledo Edison Company or any subsequent owner or operator of the Bay Shore Station in Lucas County, Ohio shall not cause or permit sulfur dioxide emission from any stack at the Bay Shore Station in excess of the rates specified below:

(A) * * *

(B) 0.50 pound of sulfur dioxide per million BTU actual heat input for the fossil fuel-fired peaking unit burning oil.

(C) In the alternative to § 52.1881(b)(39)(iii)(A), 1.94 lbs. of sulfur dioxide per million BTU heat input for fossil fuel fired steam generating units burning coal and vented through a stack greater than or equal to 385 feet above grand level.

* * * * *

(vii) The Toledo Edison Company or any subsequent owner or operator of the Acme Power Plant in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack in excess of the rates specified below:

(A) 1.20 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units burning coal.

(B) * * *

(ix) The Toledo Edison Company or any subsequent owner or operator of the Water Street Steam Plant in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Water Street Plant in excess of 1.00 pounds of sulfur dioxide per million BTU actual heat input.

* * * * *

2. § 52.1882(b) is amended as follows by adding a new subsection (8):

§ 52.1882 Compliance Schedules.

* * * * *

(b) * * *

(8)(i) Federal Compliance schedules for The Toledo Edison Acme Power Plant coal-fired units and the Water Street Steam plant oil-fired units is as set forth in § 52.1882(b) except that § 52.1882(b)(4)(iii)(G) is changed, for these units only, as follows:

(A) April 15,1980: Achieve final compliance with the emission limitation of § 52.1881(b) of this chapter, as applicable and notify the Adminstrator in writing that such action was taken within five working days of said date.

(ii) In the event that the Toledo Edison Bay Shore plant uses the alternative regulation of § 52.1881(b)(39)(iii)(C) and vents its fossil fuel fired steam generating units burning coal through a stack greater than or equal to 385 feet above ground level, the Administrator must be notified in writing that such action was taken within five working days of the connection of the new stack to all four of the coal-fired units.

[FR Doc. 79-38759 Filed 12-17-79 8:45 a.m.]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 21, 87 and 90

[General Docket No. 79-188; RM-3247]

Allocating Spectrum for, and Establishing Other Rules and Policies Pertaining to the Use of Radio in Digital Termination Systems for the Provision on Common Carrier Digital Telecommunications Services; Order Extending Time for Filing Comments and Replies

AGENCY: Federal Communications Commission.

ACTION: Extension of time for filing comments to Notice of Proposed Rulemaking and inquiry.

SUMMARY: The Commission further extends the dates for the filing of comments and of reply comments to the Notice of Proposed Rulemaking and Inquiry in Docket 79-188, released on August 29, 1979 and issued in response to the rulemaking petition filed by the Xerox Corporation.

DATES: The filing dates for comments and reply comments are extended one additional month. Comments and reply comments must be filed on or before January 14, 1980 and on or before February 14, 1980, respectively.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION, CONTACT: J. Bertron Withers, Jr., Spectrum Allocation Division Office of Science & Technology (202) 632-6350.

Adopted: December 11, 1979.

Released: December 12, 1979.

In the matter amendment of Parts 2, 21, 87 and 90 of the Commission's rules to allocate spectrum for, and to establish other rules and policies pertaining to the use of radio in Digital Termination Systems for the provision on Common Carrier Digital Telecommunications Services, General Docket No. 79-188, RM-3247. See 44 FR 67191, Nov. 23, 1979.

1. On December 7, 1979 Microband Corporation of America (Microband), by its attorneys, pursuant to § 1.46 of the Commission's rules and regulations, 47 CFR 1.46 filed a request to further extend the time for filing comments to January 14, 1980 in the above-captioned matter. Comments on the Notice of Proposed Rulemaking and Inquiry in this matter, released by the Commission on August 29, 1979 are currently due on or before December 14, 1979—extended from the original filing date of November 14, 1979.

2. Microband's intention, it asserts, is to file substantial comments with detailed market and technical analyses. The preparation of these comments requires extensive work necessitating more time to prepare complete and meaningful comments. Microband further suggests that since it was one of those that filed comments to Xerox's petition intiating this proceeding, its responses to the Notice should be of particular interest to the Commission.

3. The Commission believes, as suggested in the previous order extending the comment date to December 14, 1979, that the development of the fullest record practicable could lead the Commission to develop final rules and policies in this matter at the end of the current comment/reply comment period—if the record

developed so justifies. While Microband's justification is not wholly persuasive in itself, the Commission is convinced that a further extension will provide a sounder basis upon which the Commission may formulate these rules and policies. An extension of the 30 days requested by Microband appears appropriate since any reasonably shorter time period falls within or very shortly after the holiday period.

4. However, in the interest of not unduly delaying the resolution of the many important issues inherent in this complex proceeding, any further requests for extension of the comment period will require the presentation of very specific and substantial reasons along with the most extenuating of circumstances. Regarding this present request for the reasons given above, and since we have received no objections and perceive no harm or prejudice to any party, the request for extension of the comment period to Janurary 14, 1980 is granted.

5. Therefore, it is ordered, pursuant to § 0.241(d) of the Commission's rules and regulations, that the dates for filing comments and reply comments in this proceeding are extended from December 14, 1979 and January 14, 1980, respectively. Comments must now be filed on or before January 14, 1980; reply comments must now be filed on or before February 14, 1980.

Federal Communications Commission.

S. J. Lukasik

Chief Scientist.

[FR Doc. 79-38714 Filed 12-17-79; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 44, No. 244
Tuesday, December 18, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Basin Electric Power Cooperative, Final Environmental Impact Statement

Notice is hereby given that a Final Environmental Impact Statement, DOE/EIS–0025–F, Miles City-Baker-Hettinger-New Underwood 230 kV transmission line, Montana-North Dakota-South Dakota was issued and filed with the Environmental Protection Agency on July 30, 1979. The Western Area Power Administration assumed lead agency responsibility for the preparation of the Environmental Impact Statement for this project.

The Rural Electrification Administration participated in the preparation of this Environmental Impact Statement as Cooperating Agency No. USDA–REA–EIS (ADM 79–4–F) in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 and in connection with a proposed request for a loan guarantee commitment from the Rural Electrification Administration from Basin Electric Power Cooperative of Bismarck, North Dakota. This loan guarantee commitment is planned to assist Basin Electric Power Cooperative in obtaining financing for a 25 percent ownership interest in the Miles City-Baker-Hettinger-New Underwood 230kV transmission line.

Additional information may be secured by request submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Individual copies of the Final Environmental Impact Statement are available upon request addressed to James D. Davies, Area Manager, Western Area Power Administration, Department of Energy, P.O. Box EGY, Billings, Montana 59101. The Final Environmental Impact Statement may be examined during regular business hours (1) at the library, Room 1223, Department of Energy, 20 Massachusetts Avenue, N.W., Washington, D.C., or (2) at DOE, Room GA, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., (3) at the offices of Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota, or (4) at the office of the USDA/REA, North Central Area-Electric, Room 5829, 14th & Independence Avenue, S.W., Washington, D.C.

Final REA action with respect to this matter (including any release of funds) may be taken after 30 days, but only after REA has reached satisfactory conclusions with respect to environmental effects and after requirements set forth in the National Environmental Policy Act of 1969 are met.

Dated at Washington, D.C., this 11 day of December 1979.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 79–38660 Filed 12–17–79; 8:45 am]

BILLING CODE 3410–15–M

Soil Conservation Service

Newtown-Hoffman Watershed Project, New York; Notice of Intent To Prepare an Environmental Statement

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Hilliard, State Conservationist, Soil Conservation Service, U.S. Courthouse and Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone number (315) 423–5493.

NOTICE: Pursuant to section 102(2)(g) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the remaining works of improvement in the Newtown-Hoffman Watershed project, Chemung and Schuyler Counties, New York.

The environmental assessment of this federally-assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert L. Hilliard, State Conservationist, has determined that the preparation and review of the environmental impact statement is needed for the remaining works of improvement in this project. The project concerns a plan for the purpose of flood prevention. The remaining works of improvement include land treatment and floodwater retarding structure sites 12E, 5A, and 2.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Robert L. Hilliard, State Conservationist, Soil Conservation Service, U.S. Courthouse and Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260.

Dated: December 10, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83–566, 16 U.S.C. 1001–1008)

Victor H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 79–38590 Filed 12–17–79; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

[Docket 37114; Order 79–11–177]

Trans World Airlines, Inc.; Transatlantic Arbitrary Fare Increases; Order of Suspension and Investigation

Correction

In FR Doc. 79–37258 appearing on page 69702 in the issue of Tuesday, December 4, 1979, the order number in the heading reading "Order 79–11–17" should have read "Order 79–11–177".

BILLING CODE: 1505–01–M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their veiws with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, by January 7, 1980.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 735 at 666 11th Street N.W., Washington, D.C.

Docket No.: 80–00023. Applicant: Duke University, Durham, North Carolina 27710. Article: 12KW High Brilliance Rotating Anode Generator and Accessories. Manufacturer: Rigaku Corporation, Japan. Intended use of article: The article is intended to be used for studies of human liver manganese superoxide dismutase and chicken liver sulfite oxidase. Experiments to be conducted will consist of: (1) the collection of complete 3-dimensional X-ray diffraction data on crystals of both enzymes, out to at least 3 Angstrons resolution, for both the native crystals and crystals containing heavy atom derivatives, (2) location of the heavy atoms and use of them to determine phases for the native data, and (3) calculation of electron density maps at 3 Angstroms resolution or better. The objective of these experiments is the determination of a backbone tracing and complete 3-dimensional structure for both the Mn superoxide dismutase and the sulfite oxidase molecules. In addition, the article will be used in the training of advanced graduate students. Application received by Commissioner of Cutoms: November 13, 1979.

Docket No.: 80–00024. Applicant: Princeton University, Plasma Physics Laboratory, P.O. Box CN17, Princeton, New Jersey 08544. Article: Two (2) Carcinotron Tubes, Model CO 10.1. Manufacturer: Thomson-CSF, France. Intended use of article: The articles are intended to be used as a swept local oscillators for a 290 GHz to 300 GHz interferrometer used in the electron density diagnostics of high temperature hydrogen plasmas associated with the development of nuclear fusion power generators. The articles will also be used as the millimeter microwave source for a microwave scattering system used to measure other plasma conditions. Application received by Commissioner of Customs: November 13, 1979.

Docket No.: 80–00025: Applicant: The University of Missouri-Rolla, Purchasing Department, Rolla, Missouri 65401. Article: Flow System for study of two-phase turbulent flow. Manufacturer: Swiss Federal Institute of Technology, Switzerland. Intended use of article: The article is intended to be used for studies of turbulent structure at fluid interfaces, wind-generated waves, structure of turbulent shear flow. Laser Droppler Anemometer measurements of mean and fluctuating velocities, including second order space-time correlations will be conducted in order to obtain a fundamental understanding of the basic phenomena cited above. In addition, the article will be used in the courses Graduate Research Ch. E.–490 and Fluid Mechanics Ch. E–231. Application received by Commissioner of Customs: November 13, 1979.

Docket No.: 80–00031. Applicant: Princeton University, Director of Purchases, P.O. Box 33, Princeton, New Jersey 08544. Article: 12KW High Brilliance Rotating Anode X-ray Generator. Manufacturer: Rigaku Corporation, Japan. Intended use of article: The article is intended to be used to study the structure of complex biological systems including vertebrate muscles and the rod outer segment disk membranes of the vertebrate eye. The article will also be an essential part of training of graduate students doing doctoral thesis work. Application received by Commissioner of Customs: November 16, 1979.

Docket No.: 80–00032. Applicant: University of Texas Medical Branch, Room 322, Administration Bldg., 915 Strand Street, Galveston, Texas 77550. Article: Electron Microscope, Model JEM 1000X. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of the structure of biological cells and tissues primarily those of the nervous system including special sensory and cardiovascular organs. The study of structure is related to neurochemical transmission, excitable membranes and ultrastructural correlates of chemical interaction of nerve cells. Similarly the article will be used to determine the ultrastructural substrate and basis for chemical activity of the nervous system during normal and/or abnormally related functional state. Application received by Commissioner of Customs: November 16, 1979.

Docket No.: 80–00034. Applicant: U.S. Department of Commerce—National Bureau of Standards, 325 Broadway, Boulder, CO 80303. Article: Microfabrication System, Scanning Electron Microscope/Electron Beam, Type S150–1 and Accessories. Manufacturer: Cambridge Instrument Co., United Kingdom. Intended use of article: The article is intended to be used primarily for research in superconducting electronics, i.e., electronics based on superconducting materials. In addition, the article will be used in the development of linewidth measurement artifacts in the submicrometer dimensional regime. Application received by Commissioner of Customs: November 19, 1979.

Docket No.: 80–00035. Applicant: University of Oregon Health Sciences Center, 3181 SW Sam Jackson Pk. Road., Portland, OR 97201. Article: Biotec Replicator. Manufacturer: Biotec-Aktiengesellschaft, Switzerland. Intended use of article: the article is intended to be used for the study of antibody production by mouse lymphocytes to understand function development in B lymphocytes. Experiments will be conducted with the objective of answering the following questions:

1. Does the memory pool consist of both antigen sensitive and antigen insensitive precursors and from which fraction do allogeneic regulatory cells recruit additional TI–2 responsive B1*y* precursors?

2. Can graft vs host reactions during priming alter the subsequent B1*y* –B2*y* balance of the memory pool?

3. Does the alteration of this balance which we have observed when allogeneic cells are present during secondary stimulation reflect earlier events which can occur during the development of the memory pool?

4. Which genetic loci are involved in allogeneic suppression of B2*y* precursors and enhancement of B1*y* precursors?

Application received by Commissioner of Customs: November 19, 1979.

Docket No.: 80–00036. Applicant: Memorial Sloan-Kettering Cancer Center, 1275 York Avenue, New York, New York 10021. Article: Afterloading-Irradiation Device for Tumor Therapy.

Manufacturer: Isotopen-Technik Dr. Sauerwein, GMBH, West Germany. Intended use of article: The article is intended to be used in various experimental studies aimed at a better understanding of treatment parameters. For example, and initial investigation planned would examine the relative doses of radiation required to reach the same degree of skin reaction, using mini-swine, for high dose rate treatments with the Remote Afterloader in (about 1 mg Ra eq) Ir–192 sources to the skin surface. Ir–192 remote afterloader treatments would provide normalizing data for a series of experiments investigating different types of sources and different time modes of treatment. The article will also be used for educational objectives in a Radiation Oncology Training program for residents and fellows. Application received by Commissioner of Customs: November 11, 1979.

Docket No.: 80–00030. Applicant: Memorial Sloan-Kettering Cancer Center, 1275 York Avenue, New York N.Y. 10021 Article: Therac 20/Saturne Medical Linear Accelerator and Accessories. Manufacturer: AECL, Canada. Intended use of article: the article is intended to be used for the treatment and study of effects of many forms of head and neck cancers, breast cancer and other peripherally situated tumors in addition to more extensive and deep seated lesions. The research programs in which the article will be used will include the following studies:

(1) Total Nodal Irradiation for Hodgkin's Disease and Non-Hodgkin's Lymphoma.

(2) Interdisciplinary Study of the Management of Embryonal Rhabdomyosarcoma in Children.

(3) Combination Chemotherapy and Radical Radiation in Advanced Cancers of the Head and Neck.

(4) Gynecological Malignancies.

Application received by Commissioner of Customs: November 20, 1979.

(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. 79–38682 Filed 12–17–79 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atomospheric Administration

Intent To Prepare an Environmental Impact Statement

The Office of Coastal Zone Management in the National Oceanic and Atmospheric Administration (NOAA) is preparing and intends to distribute a draft environmental impact statement (DEIS) on the proposed approval of the Connecticut Coastal Zone Management Program under the provisions of section 306 of the Federal Coastal Zone Management Act of 1972 (Pub. L. 92–583, as amended).

Federal approval of the Connecticut Coastal Zone Management Program would allow program administrative grants to be awarded to the State and require that Federal actions be consistent with the program.

The program consists of numerous policies on diverse management issues which are enforced by various State laws, and is the culmination of five years of program development. The Connecticut Program will condition, restrict or prohibit some uses in parts of the coastal zone, while encouraging development and other uses in other parts. The program will improve the decision-making process for determining appropriate coastal land and water uses in light of resource considerations and increase public awareness of coastal resources. The program will result in some short-term economic impacts on coastal users but will lead to increased long-term protection of the State's coastal resources. Federal alternatives include delaying or denying approval if certain requirements of the Coastal Zone Management Act have not been met. The State could modify parts of the program or withdraw their application for Federal approval if either of the above Federal alternatives results from the circulation of the DEIS.

OCZM would be particularly interested in comments on the following areas:

(1) The extent to which the State should promulgate regulations to provide further specificity to local governments implementing the program,

(2) The extent to which beach access is adequately addressed in the program,

(3) The extent to which the State should promulgate regulations to provide further specificity to the Department of Environmental Protection in implementing the program,

(4) The adequacy of the mechanisms for State administrative review and enforcement of compliance of local government decisions.

OCZM feels that a scoping meeting is not necessary on this program due to the extensive legislative review of this program during hearings on the Connecticut Coastal Area Management Act of 1979, and numerous public meetings held by the State on the development of this program.

It is intended that the DEIS will be distributed in January, 1980. OCZM therefore requests that any interested party submit comments before December 29, 1979 to:

Ms. Kathryn Cousins or Mr. Dick O'Connor, North Atlantic Region, Office of Coastal Zone Management, 3300 Whitehaven St., NW., Washington, D.C. 20234 (202/634–4126).

Any comments received after this date will be considered as comments on the DEIS and responded to accordingly.

Dated: December 10, 1979.

Francis J. Balint,

Acting Director, Office of Management & Computer Systems.

[FR Doc. 79–38591 Filed 12–17–79; 8:45 am]

BILLING CODE 3510–08–M

National Oceanic and Atmospheric Administration

New England Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has established a Scientific and Statistical Committee (SSC) which will meet to discuss: Committee review of Northeast Fishery Task Force Overview Document; the process of developing attainable objectives for fishery management; Lobster; and other Committee business.

DATES: The meeting will convene on Wednesday, January 9, 1980, at approximately 10 a.m. and will adjourn at approximately 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Logan Hilton Hotel, Logan International Airport, Boston, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960, Telephone (617) 535–5450.

Date: December 12, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79–38757 Filed 12–17–79; 8:45 am]

BILLING CODE 3510–22–M

Office of the Secretary

Summary of the International Laboratory Accreditation Conference (ILAC) Held in Sydney, Australia on October 22-26, 1979

The Third International Conference on Recognition of National Programs for Accreditation of Testing Laboratories, ILAC/79 was held in Sydney, Australia on October 22–26, 1979. The conference was officially renamed the International Laboratory Accreditation Conference during the proceeding and will henceforth be known by this name. ILAC is an informal assemblage of nations and international organizations interested in promoting international recognition of national laboratory accreditation systems. The objective of ILAC is to facilitate international trade of products and services for which reliable reports of test data are needed prior to their importation and/or exportation. The first conference, ILAC/77, was held in Copenhagen, Denmark, on October 24–28, 1977. The second conference, ILAC/78, was held in Washington, D.C., USA, on October 23–27, 1978.

Representatives from 21 countries and 7 international organizations attended ILAC/79 in Sydney. The United States Delegation consisted of Messrs. T. R. Flint, American Plywood Association, J. A. Grant, Amoco Oil Company, J. C. Herr, General Dynamics, W. McAdams, General Electric Co., L. J. Walker, Northern Testing Laboratories, Inc. and B. Whitaker, Underwriters Laboratories, Inc. from the private sector, L. D. Eicher and A. J. Farrar from the National Bureau of Standards, and H. I. Forman, J. W. Locke, and V. Travaglini from the Department of Commerce, with Dr. Forman serving as head of the delegation.

A public pre-conference briefing session was held at the National Bureau of Standards on September 26, 1979 in order to develop positions which the U.S. Delegation later advocated in Sydney. No public post-conference briefing is planned, partly because most of the work of the conference is to be continued by the previously designated task forces until ILAC/80 scheduled to be held in Paris on October 20–24, 1980, and partly because minutes of the conference will be available as soon as published by the conference chairman, Mr. H. F. Monaghan of Australia.

Substance of the Conference

The work of the conference was focused on the efforts of three task forces.

Task Force A. Mr. Allen J. Farrar (USA), Chairman

To prepare an analysis of legal problems raised by the recognition of national laboratory accreditation systems based on information obtained from a questionnaire on the subject.

Task Force B. Mr. J. Stanley Linton (UK), Chairman

To identify the scope and structure of a draft directory of organizations or bodies which operate laboratory accreditation systems or other schemes for testing laboratories, and to work with the chairman of the Australian delegation who has volunteered to prepare a draft of the directory for ILAC/79.

Task Force C. Mr. John A. Gilmour (Australia), Chairman

To prepare a paper on the needs, objectives, and the effects and consequences of laboratory accreditation and to prepare a list of basic terms and their definitions relative to laboratory accreditation or assessment.

Introduction to the Conference

Senator J. J. Webster, Minister of Science and the Environment of the Australian government opened the conference by welcoming the delegates and encouraging the development of laboratory accreditation systems. Chairman Monaghan followed by summarizing the proceedings of ILAC/78 and summarizing the efforts of the ILAC conferences to date.

Attachment A

Report of Task Force A

The chairman of this task force advised that, in response to the five categories of questions in the ILAC questionnaire, over 600 pages of information and data from 14 countries had been received and analyzed. He further advised that responses from 7 more countries had been received prior to the start of the Sydney Conference but after the first report of Task Force A had been prepared.

By way of introduction, the chairman pointed out that Task Force A, in reviewing the various responses, considered not only specific legal constraints to the formal recognition by one country of another country's laboratory accreditation programs or systems, but also other relevant factors bearing on such formal recognition.

In analyzing the responses to Question I of the questionnaire, which sought information on the legal aspects pertaining to laboratory testing in relation to product conformance, the task force found that, in many instances, mandatory requirements for testing products prescribe that only specific laboratories that are named in the laws or regulations of the countries having such requirements may carry out tests relevant to those requirements. It may therefore be necessary, in those instances, for such laws or regulations to be amended so as to allow other testing laboratories which have been accredited under a recognized laboratory accreditation program, to carry out the appropriate tests on the products covered by those laws or regulations.

In seeking information under Question II of the questionnaire which, in part, solicited information on whether laboratory accreditation programs could accredit foreign testing laboratories under such programs it appeared that while some accreditation programs are able to accredit foreign testing laboratories, others are not, and in some cases, the position was not clear.

In considering the responses to Question III, which, in part, sought information on whether countries impose requirements or obligations on foreign testing laboratories which do business in the host country that are different than those imposed on domestic laboratories, the task force found that, as a general rule, countries do not impose on foreign laboratories requirements which differ materially from those imposed on domestic laboratories.

With regard to Question IV, which was concerned with the issue of liability of accrediting bodies for acts of negligence in the accreditation of testing laboratories, the task force, on the basis of the responses considered, found relatively little evidence of specific laws or regulations which immunize an accrediting body from acts of negligence. However, some government laboratory accreditation programs provide some immunity, or limits on liability, on the basis of discretionary acts or where such programs are in compliance with formal regulations. The task force found no court decisions whereby accrediting bodies were found liable relative to any act of negligence in accrediting a testing laboratory under an established laboratory accreditation program.

Question V sought information about laws and procedures pertaining to recognition of foreign laboratory accreditation programs operating in the mandatory as well as the voluntary sectors. Based on the responses received, it appeared that most laws and regulations are silent on the subject of

formal recognition of foreign laboratory accreditation programs.

The task force concluded its report by indicating that: (1) the responses provided by some of the countries needed to be clarified; (2) a further analysis of these responses, as well as of the responses received after the report's preparation, was essential; and, (3) further study of the legal implications relating to various aspects associated with the accreditation of testing laboratories under a recognized laboratory accreditation program was necessary.

The task force indicated that it was prepared to continue its work and report more fully on its findings at the ILAC/80 meeting.

Report on Task Force B

The chairman of this task force described the general outline for the proposed directory. Part one of the directory would contain general testing arrangements describing how testing work was recognized in the various countries. This would allow the reader to understand how testing is accomplished and how test reports are recognized in the various countries. The second part of the directory would specifically summarize accreditation systems. Both government and non-government systems would be included but only systems meeting minimum criteria or minimum conditions of entry would be included in the directory as envisioned by the task force.

Mr. Monaghan who had prepared a draft of the directory based on these instructions then described the draft which had been distributed at the opening of the meeting to all of the delegates. There was some concern that this draft was not very inclusive, but Mr. Monaghan pointed out that the purpose of the draft was to describe the layout and format rather than to include all the information he had available at the time the draft was prepared.

There was considerable discussion over conditions which laboratory accreditation systems must meet in order to be included in the directory. The conditions were reviewed one at a time and comments recorded. The chairman of the U.S. delegation presented an argument for including all systems in the directory. He used several examples of the kind of systems which would be excluded if minimum criteria for entry were to be employed, and expressed the U.S. position that this was not as desirable as an all-encompassing directory from which the user could select the system of interest and determine if they met the user's requirements. In a straw vote the delegates supported by a vote of 20 to 1 the motion that specific, minimum conditions should be used as qualifications for listing in the directory. However, sentiment seemed to be that the task force should review the situation again and try to decide if there was a way to include all systems which might be of interest without denying to those interested information concerning systems which are categorized as meeting stated minimum conditions for entry into the directory.

Report on Task Force C

The chairman of this task force reported that the Task Force C has attempted to coordinate its activities with the International Standards Organization (ISO) with only limited success. The task force met and prepared a document entitled "The Needs, Objectives, Effects and Consequences of Testing Laboratory Accreditation." This document was intended to provide an overview of the concept of laboratory accreditation and was well received by the conference. A second document presented by the task force was a set of terms and definitions prepared by that task force. During the discussion the ISO delegate indicated that ISO was prepared to work with ILAC in the preparation of a final set of definitions, and the conference indicated it was pleased to accept that offer. The task force also suggested that a comparison of criteria used by the major accreditation systems should be undertaken by the task force for the ILAC/80 meeting. Finally the task force recommended that a central inquiry point be established in each country to provide information on accreditation systems and accredited laboratories. The conference generally approved of these recommendations.

Resolutions

Each country was invited to present to the conference resolutions as a result of the presentations of the task forces during the meeting. The resolutions were listed in numerical sequence and reviewed by each of the delegations. On the final day each of the resolutions was considered one at a time and voted upon by the conference. Although the chairman of the conference attempted to establish voting rules which would provide consensus, the conference did not respond to his invitation to establish such rules. In the absence of such voting rules the chairman opened discussion and continued discussion on each proposed resolution until there seemed to be agreement by all parties involved. The exact wording of the resolutions must await the official transcript of the proceedings since the conference gave the chairman the opportunity to use some editorial license in clarifying the content of some of the resolutions.

The resolutions which were adopted dealt with the following key issues:

(1) Mexico offered to host an ILAC conference in Mexico City in 1981. The European Economic Community was interested in postponing additional meetings until two or possibly three years after the Paris meeting. The conference agreed that it was appropriate to plan on the continuation of ILAC at Mexico City in 1981 at this time since the location of appropriate facilities and the planning of various necessary arrangements may take more than one year to accomplish satisfactorily. With this in mind, the head of the Mexican delegation was placed on the Planning and Agenda Committee for ILAC/80.

(2) ILAC/79 generally encouraged all nations to develop national systems for accrediting their laboratories along lines which will generally be recognized and utilized by the nations.

(3) ILAC/79 recommended that there be in each country a central inquiry point to provide information on accreditation systems, accredited laboratories and other national testing arrangements.

(4) ILAC/79 requested that Task Force C undertake a thorough comparison of criteria used by a representative selection of existing accreditation systems for the accreditation of testing laboratories to be considered at ILAC/80 with a view to providing the comparison to international organizations for further development of laboratory accreditation criteria following ILAC/80, and providing the due course minimum criteria for recognition of accreditation systems across national borders.

(5) ILAC/79 requested that a task force be established to prepare a bibliography of published information on laboratory accreditation systems and components of such systems.

(6) ILAC/79 agreed to accept the offer of the Australian delegate to prepare a second draft of the proposed directory of national testing arrangements and laboratory accreditation systems for consideration at ILAC/80.

(7) The objectives of the meeting of ILAC/80 in Paris were defined as follows: (a) to agree to a set of definitions to be used internationally when referring to laboratory accreditation as drawn up under the auspices of the ISO;

(b) to make a comparison of criteria used by laboratory accreditation systems and accreditation of testing

laboratories, and to report on progress toward minimum criteria for international recognition; (c) to establish an inventory of legal problems raised by the recognition of laboratory accreditation systems at international levels; and (d) to improve a revised draft of the first international directory and to recommend means of publishing and updating such a directory.

(8) ILAC/79 recognized that product liability considerations and implementation of international agreements concerning technical barriers to trade are outside the scope of ILAC activities. With this in mind, ILAC/79 requested Task Force A to prepare its report of the results of its investigation into the reasons for which accreditation programs do or do not accredit foreign laboratories and the major difficulties arising from such mutual recognition.

(9) ILAC/79 recommended that Task Force B should review and where necessary revise minimum condition of entry into the proposed directory and should advise the National Association of Testing Authorities of Australia on the preparation of a second issue of the draft directory to be circulated to those attending the ILAC/80 conference. Task Force B is also encouraged to report on the problems encountered in collecting and presenting the information including costs and size of the directory and should make proposals for its further maintenance and dissemination.

(10) ILAC/79 noted with pleasure the decision of the ISO council (expressed in council resolution 42/1979) to request ISO/STACO to assist in the development of definitions required for the council decision and further expressed to ISO its wish to cooperative by participate in the work of ISO/STACO and development of the required definitions by nominating qualified persons from among ILAC delegations to assist in this work. ILAC/79 also expressed its wish for ISO to make a presentation of its work at the next meeting of ILAC.

(11) In responding to the ISO decision to request ISO's STACO to assist in developing definitions, the chairman of ILAC/80, with advice from Task Force C, is requested to nominate qualified persons to participate in the work of ISO/STACO.

(12) ILAC/79 commended the excellent work of Task Forces A and B and asked them to continue their work with a view to preparing updated reports in the light of discussions at the Sydney conference for presentation at ILAC/80.

(13) ILAC/79 requested that Task Force B be asked to review further the basis for admittance of entries to the proposed directory.

(14) ILAC/79 resolved that all ILAC conferences here and hereafter be known as "International Laboratory Accreditation Conferences: and that its official acronym shall be 'ILAC.' "

(15) ILAC/79 requested that all task force reports to be presented at ILAC/80 be made available to the convener of ILAC/80 before September 1, 1980.

(16) ILAC/79 commended the National Association of Testing Authorities of Australia for its excellent preparations and outstanding hospitality during the ILAC/79 Conference with special appreciation to Mr. H. Francis Monaghan, Chairman of ILAC/79, for the success of the Conference.

(17) ILAC/79 recognized that the International Electrotechnical Commission (IEC) shall be regarded together with ISO as an international standards producing body.

Future Activities

Task Forces A, B, and C are scheduled to meet in May 1980 to conclude their efforts in preparing reports for ILAC/80 which will be held in Paris, France, October 27–31, 1980. The official summary minutes of the meeting which are to be prepared by the Australian chairman of the conference may be reviewed at the Office of Product Standards, room 3876, U.S. Department of Commerce, Washington, D.C. 20230, when they are received. Persons wishing to be notified when those minutes have been received may do so by contacting the undersigned either by letter or by telephone (202) 377–3221.

Signed: December 12, 1979.

Howard I. Forman,

Deputy Assistant Secretary for Product Standards.

[FR Doc. 79-38589 Filed 12-17-79; 8:45 am]

BILLING CODE 3510-17-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Proposed Bank Stabilization of the Kuskokwim River at Bethel, Alaska

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

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action calls for stabilizing the bank on the outer curve of the Kuskokwim River to prevent further erosion of the waterfront in Bethel. The bank stabilization will prevent or slow down the loss of private and public land, protect a vital medical facility, and obviate relocation of homes, buildings and fuel storage tanks away from the river.

2. The alternatives for the proposed action are: (a) River diversion, diversion of the water that now flows in the channel adjacent to Bethel into a channel on the opposite side of the Kuskokwim River; (b) relocation of the town; and (c) structural stabilization of the eroding bank.

3. a. A public workshop will be held in Bethel to collect public information and opinions on the alternatives.The workshop has not been scheduled at this time. The affected Federal, State, and local agencies, affected Alaska Natives regional and Village Corporations and other interested private organizations and parties are invited to participate in the EIS process.

b. The significant issues that will be analyzed in the DEIS are: the social and economic impacts on the Bethel community with no project; impacts to the river ecosystems; impacts on fishery resources; benefits from removing car bodies along the river that are presently used for bank stabilization; and possible short term increase in sediment load from construction activities.

c. Review and consultation will take place for compliance with the Clean Water Act of 1977 Section 404(b)(1); Coastal Zone Management; the Endangered Species Act of 1973; the Fish and Wildlife Coordination Act; the National Historic Preservation Act of 1966; Executive Order 11988, Flood Plain Management; and Executive Order 11990, Protection of Wetlands.

4. A scoping meeting has not been scheduled at this time.

5. It is estimated that the draft feasibility report and DEIS will be made available to the public in January 1981.

ADDRESS: Questions about the proposed action and DEIS can be answered by: William D. Lloyd, Chief, Environmental Section, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510.

Dated: December 10, 1979.

Lee R. Nunn,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-38705 Filed 12-17-79; 8:45]

BILLING CODE 3710-NL-M

Department of the Army

Army Science Board, Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of the committee: Army Science Board.
Date of meeting: January 3, 1980.
Place: The Pentagon, Washington, D.C. (exact location can be determined by contacting Mrs. Pipon at 202–697–9703).
Time: 0900 to 1700 hours, January 3, 1980 (Open).
Proposed agenda: The ASB Human Issues Study Group III will hold discussions and received briefings to assist the Group in developing personnel maps or models which could best support the planning and execution of an integrated human research agenda in the Army. The Group will also discuss plans for continued activities.

Robert F. Sweeney,

Lieutenant Colonel, GS, Executive Secretary.

[FR Doc. 79-38784 Filed 12-17-79; 8:45 am]

BILLING CODE 3710-06-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GP80-31]

Cities Service Gas Co.; Third-Party Protests [1]

December 7, 1979.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23–B,[2] and "Order on Rehearing of Order No. 23–B," [3] the staff of the Commission protested on October 15, 1979, the assertion by the Cities Service Gas Company (Cities) and certain producers that the contracts identified in its protest constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the contracts contained in Appendix A of this notice does not constitute authority for the producer to increase prices to the extent claimed by Cities in its evidentiary submission.

Take further notice that the Kansas State Corporation Commission (Kansas) also filed a third-party protest on October 15, 1979. Kansas protests that the contracts in Appendix B do not constitute contractual authority for the producer to increase prices o the applicable NGPA maximum lawful price. Kansas' position has been adopted and incorporated in protests by the Arizona Corporation Commission, the Associated Gas Distributors, "Florida Cities", the Gas Consumers Group, the Cities of Mangum, Oklahoma and Winfield, Kansas, Congressmen Andrew Maquire, the Memphis Light, Gas and Water Division, the Public Service Commission of the State of New York, the South Dakota Public Service Commission and the Minnesota Public Service Commission.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before December 21, 1979, a petition to intervene in accordance with 18 C.F.R. 1.8. The seller need not file for intervention because under 18 C.F.R. § 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

[1] The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

[2] "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79–22, issued June 21, 1979.

[3] Docket No. RM79–22, issued August 6, 1979.

Appendix A

Producer	Rate Schedule No. or contract date
Alpar Resources, Inc	4-20-77
Amoco Production Co	338
Amoco Production Co	84
Amoco Production Co	657
Andover Oil Co	9-22-58
Andover Oil Co	6-6-75
Andover Oil Co	11-3-77
Arco Oil & Gas Cod Co	539
Arco Oil & Gas Cod Co	127
Benson Mineral Group	2-11-76
Beren Corp.	5-6-65
Beren Corp	12-7-76
Cabot Corp	42
Champlin Pet. Co	76
CS Company-Assoc. Co	42
CS Company-Assoc. Co	161
CS Company-Assoc. Co	200
Energy Reserves Group	1
Gasanadarko Ltd	4-2-75
Getty Oil Co	297
Getty Oil Co	356
Gulf Oil Corp	226
Gulf Oil Corp	458
Gulf Oil Corp	302
Gulf Oil Corp	508
Harper Oil Co	2-15-63
Imperial Oil Co	7-25-55
Kansas Gas Purchasing Co	7-25-75
Kaiser Francis Acct. B	10-2-61
Kaiser Francis Acct. B	5-24-63
Kaiser Francis Acct. C	8-28-45
Ladd Petroleum Corp	47
Mayion Energy	9-14-77
Mobil Oil corp	100
Multistate Oil Prop	3-8-67
Multistate Oil Prop	3-10-67
Northern Pump Co	6-23-50
ONG Exploration, Inc	10
Okmar Oil Co	5-26-65
Olympic Petroleum Co	9-23-74
WB Osborne Jr	8-29-61
Petroleu, Inc	6-23-50
Phillips Pet. Co	544
Samson Res. & Kaiser C	5-21-62
Samson Resources	12-21-78
Service Drilling Co	10-2-73
Service Drilling Co	2-14-72

Appendix A—Continued

Producer	Rate Schedule No. or contract date
Service Drilling Co	12-10-75
Service Drilling Co	4-28-77
Shell Oil Co	69
Shell Oil Co	282
Sun Oil Co	448
Sun Oil Co	612
Sun Oil Co	199
Tema Oil Co	111
Tenneco Oil Co	181
Tenneco Oil Co	107
Tenneco Oil Co	35
Tideway Oil Programs	10-11-76
Worldwide Energy Corp	12-14-65
Chase Gath System	11-28-77
CSG Explor-Assoc. Co	2
WB Osborne	12-14-77
Sun Oil Co	12-10-75
Amoco Production Co	785
Andover Oil Co	11-21-77
Andover Oil Co	3-1-78
Andover Oil Co	2-15-78
Andover Oil Co	5-25-78
Andover Oil Co	10-9-78
Beren Corp	9-21-78
Chase Gath System	9-12-78
Chase Gath System	10-10-78
Cimarron Pet. Co	9-28-78
Consolidated O&G	7-17-78
Cotton Petroleum Co	8-9-78
Energy Reservices Gray	2
Great Yellowstone Corp	1-5-78
Great Yellowstone Corp	8-11-78
Great Yellowstone Corp	8-11-78
Great Yellowstone Corp	8-11-78
Kennedy & Mitchel Inc	10-5-60
Texaco Inc	8-21-78
Tideway Oil Programs	8-9-78
Union Texas Pet	9-9-78
Verdigris Gath System	3-1-78
Mobil Oil Corp	304
Texaco Inc	14
Champlin Pet. Co	93
Champlin Pet. Co	2
CS Oil Co	232
Continental Oil Co	377
Mobil Oil Corp	262
Tenneco Oil Co	272
Getty Oil Co	252
Kaiser Francis Acct A	2-13-58
Texaco Inc	161
Texaco Inc	509

Appendix B

Producer	Contract date	Rate schedule
W. F. Baily	6-26-67	S77792
W. E. Baily	6-26-67	S77792
W. E. Baily	6-30-67	S77792
W. E. Baily	7-11-67	S77792
W. E. Baily	6-27-67	S77792
W. E. Baily	7-25-67	S77792
W. E. Baily	7-10-67	S77792
Bowers Drilling Co	9-16-65	D 71 81
Bower Drilling Co	9-26-63	S 71 81
Bower Drilling Co	9-26-63	S 71 81
Bower Drilling Co	7-15-65	S 71 81
C. Arnold Brown	5-20-65	S71412
Champlin Petroleum Co	3-21-49	53
Costal States	11-25-60	57
Costal States	11-25-60	57
Continental Oil	2-03-61	184
J. M. Huber Corporation	6-23-50	RS 8
Kaiser Francis Account A	2-13-58	S71179
Kaiser Francis Account A	2-13-58	S71179
Alfred D. McKelvy	11-22-60	S71576
Messman Rinehart	1-14-55	S71160
Mobil Oil Corporation	11-10-58	183
Northern Pump Co	11-01-53	S71 22
Pickrell Drilling Co	12-03-58	1
Tel Oil & Gas Corporation	12-20-74	S72123
Tel Oil & Gas Corporation	12-19-77	S72123
Tenneco Oil Company	11-20-58	182
Robert E. Vinson	9-24-68	1
Yale Oil Association	11-03-66	S71159

Producer	Contract No.	Percentage of total estimated reserves
Tema Oil Company	1-20-75	112

Producer	Contract No.	Percentage of total estimated reserves
Amoco Production Company	777	44.88
Continental Oil Company	834	9.56
Mobil Oil Corporation	678	8.81
Tema Oil Company	706	7.82
Mobile Oil Corporation	675	5.09
Cities Service Company	743	4.04
Getty Oil Company	660	1.88
Cabot Corporation	1217	1.07
Texaco, Inc	1513	.76
Mobil Oil Corporation	1884	.75
Total		84.66

Producer	Contract date	Rate schedule
Aminol USA, Inc	7-23-63	10
Amoco Production Co	9-23-70	555
Arco Oil & Gas Co	6-17-59	426
Bettis, Boyle & Stovall	9-28-67	408
R. P. Brandenburg	1-24-68	S72318
CS Oil Co	8-01-64	344
A. Plock Carr	11-20-53	1
Continental Oil	10-05-60	424
James E. Ely Est	3-03-58	2
Energy Sources, Inc	3-31-70	S72 40
Gulf Oil Corp	8-20-64	280
Gulf Oil Corp	5-31-63	253
Gulf Oil Corp	12-31-62	359
John A. Hairford	3-01-54	6
J. M. Huber Corp	1-10-63	54
Kerr McGee Corp	12-22-62	76
Koch Industries Inc	11-01-57	OSB 14
Lee Drilling	12-08-58	CHAM 76
Don D. Montgomery	3-31-66	S71726
Nomoc Oil Co	6-15-65	2
Pioneer Production Co	6-13-63	46
Reserve Gas & Oil	2-26-60	S66 72
Chas. J. Richard	7-18-66	721142
Superior Oil Co	4-25-61	105
Texaco Inc	7-24-58	KNAT 12
Union Texas Petroleum	9-09-78	CI78-1180
A. L. Abercrombie	12-04-56	S71 71
K. S. Adams, Jr	5-23-56	S66 17
Amerada Hess Corporation	01-29-60	161
Nate Appleman	2-04-57	S71 50
Beren Corporation	2-01-78	S71704
Berg & Buck	5-29-58	S73619
Bonray Oil Company	2-16-62	S71461
Bonray Oil Company	8-31-60	S71461
Ben F. Brack	2-21-58	S 71 73
Ben F. Brack	2-21-58	S 71 73
Clarke Corporation	2-13-56	2
Elba Oil Corporation	10-25-56	1
John O. Farmer, Inc	1-24-56	S74349
Freeport Oil Co	12-04-57	S69 6
Green Pipe & Supply	5-01-56	711090
Gulf Oil Corporation	3-29-60	
Gulf Oil Corporation	3-13-61	218
Gulf Oil Corporation	1-24-56	456
Gulf Oil Corporation	1-25-60	191
Gulf Oil Corporation	3-11-58	137
Gulf Oil Corporation	2-13-56	45
Gulf Oil Corporation	2-13-56	45
Helmerich & Payne	5-23-56	36
Helmerich & Payne	12-04-57	24
W. H. Helmerich	5-01-53	1
William L. Hernstadt	4-11-57	S66 9
J. M. Huber Corporation	10-29-59	91
Lario O & G Company	4-21-59	S71564
Marathon Oil Company	1-24-56	57
Mull Drilling Company	1-06-59	S71 60
Partnership Properties	11-15-61	S73158
R. B. Polk, Jr	3-08-57	S74365
R. B. Polk, Jr	5-01-56	S74365
R. B. Polk, Jr	6-25-56	S74365
R. B. Polk, Jr	6-21-56	S74365
Singer Fleischaker	10-25-57	S71343
Tenneco Oil Company	2-16-62	272
Tenneco Oil Company	2-16-62	272
Vierson & Cochran	3-29-60	S71 55
Walters Drilling	1-10-58	S71 664
Westmore Drilling	11-04-58	S71173
Westmore Drilling	11-04-58	S71173
Westmore Drilling	11-04-58	S71173
Woods Petroleum Corporation	11-25-60	S71647
Worldwide Energy Corporation	3-06-57	S75275
Mobil Oil Corporation	2-27-61	305
Woods Petroleum Corporation	6-19-61	S71647
Leonard J. Achenbach	10-18-66	CS77-844
Alper Resources Inc	10-20-76	S72 22
Alper Resources Inc	4-20-77	S72 22
Alper Resources Inc	9-24-76	S72 22
American Petrofina	12-01-75	31
American Petrofina	6-28-76	53
American Petrofina	10-14-76	54
American Petrofina	3-15-77	56
American Petrofina	4-18-77	57
Amerada Hess Corporation	7-13-64	123
Aminoil USA, Inc	1-15-75	1
Aminoil USA, Inc	1-15-75	1
Amoco Production Company	11-22-71	671
Amoco Production Company	10-14-65	427
Amoco Production Company	6-05-67	657
Amoco Production Company	6-05-67	657
Amoco Production Company	6-25-75	702
An Son Corporation	7-20-62	S69 77
An Son Corporation	2-16-77	S69 77
Anadarko Production Company	7-12-67	133
Anadarko Production Company	3-31-66	121
Anadarko Production Company	3-31-66	121
Anadarko Production Company	5-21-62	176
Andover Oil Company	9-22-58	S73603
Andover Oil Company	9-22-58	S73603
Andover Oil Company	6-06-75	S73603
Andover Oil Company	6-06-75	S73603
Andover Oil Company	6-06-75	S73603
Andover Oil Company	6-06-75	S73603
Andover Oil Company	11-03-77	S71603
Andover Oil Company	11-03-77	S71603
Nate Appleman	6-23-50	S71 50
Nate Appleman	4-04-55	CS 71 50
Nate Appleman	4-04-55	CS 71 50
Arco Oil & Gas Company	8-11-59	465
Arco Oil & Gas Company	12-07-62	267
Arco Oil & Gas Company	5-20-64	539
Arco Oil & Gas Company	5-20-64	539
Arco Oil & Gas Company	4-14-66	568
Arco Oil & Gas Company	4-18-75	127
Arco Oil & Gas Company	4-18-75	127
Arco Oil & Gas Company	1-28-76	704
Arco Oil & Gas Company	12-16-76	163
Arco Oil & Gas Company	5-10-77	169
Aylward Drilling Company	8-07-78	S74 91
Aylward Drilling Company	11-22-77	S74 91
Aylward Drilling Company	11-22-76	S74 91
Aylward Drilling Company	5-17-62	S74 91
Aylward Drilling Company	5-17-62	S74 91
Aylward Drilling Company	5-17-62	S74 91
Thomas D. Bailey	12-26-62	S73550
H. E. Bangert	3-10-75	S74135
Barnett Oil, Inc	11-23-76	S71210
Barnett Oil, Inc	6-24-77	S71210
Basin Petroleum Corporation	2-13-75	711119
Beard Oil Company	2-14-77	S72292
Beard Oil Company	8-29-77	S72292
Benson Mineral Group	2-11-78	S74402
Beren Corporation	5-06-65	CS71-704
Beren Corporation	5-06-65	CS71 704
Beren Corporation	8-28-76	S71704
Beren Corporation	12-07-76	S71704
Beren Corporation	12-07-76	S71704
T. N. Berry Company	8-01-64	711083
T. N. Berry Company	2-01-77	711083
Bialk Oil Company	5-28-71	711115
Bialk Oil Company	3-01-61	711115
Bowers Drilling Company	9-18-62	S 71 81
Bowers Drilling Company	9-26-63	S 71 81
Bowers Drilling Company	12-06-68	S 71 81
Bowers Drilling Company	12-06-68	S 71 81
Bowers Drilling Company	9-16-65	S 71 81
Ben F. Brack	9-16-56	S 71 73
Ben F. Brack	9-06-51	S 71 73
Braden-Deem Inc	3-08-67	720 151
Austin Brady	6-23-50	S71167
Austin Brady	12-26-56	S71167
Austin Brady	11-01-54	S71167
R. P. Brandenburg	12-15-76	S72318
C. F. Braum & Company	9-25-62	711006
William Broadhurst	1-17-53	S76 45
E. L. Brooks	2-07-77	S73632
Brooks Hall Oil Corporation	8-25-67	S72973
Rick Buck	5-26-77	S77654
Burk Gas Corporation	7-06-62	S 71 7
Burnett Corporation	11-26-48	S71 86
C&C Energy	10-03-77	S7855
CK Oil Company	10-29-71	740357
CS Company	6-16-49	257
CS Company	6-16-49	257
CS Company	9-23-56	86
CS Company	7-13-53	42 et al.
CS Company	7-13-53	42 et al.
CS Company	7-13-53	42 et al.
CS Company	7-16-62	161
CS Company	7-16-62	161
CS Company	2-06-76	200
CS Company	12-01-60	258
CS Company	3-27-61	149
CSG Explor-Assoc. Company	3-15-73	1
Cabot Corporation	8-11-59	42
Cabot Corporation	8-11-59	42
Cabot Corporation	8-11-59	42
Cabot Corporation	1—11-79	
Camio Oil Corporation	8-05-76	76-1059
Champlin Petroleum Company	11-04-58	76
Champlin Petroleum Company	11-04-58	76
Champlin Petroleum Company	2-20-75	93
Champlin Petroleum Company	10-19-74	28
Champlin Petroleum Company	3-21-49	53
Chief Drilling Company	12-02-65	3
Clarke Corporation	10-22-75	S76920
Clarke Corporation	2-06-77	S76920
Colorado Gas Compr. Inc	6-07-77	S77419
Continental Oil Company	10-29-57	384
Continental Oil Company	4-02-76	429
Copeland Energy Corporation	4-04-77	S76 59
Corpening Enterprises	12-02-77	S72978
Edwin L. Cox	6-11-54	CS77-189
Crain & Deisenroth	4-01-77	S72122
John L. Crawford	10-21-66	S71 6
Cummings Oil Company	1-18-77	S 71886
Damson Oil Corporation	9-14-61	
Damson Oil Corporation	9-14-61	
Damson Oil Corporation	11-16-62	CS71-968
Daube Exploration Company	2-02-77	S 76 75
G. S. Davidson	9-27-54	S 71 22
Travis H. Davis	2-06-64	721053
Davon Drilling Company	8-03-77	S71206
Patricia R. Dixon	10-14-60	S75456
Walter Duncan	2-23-73	S 68 15
Dunne Equities	7-27-77	S 77 695
Bill J. Dutton	5-15-77	
Dyco Petroleum Co	6-02-75	S73128
Dyco Petroleum Co	6-02-75	S73128
Earlsboro O&G	5-14-62	S 72 21
B. K. Edmiston	11-04-64	S7385
B. K. Edmiston	7-14-65	S7385
B. K. Edmiston	10-29-65	S7385
B. K. Edmiston	1-24-77	S7385
Edmiston Oil Company	8-07-75	S7385
Elk County Gas Gath	11-29-76	S
Energy Reserves Group	5-01-63	4
Energy Reserves Group	3-07-60	6
Energy Reserves Group	10-08-62	1
Energy Reserves Group	10-08-62	1
Enserch Exploration, Inc	4-06-66	86
Ensearch Exploration	3-2-76	123
Exxon Corporation	1-08-65	370
Exxon Corporation	1-08-65	370
Exxon Corporation	6-13-66	398
Exxon Corporation	4-29-76	192
John O. Farmer, Inc	3-08-76	S74349
Fluor Oil & Gas Corporation	11-23-51	S73568
Fluor Oil & Gas Corporation	4-23-52	S73568
Flynn Energy Corporation	6-02-77	S73382
Flynn Energy Corporation	6-02-77	S73382
Foster Petroleum Corporation	9-08-52	S 71 74
Four States Petroleum, Inc	6-01-76	S76444
Frontier Pipeline, Inc	4-02-76	S76772
Frontier Pipeline, Inc	4-02-76	S76772
Frontier PL Inc	5-02-77	S76772
GMC et al	10-18-63	S71466
GMC et al	10-18-63	S71466
GMC Oil Company	8-20-77	S71466
Gas Producing Ent. Inc	4-23-63	53
Gas Producing Ent. Inc	3-25-65	26
Gasonadarko Ltd	4-02-75	S75500
Gasonadarko Ltd	4-02-75	S75500
Getty Oil Company	5-02-56	356
Getty Oil Company	5-02-56	356
Getty Oil Company	10-05-60	318
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W. D. Greenshields et al	3-31-75	S72553
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Gulf Oil Corporation	8-16-61	226
Gulf Oil Corporation	8-16-61	226
Gulf Oil Corporation	8-16-61	226
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Gulf Energy & Mineral Company	9-24-76	506
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Gulf Energy & Mineral Company	9-24-76	508
Gulf Oil Corporation	9-24-76	
Gulf Oil Corporation	9-24-76	
Gulf Oil Corporation	6-02-77	553
Gulf Oil Corporation	6-02-77	553
Gulf Oil Corporation	6-02-77	553
Gulf Oil Corporation	9-15-65	302
Gulf Oil Corporation	9-15-65	302
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Hall Jones Oil Corporation	9-25-62	S72973
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Hamon & Chapell	2-23-76	S66107
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W. G. Haun	12-07-76	S76274
W. G. Haun	4-14-77	S76274
E. W. Hawes	10-07-77	S77820
E. W. Hawes	10-07-77	S77820
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Mobil Oil Corporation	1-31-77	100
Mobil Oil Corporation	1-31-77	100
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W. B. Osborne, Jr	11-01-57	S71126
W. B. Osborne, Jr	10-11-56	S71126
W. B. Osborne, Jr	8-29-61	S71126
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Phillips Petroleum Company	3-07-60	365
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Range Oil Company	8-11-75	S76 37
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Don C. Rider	10-15-76	S72306
Louise & Pat Riley	12-01-61	S73550
Louise B. Riley	10-18-63	S73550
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Service Drilling Company	12-10-75	S71144
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Shell Oil Company	11-18-49	69
Shell Oil Company	11-18-49	69
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Donald C. Slawson	8-10-70	S72771
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Sun Oil Company	7-08-74	612
Sun Oil Company	7-08-74	612
Sun Oil Company	7-08-74	612
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Tenneco Oil Company	9-01-77	107
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Tenneco Oil Company	11-14-57	35
Tenneco Oil Company	5-27-61	188
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Tenneco Oil Company	8-01-77	33
Tenneco Oil Company	8-01-77	106
Tenneco Oil Company	8-01-77	106
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Texaco, Inc	9-01-60	255
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Texaco, Inc	6-23-77	RS 163
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Tideways Oil Programs	10-11-76	S75410
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Warren Petroleum	7-13-53	42
Warren Petroleum	7-13-53	42
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Robert F. White	3-09-71	S71163
Robert F. White	3-09-71	S71163
Robert F. White	6-22-62	S71163
Robert F. White	6-22-62	S71163
Robert F. White	3-01-71	S71163
Williams and Soronko	6-29-76	CS76-922
Wil. MC Oil Corporation	8-30-74	S71291
Wil. MC Oil Corporation	10-15-74	S71291
Wil. MC Oil Corporation	9-13-76	S71291
Wil. MC Oil Corporation	12-09-74	CS71-291
Wilson Drilling Company	5-12-77	S77653
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Amoco Production Company	1-14-71	84
Amoco Production Company	1-14-71	84
Amoco Production Company	1-14-71	84
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Amoco Production Company	6-23-50	84
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Amoco Production Company	8-01-77	751
Amoco Production Company	8-01-77	751
Amoco Production	4-26-53	338
Amoco Production	4-26-53	338
Amoco Production	3-01-54	410
Amoco Production	6-06-55	615
Amoco Production	12-28-55	718
Amoco Production	12-28-55	718
Amoco Production	1-23-62	428
Amoco Production	9-23-53	578
Amoco Production	11-01-53	701
Amoco Production	11-10-58	383
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Arco Oil & Gas Company	5-26-66	614
Arco Oil & Gas Company	5-26-66	614
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Carr Exploration, Inc	7-16-74	S75 21
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Champlin Petroleum Company	11-04-58	135
Champlin Petroleum Company	11-04-58	135
Champlin Petroleum Company	2-20-75	93
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Continental Oil Company	4-30-53	301
Continental Oil Company	4-30-53	301
Continental Oil Company	4-30-53	301
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Doric Petroleum, Inc	5-12-72	S71696
Doric Petroleum, Inc	4-24-74	S71696
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Francis Oil & Gas	11-06-63	S71169
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Getty Oil Company	11-10-58	297
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Gulf Oil Corporation	12-06-65	307
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Mobil Oil Company	8-31-72	262
Mobil Oil Company	8-31-72	262
Mobil Oil Company	8-31-72	262
Mobil Oil Company	8-31-72	262
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Shell Oil Company	9-21-62	282
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Shell Oil Company	9-21-62	282
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Shell Oil Company	8-07-61	256
Shell Oil Company	8-07-61	256
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Tema Oil Company	3-12-48	111
Tema Oil Company	3-12-48	111
Tema Oil Company	3-12-48	111
Tema Oil Company	3-12-48	111
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Texas Oil & Gas	10-01-65	46
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Getty Oil Co	8-28-45	252
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Anderson Petroleum	8-21-58	S71121
Thomas E. Berry	8-13-71	S72461
M. W. Branum	5-07-71	S6738
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W. H. Hightower	5-07-71	S72693
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Mackellar Oil Co	8-04-67	S72198
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Monsanto Company	6-07-71	101
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Monsanto Company	6-11-73	107
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Partnership Prop. Inc	8-04-67	S73158
Partnership Prop. Inc	8-04-67	S73158
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Partnership Prop. Inc	9-19-69	S73158
Partnership Prop. Inc	9-19-69	S73158
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Partnership Prop. Inc	3-10-60	S73158
Partnership Prop. Inc	3-10-60	S73158
Partnership Prop. Inc	3-10-71	S73158
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CS Oil Co	1870	11-18-49	232
CS Oil Co	2529	11-18-49	232
CS Oil Co	2006	11-18-49	232
CS Oil Co	2151	11-18-49	232
CS Oil Co	1870	11-18-49	232
CS Oil Co	0743	11-18-49	232
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Carl E. Gungoll	1378	3-26-62	S72 31
Kern McGee Corp	1625	8-01-66	90
Mobil Oil Corp	2007	2-28-46	283
Mobil Oil Corp	0675	2-28-46	283
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Texas Inc	1962	2-26-57	161
Texas Inc	1076	2-26-57	161
Texas Inc	2170	2-26-57	161
Texas Inc	2170	2-26-57	161
Texas Inc	1973	6-26-74	509
Texas Inc	2535	6-26-74	509
Wilmar Oil Inc	1718	2-12-69	S71399

Producer	Contract date	Rate schedule
CSG Exploration-Assoc. Co	11-7-77	2
CSG Exploration-Assoc. Co	11-7-77	2
Chase Gath System	11-28-77	S78175
Chase Gath System	11-28-77	S78175
Colorado Gas Company Inc	12-08-77	S77419
Fuel Products Inc	2-23-78	
Gas Service Energy	11-28-77	S76624
W. B. Osborne	12-14-77	S71126
W. B. Osborne	12-14-77	S71126
E. W. Roberts	12-5-77	S78461
Sun Oil Co	12-10-75	
Sun Oil Co	12-10-75	
Sun Oil Co	12-10-75	
Sun Oil Co	12-10-75	
Phillips Petroleum Co	4-14-78	66
American Public Energy Co	2-02-79	
Amerada Hess Corp	4-06-78	107
Amoco Production Co	7-18-78	785
Andover Oil Co	10-09-78	S73603
Andover Oil Co	10-09-78	S73603
Andover Oil Co	5-25-78	S73603
Andover Oil Co	5-25-78	S73603
Andover Oil Co	2-15-78	S73603
Andover Oil Co	2-15-78	S73603
Andover Oil Co	3-01-78	S73603
Andover Oil Co	3-01-78	S73603
Andover Oil Co	11-21-77	S73603
Andover Oil Co	11-21-77	S73603
Arco Oil & Gas Co	10-04-62	470
Arco Oil & Gas Co	10-04-62	470
Beren Corporation	9-21-78	S71704
Beren Corporation	9-21-78	S71704
Best & Sherman Oil Co	8-31-78	78-732
Bluebell Oil & Gas Inc	3-13-78	S76325
GMC Energies Co., Inc	6-22-78	S78534
Chase Gath System	10-10-78	S78175
Chase Gath System	10-10-78	S78175
Chase Gath System	9-12-78	78-175
Chase Gath System	9-12-78	78-175
Cimarron Petroleum Co	9-28-78	
Cimarron Petroleum Co	9-28-78	
Colorado Gas Company Inc	9-28-78	S77419
Colorado Gas Company Inc	5-04-78	S77419
Consolidated Oil & Gas	7-17-78	S72694
Consolidated Oil & Gas	7-17-78	S72894

Producer	Contract date	Rate schedule
Corpening Enterprises	9-23-77	S72978
Cotton Petroleum Co	8-09-78	
Cotton Petroleum Co	8-09-78	
Craig Morris Oil co	8-28-78	
El Grande PL. Corp	8-10-78	S71291
El Grande PL. Corp	3-01-78	S71291
Energy Reserves Group	3-01-78	2
Energy Reserves Group	3-01-78	2
Flynn Energy Corp	3-09-78	S73382
Gill Mac Inc	2-08-78	S77 38
Gill Mac Inc	2-08-78	S77 38
Great Yellowstone Co	8-11-78	78-727
Great Yellowstone Co	8-11-78	78-727
Great Yellowstone Co	8-11-78	78-727
Great Yellowstone Co	8-11-78	78-727
Great Yellowstone Co	8-11-78	78-727
Great Yellowstone Co	8-11-78	78-727
Great Yellowstone Co	1-05-78	78-727
Great Yellowstone Co	1-05-78	78-727
Herndon Drilling Co	8-16-78	S78760
Herndon Drilling Co	8-16-78	S78760
Herndon Drilling Co	8-16-78	S78760
George R. Jones	12-29-77	S78155
Kennedy & Mitchell Inc	10-05-60	S76199
Kennedy & Mitchell Inc	10-05-60	S76199
W. E. Kirkpatrick	2-22-78	S78297
M&A Petroleum co	6-19-78	S78488
MP&R Production Co	4-27-78	S78406
Mackellar Inc	2-15-78	S72198
Mackellar Inc	2-28-78	73-603
Mackellar Inc	5-09-78	73-603
M. C. McClure	3-23-78	S78298
Al McCord	11-22-77	S74158
Al McCord	8-09-78	S74158
Mel-Ray Oil Co	12-28-77	S78223
Mel-Ray Oil Co	5-12-78	78-223
Mel-Ray Oil Co	7-24-78	S78223
Mull Drilling Co	8-22-78	S71 60
NFC Petroleum Corp	4-17-78	CS78-399
Natural Gas Production Inc	8-01-78	78-614
Petroleum Energy Inc	2-08-78	S77363
R&M Pipeline Inc	11-28-79	
Range Oil Co	12-15-77	S76 37
Samedan Oil Corp	6-11-79	
Dr. John J. Shea	9-27-78	79-80
Tani Farms	6-23-78	CS78-671
Texaco Inc	8-21-78	
Texaco Inc	8-21-78	
Thetis Energy Corp	9-05-78	S78426
Tideway Oil Programs	8-09-78	S75410
Tideway Oil Programs	8-09-78	S75410
Tenneco Oil Company	10-21-66	211
Tower Oil & Gas Co	5-01-78	S78433
Walker Withrow Inc	1-05-78	S78215
Walter D. Wells Jr	6-02-78	
Walter D. Wells Jr	5-22-78	
Walter D. Wells Jr	5-22-78	
Wessely Expl., Inc	4-28-78	S78403
Wilson Drilling Co	5-03-78	S77653
Wilda Wolfe	6-23-50	1
Verdigus Gath Systems	3-01-78	S78333
Verdigus Gath Systems	3-01-78	S78333
Cummings Oil Co	10-21-66	S71886
Cummings Oil Co	10-21-66	S71886
Tenneco Oil Co	10-21-66	211
Amoco Production Co	8-27-69	666
Continental Oil	9-29-71	377
Continental Oil	9-29-71	377
Continental Oil	9-29-71	377
Continental Oil	3-28-73	402
Continental Oil	6-28-72	383
Continental Oil	12-29-70	365
Continental Oil	5-09-75	419
Eason Oil Co	8-10-70	S71631
Eason Oil Co	6-28-74	S71631
Mitchell Oil Co	1-29-71	S71199
Tenneco Oil Co	10-23-70	266
Charles R. Walbert	8-27-69	S72197
Woods Petroleum Corp	8-10-70	S71647
Woods Petroleum Corp	8-10-70	S71647
Woods Petroleum Corp	8-10-70	S71647
Texaco Inc	6-29-64	100
BTA Oil Producers	11-20-78	
BTA Oil Producers	11-20-78	
Benson Mineral Group	8-16-78	S74402
Benson Mineral Group	8-04-78	S74402
Corley Ginther Oil	10-27-78	S79 67
Damson Oil Corp	1-03-79	
Davine Gas Co	10-31-78	
Grace Petroleum Co	3-16-79	S71825
H & R Oil and Gas Co	12-15-76	S79 74
George R. Jones	10-30-78	S78155
Mull Drilling Co	6-12-79	
Paxco, Inc	10-17-78	S78504
Paxco, Inc	10-17-78	S78504
Smith Oil Co. & MOR		
Energy Inc	10-24-78	
Samedan	11-15-78	
Donald C. Slawson	11-15-78	S72771
Tenneco Oil Co	1-15-79	
Texas Pacific Oil Co	11-15-78	
Texas Pacific Oil Co	11-15-78	
Amoco Production Co	1-15-79	796
Amoco Production Co	3-23-78	744
Amoco Production Co	4-14-78	777
Jerry Chamber	12-28-78	
Diamond Shamrock Corp	10-12-78	91
Diamond Shamrock Corp	8-10-78	89
Wamsutter Ltd Part	3-30-78	776
Wamsutter Ltd Part	1-6-78	762
Wamsutter Ltd Part	5-5-78	783
Wamsutter Ltd Part	9-21-78	798
Wamsutter Ltd Part	9-28-78	
Juniper Petro Corp	12-28-78	

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[Docket No. GP80-24]

Transcontinental Gas Pipe Line Corp.; Third-Party Protests [1]

December 7, 1979

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B [2], and "Order on Rehearing of Order No. 23-B," [3] The staff of the Commission protested on October 15, 1979, the assertion by the Transcontinental Gas Pipe Line Corporation (Transcontinental) and certain producers that the contracts identified in its protest constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the contracts contained in Appendix A of this notice does not constitute authority for the producer to increase prices to the extent claimed by Transcontinental in its evidentiary submission.

Take further notice that the Associated Gas Distributors (AGD) also filed a third-party protest on October 15, 1979. AGD protests that the contracts in Appendix B do not constitute contractual authority for the producer to increase prices to the applicable NGPA maximum lawful price. AGD's position has been adopted and incorporated in protests filed by the Arizona Corporation Commission, the Florida Cities, the Gas Consumers Group, the Kansas State Corporation Commission, Congressman Andrew Maguire, the Cities of Mangum, Oklahoma and Winfield, Kansas, the Memphis Light, Gas and Water Division, the Public Service Commission of the State of New York, the South Dakota Public Service Commission and the Minnesota Public Service Commission.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before December 21, 1979, a petition to intervene in accordance with 18 C.F.R. 1.8. The seller, need not file for intervention because under 18 C.F.R. § 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

[1] The term "third party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

[2] "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

[3] Docket No. RM79-22, issued August 8, 1979.

Appendix A

Producer	Rate Schedule No. or contract date
Amoco Production Co., et al	2
Continental Oil Co	77
Getty Oil Co., et al	16
Aminoil Development Co., et al	3
Atlantic Richfield Co., et al	147
Bradco Oil & Gas Co., et al	8-11-77
C&K Petroleu, Inc.	3-26-74
Cities Service Co	443
Cities Service Co	449
Cities Service Co	450
Energy Reserves Group Inc. et al	81
Exxon Corp	170
Florida Gas Expl. Co. et al	12
General American Oil Co	40
General American Oil Co	106
Getty Oil Co	219
Getty Oil Co	412
Gulf Oil Corp. et al	178
La. Land & Expl. Co., et al	23
Ocean Production Co., et al	12
Park Pipe Line	5
Southland Royalty Co	74
Sun Oil Co	371
Sun Gas Co	597
Transco Exploration Co	24
Peet Oil Corp	7-8-66
Quintana Oil & Gas Corp	1
Quintana Oil & Gas Corp	1
Sun Gas Co	611
Transco Exploration Co	8
Transco Exploration Co	20
Transco Exploration Co	29
Transco Exploration Co	35
Transco Exploration Co	39
Transco Exploration Co	4-11-77
Transco Exploration Co., et al	12
Transco Exploration Co., et al	14
Transco Exploration Co., et al	18
Transco Exploration Co., et al	19
Transco Exploration Co., et al	22
Transco Exploration Co., et al	26
Transco Exploration Co., et al	30
Transco Exploration Co., et al	38
Zinn Petroleum Co	3-22-72
Gulf Oil Corp	410
Sun Oil Co	485
Union Oil Co. of California	165
Union Oil Co. of California	232
ACF Petroleum Co., et al	9-5-78
ACF Petroleum Co., et al	11-10-77
Amerada Hess Corp.	63
Amoco Production Co	205
Amoco Production Co	242
Amoco Production Co	483
Amoco Production Co	526
Bethleham Steel Corp., et al	2
Bethleham Steel Corp., et al	4
Drillamexz Inc., et al	8-20-77
Energy Reserves Group, Inc.	118
Exchange Oil & Gas Corp., et al	31
Filmont Oil Corp., et al	11

Appendix A—Continued

Producer	Rate Schedule No. or contract date
Gas Producting Enterprises	59
Getty Oil Corp., et al	15
Gulf Oil Corp	104
Gulf Oil Corp	220
Hurst, C. A	11-1-68
Kerr-McGee Corp	69
Kerr-McGee Corp	103
Ladd Petroleum Corp	83
McMoran Exploration Co	7-31-77
McMoran Exploration Co	3-1-78
McMoran Exploration Co	6-30-78
Mesa Petroleum Co	9-19-78
Mobil Oil Corp	268
Mobil Oil Corp	547
Mobil Oil Expl. & Prod.	546
Ocean Production Co. et al	5
Pachuta Corp., et al	6-29-78
Pachuta Corp., et al	7-17-78
Pachuta Corp., et al	2-28-78
Pachuta Corp., et al	12-22-77
Placid Oil Co., et al	61
Placid Oil Co., et al	64
Southern National-JTVent	1
Southern National-JTVent	2
Suburban Propane Gas Corp	12-19-56
Superior Oil Co	199
Sutton Production Corp	10-14-77
Texas Oil & Gas Corp	9-21-78
La. Land & Expl. Co	5
Amoco Production Co	437
Getty Oil Co	192
Ocean Production Co. et al	12-15-69
Sun Oil Co	6
McCormich 1975 Oil & Gas, et al	6-25-75
Texaco Inc	412
Texaco Inc	555
Texaco Inc	559
Texaco Inc	563

Appendix B.—*Transcontinental Gas Pipe Line Corp.*

Seller	Control No.	Rate schedule No.	Contract date
Sakco	11100	SPC	12-19-56
Wayne E. Glenn	11100	SPC	12-19-56
Suburban Propane	11100	SPC	12-19-56
Suburban Propane	11100	SPC	12-19-56
Newmont Oil	21520	SPC	09-23-76
Mobil Oil Expl. & Prod. SE	21563	546	08-25-77
Mobil Oil	21564	547	08-25-77
Mobil Oil	21564	547	08-25-77
Mobil Oil Expl. & Prod. SE	20119	292	10-07-57
Mosbacher	11131	SPC	03-11-63
Superwell Dev	11187	SPC	02-13-59
Energy Reserves	11188	119	02-10-59
Robert Mosbacher	20268C	SPC	08-11-65
Newmont Oil	20300B	SPC	08-23-67
Newmont Oil	20300B	SPC	08-23-67
Roy M. Huffington Inc	20303B	SPC	09-05-67
Roy M. Huffington Inc	20303B	SPC	09-05-67
Mobil	11103	435	02-08-57
Mobil Oil Corp	20032	16	09-12-47
Mobil Oil Corp	20119B	292	10-07-57
Aminoil Development	21117	SPC	09-18-57
Fluor Oil & Gas Co	21117	SPC	09-08-57
C & K Petroleum, Inc	21117	SPC	09-08-57
Mobil Oil Corp	21117	176	09-18-57
Ocean Production Company	21117	6	09-18-57
Sun Oil Co	21117	539	09-18-57
Mobil Oil Corp	21117	176	09-18-57
Ocean Oil & Gas Co	21117		09-18-57
Ocean Production Company	21117	6	09-18-57
Pelto Oil Co	21117	SPC	09-18-57
Sun Gas Co	21117	539	09-18-57
Mobil Oil	21282	374	01-26-65
Mobil Oil	21339	457	03-31-69
Mobil Oil	21339	457	03-31-69
Mobil Oil	21504	520	07-29-76
Mobil Oil	21504	520	07-29-76
Energy Reserves	11164	118	08-07-58
Energy Reserves	11164	118	08-07-58
Energy Reserves	11233	116	07-28-69
ARCO	12470	R241	11-07-74
Bisiker, Ruth Phillips	12470	RSPC	11-07-74
Blair Petroleum	12470	RSPC	11-07-74
Brown, E.M	12470	RSPC	11-07-74

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Castle, Inc	12470	RSPC	11-07-74
Continental Oil Co	12470	R 76	11-07-74
E.M. Brown Estate	12470	RSPC	11-07-74
E.M. Brown-H.L. Jr	12470	RSPC	11-07-74
E.M. Brown-Wheeler	12470	RSPC	11-07-74
Getty Oil Company	12470	R 15	11-07-74
Grampain Co. LTD	12470	RSPC	11-07-74
Kelly, Susanna Phillips	12470	RSPC	11-07-74
Marathon Oil Co	12470	R 12	11-07-74
Mobil (Honeycutt)	12470	R318	11-07-74
Mobil Oil Corp	12470	R318	11-07-74
Mobil-Eaton	12470	R318	11-07-74
Monsanto Company	12470	R66	11-07-74
Phillips, H.H., Jr	12470	RSPC	11-07-74
Reserve (C.A. Blumberg)	12470	RSPC	11-07-74
Reserve Oil & Gas et al	12470	RSPC	11-07-74
Reserve-Barnick	12470	RSPC	11-07-74
Reserve-Lunes	12470	RSPC	11-07-74
Sheerin, Irene	12470	RSPC	11-07-74
Small & Arney	12470	RSPC	11-07-74
Sun Oil-DX	12470	R273	11-07-74
Weinert-Bauchman	12470	RSPC	11-07-74
Weinert-J.H. Blumberg	12470	RSPC	11-07-74
Weinert, H.B. (E. Blumberg)	12470	RSPC	11-07-74
Getty Oil Corp	12470	15	11-07-74
Marathon Oil Co	12470	12	11-07-74
Mobil Oil Corp	12470	R318	11-07-74
Amoco Production	20121	205	08-06-57
Amoco Production	20121	205	08-06-57
Amoco Production	20121	205	08-06-57
Amoco Production	20122	204	05-23-63
Amoco Production	20124	206	08-15-57
Faulconer, Veron E	20153A	SPC	01-07-58
Amoco Production	20170	242	10-21-58
Amoco Production	20170	242	10-21-58
Amoco Production	20189	354	03-02-59
Shell	11163	189	12-18-58
Diamond Shamrock	11192	27	03-12-59
Am Petrofina	11192	27	03-12-59
PW Pitzer Jr	11192	27	03-12-59
Kenoil	11225	SPC	02-01-60
Kenoil	11229	SPC	06-07-74
H.R. Perot	11477	SPC	06-13-75
H.R. Perot	11483	SPC	11-04-77
Zinn Petroleum	12409	SPC	03-22-72
Petrus Oil Co	12409	SPC	03-22-72
Wayne D. Dirks	12409		03-22-72
Zinn Petroleum Co	12409	SPC	03-22-76
Transco Exploration	12487	3	09-24-75
Bill Forney, Inc	13498	SPC	04-12-76
Energy Development	14441	SPC	02-22-74
Bel Oil Corp	20005	SPC	05-27-54
Gen. American Oil	20090B	77	08-29-56
B M Rankin Jr	20193B	SPC	03-23-59
McWilliams, WK	20193A	SPC	03-23-59
Union Texas Petroleum	20193B	119	03-23-59
Exchange Oil & Gas Corp	20193B	31	03-23-59
O Biller	20193B		03-23-59
Petro-Funds Inc	20193B		03-23-59
Sunny South Oil & Gas Inc	20193B		03-23-59
The South Coast Corp	20193B	SPC	03-23-59
Exchange Oil & Gas Corp	20193B	31	03-23-59
Union Texas Petroleum	20193B	119	03-23-59
Ernst B. Kemm	20234		08-31-61
Phoenix Dev Fund #1	20234		08-31-61
Phoenix Dev Fund #2	20234		08-31-61
Roland Mongrue	20234		08-31-61
North Central Oil	20254	SPC	09-01-61
Sameden Oil Corp	20262	SPC	09-01-61
Sohio Natural Resources	20262	60	09-01-61
Wolfe Oil & Gas Co	20262	SPC	09-01-61
Bel Oil Corp	20274	SPC	02-05-63
McCormick 1972 Oil & Gas	20303C	SPC	09-05-67
Great Southern Oil & Gas	20318	SPC	10-13-69
Charles Goss	20318		10-13-69
Douglas D. Drysdale	20318		10-13-69
Douglas Whitaker	20318	SPC	10-13-69
John E. Rhea	20318		10-13-69
Ruth Whitaker Estate	20318		10-13-69
McCormick 1972 Oil & Gas	20322B		05-27-68
Franks Petroleum	20368A	SPC	05-14-70
Exchange Oil & Gas	20393	19	08-02-71
Gulf Oil	20395	427	07-29-71
Gulf Oil	20395	104	07-29-71
ARCO	20399	648	09-01-71
Devon Corp	20405	SPC	02-01-72
Eason (Acct. of Amerada)	20405	SPC	03-01-72
Eason (for Acct. Texaco)	20405	SPC	02-01-72
Eason Oil Company	20405	SCP	02-01-72
Texaco, Inc	20437	494	01-15-72

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Great Southern Oil & Gas	20450	SPC	07-01-74
Hanover Planning	20454	SPC	07-12-74
Auster Oil & Gas	20456	SPC	08-08-74
J P Owens Co	20456	SPC	08-08-74
Windfohr Oil	20457	SPC	08-05-74
K & M Management	20457		08-05-74
Wm. W. Lomerson	20457		08-05-74
Shenandoah Oil	20458	SPC	08-15-74
Mid-American Oil	20458	SPC	08-15-74
Moore McCormick Oil & Gas	20458	SPC	08-15-74
Devon Corp	20459	SPC	08-20-74
Eason Oil Co	20459	SPC	08-20-74
Evmar Oil Corp	20459	SPC	08-20-74
P & O Oil Corp	20459	SPC	08-20-74
Nat'l Exploration	20474	SPC	04-01-75
Transco Exploration	20488	6	07-02-75
Windfohr Oil	20519	SPC	09-23-76
K&M Management Co	20519		09-23-76
William W Lomerson	20519		09-23-76
McMoran Exploration	20525	SPC	11-08-76
Dow Chemical	20525	SPC	11-08-76
Amoco Production	20526	744	11-08-76
Quien Sabe Corp	20539	SPC	12-09-76
Samedan Oil	20539	SPC	12-09-76
Newmont Oil	20541	SPC	11-22-76
Mar-Low Corp	20541	SPC	11-22-76
Martin Yates III	20541	SPC	11-22-76
Valor Land & Exp Co	20541		11-22-76
Yates Drilling Company	20541	SPC	11-22-76
IMC Exploration	20556	SPC	11-22-76
C&K Offshore	21141B	SPC	12-23-57
Bethlehem Steel Corp	21141B	2	12-23-57
Can Del Oil U.S. Inc	21141B	SPC	12-23-57
Four M Properties Inc	21141B	SPC	12-23-57
Ocean Production Company	21141B		12-23-57
Odeco Drilling Inc	21141B		12-23-57
St. Joe Minerals Corp	21141B		12-23-57
Transco Expl. Co	21141B	4	12-23-57
Transco Expl. Co	21141B	5	12-23-57
Phillips Petroleum Company	21141B	SPC	12-23-57
Bethlehem Steel Corp	21141B	2	12-23-57
C&K Offshore Co	21141B	SPC	12-23-57
Transco Expl. Co	21141B	4	12-23-57
Transco Expl. Co	21141B	5	12-23-57
Union Oil-Calif	21151	119	08-15-61
Sun Oil	21160	101	08-15-61
Union Oil-Calif	21161	26	08-09-60
Union Oil-Calif	21240	52	07-21-60
Exchange Oil & Gas	21243	26	10-09-63
Clinton Oil Co	21243		10-09-63
Consolidated Gas Sup. Co	21243		10-09-63
Ocean Drilling & Expl. Co	21243	4	10-09-63
Oil & Gas Futures, Inc	21243	SPC	10-09-63
The South Coast Corp	21243	SPC	10-09-63
W.O. Heinze	21243	SPC	10-09-63
Mobil Oil	21257	268	04-17-61
Mobil Oil	21257	268	04-17-61
Exxon Corp	21260	304	06-19-61
Union Oil-Calif	21272B	63	01-16-62
Gulf Oil	21286	369	07-07-65
Union Oil-Calif	21307	184	11-09-67
Union Oil-Calif	21314	185	01-25-68
Exchange Oil & Gas	21320	10	03-28-68
Clinton Oil Co	21320		03-28-68
Consolidated Gas Co	21320		03-28-68
Ocean Production Co	21320		03-28-68
Oil & Gas Futures, Inc	21320		03-28-68
South Coast Corp	21320	SPC	03-28-68
C&K Petroleum	21434	SPC	01-15-73
Bethlehem Steel Corp	21434	1	01-15-73
Dorchester Explor	21434	7	01-15-73
Florida Gas Explor. Inc	21434	9	01-15-73
Furth Oil Co	21434	SPC	01-15-73
H.C. Price Co	21434	SPC	01-15-73
Mitchell & Mitchell Prop	21434	5	01-15-73
Shepherd Off Ventures	21434	SPC	01-15-73
Zapata Corp	21434	1	01-15-73
Forest Oil	21439	59	05-29-73
Crystal Oil	21440	SPC	09-20-73
Dixilyn Corp	21440	SPC	09-20-73
Hurst, C.A	30330	SPC	11-01-68
Hurst, C.A	30330	SPC	11-01-68
Pachuta Corp	30499	SPC	07-22-76
Placid Oil	30500	56	04-22-76
Placid Oil	30506	57	08-04-76
Pachuta Corp	30507	SPC	06-13-76
Florida Gas Exploration	30508	15	09-13-76
ACF Petroleum Co., Inc	30508	SPC	09-13-76
Drillamex, Inc	30508	SPC	09-13-76
Ocelot Oil Company	30509	SPC	09-13-76

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Pachuta Corp	30512	SPC	09-11-76
Florida Gas Exploration	30518	16	09-23-76
Drillamex, Inc	30518	SPC	09-23-76
Ocelot Oil Company	30518	SPC	09-23-76
Florida Gas Expl	30529		11-12-76
Placid Oil	30529	58	11-12-76
Pachuta Corp	30537	SPC	01-18-77
Placid Oil	30543	61	02-08-77
Placid Oil	30543	61	02-08-77
Pachuta Corp	30581	SPC	07-25-77
Florida Gas Expl	30572	28	08-20-77
ACF Petroleum Co., Inc	30572	SPC	08-20-77
Drillamex, Inc	30572	SPC	08-20-77
Ocelot Oil Co	30572	SPC	08-20-77
ACF Petroleum Co., Inc	30572	SPC	08-20-77
Drillamex, Inc	30572	SPC	08-20-77
Florida Gas Expl	30572	28	08-20-77
Ocelot Oil Co	30572	SPC	08-20-77
ACF Petroleum Co., Inc	30572	SPC	08-20-77
Drillamex, Inc	30572	SPC	08-20-77
Florida Gas Expl	30572	28	08-20-77
Ocelot Oil Co	30572	SPC	08-20-77
Placid Oil	30596	64	01-30-78
Placid Oil	30596	64	01-30-78
Exxon	11212A	170	10-15-59
Exxon	11212A	583	10-15-59
Exxon	11212A	170	10-15-59
Carl Oil & Gas	11212B	SPC	10-15-59
Adobe Oil	11212B	SPC	10-15-59
Samedan Oil	11212B	583	10-15-59
Carl Oil & Gas	11213A	SPC	10-15-59
Adobe Oil	11213A	SPC	10-15-59
Samedan Oil	11213A	SPC	10-15-59
Allen & Shumate	11213A	SPC	10-15-59
Bruce E. Moss	11213A	SPC	10-15-59
Moss-Trustee	11213A	SPC	10-15-59
CW Perkins-Trustee	11213A	SPC	10-15-59
Dorothy K. Allen	11213A	SPC	10-15-59
Fred Greenberg	11213A	SPC	10-15-59
Gulf Oil	11213A	178	10-15-59
Gulf Oil	11213A	178	10-15-59
HB Harkins	11213A	SPC	10-15-79
HL Miller	11213A	SPC	10-15-59
Jott W. Allen	11213A	SPC	10-15-59
Juanita H. Allen	11213A	SPC	10-15-59
Mary Flo Smith	11213A	SPC	10-15-59
Nat'l Bank Comm. of S.A	11213A	SPC	10-15-59
Russell H. Brown, Jr	11213A	SPC	10-15-59
Allen & Shumate	11213A	SPC	10-15-59
Gulf Oil	11213A	178	10-15-59
Allen & Shumate	11213A	SPC	10-15-59
Gulf Oil	11213A	178	10-15-59
Forest Oil	11214B	13	09-05-59
Edwin L. Cox	20155	SPC	02-11-58
Apache Exploration Co	20155	SPC	02-11-58
Owens, Meeks & Robbins	20155	SPC	02-11-58
Serio Exploration Co.	20155	SPC	02-11-58
Exxon Co. USA	20155	130	02-11-58
Exxon Co. USA	20155	131	02-11-58
Alfred C. Glassel, Jr	10155	SPC	02-11-58
D. J. Robichaux	10155	1	02-11-58
Exchange Oil & Gas Co	20155		02-11-58
Grady H. Vaughn Jr	20155	SPC	02-11-58
Hng Oil Company	20155		02-11-58
Jack C. Vaughn Trust 1 & 2	20155	SPC	02-11-58
Robert Mosbacher	20155	SPC	02-11-58
T. W. Kleinpeter	20155	1	02-11-58
Exxon Co. USA	20156	130	02-11-58
George R. Brown	20156	21	02-11-58
Hassie Hunt Inc	20156	36	02-11-58
Sohio Petroleum Co	20156	127	02-11-58
Bradco Oil & Gas	20578	SPC	08-11-77
C. J. Scott	20578	SPC	08-11-77
Charles W. Moody Jr	20578	SPC	08-11-77
Edward Randall III	20578	SPC	08-11-77
Howard I. Mason	20578	SPC	08-11-77
Midland Production LTD	20578	SPC	08-11-77
Nicklos Oil & Gas Company	20578	SPC	08-11-77
Odyssey Oils Eight	20578		08-11-77
Robert Mosbacher	20578	SPC	08-11-88
Shasta Minerals Inc	20578	SPC	08-11-77
Bradco Oil & Gas Co	20578	SPC	08-11-77
ARCO	11213B	473	10-15-59
ARCO	11214A	429	09-05-59
ARCO	11263	237	08-18-61
Energy Investments	12566	SPC	10-13-77
SED, Inc	12566	SPC	10-13-77
U.S. Energy Inc	12566	SPC	10-13-77
Cities Service	14006	449	08-09-76
Cities Service	14006	449	08-09-76

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Cities Service	14007	450	08-10-76
Cities Service	14007	450	08-10-76
American Petr-Texas	14008	3	08-09-76
Finandel, Inc	14008	3	08-09-76
Getty Oil	14009	219	08-10-76
Getty Oil	14009	219	08-10-76
Getty Oil	14010	412	08-10-76
Getty Oil	14010	412	08-10-76
Cities Service	14011	443	08-16-76
Cities Service	14011	443	08-16-76
Getty Oil	14017	413	09-03-76
Getty Oil	14017	413	09-03-76
Getty Oil	14017	413	09-03-76
Getty Oil	14018	405	09-03-76
Getty Oil	14018	405	09-03-76
ARCO	14019	708	11-04-76
Sun Oil	14020	588	05-19-77
Sun Oil	14020	588	05-19-77
Phillips Petroleum	14510	595	09-03-76
Newmont Oil	14511	SPC	09-11-76
Union Texas Petroleum	14528	138	11-23-76
ARCO	20113	195	04-15-65
Union Texas Petroleum	20153B	9	01-07-58
Marion Corp	20159A	SPC	02-12-58
Sun Oil Company	20159A	371	02-12-58
Sun Oil Company	20159A	371	02-12-58
Sun Oil Company	20159A	371	02-12-58
Union Texas Petroleum	20244	57	09-06-60
Amoco Production Co	20244	SPC	09-06-60
C. B. Ames	20244		09-06-60
C. R. Williams	20244		09-06-60
Estate of Ray C. Fish	20244		09-06-60
J. R. Imber	20244		09-06-60
R. D. Ricketts	20244		09-06-60
R. R. Herring	20244		09-06-60
T. B. Tabbert	20244		09-06-60
Texaco Inc	20244		09-06-60
Texas Pacific Oil Co	20244		09-06-60
Amerada Hess	20557	R48	04-05-77
Getty Oil	20573	416	10-26-77
Finadel, Inc	21005	2	08-09-76
Getty Oil	21013	407	08-19-76
ARCO	21315	610	02-05-68
Phillips Petroleum	21505	598	08-11-76
Gen. American Oil	21530	106	12-02-76
Gen. American Oil	21530	106	12-02-76
Gen. American Oil	21530	106	12-02-76
Transco Exploration	21577	24	11-16-77
Transco Exploration	21577	24	11-16-77
Sutton Producing	11259	SPC	10-14-77
Sutton Producing	11259	SPC	10-14-77
Transco Exploration	12468	2	05-11-77
Transco Exploration	12532	11	12-15-76
Cummins & Walker Oil	12544	SPC	05-07-77
Transco Exploration	13560		07-29-77
Transco Exploration	13560		07-29-77
Transco Exploration	13560		07-29-77
Transco Exploration	13650	20	07-29-77
Exxon Co. USA	20180	152	01-15-59
The Superior Oil Co	20182	215	12-30-58
George R. Brown	20195	5	12-30-58
Sun Oil	20195	535	12-30-58
C & VC, Inc	20227	SPC	03-03-59
Continental Oil	20254	185	02-23-61
Phillips Petroleum	20371	482	06-10-70
Transco Exploration	20523	8	10-29-76
Transco Exploration	20533	10	12-20-76
Transco Exploration	20534	9	12-21-76
Transco Exploration	20546	12	03-08-77
McMoran Exploration Co	20546	SPC	03-08-77
Transco Exploration	20546	12	03-08-77
McMoran Exploration Co	20546	SPC	03-08-77
Transco Exploration	20547	14	04-07-77
Transco Exploration	20547	14	04-07-77
Transco Exploration	20549	18	04-14-77
Transco Exploration	20549	18	04-14-77
Transco Exploration	20550		04-11-77
Transco Exploration	20551	15	04-11-77
Transco Exploration	20552	19	04-11-77
Transco Exploration	20552	19	04-11-77
Ladd Petroleum	2-565	83	09-01-77
Ladd Petroleum	20565	83	09-01-77
Jet Oil Co	20568	SPC	10-24-77
Flynn Energy	20569	SPC	10-24-77
F. J. Muller	20574	SPC	09-02-77
Fred Olsen Inc	20574	SPC	09-02-77
Gary R. Reagan	20574	SPC	09-02-77
Glassock Drilling	20574		09-02-77
Jake L. Hammon	20574	SPC	09-02-77
Paul M. Toce	20574	SPC	09-02-77

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Sklar & Phillips Oil Co	20574		09-02-77
Wintershall Oil & Gas Co	20574	SPC	09-02-77
McMoran Exploration	20579	SPC	07-31-77
Bernadun-Trees Oil Co	20579	SPC	07-31-77
Natomas Exploration Inc	20579	SPC	07-31-77
Texas No Z Corp	20579	SPC	07-31-77
McMoran Exploration Co	20579	SPC	07-31-77
McMoran Exploration	20599	SPC	03-01-78
Texas No Z Corp	20599	SPC	03-01-78
McMoran Exploration Co	20599	SPC	03-01-78
Felmont Oil	21197	11	04-07-59
Gas Producing Enterprises	21197	45	04-07-59
Felmont Oil Corp	21197	11	04-07-59
Gas Producing Enterprises	21197	45	04-07-59
Gulf Oil	21256	220	04-04-61
Gulf Oil	21256	220	04-04-61
Robert Mosbacher	30580	SPC	08-08-77
Fairchild-Windham	30580	SPC	08-08-77
Inexco Oil Co	30580	SPC	08-08-77
Leon Earnest	30580	SPC	08-08-77
Transco Expl. Co	30580	22	08-08-77
Robert Mosbacher	30580	SPC	08-08-77
Transco Expl. Co	30580	22	08-08-77
FE Rogers Jr	11384		03-30-71
Guardian Exp. Ltd 19780A	11384		03-30-71
Jedco Corp	11384		03-30-71
Rick Heinze	11384		03-30-71
Rick Rogers	11384		03-30-71
SE Ford	11384		03-30-71
S-T Venture	11384		03-30-71
WE Heinze	11384		03-30-71
WJ Hedrick	11384		03-30-71
WN Null	11384	SPC	03-30-71
Whitaker Oil & Gas	11384		03-30-71
YS Jenkins Jr	11384		03-30-71
Belmont Oil	11408	SPC	03-23-72
Liberty Energy	11609	SPC	03-27-78
Peet Oil Co	12292B	SPC	07-08-66
Peet Oil Co	12292B	SPC	07-08-66
Williams Exploration	14026	SPC	05-16-78
Coastal States Gas Prod	14449	96	12-10-75
Samedan Offshore	14491	SPC	12-10-75
Texaco Inc	14502	538	02-10-76
Finadel, Inc	14503	1	07-15-76
MF McCain	20224	SPC	02-23-60
A M Jackson	20224	SPC	02-23-60
Alan B. Sverdlow	20224		02-23-60
Betty Sue McKeever	20224	SPC	02-23-60
C H Lyons Jr. SUC CHL SR	20224	SPC	02-23-60
E L Hilliard	20224	SPC	02-23-60
E L Hilliard III	20224	SPC	02-23-60
Estate of D B Prentiss	20224	SPC	02-23-60
Estate of Roger Odgen	20224	SPC	02-23-60
G F Abendroth	20224	SPC	02-23-60
G L Logan	20224	SPC	02-23-60
Hall M Lyons	20224	SPC	02-23-60
J T Palmer	20224	SPC	02-23-60
John Michael Hilliard	20224	SPC	02-23-60
Margaret B. Smitherman	20224	SPC	02-23-60
Succession of M H Lyons	20224	SPC	02-23-60
Susybell W. Lyons	20224	SPC	02-23-60
Chevron USA	11614	R57	05-12-78
Supron Energy	11630	38	07-13-78
Zenith Energy	11630	SPC	7-13-78
Supron Energy	11630	38	7-13-78
Zenith Energy	11630	SPC	7-13-78
Cummins & Walker	11635	SPC	7-12-78
Texam Oil	11641	RSPC	8-1-78
Gregory R. Hovas	11656		9-7-78
Harry H. Cullen	11656	SPC	9-7-78
Houston Nat'l Bank	11656		9-7-78
Isaac Arnold Jr	11656	RSPC	9-7-78
Long Resources, Inc	11656		9-7-78
Margaret C. Marshall	11656	SPC	9-7-78
Roy H. Cullen	11656	SPC	9-7-78
Southern Nat'l Bank	11656		9-7-78
Wilhelmina C. Robertson	11656	SPC	9-7-78
Gas Producing Ent	12583	59	12-21-77
Gas Producing Ent	12583	59	12-21-77
Texas Oil & Gas	12651	SPC	9-12-78
Texas Oil & Gas	12653	SPC	9-21-78
Texas Oil & Gas	12653	SPC	9-21-78
Texas Oil & Gas	12686	SPC	9-29-78
Transco Exploration	13645	39	8-1-78
Diamond Shamrock	20601	84	12-15-77
Inexo Oil	20602	SPC	12-15-77
Transco Exploration	20621	29	6-1-78
Transco Exploration	20622	26	5-4-78
Samedan Oil Corp	20622	SPC	5-6-78
Samedan Oil Corp	20622	SPC	5-4-78

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Transco Exploration	20622	26	5-4-78
Transco Exploration	20622	26	5-21-78
McMoran Exploration	20634	SPC	6-30-78
Texas No. Z Corp	20634	SPC	6-30-78
McMoran Exploration	20634	SPC	6-30-78
McMoran Exploration	20634	SPC	6-30-78
McMoran Oil & Gas	20642	SPC	8-22-78
Transco Exploration	20642	30	8-22-78
McMoran Exploration	20642	SPC	8-22-78
Transco Exploration	20642	30	8-22-78
Petro-Lewis Funds	20650	SPC	9-15-78
Natomas No. America	20658	SPC	6-30-78
Transco Exploration	20660	35	9-26-78
NFC Petroleum	20670	SPC	8-25-78
Resources Investment	20672	SPC	10-20-78
Geodynamics Oil & Gas	20673	SPC	10-25-78
Louisiana Land & Exploration	20746		3-22-79
Transco Expl	41660	35	9-26-78
Karlcorp	21637	NA	8-1-78
NCNG Exploration	21637	NA	8-1-78
Piedmont Exploration	21637	SPC	8-1-78
Rockingham Exploration	21637	NA	08-1-78
Tar Heel Energy	21637	NA	08-1-78
Transco Exploration	21637	NA	08-1-78
UCG Energy Corp	21637	NA	08-1-78
McMoran Exploration	21676	SPC	11-1-78
McMoran Oil & Gas	21676	SPC	11-1-78
Texas No. 2 Corp	21676	SPC	11-1-78
Texas International	11638	SPC	08-08-78
Bonray Oil & Gas	11638	SPC	08-08-78
Tomlinson Interests	11638	SPC	08-08-78
Texas International	11638	SPC	08-08-78
Shell Oil	11683	NA	11-16-78
Cornell Oil	11721	SPC	01-23-79
Czar Resources	11721		01-23-79
Don O. Chapell	11721	SPC	01-23-79
James A. Gibbs	11721		01-23-79
Lake Ronel Oil	11721	SPC	01-23-79
Larry A. Mizel	11721	SPC	01-23-79
Penn Exploration	11721		01-23-79
Phillip B. Berry P/A	11721	78A	01-23-79
Steven M. Mizel		SPC	01-23-79
Tenexplo Fund	11721		01-23-79
Petrus Oil	11721	SPC	01-23-79
Amerada Hess	11782	70	05-21-79
Lenois M. Josey	12002	SPC	11-1-49
Pine Lodge Oil	12002		11-1-49
R. A. Josey	12002		11-1-49
Am Petr of Tex	12002	48	11-1-49
Amoco Production	12002	2	11-1-49
Ann Parker Davidson	12002		11-1-49
ARCO	12002	41	11-1-49
Austin W. Mosely	12002		11-1-49
Cecilia Shepherd Cambias	12002		11-1-49
Clinton W. Josey Jr	12002	SPC	11-1-49
Dorothy Josey	12002	SPC	11-1-49
Edwin M. Jones Oil	12002	SPC	11-1-49
Estate of Sybil Schuyler	12002		11-1-49
1st Nat'l Bank in Dallas	12002		11-1-49
Gloria Anderson Eckert	12002		11-1-49
Grace King Fletcher	12002		11-1-49
Heard, CE, Estate	12002	SPC	11-1-49
Heirs of Estill S. Heyser	12002	SPC	11-1-49
Helga K. Shepherd	12002		11-1-49
Heyster, Estill S. Jr	12002		11-1-49
J. E. Josey III	12002		11-1-49
J. Earle Brown	12002	SPC	11-1-49
Jack S. Josey	12002		11-1-49
James L. Shepherd III	12002		11-1-49
June James Josey	12002		11-1-49
Lenoir M. Josey Inc	12002	SPC	11-1-49
Madeline Shepherd	12002		11-1-49
Mellissa Josey Fabian	12002		11-1-49
Miss M. M. Broussard	12002		11-1-49
Newhan Bros. Drilling	12002	SPC	11-1-49
PR Rutherford	12002	SPC	11-1-49
Pauline J. Low	12002		11-1-49
Peet Oil Co	12002		11-1-49
Peet, Edwin J. Trustee	12002	SPC	11-1-49
RA Shepherd	12002		11-1-49
Reserve Oil Inc	12002		11-1-49
Roberta A. Shepherd Jr.	12002		11-1-49
Robert Schuyler	12002		11-1-49
Ruth W. Downey	12002		11-1-49
Sohio Nat. Resources	12002	133	11-1-49
Stephen H. Chilton TR #1	12002		11-1-49
Wm. L. Shephard	12002		11-1-49
Amoco Production	12002	2	11-1-49
Peet, Edwin J., Trustee	12002	SPC	11-1-49
Sohio Nat. Resources	12002	133	11-1-49

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Amoco Production	12061	92	12-4-49
Amoco Production	12062	81	04-29-52
Sohio Natural Resources	20066	26	04-30-48
Sun Oil Company	20066	266	04-30-48
Tribune Oil Corp	20066	SPC	04-30-48
Continental	12008	77	09-22-47
Continental	12008	77	09-22-47
Continental	12008	77	11-06-49
HNG Oil Co	12016	9	11-06-49
GM McMurry	12016		11-06-49
Mrs. RB Ellis	12016		11-06-49
Mrs. Sherman Strong	12016		11-06-49
ARCO	12016	495	11-06-49
ARCO	12016	494	11-14-49
Getty	12017	14	11-14-49
HNG Oil Co	12017	10	11-14-49
Transocean Oil	12017	3	11-14-49
HNG Oil Co	12018	7	11-14-49
Sun Oil Co	12018	287	11-14-49
RC Harris	12023	SPC	11-06-49
ASA L White	12023		11-06-49
Bertha Rowan	12023		11-06-49
Daisy R. McKenzie	12023		11-06-49
Donald F. Dirks	12023		11-06-49
Estate of John M. Dirks	12023		11-06-49
Estate of Rachel J. Dirks	12023		11-06-49
Fern Clark	12023		11-06-49
J. M. Matthews Jr	12023		11-06-49
J. M. Matthews	12023		11-06-49
James L. Dirks	12023		11-06-49
Mills Bennett Estate	12023	SPC	11-06-49
Nellie B. Matthews	12023		11-06-49
R. W. Dirks	12023		11-06-49
Robert L. Dirks	12023		11-06-49
V. V. Vermillion & Orpha	12023		11-06-49
Alston Oil Company	12023	SPC	11-06-49
Atlantic Richfield Co	12023	504	11-06-49
Getty Oil Company	12023	16	11-06-49
Texas Pacific Oil Co.	12023		11-06-49
Union Texas Petroleum	12023	104	11-06-49
Getty Oil Company	12023	16	11-06-49
Harris, R. C	12023	SPC	11-06-49
ARCO	12041	545	09-01-49
Bentex Oil	12041		09-01-49
Marathon	12041		09-01-49
Esperanza Oil & Gas	12041		09-01-49
Sun Gas Co	12292C	446	07-08-66
Edwin M. Jones Oil	12292D	SPC	07-08-66
Enserch Expl	12292E	80	07-08-66
Enserch Expl	12292E	80	07-08-66
ARCO	12292F	578	07-08-66
Patton Oil Co	12292F		07-08-66
Venus Oil Co	12292F	SPC	07-08-66
W. L. Pickens	12293A	SPC	07-13-66
L. A. Wainwright	12293A		07-13-66
McCarter, Nelson A	12293A	SPC	07-13-66
ARCO	12293B	577	07-13-66
ARCO	12293B	42	07-13-66
Northern Pump Co	12293B	SPC	07-13-66
Andover Oil	12027	SPC	01-25-50
Texaco Inc	21355	442	12-08-69
Texaco Inc	21356	440	12-08-69
Texaco	12029	R94	09-12-47
Texaco	12053	259	04-29-52
Texaco	12054	258	10-22-47
Amerada Hess	20111	SPC	09-09-57
Amerada Hess	20111	53	09-09-57
Amerada Hess	20111	63	09-09-57
Kenmore Oil	20206	SPC	06-19-59
Daniel Oil Co	20206	SPC	06-19-59
Frank A. Ashby Jr	20206		06-19-59
J D Wrather Jr	20206	SPC	06-19-59
Amoco Production	21241	288	07-26-60
Amoco Production	21261A	333	01-16-62
Amoco Production	21324	527	03-03-69
Amoco Production	21325	526	03-03-69
Amoco Production	21325	526	03-03-69
Amoco Production	21326	525	03-03-69
Amoco Production	21327	528	03-03-69
Sun Oil	12071	6	09-24-47
Sun Oil	12071	6	09-24-47
Marathon Oil	13033	10	06-13-67
Sun Oil	13033	27	06-13-67
Getty Oil	14373	182	08-07-70
Getty Oil	14375	373	09-01-70
Sun Oil	14376	494	09-01-70
Cities Service	14377	332	09-02-70
Tribune Oil	20364	SPC	02-09-70
Centura Inc	12292A	SPC	07-08-66
Clark W. Breeding	12292A		07-08-66

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Edgar A. Smith	12292A		07-08-66
Fred Oliver	12292A	SPC	07-08-66
James I. Riddle	12292A	SPC	07-08-66
Jan S. Cato	12292A		07-08-66
Lincoln L. Adam	12292A		07-08-66
P. E. Stanley	12292A		07-08-66
Sue S. Schaefer	12292A		07-08-66
Southland Drilling Co	12292A	SPC	07-08-66
Centura Inc	12292A	SPC	07-08-66
Clark W. Breeding	12292A		07-08-66
Edgar A. Smith	12292A		07-08-66
Fred Oliver	12292A	SPC	07-08-66
James I. Riddle	12292A	SPC	07-08-66
Jan S. Cato	12292A		07-08-66
Lincoln L. Adam	12292A		07-08-66
P. E. Stanley	12292A		07-08-66
Sue S. Schaefer	12292A		07-08-66
W. A. Stockard	12292A		07-08-66
W. A. Stockard Jr.	12292A	SPC	07-08-66
W. A. Stockard	12292A	SPC	07-08-66
W. A. Stockard Jr.	12292A	SPC	07-08-66
Walter S. Sutton/Trust A	12292A		07-08-66
Walter S. Sutton/Trust A	12292A		07-08-66
Southland Drilling Co	12292A	SPC	07-08-66
Texas Energy Expl	12613	SPC	05-19-78
Sun Oil Co	12360	485	12-17-69
Sun Oil Co	12360	485	12-17-69
Sun Oil Co	12360	485	12-17-69
Coastal States Gas Prod	12361	83	11-30-70
Union Oil-Calif	20090A	113	08-29-56
Gen. American Oil	20306	83	08-31-67
Cox, Edwin L	20310	SPC	01-17-68
Gulf Oil	20345	410	06-16-69
Gulf Oil	20345	410	06-16-69
Transocean Oil	21341	21	04-15-69
Varn Petroleum	12598	SPC	02-28-78
Varn Petroleum	12598	SPC	02-28-78
Varn Petroleum	12598	SPC	02-28-78
Dynamic Exploration	20629	SPC	05-22-78
Thompson, John R	12623	SPC	06-13-78
Alamo Petroleum	12628	SPC	06-13-78
Carlson Petroleum	12628	SPC	06-13-78
Equitable Petroleum	12628	SPC	06-13-78
Moshacher, Robert	12729	SPC	02-14-79
Pendoreille	12729	SPC	02-14-79
Transco Exploration	12729	NA	02-14-79
General Crude Oil	13728	SPC	02-09-79
General Crude Oil	14716	SPC	12-28-78
Transco Exploration	14716		12-31-78
Alfred H. Glassell Jr	20232	SPC	05-10-60
Edwin L. Cox	20232	SPC	05-10-60
Exchange Oil & Gas Corp	20232		05-10-60
Grady H. Vaugn Trust 1&2	20232	SPC	05-10-60
HNG Oil Company	20232		05-10-60
Jack C. Vaughn Trust 1&2	20232		05-10-60
Robert Mosbacher	20232	SPC	05-10-60
Gulf Oil Exp. & Prod. Co	20232		05-10-60
Gulf Oil Corp	20288A	460	08-11-65
McMoran Expl	20714	SPC	01-09-78
Transco Expl	20715	NA	02-12-79
Burke, Earl P., Jr	20727	SPC	02-12-79
Burmont Expl. 1972A	20727	SPC	02-12-79
Pelmont International	20727	SPC	02-12-79
Cox, Edwin L	20736	SPC	02-22-79
Freeport Oil Co	20742	SPC	02-22-79
Transco Expl	21684	37	12-04-78
General Crude Oil	21726	SPC	01-08-79
General Crude Oil	21726	SPC	01-08-79
Not listed	12712		
B. J. McCombs	02739		03-15-79
Charlie Thomas	12739		03-15-79
Jack Criswell	12739		03-15-79
Sid Sparks, Nom-Lymarco	12739		03-15-79
Sidney Sparks, Nom.-Karob	12739		03-15-79
Viking Resources	12739	NR	03-15-79
Centex Oil & Gas	12740	NR	03-15-79
Centex Oil & Gas	14824	NR	08-01-79
Pennzoil Producing	12749	NR	03-23-79
Pennzoil Producing	12760	NA	04-20-79
General American Oil	12760	NA	04-20-79
1st Nat'l Bank—Dallas	12762	SPC	06-06-79
Texas Oil & Gas	12737	SPC	03-09-79
Texas Oil & Gas	12738	SPC	03-14-79
Texas Oil & Gas	12795	SPC	06-13-79
Transco Expl	13754	NA	03-01-79
Sohio Natural Resources	20787	NA	06-08-79
Louisiana Land Offshore	21037	8	06-05-79
Texas Oil & Gas	12761	SPC	04-20-79
Amoco Production	20752	205	01-01-79
Forman Exploration	20761	SPC	03-06-79

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Continental Group	21765	SPC	03-02-79
Continental Group	21822	NR	02-29-79
Louisiana Land & Explor	21823	NR	07-30-79
Getty Oil	13438	R19	04-02-73
Secondary Recovery	20411	SPC	04-19-72
Oil Recovery	20411	SPC	04-19-72
Texas International	20425	SPC	07-26-72
C H Lyons Sr	20425	SPC	07-26-72
Charles A Barton Sr	20425	SPC	07-26-72
Fred Wilson	20425	SPC	07-26-72
George L. Logan	20425	SPC	07-26-72
Muslow Oil & Gas Inc	20425	SPC	07-26-72
Nemours Corporation	20425	SPC	07-26-72
Richard K Jones	20425		07-26-72
Texaco Inc	13593	567	01-25-78
Texaco Inc	13594	568	01-25-78
Texaco Inc	13597	569	01-25-78
Texaco Inc	20592	559	01-26-78
Texaco Inc	20592	559	01-26-78
Texaco Inc	20592	559	01-26-78
Texaco Inc	21584	555	11-28-77
Texaco Inc	21584	555	11-28-77
Texaco Inc	21584	555	11-28-77
Texaco Inc	42591	563	01-25-78
Texaco Inc	42591	563	01-25-78
C&K Petroleum	13669	SPC	10-10-78
C&K-C&J Venture	13669		10-10-78
C&K-GOC 1977 Venture	13669		10-10-78
C&K-Mullins 1977 Venture	13669		10-10-78
C&K Petroleum	41703	SPC	12-20-78
Getty Oil	14014	406	08-25-76
Getty Oil	14014	406	08-25-76
The Superior Oil Co	14414	159	05-23-72
Highland Resources	14415	11	05-24-72
General Crude Oil	14416	SPC	05-23-72
Canadian Superior Oil	14417	2	05-25-72
Kerr-McGee	14418	119	06-08-72
Juniper Petroleum	14419	SPC	05-29-72
Ashland Exploration	14420	234	07-03-72
Transocean Oil	14421	26	07-14-72
Amoco Production	14023	781	06-14-77
Amoco Production	14023	781	06-11-78
Amoco Production	14027	787	06-14-78
Amoco Production	14027	787	06-14-78
Oxy Petroleum	14028	SPC	08-25-78
Canadian Occ. of California	14029	SPC	08-25-78
Canadian Occ. of California	14031	SPC	11-13-78
Oxy Petroleum	14032	SPC	11-13-78
Sun Gas	14030	611	10-06-78
Sun Gas	14030	611	10-06-78
Chevron USA	14340	63	4-08-69
Chevron USA	20123	12	8-22-56
The California Co.	21285	35	01-20-65
CNG Production	21285	6	01-20-65
Chevron USA	21297	43	03-13-68
Chevron USA	21321	77	03-13-68
Mesa Petroleum	14442	SPC	03-05-74
Mitchell Energy Offshore	14445	3	03-19-74
Diamond Shamrock	14448	71	04-29-74
Superior Oil	14578	199	12-06-77
Superior Oil	14578	199	12-06-77
Superior Oil	14578	199	12-06-77
Natresco Inc	14582	3	12-19-77
Alminex USA Inc	14586	5	12-09-77
Canadian Superior Oil	14589	7	12-31-77
Superior Oil	20300A	171	08-23-67
Superior Oil	20300A	171	08-23-67
Superior Oil	20303A	170	09-05-67
Superior Oil	20303A	170	09-05-67
Superior Oil	20322A	133	05-27-68
Superior Oil	20322A	170	05-27-68
Transco Expl	14595	NA	02-09-78
Transco Expl	14595	32	02-09-78
Transco Expl	21595	32	02-09-78
Transco Expl	21595	32	02-09-78
Rowan Petroleum	14631	SPC	07-11-78
Terra Resources	14633	55	07-19-78
Mesa Petroleum	14652		09-19-78
Chevron USA	14659	165	09-12-78
Amerada Hess	20001	48	11-19-56
La Land & Expl	20083	5	11-17-53
Marion Corp	20119A	SPC	10-07-57
Maynard Oil	20119A	SPC	10-07-57
Texaco Inc	20159B	412	02-12-58
Texaco Inc	20159B	412	02-12-58
Transocean Oil	20176	6	12-30-58
General American Oil	20237	40	07-14-60
General American Oil	20237	40	07-14-60
General American Oil	20237	40	07-14-60
General American Oil	20237	40	07-14-60

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Energy Reserves	20276	81	04-01-63
General American Oil	20276	68	04-01-63
Sohio Natural Resources	20276	123	04-01-63
Sohio Natural Resources	20276	124	04-01-63
Terra Resources Inc	20276	10	04-01-63
Energy Reserves Group, Inc	20276	81	04-01-63
General American Oil	20276	68	04-01-63
General American Oil	20276	63	04-01-63
Signal Petroleum	20455	8	08-19-74
Ernest B Kemm	20473		05-23-75
Phoenix Development 1	20473	SPC	05-23-75
Phoenix Development 1	20473	SPC	05-23-75
Roland Mongrue	20473		05-23-75
Robert Moshacher	20476	SPC	05-01-75
Bob F Wright	20476		05-01-75
Carl Oil & Gas Inc	20476	SPC	05-01-75
Edward P Allis IV	20476		05-01-75
James Domengeaux	20476		05-01-75
John L Hill	20476		05-01-75
ARCO	20478	R147	06-24-75
Bintliff, David C	20478	SPC	06-24-75
McCormick 1975 Oil & Gas	20478	RSPC	06-24-75
Petit, Robert C	20478	SPC	06-24-75
McCormick 1975 Oil & Gas	20478		06-24-75
Atlantic Richfield Co	20478	R147	06-24-75
Casey Pierce	20479	SPC	06-13-75
Nellie M Pierce	20479	SPC	06-13-75
O H Deshotels III	20479	SPC	06-13-75
O H Deshotels Jr	20479	SPC	06-13-75
Sandra D Reaux	20479	SPC	06-13-75
Shelly F Deshotels	20479	SPC	06-13-75
Moshacher, Robert	20482	SPC	06-27-75
Sun Gas Co	20485	532	07-02-75
Brown, George R	20486	412	07-02-75
Despot Expl	20494	SPC	03-04-76
Park Pipe Line	20495	R5	01-01-76
Park Pipe Line	20495	5	01-01-76
ARCO	20496	R372	01-01-76
Reserve Oil	20501	SPC	03-22-76
Sun Oil	20535	R71	09-07-76
Sun Oil	20536	581	01-01-77
Sun Oil	20570	597	10-26-77
Sun Gas	20570	597	10-26-77
Sun Gas	20570	597	10-26-77
C&K Petroleum	21012	SPC	03-02-74
C&K Petroleum	11012	SPC	03-02-74
Louisiana Land & Expl	21021	23	10-07-77
Louisiana Land & Expl	21021	6	10-07-77
Louisiana Land & Expl	21021	23	10-07-77
Louisiana Land & Expl	11021	6	10-07-77
Florida Gas Expl	21443	12	03-20-74
Greenbrier Operating Co	21443	SPC	03-20-74
H C Price Co	21443	SPC	03-20-74
Harbert Const Corp	21443	SPC	03-20-74
Isco Inc	21443	1	03-20-74
Jenney Oil Co., Inc	21443	2	02-30-74
Kirby Petroleum	21443	SPC	03-20-74
Florida Gas Expl	21443	12	03-20-74
Isco, Inc	21443	1	03-20-74
Jenny Oil Co	21443	2	03-20-74
American Petrofina of Texas	21444	93	03-20-74
Finadel Inc	21444		03-20-74
Southland Royalty	21449	74	04-24-74
Southland Royalty	21449	74	04-24-74
CNG Producing	21453		07-25-74
Ocean Oil & Gas	21453		07-25-74
Ocean Production	21453	12	07-25-74
Ocean Oil & Gas	21453		07-25-74
Ocean Production	21453	12	07-25-74
Aminoil Development Co	21489	3	05-22-75
Aminoil Development Co	21489	3	05-22-75
Sun Oil	30558	591	08-10-77
Bass Partnership	20247		10-18-60
Bass, Perry R	20247	10	10-18-60
Tenneco Oil	20273	65	01-10-63
Amoco Production Co	20273	240	01-10-63
Continental Oil Company	20273	81	01-10-63
Union Texas Petroleum	20273		01-10-63
Sun Oil	20304	224	10-03-67
Superior Oil	20368B	172	05-14-70
Union Oil-Calif	21313	197	02-27-69
Marathon Oil	21319	105	01-15-68
Union Oil-Calif	21319	198	01-15-68
CNG Production	21363	11	12-31-69
Murphy Oil Corp	21363		12-31-69
Ocean Production Co	21363	11	12-31-69
Union Oil-Calif	21548	232	09-27-77
Union Oil-Calif	21548	232	09-27-77
Amoco Production	20351	537	08-22-69
Getty Oil	20392	192	07-12-71

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Getty Oil	20392	192	07-12-71
Occidental Petroleum	20403	SPC	11-18-71
Occidental Petroleum	20388	SPC	05-17-71
Bradco Oil & Gas	20446	SPC	03-15-74
Goldking Production	20446	SPC	03-15-74
Pend Oreille Oil & Gas	20446	SPC	03-15-74
Arnold & Woolf	20467	SPC	12-02-74
B M Gamble	20467	SPC	12-02-74
E Ralph Daniel	20467		12-02-74
F J Whitley	20467	SPC	12-02-74
J D Wrather Jr	20467	SPC	12-02-74
L E Marland	20467	SPC	12-02-74
Theodore L Bates Estate	20467	SPC	12-02-74
W D Magee Jr	20467		12-02-74
Z C Ambrose	20467	SPC	12-02-74
Texaco Inc	20469	512	12-09-74
David C. Bintliff	20480	SPC	06-25-75
McCormick 1975 Oil & Gas	20480	SPC	06-25-75
Robert C Petit	20480	SPC	06-25-75
Texaco Inc	20480	R270	06-25-75
McCormick 1975 Oil & Gas	20480		06-25-75
Texaco Inc	20480	270	06-25-75
Superior Oil	20475	214	01-01-75
McGhee Production Co	20475		01-01-75
Hassie Hunt Expl. Co	20475		01-01-75
Franks Petroleum	20567	SPC	10-13-77
Bettye V Gray	20567	SPC	10-13-77
Cayuga Expl. Inc	20567		10-13-77
Fred H Gray	20567	SPC	10-13-77
James S Gray	20567	SPC	10-13-77
Osia S Biller	20567	SPC	10-13-77
Robert P Evans	20567	SPC	10-13-77
S Susan Gray & RNV Gray	20567	SPC	10-13-77
Winnel Energy Inc	20567		10-13-77
1976 Galbraith I LTD	20567		10-13-77
Cliffs Drilling Co	20575	SPC	11-01-77
Hill Production	20581	SPC	09-29-77
Union Oil-Calif	20616	R3	05-16-78
Union Oil-Calif	20617	R4	05-16-78
Union Oil-Calif	20617	4	05-16-78
Union Oil-Calif	20618	R2	05-16-78
Union Oil-Calif	20619	R6	05-16-78
Union Oil-Calif	20620	R5	05-16-78
Union Oil-Calif	20620	R5	05-16-78
Columbia Gas Development	20718	NR	01-25-79
Hassie Hunt Expl	20757	36	04-11-79
Transco Expl	20901	43	09-07-78
Transco Expl	20901	43	09-07-78
Mesa Petroleum	21025	103	07-17-78
Mesa Petroleum	21025	103	07-17-78
Ocean Production	21624	21	06-13-78
Ocean Production	21624	21	06-13-78
Louisiana Land Expl	21034	32	04-21-79
Transco Expl	14774	45	05-17-79
McMoran Oil & Gas	14825	SPC	06-21-79
Transco Expl	14825	NA	06-21-79
Union Texas Petroleum	20821	79	06-01-79
Union Texas Petroleum	20821	NA	06-01-79
CNG Producing Co	21835	45	08-15-79
ABI Properties	30855	NR	07-06-79
General American Oil	21094	39	07-07-65
Aminoil Development	21116	SPC	09-18-57
Continental Oil Co	21116	158	09-18-57
Ocean Production Company	21116	5	09-18-57
Pelto Oil Co	21116	SPC	09-18-57
Sun Oil Co	21116	538	09-18-57
Ocean Oil & Gas Company	21116		09-18-57
Ocean Production Co	21116	5	09-18-57
Pelto Oil Co	21116	SPC	09-18-57
Sun Oil Co	21116	538	09-18-57
Tenneco Oil	21141C	49	12-23-57
Kerr-McGee Corp	21172	69	11-14-58
Kerr-McGee Corp	21171	103	02-22-67
Amoco Production	21173	312	11-14-58
Amoco Production	21173	483	11-14-58
Phillips Petroleum	21173	342	02-22-67
Phillips Petroleum	21174	441	02-22-67
Phillips Petroleum	21175	436	11-14-58
Southern Natural Gas Co	21175	F-6	11-14-58
Southern Natural JT Vent	21175	1	11-14-58
Southern Natural JT Vent	21175	2	11-14-58
Continental Oil	21283	294	02-01-65
Newmont Oil	21284	SPC	02-05-65
Newmont Oil	21118	SPC	09-18-57
Shell Oil	21193	200	09-26-64
Amoco Production	21281A	437	10-21-64
Union Oil—Calif	21281B	165	10-21-64
Cabot Corp	21295	88	01-19-67
Case Pomeroy Oil Corp	21295	4	01-19-67
Felmont Oil Corp	21295	14	01-19-67

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Kerr-McGee Corp	21295	92	01-19-67
Amerada Hess Corp	21305	146	10-03-67
Louisiana Land & Explor. Co	21305		10-03-67
Union Texas Petroleum	21305	99	10-03-67
Aminoil USA	21305	17	10-3-67
Aquitaine Oil Corp	21332	SPC	10-4-68
Cabot Corp	21332	98	10-4-68
Felmong Oil Corp	21332	16	10-4-68
Kerr-McGee Corp	21332	110	10-4-68
Ocean Production Co	21332	10	10-4-68
Sun Oil Co	21332	482	10-4-68
Aminoil Development, Inc	21358	SPC	12-15-69
Elf Aquitane, Inc	21358	SPC	12-15-69
Murphy Oil Corp	21358	23	12-15-69
Sun Oil Co	21358	480	12-15-69
Ocean Production Co	21358	NA	12-15-69
Aminoil Development, Inc	21332	SPC	10-4-68
Cabot Corp	21336	95	3-14-79
Felmont Oil Corp	21336	15	3-14-69
Kerr-McGee Corp	21336	108	3-14-69
Sun Oil Co	21336	471	3-14-69
Cabot Corp	21337	99	3-17-69
Case Pomeroy Oil Corp	21337	5	3-17-69
Felmont Oil Corp	21337	17	3-17-69
Kerr-McGee Corp	21337	111	3-17-69
Ocean Drilling & Explor	21358		12-15-69
Gen. American Oil	21354	86	7-7-65
C & K Petroleum	21394	SPC	8-2-71
C & K Petroleum	21410	SPC	4-20-72
Texaco, Inc	21462	510	8-29-74
Shell Oil	21513	415	9-21-76
Transco Exploration	21514	7	9-1-76
Eason Oil	21515	SPC	9-1-76
Southland Royalty	21516	30	9-1-76
Crown Central Petroleum	21517	SPC	9-17-76
Freeport Oil	21521	1	9-1-76
Shell Oil	21603	437	3-3-78
Shell Oil	21604	438	3-3-78
Shell Oil	21608	436	3-10-78
C & K Marine Production	21585	SPC	12-15-77
Bethelehem Steel Corp	21585	165	12-15-77
Candel Oil (US) Inc	21585	SPC	12-15-77
Four M Properties, LTD	21585	SPC	12-15-77
Ocean Production Co	21585	1	12-15-77
St. Joe Petroleum	21585	SPC	12-15-77
Bethelem Steel Corp	21585	4	12-15-77
Shell Oil	21590	426	1-9-78
Shell Oil	21604	438	3-3-78
Transco Exploration	21605	33	3-3-78
Transco Ecploration	21606	34	3-3-78
Transco Exploration	21625	NA	6-28-78
Freeport Oil	21654	SPC	9-12-78
Rowan Petroleum	21631	SPC	7-11-78
Quintana Oil & Gas	14626	1	6-26-79
Quintana Offshore	14627	1	6-26-78
Quintana Offshore	14801	NA	6-21-79
Quintana Oil & Gas	14802	NA	6-21-79
Williams Exploration	14041	SPC	7-13-79
Quintana Oil & Gas	14843	NA	8-30-79
Quintana Oil & Gas	14844	NA	8-30-79
Amerada Hess	20829	88	8-10-79
Amerada Hess	20830	63	8-10-79
Terra Resources	21614	60	7-17-79
Quintana Oceanic	21845	NA	8-30-79
Quintana Gulf	21846	NA	8-30-79
Mobil Oil	14722	572	1-5-79
Newmont Oil	21643	SPC	8-15-78
Chevron USA	21647	164	9-11-78
Amoco Production	21649	793	9-7-78
General American Oil	21668	112	10-16-78
Ocean Oil & Gas	21677	NA	11-1-78
Ocean Production Company	21677	NA	11-1-78
Aminoil Devleopment	21680	11	11-16-78
OKC Corp	21775	SPC	5-1-79
Freeport Oil	21733	5	3-2-79
Transco Exploration	21743	41	3-2-79
McMoran Offshore Exploration	11753	SPC	3-2-79
Pioneer Production	21753	SPC	3-2-79
Transco Exploration	21796		6-18-79
Apache Corp	21796	NR	6-18-79
Pioneer Production	21796	NR	6-18-79
Mesa Petroleum	21734	106	3-6-79
Mesa Petroleum	21758	110	3-2-79
Pachuta Corp	30587	SPC	12-22-77
Pachuta Corp	30600	SPC	2-28-78
Pachuta Corp	30636	SPC	7-17-78
Pachuta Corp	30648	SPC	8-29-78
Pachuta Corp	30663	SPC	8-29-78
Tominson Interests	30646	SPC	9-5-78

Appendix B.—*Transcontinental Gas Pipe Line Corp.*—Continued

Seller	Control No.	Rate schedule No.	Contract date
Florida Gas Explor	30678	37	9-5-78
ACF Petroleum Co., Inc	30678	SPC	9-5-78
Drillamex, Inc	30678	SPC	9-5-79
Ocelot Oil Co	30678	SPC	9-5-79
Harkins & Company	30686	SPC	12-12-78
Harkins & Company	30687	SPC	12-12-78
Harkins & Company	30688	SPC	12-12-78
Harkins & Company	30689	SPC	12-12-78
First Energy Corp	30691	SPC	12-12-78
First Energy Corp	30692	SPC	12-12-78
First Energy Corp	30693	SPC	12-12-78
First Energy Corp	30695	SPC	12-12-78
Can Del Oil (U.S.)	30697	SPC	12-12-78
Can Del Oil (U.S.)	30698	SPC	12-12-78
Can Del Oil (Peru)	30699	SPC	12-12-78
Can Del Oil (Peru)	30700	SPC	12-12-78
Amerada Hess	30708	NA	12-12-78
Amerada Hess	30709	NA	12-12-78
Amerada Hess	30711	NA	12-12-78
Harkins & Company	30690	NR	12-12-78
First Energy Corp	30695	NR	12-12-78
Pachuta Corp	30706	SPC	12-18-78
Placid Oil	30768	NR	5-9-79
Amoco Production	30759	NR	4-20-79
Williams, Clayton W., Jr	30776	NR	4-30-79
Transocean Oil	14664	NA	9-27-78
Centax Oil & Gas	14705	NR	12-01-78
Sanchez-O'Brien Minerals	14788	SPC	6-6-79
Getty Oil	21033	429	2-14-79
Kerr-McGee Corp	21721	184	1-29-79
Forest Oil	30836	NA	8-8-79
Sun Gas Co	12763	NR	4-01-79
Sun Gas Co	12763	NR	4-1-79
Sun Gas Co	12763	NR	4-1-79
Williams Exploration	21820	SPC	7-13-79
Williams Exploration	21820	SPC	7-13-79

[FR Doc. 79-38391 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EF80-2011]

Bonneville Power Administration; Filing

December 12, 1979.

The filing company submits the following:

Take notice that the Assistant Secretary for Resource Applications of the Department of Energy, pursuant to Delegation Order No. 0204-33, did confirm and approve, 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. In addition, the Assistant Secretary has also approved, on an interim basis, Bonneville's General Rate Schedule provisions.

The Department requests that the rate schedules be approved for a period not to exceed 5 years.

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 or 1.10). All such petitions or protests should be filed on or before January 4, 1980. 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. 79-38718 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA80-45]

Carnegie Natural Gas Co.; Application for Adjustment

December 12, 1979.

On December 3, 1979, Carnegie Natural Gas Company, filed with the Federal Energy Regulatory Commission an application for an adjustment pursuant to Section 1.41 of the Commission's Regulations from the tariff filing obligations of Order No. 49, Docket No. RM79-14. Carnegie Natural Gas Company requests exemption and waiver from said tariff filing obligations on the grounds of special hardship based on the inapplicability of the incremental pricing provisions of § 282.601, *et seq.* to Carnegie.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed within 15 days after publication of this notice in the Federal Register.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38719 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA80-39]

Cerro Copper Products Co.; Application for Adjustment

December 12, 1979.

On November 27, 1979, Cerro Copper Product Co. (Cerro), filed with the Federal Energy Regulatory Commission an application for an adjustment under the NGPA to Regulations prescribed by Order No. 49, particularly Section 282.203(a)(2), wherein Cerro requested that natural gas delivered to its Sauget, Illinois plant by Mississippi River Transmission Corporation for use as boiler fuel be declared exempt from incremental pricing.

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 within 15 days after publication of this notice in the Federal Register.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38721 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-105]

Columbia Gulf Transmission Co.; Application

December 14, 1979.

Take notice that on November 26, 1979, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP80-105 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221(c) of the Commission's Rules for a certificate of public convenience and necessity authorizing the transportation of natrual gas for other interstate pipelines, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it requests blanket authorization to transport natural gas on behalf of other interstate pipelines for periods up to two years. It is further stated that Applicant would comply with the provisions and reporting requirements of Section 284.221 of the Commission's Rules.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38720 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER78-415]

Duke Power Co.; Filing

December 12, 1979.

The filing company submits the following:

Take notice that on November 13, 1979, Duke Power Company (Duke Power) filed the following documents with the Commission:

1. Attachment A—Schedule No. 10 for resale service to municipalities and public utility companies, which rates are the same as the industrial rates approved in Docket No. E-7, Sub 262.

2. Attachment B—Schedule No. 11 for resale service to nonprofit electric cooperatives. This schedule yields the same rate of return on rate base as that produced by Schedule No. 10 for Period II in accordance with Paragraph 2.1 C of the Agreement.

3. Attachment C—Rate Schedule F for service rendered to Yadkin, Inc. This schedule is the equivalent of Schedule No. 10 (Attachment A). A separate filing has been made to increase the contract demand from 40,000 kW to 55,000 kW and the Attachment C rate schedule reflects the change in rate blocks to the new level of contract demand.

4. Attachment D—This is a revenue summary which confirms that the Amended Settlement Rates do not produce electric operating revenues in excess of those originally requested in this docket. The Amended Settlement Rates produce an increase in revenues of $15,052,783 for Period II or $286,459 less than the $15,339,242 in revenues originally requested in this docket. The increase in Schedule No. 10 revenues shown under Column 2 ($8,855,830) includes the increase in Yadkin Schedule F rates.

5. Attachment E—Statement N—Period II (Revised) shows the effect of the Amended Settlement Rates on revenues, expenses, rate base and return. The return for both Schedule 10 (including Yadkin Schedule F) and Schedule 11 under the Amended Settlement Rates is 8.10%. This is less than the 8.14% return originally requested in this docket and less than the 9.51% return found reasonable based upon analysis by staff.

6. Attachment F—This attachment supports the 1.0439 cents per kWh fuel cost base contained in the Amended Settlement Rates required to maintain the parity concept of the Agreement.

The Company will make refunds to wholesale customers with interest at the appropriate rate in accordance with Paragraph 2.1 D of the Agreement and the Commission's letter order of July 3, 1979, as soon as practicable after the Commission has accepted the Amended Settlement Rates for filing.

A copy of this filing has been sent to Duke Power's wholesale customers.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before January 4, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38722 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-107]

El Paso Natural Gas Co.; Application

December 14, 1979.

Take notice that on November 26, 1979, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CD80-107 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing certain arrangements with its California

customers during the period through April 30, 1980, for the purpose of diverting gas from its California customers in order to assist in protecting Applicant's east-of-California (EOC) customer's Priority 1 and 2 service requirements, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant states that it has entered into a letter agreement with Southern California Gas Company (So Cal) dated November 9, 1979, and a letter agreement with Pacific Gas and Electric Company (PG and E) dated November 15, 1979, which provide for arrangements designed to allow Applicant to fulfill its EOC customer's peak day Priority 1 and 2 requirements during the 1979–80 heating season. Such arrangements, hereinafter referred to as the "California Back-off" arrangements, would permit Applicant to divert from its otherwise scheduled deliveries to So Cal and/or to PG and E during the 1979–80 heating season, such quantities of gas, not to exceed 200,000 Mcf daily from each company, as are required for use in protecting EOC Priority 1 and 2 service, it is asserted. Such diversions from otherwise scheduled deliveries to So Cal and/or PG and E would only be imposed on those peak days during the 1979–80 heating seasons when the quantities of gas otherwise available for service to Applicant's EOC customers, as augmented by maximum withdrawals from Applicant's Reservoir and Clay Basin Interim Storage projects, are not alone sufficient to protect full service to the EOC cutomer's Priority 1 and 2 requirements, it is asserted. Additionally, it is stated that diversions of gas from othewise scheduled deliveries to either So Cal or PG and E under the back-off arrangements can only be made during periods when, in that California customer's sole judgement, no impairment would result in (i) its ability to meet the requirements of service, including storage operations, to its high priority customers and those of its wholesale customers; (ii) its ability to maintain service levels to its remaining customers as required by the Public Utilities Commission of the State of California; or (iii) its ability to meet its obligations to the other California customer of Applicant pursuant to that certain contract between them dated August 31, 1965, as amended or superseded. It is stated that diversions of gas from otherwise scheduled deliveries to either California customer are not to exceed a cumulative net total of 2,000,000 Mcf at any one time.

Applicant further states that the in-kind restoration (pay-back) to So Cal and/or PG and E by Applicant of gas diverted from either or both of those customers under the back-off arrangements would be accomplished as soon as operationally possible after the diversions to which the pay-back relates through the withdrawals from Applicant's Rhodes Reservoir storage facility, and secondly from Applicant's Clay Basin Interim Storage facility.

It is stated that in consideration of the respective participation of PG and E and So Cal in such California back-off arrangements, Applicant would reduce its montly billings to each of those customers by an amount equal to $1.06 per Mcf (in the case of So Cal) and $1.52 Mcf (in the case of PG and E), multipled by the volumes actually diverted from otherwise scheduled deliveries to that California customer during the proceeding month.

Further, each agreement provides that none of the cost incurred by Applicant would be allocated in any of Applicant's rate proceeding to the cost of rendering service to its California customers, and that any Commission order authorizing the instant proposal must so specifically provide.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38723 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-123]

Florida Power & Light Corp.; Filing

December 12, 1979.

The filing Company submits the following:

Take notice that on December 6, 1979, Florida Power & Light Corporation ("Florida Power") tendered for filing an executed transmission service agreement with the Jacksonville Electric Authority ("JEA"). Florida Power states that the form of service agreement was provided in its transmission tariff on file with the Federal Energy Regulatory Commission. Florida Power requests that the service agreement with JEA be made effective on February 5, 1980. Florida Power states that copies of the filing have been served on JEA an the Florida Public Service 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, 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 31, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38724 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA80-38]

Gas Gathering Corp.; Application for Adjustment

December 12, 1979.

On November 26, 1979, Gas Gathering Corporation (GGC) filed with the Federal Energy Regulatory Commission

an application for an adjustment under Part 282 of the Commission's Regulations under the NGPA wherein GGC sought to be exempted from the requirements of Part 282 and Title II of the NGPA upon condition (1) that GGC provide its sole sales customer, Transcontinental Gas Pipeline Corporation, (Transco) with all data and/or estimates necessary for the computation of incremental pricing costs and surcharges applicable to the volumes of natural gas acquired by GGC, and (2) that GGC notify the FERC and Transco of any operational change which would affect the basis for the requested exemption.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38725 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES80-20]

Iowa Power & Light Co.; Application

December 12, 1979.

Take notice that on December 5, 1979, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed an application seeking authority pursuant to Section 204 of the Federal Power Act to issue bank notes maturing no later than December 31, 1986, to evidence borrowings not to exceed $40,000,000 principal amount at any one time.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility business within the State of Iowa.

The notes are to be issued to a commercial banking institution to evidence loans made and are to bear interest at said commercial bank's floating prime rate through December 31, 1981, and then if still in effect, at 103% of said floating prime rate through December 31, 1983, and thereafter, if still in effect, at 105% of said floating prime rate. The proceeds from the issuance of notes will be used to pay short-term debt and for general corporate purposes.

Any person desiring to be heard or to make any protest with reference to the application should on or before December 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38726 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-104]

Mississippi River Transmission Corp.; Application

December 14, 1979.

Take notice that on November 23, 1979, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63124, filed in Docket No. CP80-104 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has entered into a gas transportation agreement with United dated October 5, 1979, which would provide for the receipt, by Applicant on a best-efforts basis, of up to 20,000 Mcf per day of natural gas made available by United at the outlet side of the Woodlawn Field processing plant of Dorchester Gas Processing Company located in Harrison County, Texas. It is further stated that Applicant would redeliver equivalent quantities to United at Applicant's Perryville Compressor site located in the Monroe Field, Ouachita Parish, Louisiana, by reducing quantities of gas Applicant would otherwise receive from United at that point under a separate purchase arrangement.

Applicant states that the proposed transportation would provide United with an immediate means of receiving natural gas, purchased from East Texas Industrial Gas Company, into its system without a substantial investment in additional facilities. It is further stated that other sales and services now rendered by Applicant would not be affected.

Applicant proposes to charge United 22.73 cents per Mcf for providing the transportation service and would retain 1.0 percent of the quantities received as compensation for fuel and company-use gas. It is stated that any imbalances would be corrected during the month following the month in which such imbalances occur.

Applicant states that the primary term of the transportation agreement is for two years from the date of initial delivery and year-to-year thereafter.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38727 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-102]

Mountain Fuel Supply Co. and Mountain Fuel Resources, Inc.; Application

December 13, 1979.

Take notice that on November 23, 1979, Mountain Fuel Supply Company (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84139, and Mountain Fuel Resources, Inc. (Resources), Suite 1540, Beneficial Life Tower, 36 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP80-102 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to facilitate the delivery of natural gas produced from the Dakota Formation of the Clay Basin Gas Storage Reservoir, Daggett County, Utah, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that the Dakota Formation was converted to a gas storage field by Resources, and pursuant to an agreement between Mountain Fuel and Resources, dated March 1, 1976, as amended June 7, 1978, Mountain Fuel agreed to assign to Resources the operating rights to all oil and as leases in the then existing participating area for the Dakota Formation of the Clay Basin Field.

It is further stated that the amended agreement provides that Resources deliver to Mountain Fuel the remaining recoverable reserves from the Dakota Formation for a period of five to twenty-five years commencing on July 1, 1979, at a daily volume of up to 15,000 Mcf per day, in a manner which would not inhibit or preclude Resources' obligations in connection with the Clay Basin Storage Project.

In order to effectuate the delivery of recoverable reserves to Mountain Fuel, Resources proposes to modify a relief valve assemby located on the downstream side of the Kastler Compressor Station at an estimated cost of $3,950, which would be financed by Resources from funds on hand.

Mountain Fuel proposes to construct and operate 2,600 feet of 6-inch pipeline and appurtenant facilities to tie into Resources relief valve. It is stated such facilities are estimated to cost $59,315 which would be financed from funds on hand.

Resources proposes to charge Mountain Fuel a delivery fee of 5.0 per cents Mcf, and Mountain Fuel states it would reimburse Resources for all other production expenses relating to the remaining recoverable reserves.

The stated purpose of the subject proposal is to insure that Mountain Fuel would be able to meet its peak system requirements during the 1979-80 heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38728 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-78]

Mountain Fuel Supply Co.; Application

December 13, 1979.

Take notice that on November 13, 1979, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP80-78 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and exchange of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by application filed January 17, 1979, in Docket No. CP79-150, Northwest Pipeline Corporation (Northwest) proposed the construction and operation of jurisdictional gathering facilities to be located in the Overthrust belt of Southwestern Wyoming. It is stated that Northwest indicated that Northern Natural Gas Company (Northern Natural) has acquired approximately 50 percent of the gas reserves presently developed in the Painter Reservoir Field of Uinta County, Wyoming, and that Northwest proposed to provide a transportation service for Northern Natural of up to 35,000 Mcf per day from the Painter Reservoir Field. It is stated that Northwest would construct and operate facilities and transport gas from the Painter Reservoir Field through such facilities and through Northwest's main line facilities for redelivery to El Paso Natural Gas Company (El Paso) at an existing point of interconnection in La Platte County, Colorado, for Northern Natural's account for further transportation and/or exchange by El Paso for ultimate redelivery to Northern Natural. Northwest proposed to charge an initial area gathering rate of 16.81 cents per Mcf.

Northwest further stated that it has purchased 50 percent (approximately 16,500 Mcf per day) of the volumes of gas produced by Chevron, U.S.A., Inc. from the Ryckman Creek Field in Uinta County, Wyoming, and that it proposes to construct a pipeline from the Ryckman Creek Field to a point of interconnection with the pipeline proposed to be constructed from the Painter Reservoir Field together with necessary compression facilities at Ryckman Creek. Northwest has stated that in order to implement its proposed plan, it would construct and operate facilities which would cost approximately $19,932,000.

Applicant states that it would be able to provide the same services to Northern Natural at considerably reduced cost and with minimal environmental disturbance, and, therefore, requests authorization to transport and exhange up to 16,500 Mcf of natural gas per day for Northwest and up to 35,000 Mcf of natural gas per day for Northern Natural, and for the construction and operation of related transmission and compression facilities necessary to effectuate the transportation and exchange service proposed.

Applicant further states that in order to effectuate the contemplated transportation and exchange of natural gas for Northern Natural and Northwest, Applicant proposes to construct and operate the following facilities:

(1) 3.56 miles of 10-inch pipeline interconnecting the Painter Reservoir with Applicant's existing 10-inch Overthrust lateral located in Uinta County, Wyoming, and/or the 20-inch pipeline to be constructed, as noted in Item 3 below;

(2) 4.73 miles of 10-inch pipeline interconnecting the Ryckman Creek facilities with Applicant's existing 10-inch Overthrust lateral line located in Sweetwater County, Wyoming;

(3) 24.80 miles of 20-inch loop pipeline from the vicinity of the Painter Reservoir producing area in Uinta County, Wyoming, to Applicant's main line located in Summit County, Utah;

(4) Minor modifications to Applicant's existing Eakin Compressor Station, located in Uinta County, Wyoming, to facilitate a two-way flow of natural gas through the station;

(5) Compression totaling 2,678 horsepower to be located at the Ryckman County producing area; and

(6) Miscellaneous metering, regulating and other appurtenant facilities.

It is stated that the proposed facilities would cost approximately $11,680,000. Applicant states, by reason of its 10-inch facilities and its existing main line transmission facilities, it would be able to render precisely the same service proposed by Northwestern at a a total capital cost of $11,680,000, as contrasted to the projected $19,932,000 for the proposed facilities of Northwest. Such cost, it is stated, would be financed from funds on hand.

Applicant states that inasmuch as its application is competitive, it has not yet negotiated any transportation and exchange arrangement with Northwest or Northern Natural.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38729 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA80-43]

NCR Corp.; Application for Adjustment

December 12, 1979.

On November 30, 1979, NCR Corporation ("NCR") filed with the Federal Energy Regulatory Commission ("FERC") an application for an adjustment under Order No. 49, Docket No. RM79-14, wherein NCR sought an exemption from the incremental pricing program for a small industrial boiler fuel facility located in Dayton, Ohio. NCR states that its use of natural gas in its manufacturing operations at this location has changed dramatically since 1977, the base period used by the Commission to determine eligibility for exemption for existing small boiler fuel facilities, and that the subject boilers now use less than an average of 300 Mcf per day during any month.

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 January 2, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38730 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-16 (PGA80-1 and IPR80-1)]

National Fuel Gas Supply Corp.; Proposed PGA Rate Adjustment

December 12, 1979.

Take notice that on December 6, 1979, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Twenty-Ninth Revised Sheet No. 4, and Original Sheet No. 4A proposed to be effective January 1, 1980.

National states that the purpose of these revised tariff sheets is to adjust National's rates pursuant to Section 17 (PGA) and Section 18 (GRIA) of the General Terms and Conditions and in compliance with FERC Order No. 49 and Opinion No. 64. National further states that Twenty-Ninth Revised Sheet No. 4 reflects an adjustment in National's rates of 18.36¢ per Mcf.

It is stated 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 and 1.10). All such petitions or protests should be filed on or before December 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38731 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ID-1875]

Justin T. Rogers, Jr.; Application

December 12, 1979.

Take notice that on November 19, 1979, Justin T. Rogers, Jr. (Applicant), filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Chairman of the Board, Director, Pennsylvania Power Company, Public Utility.

President, Director, Ohio Edison Company, Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before December 31, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38732 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA80-42]

South Texas Natural Gas Gathering Co.; Application for Adjustment

December 12, 1979.

On November 30, 1979, South Texas Natural Gas Gathering Company (South Texas) filed with the Federal Energy Regulatory Commission an application for an adjustment under Order No. 49, the incremental pricing provisions of the NGPA, as codified in Part 282 of the Regulations. South Texas sought waiver of said incremental pricing provisions as they applied to South Texas, due to the insignificance of the amount of PGA reduction resulting therefrom.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before January 2, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38733 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP70-7 (Phase II)]

Southern Natural Gas Co.; Petition To Amend

December 14, 1979.

Take notice that on November 14, 1979, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7 (Phase II) a petition to amend the order issued October 29, 1969,[1] as amended, in the instant docket, pursuant to Section 7 of the Natural Gas Act so as to authorize an increase in contract demand volume sales of natural gas to Atlanta Gas Light Company (Atlanta), the delivery of such additional gas at the delivery point formerly used to serve the City of Bowdon, Georgia, and the deletion of authorization to sell natural gas to the City of Bowdon, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the order issued on October 29, 1969, authorized Petitioner, *inter alia,* to sell and deliver to the City of Bowden, Georgia, a maximum delivery obligation of 1,457 Mcf per day. It is further stated that on September 27, 1979, Atlanta received approval from the Georgia Public Service Commission to purchase the City of Bowdon's natural gas distribution system and for the asssignment to Atlanta of Petitioner's service agreement with the City of Bowdon.

It is stated that Petitioner's maximum delivery obligation to the City of Bowdon of 1,457 per day was assigned to Atlanta. Peitioner, therefore, proposes to: (1) increase Atlanta's contract demand volumes with Petitioner from 744,535 Mcf per day to 745,992 Mcf per day, (2) add as a delivery point to Atlanta for service to the City of Bowdon the former delivery point of the City of Bowdon, and (3) abandon the sale of gas to the City of Bowdon.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intevene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38734 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-489]

Southern Natural Gas Co., et al.; Petition To Amend

December 14, 1979.

Take notice that on November 16, 1979, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-489 a joint petition to amend the order issued pursuant to Section 7(c) of the Natural Gas Act on September 7, 1977,[1] in the instant docket so as to authorize an increase in the volumes of gas to be exchanged for Southern's account, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Southern has arranged to purchase additional volumes of gas from Sea Robin Pipeline Company (Sea Robin) at Texaco Inc.'s Henry Plant located in Vermilion Parish, Louisiana. The Sea Robin gas to be sold to Southern is produced from West Cameron Block 563, offshore Louisiana, and would be delivered for Southern's account near

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

the tailgate of the Henry Plant. In order for Sea Robin to sell such gas to Southern at the Henry Plant, it is stated that the gas would be moved onshore through Southern's capacity in the Sea Robin system and United's capacity in the systems of Stingray Pipeline Company and Natural for transportation to an existing interconnection between United and Natural near the Henry Plant (Earth Point).

Applicants propose to amend an exchange agreement dated June 14, 1977, by increasing the volume of gas purchased by Southern from the West Cameron, offshore Louisiana, area to a total of 33,000 Mcf per day. Applicants further propose to amend the exchange agreement by deleting the one-half cent per Mcf charge received by Natural from Southern at the Earth Point as consideration for Southern's agreement to transport gas for Natural from the Knox Field, Walthall County, Mississippi.

Columbia Gulf would continue to redeliver to Southern thermally equivalent volumes of gas at the Venice Plant of up to 8,000 Mcf per day. The remaining 25,000 Mcf of gas would be exchanged and transported by Columbia Gulf and Southern pursuant to a gas exchange and transportation agreement between Southern, Columbia Gulf and Columbia Gas Transmission Corporation dated September 4, 1979, and amended October 5, 1979.

Applicants state that they have sufficient capacity to exchange the additional volumes of West Cameron gas at the designated locations and in the proposed quantity, and therefore, no new facilities would be required for Southern to receive its additional gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38735 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EF80-3031]

Southeastern Power Administration; Filing

December 12, 1979.

The filing company submits the following:

Take notice, that the Assistant Secretary for Resource Application of the Department of Energy did confirm and approve, on an interim basis effective October 20, 1979, Wholesale Power Rate Schedules JW-1 (Revised) and JW-2-B, applicable to power from Southeastern Power Administration's Jim Woodruff Project. The new schedules are pursuant to order SEPA-2.

The Department requests that the Commission approve the rate schedules for a period ending August 19, 1982.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before January 4, 1980. 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. 79-38736 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-41 (PGA80-1)]

Southwest Gas Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

December 12, 1979.

Take notice that on Dec. 4, 1979, Southwest Gas Corporation ("Southwest") tendered for filing Sixth Revised Sheet No. 10 constituting the Statement of Rates of its FERC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to adjust rates of Southwest under its Purchased Gas Adjustment Clause in Section 9 of the General Terms and Conditions contained in said tariff, as a result of changes in rates from its supplier, Northwest Pipeline Corporation ("Northwest"), effective January 1, 1980. The proposed effective date for Southwest's proposed change in rates is January 1, 1980.

Southwest states that copies of the filing have been mailed to the Public Service Commission of Nevada, the California Public Utilities Commission, Sierra Pacific Power Company and CP National.

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 27, 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. 79-38737 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-108]

TCP Gathering Co.; Application

December 13, 1979.

Take notice that on November 28, 1979, TCP Gathering Co. (Applicant), 2334 East Third Avenue, Denver, Colorado 80206, filed in Docket No. CP80-108 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 15 miles of 8-inch pipeline in San Juan County, Utah, and San Miguel County, Colorado, and the transportation of natural gas for its parent, Trans-Colorado Pipeline Company (Trans-Colorado) pursuant to a gas transportation agreement dated May 31, 1979, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Trans-Colorado, a public utility subject to the jurisdiction of the Colorado Public Utilities Commission, has purchased gas produced by its wholly-owned

subsidiary, Cordillera Corporation, from the State No. 1 well in the Little Valley Field, San Juan County, Utah. Trans-Colorado's exemption issued by the Commission on November 15, 1979, was conditioned upon Applicant's receiving authorization to construct and operate an 8-inch pipeline and to transport and deliver the subject gas to Trans-Colorado at its Slick Rock sweetening plant.

Applicant states that the cost of constructing the 8–inch pipeline is $1,130,000 which would be financed by long-term debt. It is further stated that Trans-Colorado would be charged an initial rate of 11.64 cents per Mcf for the transportation service.

Applicant states that the transportation agreement between Applicant and Trans-Colorado is for a primary term of fifteen years, commencing on the first day of the month following the initiation of deliveries thereunder and on a year-to-year basis thereafter. It is further stated that the estimated total volumes of gas to be delivered from the State No. 1 well would initially be approximately 2,500 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38738 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-620]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Petition To Amend

December 14, 1979.

Take notice that on November 15, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP77–620 a petition to amend the order issued November 14, 1977, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of a maximum daily quality of 600 Mcf of natural gas for the account of Burlington Industries, Inc. (Burlington) for an additional two-year period commencing November 22, 1979, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued November 14, 1977, Petitioner was authorized to transport up to 1,000 Mcf of gas per day for Burlington, which gas Burlington owns as a participant in an oil and gas exploration development joint venture operated by C & K Petroleum Company. The transportation service, as authorized, was for a period of two years from the date of initial deliveries, it is stated. Petitioner now requests an extension of this transportation service for an additional two-year period commencing November 21, 1979, and for a maximum daily quantity of 600 Mcf per day.

Petitioner states the transportation service would be performed pursuant to a contract between it and Burlington. Petitioner asserts that the contract provides for Burlington to pay Petitioner each month:

(1) A demand charge to be determined by multiplying 7.0 cents by the specified maximum daily transportation quantity; and

(2) A monthly volume charge equal to the product of 93.0 cents per Mcf multiplied by the greater of (a) the total scheduled daily volumes delivered during such month or (b) the minimum monthly volume determined by multiplying the number of days in such month by 66⅔ percent of the specified maximum daily transportation quantity.

Petitioner states the transportation service would enable Burlington to receive natural gas to offset curtailments in sales and deliveries which Transcontinental Gas Pipe Line Corporation is forced to make.

Petitioner states no new facilities are required to continue the transportation service, nor would the service have any impact on any existing service now rendered by it.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38739 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-81]

Trunkline Gas Co.; Application

December 13, 1979.

Take notice that on November 14, 1979, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80–81 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during a one-year period commencing January 1, 1980, and year to year thereafter, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various

producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant and supplies of natural gas from Applicant's own production or acquired for system supply under Sections 311 and 312 of the Natural Gas Policy Act of 1978.

Applicant states that the total cost of the proposed facilities would not exceed $20,000,000, with no single onshore project to exceed a cost of $2,500,000 and no single offshore project to exceed a cost of $3,500,000. Applicant states it would finance such costs with internally generated funds and short-term bank borrowing as necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 3, 1980 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38740 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-79]

Trunkline Gas Co.; Application

December 13, 1979.

Take notice that on November 14, 1979, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-79 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and deliver on a firm basis up to 2,500 Mcf of natural gas per day purchased by Panhandle from Pan Eastern Exploration Company in Jackson Parish, Louisiana, pursuant to a transportation agreement between Applicant and Panhandle dated September 28, 1979. Applicant states that pursuant to said transportation agreement, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., (Tennessee), would receive the gas from Applicant at Tennessee's facilities in Jackson Parish, Louisiana, and would transport the gas to the existing interconnection between the facilities of Applicant and Tennessee at Kinder, Louisiana. Applicant states that it would then transport said gas from Kinder, Louisiana, with redelivery to Panhandle at an existing point of interconnection between the facilities of Applicant and Panhandle in Douglas County, Illinois.

It is stated that Applicant would transport on a firm basis a daily volume of 2,500 Mcf of natural gas per day at 14.73 psia saturated, less 5 percent reduction for fuel usage and line losses. Applicant further states that the term of the transportation contract would be for ten years from the date of initial delivery, and from year to year thereafter.

It is stated that for this transportation service, Panhandle would pay a monthly charge of $13,425, with an adjustment rate of 17.66 cents per Mcf to be applied for any excess or deficiency in quantities taken. Applicant states that the monthly charge is further subject to an increase or decrease pursuant to a rate proceeding of Applicant or increase upon installation of facilities to maintain capacity or to provide transportation for Panhandle thereunder.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38741 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP78-167]

United Gas Pipe Line Co.; Petition To Amend

December 13, 1979.

Take notice that on November 15, 1979, United Gas Pipe Line Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP78-167 a petition to amend the order issued August 22, 1978, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the

construction of metering and regulating facilities necessary to deliver natural gas to St. John the Baptist Parish, Louisiana (St. John), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the order issued August 22, 1978, authorized Petitoner, *Inter alia,* to construct at St. John's expense, such metering and regulating facilities as are necessary to deliver gas volumes to St. John on the west bank of the Mississippi River near the Town of Garyville, Louisiana. It is stated that, pursuant to a new agreement between the parties dated October 1, 1979, said metering and regulating facilities which would be utilized in making deliveries of natural gas volumes to St. John at the proposed delivery point, would be constructed by Petitioner but financed and owned by St. John and not by Petitioner.

Any person desiring to be heard or to make any protests with reference to said petition to amend should on or before January 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38742 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA80-44]

Valley Gas Transmission, Inc.; Application for Adjustment and Request for Interim Relief

December 12, 1979.

On November 30, 1979, Valley Gas Transmission, Inc. ("Valley") filed with the Federal Energy Regulatory Commission an application for an adjustment under Section 502(c) of the Natural Gas Policy Act of 1978 ("NGPA"). Valley seeks relief from Part 282 of the Commission's Regulations—"Incremental Pricing" as set forth in Order No. 49 (Docket No. RM79-14) and in particular Subparts E and F of Part 282 which establish various accounting and filing requirements for interstate pipelines to follow in implementing the Commission's Regulations under Title II of the NGPA. Valley also requests interim relief pending determination of the application.

Subpart E (in particular Sections 282.501 and 282.502) and Subpart F (in particular Sections 282.601 through 282.603) establish the accounting rules and filing requirements applicable to interstate pipelines for implementing incremental pricing under Title II of the NGPA. In lieu of the requirements of Subparts E and F, Valley proposes to report to its interstate pipeline purchasers its natural gas purchase costs expected to exceed the threshold level for incremental pricing and the total volumes expected to be purchased for its next PGA period. Valley's interstate pipeline purchasers will then treat those volumes of natural gas required to be incrementally priced as though purchased directly by them from the seller and pass those costs through pursuant to their own procedures for implementation of incremental pricing. Under this proposal Valley's PGA clause would not change.

Valley states that it acquires no gas from any interstate pipeline. All of its purchased gas costs which would be subject to incremental pricing are incurred directly as purchases. Further, Valley has only three purchasers which are all interstate pipelines. These interstate pipelines are Tennessee Gas Transmission Company, United Gas Pipe Line Company, and Natural Fuel Gas Supply Corporation.

Valley also requests, as interim relief pursuant to Section 1.41(m) of the Regulations, authority to report its incremental pricing surcharges in accordance with the implementation plan for which an adjustment is being sought.

The procedures applicable to this adjustment proceeding are found in 18 CFR Section 1.41 *et seq.* (See also Commission Order No. 24 issued March 22, 1979.)

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of Section 1.41. All petitions to intervene must be filed within 15 days after the publication of this notice in the Federal Register and should be sent to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38743 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed Week of October 19, 1979, Through October 26, 1979

Notice is hereby given that during the week of October 19, 1979, through October 26, 1979, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

December 11, 1979.

Date	Name and location of applicant	Case No.	Type of submission
Oct. 19, 1979	Vicksburg Refining, Inc., Vicksburg, Miss	BEE-0116	Allocation Exception. If granted: Vicksburg Refining, Inc., would receive an exception from the provisions of 10 CFR 211.65 permitting the firm to participate in the Buy/Sell Program.
Oct. 22, 1979	Anne Taines, Oklahoma City, Okla	BEE-0221	Exception to the Emergency Building Temperature Restrictions. If granted: Anne Taines would receive an exception from the provisions of 10 CFR 490, the Emergency Building Temperature Restrictions.
Oct. 22, 1979	Cabco, Inc., Washington, D.C	BEA-0030	Appeal ERA Decision and Order. If granted: The September 19, 1979, Decision and Order issued by the Economic Regulatory Administration to Cabco, Inc., would be rescinded regarding the assignment of a base period supplier of gasoline.

Date	Name and location of applicant	Case No.	Type of submission
Oct. 22, 1979	City of Pleasant Grove, Pleasant Grove, Ala	BEE-0211	Exception to Reporting Requirements. If granted: The City of Pleasant Grove would not be required to file Form EIA-149. "Natural Gas Supply, Distribution and Usage."
Oct. 22, 1979	Common Cause, Washington, D.C	BFA-0026	Appeal of Information Request Denial. If granted: The September 19, 1979, Information Request Denial issued by the Acting Director of Personnel, to Common Cause would be rescinded, and the firm would be granted access to certain D.O.E. documents.
Oct. 22, 1979	Gulf Energy Refining, Brownsville, Tex	BST-0002	Request for a Temporary Stay. If granted: Gulf Energy Refining Corporation would receive a temporary stay of the Economic Regulatory Administration October 12, 1979, Order issued by the regarding start-up inventory adjustments.
Oct. 22, 1979	Office of Special Counsel, Washington, D.C	BRD-0008	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel with respect to the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. DRO-0192) issued to Belcher Oil Company.
Oct. 22, 1979	Office of Special Counsel, Washington, D.C	BRZ-0011	Interlocutory Order. If granted: The Office of Special Counsel would be authorized to hold a deposition relating to the destruction of documents involving the Proposed Remedial Orders in cases DRO-0193 through DRO-0199.
Oct. 22, 1979	State of Alaska, Juneau, Alaska	BEE-0200	Price Exception. If granted: The State of Alaska would receive an exception from the provisions of 10 CFR 212, permitting gasoline retailers to sell motor gasoline above the applicable ceiling price.
Oct. 22, 1979	Texas Office of Fuel Allocation, Austin, Tex	BMR-0005	Request for Modification. If granted: The DOE's September 14, 1979, Decision and Order regarding American Petrofina, Inc.'s, supply obligations to the State of Texas would be modified.
Oct. 22, 1979	Vinson & Elkins, Houston, Tex	BFA-0025	Appeal of Information Request Denial. If granted: The September 20, 1979, Information Request Denial issued by the DOE's San Francisco Regional Office would be rescinded and Vinson & Elkins would receive access to certain DOE data.
Oct. 23, 1979	Bassett Oil & Equipment Co., Washington, D.C	BRR-0006	Request for Modification/Rescission. If granted: The May 4, 1977, Decision and Order issued to Bassett Oil & Equipment Company would be modified regard the escrow account fund (Case No. FRS-1276).
Oct. 23, 1979	C. P. National, San Francisco, Calif	BEE-0213	Exception to Reporting Requirements. If granted: C. P. National would not be required to file Form EIA-149. "Natural Gas Supply, Distribution and Usage."
Oct. 23, 1979	Chapman, Duff & Paul, Washington, D.C	BFA-0031	Appeal of Information Request Denial. If granted: The September 24, 1979, Information Request Denial issued by the Office of Procurement Operations would be rescinded and Chapman, Duff and Paul would receive access to certain DOE documents.
Oct. 23, 1979	Energy Cooperative, Inc., Washington, D.C	BED-0010	Motion for Discovery. If granted: Discovery would be granted to Energy Cooperatives, Inc., in regard to the Application for Exception filed by Occidental Petroleum Corporation.
Oct. 23, 1979	Marathon Oil Company, Findlay, Ohio	BEA-0029	Appeal. If granted: The August 23, 1979, Decision & Order, issued by the Economic Regulatory Administration to Archer Daniels Midland Company, regarding the Entitlements Program under 10 CFR 211.67 would be rescinded.
Oct. 23, 1979	Pester Refining Company, Washington, D.C	BED-0012	Motion for Discovery. If granted: Discovery would be granted to Pester Refining Company with respect to the application for exception (Case No. DEE-3188) submitted by Midland Energy Corporation.
Oct. 23, 1979	Petroleum Management Consultants Corporation	DEE-0217	Allocation Exception. If granted: Petroleum Management Consultants Corporation would be granted an exception from the provisions of 10 CFR 211 permitting the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Oct. 23, 1979	Tosco Corporation, Los Angeles, Calif	BEA-0028	Appeal of Assignment Order. If granted: The September 21, 1979, Assignment Order issued by the Economic Regulatory Administration, Region VII to Midland Energy Corporation would be rescinded with respect to Tosco Corporation's supply obligations of motor gasoline to Midland Energy Corporation.
Oct. 23, 1979	U.S. Oil Company, Washington, D.C	BMR-0007	Request for Modification. If granted: The DOE's May 22, 1979, Decision and Order regarding Total Petroleum, Inc.'s, motor gasoline supply obligations to U.S. Oil Company would be modified.
Oct. 23, 1979	Warmann Oil Company, Washington, D.C	BSG-0001	Petition for Special Redress. If granted: The June 14, 1979, Assignment Order issued by the Economic Regulatory Administration Region VII would be rescinded and Warmann Oil Company would be permitted to supply the St. Louis County Government Police Department.
Oct. 23, 1979	The Washington Post, Washington, D.C	BFA-0027	Appeal of Information Request Denial. If granted: The Information Request Denial issued by the Economic Regulatory Administration to the Washington Post would be rescindedand the firm would be granted access to certain DOE documents.
Oct. 24, 1979	Water, Gas, and Light Commission of Albany, Ga	BEE-0028	Exception from Reporting Requirements. If granted: The Water, Gas & Light Commission of Albany, Ga., would not be required to file Form EIA-149. "Natural Gas Supply, Distribution and Usage."
Oct. 24, 1979	Edgington Oil Company, Inc., Long Beach, Calif	BEE-0215	Allocation Exception. If granted: Edgington Oil Company, Inc., would receive an exception to the provisions of 10 CFR 211 permitting the firm to receive an increased allocation of unleaded gasoline for the purpose of blending gasohol.
Oct. 24, 1979	Johnson Oil Company, Inc., Salt Lake City, Utah	BEX-0005	Motion for Supplemental Order. If granted: Johnson Oil Company, Inc., would be permitted to raise two (2) additional assertions at the December 6, 1979, Evidentiary Hearing concerning Southwestern Refining Company, Inc. The firm would also be permitted to take depositions with respect to Southwestern Refining Company, Inc.'s, witnesses at the proceedings.
Oct. 24, 1979	Texaco, Inc., Washington, D.C	BRZ-0012	Interlocutory Order. If granted: Texaco, Inc., would be authorized to depose a witness designated by the Office of Special Counsel in regard to the proceedings involving a Proposed Remedial Order (Case No. DRO-0199) issued to the firm.
Oct. 25, 1979	Caribou Four Corners, Inc., Afton, Wyo	BEE-0234	Allocation Exception. If granted: Caribou Four Corners, Inc., would receive an exception from the provisions of 10 CFR 211.67 with respect to the firm's Entitlements Purchase Obligations.
Oct. 25, 1979	Exxon Company, U.S.A., Houston, Tex	BEA-0033	Appeal of ERA Decision and Order. If granted: The September 25, 1979, Decision and Order issued by Economic Regulatory Administration to Exxon Company, U.S.A., would be rescinded and Exxon would be partially relieved of its obligation to supply motor gasoline to Triangle Refineries, Inc.
Oct. 25, 1979	Northwest Natural Gas Company, Portland, Oreg	BEE-0233	Exception to Reporting Requirements. If granted: Northwest Natural Gas Company would not be required to file Form EIA-149, "Natural Gas Supply, Distribution, and Usage".
Oct. 25, 1979	Whirlpool Corporation, Benton Harbor, Mich	BEE-0232 and BES-0232.	Exception to Test Procedures Request for Stay. If granted: Whirlpool Corporation would receive an exception from the provisions of 10 CFR 430, permitting the firm to modify the energy efficiency test procedures applicable to clothes washers. The firm would be granted a Stay pending a final determination of its application for exception.
Oct. 26, 1979	Indiana Farm Bureau Cooperative Association, Inc	BEE-0239	Exception to Credit Policy. If granted: Indiana Farm Bureau Cooperative Association, Inc., would be permitted to modify its current discount policies.

Notices of Objection Received

Week of October 19, 1979, Through October 26, 1979

Date, Name and Location of Applicant, and Case Number

10/22/79—Arnold Shell, San Andreas, California—DEE–7478
10/22/79—Marine Oil Company, Fulton, Kentucky—BEO–0041
10/22/79—John Fluck's Mini-Market, Lansdale, Pennsylvania—DEE–5877
10/22/79—I–44 Standard Service, Lebanon, Missouri—BEO–0042
10/22/79—Freedom Oil Co., Normal, Illinois—BEO–0039
10/22/79—Bar Harboar Service Center, Massapequa, New York—BEO–0040
10/23/79—Nuccio, S. & Beghardt, W., Chicago, Illinois—DEE–7406
10/23/79—Lyon Oil Company, Philadelphia, Pennsylvania—DEE–2684
10/22/79—Arnold Shell San Andreas, California—DEE–7478
10/22/79—Lavery Sons Garage, Spring House, Pennsylvania—BEO–0045
10/22/79—Olsen Jewelery, Beloit, Wisconsin—BEO–0044
10/22/79—South Huntington Chevron, Huntington Beach, California—BEO–0043
10/23/79—Jay Paul Roussell Gulf, New Orleans, Louisiana—BEO–0049
10/23/79—Jim's Rapid Wash, Inc., Big Rapids, Michigan—BEO–0048
10/23/79—Johnnie's 66 Service, Independence, Missouir—BEO–0047
10/22/79—Westlawn Service Center, Falls Church, Virginia—BEO–0046
10/24/79—St. George Oil Corporation, Los Angeles, California—DEE–3489
10/23/79—Frank's Auto Service, Long Meadow, Massachusetts—DEE–7093
10/24/79—Ron's Agoura Chevron Service, Agoura, California—DEE–3078
10/24/79—First Church of the Nazarene, South Bend, Indiana—BEO–0056
10/24/79—Lowell Auto Wash, Inc., Cedar Lake, Indiana—BEO–0056
10/24/79—Main Street Chevron Service, Morro Bay, California—BEO–0054
10/24/79—John King Shell Service, Detroit, Michigan—BEO–0053
10/24/79—Bee Clean Auto Wash, Euclid, Ohio—BEO–0052
10/23/79—Westwood Tune-Up Center, Los Angeles, California—BEO–0051
10/23/79—Kent Standard Service, Hays, Kansas—BEO–0062
10/24/79—Jacobs Standard Service, Bloomington, Minnesota—BEO–0061
10/25/79—James Mathison, Weatherford, Texas—BEO–0057
10/25/79—Airline Shell, Bossier City, Louisiana—BEO–0059
10/24/79—Riggs Gas & Grocery, Scurry, Texas—BEO–0058
10/22/79—Kleen King, Inc., Seattle, Washington—BEO–0064
10/26/79—Commonwealth Oil Refining Co., Inc., Washington, D.C.—DXE–7928
10/26/79—Walters Oil Company, Easton, Pennsylvania—BEO–0070
10/26/79—Jack Pew Oil Company, Noel, Missouri—BEO–0071
10/26/79—Howard's Self Serv Oil Co., Belgrade, Minnesota—BEO–0069
10/26/79—Cash "N" Dash, Nevada, Missouri—BEO–0067

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of October 19 Through October 16, 1979

If granted: The following firms would recieve an exception which would increase their base period allocation of motor gasoline.

10/19/79:

Vredenburg, Lance E., BEE–0155— New York

10/22/79:

Big Red's Tire-Gas, BEE–0202—Washington
Blacha, Myron W., BEE–0207—California
Boulder Valley Oil Co., BXE–0203—Colorado
Cal Biss Enterprises, BXE–0223—Iowa
Dan's Service Station, BEE–0206—Wisconsin
Dunn Oil Sales, BEE–0208—Wisconsin
E. L. Yeager Construction Co., BEE–0209—California
Larry's Orangevale Tire No. 2, BEE–0359—California
Olsen, Robert L., BEE–0205—Washington
Pensacola Petroleum Co. Inc., BXE–0210—Florida
Ron & Sharon Volk's Arco, BXE–0214—California
Tolson Oil Company, BEE–0204—Texas
Zemet's Inc., BEE–0201—Pennsylvania

10/23/79:

Albrecht's Amoco, BEE–0218—Maryland
Avis Rent-A-Car, BEE–0227—Oklahoma
Big Wheel, BEE–0219—Alabama
Denny's Save Station, BEE–0212—Virginia
Harris Oil Company, BEE–0229—Texas
Ollie's Service Center, Inc., BXE–0224—Massachusetts
Patriot Petroleum, Inc., BEE–0222—South Carolina
Roger Cox Petroleum, Inc., BEE–0216—New Mexico
South Dakota Office of Energy, BEE–0131—South Dakota
Suffolk Oil Co., BEE–0220—Virginia

10/24/79:

City of Troy, BEE–0230—Michigan
Royal Farm Dairy, BEE–0225—Colorado
Rutter's Laundry & Linen, BEE–0226—Massachusetts

10/26/79:

Avis Rent-A-Car, BEE–0236—Indiana
Booth Oil Co., BEE–0240—Oregon
Boss Oil, BEE–0238—Minnesota
Naph-Sol Refining Co., Inc., BEE–0243—Michigan
Oakville Amoco Station, BEE–0241—Maryland.

[FR Doc. 79–38777 Filed 12–17–79; 8:45 am]
BILLING CODE 6450–01–M

Designation of Processing Sites and Establishment of Priorities Under the Uranium Mill Tailings Radiation Control Act of 1978

AGENCY: DEPARTMENT OF ENERGY.

ACTION: Notice of designation of processing sites and establishment of priorities as requried by Section 102(c) of Public Law 95–604, Uranium Mill Tailings Radiation Control Act of 1978, enacted on November 8, 1978.

SUMMARY: The purpose of the Uranium Mill Tailings Radiation Control Act of 1978 is to provide, in cooperation with interested States, Indian tribes, and persons who own or control inactive mill tailings sites, a program of assessment and remedial action at these sites to stabilize and control the tailings in a safe and environmentally sound manner and to minimize or eliminate radiation health hazards.

Consistent with the provision of Sections 102(a) and 102(c) of Public Law 95–604, this notice announces the designation of 25 processing sites by the Secretary of Energy on November 8, 1979. These processing sites are at or near the following locations:

Monument Valley, Arizona
Tuba City, Arizona
Durango, Colorado
Grand Junction, Colorado
Gunnison, Colorado
Maybell, Colorado
Naturita, Colorado
Rifle, Colorado (2 sites)
Slick Rock, Colorado (2 sites)
Lowman, Idaho
Ambrosia Lake, New Mexico
Shiprock, New Mexico
Belfield, North Dakota
Bowman, North Dakota
Lakeview, Oregon
Canonsbury, Pennsylvania
Falls City, Texas
Green River, Utah
Mexican Hat, Utah
Salt Lake City, Utah
Baggs, Wyoming
Converse County, Wyoming
Riverton, Wyoming

Additionally, the Secretary on November 8, 1979 established priorities for carrying out remedial action at each of the 15 processing sites. In establishing priorities, the Secretary relied primarily on the advice of the Administrator of the Environmental Protection Agency. The priority ranking for the 25 cities is as follows:

Monument Valley, Arizona; Low
Tuba City, Arizona; Medium
Durango, Colorado; High
Grand Junction, Colorado; High
Gunnison, Colorado; High
Maybell, Colorado; Low
Naturita, Colorado; Medium
New Rifle, Colorado; High
Old Rifle, Colorado; High
Slick Rock (NC), Colorado; Low
Slick Rock (UC), Colorado; Low
Lowman, Idaho; Low
Ambrosia Lake, New Mexico; Medium
Shiprock, New Mexico; High
Belfield, North Dakota; Low
Bowman, North Dakota; Low
Lakeview, Oregon; Medium
Canonsburg, Pennsylvania; High
Falls City, Texas; Medium
Green River, Utah; Low
Mexican Hat, Utah; Medium
Salt Lake City, Utah; High
Baggs, Wyoming; Low
Converse County, Wyoming; Low
Riverton, Wyoming; High

ADDRESS FOR FURTHER INFORMATION:
Dr. William E. Mott, Director, Environmental Control Technology Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, Washington, D.C. 20545, telephone: (301) 353–3016.

Issued in Washington, D.C. this 12th day of December 1979.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 79–38678 Filed 12–17–79; 8:45 am]
BILLING CODE 6450–01–M

Bonneville Power Administration

Fiscal Year 1981 Program Draft Environmental Impact Statement and Allston-Portland Area Service Draft Facility Planning Supplement Public Meetings

The Bonneville Power Administration (BPA) hereby gives notice of two public meetings to be held to discuss and solicit comments on BPA's Fiscal Year 1981 Construction and Maintenance Program Draft Environmental Impact Statement (EIS), which includes the Allston-Portland Area Service 500-kV Line Draft Facility Planning Supplement. This draft EIS generally describes BPA's proposed construction and maintenance actions for Fiscal Year 1981, including discussion of impacts and alternatives. Also included is the Allston-Portland Draft Facility Planning Supplement which describes more specific potential impacts associated with alternative plans for reinforcing service to the Portland, Oregon, area.

The public is invited to attend the meetings, which are scheduled as follows:

Wednesday, January 16, 1980—7:30 p.m.–10:00 p.m.: Fort Vancouver Regional Library, 1007 East Mill Plain Boulevard, Vancouver, WA 98663.
Thursday, January 17, 1980—7:30 p.m.–10:00 p.m.: Rainier Elementary School, 305 3rd West, Rainer, OR 97048.

BPA invites all interested parties to attend and welcomes comments in order to fully evaluate the environmental factors relating to the proposed and alternative actions. All comments will be considered in the preparation of the final EIS.

For those unable to attend the meetings, written comments will be accepted until the close of comment date, January 31, 1980. Copies of the draft EIS, as well as additional or clarifying information, may be obtained by writing the Environmental Manager's Office, Bonneville Power Administration, P.O. Box 3621—SJ, Portland, Oregon 97208, or by calling 503–234–3361, extension 5137.

Dated at Portland, Oregon, this 10 day of December, 1979.

Sterling Munro,

Administrator.

[FR Doc. 79–38679 Filed 12–17–79; 8:45 am]
BILLING CODE 6450–01–M

Economic Regulatory Administration

Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the months of September and October 1979. These Consent Orders concern prices charged by retail motor gasoline dealers in excess of the maximum lawful selling price for motor gasoline since August 1, 1979, failure to properly post the maximum lawful selling price on certification and engaging in business practices which are either discriminatory with respect to purchasers of motor gasoline, resulting in a higher price than permitted, or tied the sale of gasoline to the purchase of another service. The purpose and effect of these Consent Orders is to bring the consenting firms into compliance with the Mandatory Petroleum Allocation and Pricing Regulations from August 1, 1979, and they do not address or limit any liability with respect to consenting firm's prior compliance or possible violation of the aforementioned regulations Pursuant to the Consent Orders, the consenting firms agree to the following actions:

A. With respect to selling prices:
1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;
2. Roll back prices to achieve refund of overcharges;
3. Properly maintain records required under the aforementioned regulations.

B. With respect to business practices:
1. Cease and desist from employing any form of discriminatory practice;
2. Cease and desist from employing any practice designed to obtain a price higher than is permitted by the regulations;
3. Cease and desist from employing any practice making the sale of gasoline contingent upon the purchase of another service, charging for services by means of a fee computed on a cents per gallon basis, or charging a fee to dispense gasoline.

C. With respect to posting requirements:
1. Properly post the maximum lawful selling price or certification;
2. Rollback the maximum lawful selling price for failure to post.

For further information regarding these Consent Orders, please contact Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, Philadelphia, Pa. 19102 Telephone Number (215) 597–2633.

Firm Name, Firm Address, and Audit Date

Sprague Bros. Inc., Nooseneck Mill Road, W. Greenwich, RI—9–4–79
Mapleroot Exxon, Rte 3, Coventry, RI—9–4–79
Big River Sunoco, Rte 3 & I–95, W. Greenwich, RI—9–4–79
B&G Automotive, Tiogue Avenue, West Warwick, RI—9–4–79
Ted's Service Station, 507 Washington Street, Coventry, RI—9–6–79
Richards Gulf, Rte 3, Wyoming, RI—9–5–79
Pare's Service Center, 2 Andrew's Avenue, West Warwick, RI—9–3–79
Rogers Automotive Service, 188 Washington Street, West Warwick, RI—9–6–79
W. Warwick Arco, 199 Providence Street, W. Warwick, RI—9–6–79
Glen Hill Service Center, 908 Oaklawn Avenue, Cranston, RI—9–6–79
Douglas Self Service, 368 Admiral Street, Providence, RI—9–4–79
Douglas Avenue Mobil, 408 Douglas Ave., Providence, RI—9–4–79
Terzian Arco, 134 Douglas Avenue, Providence, RI—9–6–79
Smith Hill Gulf, 460 Smith Street, Providence, RI—9–4–79
Macs Arco, 410 Smith Street, Providence, RI—9–4–79
Colonial Exxon Service, 495 Smith Street, Providence, RI—9–5–79
Morenas Auto Service, 156 Hawkins Street, Providence, RI—9–5–79
Al's Service Station, 60 Rathbone Street, Providence, RI—9–5–79
Lou's Richfield, 354 Valley Street, Providence, RI—9–5–79

Marcello's Auto, 880 Oaklawn Avenue, Cranston, RI—9–6–79
Jennings Bros. Inc., S. Garden City Drive, Cranston, RI—9–7–79
Robert West Apponaug, 3327 Post Road, Apponaug, RI—9–7–79
South Elmwood Service, 1570 Elmwood Avenue, Cranston, RI—9–5–79
Oliver Service Station, 1640 Elmwood Avenue, Cranston, RI—9–5–79
Aldrich Service, 751 Post Road, Warwick, RI—9–5–79
Lakewood Sunoco, 568 Warwick Avenue, Warwick, RI—9–5–79
D&D Service Center, 2570 Warwick Avenue, Warwick, RI—9–5–79
Pontiac Avenue Exxon, 1200 Pontiac Avenue, Cranston, RI—9–6–79
Wampanoag-Ace Mobil, E. Providence, RI—9–7–79
Nick's Arco, 835 Bald Hill Road, Warwick, RI—9–6–79
Joe's Service, 305 Quaker Lane, W. Warwick, RI—9–12–79
Tom's Shell, 412 Metacom Avenue, Bristol, RI—9–17–79
Pate's Arco Service Station, 700 Douglas Avenue, Providence, RI—9–17–79
City Line Exxon, 1173 Social Street, Woonsocket, RI—9–17–79
East Street Service, 280 Fountain Street, Pawtucket, RI—10–2–79
Sal's Exxon, 615 Reservoir Avenue, Cranston, RI—10–4–79
Chepachet Sunoco, Rte 44—Main Street, Chepachet, RI—10–11–79
Gulf Travel Center, 55 Broadway, Providence, RI—10–12–79
A&L Shell Service, 501 Warren Avenue, E. Providence, RI—10–30–79
Cullens Arco, 1275 Wampanog Tri., E. Providence, RI—10–29–79
Ross Corner Sunoco, Crystal Avenue, Derry, NH—9–4–79
Bud's Super Shell, Rte 102, Londonderry, NH—9–4–79
Walky's Exxon, Rte 102, Londonderry, NH—9–4–79
Hanover Street Shell, Hanover Street, Manchester, NH—9–4–79
Connolly's Motor Mart, 1000 Hanover Street, Manchester, NH—9–5–79
Connolly's Motor Mart, 526 Sixth Avenue, Manchester, NH—9–5–79
Ryan's Fuel Service, 26 State, Groveton, NH—9–5–79
Stark General, Rte 110, Stark, NH—9–5–79
W. Milan Grocery, RFD 1, Berlin, NH—9–5–79
Fred's Chevron, 215 Glen Avenue, Berlin, NH—9–5–79
Leo P. Charest, Rosemont Mast St., Manchester, NH—8–30–79
Barney's Chevron, 87 Pleasant St., Berlin, NH—9–6–79
Thurston's Garage, Main Street, Errol, NH—9–6–79
Eames Garage, Main Street, Errol, NH—9–6–79
Lewis Ford Inc, Rte 26, Colebrook, NH—9–6–79
Boulde Service, Main and Colby, Colebrook, NH—9–6–79
Groveton Texaco, Groveton, NH—9–5–79
Stratford Shell Station, Main Street, N Stratford, NH—9–6–79
Crawford's Exxon, 212 Main Street, Lancaster, NH—9–7–79
Bailey's Gulf, US Rte. 3, Groveton, NH—9–11–79
Dupuis Store, Box 27, Groveton, NH—9–11–79
Boydston Ford, Coos Junction, Lancaster, NH—9–11–79
Manville Store, Summer Street, Lancaster, NH—9–11–79
Prospect View Campground, P.O. Box 477, Lancaster, NH—9–12–79
Monahan's Gulf Station, 198 Main Street, Lancaster, NH—9–12–79
Wakefield Shell, 13 Union Street, Wakefield, NH—9–12–79
Luskin's Texaco, Union Street, Wakefield, NH—9–12–79
Pageau Texaco, Main Street, Littleton, NH—9–13–79
Bob's Motor Service, RFD 2, Littleton, NH—9–13–79
Wilco Exhaust Service, 235 Main Street, Littleton, NH—9–13–79
Maceddies Service Station, Rte 302, Bethlehem, NH—9–13–79
Jessica Variety, Main Street, Bethlehem, NH—9–13–79
Twin Mountain Shell, Rte 802, Twin Mountain, NH—9–13–79
Mountain Management Company, Bretton Woods, NH—9–13–79
Franconia Sunoco, Main Street, Franconia, NH—9–14–79
Franconia Garage, Main Street, Franconia, NH—9–14–79
Kilkenny Motor Works, Main Street, Franconia, NH—9–14–79
Mobil 93 Service Center, Exit 24 and I–93, Ashland, NH—9–20–79
Exxon 93, Rtes. 3 and 25, Ashland, NH—9–20–79
Squam Lakes Exxon, Rte 3, Holdernes, NH—9–20–79
Kenneth-Lakeside Gulf, Rte 25, Meredith, NH—9–20–79
Howe's Mobil, Rte 25, Meredith, NH—9–20–79
Shields Gas Station, Main Street, NH—9–21–79
Alden's Garage, Alton, NH—9–21–79
Half Moon Store, Rte. 28, Alton, NH—9–21–79
Auto Truck Rustproofing, 36 Ferry Street, Hudson, NH—9–25–79
A. G. Burros Store, Center Sandwich, NH—9–25–79
North Sandwich Store, North Sandwich, NH—9–25–79
Attitash Station, Rte. 16, Chocorua, NH—9–25–79
Elliott Bros. Garage, Rte. 16, Chocorua, NH—9–25–79
Elliott Bros. Garage, Rte. 25, W. Ossipee, NH—9–25–79
Tibbett Bros. Inc., 132 Main Street, Tilton, NH—9–26–79
Larry's Exxon Service, 840 Central Street, Franklin, NH—9–26–79
Bryant's Getty, 734 Central Avenue, Franklin, NH—9–26–79
Cummings Chevrolet, Lake Street, Bristol, NH—9–26–79
Parenteau's Shell Station, 150 So. Main Street, W. Franklin, NH—9–27–79
Bristol Exxon, Lake Street, Bristol, NH—9–27–79
Gardner's Service Station, George's Mills, NH—10–2–79
Sunapee Arco, Box 61, Sunapee, NH—10–2–79
Main Street Texaco, Box 815, Sunapee, NH—10–2–79
Newport Shell, Sunapee Street, Newport, NH—10–2–79
Ray's Texaco Service, 182 Main Street, Claremont, NH—10–3–79
Blain's Auto Service, 125 Pleasant Street, Claremont, NH—10–3–79
Paul and Sons Auto Sales, Washington Street, Claremont, NH—10–3–79
Power's Store, P.O. Box 105, Cornish, NH—10–3–79
Rich's Shell, Rte. 12A, W. Lebanon, NH—10–3–79
Touchette Travel Trailers, RFD 2 Box 610, Newport, NH—10–4–79
Chm Perkins Son, Mount Sunapee, NH—10–4–79
Tates Garage, 36 Lowell Road, Hudson, NH—10–1–79
Nick's Exxon Center, SDW Highway, Nashua, NH—10–1–79
Abdallan's Exxon, 242 DW Highway, South Nashua, NH—10–1–79
Champigny's Market, RFD 3, Concord, NH—10–10–79
Gene's Hooksett Gulf, 1502 Hooksett Road, Hooksett, NH—10–9–79
Labrie's Service, Inc., 1299 Hooksett Road, Hooksett, NH—10–9–79
Newbury Service Center, Rte. 103, Newbury, NH—10–10–79
Country Store Shell, W. Springfield, NH—10–10–79
Reney's General Store, Box 32, Grantham, NH—10–10–79
Plainfield Arco, Rte 12A, Plainfield, NH—10–10–79
Rin's Chevron, 117–121 Pleasant Street, Claremont, NH—10–10–79
Coniston Store, Rte. 3, Newport, NH—10–11–79
Armand and Marcy's, Rte. 77, Weare, NH—10–11–79
Brownie's Service Station, Rts. 114, Weare, NH—10–11–79
Weare Center Store, Weare, NH—10–11–79
Wilson's Triangle, Inc., Weare, NH—10–11–79
Center Barnstead Shell Service, Center Barnstead, NH—10–12–79
Hooksett Exxon, Pleasant Street, Hooksett, NH—10–12–79
Stratford Shell Station, Main Street, N. Stratford, NH—9–6–79
Andy's Exxon, Main Street, Hillsboro, NH—10–30–79
Belanger's Texaco, Main Street, Hillsboro, NH—10–30–79
Town and Country Store, Forest Road, Greenfield, NH—10–30–79
The Little Country Store, Rte. 31, S. Lyndeboro, NH—10–30–79
Eddie's Service Station, Main Street, New Market, NH—10–30–79
Smitty's Sunoco, 2 Dover Road, Durham, NH—10–31–79
Durham Shell Station, 2 Main Street, Durham, NH—10–31–79
McMahon's Variety, Rte 4, Lee, NH—10–31–79
Jim Wilson's Auto Repair, Rte. 125, Lee, NH—10–31–79
Budget Citgo, Williston Avenue, S. Burlington, VT—9–11–79
Williams Inc., Rte. 2, South Hero, VT—9–12–79

Moon and Son Gulf, Rte. 2, South Hero, VT—9-12-79
Knights Store, Rte. North Hero, VT—9-12-79
Kestler's Market, Rte. 2, Alberg, VT—9-12-79
Bob's Arco Station, 21 N. River, Swanton, VT—9-12-79
Lucia Sunoco, 1143 Williston Road, S. Burlington, VT—9-13-79
Donnelly's Shell, Rte. 100, Waterbury, VT—9-13-79
David's Shell, Rte. 100, Stow, VT—9-13-79
Don's Amoco, Main Street, Morrisville, VT—9-13-79
Dolan's Citgo, Main Street, Johnson, VT—9-13-79
Jeffersonville Service Center, Rte. 108, Jeffersonville, VT—9-13-79
Tordies University Texaco, 860 Williston Road, S. Burlington, VT—9-14-79
Main Street Gulf, 219 Main Street, Burlington, VT—9-14-79
Ron's Sunoco, 103 Shelburne Road, Burlington, VT—9-19-79
Jep's Gulf, 1118 Williston Road, S. Burlington, VT—9-19-79
Cloverleaf Texaco, 1055 Williston Road, S. Burlington, VT—9-19-79
Spillane's Service Center, 811 Williston Road, S. Burlington, VT—9-19-79
Pearl Street Mobil, 281 Pearl Street, Burlington, VT—9-19-79
Reg Brissons Mobil, 793 Shelburne Road, S. Burlington, VT—9-19-79
Ralph's Exxon, 760 Shelburne Road, S. Burlington, VT—9-20-79
Kaigle's Citgo, 510 Shelburne Road, Burlington, VT—9-20-79
Sam's Service Station, 125 Battery Street, Burlington, VT—9-20-79
Ed's Auto Service, 328 North Avenue, Burlington, VT—9-20-79
Reed's Service Station, 8 Main Street, Newport, VT—9-25-79
Main Street Exxon, Main and Third Street, Newport, VT—9-26-79
Adrien's BP Station, 93 Main Street, Newport, VT—9-26-79
Guillette's Service, 76 Pleasant Street, Newport, VT—9-26-79
Royer's Getty Service, Rte 5, Irasburg, VT—9-26-79
Irasburg General Store, Rte. 14, Irasburg, VT—9-26-79
Pierce's Store, Rte. 14, Albany, VT—9-26-79
Atkins Garage, Rte. 15, Hardwick, VT—9-26-79
Bob's Sunoco Service Center, Memorial Drive, Montpelier, VT—9-27-79
Dave's Mobil, 3 Berlin Street, Montpelier, VT—9-27-79
Utton Getty, 15 Berlin Street, Montpelier, VT—9-27-79
Just Imports, Rte. 2, Plainfield, VT—9-27-79
Joe's Pond Country Store, Rte. 2 and 15, West Danville, VT—9-27-79
Portland Street Sunoco, Portland Street, St. Johnsbury, VT—9-27-79
Bedford's Service Station, 134 Portland Street, St. Johnsbury, VT—9-27-79
Bob Dupre's Service Station, Canada Street, Swanton, VT—10-3-79
E. J. Barrette & Sons, Canada Street, Swanton, VT—10-3-79
Swanton Interstate Sunoco, Rte 78, Swanton, VT—10-3-79
Swanton Texaco, Rte 78, Swanton, VT—10-3-79
Larry's Exxon, 266 No. Main Street, St. Albans, VT—10-3-79
Chimney Corner Store, Rte 7, Milton, VT—10-4-79
Imported Car Center, Rte 2A, Williston, VT—10-4-79
Bormann's Sunoco, I-89 and Rte 2A, Williston, VT—10-4-79
Arlington Service Station, 934 Mays Avenue, Arlington, MA—10-1-79
19 Park Avenue Gulf, 19 Park Avenue, Arlington, MA—10-1-79
Sirum Bros. Inc., 44 Main Street, Greenfield, MA—10-1-79
Fontaine's Exxon, 110 Federal Street, Greenfield, MA—10-10-79
Paul E. Lafleur—Nap's Texaco, 151 Federal Street, Greenfield, MA—10-1-79
Underhill Garage, Inc., Rte. 15, Underhill, VT—10-10-79
Washburn Mobil Service Center, Rte. 2, Richmond, VT—10-10-79
Champney's Exxon, Rte. 2, Bolton, VT—10-10-79
Consumers Wholesale Outlet, 56 Highland Ave., E. Providence, RI—10-23-79
Mark's Arco, 460 Pontiac Avenue, Cranston, RI—10-23-79
Harry's Gulf Service, 175 Douglas Avenue, Providence, RI—10-23-79
Callaghan's Sunoco, 2289 Pawtucker Avenue, Providence, RI—10-22-79
Louie's Service Center, 26 Payne Street, Rockland, ME—10-30-79
Crockett's Garage, 126 Main Street, Rockland, ME—10-30-79
Elmer's Texaco, 700 Main Street, Rockland, ME—10-31-79
Boyington's Sunoco, 73 Camden Street, Rockland, ME—10-31-79
Minute Man Car Wash, Camden Street, Rockland, ME—10-31-79
Clinton Service Station, 64 West Main Street, Clinton, CT—9-20-79
Maguire's Inc. 669 Worcester Road, Framingham, MA—10-29-79
Inbound Texaco, Rte. 9, Chestnut Hill, MA—10-30-79
L&R Sunoco, 102 Lebanon Street, Melrose, MA—10-31-79
Pine Banks Exxon 1100 Main Street, Malden, MA—10-31-79
Charlie's Exxon, 870 Main Street, Melrose, MA—10-31-79
Van Aria's American Service, 440 Boston Post Road, Sudbury, MA—9-18-79
Taki's Shell, 145 Spring Street, W. Roxbury, MA—9-18-79
North Scott Texaco, 861 Edgell Road, Framingham, MA—9-25-79
William Santoro, 874 Edgell Road, Framingham, MA—9-25-79
Nobscott Chevron, 900 Edgell Road, Framingham, MA—9-25-79
Pinefield Shell Service Station, 29 Water Street, Framingham, MA—9-25-79
Galvin Shell Service, 100 Winthrop Avenue, Lawrence, MA—9-25-79
John & Frank's Gulf, 191 Parker, Lawrence MA—9-25-79
V&I Battery, 185 South Broadway, Lawrence, MA—9-25-79
Jarek's Texaco, 7 Lincoln Square, Lowell, MA—9-26-79
Bob's Shell Service, 365 Chelmsford Street, Lowell, MA—9-26-79
Colonial Shell, Chelmsford Street, Chelmsford, MA—9-26-79
Westland Motors, 293 Chelmsford Street, Chelmsford, MA—9-26-79
Chelmsford Arco, 189 Chelmsford Street, Chelmsford, MA—9-26-79
Miller's Mobil Service, Bridge and Fourth Sts., Lowell, MA—9-27-79
Mercer Bros. Inc., 1150 Bridge Street, Lowell, MA—9-27-79
Paul's Shell Service, Bridge and West 6th Sts., Lowell, MA—9-27-79
Mathew's Texaco, Rte. 495 and 38, Tewksbury, MA—9-27-79
Gill's Shell Service, Rogers Street, Lowell, MA—9-27-79
Rt. 9 Mobil, Rte. 9, Southboro, MA—9-26-79
Temple Street Gulf, Worcester Road, Framingham, MA—9-26-79
Center Exxon, 1090 Worcester Road, Framingham, MA—9-26-79
The Village Blacksmith Chevron, Cor. Rte. 30, Framingham, MA—9-26-79
Southboro Chevron, Rte. 30, Southboro, MA—9-27-79
Pell's Framingham Sunoco, 506 Concord Street, Framingham, MA—9-27-79
Concord Street Auto Service, 486 Concord Street, Framingham, MA—9-27-79
Sarky's and Sons, 386 Hollis Street, Framingham, MA—9-27-79
Pel's Sunoco, Pond Street, Ashland, MA—9-27-79
Power's Service Station, 91 Main Street, Leominster, MA—10-9-79
Wilkinson's Service Station, 509 Main Street, Leominster, MA—10-9-79
Bob's Custom Sunoco, 468 Main Street, Leominster, MA—10-9-79
Steve and Stan's Exxon, 456 Main Street, Leominster, MA—10-9-79
Kelly's Exxon, 516 John Fitch Highway, Leominster, MA—10-10-79
Leon Bellio, 115 Luhenburg Street, Fitchburg, MA—10-10-79
Moor's Leomister Shell, 152 Main Street, Leominster, MA—10-10-79
Keith's Arco, 158 Main Street, Leominster, MA—10-10-79
Ralph's Getty, 12 North Main Street, Leominster, MA—10-10-79
Dick's Gulf, 103 Main Street, Leominster, MA—10-11-79
Peabody's Kings Corner, 1289 Main Street, No. Leominster, MA—10-11-79
Ron & Sons Exxon, 527 N. Main Street, Leominster, MA—10-11-79
Colonial Gulf, 179 South and Taconic Sts., Pittsfield, MA—10-9-79
Park Square Mobil, 123 East Street, Pittsfield, MA—10-9-79
East Street Gulf, 746 East & Lyman Sts. Pittsfield, MA—10-9-79
Andrews Mobil, 811 Dalton Avenue, Pittsfield, MA—10-9-79
Procopio Bros., 483 W. Housatonic Street, Pittsfield, MA—10-9-79
Fitch's Garage, 484 W. Housatonic Street, Pittsfield, MA—10-9-79
Patryn's Servi-Center, 232 Ashland Street, North Adams, MA—10-10-79
Henry's Tire and Battery, 59 Columbia Street, Adams, MA—10-11-79
J. H. Armstrong Inc., 46 Commercial Street, Adams, MA—10-11-79
J. L. Bresett, 56 Commercial Street, Adams, MA—10-11-79

Al's Arco, Elm and Commercial Streets, Adams, MA—10–11–79
Lewis Service Center, North Street, Cheshire, MA—10–11–79
Lamb's Garage, Main Street, Cheshire, MA—10–11–79
Cheshire Garage, South Street, Cheshire, MA—10–12–79
Berkshire Servicenter, Rte. 8, Berkshire, MA—10–12–79
Casey's Texaco, 480 S. Main Street, Great Barrington, MA—10–30–79
Old Egremont Store, Rte. 71, Egremont, MA—10–30–79
Jimmy's Mobil Station, Main Street, S. Egremont, MA—10–30–79
Gulotta's Mobil Service, Main Street, Sheffield, MA—10–30–79
Macy's Garage, Main Street, Sheffield, MA—10–30–79
Ken Gurney's Exxon, State Road, Great Barrington, MA—10–30–79
Roberts Service Station, 190 State Road, Great Barrington, MA—10–30–79
Ely's Garage, 185 State Road, Great Barrington, MA—10–30–79
Bacons Package Store, Rte. 9, Williamsburg, MA—10–31–79
Lakeside Garage, Main Street, Goshen, MA—10–31–79
Mohawk Garage, Rte. 8, Becket, MA—10–31–79
Charlie's Garage, Main Street, Chester, MA—10–31–79
Toppy's Inc. Rte. 20, Chester, MA—10–31–79
A. J. Desormiers, 350 Burnett Road, Chicopee Falls, MA—10–29–79
Ed's Arco, 363 Burnett Road, Chicopee Falls, MA—10–29–79
Triple B Auto Service, 385 Memorial Drive, Chicopee Falls, MA—10–29–79
Menard and Holmberg, 765 Memorial Drive, Chicopee Falls, MA—10–29–79
Chicopee Minuteman Auto Service, 1035 Memorial Drive, Chicopee Falls, MA—10–29–79
Bill Kenney and Sons, 1061 Memorial Drive, Chicopee Falls, MA—10–29–79
Tom's Mobil, 720 Summer Avenue, Springfield, MA—10–30–79
Felix's Exxon, 914 Summer Avenue, Springfield, MA—10–30–79
Harkness Arco, 900 Allen Street, Springfield, MA—10–30–79
16 Acres Mobil, 1830 Wilbraham Road, Springfield, MA—10–30–79
Hank's Stony Hill Arco, 1993, Boston Road, Wilbraham, MA—10–30–79
Edward's Service Station, 2000 Boston Road, Wilbraham, MA—10–30–79
Liberty Heights Shell, 798 Chrew Street, Springfield, MA—10–31–79
Bodman's Garage, 676 Page Blvd., Springfield, MA—10–31–79
Gary's Auto Service, 474 Page Blvd., Springfield, MA—10–31–79
Nadeau's Amoco, 1037 St. James Avenue, Springfield, MA—10–31–79
East Street Auto Center, 245 East Street, Chicopee Falls, MA—10–31–79
Granger's Texaco, 451 Grantton Street, Chicopee Falls, MA—10–31–79
Brown's Garage Service, 734 Page Blvd., Springfield, MA—10–31–79
J&S Hylan Service, 1581 Hylan Blvd., Staten Island, NY—9–5–79
T&L Shell, 801 Soundview Avenue, Bronx, NY—9–5–79
AT&B Automotive, 1700 Webster Avenue, Bronx, NY—9–5–79
Bruckner Service Station, 119 Bruckner Blvd., Bronx, NY—9–5–79
Savon Service Station, 35th Avenue & Junction Blvd., Corona, NY—9–6–79
Fresh Meadows Gas, 173–12 Horace Harding Expressway, Flushing, NY—9–7–79
Merry Trio Inc., 173–12 Horace Harding Expressway, Flushing, NY—9–7–79
Wally's Service Station, 3179 Atlantic Avenue, Brooklyn, NY—9–10–79
Terrific Auto Care, 3550 Boston Road, Bronx, NY—9–11–79
Krolius Service, 980 E. 233 Street, Bronx, NY—9–11–79
Aggressive Enterprises, 2093 Hylan Blvd., Staten Island, NY—9–14–79
Maloney Shell, 114 Bruckner Blvd., NY—9–19–79
Nachman-Feig Mobil Service Station, 161–08 Horace Harding Expressway, Flushing, NY—9–20–79
Paul's Service Station, 3202 Peartree Avenue, Bronx, NY—9–27–79
Dora's Service Center, 260 Bay Street, Staten Island, NY—9–27–79
Cheryl's Service Station, 1225 Hylan Blvd., Staten Island, NY—9–25–79

Joe and Jule Service Station, 5401 Fort Hamilton Parkway, Brooklyn, NY—9–27–79
Sunnyside Service Station, 1262 Clove Avenue, Staten Island, NY—9–25–79
D. Vitanza Repair and Service, 165 Tenth Avenue, New York, NY—9–21–79
DeLuc Service Station, 1100 Webster Ave., Bronx, NY—9–4–79
Karl Klein Service Station, 826 East 233rd Street, Bronx, NY—9–5–79
L&S Service Center, 301 65th Street, Brooklyn, NY—9–5–79
Deegan Service Center, 296 West Fordham Road, Bronx, NY—9–6–79
Premier Service Station, 987 4th Avenue, Brooklyn, NY—9–5–79
K&C Shell, 363 4th Avenue, Brooklyn, NY—9–5–79
Regour Service Station 275 4th Avenue, Brooklyn, NY—9–5–79
Calga Service Station, 1776 Second Avenue, New York, NY—9–6–79
Irving Lash Service Station, 987 Central Park Avenue, Yonkers, NY—9–7–79
R&R Service Station, 688 East Gunhill Road, Bronx, NY—9–10–79
C&J Auto Service, 620 E. 233rd Street, Bronx, NY—9–7–79
OK Service Station, Mereick Road and Broadway, Valley Stream, NY—9–12–79
2326 First Avenue Corp., 2326 First Avenue, New York, NY—9–13–79
Monetti and Son, 159–02 Cross Bay Blvd., Howard Beach, NY—9–13–79
E&M Service Station, 9001 4th Avenue, Brooklyn, NY—9–14–79
Parkside Service Center, 340 4th Avenue, Brooklyn, NY—9–18–79
Tom-Val Service Center, 1896 Bruckner Blvd., Bronx, NY—9–18–79
891 3rd Avenue Service Station, 891 3rd Avenue, Brooklyn, NY—9–17–79
Lindenhurst Service Center, 380 Montavil Highway, Lindenhurst, NY—9–20–79
East Meadow Amoco, 1878 Hempstead Turnpike, East Meadow, NY—9–19–79
Schust and Stasche Auto Service, 699 Newbridge Road, North Bellmore, NY—9–21–79
Webster Service Station, 930 Coney Island Avenue, Brooklyn, NY—9–21–79
Tru-Way Service Station, 456 11th Avenue, New York, NY—9–21–79
880 Central Avenue Service Station, 880 Central Avenue, Scarsdale, NY—9–24–79
Blue Ribbon Service Station, 248–30 South Conduit Ave., Rosedale, NY—9–25–79
Hylan Discount Corp., 1635 Hylan Blvd., Staten Island, NY—9–26–79
Coney-2 Service Station, 2806 Coney Island Ave., Brooklyn, NY—9–24–79
Burgdorff Shell Service Center, 783 Central Ave., Scarsdale, NY—9–27–79
Ralph's Service Station, 183–02 Jamaica Ave., Jamaica, NY—9–27–79
Shelve Shell Station, 248–70 Horace Harding Expressway, Littleneck, NY—9–27–79
Ebb & Mike Service Station, 2150 Hylan Blvd., Staten Island, NY—9–26–79
Nick's Cross County Service Station, 800 Central Park Ave., Yonkers, NY—10–2–79
P&B Sunoco, 66 West Sunrise Highway, Valley Stream, NY—10–2–79
Parkview Shell Service Station, 6469 Broadway, Bronx, NY—10–2–79
Mabuhay Service Station, 824 Allerton Ave., Bronx, NY—10–2–79
S&J Exchange, 375 Hamilton Avenue, Brooklyn, NY—10–2–79
Mike Zoulis Service Station, 2220 Boston Road, Bronx, NY—10–3–79
Isa's Broadway Service Station, 5501 Broadway, Bronx, NY—10–3–79
Carrick Service Corp. 30–19 Northern Blvd., Long Island, NY—10–3–79
A&S Auto Service, 83–21 Broadway, Elmhurst, NY—10–3–79
C&T Service Station, 53–21 Northern Blvd., Woodside, NY—10–3–79
M&H Shell Service Station, 110–35 Horace Harding Blvd., Corona, NY—10–4–79
Roosevelt Gas & Service, 49–21– Queens Blvd., Woodside, NY—10–4–79
A–DK Service Station, 4202 Queens Blvd., Long Island City, NY—10–4–79
Gus Service Station, 21–04 21st Avenue, Long Island City, NY—10–4–79
Princeton Service Station, 1190 Bay Street, Staten Island, NY—9–27–79
Tomarge Service Station, 67–14 Roosevelt Avenue, Woodside, NY—10–4–79
Viamax Service Station, 77–11 Roosevelt Ave., Jackson Heights, NY—10–5–79
Cross Bay Amoco, 164–50 Cross Bay Blvd., Howard Beach, NY—10–5–79
Larry's Auto Service, 672, Sunrise Highway, Valley Stream, NY—10–10–79
Capitol Utica, 756 Utica Ave., Brooklyn, NY—10–10–79
Jandav Service Station, 2285 Flatbush Ave., Brooklyn, NY—10–10–79
Olympic Mobil Service Station, 4911 Avenue H, Brooklyn, NY—10–10–79
Romeo Trans Service Station, 1617 Neptune Avenue, Brooklyn, NY—10–10–79
Conti Island Service Station, 1702 Neptune Avenue, Brooklyn, NY—10–10–79
SRV Service Station, 6501 Bay Parkway, Brooklyn, NY—10–11–79
Kings Highway Service Station, 2773 Nostrand Ave., Brooklyn, NY—10–10–79

Two Bear Auto Repair, 1881 Flatbush Ave., Brooklyn, NY—10–10–79
Shae Patrick Inc., 1300 Hicksville Road, Massapequa, NY—10–11–79
N&J Sunoco Service Station, 959–9–3 Central Park Avenue, Yonkers, NY—10–11–79
Elmhurst Service Center, 3377 Eastchester Road, Bronx, NY—10–11–79
Midway Service Station, 21–16 Jackson Ave., Long Island City, NY—10–16–79
Charlie's Gas & Service Station, 32–23 58th Street, Woodside, NY—10–3–79
Admiral Service Station, 1472 65th Street, Brooklyn, NY—10–16–79
South Conduit Service Station, 117–90 South Conduit Avenue, Springfield, NY—10–16–79
2481 Central Park Avenue Service Station, 2481 Central Park Ave., Yonkers, NY—10–16–79
Gene's Service Station, 1143 Coney Island Ave., Brooklyn, NY—10–17–79
Sam Service Station, 2173 Gerriston Ave., Brooklyn, NY—10–17–79
Broadway Service Station, 32–09 21st Street, Long Island City, NY—10–17–79
MMJS Auto Service Center, Morlin Road and Lie, Commack, NY—10–17–79
Roosevelt Gasoline Service Station, 49–21 Queens Blvd., Woodside, NY—10–18–79
Karl Klein Service Station, 836 East 233d Street, Bronx, NY—10–18–79
Hamilton Service Station, 288 Hamilton Ave., Brooklyn, NY—10–9–79
Webster Paradise Gardens, 1170 Webster Avenue, Bronx, NY—10–17–79
Baychester Mobil, 500 Baychester Ave., Bronx, NY—10–30–79
Al Vin's Service Station, 684 Utica Avenue, Brooklyn, NY—10–30–79
Shalit Texaco, 3903 Bell Blvd., Bayside, NY—10–30–79
Lewis Super Service, 1244 Utica Ave., Brooklyn, NY—10–30–79
First Stop Service Station, 32–32 Queens Blvd., Long Island City, NY—10–30–79
Al's Sunoco Service Center, 292 Ashburton Ave., Yonkers, NY—10–30–79
Ron's Service, 1025 Utica Ave., Brooklyn, NY—10–30–79
Michael A. Fusco, Inc., 1731 Pennsylvania Ave., Wilmington, DE—9–19–79
Gene Turulski T/A Harmony Exxon, Harmony and Slanton Rd., Newark, DE—9–28–79
Allan Weinstein Arco T/A Weinstein's Arco, 56th and Coastal Highway, Ocean City, MD—9–26–79
Sterling Marine Sales, 6210 Park Blvd., Wildwood, NJ—9–25–79
Waterway Marina, 727 W. Montgomery Ave., Wildwood, NJ—9–25–79
Starns Marina, 801 N. New Hampshire Ave., Atlantic City, NJ—9–24–79
Harmar Marina, 2526 Wenzel Drive, Harmarville, PA—10–29–79
Gateway Amoco, 2501 Mosside Ave., Monroeville, PA—10–29–79
Dave's Mobile, 1043 S. Braddock, Edgewood, PA—10–31–79
Frelland's Gulf, 101 Beverly Road, Pittsburgh, PA—10–29–79
Angotti Texaco, 1330 Banksville Road, Pittsburgh, PA—10–31–79
Skowran's Sunoco, 1721 Banksville Road, Pittsburgh, PA—10–31–79
Marty's Gulf, 225 S. Main Street, Zelienople, PA—10–31–79
John Jarrell (Arco), Ridge and Manatawna Ave., Philadelphia, PA—9–4–79
Willow Grove Gulf, 1705 Easton Road, Willow Grove, PA—9–4–79
Tyes Texaco, Butler and Shasta Road, Plymouth Meeting, PA—9–5–79
Ferrino Bros. Exxon, 228 Bustleton Ave., Feasterville, PA—9–5–79
Frank Bittner (Gulf), 803 Germantown Pike, Norristown, PA—9–5–79
Jim & Bob Breish (Shell), 655 W. Gemantown Pike, Norristown, PA—9–5–79
Irvs Arco, Rhawn and Roosevelt Blvd., Philadelphia, PA—9–5–79
Painter's Grossroads Gulf, RTS. 1 and 202, Glen Mills, PA—9–5–79
Audubon S.S., Rte, 363 and Audubon Road, Audubon, PA—9–5–79
Joseph Sweeney (Getty), 532 Easton Road, Glenside, PA—9–7–79
G. Ferguson (Mobil), 8301 Stenton Ave., Philadelphia, PA—9–7–79
Bill's Arco, 22nd and Edgemont Avenue, Chester, PA—9–7–79
Griffin Chevron, 831 Northern Blvd., Clarks Summit, PA—9–10–79
Paul's Arco, Roosevelt Blvd. and Cheltenham Ave., Philadelphia, PA—9–10–79
Ronald Baratta (Mobil), 496 S. Main Street, Wilkes-Barre, PA—9–11–79
George Banas—Texaco, Butler and North Penn St., Wilkes-Barre, PA—9–11–79
C. E. Groff—Amoco, 452 Kidder Street, Wilkes-Barre, PA—9–11–79
Rovert Chesna—Amoco, 882 sans Souci Pike, Wilkes-Barre, PA—9–11–79
Lower Gradway Exxon, 289 Lower Broadway, Nanticoke, PA—9–11–79
Slocum's S.S. Northern Blvd., Chinchilla, PA—9–11–79
Lapera Oil Co., Inc., 41 River Street, Carbondale, PA—9–11–79
Ted's S.S. Exxon, 511 Maing Street, Child's PA—9–11–79
Jayne's Arco, Bridge and Tioga, Tunkhannock, PA—9–11–79
Sav-Way, Rt. 6 and 11, Clark Summitt, PA—9–11–79
Owens Exxon, 117 w. Tioga St., Tunkhannock, PA—9–11–79
Rought's Texaco, Rt. 6 and 11, Factoryville, PA—9–11–79
Bill's Mobil, 189 E. Tioga Street, Tunkhannock PA—9–11–79
Coolbaugh's Pontiac, 202 E. Tioga St., Tunkhannock, PA—9–11–79
Conklin's Exxon, I–81 & Rt. (R.D. #2), New Milford, PA—9–11–79
R. B. Fries Inc., 900 Main Street, Vandling, PA—9–11–79
Pasco's Exxon 335 Franklin Ave., Scranton, PA—9–12–79
Jim's Arco, 1028 Capouse Ave., Scranton, PA—9–12–79
Kashner's Arco, 4699 Birney Ave., Moosic, PA—9–12–79
H. Piechota Jr.—Sunoco, 235 Main Street, Dupont, PA—9–12–79
Bruno Marcellini—Arco, Rt. 315 and Dupont Highway, Pittson Twp., PA—9–12–79
Lou Zack—Exxon, 1233 Highway 315, Wilkes-Barre, PA—9–12–79
Bryant's Sunoco, 1706 N. Main Ave., Scranton, PA—9–12–79
Penny Saver Corp.—Sunoco, 2134 Northhampton St. Easton, PA—9–13–79
John Vallerschamp—Texaco—9th St., & Sarah Road, East Stroudsburg, PA—9–13–79
Al's Gulf Service, 263 Willow Ave., Honesdale, PA—9–13–79
Schank's Sunoco, 301 S. Blakely, Dunmore, PA—9–13–79
Mt. Cobb Mobil, RD. 4, Lake Ariel, PA—9–13–79
P&O Mobil, Penn and Olive Sts., Scranton, PA—9–13–79
Kellum's Texaco, 300 Willow Avenue, Honesdale, PA—9–13–79
Moran's Service Station, 201 Jefferson and Spruce Sts., Scranton, PA—9–13–79
Snot's Service Station, 4th and Main Sts., Honesdale, PA—9–13–79
John O'Connor—Gulf, 3rd and Main Sts., Stroudsburg, PA—9–14–79
William Mislivets—Chevron, Bypass at Blackman St., Wilkes-Barre, PA—9–14–79
Nolan's Exxon, RD 1, Lake Ariel, PA—9–14–79
Frank Mirand—Gulf, Washington and Ash, Scranton, PA—9–14–79
Watson Bros. Sunoco, Box 59, White Mills, PA—9–12–79
Suberto's Service, P.O. Box 22, Greentown, PA—9–15–79
Canadensis Guld, Box 33, Canadensis, PA—9–15–79
Litening Auto Inc., Rt. 191, Newfoundland, PA—9–15–79
Vitale's Mobil, RT. 611, Tobyhanna, PA—9–15–79
Polito's Sunoco, Rt. 252 and Reese Ave., Newtown Square, PA—9–17–79
Cliff's Exxon, 520 W. Cypress St., Kennet Square, PA—9–17–79
Steve's Shell, 8601 Frankford Avenue, Philadelphia, PA—9–18–79
La Forgia's Arco, 8759 Frankford Ave., Philadelphia, PA—9–18–79
Grogan's Exxon, 503 Belmont Ave., Mt. Pocono, PA—9–15–79
Burwell's Exxon, 1500 Northampton St., Easton, PA—9–18–79
Pat's Arco, 1125 Northampton, St., Easton PA PA—9–19–79
V. F. Licolli & Son, Tyson and Frankford Ave., Philadelphia, PA—9–19–79
George's Texaco, 8501 Frankford Avenue, Philadelphia, PA—9–19–79
Steffi Bros., 2364 MacArthur Road, Whitemarsh, PA—9–21–79
Herb Kauffman—Arco, 2665 Lititz Pike, Lancaster, PA—9–25–79
Mellinger's Amoco, Rt. 222, Ephrata, PA—9–25–79
Wissler's Gulf, 1460 Lititz Pike, Lancaster, PA—9–25–79
By-Pass Garage—Gulf, 1409 N. Providence Road, Media, PA—9–26–79
Robert Campbell—Arco, Providence Pike and Kirk Lane, Media, PA—9–26–79
Melvin Zinc—Texaco, Rt. 30—East, Lancaster, PA—9–26–79
Melvin Zinc—Texaco, Rd. 2, Gordonwille, PA—9–26–79
To-s Bingeman—Texaco, 511 Furnance Hills Pike, Lititz, PA—9–26–79
Rintz Exxon, 700 E. Chestnut St., Lancaster, PA—9–26–79
Stauffer's Texaco, RD 1 Ephrata, Ephrata, PA—9–26–79
Buch's Exxon, 3rd and McConnell, Stroudsburg, PA—9–28–79

Donald E. Mann, Mobil 223 Third St., Leechburg, PA—9–4–79
Don Duckworth Arco, McMurray Dairy Bar, 601 E. McMurray, McMurray, PA—9–5–79
Turnpike Mobil, 7910, Rt. 30 East, North Huntingdon, PA—9–8–79
Lincoln Service Center, Exxon, 535 Lincoln Hwy., Irwin, PA—9–8–79
John & Marilyn Leukhardt, Sunoco. Rt. 30 & 10th St., Ext. Irwin, PA—9–8–79
Dourglass R. Peterson, Arco, PA & Oak Ave., Irwin, PA—9–8–79
Packrall Bay Mobil, RD #1, Fredericktown, PA—9–5–79
Pleasure Harbor Marina, Gulf, P.O. Box G, Millsboro, PA—9–5–79
Holiday Harbor Mobil, Box B, Rt. 88, Millsboro, PA—9–5–79
Aretta's Arco, P.O. box 281, Farichance, PA—9–6–79
Bob's Sunoco, W. Main St., & New Rt. 119, Uniontown, PA—9–6–79
United Dairy Farm—Ashland, 286 W. Main Street, Uniontown, PA—9–6–79
Ted Minella and William Banes, Anchor Harbor, Universal, P.O. Box 303, Millsboro, PA—9–5–79
William Emert, Mobil, Box 118, Stahlstown, PA—9–7–79
Donald C. Hoffer, Sunoco, Box 36, Stahlstown, PA—9–7–79
Ligonier Arco, R.D. #5, Box 290, Ligonier, PA—9–7–79
Robert B. Springer, Gulf, Rt. 30 and 711. Ligonier, PA—9–7–79
Charles Donato, Sunoco, R.D. #5 Box 273, Ligonier, PA—9–7–79
Lloyd Watkins, Amoco, R.D. #5, Somerset, PA—9–7–79
Laughlintown Garage, Gulf, Box 269, Laughlintown, PA—9–7–79
Dennis Daw, arco Rt. 30 and Lewis Ave., Jeanette, PA—9–8–79
Evan Ford Marina, Amoco, Buenola, PA—9–7–79
Willock's Exxon, Maple Lane & Grand Ave., Neville Island, PA—9–13–79
Andy's Automotive Pennzoil, 511 North Avenue, Millvale, PA—9–11–79
Benton's Texaco, R.D. 5 Box 463–C, Gibsonia, PA—9–11–79
Budget Rental Co., 3939 Wm. Penn Highway, Monroeville, PA—9–12–79
Mini Market #126—Arco, 7403 Washington, St., Swissvale, PA—9–12–79
Lou's Mobil, 4619–21 Center Ave., Oakland, PA—9–12–79
Fife's Texaco, 2520 Washington, Rd., Upper St. Clair, PA—9–12–79
Miller's Amoco, 3957 Wm. Penn Highway, Monroeville, PA—9–14–79
Oakmont Boat Svc. Gulf, 10 Washington, Ave., Oakmont, PA—9–14–79
Raymong Irey, National Mobil, 1861 East Maiden, Laboratory, PA—9–17–79
Burkes Amoco, R.D. #2, Rt. 21, Waynesboro, PA—9–17–79
M&R Exxon, 9th and College, Beaver Falls, PA—9–26–79
Warrick's Gulf, 5th and 9th Streets, New Brighton, PA—9–27–79
Paul's Arco, RD3 Box 370, Aliquippa, PA—9–28–79
Caruso and Son Mobil, 454 Main Street, Mt. Pleasant, PA—9–26–79
Spring Garden Arco, Mt. Pleasant, Pa.—9–26–79
Oldland's Gulf, Main and Morewood, Mt. Pleasant, PA—9–26–79
Cam–2 Tune Up Center—S. Schober, 910 Lysle Blvd., McKeesport, PA—9–27–79
American Marina Dev. Corp. Yough Lake Marina, R.D. 1 Box 156–A, Addison, PA—9–27–79
Anderson Service Center, US 30 and PA 168, Georgetown, PA—10–9–79
Pricewagon Auto Service, Inc., 720 Broadhead Road. Aliquippa, PA—10–9–79
Wallies Pennzoil, Morgantown Street, Point Marion, PA—10–12–79
Nick's Exxon, 401 Merchant Street, Fairmont, WV—9–17–79
Spag Ashland, 550 W. Main Street, Clarksburg, WV—9–18–79
Skidmore Texaco Trade Stop, I–79 Flatwoods Exit 67, Sutton, WV—9–18–79
Big Otter Amoco, Valley Fort, WV—9–18–79
Wentz Laway Marina Pennzoil, P.O. Box 3075, Huntington, WV—9–19–79
Mitch's Marina, Inc., Ashland, 418 First Avenue, St. Albans, WV—9–19–79
Kenna Exxon, I–77, Rt. 34, Kenna, WV—9–20–79
Millcreek Exxon, 730 W. Main, Ripley, WV—9–20–79
C&R Inc., Woods Boat House, 1920 Fairmont Ave., Fairmont, WV—9–21–79
Stonewall Jackson Texaco, Webster Road, Sommersville, WV—9–17–79
Harold Long, Anthony Benton, Product Distributors, Exxon, Jet Routes 19 & 41, Summersville, WV—9–17–79
Princeton-American, Amoco, 611 Thorn Street, Princeton, WV—9–18–79
Willowwood Ashland, RT. 1, Hinton, WV—9–18–79
Fort Hill Gulf, Main and Walnut Sts., Ronceverte, WV—9–18–79
Danny's Ashland, U.S. 219N, Lewisburg, WV—9–18–79
Ted Mark's Grocery, Texaco, Rt. 92, Neola, WV—9–19–79
Lynch's & Sons Amoco, Rt. 60E, White Sulphur Springs, WV—9–19–79
Shady Spring Pennzoil, Box 298, Shady Spring, WV—9–19–79
Freddie's Gulf, 515 S. Kannawak, Bekley, WV—9–19–79
McClellan Hurd, Hurd Co., Union 76m Box 45, Craigsville, WV—9–20–79
Camden Mobil, P.O. Box 72, Camden-on-Gauley, WV—9–20–79
Hayes Sunoco, Rt. 1, Box 236, French Creek, WV—9–20–79
Gregory Gulf, Rt. 6 Box 354, Buckhannon, WV—9–20–79
Earl W. & Richard L. Young, Exxon, Main and Locust St., Buckhannon, WV—9–21–79
James N. Jones, Exxon, 184 S. Kanawha St., Buckhannon, WV—9–21–79
Dunke's Union 76, 594 Randolph Ave., Elkins, WV—9–25–79
R&R Pennzoil, Box 303 Rt. 92 North, Arthurdale, WV—9–25–79
Valley Farms Market, Rt. 1 Box 173–A, Masontown, WV—9–25–79
Lea's Amoco, 474 S. Mineral Street, Keyser, WV—9–27–79
Barker's Exxon, Rt. 522, Berkley Springs, WV—9–27–79
Elliott's Sunoco, 2066 National Road, Wheeling, WV—9–25–79
Null's Exxon, 20 Wheeling Ave., Glendale, WV—9–25–79
Bethlehem Amoco, 2 Bethlehem Blvd., Wheeling, WV—9–27–79
Wharton's Amoco, 2096 National Road, Wheeling, WV—9–26–79
Hardman's Exxon, 601 Bellvue Blvd., Fairmont, WV—10–15–79
Al Blackhearst, All Schroath's 76, 244 W. Main St., Bridgeport, WV—10–16–79
Ronald McWilliams, Mobil, Rt. 50, Grafton, WV—10–16–79
Ressie Kennedy Gulf, 101 N. Pike St., Grafton, WV—10–16–79
Roger Warnick, Pennzoil, 3390 University Ave., Star City, WV—10–17–79
Fred L. Jordan, Gulf, 3100 University Ave., Morgantown, WV—10–17–79
Deal and Sullivan Texaco, 2973 University Ave., Morgantown, WV—10–17–79
Wilford Duly and Wallace Reed, Wally Reed's Exxon, 824 Mong. Blvd., Morgantown, WV—10–17–79
Collins Ferry Exxon, 3200 Collins Ferry Road, Morgantown, WV—10–19–79
University Exxon, 3510 Mong. Blvd., Morgantown, WV—10–19–79
Jerry's Exxon, 600 E. Main Street, Mannington, WV—10–15–79
Carl's Mobil, 301 W. Main Street, Grafton, WV—10–17–79
Lawrence's Gulf, Rt. 250 N., Belington, WV—10–17–79
Saffle Ashland, 101 Crim Avenue, Belington, WV—10–17–79
Rokisky Texaco, 800 W. Pike, Clarksburg, WV—10–18–79
James H. Richardson, Ashland, 424 Pike Street, Shinnston, WV—10–18–79
Stewart's Unlimited Mobil, Rt. 3, Box 145A, Bridgeport, WV—10–19–79
Riggs' Exxon, 1240 W. Main Street, Bridgeport, WV—10–19–79
Gerald Haines Gulf, I–81 and Rt. 51 East, Innwood, WV—10–10–79

Issued in Philadelphia, PA on the 30th day of November 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79–38686 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

Bernard A. Krouse d.b.a. Bak Ltd. et al; 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.

EFFECTIVE DATE: August 16, 1979.

COMMENTS BY: January 16, 1980.

ADDRESS: Send comments to: Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114 617–223–5265..

SUPPLEMENTARY INFORMATION: "On August 16, 1979, the Office of Enforcement of the ERA executed a Consent Order with BAK Ltd, et al, with its home office located in Narberth, Pennsylvania, is a firm engaged in the reselling and retailing of No. 2 Fuel Oil 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 BAK Ltd, et al the Office of Enforcement, ERA, and BAK Ltd, et al entered into a Compromise Consent Order, the significant terms of which are as follows:

1. The Consent Order settles all issues involved in BAK's sales of No. 2 Fuel Oil during the period November 1, 1973 through July 31, 1974.

2. The ERA alleges that BAK sold the above covered product at prices in excess of those permitted under 10 CFR 212.93 as preceded by 6 CFR 150.359.

3. BAK in executing the Consent Order does not admit that it violated any applicable regulation but agrees to refund $250,000 as specified in the Consent Order.

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, BAK Ltd. 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 $250,000 on or before August 1, 1982. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effect sof 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 sent your comments or written notification of a claim to Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA, 02114. You may obtain a free copy of this Consent Order by writing to the same address or by calling 617–223–5265.

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 BAK Ltd. Consent Order." We will consider all comments we receive by 4:30 p.m., local time on January 16, 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 Philadelphia, PA on the 30th day of November 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79–38884 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

Davis & Daggett Co.; 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.

EFFECTIVE DATE: September 4, 1979.

COMMENTS BY: January 16, 1980.

ADDRESS: Send comments to: Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA, 02114.

FOR FURTHER INFORMATION CONTACT: Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA, 02114 617–223–5265.

SUPPLEMENTARY INFORMATION: "On September 4, 1979, the Office of Enforcement of the ERA executed a Consent Order with Davis and Daggett Company of Sringfield, MA. 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."

I. The Consent Order

Davis and Daggett Company, with its home office located in Springfield, MA, is a firm engaged in the marketing of No. 2 Heating Oil, 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 Davis and Daggett Company, the Office of Enforcement, ERA, and Davis and Daggett Company entered into a Compromise Consent Order, the significant terms of which are as follows:

1. The Consent Order settles all issues involved in Davis and Daggett Company's sales of No. 2 Heating Oil during the period November 1, 1973 through April 30, 1974.

2. The ERA alleges that Davis and Daggett Company sold No. 2 Heating Oil at prices in excess of those permitted under 10 CFR 212.93, as preceded by 6 CFR 150.359.

3. Davis and Daggett Company in executing the Consent Order does not admit to having violated the price regulations but in order to avoid further disruptions of its business and the expense of further litigation agrees to refund $40,000 as specified in the Consent Order.

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, Davis and Daggett Company agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $40,000 on or before July 1, 1982. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 204.199I(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 Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA, 02114. You may obtain a free copy of this Consent Order by writing to the same address or by calling 617–223–5265.

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 Davis and Daggett Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time on January 16, 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 Philadephia, PA on the 30th day of November, 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79–38882 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

Eastern of New Jersey, Inc.; 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.

EFFECTIVE DATE: October 9, 1979.

Comments by: January 16, 1980.

ADDRESS: Send comments to: Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114 617–223–5265.

SUPPLEMENTARY INFORMATION: "On October 9, 1979, the Office of Enforcement of the ERA executed a Consent Order with Eastern of New Jersey, Inc. of Jersey City, New Jersey. 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."

I. The Consent Order

Eastern of New Jersey, Inc., with its home office located in Jersey City, New Jersey, is a firm engaged in the reselling and retailing of petroleum 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 Eastern of New Jersey, Inc., the Office of Enforcement, ERA, and Eastern of New Jersey entered into a Compromise Consent Order, the significant terms of which are as follows:

1. The Consent Order settles all issues involved in Eastern's sales of No. 4 Residual Fuel Oil during the period November 1, 1973 through March 31, 1974.

2. The ERA alleges that Eastern sold the above covered product at prices in excess of those permitted under 10 CFR 212.93, as preceded by 6 CFR 150.359.

3. Eastern in executing the Consent Order vigorously disputes that it has

violated any DOE regulation. However, to avoid costly and time consuming litigation and without admitting it violated any statute or regulation and for purposes of settlement only agrees to refund $425,000 as specified in the Consent Order.

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, Eastern of New Jersey, Inc. agrees to refund, in full settlement of any civil liabilty 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 $425,000 on or before July 1, 1982. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114. You may obtain a free copy of this Consent Order by writing to the same address or by calling 617–223–5265.

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 Eastern of New Jersey, Inc. Consent Order." We will consider all comments we receive by 4:30 p.m., local time on January 16, 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 Philadelphia, PA on the 30th day of November 1979.

Herbert M. Heitzer.

District Manager of Enforcement, Northeast District.

[FR Doc. 79-38683 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 50904-6223-22-77]

Energy Center Unit No. 2; Empire District Electric Co.; Determination to Classify as an Existing Facility

AGENCY: Economic Regulatory Administraton, Department of Energy.

ACTION: Determination to Classify the Empire District Electric Company Energy Center Unit No. 2 as an Existing Facility.

SUMMARY: On June 7, 1979, Empire District Electric Company (Empire) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Energy Center Unit No. 2 as an existing facility pursuant to Section 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8401 *et seq.* (FUA).

ERA has completed its analysis of Empire's request and has determined that Empire has satisfactorily demonstrated that it would suffer a substantial financial penalty. Empire had expended, in nonrecoverable outlays, more than 25 percent of the total projected project cost as of November 9, 1978, for Energy Center Unit No. 2 within the meaning of Section 515.6 of the Revised Interim Rule.

ERA has classified Empire's Energy Center Unit No. 2 as "existing" facility and it is therefore subject to the provisions of Title III of FUA.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B–110, Washington, D.C. 20461, Phone: (202) 634–2170

James W. Workman, Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone: (202) 254–7442

James Renjilian, Office of General Counsel, Department of Energy, 1000 Independence Ave., SW., Rm. 6G–087, Washington, D.C. 20585, Phone: (202) 252–2967

Robert L. Davies, Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128L, Washington, D.C. 20461, Phone: (202) 634–6557.

SUPPLEMENTARY INFORMATION: (1) On June 7, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, Empire requested that ERA classify Energy Center Unit No. 2 as an "existing" facility. On November 5, 1979, ERA published a summary of Empire's request for classification in the Federal Register and requested comments by interested persons on or before November 26, 1979. ERA has not received any comments.

(2) ERA has analyzed the material submitted by Empire applicable to the Energy Center Unit No. 2 and has classified the unit an existing facility on the basis that Empire has satisfactorily demonstrated that it would suffer a substantial financial penalty because it had expended, in nonrecoverable outlays, more than 25 percent of the total projected project cost as of November 9, 1978, for Energy Center Unit No. 2 within the meaning of § 515.6 of the Revised Interim Rule. A copy of ERA's Summary of Analysis dated November 19, 1979, is available for

examination in the Office of Public Information, at the above address.

Issued in Washington, D.C., December 12, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-38680 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[OFC Case No. 55119-9044-01-12, 55119-9044-02-12, 55119-9044-03-12; Docket No. ERA-FC-79-012]

General Motors Corp.; Acceptance of Petitions for Exemptions Pursuant to Interior Rules Implementing the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Acceptance of Petition for Exemptions Pursuant to the Interim Rules Implementing the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On October 29, 1979, the General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting three major fuel burning installations (MFBI's) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*), which prohibits the use of petroleum and natural gas as a primary energy source in new MFBI's. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 44 FR 28530 (May 15, 1979) and at 44 FR 28950 (May 17, 1979) (Interim Rules). The MFBI's for which the petition is filed are three field-erected boilers (identified as Boilers number 1, 2, and 3) installed at GM's Assembly Division (GMAD) Oklahoma City, Oklahoma. Each boiler has a design heat input rate of 182 million Btu's per hour with a steam generating capacity of 150,000 pounds per hour and is capable of burning fuel oil, coal, and natural gas. Under Section 505.28 of the Interim Rules, GM has requested a permanent exemption for certain fuel mixtures for each of three units.

Prior to the filing of this petition, and pursuant to Part 515 of the Revised Interim Rule—Transitional Facilities (44 FR 17464, March 21, 1979), GM submitted a request on May 7, 1979, that the three boilers be classified as existing facilities so that they would not be subject to the statutory prohibitions applicable to new boilers under FUA. That request was not accepted by ERA since the three units had been issued Construction Orders pursuant to Section 2(c) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) which orders were pending on May 8, 1979, the date FUA became effective. Section 762(a) of FUA provides that MFBI's subject to pending ESECA Construction Orders on May 8, 1979, are new units and therefore cannot be classified as existing facilities.

FUA imposes statutory prohibitions against the use of natural gas and petroleum as a primary energy source by new MFBI's which consist of a boiler. ERA's decision in this matter will determine whether the three boilers will be granted permanent exemptions to use certain fuel mixtures.

Concurrent with this petition, GM requested temporary public interest exemptions under § 505.15 of the Interim Rules to permit operation of the three boilers until permanent fuel mixtures exemptions for the three units were granted by ERA. ERA determined that the petition for the temporary public interest exemptions is incomplete and in accordance with § 501.3(d) of the Interim Rules, ERA notified GM by letter dated November 28, 1979, that its petition for temporary public interest exemptions, as filed, was not acceptable.

ERA has determined that the petition for permanent fuel mixtures exemptions is complete in accordance with the Interim Rules. Pursuant to § 501.3(c) of the Interim Rules, ERA notified GM, by letter dated November 28, 1979, that its petition for permanent exemptions, as filed, was acceptable. ERA retains the right to request additional relevant information from GM at any time during the pendency of these proceedings where circumstances or procedural requirements may so require. A review of the petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in Sections 701 (c) and (d) of FUA and §§ 501.31 and 501.33 of the Interim Rules, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before February 1, 1980. A request for public hearing must also be made within this same 45 day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Economic Regulatory Administration, Case Control Unit, Box 4629, Room 2313, 2000 M Street, NW, Washington, DC 20461.

Docket Number ERA-FC-79-012, should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William L. Webb
(Office of Public Information)
Economic Regulatory Administration
Department of Energy
2000 M Street, NW
Room B-100
Washington, DC 20461
Phone (202) 634-2170

Constance L. Buckley
Chief, New MFBI Branch
Office of Fuels Conversion
Economic Regulatory Administration
Department of Energy
2000 M Street, NW
Room 3128
Washington, DC 20461
Phone (202) 254-7814

E. Jiran
Office of General Counsel
Department of Energy
1000 Independence Avenue, SW
Room 6G-087
Washington, DC 20585
Phone (202) 252-2967

Robert L. Davies
Assistant Administrator
Office of Fuels Conversion
Economic Regulatory Administration
2000 M Street, NW
Room 3128
Washington, DC 20461
Phone (202) 634-6557

SUPPLEMENTARY INFORMATION: ERA published in the Federal Register on May 15 and 17, 1979, its Interim Rules implementing the provisions of Title II of FUA. The Act prohibits the use of natural gas and petroleum as a primary energy source in certain new MFBI's unless an exemption to do so has been granted by ERA.

The MFBI's for which the permanent fuel mixtures exemptions are requested are three identical field-erected boilers. Each boiler has a design heat input rate of 182 million Btu's per hour, a steam generating capacity of 150,000 pounds per hour and is designed to burn coal, natural gas or fuel oil. GM states that the steam generated will be used for process equipment in the Assembly building, for auxiliary powerhouse steam, and for building heating and air conditioning.

Section 505.28 of the Interim Rule provides for a permanent exemption from the prohibitions of FUA for certain fuel mixtures containing natural gas or petroleum. To qualify, a petitioner must demonstrate to the satisfaction of ERA that:

(1) It proposes to use a mixture of natural gas or petroleum and an alternate fuel as a primary energy source; and

(2) The amount of petroleum or natural gas proposed for use in the mixture will not exceed the minimum percentage of the total annual Btu heat input needed to maintain operational reliability of the installation consistent with maintaining a reasonable level of fuel efficiency.

If the exemptions are granted, ERA will not require that the percentage of petroleum or natural gas used in the mixture be less than 25 percent of the total annual Btu heat input of the installation.

In addressing these eligibility requirements, and the evidentiary requirements in § 505.28(a)(1) and (c)(4), GM states that it will be using a coal-natural gas mixture as a primary energy source. The alternate fuel (coal) will be used alternately with natural gas. They further certify that the total amount of natural gas, which is proposed to be used in the three boilers, will not exceed 25% of the total annual Btu heat input of each of the three boilers. GM contends that, although it has obtained all necessary permits to consume coal at this facility, without the ability to use natural gas in a mixture with coal in these boilers, GM will be forced to waste coal energy during periods of reduced steam demand and, in addition, continued operation of the boilers solely on coal would create opacity and noise pollution problems.

In accordance with Part 502 of the Interim Rules, in support of its petition, GM has addressed the remaining Fuels Decision Report (FDR) requirements by including design specifications for the units for which these exemptions are requested and an engineering assessment of the proportions of natural gas needed to maintain operational reliability and a reasonable level of fuel efficiency.

ERA hereby accepts the filing of the petition for fuel mixtures exemptions as adequate for filing. ERA retains the right to request additional relevant information from GM at any time during the pendency of these proceedings where circumstances or procedural requirements may so require. As set forth in § 501.3(g) of the Interim Rules, the acceptance of the petition by ERA does not constitute a determination that GM is entitled to the exemptions requested.

The public file, containing documents on these proceedings and supporting materials is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW, Washington, DC, Monday to Friday, 8:00 am to 4:30 pm.

Issued in Washington, DC, on December 11, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-38661 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

Lynwood Shafer, d.b.a. S&H Texaco; Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of Proposed Remedial Orders issued to the following firms, charging them with pricing violations, connected with the retail sale of gasoline during the time periods stated:

Firm and location	Amount	Audit Period
Lynwood Shafer, d.b.a. S&H Texaco, Lancaster, Pa.	$1,023	8-1-79 to 9-25-79.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 30th day of November 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement, Northeast District.

[FR Doc. 79-38687 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

McCleary Oil Co., Inc.; 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.

EFFECTIVE DATE: August 15, 1979.

COMMENTS BY: January 16, 1980.

ADDRESS: Send comments to: Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114 617-223-5265.

SUPPLEMENTARY INFORMATION: On August 15, 1979, the Office of Enforcement of the ERA executed a Consent Order with McCleary Oil Co., Inc. of Chambersburg, PA. 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."

I. The Consent Order

McCleary Oil Co., Inc. with its home office located in Chambersburg, PA, is a firm engaged in the reselling and retailing of petroleum 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 McCleary Oil Co., Inc., the Office of Enforcement, ERA, and McCleary Oil Co., Inc. entered into a Compromise Consent Order, the significant terms of which are as follows:

1. The Consent Order settles all issues involved in McCleary's sales of No. 2 Heating Oil, No. 4 and 5 fuel oil, gasoline, kerosene and diesel fuel during the period November 1, 1973 through April 30, 1974.

2. The ERA alleges that McCleary Oil sold the above covered products at prices in excess of those permitted under 10 CFR 212.93, as preceded by 6 CFR 150.359.

3. McCleary in executing the Consent Order does not admit to having violated the price regulations but in order to bring the disputes between the parties to a speedy resolution and for settlement purposes only agrees to refund $61,000 as specified in the Consent Order.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

Disposition of Refunded Overcharges

In this Consent Order, McCleary Oil Co., Inc. 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 $61,000 on or before August 1, 1981. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 204.199I(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 Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114. You may obtain a free copy of this Consent Order by writing to the same address or by calling 617–223–5265.

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 McCleary Oil Co., Inc. Consent Order." We will consider all comments we receive by 4:30 p.m., local time on January 16, 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 Philadelphia, PA on the 30th day of November, 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-38685 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-Cert-101]

Allied Chemical Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Allied Chemical Corporation (Allied) filed an application for certification of an eligible use of natural gas to displace fuel oil at its ammonia plant in Omaha, Nebraska, with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 on October 4, 1979. Notice of that application was published in the Federal Register (44 FR 67704, November 27, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Allied's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas To Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Allied's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., on December 12, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of 7,600 Mcf of natural gas per day at Allied's Omaha Plant, purchased from Peoples is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facility purchased from the same eligible seller.

Issued in Washington, D.C., on December 12, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Department of Energy,
Washington, D.C., December 13, 1979.

Re ERA Certification of Eligible Use, ERA Docket No. 79–CERT–101, Allied Chemical Corporation.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, Washington, D.C.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the Federal Register and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilson, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 254–8202. All correspondence and inquiries regarding the certification should reference ERA Docket No. 79–CERT–101.

Sincerely,

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Enclosure.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Allied Chemical Corp.; ERA Docket No. 79–Cert–101

Application for Certification

Pursuant to 10 CFR Part 595, Allied Chemical Corporation (Allied) filed an application for certification of an eligible use of 7,600 Mcf of natural gas per day at its ammonia plant in Omaha, Nebraska with the Administrator of the Economic Regulatory Administration (ERA) on October 4, 1979. The application and supplemental information state that the eligible seller of the gas is Peoples Natural Gas Division of Northern Natural Gas Company (Peoples) and that the gas will be transported by the Northern Natural Gas Company and the Panhandle Eastern Pipeline Company. The application indicates that the use of this natural gas is estimated to displace 49,450 barrels of No. 5 fuel oil (1.8–2.3 percent sulfur) per year and 45,050 barrels of No. 2 fuel oil (0.5–0.6 percent sulphur) per year at Allied's Omaha Plant. The application also indicates that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

[FR Doc. 79–38779 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TA80–1–1 (PGA80–1, IPR80–1, & DCA80–1)]

Alabama-Tennessee Natural Gas Co.; Proposed GHA Rate Adjustment

December 11, 1979.

Take notice that on November 30, 1979, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Substitute Thirty-First Revised Sheet No. 3–A
Original Sheet No. 3–B

These tariff sheets are proposed to become effective as of January 1, 1980.

Alabama-Tennessee states that the purpose of this tariff filing is to adjust its rates to conform to the proposed changes in the rates of Tennessee Gas Pipeline, a Division of Tenneco Inc., filed today in Docket Nos. RP73–114, *et al.* Alabama-Tennessee states that the rate changes have been made in conformity with the PGA and related provisions of its tariff.

The tariff sheets provide for the following rates:

Rate schedule	Rate after current adjustment
G–1:	
Demand	$2.17
Commodity	214.32
SG–1: Commodity	230.15
I–1: Commodity	221.45

Original Sheet No. 3–B also shows the incremental pricing surcharges for various resale and direct sale customers.

Alabama-Tennessee states that copies of the filings 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 26, 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. 79–38612 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. RE80–28]

Benton County Public Utility District No. 1; Application for Exemption

December 11, 1979.

Take notice that Benton County Public Utility District No. 1 (Benton County PUD), on November 6, 1979, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations (Order 48, 44 FR 58687). Exemption is sought from the requirement to file, on or before November 1, 1980, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, Benton County PUD states that it should not be required to file the specified data because "the gathering of such information will not be likely to carry out the purposes of PURPA. To require applicant to comply with PURPA reporting standards would not materially enhance the level or quality of cost information, but would greatly burden the applicant with revisions and implementations of new programs."

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that a summary of the application be published in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before January 31, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–38613 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. RE80–27]

Central Lincoln People's Utility District; Application for Exemption

December 11, 1979.

Take notice that Central Lincoln People's Utility District (Central Lincoln PUD), on November 6, 1979, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations (Order 48, 44 FR 58687). Exemption is sought from the requirement to file, on or before November 1, 1980, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, Central Lincoln PUD states that it should not be required to file the specified data because "compliance is unlikely to carry out the purposes of PURPA to any greater degree than the applicant's present procedures which provide generally comparable information on cost of service on a timely basis which is readily available to everyone concerned."

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that a summary of the application

be published in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 31, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38614 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RE80-33]

City of Colorado Springs, Department of Public Utilities; Application for Exemption

December 11, 1979.

Take notice that the City of Colorado Springs, Department of Public Utilities (Colorado Springs), on November 6, 1979, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations (Order 48, 44 FR 58687). Exemption is sought from the requirement to file, on or before November 1, 1980, information on the costs of providing electric service as specified in Sections 290.202(a), 290.205(a)(14), 290.302, 290.303(a)(d)(g)(h)(i), and 290.404(d) of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, Colorado Springs states that it should not be required to file the specified data for the following reasons:

(1) Under Section 290.202(a), "The Department can not supply the data called for starting with the words 'Additionally, the estimated hourly average energy costs' and continuing through the remainder of this paragraph. The information is not now available."

(2) Under Sections 290.205(a)(14) and 290.302, "The Department can not supply the information, as such information is not now available."

(3) Under Section 290.303(a)(d)(g)(h)(i), "The Department has insufficient data base and accounting system to be able to determine these marginal costs in an accurate and supportable manner.

(4) Under Section 290.404(d), "The Department has some load research data available, however, our customers have not been identified by end uses and any best estimate that could be made by November 1, 1980 would be meaningless."

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that a summary of the application be published in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 31, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38616 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-122]

Consolidated Edison Co. of New York, Inc.; Filing

December 11, 1979.

The filing Company submits the following:

Take notice that on December 5, 1979, Consolidated Edison Company of New York, Inc. ("Con Edison") tendered for filing, copies of a transmission agreement (the "Agreement") between Con Edison and the Power Authority of the State of New York ("PASNY") and of a supplement thereto (the "Supplement").

The Agreement, dated June 16, 1976, provides for the transmission of interruptible power and energy by Con Edison from PASNY to Long Island municipalities that are customers of PASNY: Villages of Freeport, Greenport and Rockville Centre. The Supplement dated June 14, 1977 extends the term of the Agreement.

A copy of the filing has been served upon PASNY.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 31, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38617 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RE80-22]

Commonwealth Edison Co.; Application for Exemption

(December 11, 1979.

Take notice that Commonwealth Edison Company (Commonwealth Edison), on November 1, 1979, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations (Order 48, 44 FR 58687). Exemption is sought from the requirement to file, on or before November 1, 1980, information on the costs of providing electric service as specified in Sections 290.403(a)(1), 290.403(a)(4), 290.404(d), 290.404(g)(5), and 290.406(a)(3) of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, Commonwealth Edison states that it should not be required to file the specified data for the following reasons:

(1) Under Section 290.403(a)(1), "such loads have no cost consequences the utility fails to see that making estimates of them serves any purpose of PURPA, and the utility believes that it should not be required to make them in view of the substantial manual analytical effort that would be required.

(2) Under Section 290.403(a)(4), the utility believes such a requirement to be unreasonable in view of the limited potential usefulness of such typical day data. The utility believes the effort required to estimate typical day class hourly loads, as apparently defined, cannot be justified.

(3) Under Section 290.404(d), the classes are not well defined and the Company is not sure what constitutes a "commercial office building". Any attempt at classification of the Company's nearly quarter million commercial and industrial customers to pick out those operating commercial office buildings would be a massive undertaking, particularly in view of an uncertain definition as to who belongs in the class. The Company does not believe that an end use class consisting of customers operating commercial office buildings would provide any useful information for rate design, and thus would fail to meet any of the objectives of PURPA.

(4) Under Section 290.404(g)(5), the Company proposes that it be required to

make such an estimate of accuracy only for customer groups for which it has statistical basis for making the estimate.

(5) Under Section 290.406(a)(3), the Company is not able to report the change in number of customers by voltage level because such information is not available from its records.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that a summary of the application be published in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 31, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38618 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-12 (PGA80-1)]

Distrigas Corp. and Distrigas of Massachusetts Corp.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

December 11, 1979.

Take notice that Distrigas Corporation (Distrigas) and Distrigas of Massachusetts Corporation (DOMAC) on November 30, 1979, tendered for filing Fourth Revised Sheet No. 1 and Fourth Revised Sheet No. 3A to their respective FERC Gas Tariffs.

These sheets are being filed pursuant to Distrigas' and DOMAC's purchased LNG Cost Adjustment provision set forth in their respective tariffs. The Distrigas rate change is being filed to reflect in its sales rate to DOMAC a redetermination (increase) of the price paid for the purchase of LNG from its supplier SONATRACH in accordance with the Distrigas-SONATRACH Agreement for Sale and Purchase of Liquefied Natural Gas and the amortization over the six-month period, January 1, 1980 through June 30, 1980, of the balance in the unrecovered purchased LNG cost account.

The DOMAC rate change is being filed to reflect the Distrigas rate change in DOMAC's rates for resale to its distribution customer companies and the amortization over the six-month period, January 1, 1980 through June 30, 1980, of the balance in DOMAC's unrecovered purchased LNG cost account.

Distrigas and DOMAC request that the proposed tariff sheets become effective January 1, 1980, to coincide with the change in LNG costs from SONATRACH.

A copy of this filing is being served on all affected parties and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 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. 79-38619 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP80-57]

High Island Offshore System (HIOS); Tariff Filing

December 11, 1979.

Take notice that on November 30, 1979, the High Island Offshore System (HIOS) filed a proposed change in its tariff, Original Volume No. 1, pertaining to a decrease in the charge applicable to separation facilities and a corresponding and offsetting increase in the charge for transportation of gas. HIOS proposes an effective date of January 1, 1979. HIOS states that the current charges applicable to the separation function were established on the basis of a limited review of the costs associated therewith in late 1978, in order to support rates to be effective January 1, 1979. HIOS further states that, as indicated in a filing made August 21, 1979 in docket Nos. CP75-104, et al., it has requested the operators of the facilities to conduct a more thorough review of the methodology of allocating costs to the separation function. The studies made, together with an explanation of the manner in which costs have been allocated, are set forth in Appendices to the above referenced filing.

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 January 2, 1980. 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. 79-38620 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2952]

City of Idaho Falls; Application for Preliminary Permit

December 11, 1979.

Take notice that the City of Idaho Falls filed on August 21, 1979, and supplemented October 30, 1979, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C., § 791(a)—825(r)] for a proposed water power project to be known as the Gem State Dam and Power Plant Project, FERC No. 2952, on the Snake River, in the counties of Bingham and Bonneville, Idaho. The proposed project would affect lands of the United States under the jurisdiction of the U.S. Bureau of Land Management (BLM).

Correspondence with the Applicant should be directed to: Mr. G. S. Harrison, Manager, Electric Light Division, P.O. Box 220, Idaho Falls, Idaho 83401, and Mr. E. R. Mooney, CH2M Hill, 1600 S.W. Western Blvd., P.O. Box 428, Corvallis, Oregon 97330.

Purpose of Project.—The power and energy developed by the project would be utilized locally in Idaho Falls to meet the increasing loads of the City's residential, farm, commercial, industrial, and municipal customers. At present, Idaho Falls provides power to about 16,000 customers located primarily within the city limits.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform geotechnical, engineering, economic, and

environmental studies, make a feasibility study, prepare preliminary plans, and prepare a FERC license application. The estimated cost of the work to be performed under the preliminary permit is $485,000.

Project Description.—The proposed Gem State Dam and Power Plant Project would consist of: (1) the rehabilitation of an existing timber-crib dam; (2) the rehabilitation of an existing powerhouse canal; and (3) the construction of a new powerhouse. The project would be operated on a run-of-the-river basis. The dam would divert water to the powerhouse canal which is 100 feet wide by 4,000 feet long. The powerhouse would be located at the end of the canal and would contain a turbine-generator with a capacity of 10 to 12 megawatts. The estimated average annual energy generation is 79 million kWh.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license. In this instance, Applicant seeks a 36-month permit.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal requests for comments will be made. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (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 comments 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 comments, protest, or petition to intervene must be filed on or before February 11, 1980. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before February 11, 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 April 11, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38615 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-53, (PGA80-1, IPR80-1, and GRI80-1)]

Kansas-Nebraska Natural Gas Co., Inc.; Proposed Changes in FERC Gas Tariff

December 11, 1979.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) on November 30, 1979 tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes will adjust its rates charged its jurisdictional customers pursuant to the Purchased Gas Cost Adjustment provision (Section 19), its Incremental Pricing Surcharges provision (Section 20) and its Gas Research Institute Charge Adjustment provision (Section 21) of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes would increase the commodity rate under each of Kansas-Nebraska's jurisdictional schedules by $0.0820 per MCF.

This filing is made to enable Kansas-Nebraska to reflect in its rates the increases in its purchased gas costs adjusted for the effects of incremental pricing and the GRI funding unit approved by the Commission in Docket No. RP79-75 of 4.8 mills. This filing is proposed to become effective January 1, 1980.

Copies of the filing were served upon the company's jurisdictional customers, interested public bodies and all direct and indirect customers which will be subject to the incremental pricing provisions.

Any person desiring to be heard or make any protest with reference to this filing should, on or before December 26, 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) under the regulations of the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38621 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-49 (PGA80-1A)]

Montana-Dakota Utilities Co.; Tariff Filing

December 11, 1979.

Take notice that on November 30, 1979, Montana-Dakota Utilities Co. ("MDU"), 400 North Fourth Street, Bismarck, North Dakota 58501, submitted for filing the following revised tariff sheets to its FERC Gas Tariff

Original Volume No. 4

Substitute Twelfth Revised Sheet No. 3A

First Revised Volume No. 2

Substitute Fifth Revised Sheet No. 10

The proposed effective date is November 1, 1979.

On October 1, 1979, MDU submitted for filing Twelfth Revised Sheet No. 3A to FERC Gas Tariff, Original Volume No. 4 and Fifth Revised Sheet No. 10 to FERC Gas Tariff, Original Volume No. 2. In a Letter Order dated October 31, 1979 in this docket, the Commission accepted the sheets for filing conditioned on MDU's filing revised sheets within 30 days reflecting the elimination of certain

unauthorized costs from producer suppliers. The instant sheets are submitted pursuant to the Commission's Letter Order and reflect the elimination of such costs.

MDU's filing also contains, in compliance with the Commission's Letter Order, information showing the adjustments made to the original tariffs. It also sets forth information concerning supply sources covered by certain maximum price ceiling levels under the NGPA as required by Appendix A to the order.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with the Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 C.F.R. 1.8 or 1.10). All such petitions or protests should be filed on or before *December 26, 1979.* Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38622 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-55 (PGA80-2 and IPR80-1)]

Mountain Fuel Resources, Inc.; Change in Rates Pursuant to Purchased Gas Cost Adjustment Provision

December 11, 1979.

Take notice that on December 3, 1979, Mountain Fuel Resources, Inc. (Resources) tendered for filing a proposed change in rates applicable to service rendered under Rate Schedule No. 1 affected by and subject to Resources' *Purchase Gas Cost Adjustment Provision* contained in its FERC Gas Tariff, Original Volume No. 1. Such change is for the purpose of implementing Order No. 49 issued by the Commission on September 28, 1979 in Docket No. RM79-14. Order No. 49 implements the Incremental Pricing Provisions of Title 11 of the Natural Gas Policy Act of 1978 (NGPA).

Resources tendered Tenth Revised Sheet No. 7 setting forth a revised Statement of Rates and Substitute Original Sheet No. 7-A reflecting projected incremental surcharges pursuant to Order No. 49, as more fully explained in its filing.

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 26, 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. 79-38623 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA80-46]

North Penn Gas Co.; Application for Adjustment and Request for Interim Relief

December 11, 1979.

On December 3, 1979, North Penn Gas Company ("North Penn") filed with the Federal Energy Regulatory Commission an application for an adjustment under Section 502(c) of the Natural Gas Policy Act of 1978 ("NGPA"). North Penn seeks relief from Part 282—Incremental Pricing as set forth in Order 49 (RM79-14) and particularly Sections 282.601 and 282.602 of the Commission's Regulations under Title II of the NGPA. North Penn requests interim relief pending determination of the application.

Sections 282.601 and 282.602 require: (i) the filing of an Incremental Pricing Surcharge provision and a revised Purchased Gas Adjustment provision by November 1, 1979; (ii) the filing of tariff sheets on or before December 1, 1979 reflecting the projected Incremental Pricing Surcharges by month for each of the direct sale, non-exempt industrial boiler fuel facilities; and (iii) the monthly aggregate amount applicable to each sale-for-resale customer on the pipeline system. North Penn has no "non-exempt" industrial boiler fuel users on its system in Pennsylvania. Its sale-for-resale customer in New York, Corning Natural Gas Company, reports only four "non-exempt" industrial boiler fuel users and a maximum surcharge absorption capability of $5,700.

North Penn contends that the requirements of Part 282 as established in Order 49 and Sections 282.601 and 282.602 in particular would cause special hardship and result in an unfair distribution of burdens on North Penn, and consequently, North Penn requests an exemption from the requirements set forth in Part 282 as established by Order 49 and the filing requirements of § 282.601 and § 282.602.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before January 2, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38624 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RE80-21]

Orlando Utilities Commission; Application for Exemption

December 11, 1979.

Take notice that Orlando Utilities Commission (OUC), on November 1, 1979, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations (Order 48, 44 FR 58687). Exemption is sought from the requirement to file, on or before November 1, 1980, information on the costs of providing electric service as specified in Sections 290.303(a), 290.303(b), 290.303(g), 290.303(h), 290.303(i), 290.404(d), 290.501, and 290.502 of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, OUC states that it should not be required to file the specified data for the following reasons:

(1) At the present time OUC does not have the tools (computer models) with which to determine hourly costs pursuant to Sections 290.303(a), 290.303(b), 290.303(g), 290.303(h), and 290.303(i). In addition, OUC has no means of determining contiguous hours of similar cost.

(2) OUC does not presently divide its customers into the categories described in Section 290.404(d).

(3) Although OUC expects to respond fully to the Commission's regulations, the utility will not be able to supply cost information for various voltage levels and costing periods for the first report pursuant to Sections 290.501 and 290.502.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that a summary of the application be published in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before January 31, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38593 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RE80-25]

Pacific Gas and Electric Co.; Application for Exemption

December 11, 1979.

Take notice that Pacific Gas and Electric Company (PG&E), on November 1, 1979, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations (Order 48, 44 FR 58687). Exemption is sought from the requirement to file, on or before November 1, 1980, information on the costs of providing electric service as specified in Sections 290.201(d)(2), 290.205, and 290.501(a) of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, PG&E states that it should not be required to file the specified data for the following reasons:

(1) Under Section 290.201(d)(2), exemption from reporting CWIP on non-major projects by function would have a negligible impact on the accuracy of the reporting. The omission of this level of detail would appear to in no way hamper the fulfillment of the goals set forth in PURPA.

(2) Under Section 290.205: "Since California regulators do not require this information and there is no generally accepted method for the use of costing periods for accounting costs, PG&E requests an exemption from reporting costing periods under Subpart 290.205"

(3) Under Section 290.501(a): "No state regulatory proceeding requires calculated accounting costs by costing periods, nor has a need for these data been demonstrated by any party in California. There seems to be no need to provide a new variation of accounting costs under PURPA."

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that a summary of the application be published in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 31, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38594 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-28 (PGA80-1, IPR80-1 & GRI80-1)]

Panhandle Eastern Pipe Line Co.; Change in Tariff

December 11, 1979.

Take notice that on November 30, 1979 Panhandle Eastern Pipe Line Company tendered for filing the following revised sheets to its FERC Gas Tariff, Original volume No. 1:

Thirty-Third Revised Sheet No. 3-A
Tenth Revised Sheet No. 3-B
First Revised Sheet No. 3-C.1
First Revised Sheet No. 3-C.2
First Revised Sheet No. 3-C.3

An effective date of January 1, 1980 is proposed.

Panhandle states that such filing reflects:

(1) A rate adjustment pursuant to Opinion No. 64 issued October 2, 1979 in Docket No. RP79-75. Ordering Paragraph (B) of that Opinion provides that jurisdictional members of Gas Research Institute (GRI), such as Panhandle, may file a general RD&D cost adjustment which will permit the collection of 4.8 mills per Mcf (4.7 mills when adjusted to Panhandle's pressure base) of Program Funding Services for payment to GRI.

(2) A rate adjustment pursuant to Section 282.602 of the Commission's Regulations for the period January 1, 1980 through February 29, 1980 reflecting (a) a "reduced PGA" rate as determined by Commission Regulations, and (b) projected incremental pricing surcharges for each direct sale non-exempt industrial boiler fuel facility and each sale-for-resale customer.

Panhandle states that copies of its filing have been served on all customers subject to the tariff sheets 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 Dec. 26, 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. 79-38595 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RE80-32]

Public Utility District No. 1 of Grays Harbor County; Application for Exemption

December 11, 1979.

Take notice that Public Utility District No. 1 of Grays Harbor County (Grays Harbor), on November 1, 1979, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations (Order 48, 44 FR 58687). Exemption is sought from the requirement to file, on or before November 1, 1980, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, Grays Harbor states that it should not be required to file the specified data because "compliance is unlikely to carry out the purposes of PURPA Section 133 to any greater degree than the applicant's present procedure which provides generally comparable information on costs of service on a timely basis which is readily available to everyone concerned."

Copies of the application for exemption are on file with the Commission and are available for public

inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that a summary of the application be published in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 31, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38598 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RE80-23]

Public Utility District No. 2 of Grant County; Application for Exemption

December 11, 1979.

Take notice that Public Utility District No. 2 of Grant County (PUD No. 2 of Grant Coutny), on November 1, 1979, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations (Order 48, 44 FR 58687). Exemption is sought from the requirement to file, on or before November 1, 1980, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, PUD No. 2 of Grant County states that it should not be required to file the specified data because "compliance is unlikely to carry out the purposes of PURPA to any greater degree than applicant's present procedures which are in substantial compliance and will provide information on cost of service on a timely basis."

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that a summary of the application be published in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 31, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38597 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RE80-34]

Puget Sound Power & Light Co.; Application for Exemption

December 11, 1979.

Take notice that Puget Sound Power & Light Company (Puget Sound), on November 6, 1979, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations (Order 48, 44 FR 58687). Exemption is sought from the requirement to file, on or before November 1, 1980, information on the costs of providing electric service as specified in Sections 290.404(d)(5)(6), 290.202(a), 290.303(a)(g)(h), 290.501(a), and 290.502(a) of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, Puget Sound states that it should not be required to file the specified data for the following reasons:

(1) Under Section 290.404(d)(5)(6), "Any best estimate information submitted related to commercial office building consumption patterns or costs would be, of necessity, purely speculative and unusable for rate making or policy decisions. Therefore, such information would not be of assistance in carrying out the purposes of Section 133 of PURPA."

(2) Under Section 290.202(a), "Both the planning and operation of generation resources by Puget in the Pacific Northwest are unique when compared with the planning and operation of utilities in all other regions of the country. Because of this unique generation resource mix, it is virtually impossible to determine meaningful average hourly variable energy costs for any particular day."

(3) Under Section 290.303(a)(g)(h), "The required hourly information would not be likely to carry out the purposes of Section 133 because Puget's system is operated on an economic scheduling, rather than an economic dispatch basis to meet total system requirements, including non-firm sales for resale."

(4) Under Section 290.501(a), "It will * * * not be possible to complete a disaggregated cost-of-service analysis by *costing period* by November 1, 1980."

(5) Under Section 290.502(a), "It will * * * not be possible to complete a disaggregated cost-of-service analysis by *costing period* by November 1, 1980."

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that a summary of the application be published in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 31, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38598 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2101]

Sacramento Municipal Utility District; Application for Amendment of License

December 10, 1979.

Take notice that on August 13, 1979, Sacramento Municipal Utility District (Licensee) filed an application for amendment of its license for the existing Upper American River Project No. 2101, located on the Rubicon River and tributaries, Silver Creek and tributaries, and South Fork of the American River in El Dorado County, California. Correspondence concerning the application should be sent to Mr. William C. Walbridge, General Manager, and Mr. David S. Kaplan, General Counsel, Sacramento Municipal Utility District, P.O. Box 1583, Sacramento, California 95813.

The license for the Upper American River Project was issued on August 28, 1957, for a period of 50 years. The Commission has, since that time, issued several orders approving additional power facilities. The project, as it presently exists, consists of: three main dams and storage reservoirs; eight diversion dams and regulating reservoirs; 6 powerhouses with total installed capacity of 596,000 kW; and associated tunnels and penstocks.

Proposed Project Description—The Licensee now seeks authorization to construct: (1) a reinforced concrete powerhouse, to be located on the downstream face of Slab Creek Dam, containing one turbine generating unit with an installed capacity of 400 kW; and (2) approximately 200 feet of transmission line which would connect to an existing 12-kV transmission line. The existing outlet works for the Slab-Creek Dam would be modified for power development. The power plant and the 200-foot transmission line would be located the existing project boundary.

Estimated Cost—The licensee estimates the capital cost of the proposed project at $716,000.

Purpose of the Project—The plant would generate about 2.95 million kWhs annually and would be connected, through the Licensee's interconnected system, to the Northern California Power Grid System.

Recreation Facilities—The Licensee states, in the application, that the recreation facilities of the Upper American River Project have been fully developed under the original license and that the economics of the proposed power plant do not justify any new recreation facilities at this time.

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 an order amending project license. A copy of the application may be obtained directly from the applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. Section 1.8 or Section 1.10 (1979). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before *January 21, 1980.* The Commission's address is: 825 N. Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–38599 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket Nos. CS71–286]

Richard S. Shannon, III and Robert S. Brown, Trustees Under Separate Trusts for Richard Stoll Shannon, III, et al.; (O. C. York and Robert S. Brown, Trustees Under Separate Trusts for Richard Stoll Shannon, III, et al.; Redesignation

December 11, 1979.

By letter of October 9, 1979, Mr. Lawrence P. Terrell, has advised the Commission that due to the recent death of O. C. York, a former trustee of the above-captioned trusts, and the subsequent appointment, effective August 3, 1979, of Richard S. Shannon, III as successor trustee, he is requesting that the certificate of public convenience and necessity issued by the Federal Energy Regulatory Commission on January 24, 1979 pursuant to Section 7(c) of the Natural Gas Act, be redesignated, as set out in the above caption, to reflect a change in one of the trustees of the above-captioned trusts from O. C. York to Richard S. Shannon, III and Robert S. Brown.

Accordingly, the small producer certificate of public convenience and necessity issued pursuant to Section 7(c) of the Natural Gas Act in Docket No. CS71–286 to O. C. York and Robert S. Brown, Trustees under separate trusts for Richard Stoll Shannon III, *et al.*, is redesignated as that of Richard S. Shannon, III and Robert S. Brown, Trustees under separate trusts for Richard Stoll Shannon, III, *et al.*

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–38600 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

[Project No. 2703]

Sierra Pacific Power Co.; Application for Surrender of License

December 11, 1979.

Take notice that on March 19, 1979, the Sierra Pacific Power Company (Applicant) filed an application for surrender of its minor-part license for the transmission line Project No. 2703. [1] The project is located in Esmeralda and Nye Counties, Nevada on lands of the United States in Toiyabe National Forest and on public lands. Correspondence regarding the application should be sent to: Mr. Dan Asikainen, Supervisor, Right of Way Acquisition, Sierra Pacific Power Company, P.O. Box 10100, Reno, Nevada 89510.

The facilities that are under license are: (1) a 55-kV, 67.65-mile-long transmission line extending from a point on the Nevada-California border (in T5S, R37E MDB&M) via Silver Peak and Alkali to Tonopah and from Alkali to Goldfield; (2) a 55-kV, 38.24-mile-long transmission line extending from the same point via Silver Peak and Millers to Tonopah; (3) a 55-kV, 38.24-mile-long transmission line extending from Millers to Manhattan; (4) an 11-kV, 13.01-mile-long transmission line extending from Manhattan to Round Mountain; (5) an 11-kV, 2.3-mile-long transmission line extending from a point near the Manhattan Substation to the Manhattan Gold Mine Company mine; (6) an 11-kV, 0.64-mile-long transmission line extending from Silver Peak Substation to Survey Station 33 + 81.4; and (7) the Silver Peak Substation.

The Applicant seeks to surrender its license because the transmission lines are distribution lines rather than primary lines of a hydroelectric project as defined in section 3(11) of the Federal Power Act, and are, therefore, not subject to the licensing authority of the Commission. The Applicant also plans to seek permits from the United States Forest Service and the Bureau of Land Management for continued occupancy of

[1] Project No. 2703 consists of that portion of the Project No. 1395 transmission line located in the State of Nevada and licensed by the Commission under its Order issued March 30, 1939. The Commission found that the transmission line under Project No. 1395 was a primary line in its Order issued October 1, 1963, approving a transfer of the license at the time of merger of California Electric Power Company and Southern California Edison Company. By Commission Order issued September 29, 1969, the existing licensed Project No. 1395 was limited to Southern California Edison Company for that portion of the transmission line in California, and a new license for Project No. 2703 was issued to Sierra Pacific Power Company for that portion of the transmission line in Nevada.

the Federal lands utilized by the facilities.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (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 filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before January 21, 1980. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38601 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-10; PGA80-1 & IPR80-1)]

Tennessee Natural Gas Lines, Inc.; PGA Tariff Filing

December 11, 1979.

Take notice that, on November 30, 1979, Tennessee Natural Gas Lines, Inc. ("TNGL") tendered for filing a rate change, pursuant to the purchased gas cost adjustment ("PGA") provisions of its F.E.R.C. Gas Tariff, First Revised Volume No. 1 and pursuant to Section 282.602(a)(ii) of the Federal Energy Regulatory Commission's ("Commission") regulations under the Natural Gas Policy Act of 1978 ("NGPA"), consisting of the following tariff sheets:

Thirty-Second Revised Sheet No. PGA-1, and Original Sheet No. PGA 1-A

TNGL states that the purposes of its filing are: to reflect in its rates the changed rates of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. ("TGP"), which will become effective on January 1, 1980; and, to comply with Section 282.602(a)(ii) of the Commission's regulations under the NGPA.

TNGL requests an effective date of January 1, 1980.

TNGL states that copies of the filing were served upon its jurisdictional customer, the interested state regulatory commission, and its non-jurisdictional customer estimated to be billed for NGPA incremental pricing surcharges.

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, 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 26, 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. 79-38602 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP80-56]

Tennessee Natural Gas Lines, Inc.; Tariff Filing and Application for Adjustment

December 11, 1979

Take notice that, on November 30, 1979, Tennessee Natural Gas Lines, Inc. ("TNGL") tendered for filing the following-listed sheets to its F.E.R.C. Gas Tariff, First Revised Volume No. 1:

Fourteenth Revised Sheet No. 4
Seventh Revised Sheet No. 4-A
Second Revised Sheet No. 4-B(1)
Second Revised Sheet No. 4-C
Original Sheet Nos. 24I-24L

TNGL states that the purpose of its filing is to make changes in its tariff to bring the same into conformity with the Commission's incremental pricing regulations under the Natural Gas Policy Act of 1978 ("NGPA"). TNGL states that § 282.601(c) of the Commission's regulations required it to make such filing by November 1, 1979 but that it was unable to do so. It requests an adjustment of such filing deadline pursuant to § 1.41 of the Commission's Rules of Practice and Procedure and further requests waiver of the notice provisions of the Commission's regulations so as to permit the tendered tariff sheets to become effective on December 1, 1979. It states that no person will be prejudiced by acceptance of its late filing since the same will not affect billings for natural gas service until after January 1, 1980.

Procedures applicable to TNGL's request for adjustment of the filing deadline are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979. Any petition to intervene with respect to such request must be filed within on or before January 2, 1980.

Any person desiring to be heard or to make any protest with reference to said tariff filing, should, on or before December 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38603 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-18 (PGA80-1, IPR80-1 & GRI80-1)]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

December 11, 1979.

Take notice that Texas Gas Transmission Corporation (Texas Gas) on November 30, 1979, tendered for filing proposed changes in Twenty-Seventh Revised Sheet No. 7 and Original Sheet No. 7-B to its FERC Gas Tariff, Third Revised Volume No. 1.

The revised tariff sheets are being filed to reflect implementation of the incremental pricing provisions of the Natural Gas Policy Act of 1978 as set forth in the Commission's Order No. 49, issued on September 28, 1979.

The proposed effective date of the above tariff sheets is January 1, 1980.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before *December 26, 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. 79-38604 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-29; (PGA80-1 & IPR80-1)]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

December 11, 1979.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing Sixteenth Revised Sheet No. 15 and Original Sheet No. 16 to Second Revised Volume No. 1 of Transco's FERC Gas Tariff. These tariff sheets, which are proposed to be effective January 1, 1980 are filed pursuant to Section 282.602 of the Commission's Regulations and the Purchased Gas Adjustment Clause and Incremental Pricing Surcharge Provisions contained in Section 22 of the General Terms and Conditions of Transco's FERC Gas Tariff, Second Revised Volume No. 1.

Transco states that the instant filing is made pursuant to the requirements of the Commission's Order No. 49 issued September 28, 1979 in Docket No. RM79-14. The purpose of such filing is to reflect estimated incremental pricing surcharges to be effective January 1, 1980, and to reflect the reduction in average cost of purchased gas. Pursuant to incremental pricing procedures, Transco has reduced its current purchased gas cost, which became effective September 1, 1979 under its PGA clause, by the projected Maximum Surcharge Absorption Capability (MSAC) on its system, which totals approximately $50,000 for the months of January and February, 1980, as detailed on Sheet No. 16. This reduction in the current average cost which is reflected on Sheet 15 amounts to 0.04¢ per dekatherm (dt) and is insufficient to trigger a change in rates under Transco's PGA clause.

The Company states that copies of the filing are being mailed to each of its jurisdictional customers and interested State Commissions.

Any persons 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 26, 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 proceedings. 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. 79-38605 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-30 (PGA80-1, IPR80-1 & GRI80-1)]

Trunkline Gas Co.; Change in Tariff

December 11, 1979.

Take notice that on November 30, 1979, Trunkline Gas Company (Trunkline) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Thirtieth Revised Sheet No. 3-A
First Revised Sheet No. 3-B

An effective date of January 1, 1980 is proposed.

Trunkline states that such filing reflects:

(1) A rate adjustment pursuant to Opinion No. 64 issued October 2, 1979 in Docket No. RP79-75. Ordering Paragraph (B) of that Opinion provides that jurisdictional members of Gas Research Institute (GRI), such as Trunkline, may file a general RD&D cost adjustment which will permit the collection of 4.8 mills per Mcf (4.7 mills when adjusted to Trunkline's pressure base) of Program Funding Services for payment to GRI.

(2) A rate adjustment pursuant to Section 282.602 of the Commission's Regulations for the period January 1, 1980 through February 29, 1980 reflecting a) a "reduced PGA" rate as determined by Commission Regulations, and b) projected incremental pricing surcharges for each direct sale non-exempt industrial boiler fuel facility and each sale-for-resale customer.

Trunkline states that copies of its filing have been served on all customers subject to the tariff sheets 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, NE., 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 26, 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. 79-38606 Filed 12-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 1992]

Donald R. Townsend; Application for Short-Form License (Minor) for a Constructed Project

December 11, 1979.

Take notice that on August 23, 1979, Donald R. Townsend filed an application for license [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)-825(r)] for an existing water power project known as the Fire Mountain Hydroelectric Project, FERC No. 1992. The project is located on Fern Springs Creek in Tehama County near the Town of Chester, California. The license for the project expired on December 31, 1962. The project has been subsequently operating under a U.S. Forest Service Special Use Permit. Correspondence with the Applicant should be directed to Donald R. Townsend, Fire Mountain Lodge, Mill Creek, California 96061.

Purpose of the Project

The project provides most of the power for several families and Fire Mountain Lodge, a recreational facility with a store, cabins, a trailer park, and a lodge.

Project Description

The constructed Fire Mountain Hydroelectric Project consists of: (1) a 3-foot-high rockfill dam diverting water into two 10-inch-diameter corrugated pipes approximately 2,000 feet long; (2) a 6-foot-high and 30-foot-long concrete, earth and rockfill diversion dam impounding water from a collection of springs; (3) an 18-inch-diameter pipe 1,527 feet in length; (4) a frame powerhouse containing a generating unit rated at 31.25 kW; and (5) a short transmission line to Fire Mountain Lodge. The project occupies approximately 0.94 acre of U.S. land within the Lassen National Forest.

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 Archaeological 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 11, 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 11, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, Oct. 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 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 petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (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 determing 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 11, 1980. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–38607 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. TA80–1–11 (PGA80–1, IPR80–1 & GRI80–1)]

United Gas Pipe Line Co.; Filing

December 11, 1979.

Take notice that on November 30, 1979, United Gas Pipe Line Company (United) filed with the Federal Energy Regulatory Commission (Commission) the following revised tariff sheets as a part of its FERC Gas Tariff, Original Volume No. 2:

Tenth Revised Sheet No. 187
Fourth Revised Sheet No. 397
Fourth Revised Sheet No. 401
Fourth Revised Sheet No. 407
Fourth Revised Sheet No. 909
Fifth Revised Sheet No. 957
Third Revised Sheet No. 1156

These tariff sheets reflect in United's transportation rates to distributors and pipelines for resale the Gas Research Institute (GRI) adjustment charge approved by the Commission in Opinion No. 64, issued October 2, 1979 at Docket No. RP79–75. United requests that the tariff sheets listed above be accepted for filing and permitted to become effective January 1, 1980.

Copies of the revised tariff sheets and letter of transmittal are being mailed to the transportation customers affected by these tariff revisions.

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 26, 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. 79–38608 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. GP79–78]

West Virginia Sec. 108 NGPA Determinations; Allegheny Land & Mineral Co.; Final Order on Well Category Determination

December 7, 1979.

On August 10, 1979, the Federal Energy Regulatory Commission issued a Notice of Preliminary Finding that determinations made by the State of West Virginia Department of Mines, Oil and Gas Division (West Virginia), that the subject wells [1] qualify for a maximum lawful price under section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. § 3301, *et seq.*, were not supported by substantial evidence in the records on which the determinations were based.

The preliminary finding reversed the West Virginia determinations of eligibility on the basis of section 108(b)(1) of the NGPA which provides, among other things, that in order for a well to qualify as a stripper well, the production of non-associated natural gas at such well's maximum efficient rate of flow may not exceed an average of 60 Mcf per day during a 9-day production period. Section 271.804(d)(2) of our interim regulations [2] provided that a well which has produced non-associated gas at an average rate of 60 Mcf per day or less during the 90-day period is presumed to have produced at its maximum efficient rate of flow it, during the 12-month period ending concurrently with the 90-day period, the well produced non-associated natural gas at an average rate of 60 Mcf per day or less. In this regard, the production records accompanying the notices of determinations show that the average daily production of natural gas from each of the subject wells during the 90-day period upon which each application is based did not exceed 60 Mcf per day. However, no current production capability test establishing a maximum efficient rate of flow was reported and production records for the 12-month period, ending on the last day of the 90-day qualifying period, show average production in excess of 60 Mcf of gas per day.

Subsequent to this preliminary reversal, West Virginia submitted to the Commission a copy of its August 22, 1979, letter addressed to the applicant, Allegheny Land & Mineral Co., wherein

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[1] FERC control No. and well name: JD79–10995, A–603; JD79–11000, A–534; JD79–11020, A–533; JD79–11037, A–374; and JD79–11042, A–602.

[2] Section 271.804(d) of our interim regulations, still applicable here, has since been revised and incorporated into section 271.807 of our final regulations, pursuant to our Order No. 44 issued August 22, 1979, in Docket No. RM79–73.

West Virginia reversed its initial determinations on four [2] of the subject wells because production from such wells exceeded an average of 60 Mcf per day during the applicable 12-month period. With respect to the remaining well (Well A–603, JD79–10995), on September 17, 1979, West Virginia forwarded to the Commission additional production data supplied by the applicant which indicates that such well produced less than 60 Mcf per day during the 12-month period and now qualifies as a stripper well.

The Commission orders: Pursuant to section 275.202(e) of our regulations, the Commission orders:

(A) that West Virginia's determination, that Allegheny Land & Mineral Co.'s A–603 Well qualifies as a stripper well under section 108 of the NGPA, is affirmed.

(B) that West Virginia's initial determinations, that Allegheny Land & Mineral Co.'s four wells (A–534, A–533, A–374, A–602) qualify as stripper wells under section 108 of the NGPA, are reversed.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–38609 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER80–121]

West Texas Utilities Co.; Filing

December 11, 1979.

The filing Company submits the following:

Take notice that West Texas Utilities Company ("WTU") on December 5, 1979, tendered for filing a Service Agreement providing for the sale of electricity to the City of Baird, a municipal corporation of the State of Texas. Under the Service Agreement submitted for filing, WTU will provide all the power and energy required by the City for the operation of its electric distribution system. Power and energy will be provided through three separate points of delivery provided for in the contract, with a maximum contract load of 1,000 kilowatts per month and a minimum contract load of 500 kilowatts per month at each such point of delivery. The contract has an effective date of December 1, 1979. The revenue estimated to be derived from service under the revenue estimated to be derived from service under the contract for the 12 months ending November 30, 1980 is $285,831.21.

WTU also states that a copy of the complete filing was served upon the City of Baird, Texas, and the Public Utility Commission of Texas, Austin, Texas.

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 paragraphs 1.8 and 1.10 of the Commissions Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–38610 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. RE80–31]

Western Area Power Administration; Application for Exemption

December 11, 1979.

Take notice that Western Area Power Administration (Western), on November 6, 1979, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations (Order 48, 44 FR 58687). Exemption is sought from the requirement to file, on or before November 1, 1980, information on the costs of providing electric service as specified in Subparts B, C, D, E, and F of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, Western states that it should not be required to file the specified data "because the gathering of the information by or for WAPA will not be likely to carry out the purposes of Section 133 of the Public Utility Regulatory Policies Act (PURPA)."

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that a summary of the application be published in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 31, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–38611 Filed 12–17–79; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1377–4]

Michigan Wisconsin Pipe Line Co., Austin Township, Mich.; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 [42 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Michigan Wisconsin Pipe Line Company (MWPLC), Austin Township, Michigan.

On December 7, 1978, MWPLC submitted an application to the United States Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct an additional natural gas compressor as their Woolfolk station. The application was submitted pursuant to the regulations for PSD.

On January 3, 1979, MWPLC was notified that its application was complete and preliminary approval was granted.

On March 28, 1979, U.S. EPA published notice of its decision to grant a preliminary approval to MWPLC. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by MWPLC, the Company was notified on October 3, 1979, that the U.S. EPA had determined that the proposed new construction in Austin Township, Michigan would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve MWPLC of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other

[2] FERC control No. and well name: JD79–11000, A–534; JD79–11020, A–533; JD79–11037, A–374; and JD79–11042, A–602.

applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore, a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2090.

John McGuire,

Regional Administrator, Region V.

[EPA-5-A-80-2]

In the matter of Michigan Wisconsin Pipe Line Company, Austin Township, Michigan, Proceeding Pursuant to the Clean Air Act, as amended; Approval to Construct.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Michigan Wisconsin Pipe Line Company (MWPLC) proposes to construct an additional natural gas compressor at their Woolfolk station in Austin Township, Michigan.

2. MWPLC proposes to use a Cooper Energy Services 4,000 horsepower natural gas fueled reciprocating internal combustion engine.

3. The proposed natural gas compressor station is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act. The proposed source is not subject to the Interpretative Ruling (44 FR 3274, January 16, 1979) due to the attainment designation of the construction site and source impact area.

4. MWPLC submitted a completed PSD application on December 7, 1978, the preliminary approval was issued on January 3, 1979. On March 28, 1979, notice was published in the *Tri-County Shopper's Guide* seeking written comments from the public and giving an opportunity for a public hearing. There were no comments received nor requests for a public hearing.

5. After review and analysis of all materials submitted by MWPLC, U.S. EPA has determined that emissions from the proposed construction and operation of the natural gas fueled reciprocating internal combustion engine will not violate the air quality increments applicable in the area nor will it violate the air quality increments applicable in any other area.

6. There are presently no established control techniques to minimize NO_x emissions from natural gas fueled reciprocating internal combustion engines. U.S. EPA issued a draft summary of recommended New Source Performance Standards (NSPS). The proposed standard will be published in the **Federal Register** in the near future. NSPS for internal combustion reciprocating engines will not be effective for approximately four years.

7. MWPLC shall use no more than one 4,000 HP Cooper Energy Services reciprocating internal combustion engine, as proposed.

8. The maximum allowable emission rate for the above-named engine shall be as follows:

NO_x—11.7 gm/HP hour
HC—0.31 gm/HP hour
CO—0.50 gm/HP hour

Conditions 7 and 8 represent emission limitations as required by Section 165 of the Act.

Approval

9. Approval to construct a natural gas compressor station is hereby granted to MWPLC subject to the conditions expressed herein and consistent with the materials and data included in the application filed by the Company. Any departure from the conditions of this approval or the terms expressed in MWPLC's application must receive the prior written authorization of U.S. EPA.

10. This approval to construct does not relieve MWPLC of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable local, State and Federal requirements.

11. This approval is effective immediately. This approval to construct shall become invalid if construction or expansion is not commenced within 18 months after receipt of this approval or if construction is discontinued for a period 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified. Written notification shall be made to U.S. EPA five days after construction is commenced.

12. A copy of this approval has been forwarded for public inspection to the Big Rapids Community Library, 426 S. Michigan, Big Rapids, Michigan 49307.

13. In addition, the United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co.* vs. *Douglas M. Costle* (78-1006 and consolidated cases) which has significant impact on the EPA prevention of significant deterioration (PSD) program and approvals issued thereunder. Although the court has stayed its decision pending resolution of petitions for reconsideration, it is possible that the final decision will require modification of the PSD regulations and could affect approvals issued under the existing program. Examples of potential impact areas include the scope of best available control technology (BACT), source applicability, the amount of increment available (baseline definition), and the extent of preconstruction monitoring that a source may be required to perform. The applicant is hereby advised that this approval may be subject to reevaluation as a result of the final court decision and its ultimate effect.

Dated: October 3, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-38676 Filed 12-17-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-00109A]

Pesticide Programs; Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel; Cancellation of Meeting

The two-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel on the impact of regulatory actions under sections 6(b) and 25(a) on health and the environment prior to implementation scheduled for Wednesday, December 19, and Thursday, December 20, 1979, has been canceled because the Agency's position is not ready for review. Notice of this meeting was published in the **Federal Register** on December 3, 1979.

FOR FURTHER INFORMATION CONTACT:

Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (TS-766), EPA, Room 803, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va. 22202, Telephone: 703/557-7560.

(Section 25(d) of FIFRA, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136 and sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770)

Dated: December 13, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

FR Doc. 79-38785 Filed 12-17-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 384]

Canadian Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.
May 8, 1979.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							No. of radials	Length (feet)	
(New)	Grande Anse, New Brunswick, N. 48°01'19", W. 65°14'52" (Delete).	5	ND-197	*730 kHz* D	II	404	120	605 Ave	
CFTJ	Cambridge, Ontario, N. 43°20'55", W. 80°14'45" (P.O. DA-2) (Unlimited operation on present day-time pattern).	1	*DA-1*	*960 kHz* U	III	.....	.....	.....	May 8, 1980.
(New)	Harbour Grance, Newfoundland, N. 47°40'43", W. 53°12'13".	1D/0.5N	ND-180	*970 kHz* U	III	170	120	428	May 8, 1980.
CKAL	Vernon, British Columbia, N. 50°17'20", W. 119°16'26" (Now in operation).	10D/1N	DA-N, ND-D-190	*1050 kHz* U	II	.....	.....	.....	
(New)	Grand Centre, Alberta, N. 54°24'45", W. 110°07'40".	.25	ND-184	*1340 kHz* U	IV	150	120	294	May 8, 1980.
CKAR	Oshawa, Ontario, N. 43°52'19", W. 78°45'54" (Change of call letters from CKLB).	10D/5N	DA-2	*1350 kHz* U	III	.....	.....	.....	
CJFP	Riviere du Loup, Quebec, N. 47°47'43", W. 69°35'27" (Call letters incorrectly indicated as CFJP in December 31, 1978 Recapitulative List of Assignments).	10D/5N	DA-N, ND-D-193	*1400 kHz* U	IV	.....	.....	.....	

Richard J. Shiben,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc. 79-38700 Filed 12-17-79; 8:45 am]

BILLING CODE 6712-01-M

[Canadian List No. 392]

Canadian Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations modifying the assignments of Canadian broadcast stations, deletions, and corrections in assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.
November 23, 1979.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							No. of radials	Length (feet)	
CFTR	Toronto, Ontario, *N. 43°12'52" W. 79°36'20" D,* N. 43°34'48" W. 79°38'30" N, (P.O. 25 kW, N. 43°34'48", W. 79°38'30") (Change of day-time operation) (Reduced day-time Q=3.79 mV/m).	*50D/25N*	DA-2	*680kHz* U	II	.....	.....	.....	Nov. 23, 1980.

Richard J. Shiben,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc. 79-38701 Filed 12-17-79; 8:45 am]

BILLING CODE 6712-01-M

[Canadian List No. 390]

Canadian Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

October 5, 1979.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							No. of radials	Length (feet)	
				680 kHz					
CJOB	Winnipeg, Manitoba, N. 49°39'14" W. 97°11'30", (PO 10 KWD/2.5 kWN, DA-N, ND-D-185, N. 49°46'47", W. 97°13'03") (Change of night-time directional radiation) (Reduced night-time Q=25 mV/m.	*50*	DA-2	U	II	.....	.....	.....	Oct. 5, 1980.

Richard J. Shiben,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc. 79-38702 Filed 12-17-79; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket No. 79-276, File No. BPH-10628 and BC Docket No. 79-277, File No. BPH-10896]

Phillips Radio, Inc., and Chickasaw Broadcasting Associates; Correction

Released: December 13, 1979.

In the matter of applications of Phillips Radio, Inc., Chickasaw, Alabama; Req. 98.3 MHz, Channel #252, 1.70 kW (H&V), 410 feet; C. Alvin Roberds, Jr., Ellen A. Bailey, Jay Dickie Roberds, and Stephen S. Riggs, d.b.a. Chickasaw Broadcasting Associates, Chickasaw, Alabama; Req. 98.3 MHz, Channel #252, 3.0 kW (H&V), 205 feet; For construction permits; See 44 FR 64562, November 7, 1979.

The Memorandum Opinion and Order released October 31, 1979 (Mimeo No. 22771) the name "Calvin Roberds, Jr." in the caption should be corrected to read "C. Alvin Roberds, Jr.".

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 79-38703 Filed 12-17-79; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by January 7, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No: T-3788-1.

Filing Party: W. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-3788-1, between the Port of Seattle, (Port), and Japan Line; Kawasaki Kisen Kaisha, Ltd., Mitsui-O.S.K. Lines, Ltd., Nippon Yusan Kaisha, Ltd., Showa Line, Ltd., and Yamashita-Shinnihon Steamship Company, Ltd., (Lines), modifies the parties' basic agreement which provides for the Port's 20 month lease (with renewal options) to the Lines of certain premises at Terminal 37, Seattle, Washington to be used for the Lines' container freight station warehouse and operations incidental thereto. The modification provides for the Lines to lease the remaining 18,800 sq. ft. of transit shed area to a total of 98,800 sq. ft., with corresponding increase in the monthly rent.

Agreement No: T-3814-1.

Filing Party: H. H. Wittren Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-3814-1, between the the Port of Seattle (Port) and Seacon Terminals Inc. (Seacon) modifies the parties' basic agreement which provides for the one year lease by the port to Seacon of 15 acres container terminal facilities at Pier 42 together with preferential use of port-owned cranes. The modification provides certain deletions and additions in the equipment provided for lessee's use at the leased premises and to revise the rental as a result of the change in equipment.

Agreement: No: T-3880.

Filing Party: Randall V. Adams, Administrative Assistant, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Summary: Agreement No. T-3880, between the Port of Palm Beach, Florida (Port) and

Birdsall, Inc. (Birdsall) is a consolidation of seven existing lease agreements between the Port and Birdsall, (i.e., Nos. T-2933, T-2938, T-3317, T-3374, T-3240, T-3284 and T-3608). The new lease combines these existing lease agreements and adds two new undeveloped land areas.

Agreement No: 9238-10.

Filing Party: Jeffrey F. Lawrence, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 9238-10 amends the Greece/United States Atlantic Rate Agreement for the purpose of extending the geographic scope of the agreement to include U.S. Atlantic and Gulf ports, thereby encompassing U.S. South Atlantic and Gulf ports from Brownsville, Texas to Portland, Maine.

Agreement No: 10272-1.

Filing Party: Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 10272-1 is a proposal by Barber-Blue Sea Line and East Asiatic Company Limited to extend indefinitely their sailing agreement that is scheduled to expire on March 10, 1980. The basic agreement permits the parties to coordinate their sailings in certain eastbound Far East/U.S. Pacific Coast and Canada trades, and to file a common tariff in any trade within the scope of the agreement where there is not a conference tariff to which the parties are members.

Agreement No.: 10380.

Filing Party: Russell T. Weil, Esquire, Kirlin, Campbell & Keating, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10380 establishes a Joint Service Agreement between Navigazine San Paolo, doing business as Medafrica Line, and Nigeria America Shipping Line Limited in the trade between the Atlantic and Gulf ports of the United States, Canadian Atlantic and St. Lawrence ports not west of Montreal and ports in West Africa and will operate under the name of Medafrica-Nigeria America Shipping Line Limited Joint Service.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 79-38582 Filed 12-17-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank of New Hampshire Corp.; Formation of Bank Holding Company

Bank of New Hampshire Corporation, Manchester, New Hampshire, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to Bank of New Hampshire, National Association, Manchester, New Hampshire. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 10, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 11, 1979.

William N. McDonough,

Assistant Secretary of the Board.

FR Doc. 79-38842 Filed 12-17-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed "De Novo" Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each notice.

A. *Federal Reserve Bank of Atlanta,* 104 Marietta Street, N.W., Atlanta, Georgia 30303:

Alabama Bancorporation, Birmingham, Alabama (financing, leasing and insurance activities; Alabama): to engage, through its subsidiary, Alabanc Financial Corporation, in making, acquiring and servicing for its own account or for the account of others, loans and other extensions of credit; leasing personal property and equipment, or acting as agent, broker, or advisor in leasing of such property, on accordance with the Board's Regulation Y; and acting as agent for the sale of credit life and accident and health insurance that is directly related to its extensions of credit. These activities would be conducted from an office in Florence, Alabama, serving Lauderdale, Colbert, Franklin and Lawrence Counties, Alabama. Comments on this application must be received by January 11, 1980.

B. *Federal Reserve Bank of San Francisco,* 400 Sansome Street, San Francisco, California 94120:

Philadelphia National Corporation, Philadephia, Pennsylvania (mortgage lending activities; California): to engage, through its subsidiary, Colonial Mortgage Service Company Associates, Inc., in the activity of originating residential mortgages. This activity will be conducted from an office in Oxnard, California, serving Ventura and Santa Barbara Counties, California. Comments on this application must be received by January 10, 1980.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, December 11, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38643 Filed 12-17-79; 8:45 am]

BILLING CODE 6210-01-M

Manco, Inc.; Formation of Bank Holding Company

Manco, Inc., Mancos, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Mancos State Bank, Mancos, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 12, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38699 Filed 12-17-79; 8:45 am]

BILLING CODE 6210-01-M

Violations of the 1980 Requirements of the Bank Holding Company Act; Policy Statement

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Statement of Policy.

SUMMARY: This Policy Statement outlines the penalties for violations of the 1980 divestiture requirements by companies that became bank holding companies as a result of the 1970 Amendments to the Bank Holding Company Act.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason, Senior Attorney (202/452-3564), Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: The Board has issued the following statement of policy:

Policy Statement Regarding Violations of the 1980 Requirements of the Bank Holding Company Act

Pursuant to the provisions of section 4(a)(2) of the Bank Holding Company Act ("BHCA"), bank holding companies that became subject to the BHCA in 1970, as a result of the 1970 amendments to the BHCA, generally may not retain nonbanking subsidiaries or activities beyond December 31, 1980. In statements dated October 13, 1977, and December 20, 1978, the Board advised bank holding companies to file on or before June 30, 1978, and September 30, 1979, respectively, plans of divestiture with respect to each subsidiary or activity that is subject to the divestiture requirements of section 4(a)(2) of the BHCA. At the same time, the Board urged bank holding companies wishing to retain any of such nonbanking subsidiaries or activities under the provisions of section 4(c)(8) of the BHCA to file applications for retention by these dates in order to allow sufficient time for Board action on applications well before December 31, 1980. While a substantial number of affected bank holding companies have responded to the Board's statements, the Board is concerned about those companies that have failed to respond or have only partially responded.

In its statements the Board stressed that it has no authority to extend the December 31, 1980, divestiture deadline in general, or in particular hardship situations. Thus, absent an approved application under section 4(c)(8) or some other exemption under section 4 of the BHCA, retention by a bank holding company of any nonbanking subsidiaries or activities beyond December 31, 1980, will be a violation of the BHCA. Moreover, the Board notes that Congress allowed a very liberal period of time for bank holding companies to comply with the provisions of section 4 of the Act. Accordingly, the Board believes that there has been ample time for affected companies to inform themselves of their responsibilities under section 4(a)(2) of the BHCA and take steps to meet those responsibilities in a timely and orderly manner.

The Board will regard a violation of section 4 of the BHCA resulting from failure to divest or obtain approval for retention prior to December 31, 1980, as an extremely serious matter. With respect to such violations, the Board intends to enforce the provisions of the BHCA through appropriate actions, including initiation of cease-and-desist proceedings under the Financial Institutions Supervisory Act, and assessment of civil money penalties or referral for criminal prosecution pursuant to section 8 of the BHCA, against the bank holding company as well as its officers and directors. Generally, the severity of a violation will not be mitigated because a bank holding company has an application for retention under section 4(c)(8) pending at the Board December 31, 1980, or has appealed the Board's action on an application.

Finally, the Board recognizes that efforts by most bank holding companies to comply with the provisions of section 4(a)(2) will necessitate some Board action. In its previous statements the Board has emphasized the need for prompt filing of all retention applications and requests concerning 1980 divestitures, in order to ensure timely Board action. While the Board intends to act as expeditiously as possible on such applications and requests, companies are also reminded to allow sufficient time for divestiture in the event of denial of retention applications. Moreover, the Board wishes to call attention to the fact that under the provisions of the Bank Holding Company Tax Act of 1976, a bank holding company would forfeit its tax benefits for *all* divestitures in the event of its failure to make one timely divestiture. (5 U.S.C. 1101(e)).

Board of Governors of the Federal Reserve System, effective December 12, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-38696 Filed 12-17-79; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Merck Sharp & Dohme; Sulfastrep and Propak Sulfastrep Boluses; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Director of the Bureau of Veterinary Medicine withdraws approval of a new animal drug application (NADA) providing for use of Sulfastrep and Propak Sulfastrep Boluses for the prevention of bacterial scours in newborn calves and bacterial diarrhea in pigs. The sponsore, Merck Sharp & Dohme Research Laboratories, requested the withdrawal of approval.

EFFECTIVE DATE: December 28, 1979.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV–138), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, P.O. Box 2000, Rahway, NJ 07065, is the sponsor of NADA 65–070 which provides for use of Sulfastrep and Propak Sulfastrep Boluses for the prevention of bacteria scours in newborn calves and bacterial diarrhea in pigs. The product, originally approved January 4, 1957, contains streptomycin sulfate, sulfamethazine, phthalylsulfathiazole, and kaolin.

The product was the subject of a National Academy of Sciences/National Research Council (NAS/NRC) review [DESI 0120 NV] published in the Federal Register of June 16, 1970 (35 FR 9870). The Academy concluded, and the agency concurred, that these products are probably effective for prevention and treatment of bacterial intestinal infections in calves and pigs. The Academy stated that (1) each disease claim should be properly qualified as to causative pathogen or the claim dropped, (2) claims "for prevention of" or "to prevent" should be replaced with "as an aid in control of" or "to aid in the control of," (3) substantial evidence be presented to establish that each ingredient designated as active makes a contribution to the total claimed effect for the combination, and (4) the boluses disintegrate in the gastrointestinal tract to produce the desired therapeutic effect.

In addition, the Federal Register notice stated that the evaluation is concerned only with the drug's effectiveness and safety to the treated animal and does not take into account safety of food derived from treated animals. The sponsor was allowed 6 months to submit adequate documentation in support of the labeling, and to update the application with current information regarding drug manufacture, components and composition, and manufacturing methods, facilities, and controls.

These products were among several which were the subject of a notice of opportunity for hearing published in the Federal Register of September 16, 1976 (41 FR 39823). The notice stated that no interested persons had submitted substantial evidence based on adequate and well-controlled investigations to establish that the drug products will have the effect they are purported to have under the conditions of use prescribed in the labeling. In addition, the notice stated that § 510.450 (21 CFR 510.450) requires that adequate data be submitted to establish appropriate withdrawal periods for all sulfa-containing drugs subject to the provisions of this section.

Merck responded to the notice of opportunity for hearing by stating that it was doing the required efficacy studies, that it had submitted subacute toxicity studies as required by § 510.450 for phthalylsulfathiazole, and that it had authorization from its sulfamethazine supplier to use their safety information. The Director of the Bureau of Veterinary Medicine determined that Merck's response was an adequate basis for delaying withdrawal of approval of NADA 65–070. By letter of September 19, 1977, the Director required the firm to revise labeling of the products within 6 months to conform to the NAS/NRC notice, to submit updated manufacturing and control information, and to provide adequate efficacy information by April 8, 1978.

Subsequently, Merck advised FDA that it had decided to discontinue marketing these products and requested that approval of NADA 65–070 for Sulfastrep and Propak Sulfastrep Boluses be withdrawn because the product is no longer being manufactured or marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 65–070 and all supplements for Sulfastrep and Propak Sulfastrep Boluses is hereby withdrawn, effective December 28, 1979.

Dated: December 10, 1979.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79–38449 Filed 12–17–79; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 78N–0370]

Proposed Model Food Salvage Ordinance; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a proposed Model Food Salvage Ordinance and invites public comment on it. The purpose of this ordinance is to provide the food salvage industry with appropriate standards and guidelines for food salvaging, and State and local governments with a comprehensive model law and recommended enforcement procedures for the regulation of the food salvage industries.

DATES: Comments by March 17, 1980

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert A. Tucker, Division of Federal-State Relations (HFO–320), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3360.

SUPPLEMENTARY INFORMATION: Salvage outlets offer to the public and to institutions food that may not have been properly reconditioned and/or is packaged in unlabeled, leaking, swollen, rusted, or badly dented containers. A May 20, 1975 General Accounting Office (GAO) Report to Congress estimated that there were more than 1,000 salvage outlets nationwide. Annual sales volumes for these outlets ranged from $5,000 to $1.5 million per outlet. About 75 percent of the salvage outlets are located in cities, and about 50 percent of those are in low-income areas.

GAO auditors visited 30 salvage outlets and 25 rest homes, children's homes, schools, and other institutions. Of the 30 food salvage outlets GAO visited, 23 were selling processed food products with absent, misleading, and/or incomplete labels. As a result, the institutions who feed persons on special diets are not getting the information needed to choose those products best suited to their specific needs or preferences. Furthermore, 26 of the outlets GAO visited had food for sale that was insect infested or in leaking, rusted, stained, swollen, or badly damaged containers.

According to the findings of the GAO report, about 90 percent of all processed food is initially transported interstate. Therefore, most foods that are salvaged have been involved in interstate commerce. In addition, many operators of salvage outlets buy salvaged food from interstate carriers, such as railroads, and from grocery warehouses, which generally fall under FDA regulatory control.

The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and the Fair Packing and Labeling Act (15 U.S.C. 1451 et seq.) give FDA authority over food held for sale after shipment in interstate commerce. However, FDA

does not have the resources to regulate retail food establishments effectively. Furthermore, it has recognized the primary jurisdiction of State and local governments over retail establishments. The great majority of food salvage operations are retail establishments and are therefore being regulated by State and local authorities.

For many years, the Public Health Service has provided assistance to State and local health agencies in the establishment and maintenance of food protection programs within their jurisdictions. This assistance has included the distribution of model ordinances for food service establishments, the vending of food and beverages, and the retail food store industry. However, a model ordinance for the food salvage industry has not previously been issued.

Eighty percent of the States and 81 percent of the cities responding to a GAO questionnaire favored the promulgation and adoption of regulatory controls over salvage outlets. Also, 48 percent of the State and local health agencies responding said they would like food salvaging guidelines from FDA.

In a February 14, 1979 report to Congress, GAO reiterated its recommendations that the food salvage industry is in need of uniform regulatory control.

Based on the foregoing, the agency has decided that there is a need to provide State and local governments with uniform and comprehensive standards and guidelines to regulate food salvage outlets effectively. Therefore, FDA, in conjunction with the Association of Food and Drug Officials (AFDO), has developed guidelines for regulatory control of the food salvage industry. These guidelines, initially prepared by AFDO, will be in the form of a Model Food Salvage Ordinance designed for use primarily at the State and local level. FDA prefers this approach over a formal regulation because the agency does not have the resources to regulate the food salvage establishments effectively. In addition, because most of the salvage operations are retail, FDA believes that they can best be handled by the State and local food control agencies.

To provide an opportunity for comments, copies of the proposed model ordinance are being distributed to Federal, State, and local agencies.

Food salvage firms, in particular, and other persons interested in obtaining copies of the proposed ordinance for review and comment should write to the Division of Federal-State Relations (HFO-320), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Written comments on the proposed ordinance should be sent on or before March 17, 1980 to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Comments should be submitted in four copies, except that individuals may submit one copy. All comments should be identified with the Hearing Clerk docket number found in brackets in the heading of this document.

Dated: November 26, 1979.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-38631 Filed 12-17-79; 8:45 am]

BILLING CODE 4110-03-M

Office of Human Development Services

Family Median Income by State; Eligibility for Social Services

Under the provision of §§ 2002(a)(5)(B), 2002(a)(6) (A) and (B), and 2002(a)(14)(A) of title XX of the Social Security Act, promulgation is made of the median income of a family of four for each State, the District of Columbia, and the States as a whole, applicable to the period October 1, 1980 through September 30, 1981. For those States whose 1981 fiscal year begins before or after October 1, 1980, this promulgation is also applicable. The purpose of the promulgation is for determining the extent of Federal financial participation (FFP) in State expenditures under title XX. The above listed sections impose certain limitations with respect to the availability of FFP based upon the relationship of the income of the family of a service recipient to the median income of a family of four in the State.

Estimates of the median income of families of four persons for each State and the District of Columbia were developed by the Bureau of the Census. In developing the median income scales, the Bureau of the Census used three sources of data:

(1) The March 1979 Current Population Survey, (2) The 1970 Census of Population, and (3) The per capita personal income estimates from the Bureau of Economic Analysis. The methodology for adjusting median income for families of different sizes is specified in 45 CFR 228.60.

The median income for a family of four, by State for fiscal year 1981 with calculation at the 80 percent, 90 percent, and 115 percent levels, is set forth below for use by States in establishing incoming ceilings and fee schedules under title XX of the Social Security Act:

Median Income for Families of Four

State	Median income*	80 pct of median income	90 pct of median income	115 pct of median income
Alabama	$18,352	$14,680	$16,517	$21,105
Alaska	27,572	22,058	24,815	31,708
Arizona	20,863	16,690	18,777	23,992
Arkansas	15,669	12,535	14,102	18,019
California	22,294	17,835	20,065	25,638
Colorado	21,778	17,422	19,600	25,045
Connecticut	22,278	17,822	20,050	25,620
Delaware	21,194	16,955	19,075	24,373
District of Columbia	16,769	13,415	15,092	19,284
Florida	18,118	14,494	16,306	20,836
Georgia	19,876	15,741	17,708	22,627
Hawaii	22,475	17,980	20,228	25,846
Idaho	19,042	15,234	17,138	21,898
Illinois	22,081	17,665	19,873	25,393
Indiana	20,556	16,445	18,500	23,639
Iowa	20,800	16,640	18,720	23,920
Kansas	19,792	15,834	17,813	22,760
Kentucky	17,924	14,339	16,132	20,613
Louisiana	18,691	14,953	16,822	21,495
Maine	16,885	13,508	15,197	19,418
Maryland	23,461	18,769	21,115	26,980
Massachusetts	20,512	16,410	18,461	23,589
Michigan	22,063	17,650	19,857	25,372
Minnesota	21,455	17,164	19,310	24,673
Mississippi	16,586	13,269	14,927	19,074
Missouri	19,268	15,414	17,341	22,158
Montana	17,878	14,302	16,090	20,560
Nebraska	19,319	15,455	17,387	22,217
Nevada	21,106	16,885	18,995	24,272
New Hampshire	20,247	16,196	18,222	23,284
New Jersey	22,189	17,751	19,970	25,517
New Mexico	18,738	14,990	16,864	21,549
New York	19,660	15,728	17,694	22,609
North Carolina	18,058	14,446	16,252	20,767
North Dakota	18,789	15,031	16,910	21,607
Ohio	20,950	16,760	18,855	24,093
Oklahoma	19,064	15,251	17,158	21,924
Oregon	21,534	17,227	19,381	24,764
Pennsylvania	19,753	15,802	17,778	22,716
Rhode Island	21,093	16,874	18,984	24,257
South Carolina	18,468	14,774	16,621	21,238
South Dakota	16,897	13,518	15,207	19,432
Tennessee	17,916	14,333	16,124	20,603
Texas	20,455	16,364	18,410	23,523
Utah	20,202	16,162	18,182	23,232
Vermont	18,458	14,766	16,612	21,227
Virginia	20,729	16,583	18,656	23,838
Washington	21,494	17,195	19,345	24,718
West Virginia	18,493	14,794	16,644	21,267
Wisconsin	21,034	16,827	18,931	24,189
Wyoming	22,452	17,962	20,207	25,820

*Median income based on 1978 data.

Note.—The median income for a family of four in the 50 States and the District of Columbia, applicable to the period October 1, 1980 to September 30, 1981 is $20,428.

(Catalog of Federal Domestic Assistance Program No. 13.771 Social Services for Low Income and Public Assistance Recipients.)

Dated: December 10, 1979.

Ernest L. Osborne,

Commissioner, Administration for Public Services.

Approved: December 13, 1979.

Manuel Corballo,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 79-38756 Filed 12-17-79; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-3912]

Nevada; Classification Revoked and Lands Open to Entry

Correction

In FR Doc. 79-34740, published on 65195, on Friday, November 9, 1979, in the first column, in the last line "Secs. 12, 14, 24, 25, 36." should be corrected to read "Secs. 12, 14, 24, 26, 36."

BILLING CODE 1505-01-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Dr. Russell E. Mumford, Department of Forestry and Natural Resources, Purdue University, West Lafayette, Indiana 47907.

The applicant requests a permit to capture and release Indiana bats (*Myotis sodalis*) in Indiana to obtain various scientific information.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4988. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: December 7, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-38560 Filed 12-17-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Amendment to Notice of Receipt of Application

This amends the "Receipt of Application" dated November 15, 1979 (FR Doc. 79-35154) for the Henry Doorly Zoo concerning Bactrian camels (*Camel bactrianus*). The Receipt of Application should read: The applicant requests a permit to import during the course of a commercial activity one Bactrian camel from the Calgary Zoo, Calgary, Alberta and one from the Metropolitan Toronto Zoo, Toronto, Ontario, Canada, and to purchase in interstate commerce one bactrian camel from the Minnesota Zoological Gardens, Apple Valley, Minnesota.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4882. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: December 12, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-38581 Filed 12-17-79; 8:45 am]

BILLING CODE 4310-55-M

Marine Mammal Annual Report; Availability

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of availability of marine mammal annual report.

SUMMARY: The Director, U.S. Fish and Wildlife Service, on October 18 signed the annual report on the Service's administration of the marine mammals under its jurisdiction, as required by section 103(f) of the Marine Mammal Protection Act of 1972. The report covers the period April 1, 1978, to March 31, 1979, and was submitted to the Congress on December 6. By this notice, the Director informs the public that the report is available and that any interested individual may secure a single copy by requesting same in writing from the Service.

ADDRESS: Write for a copy to Director (OWA), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Rupert R. Bonner, Marine Mammal Coordinator, Office of Wildlife Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-632-2202.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service is responsible for eight species of marine mammals under the jurisdiction of the Department of the Interior, as assigned by the Marine Mammal Protection Act of 1972 (MMPA). These species are polar bears, sea and marine otters, walruses, manatees (three species), and dugongs. The report reviews the Service's marine mammal-related activities during the report period and summarizes the following status information for each species: Distribution and migration, abundance and trends, general biology, ecological problems, allocation problems, regulations, and current research. Administrative actions discussed include the amendment of the MMPA to reauthorize funding of the Act for fiscal years 1979, 1980, and 1981, financial grants to States to help them develop and implement programs for protecting and managing marine mammals in their waters, updated service marine mammal regulations, the waiver of the moratorium for nine species of marine mammals, the walrus waiver, marine mammal care and maintenance standards, endangered marine mammal species (specifically the West Indian and West African manatees and the sea otters in California), legal actions against the Department of the Interior, law enforcement activities, scientific research and public display permits, certificates of registration, research, Outer Continental Shelf environmental studies, ecological characterizations of U.S. coastal areas, and international activities.

This notice was prepared by Jackson E. Lewis, Marine Biologist, Office of Wildlife Assistance, 202-632-2202.

Dated: December 11, 1979.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 79-38587 Filed 12-17-79; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Badlands National Park; Availability of Draft Development Concept Plan and Addendum to the Environmental Review for Cedar Pass

The Draft Development Concept Plan and an Addendum to the Environmental Review for Cedar Pass, Badlands National Park has been prepared and is ready to be distributed for review and comment.

The document identifies the overall concept for development at Cedar Pass and provides a conceptual framework for the design of the visitor contact and concession complex. The document also identifies the program for development, preliminary cost estimate, and an

addendum to the environmental review relative to adjustments in the size and consolidation of visitor facilities and functions.

The review indicates that the amendments and additions are not major with a potential for causing significant environmental impact or controversy, therefore, an environmental impact statement will not be required.

Copies of the document may be secured by contacting either of the following: Superintendent, Badlands National Park, P.O. Box 6, Interior, South Dakota 57750 or Regional Director, Rocky Mountain Region, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225.

Any comments should be submitted to the Superintendent at the above address on or before January 16, 1979.

Dated: December 6, 1979.

James B. Thompson,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 79-38755 Filed 12-17-79; 8:45 am]

BILLING CODE 4310-70-M

Bryce Canyon National Park; Availability of the Environmental Review of the Assessment of Alternatives for the General Management Plan

An environmental review of the assessment of alternatives for the Bryce Canyon National Park General Management Plan has been prepared and is ready for distribution.

The review identifies the alternatives selected from the assessment of alternatives for the general management plan, the rationale for the selections, potential environmental impacts, and mitigating measures involved in implementing the preferred alternative. Also presented are the other alternatives which were considered in the initial assessment of alternatives as well as a summary of public involvement to date.

The review identifies the proposed action as being minor with no potential for causing significant environmental impact or controversy. Consequently, an environmental impact statement will not be required. Copies of the document may be obtained by contacting either of the following: Superintendent, Bryce Canyon National Park, Bryce Canyon, Utah 84717; Assistant to the Regional Director (Utah), National Park Service, 125 S. State Street, Room 318, Salt Lake City, Utah 84138; or Regional Director, Rocky Mountain Region, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225.

Any comments should be submitted to the Superintendent at the above address on or before January 17, 1980.

Dated: December 6, 1979.

James B. Thompson,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 79-38753 Filed 12-17-79; 8:45 am]

BILLING CODE 4310-70-M

Lincoln Boyhood National Memorial, Indiana; Availability of Draft Environmental Statement for the Proposed Master Plan

Notice is hereby given that the U.S. Department of the Interior, National Park Service, has prepared a draft master plan to guide the development, management and operation of Lincoln Boyhood National Memorial. It is further noted that a draft environmental impact statement has been prepared pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4332) to address the probable effects of the proposed plan and of the reasonable alternatives.

The draft master plan and the environmental impact statement will be available for public review and comment for a period of not less than sixty (60) days from the date of this notice. Written comments are invited and should be sent to the Superintendent, Lincoln Boyhood National Memorial, Lincoln City, Indiana 47552, telephone 812/937-4757.

Notice is also given that the draft master plan and the environmental impact statement will be the subjects of public meetings to be conducted in the visitor center of the Memorial on January 16, 1980, at 2 p.m. and at 7 p.m.

Copies of the draft master plan and environmental impact statement are available from, or for inspection at the Office of the Superintendent at the above address and the Office of the Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone 402/221/3431.

Dated: December 5, 1979.

Randall R. Pope,

Regional Director.

[FR Doc. 79-38754 Filed 12-17-79; 8:45 am]

BILLING CODE 4310-70-M

National Capital Memorial Advisory Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Friday, January 4, 1980, in Room 234 at the National Capital Region Headquarters, 1100 Ohio Drive, SW., Washington, D.C. 20242.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. William J. Whalen, Chairman, Director, National Park Service, Washington, D.C.
Mr. George M. White, Architect of the Capitol, Washington, D.C.
General Mark W. Clark, Chairman, American Battle Monuments Commission, Washington, D.C.
Mr. J. Carter Brown, Chairman, Fine Arts Commission, Washington, D.C.
Mr. David Childs, Chairman, National Capital Planning Commission, Washington, D.C.
Honorable Marion S. Barry, Mayor of the District of Columbia, Washington, D.C.
Mr. A. R. Marschall, Commissioner, Public Buildings Service, Washington, D.C.

The purpose of this meeting is to discuss the appropriateness of several proposals and review site designs for memorials to be erected in the Nation's Capital. Among the proposals to be considered are:

1. Design for memorial to 56 signers of the Declaration of Independence to be located in Constitution Gardens.

2. S.J. Res. 119 and H.J. Res. 431 to authorize the Vietnam Memorial Fund, Incorporated to erect a memorial in Constitution Gardens.

3. H.R. 4788 (Sec. 423a) to authorize the Corps of Engineers Historical Foundation to design and erect a memorial in the District of Columbia.

In addition to the above discussion, this meeting will serve to provide an opportunity for all interested parties to comment on the Environmental Assessment for the Memorial to the 56 Signers of the Declaration of Independence to be located in Constitution Gardens. Copies of the assessment are available for review at the address listed below.

The meeting will be open to the public. Any person may file with the

Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. John Parsons, Associate Regional Director, Land Use Coordination, National Capital Region, at (202) 426–6715. Minutes of the meeting will be available for public inspection and copying 2 weeks after the meeting at the Office of National Capital Region, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: December 10, 1979.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 79-38752 Filed 12-17-79; 8:45 am]

BILLING CODE 4310-70-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before December 7, 1979. Pursuant to 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional time to prepare comments should be submitted be December 28, 1979.

Carol Shull,

Acting Chief, Registration Branch.

ALASKA

Matanuska-Susitna Division

Wasilla, *Wasilla Elementary School,* Off AK 3

CALIFORNIA

Alameda County

Alameda, *Union Iron Works Powerhouse,* 2308 Webster St.

Mendocino County

Ukiah, *Sun House and Hudson-Carpenter Park,* 431 S. Main St.

Santa Clara County

Palo Alto, *de Lemos, Pedro, House,* 100–110 Waverley Oaks

Tuolumne County

Yosemite National Park, *Hodgdon Meadow Archeological District*

COLORADO

Mesa County

Grand Junction, *U.S. Post Office,* 400 Rood Ave.

CONNECTICUT

Middlesex County

Middletown, *Metro South Historic District,* Main and College Sts.

New Haven County

New Haven, *Raynham (Kneeland Townsend House)* 709 Townsend Ave.

GEORGIA

Baldwin County

Milledgeville vicinity, *Andalusia,* NW of Milledgeville on U.S. 441

Burke County

Sardis vicinity, *Sapp Plantation,* NW of Sardis on GA 24

Waynesboro, *Jones, John James, House,* 525 Jones Ave.

Floyd County

Rome, *Rome Clock Tower,* Off GA 101

Habersham County

Clarksville, *Grace Church,* Wison and Greene Sts.

Richmond County

Augusta, *Pinched Gut Historic District,* Roughly bounded by Gordon Hwy., E. Boundary, Reynolds and Gwinnett Sts.

Sumter County

Americus vicinity, *McBain, Newnan, House,* S of Americus on U.S. 19

Walker County

Chickamauga, *Lee and Gordon Mill,* Red Belt Rd.

LaFayette, *Chattooga Academy,* 306 N. Main St.

Walton County

Monroe, *McDaniel-Tichenor House,* 319 McDaniel St.

GUAM

Agat vicinity, *Sumay Cemetery,* N of Agat on Marine Dr.

MAINE

Lincoln County

Monhegan, *Monhegan Island Lighthouse and Quarters,* Monhegan Island

MICHIGAN

Oakland County

Holly, *Hirst Hotel,* 110 Battle Alley

MISSISSIPPI

Lowndes County

Columbus, *Columbus Central Commercial Historic District,* U.S. 82 and U.S. 45

MISSOURI

Buchanan County

St. Joseph, *Eckel, Edmond Jacques, House,* 515 N. 4th St.

Chariton County

Brunswick vicinity, *Locust Hill (McGruder Estate)* E of Brunswick on SR Y

Howard County

Fayette vicinity, *Jackson, Prior, Homeplace (Cedar Lawn)* S of Fayette on MO DD

Morgan County

Versailles, *Morgan County Courthouse,* Courthouse Sq.

Perry County

Frohna vicinity, *Bergt, Christian A., Farm,* E of Frohna

Pettis County

Sedalia, *Sedalia Public Library,* 311 W. 3rd St.

St. Louis County

Florissant, *Taille de Noyer (Mullanphy-Chambers House)* 1 Rue Taille de Noyer

NEBRASKA

Lancaster County

Waverly vicinity, *Peterson, Peter, Farmstead*

NEW HAMPSHIRE

Carroll County

Tamworth, *Cook Memorial Library,* Main St.

Merrimack County

Hopkinton vicinity, *Howe-Quimby House,* NW of Hopkinton on Sugar Hill Rd.

Rockingham County

Nottingham, *Dame School,* NH 152

Strafford County

Dover, *Reade, Michael, House,* 43 Main St.

NEW YORK

Albany County

Albany, *Abrams Building,* 55—57 S. Pearl St.

Dutchess County

Hyde Park, *Roosevelt, Eleanor, National Historic Site,* Violet Ave.

Rensselaer County

Hoosick Falls, *Estabrook Octagon House,* 8 River St.

Hoosick Falls, *Hoosick Falls Historic District,* Roughly bounded by RR tracks, Church, Main and Elm Sts.

Westchester County

Tarrytown, *Music Hall,* 11 Main St.

PENNSYLVANIA

Philadelphia County

Philadelphia, *Drexel and Company Building,* 135—143 S. 15th St.

TENNESSEE

Davidson County

Nashville, *Cheatham Building,* 301–309 Church St.

Nashville, *Demonbreun's Cave,* 1700 Omohundro Dr.

Sevier County

Sevierville, *Sevierville Masonic Lodge,* 119 Main St.

UTAH

Beaver County

Beaver, *Fennemore, Dr. George, House,* 90 S. 100 West St.
Beaver, *Grimshaw, Duckworth, House,* 95 N. 400 West St.
Beaver, *Muir, David, House,* 295 N. 300 West St.
Beaver, *Shepherd, Harriet S., House,* 190 N. 200 East St.
Beaver, *White, Charles Dennis, House,* 115 E. 400 North St.

Salt Lake County

Salt Lake City, *General Engineering Company Building,* 159 W. Pierpont Ave.

VIRGINIA

Alexandria (independent city)

Alexandria Canal Tide Lock, Roughly abounded by Potomac River, Lee, Montgomery, and 1st Sts.

King William County

Studley vicinity, *Wyoming,* N of Studley on VA 615

Richmond (independent city)

0—100 Block East Franklin Street Historic District, Roughly bounded by 1st, Main, Foushee and Grace Sts.

[FR Doc. 79-38209 Filed 12-17-79; 8:45 am]
BILLING CODE 4310-03-M

National Register of Natural Landmarks; Notification of Potential National Natural Landmarks

The areas listed below have been identified as potential national natural landmarks by the HCRS Division of Natural Landmarks in accordance with the provisions of 36 CFR 1212.4. Pursuant to Section 1212.5(b)(1) of 36 CFR part 1212, written comments concerning the potential designation of these areas as national natural landmarks may be forwarded to the Acting Associate Director for Natural Programs, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments or a request for additional time should be submitted no later than January 17, 1980.

Robert A. Ritsch,
Acting Associate Director for Natural Programs.

Idaho

Ada County

Snake River Birds of Prey Natural Area; (also in *Elmore and Owhyee Counties*), area is a 30 mile stretch of the Snake River between Grandview and Walters Ferry.

Elmore County

Crater Rings; 8 miles NW of Mountain Home.

Fremont County

Big Springs; 54 miles NE of Rexburg.
St. Anthony Sand Dunes; 7 miles NW of St. Anthony.

Gooding County

Niagara Springs; 20 miles W of Twin Falls.

Jefferson County

Menan Buttes; (also in *Madison County*), 10 miles W of Rexburg.

Jerome County

Dry Cataracts; (also in *Twin Falls County*), 5 miles NE of Twin Falls.

Power County

Great Rift Sytem; (also in *Blaine and Minidoka Counties*), 43 miles NW of Pocatello.

Shoshone County

Hobo Cedar Grove Botanical Area; 12 miles NE of Clarkia.

Illinois

Cook County

Busse Forest; 23 miles NW of Chicago.

Jackson County

Little Grand Canyon Area; 10 miles W of Carbondale.

Johnson County

Buttonland Swamp; (extends into *Pulaski County*), 19 miles W of Metropolis.
Little Black Slough-Heron Pond Area; 25 miles S of Marion.

Lake County

Illinois Beach Nature Preserve; Chicago metropolitan area.

Pope County

Bell Smith Springs; 17 miles SW of Harrisburg.
Lusk Creek Canyon; 15 miles S of Harrisburg.

Union County

Giant City; 15 miles S of Harrisburg.

Indiana

Harrison County

Harrison Spring; 1 mile N of White Cloud.

Orange County

Lost River Karst; 14 miles S of Bedford.

Putnan County

Fern Cliff; 7 miles SW of Greencastle.

Steuben County

Marsh Lake Basin; 3 miles N of Angola.

Michigan

Berrien County

Warren Dunes Natural Area; 13 miles S of St. Joseph.

Emmett County

University of Michigan Biological Station; (extends into *Cheboygan County*), 1 mile E of Pellston.
Wilderness Natural Area; 23 miles NW of Cheboygan.

Roscommon County

Roscommon Virgin Pine Stand; 10 miles E of Roscommon.

Minnesota

Anoka County

Cedar Creek Natural History Area-Allison Savanna; (*extends into Isanti County*), 29 miles N of Minneapolis.

Carlton County

Jay Cooke Virgin Hardwoods; 15 miles SW of Duluth.

Cass County

Pine Point Natural Area; 26 miles Se of Bemidji.

Lake County

Keeley Creek Natural Area; 12 miles SE of Ely.

Rice County

Nerstrand Woods State Park; 10 miles NE of Faribault.

St. Louis County

Lac La Croix Natural Area; 24 miles NW of Ely.

New Mexico

Chaves County

Mescalero Sands; 41 miles E of Roswell.
Bitter Lake Group; 9 miles NE of Roswell.

Eddy County

Cottonwood Cave; 35 miles SW of Carlsbad.

Harding County

Bueyeros Shortgrass Plains; 17 miles E of Bueyeros.

Lincoln County

Border Hills Structural Zone; 24 miles W of Roswell.

Ohio

Adams County

Red Rock; 25 miles W of Portsmouth.
Serpent Mound Crytoexplosive Structure; (also in *Highland and Pike Counties*) 31 miles SW of Chillicothe.

Delaware County

Highbanks Natural Area; (also in *Franklin County*) 13 miles N of Columbus.

Oklahoma

Cimarron County

Black Mesa; 24 miles NW of Boise City.

Puerto Rico

Anton Ruiz River Floodplain; 5 miles NE of Humacao Bahia Fosforescente; 7 miles W of Ensenada.
Bano de Oro; 6 miles SW of Luguillo.
Barrancas Quarry; 4 miles N of Barranquitas.
Cabo Rojo; SW tip of Puerto Rico.
Canyon de Guajataca; 2 miles NW of Quebradillas Los Tres Picachos; 3.3 miles E of Jayuya.
Puerto Mosquito; 0.1 miles E of Esperanza.
Rio Abajo Forest; 9 miles S of Arecibo.
Rio Camuy Caves; 13 miles SW of Arecibo.

Texas

Bailey County

Muleshoe Natural Wildlife Refuge; 59 miles NW of Lubbock.

Bandera and Real Counties

Sabinal Canyon State Park; 61 miles NW of San Antonio.

Cameron County

Laguna Atascosa National Wildlife Refuge; 28 miles N of Brownsville.

Randall County

High Plains Natural Area; 26 miles SW of Amarillo.

Virgin Islands

St. Croix

Green Cay; 2.5 miles E of Christiansted.
Salt River and Sugar Bays; 3.5 miles NW of Christiansted.
Sandy Point; 1 mile S of Frederiksted.
Vagthus Point; 3 miles S of Christiansted.

St. John

Lagoon Point; on the SE shore of St. Johns Island, between Bay and Friis Bay.

St. Thomas

Coki Point Cliffs; 3.5 miles E of Charlotte Amalie.
West End Cays; a group of cays off the W coast of St. Thomas Island.

Washington

Asotin County

Grande Ronde Goosenecks; 20 miles S of Asotin.

Benton County

Hanford Dunes; 17 miles N of Richland.

Whitman County

Steptoe-Kamiak Butte; 50 miles S of Spokane.

Wisconsin

Bayfield County

Moquah Barrens; 16 miles W of Ashland.

Forest County

Bose Lake Hemlock Hardwoods; 13 miles E of Eagle River.

Iowa County

Avoca River-Bottom Prairie; 47 miles W of Madison.

Manitowoc County

Point Beach Ridges; 8 miles NE of Manitowoc.

Sauk County

Baraboo Range; 30 miles NW of Madison.

[FR Doc. 79-38675 Filed 12-17-79; 8:45 am]
BILLING CODE 4310-03-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Joint Research Committee of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a) (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the thirtieth meeting of the Joint Research Committee (JRC) of the Board for International Food and Agricultural Development (BIFAD) on January 15 and 16, 1980.

The purpose of the meeting is to: review and discuss progress of Collaborative Research Support Programs (CRSPs) being planned and implemented; further consider changes in composition and roles of JRC to relate to the Institute for Scientific and Technological Cooperation (ISTC) upon its establishment; discuss the objectives and progress of the Title XII program; report on the Fisheries Workshop; and discuss issues in Forestry in the context of Development and Environmental Conservation.

The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on January 15, 1980, and will be held in Room 5951 New State Department Building, Washington, D.C. 20523. The meeting on January 16, 1980 will convene at 8:30 a.m. and adjourn at 2:00 p.m., and will be held in Room 5941 New State Department Building. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Office of Title XII Coordination and University Relations, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (703)-235-8929.

Dated: December 11, 1979.

Erven J. Long,

AID Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 79-38584 Filed 12-17-79; 8:45 am]
BILLING CODE 4710-02-M

Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), P.L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Joint Committee on Agricultural Development (JCAD) of the Board for International Food and Agricultural Development (BIFAD) on January 14 and 15, 1980.

The purpose of the meeting is to: review and coordinate the reports and activities of the Regional Work Groups (RWGs); and reorganize the functioning of JCAD with the Agency for International Development (AID) and with the International Development Cooperation Administration (IDCA).

The meeting on January 14, 1980 will convene from 9:00 a.m. to 12:00 p.m. in the form of Regional Work Groups: Africa RWG in Room 2941, New State Department Building, Washington, D.C. 20523 (Mr. William Johnson, A.I.D. Federal Designee for this meeting, can be contacted at (202) 632-3650); Latin America RWG in Room 2242 New State Department Bldg. (Mr. Blair Allen, A.I.D. Federal Designee for this meeting can be contacted at (202) 632-8126); Near East RWG in Room 6484 New State Department Bldg. (Mr. Keith Sharper, A.I.D. Federal Designee for this meeting, can be contacted at (202) 632-9256); and the Asia RWG in Room 216 Rosslyn Plaza Bldg., 1601 North Kent Street, Rosslyn, Virginia (Mr. David Lundberg, A.I.D. Federal Designee for this meeting can be contacted at (703) 235-8870). The Full JCAD Committee will convene on January 14 from 1:00 p.m. to 5:00 p.m. in Room 5941 New State Department Bldg. The Full JCAD Committee will meet also on January 15 from 9:00 a.m. to 12:00 p.m. in Room 5941 New State Department Bldg. The meeting of the JCAD Executive Committee and AID will meet on January 15 from 1:00 p.m. to 4:00 p.m. in Room 5941 New State Department Building. The meetings are open to the public. Any interested person may attend, may file written statements with the Committee before or after the meetings, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meetings permit.

Dr. Frank H. Madden, Office of Title XII Coordination and University Relations, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the January 14 and 15 meetings. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (703) 235-9085.

Dated: December 10, 1979.

Frank H. Madden,

AID Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 79-38585 Filed 12-17-79; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Occupational Exposure to Vinyl Chloride and Polyvinyl Chloride

AGENCY: Occupational Safety and health Administration, Department of Labor.

ACTION: Request for information on vinyl chloride and polyvinyl chloride.

SUMMARY: This notice requests information on vinyl chloride (CAS No. 75–01–4) and on polyvinyl chloride (CAS No. 9002–86–2). Vinyl chloride (VC), a synthetic chemical, was once synthesized by the addition of hydrogen chloride to acetylene. Currently, the most common route of production is by the halogenation of ethylene. In this latter process, ethylene is reacted with hydrogen chloride and oxygen to give ethylene dichloride, which is subsequently cracked thermally to produce vinyl chloride and hydrogen chloride. Vinyl chloride is used primarily to produce polyvinyl chloride (PVC), a plastic resin, through conversion of the VC monomer into a polymer or copolymer form. Vinyl chloride is also used in the production of methyl chloroform and in the production of resins as a comonomer with vinylidene chloride. PVC is used in the manufacture of a variety of industrial and consumer products, such as containers, wrapping film, electrical insulation, and pipes.

In 1975, OSHA regulated vinyl chloride as a carcinogen, based primarily on evidence of excess liver angiosarcoma incidence following VC exposure (29 CFR 1910.1017). OSHA did not regulate exposure to PVC dust in the same standard. Therefore, it continues to be regulated as an inert or nuisance air contaminant (29 CFR 1910.1000, Table Z–3).

Research since 1975 has provided considerably more information concerning the carcinogenic and other toxic effects of VC and PVC exposure. OSHA is currently in the process of evaluating the available evidence pertaining to the potential occupational health hazards of VC and of PVC and, by this notice, is requesting information related to several important issues.

DATE: The information requested in this notice must be submitted in quadruplicate on or before February 10, 1980.

ADDRESS: The information requested in this notice should be submitted to the Docket Officer, Docket No. H–034, Room S6212, U.S. Department of Labor, OSHA, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202–523–7894).

FOR FURTHER INFORMATION CONTACT: Dr. Peter Infante, Office of Carcinogen Identification and Classification, Directorate of Health Standards Programs, Room N3718, U.S. Department of Labor, OSHA, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202–357–0325).

SUPPLEMENTARY INFORMATION:

Background

Vinyl chloride (C_2H_3Cl; CAS No. 75–01–4; chloroethene) is a colorless gas at room temperature and pressure. After synthesis from VC monomer, polyvinyl chloride ($(C_2H_3Cl)_n$; CAS No. 9002–86–2; chloroethene homopolymer) is in the form of white or colorless granules. Residual vinyl chloride monomer can become trapped in the PVC particles. However, recent processing methods can reduce considerably the amount of residual VC trapped in the polymer resins.

The vinyl chloride industry can be divided into three major components: VC synthesis, VC polymerization, and PVC fabrication. It has been estimated that in the U.S., 15 plants manufacture vinyl choride, 43 plants polymerize polyvinyl chloride, and at least 7,500 plants are engaged in the fabrication of PVC. During 1978, 3.47 million tons of VC and 2.94 million tons of PVC were produced.

The present permissible limit for occupational exposure to vinyl chloride is 1.0 ppm averaged over any 8-hour period, and 5.0 ppm averaged over any period not exceeding 15 minutes (29 CFR 1910.1017). For polyvinyl chloride dust, the standard is 15 mg/m^3, averaged over any 8-hour period (29 CFR 1919.1000).

Laboratory Studies

Experimental bioassays have demonstrated the induction of cancer by VC at levels of exposure lower than those previously reported. In VC inhalation studies of rats, Maltoni (1) has induced liver angiosarcomas at 25 ppm and mammary carcinomas at one ppm. In addition, several different test systems have provided evidence for the mutagenic potential of VC, i.e., *E. coli, S. typhimurium, S. pombe,* insects, plants, and cultured mammalian cells (2). VC also has been demonstrated to have a transplacental effect in rats. Inhalation exposure of pregnant rats to VC concentrations of 6,000 and 10,000 ppm have resulted in VC-dependent tumors in their offspring (1).

There is also evidence from animal studies that PVC may induce non-malignant respiratory disease. It has been reported that after seven months of exposure, rats and guinea pigs caged in work areas where sacks were being filled with PVC powder developed pulmonary pathological changes and granulomatous lesions containing foreign particles thought to be PVC dust (3).

Epidemiologic Studies

Several investigations of employee populations have indicated that VC/PVC exposure is associated with an increased carcinogenic risk to several organ sites in addition to the liver. A NIOSH retrospective cohort study of workers from four VC polmerization plant showed an excess number of deaths due to cancer of the liver, lung, lympho-hematopoietic system, and central nervous system (4).

Of further concern is the finding that the carcinogenic risk may extend to industries fabricating polyvinyl chloride. A proportionate mortality study of plastic workers in Great Britain, which included PVC fabricators, demonstrated a statistically significant excess of stomach cancer (5). Also, an excess of mortality from digestive system cancer among PVC fabricators of both sexes was found by Chiazze et. al. in the U.S. (6). Among white females in the study, observed deaths from breast and urinary tract cancers were also greater than expected. Waxweiler et. al. performed a detailed study of the excess lung cancer risk previously observed at a synthetic plastics and rubber plant (7). Analysis of lung cancer cases by cell type demonstrated a greater frequency of adenocarcinomas (Type 3) and large cell undifferented (Type 4) cancer. Neither cell type is believed to be strongly assoicated with cigarette smoking. Of 12 chemicals analyzed, only PVC dust exposure proved to be statistically significant. The authors suggested that the excess of Type 3 and 4 lung cancer cases in this plant was related to PVC dust exposure.

A recent epidemiologic study suggests that PVC may be related to pneumoconiosis (8). Employees of a polyvinyl chloride production factory in Italy were submitted to chest X-ray examination. Twenty subjects were diagnosed as having pneumoconiosis. All of these cases had worked five or more years in departments with demonstrated PVC dust pollution. No

pneumoconiosis was observed in subjects who worked in areas free of PVC dust. These findings are consistent with earlier case reports of pneumoconiosis among workers exposed to PVC dust (9,10). The Institute of Oncology and Tumor Center in Bologna, Italy has demonstrated a higher frequency of cytolgoically abnormal sputum cells among the workers employed in the VC/PVC industry in contrast either to workers in the general chemical industry or to individuals who are heavy smokers (11).

Epidemiologic studies also exist which demonstrate the mutagenicity of VC in humans. Chromosomal aberrations in lymphocytes of male workers, in excess of the number observed in non-exposed workers, have been reported in several studies (2). Morever, a study of miscarriages among the wives of men occupationally exposed to VC detected a significant excess in fetal mortality following the husband's exposure to VC (12).

Information requested on vinyl chloride and polyvinyl chloride

The date recently received by OSHA suggest that a reassessment of the known health effects of vinyl chloride and polyvinyl chloride is appropriate at this time. Additional information in several areas is needed before a reassessment can be completed. The requested information includes, but is not limited to, the following:

(1) Experimental test results for carcinogenicity of vinyl chloride at atmospheric exposures of less than 50 ppm.

(2) Studies of transplacental carcinogenic and teratogenic effects in humans or animals at any level of exposure to vinyl chloride.

(3) Experimental studies of carcinogenicity and other toxic manifestions for any level of polyvinyl chloride exposure. These effects should include, but are not limited to, mutagenicity, teratogenicity, embryotoxicity, and other transplacental effects, as well as cytotoxic and cytogenetic effects on sperm cells. To the greatest extent possible, complete information concerning the industrial source of the polyvinyl chloride, the size and characteristics of the particles, and exposure levels or concentrations of PVC and residual VC should be included for each study.

(4) Epidemiologic studies of either vinyl chloride or of polyvinyl chloride (i.e. cohort, cross-sectional, or case-control).

(5) Case reports and case series of brain, lympho-hematopoietic, lung, and liver cancers by facility and relevant demographic variables, such as age, sex, race, date of diagnosis, date of death, date of first exposure, and length of exposure for either vinyl chloride or polyvinyl chloride.

(6) Mutagenicity study results of vinyl chloride or polyvinyl chloride as measured by the analysis of human body fluids, e.q., direct mutagenic testing with peripheral blood lymphocytes, non-disjunction in humans with YFF sperm test, and *in vivo* cytogenetics.

(7) Body burden measurements of vinyl chloride in humans.

(8) For operations involving polyvinyl chloride, the types of resin in use, the concentration of vinyl chloride trapped in the resin, and the concentration of VC and PVC dust in the atmosphere where individuals are working. This information should include estimates of the particles sizes and concentrations of particles that fall within the respirable range.

(9) In PVC bagging and milling operations, atmospheric levels of PVC and VC, monitoring devices used to detect VC, and the type of respirator protection program for individuals working in these operations. This should include the sensitivity and validity of analytic techniques in use.

(10) Types of occupations, job classifications, and industries where exposure to either VC or PVC at any level may occur, and the numbers of employees involved in each vinyl chloride and polyvinyl chloride exposure situation, separated by sex and race.

(11) Appropriate engineering controls, work practices, and personal protective equipment available to reduce levels of exposure to VC or PVC below the current standards, or to the lowest levels feasible.

SUBMITTALS OF INFORMATION REQUESTED

Interested persons are invited to submit written data, views, and comments with respect to the issues described abve. All communications should be submitted in quadruplicate, by February 10, 1980, to the Docket Officer, Docket H–034, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202–523–7894).

References

The following documents, referred to in this notice, are available for inspection and copying at the OSHA Technical Data Center, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

1. Maltoni, C. Vinyl chloride carcinogenicity: An experimental model for carcinogenesis studies. *Origins of Human Cancer,* Cold Spring Harbor Laboratory, 1977, pp. 119–146.

2. Wagoner, J. K., and P. F. Infante. Vinyl chloride: A case for the use of laboratory bioassay in the regulatory control procedure. *Origins of Human Cancer,* Cold Spring Harbor Laboratory, 1977, pp. 1797–1805.

3. Frongia, N., A. Spinazzola and A. Bucarelli. Lesioni polmonari sperimentali da inalazione prolungata di polveri di PVC in ambiente di lavoro: (Expermental lung damage from prolonged inhalation of airborne PVC dust). *La Medicina del Lavoro, 65*: 321–342, 1974.

4. Waxweiler, R. J., W. Stringer, J. K. Wagoner, J. Jones, H. Falk, and C. Carter. Neoplastic risk among workers exposed to vinyl chloride. *Annals of the New York Academy of Sciences, 271*: 40–48, 1976.

5. Baxter, P. J. and A. J. Fox. Angiosarcoma of the liver in PVC fabricators. *Lancet, 1:* 245–246, 1976.

6. Chiazze, L., W. E. Nichols, and O. Wang. Mortality among employees of PVC fabricators. *Journal of Occupational Medicine, 19*: 623–628, 1977.

7. Waxweiler, R. J., A. H. Smith, H. A. Tyroler, and H. Falk. An epidemiologic investigation of an excess lung cancer risk in a synthetic chemicals plant. Presented at the XIX International Congress on Occupational Health, Dubrovnik Yugoslavia, 25–30 September 1978.

8. Mastroangelo, G., M. Manno, G. Marier, G. B. Bartolucci, C. Gemignani, G. Saladino, L. Simonato, and B. Saia. Polyvinyl chloride pneumoconiosis: Epidemiological study of exposed workers. *Journal of Occupational Medicine, 21*: 540–542, 1979.

9. Szende, B., K. Lapis, A. Nemes, and A. Pinter. Pneumoconiosis caused by the inhalation of polyvinyl chloride dust. *La Medicina del Lavoro, 61*: 433–436, 1970.

10. Amaud, A., P. Pommier de Santi, L. Garbe, H. Payan, and J. Charpin. Polyvinyl chloride pneumoconiosis. *Thorax, 33,* 19–25, 1978.

11. Maltoni, C. Precursor lesions in exposed populations as indicators of occupational cancer risk. *Annals of the New York Academy of Sciences, 271:* 444–447, 1976.

12. Infante, P. F., J. K. Wagoner, A. J. McMichael, R. J. Waxweiler, and H. Falk. Genetic risks of vinyl chloride. *Lancet, 1*: 734–735, 1976.

Signed at Washington, D.C. this 12th day of December 1979.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 79–38658 Filed 12–17–79; 8:45 am]

BILLING CODE 4510–26–M

Pension and Welfare Benefit Programs

(Prohibited Transaction Exemption 79–79; Exemption Application No. D–837)

Exemption from the Prohibitions for Certain Transactions Involving College Retirement Equities Fund

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the payment of compensation to certain trustees of the College Retirement Equities Fund (CREF).

EFFECTIVE DATE: January 1, 1975.

FOR FURTHER INFORMATION CONTACT: Ivan Strasfeld 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) 523–8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 21, 1979, notice was published in the Federal Register (44 FR 54791) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b) 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) of the Code, for transactions described in an application filed by CREF. 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 requests for a hearing were received by the Department.

Seven comments were received, six of which were in favor of the exemption being granted in the same form in which it was proposed. The remaining commentator objected to the proposed exemption in general terms stating that trustees of CREF should provide their expertise on a voluntary basis.

After consideration of the comments received, the Department has decided to grant the requested exemption as 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 (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 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 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.

Effective January 1, 1975, the restrictions of section 406(a) and 406(b) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply to the payment of quarterly stipends and fees for attendance at meetings to trustees of CREF who also receive full-time compensation from participating institutions provided that the amount of such stipends and fees is reasonable in light of the particular facts and circumstances.

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 12th day of December, 1979.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79–38663 Filed 12–17–79; 8:45 am]

BILLING CODE 4510–29–M

(Prohibited Transaction Exemption 79–78; Exemption Application No. D–200)

Exemption From the Prohibitions for a Certain Transaction Involving A. J. Tuck Company Profit Sharing Trust

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts the loan of $24,000 by the A. J. Tuck Company Profit Sharing Trust (the Trust) to the A. J. Tuck Company (the Employer). 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 Bennefit 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 60440) 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 the Employer and the Administrative Committee of the Trust.

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 Employer has represented that it provided notification to all interested persons 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 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, effective January 1, 1975, to the loan of $24,000 by the Trust to the Employer that was entered into on July 23, 1974, and was repaid in full on June 9, 1977.

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 12th day of December, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-38664 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 79-77; Exemption Application No. D-990]

Exemption From the Prohibitions for Certain Transactions Involving First United Bancorporation, Inc., Pension Trust

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption allows an exchange of property, including cash, between the First United Bancorporation, Inc. Pension Trust (the Plan) and First United Bancorporation, Inc. (the Employer). The applicant has certified that notice to interested persons has been given as set forth in the Notice of Proposed Exemption.

FOR FURTHER INFORMATION CONTACT: Stephen Elkins of the Office of Fiduciary Standards, Pension and Welfare Benefit Program, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 21, 1979, notice was published in the **Federal Register** (44 FR 54795) 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 (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 transactions described in an application for exemption filed by the trustee of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is

applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests 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) 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 transfer of stock of Security State Bank and Seminary State Bank from the Plan to the Employer, in exchange for stock of the Employer plus cash: *Provided however,* that pursuant to such exchange the Plan receives property having a fair market value of no less than the fair market value of the stock of Security State Bank and Seminary State Bank as of the date of such exchange, and further provided that the value of Security State Bank and Seminary State Bank stock as of such date be deemed to be no less than $66.50 per share for Security State Bank stock and $23.50 per share for Seminary State Bank stock.

The availability of this exemption is subject to express condiction 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 12th day of December 1979.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79-38866 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 79-76; Exemption Application No. D-1177]

Exemption From the Prohibitions for a Certain Transaction Involving the Peninsular Supply Co. Employees' Pension Plan

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale for cash of real property by the Peninsular Supply Company Employees' Pension Plan (the Plan) to the ITT Grinnell Corporation (the Corporation), the parent corporation of the Penisular Supply Company (the Employer). The applicant has given notice to interested persons as set forth in the Notice of Proposed Exemption.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton 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) 523-7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 12, 1979 notice was published in the Federal Register (44 FR 59016) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b) (1) and (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 a transaction described in an application filed by the Corporation. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieved 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 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 interest of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and benficiaires of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale for cash of a tract of land located in Swain County, North Carolina by the Plan to the Corporation for $142,750 provided that this amount is not less than the fair market value of the property 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 12th day of December, 1979.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79-38665 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1470]

Proposed Exemption for a Certain Transaction Involving the General Welding Works, Inc., Retirement Plan and 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) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of real property by the General Welding Works, Inc. Retirement Plan and Trust (the Plan) to General Welding Works, Inc. (the Employer). The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the Employer, and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before January 18, 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 Consitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–1470. 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: Ms. Linda Hamilton, of the Department of Labor, telephone (202) 523–7462. (This in 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 by the Employer, 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 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 applicant.

1. The Plan is a defined benefit plan with approximately 218 participants. The Plan had total assets of $2,070,000 as of October 1, 1978. The Plan is administered by the Administrative Committee, which has sole responsibility for investing the assets of the Plan. The Administrative Committee is composed of three officers of the Employer. The trustee of the Plan is the American Industries Retirement Company.

2. The Employer is engaged in the business of fabrication of pressure vessels for the oil and chemical business. The business facilities and general offices of the Employer are located in Harrison County, Texas.

3. On January 19, 1966 the Plan purchased a parcel of land for $246,924. This parcel is now divided into two tracts: Tract A which is presently leased to the Employer by the Plan pursuant to a binding contract that was in effect on and prior to July 1, 1974; and Tract B, which is leased to an unrelated party. At the time of the purchase, $92,107 of the total purchase price was allocable to Tract B. The appraisal value of Tract B, as determined by V.P. Ringer, MAI–CRE, is $199,788 as of April 1979.

4. The lease on Tract B expires on December 31, 1979. The Employer is requesting an exemption to permit it to purchase Tract B from the Plan when its lease arrangement has terminated. The Employer proposes to purchase Tract B for $219,767 in cash, an amount equal to 110% of the fair market value. This amount factors in its premium value as Tract B is adjacent to the Employer's present business premises. The purchase price will be determined on the basis of an updated independent appraisal and no real estate sales commissions or other administrative costs will be involved.

5. Tract B currently yields a return of less than 5% per year. The Plan represents that the sale of Tract B will provide it with funds which could be invested more productively and more than double the present low yield to the Plan.

In summary, the applicant represents that the criteria of section 408(a) of the Act will be satisfied by the proposed sale because:

(1) It will be a one-time transaction for cash;

(2) The Plan will receive 110% of the fair market value of the property;

(3) The Plan will be able to dispose of a low income-producing asset without incurring additional administrative costs; and

(4) The Administrative Committee has determined that the proposed transaction is appropriate for the Plan

and is in the best interests of its participants and beneficiaries.

Notice to Interested Persons

All present Plan participants and beneficiaries receiving benefits and all former employees with vested benefits in the Plan will be notified of the pendency of the exemption by copy of the Notice of Pendency as published in the **Federal Register** within 10 days of its publication. These persons will also be informed of their right to comment within the period set forth in the Notice of Pendency.

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 or her duties respecting the plan solely in the interests 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 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 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 (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 to the Employer by the Plan of one 6-acre parcel of real property located in the 6800 block of Katy Road, Houston, Texas for $219,767 in cash provided that this amount is not less than 110% of the fair market value of the property at the time of the 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 12th day of December, 1979.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79-38868 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-29-M

[Application No. L-1595]

Proposed Exemption for Certain Transactions Involving the Iowa Operating Engineers Apprentice and Training Program

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 the sale by the Iowa Operating Engineers Apprenticeship and Training Program (the Plan) of an unimproved parcel of real property (the Property) to the Operating Engineers Local 234, Building Corporation (the Corporation), a wholly owned subsidiary of the Local 234 Iowa Operating Engineers (the Union), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect trustees, participants and beneficiaries of the Plan, the Union, officers and directors of the Corporation, and any 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 February 1, 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. L–1595. 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), 406(b)(1) and 406(b)(2) of the Act. The proposed exemption was requested in an application filed on October 10, 1979, 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 welfare plan as defined in Section 3(a) of the Act and was established in accordance with section 302(c)(6) of the Labor-Management Relations Act of 1947, as amended. The estimated number of plan participants is 2,000. The Plan provides training opportunities through an apprenticeship program to persons interested in a career as a heavy construction equipment operator or heavy equipment mechanic. The Plan also provides skill improvement training for journeyman members of the Union. The geographical jurisdiction of the Union embraces the entire State of Iowa, except for seven counties in the eastern part of the State.

As of November 5, 1979, the Plan had net assets of approximately $437,000.

2. The Plan seeks to sell the Property to the Corporation. The Property is an irregularly shaped parcel of land consisting of 7.41 acres located at the northeast corner of S.W. 60th Street and Army Post Road, in the southwest quadrant of Des Moines, Iowa. The site is zoned M–1 Light Industrial and has no water or sewer.

The Property is part of a 25 acre parcel of land (the Land) which the Plan purchased on October 24, 1978, pursuant to a bankruptcy proceeding (the Proceeding) in a Nebraska Federal District Court. The Plan paid a total consideration of $78,000 for the Land, the average price of which is $3,120 per acre. The Property has, to date, produced less than $1,600 dollars in income to the Plan.

3. The circumstances surrounding the Proceeding necessitated that only one party purchase the Land pursuant to the Proceeding. The Plan and the Union had agreed, in August 1978, that the Plan would sell to the Corporation a part of the Land which it would purchase pursuant to the Proceeding. The Property is that part of the Land which the Corporation had hoped to acquire pursuant to the Proceeding. The Corporation intends to construct an office building upon the Property. The Plan is presently constructing training facilities upon the part of the Land which it is retaining.

4. A complete appraisal of the Property prepared by Arthur J. Frahm, an independent MAI appraiser, estimates that, as of July 24, 1979, the fair market value of the Property was $6,800 per acre. The proposed total sales price for the Property will be at the appraised value of $6,800 per acre, for a total sum of $50,388.00, provided that this price is not less than the fair market value of the Property at the time of sale. The transaction will be for cash. The Plan will not pay a commission with respect to the sale.

5. In summary, the applicant represents that the proposed sale of the Property by the Plan to the Corporation satisfies the criteria of section 408(a) of the Act because (a) the sale is a one-time transaction for cash, (b) the sale will allow the Plan to dispose of an asset which is producing little income; (c) the sales price was determined by an independent appraiser; (d) the proposed sales price is approximately 117% more than the price of the Property when purchased by the Plan in October 1978; and (e) the proximity of Union office and meeting accommodations to training facilities of the Plan will provide for increased efficiency in the operation of the Plan, as well as provide many conveniences for the Plan's participants and beneficiaries.

Notice to Interested Persons

A copy of this notice of the proposed exemption will be posted in the Union's offices in Council Bluffs, Sioux City, Mason City, Waterloo, Dubuque, Cedar Rapids, Ottumwa and Des Moines, Iowa. Copies of the notice of proposed exemption will also be mailed to several employer associations which are parties to the trust agreement creating and governing the Plan. Notice will be provided within fifteen (15) days after publication of this notice 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)(3) 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 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 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), 406(b)(1) and 406(b)(2) of the Act shall not apply to the sale by the Plan to the Corporation of a 7.41 acre parcel of unimproved real property located at the northeast corner of S.W. 60th Street and Army Post Road, in the southwest quadrant of Des Moines, Iowa, for a total sales price of $50,388.00 cash, provided that this sum is not less than the fair market value of the Property as of the date 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 12th day of December, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79–38667 Filed 12–17–79; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D-1297]

Proposed Exemption for a Certain Transaction Involving the Raleigh Lithograph Corp. Profit-Sharing Retirement 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 a loan of $400,000 from the Raleigh Lithograph Corporation Profit-Sharing Retirement Plan (the Plan) to the Raleigh Lithograph Corporation (the Employer). The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the Employer, and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before January 18, 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-1297. 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: Ms. Linda Hamilton of the Department of Labor, telephone (202) 523-7462. (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 by the Employer and the trustees 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 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 was established as a profit sharing plan in 1956 and had total assets of $1,445,385 as of December 31, 1978 for the benefit of 21 participants.

2. The Employer, a privately held lithographing and printing organization, is a New York corporation which has been in operation for 30 years. The principal shareholders of the Employer, Mrs. Belle Packer and Mr. Philip J. Lack, are the trustees of the Plan and have sole authority to select investments for the Plan.

On October 17, 1978, the Employer executed a contract to purchase a six-color offset press, (the Press) at a cost of $595,160. The Employer seeks this exemption to borrow $400,000 from the Plan toward the purchase of the Press. This amount represents 28% of total Plan assets.

4. The Employer proposes to borrow $400,000 from the Plan and to repay it during a period not to exceed 5 years at a rate of interest 1½% above the prime rate offered by a local bank (the Bank). This rate of interest would be determined and the loan repaid on a quarterly basis. The loan would be prepayable at any time with interest to the date of prepayment. The Plan represents that the proposed loan would provide a much greater rate of return than that of its present investments, which averaged 7.1% for the years 1976 through 1978, inclusive.

5. As security for the loan, Mrs. Packer and Mr. Lack will post marketable collateral which will remain equal to 150% of the outstanding balance of the loan. This collateral will be posted with an independent escrow agent, the Bank, to be held during the period of the loan. The Bank will also serve as the Plan's agent for collection of the loan from the Employer. If any repayment installment is not timely made by the Employer, the Bank must sell so much of the marketable collateral as necessary to pay that installment, and pay the proceeds of the sale over to the Plan.

6. Mrs. Packer and Mr. Lack will execute and deliver to the Plan their individual personal guarantees that they will repay to the Plan, upon any default in payment by the Employer, or upon failure by the Employer to comply with any terms or conditions of the loan, the then outstanding balance of the loan together with any accrued interest due. Henry Warner & Co., the accountants for the various business ventures of Mrs. Packer and Mr. Lack, as well as the preparers of their personal tax returns, are of the opinion that the net worth of each is in excess of $1,000,000.

7. The Plan engaged in seven loan transactions with Mrs. Packer and Mr. Lack between 1961 and 1972 involving a total of $350,000. All loans were repaid to the Plan at the then prevailing interest rates.

8. The loan will be further secured by a security interest in the Press. The Employer will execute a security agreement and a Uniform Commercial Code financing statement in favor of the Plan, and will file it in the appropriate recording office of New York County and with the Secretary of State of New York. The security agreement will contain the warranty of the Employer to the effect that it has full right, title and interest to the Press, except for the security interest granted to the Plan, and that the Employer will keep the collateral free from any adverse claim or lien. The Press will be insured by the Employer against fire and other hazards for the full value thereof, and the insurance policy will contain a loss payable clause providing payment to the Plan equal to the outstanding balance of the loan.

9. The Employer has obtained a letter from the Bank summarizing the general terms under which it would consider making a $400,000 loan to the Employer. The Bank would currently consider lending the Employer $400,000 for 5 years, secured only by marketable collateral valued at 150% of the outstanding loan balance, with the personal unlimited guarantees of Mrs. Packer and Mr. Lack, and repayable in predetermined quarterly or monthly payments. Prepayment would be accepted without penalty in inverse order of maturity. The loan would be priced at 1¼% over the Bank's prime rate on a floating basis. The Bank's terms are comparable to those the Employer is offering to the Plan except that the Employer will pay a ¼% higher interest rate to the Plan (1½% above the prime rate of the Bank) and the Employer will also give the Plan a security interest in the Press.

10. The Press is being purchased through Coastal Graphics, Inc. (Coastal), which has stated that the value of the Press has increased by 87% since 1975 and, as of March 14, 1979, is valued at $760,000. Coastal also stated that this Press has maintained an unusual place in the used press market over many years and expressed the opinion that the resale value and marketability of the Press as used equipment is excellent at present and will be in the foreseeable future.

In summary, the applicants represent that the proposed transaction will satisfy the criteria of section 408(a) of the Act because:

(1) It can be easily verified;

(2) It will provide an excellent rate of return to the Plan which exceeds that of its present investments;

(3) The marketable collateral, the security interest in the Press, and the personal guarantees give assurances that the Plan will not suffer a loss; and

(4) The trustees of the Plan have determined that the proposed transaction is appropriate for the Plan and in the best interests of its participants and beneficiaries.

Notice to Interested Persons

Notice of the proposed exemption will be given to all active Plan participants by posting the Notice of Pendency, as it appears in the **Federal Register**, about the Employer's place of business. Terminated participants and beneficiaries who have the right to receive benefits from the Plan, will be notified by mail, addressed to them at their last known addresses. Notice of the pending exemption will be given within 10 days of its 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 and section 4975(c)(2) of the Codes 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 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 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 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 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 (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 loan of $400,000 by the Plan to the Employer for the purchase of an offset press as described herein provided that the terms of the transaction are not less favorable to the Plan than those obtainable from an unrelated party at arm's length at the time of the consummation of the transaction.

The proposed exempton, 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 12th day of December, 1979.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79-38068 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-29-M

[Application No. L-1008]

Proposed Exemption for Certain Transactions Involving the United Hatters, Cap & Millinery Workers International Union Health and Welfare Fund of Local 45 and United Hatters, Cap & Millinery Workers International Union Retirement Plan of Local 45

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 the proposed transfer of assets from the United Hatters, Cap and Millinery Workers International Union Health and Welfare Fund of Local 45 (the Fund) to the United Hatters, Cap and Millinery Workers International Union Retirement Plan of Local 45 (the Plan). The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Fund and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before January 28, 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. L–1008. 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: Ronald D. Allen, of the Department of Labor, telephone (202) 523-7901. (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(b)(2) of the Act. The proposed exemption was requested in an application filed by the United Hatters, Cap and Millinery Workers International Union (the Union) on behalf 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 Union represents the active and retired workers of the Millinery Workers Union Local 45 (the Local) in Philadelphia, Pennsylvania. The Fund and the Plan were established pursuant to collective bargaining agreements between various Philadelphia area employers in the Millinery industry, including the Union and the Local.

2. The Millinery industry in the Philadelphia area has declined to the point that there remains only one contributing employer to the Fund and the Plan, namely, the S & S Hat Company (the Employer) which presently employs 19 workers. These workers constitute all the present participants in the Fund and the active participants in the Plan. The Plan has 72 participants, 53 of whom are retired. Participation in the Fund terminate upon retirement and the participants receive no further benefits from the Fund.

3. The former employees of defunct employers are no longer participants in the Fund and, consequently, the reserves established in the Fund for their benefit are unused and unusable.

4. The trustees of the Plan, Harry Saft and Michael Liloia, who also serve as trustees of the Fund, propose to transfer $110,000 from the Fund to the Plan. The trustees have been advised by their actuary that the Plan is underfunded and the proposed transfer would not only provide proper funding for the Plan, but would enable it to increase benefits to present and future retirees. Benefits for present retirees would increase from the $30 and $40 levels per month, to $50 per month. Benefits for future retirees will be calculated at the rate of $3 per month per year of service, limited to 30 such years. The maximum benefit for such retirees would be $90 per month.

5. For the fiscal year ending June 30, 1977 the Fund had reserves of $221,700. The applicant represents that it is apparent that after the proposed transfer of assets to the Plan, the reserves and income of the Fund will be more than sufficient to provide for any reasonably foreseeable increase in costs and benefits. The Fund's projected expenses based on historical data, are between $3,500 and $4,500 per year.

6. The 19 presently active participants in the Fund are covered under the American Federation of Labor Medical Service Plan of Philadelphia. This insurance program is essentially supplemental insurance coverage which fills the void between Blue Cross/Blue Shield and/or Major Medical coverage and costs the Fund $73.15 per month.

7. The applicant represents that the statutory criteria of section 408(a) of the Act are satisfied because (a) the proposed transaction is a one time transfer of cash; (b) the transfer would permit Plan benefits to increase for all participants and beneficiaries; and (c) the transfer would result in Fund assets that would be more than sufficient to provide for any reasonably foreseeable increase in costs and benefits.

Notice to Interested Persons

All Plan and Fund participants and beneficiaries will be notified by delivering personally, or by mail, a copy of the notice of pendency of the proposed exemption as published in the **Federal Register**, and advising these persons of their rights to comment and/or to request a hearing within the period of time specified above. Such notification will be given no later than 10 days after the notice of pendency 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 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 thing 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(a), 406(b)(1) and 406(b)(3) 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 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 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(b)(2) of the Act shall not apply to the cash transfer of $110,000 from the Fund to the Plan.

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 12th day of December, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79-38671 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-29-M

[Application No. L-894]

Proposed Exemption for Certain Transactions Involving Utah Laborer's Vacation Trust Fund

AGENCIES: 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 the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt the transfer of uncommitted reserves from the Utah Laborer's Vacation Trust Fund (the Plan) to the Utah Laborer's Health & Welfare Trust Fund (the Fund) due to termination of the Plan. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan and other persons particpating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before January 28, 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. L-894. 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: Ronald D. Allen, (202) 523-7901. (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(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act). The pending exemption was requested in an application filed on behalf 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 facts and representations with regard to the pending 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. This application was filed on behalf of the Trustees of the Plan. The Plan was established in September 1972 pursuant to collective bargaining agreements and terminated January 1, 1977. The Plan constitutes an irrevocable trust for the purpose of providing a vacation plan for the benefit of participants as provided in section 302(c)(6) of the Labor-Management Relations Act of 1947, as amended, and to that end, collect, maintain, invest, and disburse the Plan assets.

2. The participants of the Plan are certain employees covered by Collective Bargaining Agreements (the Agreement) by and between Laborers' Local Union No. 295 (the Union), affiliated with the Laborers' International Union of North America, the building and Construction Trades Council of Utah, and with the AFL-CIO having jurisdiction over the work in the State of Utah, and the Associated General Contractors of America, Utah Chapter, Utah Builders Bargaining Unit, and the Masonry Contractors Association of Utah. The geographical jurisdiction of the Union embraces the entire State of Utah.

3. As provided in the Agreement, the Plan is administered by a Board of eight Trustees, of whom one half are designated by the employers, and one half by the Union.

4. As provided by the Agreement, the vacation payouts were automatically distributed to the participants on April 1st of the following calendar year. If a participant for any reason did not receive his vacation check within sixty days from the April 1st distribution date, he was required, in order to avoid forfeiture, to make application requesting distribution with the Plan within 120 calendar days from the April 1st distribution date. If a participant did not receive his vacation check and did not make application requesting such distribution within the time authorized, or if he failed to cash his check within ninety days following its date of issuance, then he was deemed to have elected to contribute such amount to the Administrative Account of the Fund to pay for administration costs with any balance being utilized or disbursed as determined by the Trustees. The Fund also constitutes an irrevocable trust administered for the purpose of providing a Health and Welfare Plan for the benefit of participants, their families, and dependents as provided in section 302(c)(5), of the Labor-Management Relations Act of 1947, as amended, and to that end to provide for any and all of the following insurance and benefits: life insurance, accident and disability insurance, hospital, surgical, medical, dental, accident, disability, and sickness benefits and similar insurance and benefits, but excluding pensions and retirement annuities.

5. The distribution to participants for each vacation year was made by check mailed to participants as directed by the Trustees. The experience of the Plan since its establishment has been that many of the vacation checks mailed to the participants have been returned to the Plan because the participant has moved and failed to notify the Plan or the Post Office of his forwarding address. When this has happened, a diligent effort has been made to locate the participant. Although the Plan has been able to locate some of the participants, the majority have not been located.

6. When unclaimed vacation checks were returned to the Plan, a list of the participants whose checks were returned, was provided to the Union. This list was then posted for review by the membership for the purpose of securing any additional information as to correct addresses. Further, the Union officers reviewed their records to determine the availability of a different address to which the vacation checks could be sent. In addition, contact was made with the employer contractor of each participant whose vacation check was returned to the Plan to determine if the contractor had an address different from the one where the vacation check was sent which could be used to resend the unclaimed vacation checks. This contact with the contributing employer was made by personnel working within the Administrative Office of the Plan.

7. Contributions to the Plan terminated effective December 31, 1976, as a result of the Agreement then in effect. Total Plan assets are approximately $85,000, which consist of forfeitures of $72,342.45 plus interest from September 30, 1977. Forfeitures for the first calendar year of the Plan ending December 31, 1972, have been paid via a dividend to all eligible participants of the Plan. The Trustees administering the Fund are the same eight trustees administering the Plan. All participants of the Plan are also participants of the Fund and all participants of the Fund are also participants of the Plan.

8. At the regular Union meeting held November 1, 1976, the matter of the terminated Plan and the options available were discussed. It was moved, seconded and carried to ask the Trustees to transfer the remaining monies to the Fund Where it would provide benefits to the same participants who made the contributions.

9. The Trustees, by unanimous vote, have determined that if the application for exemption is granted by the Department of Labor and if by virtue of a physical transfer of the forefeiture funds to the Fund an adverse consequence did occur, the Fund would indemnify and hold harmless the Plan from any and all claims, rights and interests that a prior Plan participant could enforce. No monies have been transferred between the Plan and the Fund.

10. It is represented that the proposed transaction will satisfy the statutory provisions of section 408(a) of the Act because: (1) it is a one time transaction and (2) it will enable the Fund to increase benefits to participants and beneficiaries without negatively affecting funds available for vacation benefits.

Notice to Interested Persons

Within 15 days after publication in the Federal Register, a copy of this notice of the proposed exemption will be posted in the offices of the Plan and the Fund. Copies of the notices will also be mailed to the Union and the Employer Associations which are parties to the Agreement creating and governing the Plan.

(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 with respect to the plan to which the exemption is applicable 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 interests 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(a), 406(b)(1) or 406(b)(3) 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 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 addresses set forth above.

Proposed Exemption

Based on the representations in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471 April 28, 1975). If the exemption is granted, the restrictions of section 406(b)(2) shall not apply to the transfer of uncommitted reserves of approximately $85,000, together with any additional forfeitures, to the Fund due to the termination of the Plan.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations 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 12th day of December, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79-38670 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-6062 and TA-W-6062-A]

Compo Industries, Inc., Molds Division; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 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 September 20, 1979 in response to a worker petition received on September 17, 1979 which was filed on behalf of workers and former workers producing aluminum shoe molds at Compo Industries, Incorporated, Molds Division, Waltham, Massachusetts (TA–W–6062). The investigation was expanded to include workers and former workers producing aluminum shoe molds at Compo Industries, Incorporated, Molds Division, Conway, New Hampshire (TA–W–6062–A). It is concluded that all of the requirements have been met.

U.S. imports of shoe sole molds used in the direct injection molding process of footwear manufacturing increased in dollar value and increased relative to domestic production in January–September 1979 compared to the same period in 1978.

A Department survey revealed that some customers reduced purchases of aluminum shoe molds from Compo Industries and increased purchases of imports in January–September 1979 compared to the like period in 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with aluminum shoe molds produced at the Molds Division of Compo Industries, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Compo Industries, Incorporated, Molds Division, Waltham, Massachusetts (TA–W–6062) who became totally or partially separated from employment on or after June 17, 1979, and all workers of Compo Industries, Incorported,

Molds Division, Conway, New Hampshire (TA-W-6062-A) who became totally or partially separated from employment on or after March 11, 1979, are eligible to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-38764 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6160, 6201]

Conaway Winter, Inc.; 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 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 requirments of Section 222 of the Act must be met.

The investigations were initiated on October 9, 1979 and October 16, 1979 in response to a worker petition received on October 2, 1979 which was filed by the United Food and Commercial Workers' Union on behalf of workers and former workers producing infants' shoes at the Willow Springs and Mountain View, Missouri plants of Conaway Winter, Incorporated. The investigation revealed that children's shoes were also produced at the Willow Springs plant. 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.

A. Willow Springs Plant

The Department surveyed some of the customers of the Willow Springs plant concerning purchases of infants' and children's shoes. The survey revealed that customers which increased purchases of imported infants' and children's shoes represented an insignificant proportion of the plant's sales.

B. Mountain View Plant

A Department survey of a sample of the customers of the Mountain View plant revealed that none of the customers purchased imports of infants' soft sole shoes in 1977, 1978 or the first nine months of 1979.

Conclusion

After careful reivew, I determine that all workers of the Willow Springs and Mountain View, Missouri plants of Conaway Winter, Incorporated are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-38765 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6243]

Elkins Energy Corp.; 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 23, 1979 in response to a worker petition received on October 17, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at Elkins Energy Corporation, Clintwood, Virginia. 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.

Elkins Energy Corporation mines coal under contract for a major domestic coal company. The coal sold by the company is primarily either exported or sold to domestic utility companies for use in generating steam. A small amount of the coal is also sold to domestic metallurgical coal users, however the decline in employment and production at the Elkins Energy Corporation is primarily attributable to the loss of domestic utility and export sales.

Imports of bituminous coal for use in producing steam are negligible, being less than one percent of domestic production. Imports have no relevant effect on export sales, and therefore cannot be considered to have contributed to the loss of scuh sales.

Conclusion

After careful review, I determine that all workers of Elkins Energy Corporation, Clintwood, Virginia 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 12th day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-38766 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5904]

General Dynamics Corp., Quincy Shipbuilding Division; Revised Determination on Reconsideration

On November 7, 1979, the Department of Labor made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of General Dynamics Corporation, Quincy Shipbuilding Division, Quincy, Massachusetts. This determination was published in the **Federal Register** on November 13, 1979, (44 FR 65491).

An important consideration in the initial negative determination of the Department was that the Quincy Shipyard had specialized in the construction of tankers designed to carry liquified natural gas.

In response to the arguments presented by the Industrial Union of Marine and Shipbuilding Workers of America and company officials, a further investigation was made by the Office of Trade Adjustment Assistance. The investigation revealed that the Quincy Shipyard has the capacity to build a wide variety of vessels and is not constrained to competing solely within the market for liquified natural gas tankers. Capital investment over the last decade has enabled Quincy to compete for the construction of a diversity of vessels such as integrated tug/barge combinations and ocean drilling rigs.

The domestic market for the U.S. shipbuilding industry in general and for the Quincy yard specifically is those merchant vessels intended for U.S. registry. Merchant vessels built in foreign shipyards and delivered for U.S. registry constitute imports. The number of such vessels increased in 1978 compared with 1977. Further, the number of merchant vessels intended for U.S. registry on order or under construction increased significantly in 1978 compared with 1977.

Domestic yards face a substantial price disadvantage relative to foreign yards in bidding on ocean-going merchant vessel construction.

The disadvantage of domestic yards relative to foreign yards is such that, generally, even with a substantial subsidy domestic shipyards have difficulty in competing effectively with foreign builders of merchant vessels.

An example of this lack of competitiveness occurred in 1978. A major contract for twelve merchant vessels to be operated under U.S. registry was awarded by a U.S. firm to a group of three foreign shipyards. Although the specifications of these vessels were new to domestic shipyards, the vessels themselves were designed for use by shipping lines which Quincy shipyard is competing to supply. Consequently, these vessels were directly competitive with vessels that Quincy had the capacity to produce.

The Quincy Shipbuilding Division operates another facility in Charleston, South Carolina. The Charleston facility is an integrated part of the Quincy Shipbuilding Division. It is the intent of the Department to include the workers and former workers of the Charleston facility in this determination.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased foreign construction of articles like or directly competitive with the ocean-going vessels produced at the Quincy Shipbuilding Division of General Dynamics Corportation in Quincy, Massachusetts, and Charleston, South Carolina, contributed importantly to the decline in production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of the General Dynamics Corporation, Quincy Shipbuilding Division, Quincy, Massachusetts, and Charleston, South Carolina, who became totally or partially separated from employment on or after August 7, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-38767 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-28-M

[TA—W—6233]

H & D Coal Co., Inc., McDowell County, W. Va; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation 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 18, 1979 in response to a worker petition received on October 16, 1979 which was filed on behalf of workers and former workers mining coal at H and D Coal Company, Incorporated, North Tazewell, Virginia. The investigation revealed that North Tazewell is the company's mailing address. The mine H and D operates is located near Pageton in McDowell County, West Virginia. 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.

H and D Coal Company, Incorporated mines coal on a contract basis for a single coal company. All of the coal mined by H and D is sent to a single preparation plant owned by its customer. More than ninety percent of the coal that was shipped from that preparation plant in 1978 was exported. In the first nine months of 1979 total sales from the plant increased compared to the same period in 1978. Although the plant's sales to domestic customers declined, that decline was more than offset by increasing export sales.

Output by H and D was reduced during seven months of 1978 due to strikes. Since October 1978, there have been four months during which production by H and D is directly comparable to the same month's production one year earlier. These months are November, 1978 and April, May and June 1979. In each of these months, production at H and D increased when compared to the same months one year earlier. Sales and production at H and D are equal. Average monthly production at H and D increased in the first ten months of 1979 compared to the average monthly production during the non strike months of 1978.

All of the coal mined by H and D is metallurgical coal. U.S. imports of metallurgical coal declined both absolutely and relative to domestic consumption in 1978 compared to 1977 and in the first six months of 1979 compared to the first six months of 1978. The ratio of imports to domestic production of metallurgical coal was less than one percent in each year from 1974 through 1978 and in the first six months of 1979.

Conclusion

After careful review, I determine that all workers of H and D Coal Company, Incorporated McDowell County, West Virginia 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 12th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-38768 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W 5804 and 5805]

Jeep Corp.; Revised Determination on Reconsideration

On November 16, 1979, (44 FR 67245), the Department of Labor granted administrative reconsideration of the Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance which it had made on October 5, 1979, (44 FR 57530 pursuant to Section 223 of the Trade Act of 1974 for workers and former workers producing Jeep vehicles at the North Cove Boulevard and Stickney Avenue plants in Toledo, Ohio, of the Jeep Corporation.

In its reconsideration, the Department reviewed its file on the Jeep Corporation. The review and additional data obtained showed that all of the criteria of Section 222 of the Trade Act have been met for the second and third quarters of 1979 for workers at the Toledo, Ohio, facility producing four-wheel drive general utility vehicles.

Production, in units, of four-wheel drive general utility vehicles at Toledo decreased in the first, second and third quarters of 1979 compared to the same quarters in 1978. Plant production employment decreased in the second and third quarters of 1979 compared to the same quarters in 1978.

U.S. imports of four-wheel drive general utility vehicles increased in 1978 compared to 1977 and in the first six months of 1979 compared to the same period in 1978 both absolutely and relative to domestic production. The decline in production of Jeep Corporation's general utility vehicles coincides with a significant increase in these vehicles.

With respect to workers producing four-wheel drive pick-up trucks, company officials have indicated that substantial layoffs occurred in September and October, 1979 for workers engaged in employment related to the final trim assembly and final assembly of pick-up trucks.

The Department's review revealed that workers producing station wagons did not meet the increased import criterion of Section 222 of the Trade Act, since there were no U.S. imports of vehicles like or directly competitive with Jeep four-wheel drive station wagons.

Conclusion

Based on additional evidence, a review of the entire record and in accordance with the provisions of the Act, I make the following revised determination:

All workers in final trim and final assembly at the North Cove Boulevard and Stickney Avenue plants in Toledo, Ohio, of the Jeep Corporation engaged in employment related to the production of Jeep pick-up trucks (J-10 and J-20 models) and general utility vehicles (CJ-5 and CJ-7 models) who became totally or partially separated from employment on or after April 30, 1979, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-38769 Filed 12-17-79; 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, 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 28, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to 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 the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 28, 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 10th day of December 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
Al Peirce Lumber Company (International Woodworkers of America).	Coos Bay, Oreg	12/4/79	11/27/79	TA-W-6,572	Green dimension lumber.
ATP Processors, Ltd (ACTWU)	Paterson, N.J	12/4/79	11/28/79	TA-W-6,573	Textile printing for women's apparel.
Barker Engineering (UAW)	Kenilworth, N.J	12/4/79	11/29/79	TA-W-6,574	Optical hardware.
Campbell "66" Express (workers)	St. Louis, Mo	12/4/79	11/28/79	TA-W-6,575	Pick up and delivery of any type of product.
Casa de Lana (ILGWU)	Glencove, N.Y	11/20/79	11/14/79	TA-W-6,576	Wool coats.
Great Vibes, Inc. (workers)	New York, N.Y	10/24/79	10/18/79	TA-W-6,577	Ladies' one and two piece dresses and pant suits.
Pharoh of California (company)	Cucamonga, Calif	12/4/79	11/28/79	TA-W-6,578	Women's jackets.
Slavin Products, Inc. (company)	Waterbury, Conn	12/4/79 11/30/79	6,579	TA-W-6,579	Clocks and barometer plaques.
Steffi Fashions, Inc. (ILGWU)	New York N.Y	11/20/79	11/14/79	TA-W-6,580	Ladies' coats and suits.
U.S. Steel Corp., Ohio & McDonald Works (USWA).	McDonald, Ohio	12/3/79	11/29/79	TA-W-6,581	All steel products.
U.S. Steel Corp., Ohio & McDonalds Works (USWA).	Youngstown, Ohio	12/3/79	11/29/79	TA-W-6,582	All steel products.
U.S. Steel Corp. (USWA)	Pittsburg, Calif	12/3/79	11/29/79	TA-W-6,583	Galvanized sheet, pipe, and tubing.
U.S. Steel Corp., Wheel & Axle Division (USWA).	McKees Rocks, Pa	12/3/79	11/29/79	TA-W-6,584	Rail road axles.
U.S. Steel Corp. (USWA)	New Haven, Conn	12/3/79	11/29/79	TA-W-6,585	All steel products.
U.S. Steel Corp., Metal Products Division (USWA).	Camden, N.J	12/3/79	11/29/79	TA-W-6,586	Steel containers.
U.S. Steel Corp. (USWA)	Chicago, Ill	12/3/79	11/29/79	TA-W-6,587	Steel containers.
U.S. Steel Corp. (USWA)	Torrance, Calif	12/3/79	11/29/79	TA-W-6,588	All steel products

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
U.S. Steel Corp., Universal Atlas Cement Division, Buffington Plant (USWA).	Gary, Ind	12/3/79	11/29/79	TA-W-6,589	Grey cement.
U.S. Steel Corp., Universal Atlas Cement Division (USWA).	Universal, Pa	12/3/79	11/29/79	TA-W-6,590	Grey cement.
Valtronic Corp. (workers)	New York, N.Y	8/15/79	8/10/79	TA-W-5,591	Furniture.

[FR Doc. 79-38762 Filed 12-17-79; 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 28, 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 28, 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 11th day of December 1979.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Alps Sportswear Manufacturing Co. (company).	Lawrence Mass	11/20/79	11/16/79	TA-W-6,592	Men's sweaters and knit shirts.
Bethlehem Steel Corp., Burns Harbor Plant (USWA).	Chesterton, Ind	12/4/79	11/30/79	TA-W-6,593	Hot rolled coiled and sheet steel.
Bethlehem Steel Corp. (USWA)	Sparrows Point, Md	12/4/79	12/2/79	TA-W-6,594	Steel, cold roll galvanized sheets, plate, pipe rods, and rebars.
Courtney Garment Company, Inc. (ILGWU)	Hayti, Mo	11/20/79	11/14/79	TA-W-6,595	Ladies' wool coats and blazers.
Ford Aerospace & Communications Corp. (IUE).	Connersville, Ind	12/4/79	11/28/79	TA-W-6,596	Component parts for automobile air conditioners.
Lillian Coat Co. (workers)	Jersey City, N.J	11/13/79	11/9/79	TA-W-6,597	Ladies' coats and raincoats.
Lou Levy & Sons Fashions, Inc. (workers)	New York, N.Y	12/3/79	11/28/79	TA-W-6,598	Ladies' coats and sportswear.
Ma-ru Sportswear, Inc. (company)	Lawrence, Mass	11/20/79	11/16/79	TA-W-6,599	Packaging and shipping men's sweaters and knit shirts to customers.
Magnavox Company (IUE)	Jefferson City, Tenn	12/5/79	11/30/79	TA-W-6,600	Assemble radios, tuners, and amplifiers.
Monroe Manufacturing Company (workers)	Newark, N.J	12/3/79	11/27/79	TA-W-6,601	Men's and boys' coats.
Sassamansville Manufacturing Company (ACTWU).	Sassamansville, Pa	11/26/79	11/20/79	TA-W-6,602	Men's suit vests.
Youngstown Sheet & Tube, Briar Hill Works (USWA).	Youngstown, Ohio	12/3/79	11/29/79	TA-W-6,603	Steel rounds.

[FR Doc. 79-38763 Filed 12-17-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-6057]

Lighthouse Footwear, Inc., Skowhegan, Maine; 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 requirments of Section 222 of the Act must be met.

The investigation was initiated on September 19, 1979 in response to a worker petition received on September 17, 1979 which was filed on behalf of workers and former workers producing men's and women's casual shoes and boots at Lighthouse Footwear, Incorporated, Skowhegan, Maine. 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.

The Department surveyed the customers of Lighthouse Footwear, Incorporated. The survey revealed that customers, representing a significant proportion of sales, increased purchases and plan to maintain purchases from Lighthouse Footwear. Sales of footwear by Lighthouse increased in quantity and value in each month during the January-October period of 1979 compared with the same months of 1978.

Conclusion

After careful review, I determine that all workers at Lighthouse Footwear, Incorporated, Skowhegan, Maine 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 12th day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-38770 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6237]

Peerless Umbrella Co., Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 18, 1979 in response to a worker petition received on October 16, 1979 on behalf of workers and former workers producing all types of umbrellas at Peerless Umbrella Company, Incorporated, New York, New York. It is concluded that all of the requirements have been met.

U.S. imports of umbrellas increased in value in 1978 compared to 1977 and in the January through June period of 1979 compared to the same period of 1978.

In a survey conducted by the Department of Commerce, customers accounting for all of Peerless' sales declines indicated that they had decreased purchases from Peerless, and had increased purchases of imported umbrellas in 1978 compared to 1977. The Department of Commerce on May 17, 1979 certified Peerless Umbrella Company, Incorporated, as eligible to apply for firm adjustment assistance.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with umbrellas produced at Peerless Umbrella Company, Incorporated, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Peerless Umbrella Company, Incorporated, New York, New York who became totally or partially separated from employment on or after October 11, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-38771 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6193]

Sharon Steel Corp.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 15, 1979 in response to a worker petition received on October 10, 1979 which was filed on behalf of workers and former workers producing coke at Fairmont Coke Works, Fairmont, West Virginia. The investigation revealed that Fairmont Coke Works is a coking facility for the Sharon Steel Corporation. It is concluded that all of the requirements have been met.

U.S. imports of coke increased absolutely and relative to domestic production in 1978 compared with 1977.

Sharon Steel Corporation increased its imports of coke in 1978 compared with 1977 and in the January through October period of 1979 compared with the same period of 1978. These imports accounted for a significant proportion of Fairmont Coke Works' production decline in both of these time periods.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with coke produced at Sharon Steel Corporation's Fairmont Coke Works, Fairmont, West Virginia contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Sharon Steel Corporation's Fairmont Coke Works, Fairmont, West Virginia who became totally or partially separated from employment on or after September 29, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-38772 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5497A-T and TA-W-5497B-T]

Standard & and Signal Co. and Raccoon-Elkhorn Coal Co.; Investigation Regarding Termination of Certification of Eligibility To Apply for Work Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 ("the Act") and in accordance with Section 223 of the Act, on July 19, 1979, the Department of Labor issued certifications of eligibility to apply for adjustment assistance applicable to workers and former workers of Standard Sign and Signal Company, Pikeville, Kentucky (TA-W-5497A) and workers and former workers of Raccoon-Elkhorn Coal Company, Pikeville, Kentucky (TA-W-5497B) engaged in employment related to the mining and processing of coal. The notices of certification were published in the Federal Register on July 27, 1979 (44 FR 44299).

Pursuant to Section 223(d) of the Act and 29 CFR 90.17(a), the Director of the Office of Trade Adjustment Assistance has instituted an investigation to determine whether the total or partial separations of the certified workers of Standard Sign and Signal Company and Raccoon-Elkhorn Coal Company continue to be attributable to the

conditions specified in Section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certifications should not be terminated, *provided,* that such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, no later than December 31,1979.

The record of the certifications (TA–W–5497A and TA–W–5497B), containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 11th day of December 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-38773 Filed 12-17-79; 8:45 am]

BILLING CODE 4510-28-M

LEGAL SERVICES CORPORATION

Native American; Expansion Funding Guidelines

The Legal Services Corporation is a private, non-profit corporation established by the Congress to provide financial assistance to programs offering free legal services to poor people. The Corporation currently funds more than 300 independent programs for that purpose in each of the fifty states, the District of Columbia, the Virgin Islands, Puerto Rico and the Trust Territory of the Pacific Islands (Micronesia). In general, expansion funds to provide coverage in previously unserved areas are allocated on the basis of a formula, which provides $7.76 for each poor person in a particular state or region as reflected by the 1970 census.

It was believed by some that this approach did not take into account either special problems of delivering legal services to Native Ameican poor or the perceived chronic undercount problem of the decennial Census for Native American populations.

Since the Corporation did not have adequate information upon which to base a permanent funding policy, in 1977 the generally applicable funding policy described above described above was modified on an *ad hoc* basis to provide service to Native Americans residing on or near a BIA recognized reservation. Although the 1977 interim policy was originally intended to permit in special situations the funding of Native American programs at a level of up to $10.00 per poor person, this maximum available funding was generally applied in all situations. In addition, the definition of "poor persons" for Native American programs was based upon the rate of unemployment and underemployment observed by the Bureau of Indian Affairs on Indian reservations as opposed to the generally accepted 1970 census poverty figures. The ad hoc policy permitted up to 80 per cent of the identifiable Native American population to be considered "poor" and this rate was also generally applied in all situations. Thus, both *per capita* funding and the method of identifying the actual numbers of poor served varied from that employed in general legal services programs.

This publication describes the specific guidelines for the Corporation's funding of programs to complete expansion of legal services to Native Americans. As will be noted, this approach represents a change from previous years. It is also the goal of this approach, in striving to improve access to eligible clients, to reflect the special concern for Native American legal services reflected in Section 1007(h) of the Legal Services Corporation Act of 1974, as amended, as well as in the studies and recommendations made by the Legal Services Corporation under Section 1007(h).[1]

1. *Definitions.* The Corporation has adopted the following definitions in determining the funding needs of Native Americans.

a. "Native Americans" are persons who are American Indians, Hawaiian Natives and Alaskan Natives (Eskimos and Aleuts) as defined in 42 U.S.C. 2–91(a) *et seq.*

b. "Recognized tribes"are tribes currently reconized by the Bureau of Indian Affairs as tribes to which the United States government owes a trust responsibility and includes Alaskan Natives.

c. "Terminated tribes" are tribes that the Bureau of Indian Affairs once recognized, but whose recognition was subsequently terminated by legislation and not subsequently restored.

d. "On or near reservation" means, for purposes of funding, the definition used by the BIA, in 1973, in creating its counts of on or near reservation populations. For the purpose of calculating a poverty rate or designating which counties are "on or near a reservation" to determine within which part of this policy a tribe falls, it means every county which includes all or part of a reservation, and any county or counties which have a common boundary with the reservation. The states of Oklahoma and Alaska shall be considered as a reservation.

e. "Non-recognized tribes" are tribes that meet one or more of the criteria for recognition established by the BIA on August 24, 1978 (43 FR 39361) and Hawaiian Natives.

f. "General service programs" are any Legal Services Corporation funded programs which do not receive separate Native Americans funds to provide service to a particular reservation.

g. "BIA population count" means, for purposes of funding, the 1973 estimates of Indian population on or near reservations. If a federally recognized tribe is not included in the 1973 BIA estimates, the BIA population estimate closest in time to the 1973 estimates will be used.

2. *General Funding Approach.* The Legal Services Corporation has concluded that funding for all poor persons must proceed equitably; it nevertheless recognizes that the most effective funding policy and decisions require flexibility to adapt to special situations as they arise. Such flexibility must, however, proceed within recognized boundaries. Accordingly, the Legal Services Corporation funding approach to complete expansion of legal services to eligible Native Americans included the following general considerations:

a. The Legal Services Corporation will endeavor to extend coverage of special Indian programs or components to eligible members of recognized tribes living on or near a reservation, which does not have access to a Corporation funded separate Indian program, but will endeavor to maintain the use of a flexible delivery system within each area. It is desirable for economies of scale and to sensitize general service programs to Native American needs that the Corporation emphasize unified delivery systems where feasible. The Native American desk of the Corporation will be responsible for analyzing the individual delivery needs

[1] Section 1007(h) of the Legal Services Corporation Act, as amended in 1977, requires the Corporation to:

"(h) * * * conduct a study on whether eligible clients who are—

(1) Veterans,

(2) Native Americans,

(3) Migrants or seasonal farm workers,

(4) Persons with limited English-speaking abilities, and

(5) Persons in sparsely populated areas where a harsh climate and an inadequate transportation system are significant impediments to receipt of legal services,

have special difficulties of access to legal services or special legal problems which are not being met * * *"

and recommending for funding the structure which best meets those needs.

b. The Legal Services Corporation will endeavor to provide funds for legal services to eligible members of unrecognized and terminated Indian tribes by establishing a discretionary fund for special, non-recurring grants for projects which address the status related problems of eligible members of unrecognized and terminated tribes.

c. The Legal Services Corporation will endeavor to provide the necessary technical assistance to general legal services programs to enable those programs to provide special assistance for the status-related legal problems of significant populations of urban Indians within the jurisdiction of those programs.

d. Native American programs or components funded in accordance with prior procedures will continue to receive funds previously awarded under prior policy.

3. *Procedure for Allocating Funds.* Funds will be allocated to complete expansion of legal services to Native Americans on the following basis:

a. *Presently served counties where a recognized tribe is located.*

(1) A program may submit a proposal, to serve eligible Native Americans not served by a special Native American program, to the Legal Services Corporation for an amount of funding equal to the BIA population count for that reservation multiplied by the poverty rate for Native Americans residing on that reservation as determined by the 1970 Census times the access standard of $7.76 per poor person.

(2) No proposals will be entertained to serve fewer than five hundred (500) poor Native Americans (a grant of $3,880) unless exceptional circumstances are demonstrated. However, a proposal may combine poor Native Americans residing on different reservations within the general service area of the program in order to exceed this limitation.

(3) If only a part of a reservation of a federally recognized tribe is covered by the service area of a general service program, a program can apply for additional special funds for the entire reservation under this part.

(4) Programs requesting such funds will submit proposals to the Native American Desk in the Denver Regional Office of the Legal Services Corporation for determination of feasibility and decision as to whether the best available means for providing services have been considered. If in the judgment of the Native American Desk a proposal is not feasible, funds in the amount of the request will be reserved and placed in a revolving fund available for support and technical assistance to programs providing services to eligible members of unserved recognized tribes. The Corporation will continue to examine ways in which service can best be delivered to those unserved tribes.

(5) If eligible Native Americans are included in the general population of a program's service area, the program is required to provide regular services according to its established priorities, whether or not additional special funding is received for services to its eligible recognized tribe population.

b. *Expansion into presently unserved counties in which a recognized tribe is located.*

(1) Programs expanding into or being formed to serve previously uncovered counties, which contain eligible members of a recognized tribe, living on or near a reservation, which does not have access to a Corporation funded special Indian program, can apply for a grant based upon the service population including the eligible Native Americans calculated as follows:

I The number of poor persons under the 1970 Census in the service area shall be reduced by either the number of poor Native Americans according to the 1973 BIA adopted population count or the 1970 Census adopted population count, whichever is the smaller, multiplied by the applicable 1970 Census poverty rate for that reservation.

II The number of poor Native Americans under the 1973 BIA adopted count multiplied by the 1970 Census poverty rate of Native Americans residing in the counties in which the reservation is located shall be ascertained.

III The total of those served under (I) and (II) above shall represent the eligible population basis for calculating the grant based on the normal access level of $7.76 per poor person.

(2) Within sixty days after approval of their proposal for expansion into a previously uncovered area, which contains a BIA recognized reservation upon which fewer than five hundred eligible Native Americans reside, each legal services program shall submit to the Native American Desk a plan describing the features of its general service delivery design, indicating how that design affects and addresses problems of service to Native American poor. No separate service design for Native Americans shall be required, unless such design is employed equitably for all small segments of the program's service community.

(3) Programs expanding into previously uncovered areas which contains BIA recognized reservations upon which more than five hundred eligible Native Americans reside will be governed by the above guideline except that the program must submit its plan describing the service design and its effect upon service to Native Americans simultaneously with the program's grant application for expansion.

(4) The Legal Services Corporation will encourage a legal services program to design delivery methods and serve both eligible Native Americans and the general poor population within the same program and a program which is expanding into areas which include a number of federally recognized tribes is encourage to combine Native American service delivery in the program.

c. *Service for members of non-recognized and terminated tribes.*

(1) A discretionary fund of $400,000 will be established for special, non-recurring grants for projects which address the status related problems of eligible members of non-recognized and terminated tribes. The fund will be revolving in nature and continue to be available for non-recurring grants as specified above.

(2) Application for funding for a one to three year period for eligible members of non-recognized and terminated tribes should be submitted to the Native American Desk located in the Denver Regional Office of the Legal Service Corporation in accordance with criteria previously published in the **Federal Register.**

(3) No grant funded under this provision shall be considered as permanent funding with rights to refunding, but rather the amount granted will be available from the discretionary fund for redistribution among competing grants subsequent to the completion of the originally funded project.

(4) BIA recognition of a tribe, which is receiving discretionary funding under this part, shall not cause early termination of the discretionary funding unless regular formula funding is available and an orderly transition to the available formula funding can be permitted.

d. *Service to Native Americans residing in urban areas.*

(1) A discretionary fund of $25,000 per year for three years will be established to provide technical assistance to programs to assist them in addressing the access problems of Native Americans residing in urban areas. Projects such as community education, publicity and notification of availability of service to eligible Native American clients will be considered.

(2) Applications for technical assistance may be submitted to the Native American Desk in the Denver Regional Office of the Legal Services Corporation.

(3) No other specialized Indian funding should be available for individual Native American urban poor, but these persons shall be considered for service where they reside.

Any questions and proposals should be sent to: Native American Desk, Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202, (303) 837-5981.

Dan Bradley,

President, Legal Services Corporation.

[FR Doc. 79-38527 Filed 12-17-79; 8:45 am]

BILLING CODE 6820-35-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10975; File No. 812-4562]

American General Insurance Co., et al.; Filing of an Application for an Order Exempting a Proposed Transaction

December 10, 1979.

In the matter of American General Insurance Company, 2727 Allen Parkway, Houston, Texas 77019; Cal-Western Separate Account A; Cal-Western Variable Fund C, 2020 L Street, Sacramento, California 95814.

Notice is hereby given that American General Insurance Company ("American General"), Cal-Western Separate Account A, an open-end diversified management company registered under the Investment Company Act of 1940 ("Act"), and Cal-Western Variable Fund C, another open-end diversified management company registered under the Act (herein after American General, Cal-Western Separate Account A and Cal-Western Variable Fund C are collectively referred to as the "Applicants"), filed an application on November 5, 1979, and an amendment thereto on December 6, 1979, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act a proposed sale of up to 42,600 and 900 shares of the common stock of Lincoln National Corporation ("Lincoln") by Cal-Western Separate Account A and Cal-Western Variable Fund C respectively to American General. All interested persons are referred to the application which is on file with the Commission for a statement of the representations containid therein, which are summarized below.

American General, a Texas Corporation, is primarily engaged through subsidiaries in life, health, property and casualty insurance and other financial services activities. American General and those of its subsidiaries for which American General makes investment decisions (the "AG Group"), beneficially owned, as of July 13, 1979, 2,011,600 shares of the common stock of Lincoln or 9.21% of the outstanding voting securities of Lincoln. As of September 30, 1979, Cal-Western Separate Account A and Variable Fund C (hereinafter collectively referred to as the "Funds") owned beneficially 42,600 shares and 900 shares respectively of common stock of Lincoln. Applicants represent that other than through the power to vote these shares, however, American General did not exercise any control or influence over the day-to-day management of Lincoln, nor did American General influence any of Lincoln's investment activities. Although the day-to-day investment decisions for the Funds and for Cal-Western at the time of the sale by the AG Group of their holdings of Lincoln stock were made by the same Cal-Western investment personnel in California, the decision by Cal-Western to sell its 280,000 shares of Lincoln stock was coordinated closely with a similar decision by other companies in the AG Group to sell their holdings. As explained below, the decision by the Funds to file the Application is being made by the separate boards of directors of the Funds, including a majority of directors who are not "interested persons" of the Funds within the meaning of the Act; and any decision to sell or retain the Lincoln stock pursuant to a Commission Order must be approved by such disinterested directors.

Separate Account A's holdings of Lincoln stock were acquired through open market purchases at a cost of $1,531,055 or $35.94 per share; and the cost to Variable Fund C of its Lincoln stock was $29,358 or $32.62 per share. The investment adviser to the Funds, Cal-Western, is a wholly-owned subsidiary of American General. Applicants state that all investment decisions made by Cal-Western for the Funds are made independently of the investment decisions made by American General for the AG Group, and that Cal-Western and American General have implemented certain procedures to ensure such continued independence.

On July 13, 1979, American General and Lincoln executed an Agreement (the "Agreement") for the purchase by Lincoln of all of the shares of Lincoln common stock (2,011,600 shares) held by the AG Group at $52.00 per share, to be paid by 9¾ percent Subordinated Notes due 1994, issued by Lincoln (the "Lincoln Notes"). As part of the Agreement American General has agreed, among other things, that as long as the Lincoln Notes are outstanding, American General and its "affiliates" (which excludes any investment company advised by a subsidiary of American General) will not become the beneficial owners of more than 1 percent of any class or series of any class of voting securities of Lincoln. Applicants represent that the Agreement does not affect in any way the ability of the advised investment companies at any time to acquire or to dispose of Lincoln stock. The Agreement also gives to American General the option, which it did not exercise, to require that Lincoln purchase for cash $25,000,000 in principal amount of American General's 9¾ percent Subordinated Notes due 1994.

American General has offered to purchase from the Funds their holdings of Lincoln stock at $52.00 per share, the same price at which Lincon purchased the Lincoln shares held by the AG Group in accordance with the Agreement. The purchase price of $52.00 per share, however, would be paid in cash rather than in 9¾ percent subordinated notes of Lincoln. The Agreement provides for the sale by American General to Lincoln of all or a portion of the Lincoln shares currently owned by the Fund at $52.00 per share, assuming that the Fund sells any such shares to American General. Lincoln's obligation to purchase the Fund's Lincoln shares from Amercian General expires 90 days after consummation of the Agreement; namely, December 28, 1979.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company knowingly to sell to or to purchase from such registered company any security or other property subject to certain exceptions not relevant here. Section 17(b) of the Act provides that the Commission, upon application, shall exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair 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 involved and with the general purposes of the Act. Under Section 2(a)(3) of the Act an investment adviser to an investment company is an affiliated person of such investment company, and anyone owning more than 5% of the adviser's outstanding voting

securities is an affiliated person of the adviser. Accordingly, since American General owns 100 percent of the common stock of Cal-Western, investment adviser to the Fund, American General is an affiliated person of an affiliated person of the Funds, and the proposed sale of Lincoln stock by the Funds to American General falls within the provisions of Section 17(a) of the Act.

Applicants contend that the terms of the proposed transaction are fair and reasonable and do not involve overreaching, since American General's offer to the Funds gives the Funds the same price ($52 per share) for its Lincoln holdings as the AG Group received for its holdings. Applicants state that this $52 price compares favorably with the market value of Lincoln stock on October 28, 1979 of $38.125 per share, and would result in a profit of $684,145 to Separate Account A and a profit of $17,442 to Variable Fund C. Applicants also represent that the $52 price was arrived at through arm's-length negotiations between Lincoln and American General. In this connection, Applicants represent that the Funds did not participate in the negotiation of the sale by American General to Lincoln, and that the Agreement would have been consummated in its present form even if there were no provision for the sale of the Funds' holdings of Lincoln stock. Applicants contend that the price to the Funds is fair, not only because it is the same price to be paid to the AG Group for its shares, but because, unlike the AG Group, the Funds are not obligated to sell any of their Lincoln stock. Applicants state that all or a portion of the Funds' holdings may or may not be tendered in response to the offer, and the transaction which is the subject of the Application may or may not occur.

Applicants further contend that the recent action of the separate boards of directors of the Funds provides additional assurances that any sale of the Funds' Lincoln holdings would be made on a basis that is fair and reasonable and would not involve overreaching. Applicants state that on September 25, 1979 the Board of Directors of the Funds, including all of the directors who are not "interested persons" of the Funds as that term is defined in Section 2(a)(19) of the Act, considered the Application. Applicants further state that, based on the potential advantage of receiving a more favorable price for the Funds' holdings of Lincoln stock than might be prevailing otherwise in the market place at the time of any sale of such holdings, the directors adopted resolutions authorizing the filing of the Application on behalf of the Funds. At their regular quarterly meeting on October 24, 1979, the Funds' boards directed the investment personnel of Cal-Western who have responsibility for the Funds' portfolios to consult with them prior to making any decision as to whether to sell any or all of the Funds' holdings of Lincoln stock in response to American General's offer. In recommending any such sale, such investment personnel of Cal-Western were directed to confer with the boards, who would review the recommendation from the standpoint of (1) the sale price to American General versus the then prevailing price for the stock in the market place; and (2) the potential return on any use of the proceeds from the sale versus the return on a continued holding of the stock. Applicants also state that in any event, no decision to sell will be made on behalf of either Fund unless and until at least a majority of that Fund's disinterested directors vote in favor of such sale.

Applicants also contend that the proposed transaction is consistent with the Funds' investment policy, since it gives the Funds complete flexibility as to investment of the proceeds of the sale. American General, unlike the Funds, received Lincoln Notes for its Lincoln stock. Applicants represent that the Lincoln Notes are restricted as to resale by the purchaser, and are therefore inappropriate for the Funds and inconsistent with their fundmental policy against the making of loans evidenced by debt securities of limited marketability.

Applicants also assert that the proposed transaction is consistent with the general purposes of the Act. The Applicants state that under the terms of the proposed sale the Funds will be able to enjoy the same price as American General on the sale of their shares of Lincoln stock without being subject to the same burdens. As stated earlier, American General was required to take back restricted Lincoln notes for its Lincoln stock, while the Funds are able to sell their Lincoln stock in a cash transaction.

Thus, Applicants contend that the terms of the proposed sale are fair and reasonable and do not involve overreaching on the part of any person concerned, consistent with the Fund's investment policy and consistent with the general purposes of the Act, and therefore request that the Commission enter an Order exempting the proposed sale from the provisions of Section 17(a) of the Act.

Notice is further given that any interested person may, not later than December 27, 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 or her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request that they 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 December 27, 1979 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-38708 Filed 12-17-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21335; 70-6387]

Consolidated Natural Gas Co. et al.; Proposed Intrasystem Financing

December 7, 1979.

In the matter of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York 10020; CNG Producing Company, Consolidated Gas Supply Corporation, Consolidated System LNG Company, The East Ohio Gas Company, The Peoples National Gas Company, West Ohio Gas Company.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and six of its wholly owned subsidiaries, CNG Producing Company ("Producing Company"), Consolidated Gas Supply Corporation ("Supply Corporation"), Consolidated System LNG Company ("LNG Company"), The East Ohio Gas Company ("East Ohio"), The Peoples Natural Gas Company

("Peoples"), and West Ohio Gas Company ("West Ohio"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, 9, 10 and 12(b) of the Act and Rules 42, 45 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

It is stated that certain companies in the Consolidated System temporarily accumulate cash over and above current requirements, for the most part because of large seasonal heating business. At the same time, Consolidated may require funds for working capital and for the financial requirements of other system companies. Therefore, Consolidated may be making short-term borrowings when subsidiaries with excess cash are making temporary money market investments outside the System. Accordingly, the joint applicants-declarants are of the opinion that it would be advantageous to alleviate this situation and to continue the temporary prepayment of subsidiary long-term notes which optimizes the internal utilitization of excess cash funds accumulated within the System. The proposal procedures will benefit the System because they would: (1) Permit subsidiary companies with excess cash to prepay temporarily long-term notes held by Consolidated, with a resulting reduction in their interest expense; (2) make available to Consolidated a temporary cash source for working capital and for the financing of other companies within the System; (3) permit Consolidated, which obtains all external financing required by the system, to defer or prepay short-term financing such as inventory loans with banks and commercial paper borrowings for working capital.

System subsidiaries would temporarily prepay from excess cash funds a portion of their outstanding long-term non-negotiable notes held by Consolidated. It is proposed that the following subsidiaries make aggregate prepayments on long-term notes, from time to time prior to December 31, 1980, not exceeding at any time the amount set forth below for each subsidiary, respectively:

East Ohio	$75,000,000
Peoples	15,000,000
Producing Company	10,000,000
Supply Corporation	50,000,000
LNG Company	10,000,000
West Ohio	3,500,000
Total	163,500,000

Consolidated estimates that the aggregate prepayment of $163,500,000 is the maximum that can be utilized for the temporary financing of System requirements during 1980. The long-term notes temporarily prepaid by an individual subsidiary will be those bearing the highest interest rate outstanding at the time of each prepayment. Prepayments will be evidenced by letter, and the notes will not be altered. Interest on such notes will cease upon prepayments and start again upon reinstatement of the notes.

As funds are thereafter required by such subsidiary for corporate purposes, including construction, it is proposed that advances be made on open account to the subsidiary by Consolidated in an aggregate amount not to exceed the amount of long-term notes previously prepaid, less any current maturities applicable to notes which have matured subsequent to the prepayment dates. The open account advances will bear interest during 1980 at the same rate or rates as borne by the equivalent principal amounts of the notes previously prepaid by such subsidiary but in reverse order to that of the prepayments, i.e., from the lowest rate on the notes previously prepaid to the highest rate. Interest on the open account advances will commence on the date of the advance and will become due on June 30, 1980, and December 31, 1980, and/or on the date such advances are repaid by the reinstatement of the prepaid notes. It is proposed that open account advances to a subsidiary be increased or decreased from time to time in accordance with variations in the cash flow of the subsidiary. However, at no time will the advances outstanding be in excess of the notes prepaid.

At such time as the open account advances equal the aggregate amount of the prepaid notes, or in any event not later than December 31, 1980, the notes prepaid by a subsidiary will be reinstated in repayment of the related outstanding open account advances made to the subsidiary by Consolidated. However, if the aggregate of the notes prepaid exceeds such advances at the end of 1980, Consolidated proposes to make cash repayment of the difference in order to effect reinstatement of the prepaid notes in full.

No financing of any subsidiary which may be presently or subsequently authorized by this Commission in connection with the construction or gas storage programs of any such subsidiary will be consummated until such time as advances have been made in amount equal to the amount of notes prepaid.

The fees, commissions and expenses to be incurred in connection with the proposed transaction are estimated at $2,600. The Public Service Commission of West Virginia has jurisdiction over the proposed transaction. It is stated that no other state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 31, 1979 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addresses: 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 filed or as it may be 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 or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-38707 Filed 12-17-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 10976; 811-2904]

Corporate Income Trust, Series I and Subsequent Series; Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

December 11, 1979.

In the matter of Corporate Income Trust, Series 1 and Subsequent Series, c/o Donaldson, Lufkin & Jenrette Securities Corporation, 140 Broadway, New York, New York 10005.

Notice is hereby given that Corporate Income Trust, Series 1 (a Unit Investment Trust) and Subsequent Series ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, filed an application on November 29, 1979, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. Applicant's depositor is Donaldson, Lufkin & Jenrette Securities Corporation. 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 has not been organized under the laws of any state. It registered under the Act on February 21, 1979, and on the same date it filed a registration statement under the Securities Act of 1933 ("1933 Act") covering 12,000 units, including 2,000 units for purposes of resale by the depositor of units tendered to the trustee for redemption. Such registration statement under the 1933 Act has not become effective, nor has any public offering commenced. The Applicant has filed an application for withdrawal of the registration statement prior to the effective date, pursuant to Rule 477 under the 1933 Act, which, if granted, will permit withdrawal of such registration statement. Thus, Applicant has no assets, outstanding securities or shareholders.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 4, 1980, 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. 79-38709 Filed 12-17-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-1842]

Eltra Corp.; Application To Withdraw From Listing and Registration

December 10, 1979.

The above named issued has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the New York Stock Exchange, Inc. ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. Eltra Corporation's (the "Company's") 8½% Sinking Fund Debentures ("Debentures") due January 15, 2001 were listed on the NYSE on February 17, 1976. The Debentures are in the principal amount of $50,000,000 and as of November 13, 1979, there were approximately 124 debentureholders of record.

2. The Company became an indirect wholly owned subsidiary of Allied Chemical Corporation ("Allied") on November 5, 1979. Allied's Board of Directors authorized the guarantee by Allied of the Company's Debentures on November 29, 1979.

3. Reporting requirements under the Act must be met by the company so long as the debentures remain listed and registered on a national securities exchange. The Company incurs substantial expense in complying with those requirements. Allied, which is subject to the same reporting requirements under the Act, will file financial statements on a consolidated basis with the Company; the debentureholders will be provided these consolidated statements. The Company believes that the burden of filing reports separate from Allied would be disproportionate to any investor benefit which might be derived therefrom.

4. Merrill Lynch White Weld Capital Markets Group and Goldman Sachs & Co. have agreed to maintain markets over-the-counter in the Debentures.

Any interested person may, on or before December 21, 1979, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-38713 Filed 12-17-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 10978; 812-4516]

Keystone Custodian Funds, Inc.; Filing of Application for an Exemption

December 11, 1979.

In the matter of Keystone Custodian Funds, Inc., Keystone Massachusetts, Inc., Cornerstone Financial Services, Inc., The Massachusetts Companies, Inc., Massachusetts Fund for Tax Exempt Income, Massachusetts Fund for Income, Freedom Fund, Inc., Independence Fund, Inc., and Keystone International Fund, Inc., 99 High Street, Boston, Massachusetts 02110.

Notice is hereby given that Keystone Custodian Funds, Inc. ("KCF"), as trustee of the Keystone Custodian Funds, Series B–1, B–2, B–4, K–1, K–2, S–1, S–3, and S–4 (the "Series Funds"), Keystone International Fund, Inc. ("KIF"), The Massachusetts Companies, Inc. ("MassCo"), as trustee of Massachusetts Fund ("Mass Fund"), Massachusetts Fund for Tax Exempt Income ("MFTEI"), Massachusetts Fund for Income ("MFI"), Freedom Fund, Inc. ("Freedom"), and Independence Fund, Inc. ("Inde") (hereinafter the Series Funds, KIF, Mass Fund, MFTEI, MFI, Freedom, and Inde collectively referred to as the "Funds"), Keystone

Massachusetts, Inc. ("KeyMass") and Cornerstone Financial Services, Inc. ("Cornerstone"), filed an application on August 13, 1979, and an amendment thereto on November 20, 1979, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting an exemption from Section 22(d) of the Act to permit shareholders of any of the Funds to invest the dividends paid on shares of one Fund in shares of any other Fund without payment of a sales charge. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The application states that KCF is trustee for the Series Funds and serves as the investment adviser to KIF. MassCo is trustee and serves as the fund manager for Mass Fund. MassCo serves as fund manager for MFTEI, MFI, Freedom and Inde. KCF and MassCo are both 100 percent-owned subsidiaries of The Travelers Corporation. The Funds are all open-end diversified, management investment companies registered under the Act. KeyMass and Cornerstone act as principal underwriters of the shares issued by each of the Funds. The Series Funds and KIF are referred to herein collectively as the "Keystone Funds." Mass Fund, MFTEI, MFI, Freedom and Inde are referred to herein collectively as the "MassCo Funds." All of the Funds and KCF, MassCo, KeyMass and Cornerstone are referred to herein collectively as "Applicants".

Applicants state that KeyMass and Cornerstone as principal underwriters maintain a continuous public offering of shares of the Series Funds, KIF, MFTEI, MFI, Mass Fund, Freedom, and Inde at net asset value plus a sales charge. Shares of the Series Funds (except B–1 Fund), KIF, MFI, Inde, Freedom, and Mass Fund are sold at a sales charge of 8.5 percent or less. Shares of the B–1 Fund are sold at a sales charge of 4.25 percent or less. Shares of MFTEI are sold at a sales charge of 4.75 percent or less. The application further indicates that when shareholders of one Fund direct that dividends earned on shares of that Fund be invested in shares of another Fund, the Fund into which such dividends are invested currently charges a sales charge on the investment.

According to the application, Mass Fund, MFTEI and MFI each impose a minimum initial purchase amount of $1000 on investors who intend to become shareholders of those Funds, the Series Funds, Freedom and Inde each impose a minimum initial purchase amount of $250 on investors who intend to become shareholders of those Funds, and KIF imposes no minimum initial purchase amount on investors who intend to become shareholders of that Fund. The MassCo Funds impose a minimum subsequent purchase amount of $10 on their existing shareholders who are not investing under certain specified plans not relevant to this application and who intend to invest additional amounts in those Funds. The Series Funds and KIF impose no minimum subsequent purchase amounts for any existing shareholder who intends to invest additional amounts in those Funds.

The application states that the transfer agent's fees for the Series Funds are paid by KCF out of the recurring charges and management fees paid to KCF by the Series Funds, which fees are based upon agreed upon percentages of the combined market value of all the Series Funds. KIF pays its transfer agent a fixed charge for each shareholder account based upon whether a shareholder maintains an open account or is issued certificates at the time of each purchase. The application indicates that KCF, as the investment adviser of KIF, has agreed to pay that portion of the expenses of the Fund, including the management and administrative fees paid to KCF, which exceed ¾ of 1% per year of the cumulative average daily net asset value of KIF for that year. This expense limit has been exceeded by KIF since its 1975 fiscal year. The Applicants currently expect that this limit will be exceeded until at least the present termination date of KIF's investment advisory contract with KCF (January 26, 1981). If the contract, which may be renewed from year to year thereafter, is renewed, the Applicants currently expect that the present limit will continue to be exceeded for the renewal period. The MassCo Funds pay their transfer agents fixed charges for each shareholder account and also pay certain specified expenses such as postage, stationery and a portion of the salaries of specified clerical persons. The Applicants expect that by early 1980 each of the Funds will have entered into agreements with a single transfer agent who will charge each Fund standard charges which are not expected to be affected by the arrangement proposed herein.

Section 22(d)(ii) of the Act permits an investment company to offer its shareholders the opportunity to reinvest dividends received from the company in shares of the company without payment of a sales charge. Applicants state that each of the Funds currently makes this opportunity available to its shareholders.

Section 11(a) of the Act requires investment companies' offers to their shareholders for the exhange of shares from one company to another to be on the basis of the relative net asset value of the shares exchanged. Applicants assert that the MassCo Funds offer shareholders the right to exchange shares of one MassCo Fund having a net asset value of at least $1,000 to another MassCo Fund with the same or a lower sales charge. Similar exchange privileges imposing a $5 conversion fee and a sales charge adjustment under certain circumstances are available to shareholders of the Keystone Funds pursuant Commission orders permitting such exchanges dated December 8, 1977, and March 13, 1979.

The Applicants indicate that, in contrast to the above, shareholders who wish to invest the dividends they receive on shares of one Fund in shares of another Fund must pay the entire sales charge imposed by the second Fund, even though no broker or dealer is actively involved in the sale. Applicants now seek authorization of an arrangement whereby shareholders of any of the Funds would be able to invest their dividends (including capital gains distributions) from shares of one Fund into shares of any other Fund without payment of a sales charge.

Applicants represent that this arrangement would be subject to existing Fund requirements such as minimum initial investment amounts and minimum purchase amounts, if any. The investment in shares of a Fund occurring as a result of this arrangement would be made within the same time period that cash dividends are mailed to and that dividen reinvestments are made on behalf of shareholders of the Fund declaring the dividends which are investment under the arrangement. Once dividends earned on shares of one Fund have been invested in shares of another Fund, the shares so purchased will be treated as if an applicable sales charge imposed by the Fund into which such dividends are invested has been fully paid for the purpose of determining the sales charge adjustment for any subsequent conversion of such shares.

In support of the requested exemption, Applicants state that no Fund incurs expenses above the ordinary charges paid to the transfer agent, if any. Applicants assert that many of the shareholders of MassCo Funds could reinvest their dividends at net asset value in the same Fund and exchange the resulting shares for shares of other MassCo Funds at net asset value and many of the shareholders of the

Keystone Funds could reinvest their dividends at net asset value in the same Fund and exchange the resulting shares at net asset value for shares of other Keystone Funds upon payment of a conversion fee and without payment of a sales charge adjustment or upon payment of a sales charge adjustment which is substantially lower than the sales charge.

In further support of the exemption request, it is asserted that neither the existing transfer agents' charges nor those which will be effective in 1980 will be increased as a result of the arrangement, except to the extent that additional charges are imposed for new accounts opened by shareholders to permit them to participate in this arrangement. The Applicants state that because of the existing minimum initial purchase amounts for Funds other than KIF, KCF's payment of KIF's expenses which exceed its expense limitation, and the continuing nature of investment made under the arrangement, the arrangement will not impose any unfair burden on larger shareholders of any of the Funds.

The Applicants assert that the purpose of this arrangement is to permit shareholders to invest the dividends they earn on shares of one Fund into another Fund without payment of the applicable sales charge. The Applicants state that the lack of any continuing substantial sales effort justifies payment of only the net asset value of each share purchased and does not justify the payment the applicable sales charge as well, as required under Section 22(d) of the Act.

The application indicates that the proposed arrangement would additionally benefit Fund shareholders because it would allow shareholders to make investments in a second investment vehicle chosen from among the fourteen Fund Applicants without payment of a sales charge. Although a few of the Fund Applicants have similar investment objectives, the Applicants, state that all have somewhat different investment policies, including various risk levels for their portfolios and permitted portfolio securities investments, and all maintain different portfolios. Finally, Applicants contend that the request exemption is necessary and 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 that it does not dilute the value of shares of any Fund, provides for the equal treatment of similarly situated shareholders and by its nature limits the extent to which shareholders may invest in the Funds without payment of the appropriate sales charge.

Section 6(c) of the Act provides, in pertinent part, that the Commission upon application may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provisions of the Act or of any Rule or Regulation promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 4, 1980, 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 Applicants at the addresses 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. 79–38711 Filed 12–17–79; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21337; 70–6385]

Kingsport Power Co.; Proposal To Issue and Sell Unsecured Notes to Banks

December 11, 1979.

Notice is hereby given that Kingsport Power Company ("Kingsport"), 40 Franklin Road, Roanoke, Virginia 24009, and electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Kingsport proposes to enter into a term loan agreement ("Agreement") with Manufacturers Hanover Trust Company, New York, New York ("Manufacturers") and the First National Bank of Sullivan County, Kingsport, Tennessee ("First National") which will enable Kingsport to make borrowings, to be evidenced by its unsecured notes maturing December 31, 1987, in an aggregate amount of $15,000,000. The Agreement contains commitments of Manufacturers and First National in the amounts of $14,000,000, and $1,000,000, respectively. Kingsport will make initial borrowings in the amount of $13,000,000 from Manufacturers and $1,000,000 from First National. Kingsport may make additional borrowings from Manufacturers in the amount of up to $1,000,000 from time to time until December 31, 1981. The notes evidencing such borrowings will bear interest prior to maturity at a fluctuating rate per annum equal at all times to the then current prime commercial lending rate of Manufacturers for 90-day unsecured domestic loans ("Prime Rate") from the date of issuance to December 31, 1982, 102% of the Prime Rate from December 31, 1982 to December 31, 1985, and 104% of the Prime Rate from December 31, 1985 to December 31, 1987. After maturity (whether by acceleration or otherwise), such borrowings shall bear interest at a fluctuating rate per annum equal at all times to 1% plus the Prime Rate until payment in full. Kingsport will pay to Manufactures quarterly on the last day of March, June, September, and December of each year commitment fees computed at the rate of ½ of 1% per annum on the daily average unused portion of the $1,000,000 additional credit made available pursuant to the Agreement from the effective date of the Agreement to the date of expiration or termination of such commitment. The notes may be prepaid at any time without premium or penalty.

It is stated that the proceeds of the borrowings will be used by Kingsport to

prepay its outstanding notes issued under a Bank Loan Agreement ("Prior Agreement") dated as of March 1, 1977 (File No. 70–5968). Kingsport will use the initial $14,000,000 loaned under the Agreement to prepay the $14,000,000 now outstanding under the Prior Agreement. The $1,000,000 additional credit from Manufacturers, under the Agreement, would be available to pay, or replenish funds expended to pay, expenses of the company's construction program and for other proper corporate expenses. It is further stated that the issuance of the notes is excepted from the competitive bidding requirements of Rule 50 by reason of paragraph (a)(2) thereof since no finder's fees or commissions are to be paid by Kingsport in connection with the proposed transaction.

The fees and commissions to be incurred in connection with this transaction are estimated at $3,250; including legal fees of $1,000. It is stated that the Tennessee Public Service Commission has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 7, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-38712 Filed 12-17-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16412; SR-PSE-79-15]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

December 7, 1979.

On October 25, 1979, the Pacific Stock Exchange, Inc. ("PSE") 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Commission Rule 19b–4 thereunder, copies of a proposed rule change which would provide for an appointed, full-time, paid Chairman of the Board of Governors, and an annually elected Vice Chairman elect who would automatically succeed to the office of Vice Chairman for a one-year term. The proposal also would establish an Executive Committee, composed of the Chairman, Vice Chairman, Vice Chairman elect, and President, and would define the duties and authority of the Executive Committee as a whole and of its members individually.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16320, November 13, 1979) and by publication in the Federal Register (44 FR 65509, November 13, 1979). No comments were received. All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Sections 6(b) (1), (3), and (5), requiring that the exchange be capable of carrying out the purposes of the Act, that its rules assure a fair representation of its members in the selection of its directors and administration of its affairs, and the protection of investors and the public interest.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-38706 Filed 12-17-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10977; 812–4564]

Scudder Tax Free Money Fund; Filing of Application Act for an Order of Exemption

December 11, 1979.

Notice is hereby given that Scudder Tax Free Money Fund ("Applicant"), 175 Federal Street, Boston, Massachusetts 02110, a no-load, open-end, diversified management investment company registered under the Investment Company Act of 1940 ("the Act"), filed an application for an order of the Commission on November 7, 1979, pursuant to Section 6(c) of the Act (1) declaring that Hester L. Sargent, a proposed Trustee of the Applicant, shall not be deemed an "interested person" of the Applicant, its investment adviser, Scudder, Stevens & Clark ("Adviser"), or its principal underwriter, Scudder Fund Distributors, Inc. ("Distributors"), by reason of her positions as director of The Boston Company, Inc. and of Boston Safe Deposit and Trust Company ("Boston Safe") and (2) exempting Applicant from Section 10(b)(2) of the Act to permit its use of Distributors as principal underwriter for its shares. All interested persons are referred to the application on file with the Commission for a statement of the representation contained therein, which are summarized below.

The Applicant was organized as a business trust under Massachusetts law on October 5, 1979. On November 1, 1979, by a written instrument amending the Declaration of Trust, the Applicant changed its name from Scudder Short Term Municipal Trust to Scudder Tax Free Money Fund. On October 5, 1979, the Applicant filed a Notification of Registration on Form N–8A and a Registration Statement on Form N–1 under the Securities Act of 1933 and the Investment Company Act of 1940, which Registration Statement has not yet become effective. The Applicant was organized to provide income exempt from federal income taxes while seeking relative stability of principal.

The Applicant represents that Mrs. Sargent is presently a director or trustee of Scudder Cash Investment Trust, Scudder Managed Reserves, Inc., Scudder Income Fund, Inc., Scudder Common Stock Fund, Inc., and Scudder Managed Municipal Bonds (the "Scudder Funds"), each of which is an open-end investment company registered under the Act. On May 10, 1976, the Commission issued an order (Investment Company Act Release No. 9284) ("original application"), pursuant to Section 6(c) of the Act granting an exemption from Section 2(a)(19) of the Act to the effect that, among other things, Mrs. Sargent shall not be deemed to be an "interested person" of the Scudder Funds. The Applicant represents that the exemption requested from the provisions of Section 2(a)(19) relates to substantially the same fact situation as did the original application except that Mrs. Sargent has become a director of The Boston Company, Inc., and continues to be a director of its subsidiary, Boston Safe.

Applicant states that in 1976 The Boston Company Financial Strategies, Inc. ("Strategies"), a wholly-owned subsidiary of The Boston Company, Inc., formed a subsidiary, TBCFS, Inc., which registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act"). Applicant indicates that TBCFS, Inc. has changed its name to The Boston Company Investment Creation, Inc. ("Creation").

Sections 2(a)(19) (A)(v) and (B)(v) of the Act define an "interested person" of an investment company, an investment adviser, or a principal underwriter to include any broker or dealer registered under the 1934 Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act includes in the definition of an "affiliated person" any person directly or indirectly controlling, controlled by or under common control with such other person. Applicant represents that because Mrs. Sargent is a director of The Boston Company, Inc., which controls Creation, she would be deemed to be an "interested person" of the Applicant, and its investment adviser and principal underwriter.

Applicant states that the relationship of Mrs. Sargent with The Boston Company, Inc., Boston Safe, Strategies and Creation, the brokler-dealer subsidiary, will not impair her independence in acting on behalf of the Trust and its shareholders. The Boston Company, Inc. is a holding company whose subsidiaries are engaged in providing resources management services. Boston Safe is a long established trust company engaged primarily in investment management and other trust company, fiduciary and related trust banking services. Strategies currently provides financial planning and asset management services for wealthy individuals and families and is registered under the Investment Advisers Act of 1940. Creation's business relates primarily to the structuring and placement or sale of oil and gas programs and other investment programs and ventures. Applicant represents that because of the special nature of the type of investments which Creation is involved with, the Applicant could not legally purchase or sell such investments from or through Creation because of investment restrictions. Further, the Applicant states that it does not intend to make any such investment and undertakes not to transact any business with Creation.

Applicant indicates that Mrs. Sargent's principal occupation is Vice-Chairman, Board of Trustees, and Member of the Board of Governors of New England Medical Center Hospital. Additionally, she is a Trustee of Tufts University and the Boston Symphony Orchestra, and a Director of New England Telephone & Telegraph Company, The Boston Company, Inc. and Boston Safe. The Applicant represents that Mrs. Sargent is not a director or officer of the broker-dealer subsidiary Creation and therefore has no authority or responsibility for management of the operations of Creation. Moreover, Applicant states that the existence of Creation creates no conflict of interest for Mrs. Sargent since even if she was actively involved with Creation, the Applicant would not in the normal course purchase or sell securities through Creation and has further agreed not to transact any business with Creation.

The Applicant anticipates being a company of the type described in Section 10(d) of the Act, which requires a company to have only one Trustee who is not an "interested person" of such a company's investment adviser. Applicant desires that Mrs. Sargent's anticipated role as a Trustee of the Applicant be consistent with her role as a director or trustee of the other Scudder Funds, i.e., a Trustee who is not an interested person or Applicant, its investment adviser or principal underwriter. Applicant believes that Mrs. Sargent is a person of recognized intergrity, judgment, independence and competence in the investment company industry. The Applicant is also of the opinion that Mrs. Sargent will in fact be a disinterested Trustee and that it is in its best interests that she be permitted to serve as such.

The Applicant states that the Adviser, a partnership registered as an investment adviser under the Investment Advisers Act of 1940, will provide the Applicant with Investment research, advice and supervision and furnish continuously an investment program for the Applicant's portfolio consistent with the investment objectives and policies of the Applicant. The Applicant also intends to enter into an underwriting agreement with Distributors, a wholly-owned subsidiary of Adviser, which as agent will offer the Applicant's shares to investors in those states in which the shares are qualified and in which it is qualified as a broker-dealer.

Applicant seeks an exemption pursuant to Section 6(c) of the Act from Section 10(b)(2) of the Act which provides in part that no registered investment company shall use as a principal underwriter of securities issued by it any director, officer, or employee of such registered company or any person of which any such director, officer, or employee is an interested person, unless a majority of the board of directors of such registered company shall be persons who are not such principal underwriters or interested persons of any such principal underwriters.

The Applicant states the majority of its Trustees are interested persons of Adviser and that it presently intends that at least half of the Trustees will be interested persons of Adviser. However, Applicant represents that it and Adviser will comply with all provisions of clauses (1) to (8) inclusive, of Section 10(d) of the Act, insofar as those provisions are applicable to a registered investment company or its investment adviser. At the time the underwriting agreement is executed, the Applicant desires that, in addition to the permission granted by Section 10(d) to have up to all but one of its Trustees interested persons of Adviser, it may be permitted an exemption from Section 10(b)(2) to have all but one of its Trustees interested persons of its principal underwriter.

Applicant asserts that it desires to establish a method for wide distribution of its shares and believes that this can be best accomplished through a principal underwriter. Applicant does not wish to charge a sales load. Moreover, as stated above, the Applicant wishes to have the option to be a Section 10(d) company and as such would be strictly limited as to sales expenses by Section 10(d) of the Act. Applicant states that, under these

circumstances, only Adviser or a company wholly owned by Adviser or its partners could afford to undertake the expense of acting as principal underwriter. Applicant maintains that, if the underwriting contract were made directly between Applicant and Adviser, under Section 10(d) of the Act no change in the composition of the Trustees would be required notwithstanding the provisions of subsection (a) and subsection (b)(2) of Section 10. Applicant indicates that the Adviser, for reasons incident to the conduct of its own business, of which its relationship with Applicant is only a part, does not wish to become a principal underwriter.

Applicant anticipates that all but one of its Trustees who are interested persons of Adviser also will be interested persons of Distributors. Notwithstanding the provisions of Section 10(d), it may be that the provisions of Section 10(b)(2) would prevent Distributors from acting as principal underwriter of the Trust, and thus an exemptive order has been requested. Applicant submits that the reasons for permitting an investment company which meets the requirements of Section 10(d) to have only one director (trustee) completely independent of the investment adviser are equally persuasive for permitting it to have only one director (trustee) who is not an interested person of a principal underwriter which is wholly owned by the investment adviser or its partners.

Section 6(c) of the Act provides, in part, that the Commission may upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of person, securities or transactions, from any of the provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 2, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request 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 the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-38710 Filed 12-17-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 699]

Fishery Conservation Zone; Notice of Limits

The Fishery Conservation and Management Act of 1976 establishes a fishery conservation zone contiguous to the territorial sea of the United States, the outer boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. The Act also provides for the negotiation of boundaries in areas adjacent to or opposite any foreign nation.

Public Notice 526 (42 FR 12937, March 7, 1977) noted that the limits of the fishery conservation zone as set fourth therein were without prejudice to any negotiations with neighboring countries or to any positions which may have been or may be adopted respecting the limits of maritime jurisdiction.

On September 20, 1979 the United States of America signed a treaty for Friendship with the Republic of Kiribati, resolving the issues prerequisite to determination of the limits of the U.S. fishery conservation zone around the island of Howland and Baker, and Jarvis.

The line connecting the coordinates set forth below constitutes the limits of the fishery conservation zone of the United States of America around Howland and Baker Islands, and around Jarvis Island within which the United States will exercise its exclusive fishery management authority as set forth in the Fishery Conservation and Management Act of 1976, effective immediately, and pending the establishment of permanent maritime boundaries by mutual agreement. The following sections should be considered to replace those respective portions of the Department's Public Notice No. 526 (42 FR 12937, March 7, 1977).

Jarvis Island. The seaward limit of the fishery conservation zone is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except that to the north and east of Jarvis Island, the limit of the fishery conservation zone shall be determined by straight lines connecting the following coordinates:

1. 2°01′00″ N., 162°22′00″ W.
2. 2°01′42″ N., 162°01′35″ W.
3. 2°03′20″ N., 161°41′33″ W.
4. 2°02′30″ N., 161°36′20″ W.
5. 2°00′13″ N., 161°22′24″ W.
6. 1°50′18″ N., 160°20′42″ W.
7. 1°45′46″ N., 159°52′59″ W.
8. 1°43′31″ N., 159°39′27″ W.
9. 1°18′34″ N., 159°17′51″ W.
10. 0°49′29″ N., 158°51′22″ W.
11. 0°37′56″ N., 158°41′05″ W.
12. 0°11′56″ N., 158°17′58″ W.
13. 0°07′33″ N., 158°14′19″ W.
14. 0°04′58″ N., 158°12′12″ W.
15. 0°01′07″ N., 158°09′02″ W.
16. 0°02′31″ S., 158°06′03″ W.
17. 0°03′26″ S., 158°05′23″ W.
18. 0°09′31″ S., 158°00′56″ W.
19. 0°57′58″ S., 157°25′28″ W.
20. 1°31′08″ S., 157°01′08″ W.
21. 2°21′14″ S., 157°36′31″ W.
22. 3°10′40″ S., 158°10′30″ W.

Howland and Baker Islands. The seaward limit of the fishery conservation zone is a line 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except that to the south of Howland and Baker Islands, the limit of the fishery conservation zone shall be determined by straight lines connecting the following coordinates:

1. 0°16′09″ N., 173°08′20″ W.
2. 0°14′32″ S., 173°27′28″ W.
3. 0°43′52″ S., 173°45′30″ W.
4. 1°04′06″ S., 174°17′41″ W.
5. 1°12′30″ S., 174°31′02″ W.
6. 1°14′52″ S., 174°34′48″ W.
7. 1°52′36″ S., 175°34′51″ W.
8. 1°59′17″ S., 175°45′29″ W.
9. 2°17′09″ S., 176°13′58″ W.
10. 2°32′51″ S., 176°38′59″ W.
11. 2°40′26″ S., 176°51′03″ W.
12. 2°44′49″ S., 176°58′01″ W.
13. 2°44′53″ S., 176°58′08″ W.
14. 2°56′33″ S., 177°16′43″ W.
15. 3°00′55″ S., 177°27′25″ W.

Publication of a notice on this subject which is effective on December 18, 1979 is necessary effectively to exercise the foreign affairs responsibility of the

Department of State. (See Title 5, U.S.C. Sec. 553(a)(1) and (b)(B).

Dated: December 11, 1979.

Mary Elizabeth Hoinkes,

Assistant Legal Adviser for Oceans, Environment and Scientific Affairs.

[FR Doc. 79-38592 Filed 12-17-79; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF THE TREASURY

Debt Management Advisory Committees; Meetings

Notice is hereby given, pursuant to Section 10 of Public Law 92-463, that meetings will be held in Washington on January 29 and 30, 1980 of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee.

Public Securities Association, U.S. Government and Federal Agencies Securities Committee.

The agenda for the American Bankers Association Government Borrowing Committee meetings provides for working sessions on January 29 and a report to the Secretary of the Treasury and Treasury staff on January 30.

The agenda for the Public Securities Association U.S Government and Federal Agencies Securities Committee meetings provides for working sessions on January 29 and a report to the Secretary of the Treasury and the Treasury staff on January 30.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the finanacial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commerical and financial information given and received in confidence. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552(b)(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commerical or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of the meeting of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. of 552b.

Dated: December 13, 1979.

Anthony M. Solomon,

Under Secretary for Monetary Affairs.

[FR Doc. 79-38697 Filed 12-17-79; 8:45 am]

BILLING CODE 4810-25-M

[Public Debt Series No. 30-79]

Treasury Notes of December 31, 1981; Series AB-1981

December 13, 1979.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,500,000,000 of United States securities, designated Treasury Notes of December 31, 1981, Series AB-1981 (CUSIP No. 912827 KF 8). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securites may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated December 31, 1979, and will bear interest from that date, payable on a semiannual basis on June 30, 1980, and each subsequent 6 months on December 31 and June 30, until the principal becomes payable. They will mature December 31, 1981, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, December 19, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, December 18, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one

noncompetitive tender and the amount may not exceed $1,000,000.

3.3 All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, December 31, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Thursday, December 27, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Thursday, December 27, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public

Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 79-38717 Filed 12-14-79; 8:45 am]

BILLING CODE 4810-40-M

[Public Debt Series No. 31-79]

Treasury Notes of December 31, 1983; Series H-1983

December 13, 1979.

1. Invitation for Tenders

1.1 The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,500,000,000 of United States securities, designated Treasury Notes of December 31, 1983, Series H-1983 (CUSIP No. 912827 KG 6). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated December 31, 1979, and will bear interest from that date, payable on a semiannual basis on June 30, 1980, and each subsequent 6 months on December 31 and June 30, until the principal becomes payable. They will mature December 31, 1983, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possesssion of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, December 20, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, December 19, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commerical banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yelds, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the

determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, December 31, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Thursday, December 27, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Thursday, December 27, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identifiction number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 79-38716 Filed 12-17-79; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Availability of Summary Report of Alcohol and Drug Treatment Program Evaluation

Notice is hereby given that the program evaluation of the Veterans Administration's Alcohol and Drug Dependence Treatment Program has been completed.

Single copies of the Alcohol and Drug Dependence Treatment Program evaluation are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810

Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: December 10, 1979.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 79-38677 Filed 12-17-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 173]

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 79-30569 appearing at page 57002 in the issue of Wednesday, October 3, 1979, on page 57006, in the third column, paragraph "MC 119991 (Sub-31TA)" in the twenty-third line "MN" should be corrected to read "NM".

BILLING CODE: 1505-01-M

[Decision Volume No.63]

Permanent Authority Applications; Decision-Notice

Correction

In FR Doc. 79-1353, appearing at page 3345, in the issue for Tuesday, January 16, 1979, on page 3351, in the middle column, in paragraph "MC 118159 (Sub-303F)" filed for National Refrigerated Transport, Inc., in the 16th line,"Montgomery, AL" should be corrected to read "Montgomery, IL".

BILLING CODE 1505-01-M

Permanent Authority Decisions Applications; Decision-Notice

Correction

In FR Doc. 79-31795 appearing at page 59707 in the issue for Tuesday, October 16, 1979, on page 59723, in the first column, in paragraph "MC 67450 (Sub-86F)" line twelve "MY" should be corrected to read "NY".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 79-1000 appearing at page 19577 in the issue of Tuesday, April 3, 1979, on page 19578, in the third column, paragraph "MC 29910 (Sub-200F)", in line nine "irregular" should be corrected to read "regular".

BILLING CODE 1505-01-M

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: December 13, 1979.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: National Transportation Cooperative, Inc.

Principal Mailing Address (Street No., City, State, and Zip Code): 3384 Peachtree Rd., NE, Suite 675, Atlanta, GA 30326

Where Are Records of Your Motor Transportation Maintained (Street No., City, State, and Zip Code): Suite 675, 3384 Peachtree Rd., NE, Atlanta, GA 30326

Person to Whom Inquiries and Correspondence Should Be Addressed (Name and Mailing Address): Marvin E. Anderson, 3384 Peachtree Rd., NE, Suite 675, Atlanta, GA 30326

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-38648 Filed 12-17-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 154]

Assignment of Hearings

December 11, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 55896 (Sub-105F), now assigned for hearing on January 8, 1980 at Washington, D.C. (2 weeks) is reassigned for prehearing Conference on January 8, 1979 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114552 (Sub-158(MlF)), SENN TRUCKING COMPANY, now being assigned for continued Prehearing Conference on January 15, 1980, at Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114457 (Sub-512F), DART TRANSIT COMPANY, now being assigned for continued Prehearing Conference on January 22, 1980, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 126844 (Sub-70F), R.D.S. TRUCKING CO., now being assigned for continued Prehearing Conference on January 23, 1980, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 78687 (Sub-56F), LOTT MOTOR LINES, INC., now assigned for hearing on January 7, 1980 (1 day) at New York City, NY will be held in Room E-2222, Federal Building, 26 Federal Plaza.

MC 95540 (Sub-1083F), WATKINS MOTOR LINES, INC., now assigned for hearing on January 8, 1980 (1 day) at New York City, NY will be held in Room E-2222, Federal Building, 26 Federal Plaza.

MC 124004 (Sub-49F), RICHARD DAHN, INC., now assigned for hearing on January 9, 1980 (1 day) at New York, NY will be held in Room E-2222, Federal Building, 26 Federal Plaza.

MC 124170 (Sub-113F), FROSTWAYS, INC., now assigned for hearing on January 10, 1980 (2 days) at New York, NY will be held in Room E-2222, Federal Building, 26 Federal Plaza.

MC 142130 (Sub-4F), CRESCENT INDUSTRIES, INC., now assigned for hearing on January 14, 1980 (2 days) at Dallas, TX is canceled and transferred to Modified Procedure.

MC 115841 (Sub-659F), COLONIAL REFRIGERATED TRANSPORTATION, INC., transferred to Modified Procedure.

MC 101474 (Sub-25F), RED TOP TRUCKING COMPANY, INC., transferred to Modified Procedure.

AB 55 (Sub-29F), SEABOARD COAST LINE RAILROAD COMPANY. Abandonment near Gordonville, and Bartow, in Polk County, FL, now being assigned for hearing on February 4, 1980 (5 days) at Bartow, FL, location of hearing room will be designated later.

MC 120981 (Sub-29F), BESTWAY EXPRESS, INC., now being assigned for hearing on February 25, 1980 (1 week) at Nashville, TN, location of hearing room will be designated later.

MC 140511 (Sub-9F), AUTOLOG CORPORATION, now being assigned for hearing on February 11, 1980 (1 week) at New York, NY in a hearing room to be designated later.

MC 129615 (Sub-4F), AMERICAN INTERNATIONAL DRIVEAWAY now assigned for hearing on December 12, 1979 at Chicago, IL. is postponed indefinitely.

MC 107912 (Sub-22F), REBEL MOTOR FREIGHT, INC., now being assigned for hearing on February 4, 1980 (10 days) at Jackson, MS in a hearing room to be designated.

MC 2960 (Sub-25F), ENGLAND TRANSPORTATION COMPANY OF TEXAS, now assigned for hearing on January 29, 1980, at Dallas, TX is canceled and Application dismissed.

MC-C-10170, BLUE AND GRAY TRANSIT, INC., V. Daniel J. Buckley, John Burce, Charles Donovan, Evelyn Gordon, Rufus Gordon and Cyril M. Gummles, now being assigned for hearing on January 28, 1980 (2 days) at New York, NY in a hearing room to be designated later.

MC 145482 (Sub-1F), INNER CIRCLE QONEXIONS, INC. now being assigned for hearing on January 30, 1980 (3 days) at New York, NY in a hearing room to be designated later.

MC 144672 (Sub-9F), VICTORY EXPRESS, INC. now being assigned for hearing on January 28, 1980 (1 day) at Cincinnati, OH in a hearing room to be designated later.

MC 95540 (Sub-1077F), WATKINS MOTOR LINES, INC., now being assigned for hearing on January 29, 1980 (1 day) at Cincinnati, OH in a hearing room to be designated later.

MC 37251, LANDMARK, INC. V. CONSOLIDATED RAIL CORPORATION, now being assigned for hearing on January 30, 1980 (3 days) at Columbus, OH in a hearing room to be designated.

MC 135874 (Sub-147F), LTL PERISHABLES, INC., now assigned for hearing on December 11, 1979 at New York, NY is canceled and Application dismissed.

MC 110683 (Sub-135F), SMITH'S TRANSFER CORPORATION, now assigned for hearing on January 8, 1980 at Louisville, KY will be held at the Executive Inn West, 830 Phillips Lane, Freedom Way and Fairgrounds at Watterson Expressway), Louisville, KY.

MC 116254 (Sub-235F), CHEM-HAULERS, INC., now assigned for hearing on January 9, 1980 at Washington, DC is canceled and Application dismissed.

AB 39, ST. LOUIS SOUTHWESTERN RAILWAY COMPANY Abandonment Near Paragould and Blytheville and Hornesville Junction and Caruthersville, In Greene and Mississippi Counties, AR, and Dunklin and Pemiscot Counties, MO now being assigned for hearing on February 4, 1980 (1 week) at Caruthersville, MO in a hearing room to be designated later.

MC 146421F, CLARENCE WYATT TRANSFER, INC., now being assigned for continued prehearing conference on January 30, 1980, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-38650 Filed 12-17-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 155]

Assignment of Hearings

December 12, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospectrive assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 127042 (Sub-232F), HAGEN, INC., now assigned for hearing on December 12, 1979 (1 week) at Omaha, NE is cancelled and transferred to Modified Procedure.

MC-F-13852, ODRIC GREGORY—CONTROL—TENNESSEE TEXAS EXPRESS, INC., now asigned for Prehearing Conference on January 29, 1980 at the Offices of Interstate Commerce Commission, at Washington, D.C.

MC 41432 (Sub-156F), EAST TEXAS MOTOR FREIGHT LINES, INC., now assigned for Prehearing Conference on January 29, 1980 at the Offices of the Interstate Commerce Commission, at Washington, D.C.

MC 145461F, TENNESSEE TEXAS EXPRESS, INC., now assigned for Prehearing Conference on January 29, 1980 at the Offices of the Interstate Commerce Commission, at Washington, D.C.

AB 43 (Sub-57), ILLINOIS CENTRAL GULF RAILROAD COMPANY and NEW ORLEANS GREAT NORTHERN RAILWAY COMPANY Abandonment at North Slidell and Covington In St. Tammany Parish, LA., now being assigned for hearing on February 4, 1980 (5 Days), at Covington, LA. in a hearing room to be designated later.

MC 144672 (Sub-6F), VICTORY EXPRESS, INC., now assigned for hearing on December 10, 1979 at New York, NY. is cancelled and transferred to Modified Procedure.

MC 129480 (Sub-37F), TRI-LINE EXPRESSWAYS, LTD. transferred to Modified Procedure.

MC 115841 (Sub-579F), COLONIAL REFRIGERATED TRANSPORTAION, INC., Application Dismissed.

MC 103993 (Sub-950F), MORGAN DRIVE-AWAY, INC., now assigned for hearing on January 29, 1980 (4 Days), will be held at the Ramada Inn, 3011 Belvedere Road, Elkhart, IN., and continued to February 12, 1980 (9 Days), in room 510-5th Floor, 211 Main Street, San Francisco, CA.

FD 29153F, AMERICAN TRAIN DISPATCHERS v. UNION PACIFIC RAILROAD COMPANY, now being assigned for hearing on February 6, 1980 (3 Days), at Tacoma, WA. in a hearing room to be designated later.

MC 65802 (Sub-65F), LYNDEN TRANSPORT, INC., now being assigned for hearing on February 11, 1980 (1 Week), at Seattle, WA. in a hearing room to be designated later.

MC 146703 (Sub-11F), ROBERTS & OAKE, INC., now being assigned for hearing on February 27, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 45194 (Sub-23F), LATTAVO BROTHERS, INC., now being assigned for hearing on January 21, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 95540 (Sub-109F), WATKINS MOTOR LINES, INC., now being assigned for hearing on February 28, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-38653 Filed 12-17-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Application for Relief

December 13, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before January 2, 1980.

FSA No. 43779, Southwestern Freight Bureau, Agent No. B-40, sugar, beet or cane, in carloads, from points in Colorado, Nebraska, and Wyoming to Dallas and Ft. Worth, TX, also returned shipments in the reverse direction, in Supp. 21 to its Tariff ICC SWFB 4412, effective January 7, 1980. Grounds for relief market competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-38652 Filed 12-17-79; 8:45 am]

BILLING CODE 7035-01-M

Notice of Reopening of Related Proceedings in Which Divisions of Revenue Have Been Prescribed

AGENCY: Interstate Commerce Commission.

ACTION: Notice of reopening of related proceedings in which divisions of revenue have been prescribed.

SUMMARY: The cited pending proceedings involve proposed surcharges on joint rates. The surcharges would accrue only to one carrier party to the rate. The Commission has determined that it is necessary to reopen related divisions proceedings where the basis for the divisions of revenue has been prescribed.

The divisions proceedings are reopened to the extent necessary in each proceeding. All parties to the original divisions proceedings are here placed on notice that the Commission may approve a resettlement of divisions with respect to the commodities involved in each surcharge proceeding if doing so is found to be necessary and appropriate.

FOR FURTHER INFORMATION CONTACT: Richard Felder (202) 275-7693.

SUPPLEMENTARY INFORMATION: The reopened divisions proceedings are as follows:

New England Divisions, 132 I.C.C. 93 (1927), *Divisions of Freight Rates,* 253 I.C.C. 673 (1942), *Official Western Trunk Line Divisions,* 269 I.C.C. 765 (1948), *Official-Southwestern Divisions,* 292 I.C.C. 447 (1954), *Official-Southern Divisions,* 337 I.C.C. 74 (1970), *Akron C. & Y.R. Co.* v. *Atchison, T. & S.F. Ry. Co.,* 339 I.C.C. 540 (1971), and *Cincinnati, N.O. & T.P. Ry. Co.* v. *Akron, C. & Y.,* 353 I.C.C. 165 (1976).

Dated: December 3, 1979.

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

Agatha L. Mergenovich,

Secretary.

Appendix

I&S No. 9215: Conrail surcharge on paper from Mehoopany, PA.
I&S No. 9215 (Sub-No. 1): Conrail surcharge on paper from Mehoopany, PA., September 1979.
I&S No. 9220: Nonapplication of Conrail, surcharge , via the Family Lines System.
I&S No. 9227: Surcharge on iron or steel, Conrail, October 1979.
I&S No. 9229: Conrail surcharge on lime.
I&S No. 9230: Surcharge on agricultural machinery, Conrail, October 1979.
I&S No. 9231: Surcharge on petroleum coke, Conrail, October 1979.
I&S No. 9232: Surcharge on malt liquor, Conrail, October 1979.
I&S No. 9238 (Sub-No. 1): Surcharge on scrap tin or terne plate, Conrail, November 1979.
I&S No. 9241: Surcharge on coke (direct product of coal), Conrail, November 1979.
I&S No. 9233: Surcharge on rubber tires, Conrail, October 1979.
I&S No. 9234: Surcharge on furniture, Conrail, October 1979.
I&S No. 9235: Surcharge on lumber, Conrail, October 1979.
I&S No. 9236: Surcharge on iron or steel articles, Conrail, October 1979.
I&S No. 9237: Surcharge on rosin, Conrail, October 1979.
I&S No. 9238: Surcharge on scrap tin or terne plate, Conrail, October 1979.
I&S No. 9239: Surcharge on cotton, Conrail, October 1979.
I&S No. 9240: Surcharge on motor vehicles, Conrail, October 1979.
I&S No. 37284: Surcharge on wine, Conrail, October 1979.

FR Doc. 79-38651 Filed 12-17-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Rigister. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before January 17, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before January 17, 1980, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce over irregular routes, except as otherwise noted.

Volume No. 229

Decided: Nov. 13, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman. Member Liberman, not participating.

MC 5623 (Sub-45F), filed June 8, 1979. Applicant: ARROW TRUCKING CO, a corporation, P.O. Box 7280, Tulsa, OK 74105. Representative: J. G. Dail, P.O. Box LL, McLean, VA 22101. Transporting *lumber,* from Columbia Falls, Darby, and Dillon, MT, to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NV, NM, OH, OK, PA, TX, UT, WI, and WY. (Hearing site: Denver, CO.)

MC 61592 (Sub-454F), filed June 8, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) *cleaning compounds* (except commodities in bulk), from Detroit, MI, to points in CA, GA, KY, LA, NC, TN, and TX; and (2) *lime,* in bags, from points in Manitowoc County, WI, to points in AR, LA, OK and TX. (Hearing site: Chicago, IL, or Washington, D.C.)

MC 98952 (Sub-70F), filed June 8, 1979. Applicant: GENERAL TRANSFER COMPANY, a Delaware corporation, 2880 North Woodford St., Decatur, IL 62526. Representative: Paul E. Steinhour, 918 East Capitol Ave., Springfield, IL 62701. Transporting *foodstuffs* (except commodities in bulk), from the facilities of Commercial Distribution Center, at or near Kansas City, MO, to points in IN, IL, IA, KY, MN, OH, TN, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 109533 (Sub-112F), filed June 8, 1979. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, P.O. Box 1216, Richmond, VA 23209. Representative: John C. Burton, Jr., 1000 Semmes Ave., Richmond, VA 23224. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Schenley Distillers, Inc., at or near Schenley, PA, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Cincinnati, OH, or Washington, D.C.)

MC 111812 (Sub-658F), filed June 8, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in IL, IA, MN, OR, SD, and WI, to points in AZ, CA, CO, GA, IN, NJ, NC, TX, UT, and WA, (2) from points in IA, MN, SD, and WI, to points in IL and OR, and (3) between points in IL and OR, restricted in (1), (2), and (3) above to the transportaion of traffic originating at the facilities used by Minnesota Mining and Manufacturing Co. and destined to the indicated destinations. (Hearing site: Minneapolis, MN.)

MC 114273 (Sub-605), filed June 8, 1979. Applicant: CRST, INC. P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting (1) *lawn care equipment and snow throwers,* and (2) *materials, equipment, and supplies* used in the distribution and assembly of powered turf equipment, from the facilities of OMC, Galesburg, at or near Galesburg and Peoria, IL, to Denver, CO, Omaha, NE, Fargo, ND, and Sioux Falls, SD, points in CT, IN, IA, KS, ME, MD, MA, MI, MN, MO, NJ, NY, NC, OH, OK, PA, TX, VA, WI, (Except Racine, Kenosha, and Milwaukee and points in their respective commercial zones), and Washington, DC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 124692 (Sub-284F), filed June 6, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting (1) *building materials,* and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between the facilities of ASC Pacific, at or near Sacramento, CA, and Tacoma, WA, on the one hand, and on the other points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: San Francisco, CA.)

MC 143713 (Sub-10F), filed June 7, 1979. Applicant: AGRICULTURAL TRANSPORTATION ASSOCIATION OF ILLINOIS, a corporation, R.F.D. 8, 37 Forest Ridge, Springfield, IL 62707. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *steel buildings,* knocked-down, and *parts* for steel

buildings, from Terre Haute, IN, to points in IL, IA, NE, KS, MO, KY, OH, ND, SD, MN, and WI. (Hearing site: Springfield, IL, or Houston, TX)

MC 145102 (Sub-32F), filed June 8, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting *wheels, rims, spindles, hubcaps, grease caps, and brake drums,* from Henderson, KY, Detrot, Lansing, and Romulus, MI, and Akron, Dayton, and Frankfort, OH, to Clear Lake, Davenport, Des Moines, Dubuque, and Ventura, IA. Note: Dual operations may be involved. (Hearing site: Madison, WI, or Des Moines, IA.)

Volume No. 230

Decided November 19, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. Member Hill not participating.

MC 24583 (Sub-24F), filed June 11, 1979 Applicant: FRED STEWART CO., a corporation, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. Transporting *plastic pipe, plastic fittings and plastic products,* from Magnolia, AR, to points in LA, TX, OK, MS, TN, MO, AL, CO, FL, IL, and KS. (Hearing site: Magnolia or Little Rock, AR.)

MC 44302 (Sub-12F), filed June 11, 1979. Applicant: DEFAZIO EXPRESS, INC., 1028 Springbrook Avenue, Moosic, PA 18507. Representative: Edward M. Alfano 550 Mamaroneck Avenue, Harrison, NY 10528. Transporting (1) *such commodities* as are dealt in by wholesale, retail, and chain grocery stores and food business houses, and (2) *equipment, supplies and material* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), from New York, NY, and points in NJ, to Camp Hill, Carlisle, Gettyburg, Mechanicsburg, and Shiremanstown, PA, and those points in PA on and east of U.S. Hwy 15. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 61592 (Sub-455F), filed June 11, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1)(a) *Solar panels, and accessories for solar panels,* and (b) *equipment materials and supplies* used in the installation of the commodities in (1)(a) above, (except commodities in bulk), from Aurora, CO, to points in the United States (except AK and HI), and (2) *aluminum siding and accessories for aluminum siding* (except commodities in bulk), from Southfield, MI, to points in the United States in and east of MN, IA, MO, AR and LA. (Hearing site: Chicago, IL.)

MC 61592 (Sub-456F), filed June 11, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) *new furniture,* from the facilities of La–Z–Boy South, Inc., at or near Newton, MS, to points in AR, FL, KS, LA, MO, KY, TN and OK, and (2) *cabinets* (uncrated), from points in VA to points in FL, GA, NC, OH, TX, NY, KY, and DC. (Hearing site: Washington, DC.)

MC 107012 (Sub-386F), filed June 11, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *such commodities,* as are dealt in by retail department stores (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from points in the United States (except AK, and HI, and MI), to points in MI, restricted to the transportation of traffic destined to the facilities of Meijer, Inc. (Hearing site: Grand Rapids, MI, or Washington, DC.)

MC 107012 (Sub-387F), filed June 11, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *polyurethane foam sheets, blocks, and rolls,* from the facilities of Rogers Foam Company (1) at or near Somerville, MA, and (2) Hartford, CT, to points in IL, IN, KY, MI, MO, OH, and TN. (Hearing site: Boston, MA, or Washington, DC.)

MC 113362 (Sub-358F), filed June 11, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eighth Avenue N.E., P.O. Box 429, Austin, MN 55912. Transporting *frozen foodstuffs* (except commodities in bulk), between the facilities of Monument Distribution Warehouse, Inc., at Indianapolis, IN, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 114632 (Sub-240F), filed June 11, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *sugar* from (1) Drayton, ND, and (2) E. Grand Forks, Crookston, Moorhead, Minneapolis, and Chaska, MN, to points in AR, CO, IL, IN, IA, KS, KY, MI, MO, NE, NY, OH, OK, PA, SD, WV, and WI. (Hearing site: Fargo, ND, or Minneapolis, MN.)

Note.—Dual Operations may be involved.

MC 115162 (Sub-486F), filed June 11, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting *petroleum products,* in containers, from Chattanooga, TN and West Memphis, AR, to Montgomery, AL. (Hearing site: Atlanta, Ga, or Washington, DC.)

MC 115162 (Sub-487F), filed June 11, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1) *television sets,* (2) *radios,* (3) *phonographs,* (4) *stereo systems,* (5) *recorders and players,* (6) *speaker systems,* (7) *audio equipment,* and (8) *accessories and component parts,* for the commodities in (1)(2)(3)(4)(5)(6) and (7) above, from the facilities of RCA Corporation at Bloomington and Indianapolis, IN, to points in AL, FL, GA, LA, MS and TX. (Hearing site: Chicago, IL or Atlanta, GA.)

MC 115322 (Sub-188F), filed June 11, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: Warren P. Kurtz (same address as applicant). Transporting (1) *bananas,* and (2) *fruits,* the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6), (formerly Section 203(b)(6) of the Interstate Commerce Act), in mixed loads with the commodities in (1) above, from Portsmouth, VA, to points in PA, MD, DE, DC, NY, NJ, CT, RI, MA, NH, VT, ME, NC, SC and TN. (Hearing site: Washington, DC.)

MC 116763 (Sub-524F), filed June 11, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers, converters, and distributors of paper and paper products (except commodities

in bulk, in tank vehicles), between points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Eastern Fine Paper, Inc. (Hearing site: Portland, ME.)

MC 116763 (Sub-525F), filed June 11, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). Transporting *confectionery and confectionery products* (except commodities in bulk, in tank vehicles), from St. Louis, MO, to points in CT, DE, IA, IL, IN, MA, MD, ME, MI, MN, OH, PA, NH, NJ, NY, RI, VA, VT, WV, WI, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: St. Louis, MO.)

MC 116763 (Sub-526F), filed June 11, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). Transporting (1) *paper and paper products,* and (2) *materials, equipment and supplies,* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of Champion International Corporation at or near Cincinnati and Hamilton, OH, on the one hand, and, on the other, points in CT, ME, MA, NH, RI and VT, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Cincinnati, OH.)

MC 116763 (Sub-527F), filed June 11, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters, (same address as applicant). Transporting *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, and filters* (except commodities in bulk, in tank vehicles), from the facilities of Quaker State Oil Refining Corporation (a) at or near Farmers Valley and Emlenton, PA, and (b) Congo and St. Marys, WV, to points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Pittsburgh, Pa.)

MC 118263 (Sub-85F), filed June 11, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (Except hides and commodities in bulk), from the facilities of Armour Processed Meats Co., at Louisville, KY, to points in AR, GA, IL, IN, IA, ME, MS, MO, NH, RI, TX, VA, WI, and WV. (Hearing site: Louisville or Frankfort, KY.)

MC 119493 (Sub-306F), filed June 11, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *cabinets, furniture, furniture parts,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk) between points in Jasper County, MO on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Springfield, or Kansas City, MO.)

MC 123392 (Sub-88F), filed June 11, 1979. Applicant: JACK B. KELLEY, INC., Route 1, Box 400, Amarillo, TX 79106. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. Transporting *calcium bromide and zinc bromide,* in bulk, in tank vehicles, from the facilities of Great Lakes Chemical Company, at Houston, TX, to Cameron, LA. (Hearing site: Houston, TX.)

MC 124692 (Sub-287F), filed June 11, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting (1) *roofing and roofing materials,* and (2) *materials* used in the manufacture of the commodities in (1) above, from (1) the facilities of G.A.F. Corporation at Minneapolis, MN, to points in the Upper Peninsula of MI, and points in Iron, Price, Taylor, Lincoln, Oneida, Vilas, Forest, Marinette, Oconto, Langlade, Menominee, and Ashland Counties, WI, and (2) in the reverse direction, restricted in (1) and (2) above, to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Minneapolis, MN.)

MC 124692 (Sub-289F), filed June 11, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting (1) *hydraulic body hoists, and hydraulic cylinders,* and (2) *mixers and accessories* for the commodities in (1) above, from Eaton, CO, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 125433 (Sub-274F), filed June 11, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *batteries, scrap batteries, and parts, attachments, accessories and supplies* used in connection with batteries, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Chloride Incorporated, at or near (a) Florence, MS, (b) Columbus, GA, (c) Raleigh, NC, (d) Tampa, FL, and (e) Beaverton, OR, on the one hand, and, on the other, points in the United States, (except AK and HI). (Hearing site: Miami, FL, or Atlanta, GA.)

MC 125433 (Sub-275F), filed June 11, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *liquid chemical cleaning compounds* (except commodities in bulk), from the facilities of Chemline Industries at Carson City, NV, to Cedar Rapids, IA, Carlstadt, NJ, and Austin, TX, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 125433 (Sub-276F), filed June 11, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *solar collectors,* and (2) *parts, attachments and accessories* for the commodities in (1) above, from the facilities of Fafco Solar Systems at or near Menlo Park, CA, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 125433 (Sub-279F), filed June 11, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *self-propelled mechanical lifting devices,* and (2) *parts, accessories and supplies* for the commodities in (1) above, from the facilities of Calavar Corporation at or near Santa Fe Springs, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 127042 (Sub-273F), filed June 11, 1979. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). Transporting

cardboard cartons, knocked down, from Chicago, IL, to points in IA. (Hearing site: Chicago, IL.)

MC 135953 (Sub-6F), filed June 11, 1979. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *such commodities* as are dealt in by wholesale and retail grocery and drug stores (except commodities in bulk), from the facilities of The Proctor & Gamble Distributing Company, at or near Cincinnati, OH, to points in PA, NY, NJ, and MD. (Hearing site: Cincinnati, OH, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 138703 (Sub-3F), filed June 11, 1979. Applicant: BOESDORFER TRUCKING, INC., 117 Church Street, Pleasant Plains, IL 62667. Representative: Robert T. Lawley 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *trace minerals and trace mineral ingredients,* between Pleasant Plains, IL, on the one hand, and, on the other, points in the United States (except AL and HI), and (2) *fertilizer and fertilizer ingredients,* (a) from points in Cass, Morgan, Sangamon and Pike Counties, IL, to points in IN, IA, KY, MO, OH, TN and WI, and (b) from Vincennes, IN, Burlington, Clinton, Ft. Madison and Koekuk, IA, Henderson, KY, Crystal City and Hannibal, MO, to points in IL. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 141363 (Sub-11F), filed June 11, 1979. Applicant: J. M. MARC TRANSPORTATION, INC., 7 Ladik Street, Piermont, NY 10968. Representative: Bruce J. Robbins, Esq., 118–21 Queens Boulevard, Forest Hills, NY 11375. Transporting (1) *paper and paper products,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between Victory Mills and Syracuse, NY, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, and RI, and those points in PA on and east of U.S. Hwy 15, under continuing contract(s) with Clevepak Specialty Packaging, Inc., of Victory Mills and Syracuse, NY, a wholly-owned subsidiary of Clevepak Corp. of White Plains, NY. (Hearing site: New York, NY.)

MC 146553 (Sub-3F), filed June 11, 1979. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *metal articles* from points in CA, IL, MI, NY, OH, and PA to the facilities of Alloy Metal Products at Davenport, IA. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 146553 (Sub-4F), filed June 11, 1979. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *wine,* from points in Sonoma, Santa Clara, Alameda, Napa, San Mateo, and Madera Counties, CA, to Rock Island, Peoria, and Galesburg, IL. (Hearing site: Davenport, IA, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 146652 (Sub-2F) (correction), filed May 1, 1979, published in the Federal Register issue of August 30, 1979, and republished as corrected this issue. Applicant: FEDERAL PRODUCE TRANSPORTATION CO., a corporation, 8309 Tujunga Ave., Sun Valley, CA 91352. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Bananas,* and (2) *agricultural commodities,* the transportation of which are otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) (formerly Section 203 (b)(6) of the Interstate Commerce Act), in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in AZ, OR and WA, restricted to the transportation of traffic having a prior movement by water. (Hearing Site: Los Angeles, CA.) The purpose of this republication is to correct the commodity description.

MC 146802 (Sub-2F), filed June 11, 1979. Applicant: C. E. D. Transportation, INC., 2913 Andoria Court, Baltimore, MD 21234. Representative: Francis W. McInerny, 1000 16th Street, N.W., Washington, DC 20036. Transporting *stone granules and stone dust* from Gladhill, PA, to Baltimore, MD, under continuing contract(s) with GAF Corporation, of Wayne, NJ. (Hearing site: Washington, DC.)

MC 147392 (Sub-2F), filed June 11, 1979. Applicant: NOTTINGHAM COMPANY, a corporation, 1303 Boyd Avenue NW., Atlanta, GA 30318. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *boiler cleaning compounds, latex thickener, rubber accelerator, and rubber preservatives,* in bulk, in tank vehicles, from Chattanooga, TN, to Houston and Borger, TX, and Westlake and Baton Rouge, LA, under continuing contract(s) with Alco Chemical Corporation of Chattanooga, TN. Conditions: (1) Applicant shall maintain separate accounts and records for his for-hire carrier operations as distinct from his other business activities, and (2) he shall not at the same time and in the same vehicle transport property both as a private carrier and a for-hire carrier.

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Decided: Nov. 26, 1979.

By the Commission Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2202 (Sub-595F), filed June 13, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Graham, TX as an off-route point in connection with applicant's authorized regular-route operations. (Hearing site: Dallas, TX or Washington, DC.)

MC 2202 (Sub-597F), filed June 12, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue NW., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all points in IN on and north of U.S. Hwy 40, as off-route points in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 16872 (Sub-22F), filed June 13, 1979. Applicant: WILLIAM MIRRER, d.b.a. MIRRER's TRUCKING, 100 E. 25th St., Paterson, NJ 07524. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *lawn mowers, tractors, and snow blowers;* and (2) *accessories, materials, equipment, and supplies* used in the distribution of the commodities in (1) above, from Decatur, GA, and Ft. Worth, TX, to Kenvil, NJ. (Hearing site: New York, NY or Washington, DC.)

MC 43963 (Sub-20F), filed June 11, 1979. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *metal and metal articles* between points in Lake, Cook, Will, and Du Page Counties, IL, and

Lake and Porter Counties, IN, on the one hand, and, on the other points in MN. (Hearing site: Chicago, IL.)

MC 80443 (Sub-25F), filed June 11, 1979. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting (1)(a) *air coolers or air conditioners,* other than water evaporative type, (b) *refrigeration evaporators or condensers* (c) *ice making machines* and (d) *parts and accessories* for the commodities in (a), (b), and (c) above, from (i) Faribault and Minneapolis, MN, and (ii) Spirit Lake, IA, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies,* used in the manufacture of commodities named in (1) above, in the reverse direction. (Hearing site: Minneapolis or St. Paul, MN.)

MC 82492 (Sub-242F), filed June 13, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI. Representative: Dewey R. Marselle (Same address as applicant). Transporting *frozen foodstuffs* between Indianapolis, IN, on the one hand, and, on the other, points in IA, KS, MI, MN, MO, NE, OH, PA, and WI, restricted to the transportation of shipments originating at or destined to the facilities of Monument Distribution Warehouse, Inc., at Indianapolis, IN. (Hearing site: Indianapolis, IN or Washington, DC.)

MC 89693 (Sub-45F), filed June 11, 1979. Applicant: HARMS PACIFIC TRANSPORT, INC., Suite 210, 7322 North Division, Spokane, WA 98208. Representative: Boyd Hartman, 10655 N.E. 4th P.O. Box 3641, Bellevue, WA 98009. Transporting (1) *tallow,* in bulk, from the facilities of Iowa Beef Processors, Inc., at or near Wallula, WA, to Seattle and Tacoma, WA, and points in ID and OR; and (2) *fertilizer* (a) between those points in WA in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties; (b) those points in OR in and east of Wasco, Jefferson, Deschutes, and Klamath Counties; and (c) points in ID, in and north of Idaho County, restricted in (1) above to the transportation of traffic having a prior or subsequent movement by water in foreign commerce. (Hearing site: Pasco or Spokane, WA.)

MC 110563 (Sub-282F), filed June 13, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting (1) *frozen foods,* from Buffalo, NY, to points in AL, AR, CO, FL, GA, IA, KS, KY, LA, MN, MS, MO, NE, NC, ND, OK, SC, SD, TN, TX, VA, and WV; and (2) *frozen doughnuts,* from North East, PA, to points in IN and WI. (Hearing site: Buffalo, NY or Washington, D.C)

MC 110563 (Sub-288F), filed June 13, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting *Foodstuffs* (in mechanically refrigerated equipment), from Columbus, OH, to points in AL, CT, DE, GA, IL, IN, IA, KY, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, WI, AND DC, restricted to the transportation of traffic originating at the facilities of Capital City Products, Division of Stokely Van Camp, Inc., at or near Columbus, OH. (Hearing site: Columbus, OH or Washington, DC.)

MC 110563 (Sub-289F), filed June 13, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting *confectionery products,* (1) from the facilities of M&M/Mars, Division of Mars, Inc., at or near Hackettstown and Elizabeth, NJ to points in DE, MD, PA, VA, and DC; and (2) from the facilities of M&M/Mars, Division of Mars, Inc., at or near Elizabethtown, PA to points in DE, MD, NJ, VA, and DC. (Hearing site: Philadelphia, PA or New York City, NY.)

MC 110563 (Sub-290F), filed June 13, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting *Foodstuffs,* from Kansas City, Mo, to points in the United States (except AK and HI). (Hearing site: Kansas City or St. Louis, MO.)

MC 114273 (Sub-606F), filed June 13, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (same address as applicant). Transporting *iron and steel articles,* from Philadelphia, PA to Cleveland, OH. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-607F), filed June 13, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *agricultural chemicals* (except in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilties of Monsanto Company. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-608F), filed June 13, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Briggs and Company, a subsidiary of Wilson Foods Corporation, at Landover, MD to points in IA, KS, MN, MO, NE, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 114273 (Sub-609F), filed June 13, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *steel castings,* from Omaha, NE to Aurora and Peoria, IL. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-610F), filed June 13, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting (1) *paper and paper products, and materials, equipment, and supplies,* used in the manufacture and shipping of paper and paper products; and (2) *soap, liquid soap dispensers, and metal towel dispensers,* from Gary, IN to points in MD, NJ, NY, PA, and VA. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-611F), filed June 13, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting (1) *sand and gravel washers, log washers, and coal crushers;* and (2) *parts* for the commodities in (1) above, from Des Moines, IA to points in DE, IL, IN, KY, MI, MD, NJ, NY, OH, PA, VA, and WV. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-612F), filed June 13, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *plastic materials* (except in bulk, in tank vehicles), from Kobuta, PA to points in MI and VA. (Hearing site: Chicago, IL or Washington, DC.)

MC 114632 (Sub-241F), filed June 13, 1979. Applicant: APPLE LINES, INC.,

P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *such commodities as are dealt in by retail department stores,* between points in the United States in and east of MT, WY, CO, and NM, restricted to the transportation of traffic originating at or destined to the facilities of Target-Stores-Division of Dayton-Hudson Corporation. (Hearing site: Minneapolis, MN or Chicago, IL.)

Note.—Dual operations may be involved.

MC 115162 (Sub-488F), filed June 13, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Box 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting *paper, paper products, and materials, equipment, and supplies,* used in the manufacture and distribution of paper and paper products (except commodities in bulk, in tank vehicles), between points in the United States and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of shipments originating at or destined to facilities of Champion International Corporation. (Hearing site: Cincinnati, OH or Washington, DC.)

MC 115162 (Sub-489F), filed June 14, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1) *composition board, lumber, gypsum wallboard, poles, and posts;* and (2) *materials and supplies* used in the installation, manufacture, and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), between those points in the United States in and east of ND, SD, NE, KS, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities used by Weyerhaeuser Company. (Hearing site: Chicago, IL or Memphis, TN.)

MC 116763 (Sub-528F), filed June 13, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). Transporting *foodstuffs* (except commodities in bulk, in tank vehicles), from Mobile, AL, and Philadelphia, PA, to points in DE, GA, IA, IL, IN, MD, MN, MO, OH, PA, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing sites: Chicago, IL.)

MC 116763 (Sub-531F), filed June 12, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). Transporting *scrap metals* between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Dulin Metals, Inc. (Hearing site: Chicago, IL.)

MC 117883 (Sub-248F), filed June 13, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Versailles, OH 45380. Representative: Neil E. Hannan, P.O. Box 62, Versailles, OH 45380. Transporting *meats, meat products, and meat byproducts,* as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Mosey's Corned Beef Co., at or near Bloomfield, CT to points in IL, IN, KY, MI, OH, PA, and WV, restricted to the transportation traffic originating at the named origin and destined to the indicated destinations. (Hearing site: New York, NY or Washington, DC.)

MC 119522 (Sub-43F), filed June 11, 1979. Applicant: MCLAIN TRUCKING, INC., 2425 Walton Street, P.O. Box 2159, Anderson, IN 46011. Representative: John B. Leatherman, Jr. (same address as applicant). Transporting (1)(a) *glass containers and closures for glass containers,* and (b) *books used in home canning,* in mixed loads with the commodities described in (a) above from the facilities of the Ball Corporation at (a) Muncie, IN, and (b) Lake and Cook Counties, IL, to points in IL, IN, KY, MI, MO, and OH; (2) *metal containers and ends for metal containers,* from the facilities of the Ball Corporation at Findlay, OH, to points in IL, IN, KY, MI, and MO; (3) *steel articles,* from the facilities of the Ball Corporation at Chicago, IL, to points in IN, KY, MI, MO, and OH; and (4) *materials, supplies, and equipment,* used in the manufacture of the commodities in (1) above, from points in IL, IN, KY, MI, MO, and OH, to the facilities of the Ball Corporation at or near (a) Chicago, IL, (b) Findlay, OH, (c) Muncie, IN, and (d) Mundelein, IL. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 124692 (Sub-288F), filed June 11, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting (1) *material handling equipment, parts, and accessories,* and (2) *materials and supplies* used in the installation and assembly of the commodities in (1) above, from the facilities of General Conveyor, Inc., at or near Martinez, CA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, restricted to the transportation of traffic originating at the named origins. (Hearing site: San Francisco, CA.)

MC 124692 (Sub-290F), filed June 11, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting *corrugated metal roof panels* and *accessories,* for corrugated metal roof panels, from the plant site of Architectural Mfg. Inc., at Pontiac, MI, to points in CA, ID, MT, OR, UT, WA, and WY. (Hearing site: Hearing site: Chicago, IL.)

MC 124692 (Sub-291F), filed June 11, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting *pre-cut wooden buildings, knocked down,* from points in WA to points in the United States, (except AK and HI). (Hearing site: Seattle, WA.)

MC 124692 (Sub-292F), filed June 11, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting *metal and metal articles,* between those points in the United States in and west of WI, IL, MO, OK, and TX (except AK and HI). (Hearing site: Denver, CO, or San Francisco, CA.)

MC 135732 (Sub-37F), filed June 13, 1979. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, Elizabeth, NJ 07207. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *tiles,* from Laredo, TX, to points in CT, IL, IN, MA, NJ, NY, OH, PA, and WI. (Hearing site: New York, NY or Washington, DC.)

MC 138512 (Sub-39F), filed June 13, 1979. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC. D.B.A. WISCONSIN PROVISIONS EXPRESS, P.O. Box 656, Cudahy, WI 53110. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of American Home Foods, a division of American Home Products Corporation, at or near LaPorte, IN, to points in WI, under continuing contract(s) with American Home Foods, a division of American Home Products Corporation, of New York, NY. (Hearing site: Chicago, IL.)

MC 139402 (Sub-7F), filed June 11, 1979. Applicant: H. O. SMESTAD CO., a corporation, P.O. Box 2904, Great Falls, MT 59403. Representative: G. Robert Crotty, Jr., 400 First National Bank Building, Great Falls, MT 59401. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wine, ale, non-alcoholic beverages, and beverage mixes*, from points in CA, IL, KY, OR, and WA to Great Falls, MT, under continuing contract(s) with Devine & Asselstine, Inc., of Great Falls, MT. (Hearing site: Great Falls, Billings, or Helena, MT.)

MC 141823 (Sub-9F), filed June 13, 1979. Applicant: GLASS CONTAINER TRANSPORT, INC., Route 1, Box 271, Ridgeway, SC 29130. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, from Columbus, OH, to points in CT, IN, KY, NH, NJ, NY, ME, MA, and PA; and (2) *materials, supplies, and equipment* used in the manufacture and distribution of malt beverages (except in bulk), in the reverse direction, under continuing contract(s) with Anheuser-Busch, Inc., of St. Louis, MO. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 144982 (Sub-7F), filed June 11, 1979. Applicant: OHIO PACIFIC EXPRESS, INC., 2385 South High Street, Columbus, OH 43207. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Transporting (1) *furnaces and air conditioners* and (2) *fittings and parts* used for the commodities in (1) above, from Cincinnati, OH, to points in AZ, CA, CO, ID, KS, MO, MT, NM, NV, OK, OR, TX, UT, WA, and WY. (Hearing site: Cincinnati or Columbus, OH.)

MC 145242 (Sub-12F), filed June 11, 1979. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Paul F. Beery, 275 E. State Street, Columbus, OH 43215. Transporting *pipe, fittings, valves, hydrants, and accessories*, from the facilities of Clow Corporation at Columbia, MO, to points in OH, IL, IN, MI, PA, WV, and WI. (Hearing site: Columbus, OH.)

MC 146422 (Sub-4F) (Correction) filed May 1, 1979, published in the **Federal Register**, issue of August 30, 1979, and partially republished, as corrected, this issue. Applicant: DELBERT F. JOHNSTON, 2601 Gore Road, Pueblo, CO 81006. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. The purpose of this partial republication is to correct the MC number, inadvertently published on August 30, 1979 as MC 146442 (Sub-4F). The remainder of this application remains as originally published.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-38655 Filed 12-17-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 244
Tuesday, December 18, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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[M–260, Amdt. 3; Dec. 13, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the December 13, 1979, meeting.

TIME AND DATE: 9:30 a.m., December 13, 1979.

PLACE: Room 1027 (Open), Room 1011 (Closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 18. Docket 35634, Agreements CAB 27928–R1 through R3: Agreements among members of IATA establishing an exception of the IATA cargo agency accreditation standards (Memo 9339, BDA).

STATUS: 1–24b (Open), 25 (Closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: Item 18 is being deleted from the December 13, 1979 agenda in order to allow the staff additional time for coordination. Accordingly, the following Members have voted that agency business requires the deletion of Item 18 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–2451–79 Filed 12–14–79; 3:40 pm]

BILLING CODE 6320–01–M

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[M–261, Nov. 13, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., December 20, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428

SUBJECT:

1. Ratification of Items adopted by notation.
2. Docket 34681, Interim Essential Air Transportation at Plattsburgh, Massena, Watertown, Saranac Lake/Lake Placid, Ogdensburg, New York, and Rutland, Vermont—Instructions to staff.
3. Docket 31400, *Colorado Ski Points*—Instructions to staff.
4. 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, OGC, BLJ)
5. Docket 34015, Amendment of statistical reporting requirements for small carriers and new entrants and elimination of certain reporting requirements in Part 241, Uniform of System Accounts and Reports for Certificated Air Carriers. (OEA, OC, BCAA, BDA, BIA, BCP, OGC, OCCR)
6. Docket 35046, NACA petition to revise prior authorization procedures for charters by foreign air carriers. (BIA, OGC, BDA)
7. Docket 36816, Criteria for designating additional eligible points. (OGC, BDA)
8. Dockets 32660 and 35634, IATA agreements proposing a third round of fuel-related passenger fare and cargo rate increases. (BIA)
9. Transatlantic fare increases proposed by Braniff and Air France. (Memo No. 9358, BIA)
10. Docket 36496, the "guranteed air fare" rule and its proposed cancellation by Texas International Airlines, Inc. and Western Air Lines, Inc. (BDA, BCP, OEA, OGC)
11. Docket 23080–2, *Priority and Nonpriority Domestic Service Mail Rates Investigation*, Orders establishing mail rates. (OGC, BDA)
12. Docket 37138, Charge for ticket reissue, refund, or cancellation proposed by TWA. Complaint alleges that proposed charge is too high and results in less service without a similar reduction in fare level. (Memo No. 9362, BDA)
13. Docket 31290, Increases in intra-California fares above those prescribed in Regulation PS–82 proposed by United. (BDA)
14. Docket 35634, Agreements CAB 27928–R1 through R3: Agreements among members of IATA establishing an exception to the IATA cargo agency accreditation standards. (Memo No. 9339, BDA)
15. Docket 37109, Limitation of Excess Baggage Allowance Proposed by Eastern Airlines, Inc., in Certain Caribbean Markets—report of an informal conference of interested persons. (Memo No. 9286–B, BDA)
16. Docket 32001, Application of American Airlines for Exemption from Section 412—Order Terminating Proceeding. (Memo No. 9363, OGC)
17. Docket 36283, In re Argentine Airlines and Transport Workers Union of America, AFL–CIO; Order Dismissing Petition. (Memo No. 9353, OGC)
18. Docket 30699, *Oakland Service Case (Economic Phase)*. (Memo No. 7922–G, OGC)
19. Docket 37033, Application of Altair Airlines for a temporary certificate to serve New Bern, N.C., for sixty days without subsidy. (BDA)
20. Docket 36923, TWA's ninety day notice to suspend passenger service at Reno between January 15 and June 15, 1980. (Memo No. 9361, BDA, OCCR)
21. Dockets 36834, EAS–560, NR–105—United Air Lines' notice of intent to terminate service at Salem, Oregon under section 401(j)(1) of the Act, and to terminate service in single-plane markets under section 401 (j)(2). (BDA)
22. Docket 36862, EAS–669—Western Air Lines' notice of intent to terminate service at Pocatello, Idaho under section 401(j) of the Act. (BDA)
23. Dockets 36770, 36771, 36822, 36823, 36837, 36850, 36875, and 36876; USAir's notices to terminate service at Muncie/Anderson/Newcastle, IN, Elkins, WV, DuBois and Oil City/Franklin, PA, Salisbury and Hagerstown, MD, Cape May, NJ, and Jamestown, NY. (BDA, OCCR)
24. Docket 36801, Braniff Airways' ninety day notice of termination of all service at Sacramento, CA. (Memo No. 9357, BDA, OCCR)
25. Docket 36357, Application of Altair Airlines, Inc., for an exemption from the denied boarding rules of Part 250 of the Board's Economic Regulations. (BDA)
26. Docket 33719, Application of JAPAN TRAVEL BUREAU, INC. d/b/a JAPAN TRAVEL BUREAU INTERNATIONAL, INC. for a foreign indirect air carrier permit. (Memo No. 9359, BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S–2452–79 Filed 12–14–79; 3:40 pm]

BILLING CODE 6320–01–M

3

December 12, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: December 19, 1979, 10 a.m.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357–8400.

This is a list of all matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Office of Public Information.

Power Agenda—350th Meeting December 19, 1979, Regular Meeting, (10 a.m.)

CAP–1. Docket No. EL78–43, city of bountiful Utah, Utah Power & Light Co., city of Santa Clara, California, and Pacific Gas & Electric Co.
CAP–2. Project No. 2897, S. D. Warren Co.
CAP–3. Docket No. ER80–47, Upper Peninsula Power Co. Upper Peninsula Generating, Co., and Cliffs Electric Service Co.
CAP–4. Docket No. ER80–55, Consumers Power Co.
CAP–5. Docket Nos. ER79–216 and ER79–217, Boston Edison Co.
CAP–6. Docket Nos. E–8187, E–8700, ER76–203, and ER76–238, Boston Edison Co. Docket No. ER78–516, Boston Edison Co.
CAP–7. Docket Nos. E–7738 and E–7784, Boston Edison Co.
CAP–8. Docket No. EL78–6, Illinois Power Co.
CAP–9. Docket No. ER79–544, Idaho Power Co.

Miscellaneous Agenda—350th Meeting December 19, 1979, Regular Meeting

CAM–1. Docket No. RM79–40, Interim Rule—Determination of Alternate Fuels for Essential Agricultural Users.
CAM–2. Docket No.GP80–, State of Ohio, NGPA Well Category Determination, JD80–6011.
CAM–3. Docket No. GP79–115, U.S. Geological Survey New Mexico, § 103 NGPA Determination, Petroleum Development Corporation, Hudson Federal No. 1, FERC JD No. 79–12999, New Mexico 307–79–103.
CAM–4. GP79–120, State of Louisiana, § 106 NGPA Determination, AMAX Petroleum Corp., Delacroix Corp. No. 1 Well, JD79–13791, La. No. NGPA 79–1710.
CAM–5. Docket No. GP79–117, State of Nebraska, § 102 NGPA Determination, Chain Oil, Inc., Schoen #1 Well, JD79–13110.
CAM–6. Docket No. CP79–107, State of New Mexico, § 108 NGPA Determination, El Paso Natural Gas Company, San Juan 27–5 Unit Well #110 JD79–12375
CAM–7. Docket No. GP79–121, State of Louisiana, § 108 NGPA Determination, K. D. Lankford, Jr. and L & N Drilling Co., Meeks No. 1 Well, JD79–13871, La. No. NGPA79–1859.

Gas Agenda—350th Meeting, December 19, 1979, Regular Meeting

CAG–1. Docket No. RP–80–55, Sea Robin Pipeline Co.
CAG–2. Docket No. RP–80–49, Southern Natural Gas Co.
CAG–3. Docket No. RP–77–62, Tennessee Gas Pipeline Corp.
CAG–4. Docket No. RP–80–50, Gas Gathering Corp.
CAG–5. Docket No. RP–80–54, Natural Gas Pipeline Co. of America.
CAG–6. Docket No. RP–80–53, Arkansas Louisiana Gas Co.
CAG–7. Docket Nos. RP–71–107, RP72–127 (PGA 80–1) (GRI 80–1) (R&D 80–1) (LFUT 80–1), Northern Natural Gas Co.
CAG–8. Docket No. RP–80–52, Consolidated Gas Supply Corp.
CAG–9. Docket No. TA80–1–7, et al., Southern Natural Gas Co., et al.
CAG–10. Docket No. RP–78–10, Kansas Nebraska Natural Gas Co.
CAG–11. Docket Nos. RP–73–3 (PGA 76–1), and RP74–52 (PGA 76–1), Transcontinental Gas Pipe Line Corp. and Transwestern Pipeline Co.
CAG–12. Docket No. RP–75–51, Transcontinental Gas Pipe Line Corp.
CAG–13. Docket No. RP–75–79, *Lehigh Portland Cement Company* v. *Florida Gas Transmission Company.*
CAG–14. Docket No. TC80–34, East Tennessee Natural Gas Co.
CAG–15. Docket No. TC79–138, North Alabama Gas District.
CAG–16. Docket No. RI65–293, J. C. Trahan Drilling Contractor, Inc.
CAG–17. The Superior Oil Co., FERC Gas Rate Schedule No. 225.
CAG–18. Coleve Joint Venture, FERC Gas Rate Schedule No. 1, Columbia Gas Development Corp., FERC Gas Rate Schedule No. 36.
CAG–19. Docket No. CI79–580, Union Oil Co. of California. Docket No. CS79–531, et al., Logan T. Monsees & Vivian V. Monsees, husband and wife as joint tenants. Docket No. CI79–496, Diamond Shamrock Corp. Docket No. CI78–1141, Cotton Petroleum Corp. Docket No. CI79–440, Gulf Oil Corp. Docket No. CI78–696, Atlantic Richfield Co. Docket No. CS66–108, et al., Energy Resources Oil & Gas Corp., et al. Docket No. CS1–912, et al., Cusack Intrests, et al. Docket No. CI79–358, Multistate Oil Properties, N.V. Docket No. CI79–673, Mobil Oil Exploration and Producing South-East, Inc. Docket No. CI79–664, Quintana Offshore, Inc. Docket No. CI79–665, Quintana Offshore, Inc. Docket No. CI79–679, Getty Oil Co. Docket No. CI79–663, Quintana Gulf, Inc. Docket No. CI79–400, Multistate Oil Properties, N.V.
CAG–20. Docket No. CI78–704, Mitchell Energy Corp.
CAG–21. The Superior Oil Co., Gas Rate Schedule No. 45.
CAG–22. Docket No. CI77–70, Getty Oil Co.
CAG–23. Docket Nos. CI63–708 and RI76–154, CRA, Inc.
CAG–24. Texas Oil & Gas Corp., FERC Gas Rate Schedule No. 64.
CAG–25. Docket No. CS71–631, Eason Oil Co., Docket No. CS76–842, Devon Corp.
CAG–26. Docket No. CP79–331, Trunkline Gas Co.
CAG–27. Docket No. CP79–456, Owens-Corning Fiberglas Corp.
CAG–28. Docket No. CP79–328, Natural Gas Pipeline Co. of America.
CAG–29. Docket No. CP79–300, Southern Natural Gas Co.
CAG–30. Docket No. CP79–289, Michigan Wisconsin Pipe Line Co.
CAG–31. Docket No. CP–448, Mountain Fuel Supply Co.
CAG–32. Docket No. CP79–446, United Gas Pipe Line Co. Docket No. CP79–469, Southern Natural Gas Co.
CAG–33. Docket No. CP79–495, Michigan Wisconsin Pipeline Co.
CAG–34. Docket No. CP79–302, Florida Gas Transmission Co.
CAG–35. Docket No. CP79–439, United Gas Pipe Line Co.
CAG–36. Docket No. CP79–422, Transwestern Pipeline Co. and Michigan Wisconsin Pipe Line Co.
CAG–37. Docket No. CP71–68, et al., Consolidated System LNG Co., et al.
CAG–38. Docket No. CP80–68, Columbia LNG Corp. Docket No. CP80–69, Southern Natural Gas Co., et al. Docket No. CP80–70, Southern Energy Co.

Power Agenda–350th Meeting, December 19, 1979, Regular Meeting

I. Licensed Project Matters

P–1. Project No. 2305, Sabine River Authority, State of Louisiana, and Sabine River Authority of Texas.

II. Electric Rate Matters

ER–1. Docket No. ER80–5, Minnesota Power & Light Co.
ER–2. Docket No. ER80–57, Gulf States Utilities Co.
ER–3. Docket No. ER80–62, Potomac Electric Power Co.
ER–4. Docket No. ER80–49, Central Illinois Public Service Co.
ER–5. Docket No. ER80–39, Indiana and Michigan Electric Co. (I&M), and Illinois Power Co.
ER–6. Docket Nos. ER80–66, ER80–67, and ER80–68, New England Power Co.
ER–7. Docket No. ER78–19, et al., Florida Power & Light Co.
ER–8. Docket No. EL79–20, Buckeye Power, Inc.
ER–9. Docket No. EL79–29, Municipal Electric Utilities Association of New York.

Miscellaneous Agenda—350th Meeting, December 19, 1979, Regular Meeting

M–1. (A) Docket No. RM79–28, Amendments to Part 32 of the Regulations Under the Federal Power Act; Regulation Governing Interchange Energy Transmission Rates for Section 202(C) Emergencies. (B) Docket No. RM79–29, Amendments to Part 35 of the Regulations Under the Federal Power Act; Proposed Limitations on Address for All Electric Rates.
M–2. Docket No. RM79–49, Calculation of Cash Working Capital Allowance for Electric Utilities.
M–3. Reserved.
M–4. Reserved.
M–5. Docket No. RM79–47, State Exemptions from Incremental Pricing.
M–6. Docket No. RM79–14, Regulations Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978.
M–7. Docket No. RM79–67, Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978.

Gas Agenda—350th Meeting, December 19, 1979, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket No. RP75-106, Columbia Gas Transmission Corp.
RP-2. Docket Nos. RP77-107 and RP71-41, et al., United Gas Pipe Line Co.
RP-3. Docket Nos. RP77-54, RP77-55, RP76-10 (PGA77-5), and RP74-61 (PGA77-5), Arkansas Louisiana Gas Co.
RP-4. Docket No. RP73-36 (PGA78-3) (DCA78-2), Panhandle Eastern Pipe Line Co.
RP-5. Docket Nos. RP78-52 and RP79-22, Consolidated Gas Supply Corp.

II. Producer Matters

CI-1. Docket No. RI76-26, *Arkansas Louisiana Gas Company* v. *Frank J. Hall, et al.*

III. Pipeline Certificate Matters

CP-1. Docket No. TC80-26, Southern Natural Gas Co.
CP-2. Docket No. TC80-7, Michigan Wisconsin Pipe Line Co.
CP-3. Docket No. CP80-75, Border Gas Inc., Docket No. CP80-93, Border Gas Inc., Docket No. CP80-89, Texas Eastern Gas Transmission Corp., Docket No. CP80-90, Texas Eastern Gas Transmission Corp., Docket No. CP80-81, Florida Gas Transmission Co., Docket No. CP80-92, Tennessee Gas Pipeline Co.
CP-4. Docket Nos. CP78-123, et al., Northwest Alaskan Natural Gas Transportation Co.

Kenneth F. Plumb,

Secretary.

[S-2448-79 Filed 12-14-79; 3:19 pm]

BILLING CODE 6450-01-M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To Be Published in the Federal Register Monday, December 17, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 am., December 20, 1979.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling, (202-377-6677).

CHANGES IN THE MEETING: The meeting previously scheduled for Thursday, December 20, 1979, has been changed to Friday, December 21, 1979. The time remains the same—9:30 a.m.

No. 301, December 14, 1979.

[S-2450-79 Filed 12-14-79; 3:19 pm]

BILLING CODE 6720-01-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 2 p.m., Thursday, December 20, 1979. This meeting was originally scheduled for 10 a.m., Tuesday, December 18, 1979.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Ora Mae Coal Company, KENT 79-263-D (Petition for Interlocutory Review)
2. Consolidation Coal Company, VINC 77-132-P, IBMA 78-3

CONTACT PERSON FOR MORE INFO: Jean Ellen, 202-653-5632.

[S-2449-79 Filed 12-14-79; 3:19 pm]

BILLING CODE 6820-12-M

6

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 9 a.m., Friday, December 21, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed policy statement outlining approaches to the analysis of Community Reinvestment Act factors in acting on applications covered by the Act.

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 casette 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. Josepn R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: December 14, 1979.

Theodore E. Allison,

Secretary of the Board.

[S-2446-79 Filed 12-14-79; 11:34 am]

BILLING CODE 6210-01-M

7

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: Approximately 10:00 a.m., Friday, December 21, 1979 (following a recess at the conclusion of the open meeting).

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Applications of (a) Cleveland Trust Company, Cleveland, Ohio, to acquire shares of the successor by merger to Columbus Trust Company, Cleveland, Ohio; Lakeshore Trust Company, Painesville, Ohio; and First Lorain Trust Company, Lorain, Ohio; and to establish a branch in Cleveland; and (b) Ameri-Trust Corporation (formerly the Cleveland-Trust Corporation), Cleveland, Ohio, to acquire shares of Cincinnati Trust Company, Cincinnati, Ohio.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees. 3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 462-3204.

Dated: December 14, 1979.

Theodore E. Allison,

Secretary of the Board.

[S-2447-79 Filed 12-14-79; 11:34 am]

BILLING CODE 6210-01-M

8

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., December 20, 1979.

PLACE: 1776 G Street NW., Washington, D.C., Board Room, 7th Floor.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.
2. Central Liquidity Facility Repayment Agreements.
3. Conforming changes to Central Liquidity Facility Regular Member Agreements.
4. Waiver of Statutory Reserve Requirement for federally insured credit unions for calendar year 1979. Section 116 of the Federal Credit Union Act.
5. Interagency policy statement on disposition of credit life insurance income.
6. Interagency policy statement for uniform disclosure of statutory enforcement actions.
7. Applications for charters, amendments to charters, bylaw amendments, mergers, conversions and insurance as may be pending at that time.
8. Any items carried over from previously announced open meeting.

RECESS: 10:30 a.m.

TIME AND DATE: 11 a.m., December 20, 1979.

PLACE: 1776 G Street NW., Washington, D.C., Board Room, 7th Floor.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel Actions. Closed pursuant to exemptions (2) and (6).
2. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act in order to prevent their closing. Closed pursuant to exemption (8) and (9)(A)(ii).
3. Administrative Actions under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).
4. Monthly review of the 1980 Budget. Closed pursuant to exemption (9)(B).

CONTACT PERSON FOR MORE INFORMATION:
Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-2444-79 Filed 12-13-79; 4:31 pm]
BILLING CODE 7535-01-M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of December 17, 1979.

PLACE: Commissioners' Conference Room, 1717 H St., NW, Washington, DC.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Monday, December 17, 2 p.m.

1. Discussion of Management-Orgnaization and Internal Personnel Matters (Approximately 1½ hours—closed-Ex. 2 and 6—Rescheduled from 12/12).

Tuesday, December 18, 9:30 a.m.

1. Continuation of Briefing on Policy, Planning and Program Guide (Approximately 2½ hours—as announced—public meeting).

Wednesday, December 19, 9:30 a.m.

1. Continuation of Briefing on Action Plan (Approximately 2½ hours—public meeting).
2. Affirmation Session (10 minutes—public meeting—items are tentative) a. Export of Minor Quantities of Nuclear Material. b. Gainesville, Fla. Power & Light.

Wednesday, December 11, 1:30 p.m.

1. Briefing on Organizational Aspects of Emergency Planning (Approximately 1 hour—tentative—public meeting).
2. Continuation of Discussion of Commission's Decision-Making Role in Emergency Response (Approximately 1½ hours—tentative—public meeting).

Thursday, December 20, 9:30 a.m.

1. Briefing on Report by Task Force on Construction During Adjudication (Approximately 1½ hours—public meeting).
2. Discussion of TMI Unit 1 Management Capability and Technical Resources (Approximately 1 hour—public meeting).

Thursday, December 20, 1:30 p.m.

1. Discussion of Management-Organization and Internal Personnel Matters (Approximately 2 hours—closed-Ex. 2 and 6).

Friday, December 21, 9:30 a.m.

1. Continuation of Briefing on Action Plan (Approximately 2 hours—public meeting).

Friday, December 21, 1:30 p.m.

1. Continuation of Briefing on Policy, Planning and Program Guide (Approximately 2 hours—public meeting).

ADDITIONAL INFORAMTION: On Wedenesday, December 12, the Commission affirmed Use of Shorter Pilings at Bailly, which was rescheduled from 12/3. The briefing on Scope of Issues Involved in Setting Standards for Licensee Technical Specifications, scheduled for 9:30 a.m., Friday, December 14, was cancelled, and the briefing on NFS-Erwin (closed-Ex. 1) will begin at 9:30 a.m. in its place.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634-1410.

Walter Magee,
Office of the Secretary.

[S-2445-79 Filed 12-24-79; 11:34 am]
BILLING CODE 7590-01-M

federal register

Tuesday
December 18, 1979

Part II

Environmental Protection Agency

Rubber Manufacturing Point Source Category

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 428

[FRL 1310-1]

Rubber Manufacturing Point Source Category; Proposed Withdrawal of Effluent Limitations Guidelines for Best Available Technology Economically Achievable, Proposed Effluent Limitations Guidelines for Best Conventional Pollutant Control Technology and Proposed Effluent Limitations Guidelines for Best Available Technology Economically Achievable for Certain Toxic Pollutants in Selected Subcategories

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This rule proposes to withdraw nine existing effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT) for effluent sources in the Rubber Manufacturing Point Source Category (40 CFR Part 428). In addition, this rule proposes to establish effluent limitations guidelines for best conventional pollutant control technology (BCT) for these same nine subcategories. For selected subcategories, this rule also proposes the establishment of new BAT effluent limitations guidelines for toxic pollutants, lead, chromium and zinc at numerical levels previously established in the best practicable control technology currently available (BPT) regulations.

This rule proposes to withdraw the existing effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best available technology economically achievable (BAT) for plants engaged in the manufacture of synthetic rubber in the emulsion crumb rubber subcategory (Subpart B), the solution crumb rubber subcategory (Subpart C) and the latex rubber subcategory (Subpart D) of the Rubber Manufacturing Point Source Category, 40 CFR Part 428. In addition this rule proposes to withdraw existing BAT limitations for rubber processing plants in the tire and inner tube plants subcategory (Subpart A); the small-sized general molded, extruded, and fabricated rubber plants subcategory (Subpart E); the medium-sized general molded, extruded, and fabricated rubber plants subcategory (Subpart F); the large-sized general molded, extruded and fabricated rubber plants subcategory (Subpart G); the latex-dipped, latex-extruded and latex-molded rubber subcategory (Subpart J); and the latex foam subcategory (Subpart K) of the Rubber Manufacturing Point Source Category, 40 CFR Part 428. This action results from an EPA review of new data which shows that best practicable control technology currently available (BPT) for these nine subcategories significantly reduces toxic pollutants. Levels of toxics in BPT effluents are below levels for which further cost effective treatment is known to be available.

For the above mentioned subcategories (subparts) BCT regulations are proposed utilizing the following parameters: BOD5, Oil and Grease, TSS and pH. Numerical values which are assigned for BCT correspond to existing BPT effluent limitations for subparts A, B, C, D, E, F, G, J, and K.

BAT regulations are also proposed for the toxic pollutants zinc, lead and chromium, as well as the nonconventional pollutant COD, where these pollutants were controlled by BPT regulations in the subcategories listed above. The proposed BAT effluent limitations correspond to existing BPT effluent limitations for these subparts.

DATES: Comments should be submitted February 22, 1980.

ADDRESS: Send comments to: Paul Fahrenthold, Organic Chemicals Branch (WH-552), Effluent Guidelines Division, Environmental Protection Agency, Washington, D.C., 20460 (202-426-2497).

FOR FURTHER INFORMATION CONTACT: Paul Fahrenthold, Organic Chemicals Branch (WH-552), Effluent Guidelines Division, Environmental Protection Agency, Washington, D.C. 20460 (202-426-2497.)

SUPPLEMENTARY INFORMATION: On February 21, 1974, EPA published in the Federal Register (39 FR 6660) final effluent limitations guidelines under Sections 301 and 304 of the Federal Water Pollution Control Act (FWPCA), standards of performance for new sources under section 306 of the FWPCA, and pretreatment standards for new sources under section 307(c) of the Act. BPT regulations for Subparts A, B, C and D were subsequently amended (April 25, 1975; 40 CFR 18173). On January 10, 1975, EPA issued in the Federal Register (40 FR 2334) final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for Subparts E, F, G, H, I, J and K. Subsequently, the pretreatment standards for new sources in Subparts B and C were revoked (February 14, 1978; 43 FR 6229).

Since the most recent regulatory action, the Agency has continued to study this industry under a Settlement Agreement approved by the court in Natural Resources Defense Council v. Train, 8 ERC 2120 (D.D.C. 1976), modified 12 ERC 1833 (D.D.C. 1979). Under this agreement, EPA is required to promulgate effluent limitations guidelines, new source performance standards, and pretreatment standards for 21 industries, focusing on 65 toxic compounds and classes of compounds.

The Settlement Agreement contained provisions authorizing the exclusion from regulation, in certain instances, of toxic pollutants and industry subcategories. These provisions have been rewritten in a Revised Settlement Agreement which was approved by the District Court for the District of Columbia on March 9, 1979.

Paragraph 8(a)(i) of the Revised Settlement Agreement allows the Administrator to exclude from regulation toxic pollutants if for a specific pollutant or subcategory, equally or more stringent protection is already provided by an effluent limitation, new source performance standard or pretreatment standard promulgated pursaunt to Section 301, 304, 306, 307(a), 307(b) or 307(c) of the Act.

Existing BAT regulations for the three synthetic rubber subcategories (Subparts B, C, and D) require significant additional reduction of BOD, COD, TSS and O&G (Oil and Grease) beyond the BPT limitations. In the case of the rubber processing plants regulated under Subparts A, E, F, G, J and K, BAT limitations are identical to BPT limitations.

For Subparts B, C, and D the existing BAT limitations are based on engineering judgment of what activated carbon could achieve, installed downstream of BPT treatment. Activated carbon is not currently installed in any synthetic rubber plant; the synthetic rubber plants do not, therefore, meet current BAT limitations. If the existing BAT regulations were allowed to remain in effect existing plants would have to install additional activated carbon treatment by 1984 at an estimated total capital cost of $65.0 million and annual cost of $14.5 million.

Analytical data from field tests of discharges meeting currently applicable BPT regulations show that existing BPT regulations for the three synthetic rubber subcategories (Subparts B, C, and D) as well as the six rubber processing subcategories (Subparts A, E, F, G, J and K) reduce the toxic pollutants

to low levels. Since the concentation of many priority pollutants discharged from existing BPT treatment systems are below detectable limits and those detected are at low levels, BAT treatment for priority pollutants is not necessary to achieve effluent levels more stringent than those required by existing BPT regulations. Also, additional removal of conventional parameters which might incidentally remove toxic pollutants cannot be cost justified. Therefore, the Agency believes that the BAT limitations for subparts A, B, C, D, E, F, G, J and K should be withdrawn.

The 1977 amendments added Section 301(b)(4)(E) to the Act, establishing "best conventional pollutant control technology" (BCT) for discharges of conventional pollutants from existing industrial point sources. Conventional pollutants are those defined in Section 304(a)(4)—BOD, TSS, fecal coliform and pH—and any additional pollutants defined by the Administrator as part of the "conventional" pollutant list (43 FR 32857).

BCT is not an additional limitation, but replaces BAT for the control of conventional pollutants. BCT requires that limitations for conventional pollutants be assessed in light of a new "cost-reasonableness" test, which involves a comparison of the cost and level of reduction of conventional pollutants from the discharge of publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources. As part of its review of BAT for certain "secondary" industries, the Agency has published its methodology for this cost test. See 44 FR 50732 (Aug. 29, 1979).

EPA applied this methodology to the costs for removal of conventional pollutants in the rubber industry and concluded that BCT limitations based upon carbon absorption, were unreasonable. The additional reduction of the conventional parameters, therefore, failed the BCT Cost comparison test.

Although existing BAT regulations have been found not to be appropriate, the Clean Water Act requires compliance by all point sources within this industry with effluent limitations based upon BCT (for conventional pollutants) or BAT (for all other pollutants, including toxic pollutants). If effluent limitations guidelines are not applicable, permit issuing officials must set BCT and BAT limitations on a case-by-case basis when issuing NPDES permits. Because EPA has reviewed existing limitations and concluded that they are adequate to meet the Act's post-1977 (BCT and BAT) requirements, today's proposal includes BCT limitations and BAT limitations equal to existing BPT limitations. This action will clarify that permit issuers are under no obligation to set more stringent limitations in permits on a case-by-case basis, as would otherwise be required by NPDES regulations, 40 CFR Part 125, Subpart A, than those specified in today's proposed BCT and BAT regulations.

For all subcategories, BCT is today proposed at a level equal to BPT for all conventional pollutants. In addition, specific toxic pollutants listed under section 307(a) of the Clean Water Act were controlled by BPT regulations in five subcategories. Thus, BPT limitations for lead were included in subparts E, F, and G; BPT limits for chromium were included in Subpart J; and BPT limits for zinc were included in Subpart K. For all these subcategories, BAT limitations are proposed below equal to the BPT limits. Because the pollutants are toxic pollutants, alternative effluent limitations under sections 301(c) and 301(c) and 301(g) of the Act will not be available.

BPT also controlled, for a number of subcategories, chemical oxygen demand, a "non-conventional" pollutant (neither a toxic pollutant nor a conventional pollutant). For these pollutants also, BAT is proposed below equivalent to BPT. Because the pollutants are not toxic, ordinarily alternative effluent limitations under sections 301(c) and 301(g) of the Act would be available. However, in this case a waiver would be impermissible, since it would result in effluent limitations less stringent than the BPT limitations, which remain applicable.

The BCT and BAT limits proposed below are equal to existing BPT regulations. Thus, no additional costs will be incurred by plants subject to the new BCT and BAT limits.

Dated: November 30, 1979.

Douglas M. Costle,

Administrator.

Part 428 is proposed to be amended as follows:

1. Subpart A is amended by revoking § 428.13 and adding § 428.14, as follows:

Subpart A—Tire and Inner Tube Plants Subcategory

§ 428.13 [Reserved].

§ 428.14 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material)	
TSS	0.096	0.064
Oil and grease	0.024	.016
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of raw material)	
TSS	0.096	0.064
Oil and grease	0.024	.016
pH	Within the range 6.0 to 9.0.	

(b) All plants constructed before 1959 shall employ the best practicable maintenance and housekeeping practices in order to minimize the discharge of oil and grease in nonprocess wastewaters. The concentration of oil and grease in discharges of nonprocess wastewater shall meet the following limitations:

(1) The average of daily values for 30 consecutive days shall not exceed 5 mg/l.

(2) The maximum for any one day shall not exceed 10 mg/l.

2. Subpart B is amended by revising § 428.23, and adding § 428.24, as follows:

Subpart B—Emulsion Crumb Rubber Subcategory

§ 428.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
COD	12.00	8.00
	English units (lb/1,000 lb of product)	
COD	12.00	8.00

§ 428.24 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
BOD5	0.60	.40
TSS	0.98	.65
Oil and grease	0.24	.16
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of product)	
BOD5	0.60	.40
TSS	0.98	.65
Oil and grease	0.24	.16
pH	Within the range 6.0 to 9.0.	

3. Subpart C is amended by revising § 428.33, and adding § 428.34, as follows:

Subpart C—Solution Crumb Rubber Subcategory

§ 428.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
COD	5.91	3.94
	English units(lb/1,000 lb of product)	
COD	5.91	32.94

§ 428.34 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the applicaiton of the best conventional pollutant control technology (BCT):

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
BOD5	0.60	.40
TSS	0.98	.65
Oil and grease	0.24	.16
pH	Within the range 6.0 to 9.0.	
BOD5	0.60	.40
TSS	0.98	.65
Oil and grease	0.24	.16
pH	Within the range 6.0 to 9.0.	

4. Subpart D is amended by revising § 428.43 and adding § 428.44, as follows:

Subpart D—Latex Rubber Subcategory

§ 428.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
COD	10.27	6.85
	English units (lb/1,000 lb of product)	
COD	10.27	6.85

§ 428.44 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
BOD5	0.51	.34
TSS	0.82	.55
Oil and grease	0.21	.14
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of product)	
BOD5	0.51	.34
TSS	0.82	.55
Oil and grease	0.21	.14
pH	Within the range 6.0 to 9.0.	

5. Subpart E is amended by revising § 428.53 and adding § 428.54, as follows:

Subpart E—Small Sized General Molded, Extruded, and Fabricated Rubber Plants Subcategory

§ 428.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material)	
Lead	0.0017	0.0007
	English units (lb/1,000 lb of raw material	
Lead	0.0017	0.0007

§ 428.54 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) Except as provided in 40 CFR 125.30–.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material)	
Oil and grease	0.70	0.25
TSS	1.28	0.64
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of raw material)	
Oil and grease	0.70	0.25
TSS	1.28	0.64
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity of quality of pollutants or pollutant properties, controlled by this section, and attributable to wet scrubbers, which may be discharged by a point source subject to the provisions of the best conventional pollutant control technology, in addition to the limitation set forth by § 428.54(a):

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material equivalent)	
TSS	5.8	2.9
	English units (lb/1,000 lb of raw material equivalent)	
TSS	5.8	2.9

6. Subpart F is amended by revising § 428.63 and adding § 428.64, as follows:

Subpart F—Medium Sized General Molded, Extruded, and Fabricated Rubber Plants Subcategory

§ 428.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, and attributable to lead/shealthed hose production which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material)	
Lead	0.0017	0.0007
	English units (lbs/1,000 lb of raw material	
Lead	0.0017	0.0007

§ 428.64 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) Except as provided in 40 CFR 125.30–.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material)	
Oil and grease	0.42	0.15
TSS	0.80	0.40
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of raw material)	
Oil and grease	0.42	0.15
TSS	0.80	0.40
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity of quality of pollutants or pollutant properties, controlled by this section, and attributable to wet scrubbers, which may be discharged by a point source subject to the provisions of the best conventional pollutant control technology, in addition to the limitation set forth by § 428.64(a):

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material equivalent)	
TSS	5.8	2.9
	English units (lb/1,000 lb of raw material equivalent)	
TSS	5.8	2.9

7. Subpart G is amended by revising § 428.73 and adding § 428.74, as follows:

Subpart G—Large Sized General Molded, Extruded, and Fabricated Rubber Plants Subcategory

§ 428.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, and attributable to lead-shealthed hose production which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material)	
Lead	0.0017	0.0007
	English units (lb/1,000 lb of raw material)	
Lead	0.0017	0.0007

§ 428.74 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) Except as provided in 40 CFR 125.30–.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material)	
Oil and grease	0.26	0.093
TSS	0.50	0.25
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of raw material)	
Oil and grease	0.26	0.093
TSS	0.50	0.25
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity of quality of pollutants or pollutant properties, controlled by this section, and attributable to wet scrubbers, which may be discharged by a point source subject to the provisions of the best conventional pollutant

control technology, in addition to the limitation set forth by § 428.74(a):

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material equivalent)	
TSS	5.8	2.9
	English units (lb/1,000 lb of raw material equivalent)	
TSS	5.8	2.9

8. Subpart J is amended by revising § 428.103 and adding § 428.104, as follows:

Subpart J—Latex-Dipped, Latex-Extruded, and Latex-Molded Rubber Subcategory

§ 428.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to plants employing the chromic acid form-cleaning operation, by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material)	
Chromium	0.0086	0.0036
	English units (lb/1000/lb of raw material)	
Chromium	0.0086	0.0036

§ 428.104 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material)	
Oil and grease	2.0	0.73
BOD5	3.72	2.20
TSS	6.96	2.90
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of raw material)	
Oil and grease	2.0	0.73
BOD5	3.72	2.20
TSS	6.96	2.90
pH	Within the range 6.0 to 9.0.	

9. Subpart K is amended by revising § 428.113 and adding § 428.114, as follows:

Subpart K—Latex Foam Subcategory

§ 428.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material)	
Zinc	0.058	0.024
	English units (lb/1,000 lb of raw material)	
Zinc	0.058	0.024

§ 428.114 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control teachnology (BCT).

Except as provided in 40 CFR 125.30–.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of raw material)	
BOD5	2.4	1.4
TSS	2.26	0.94
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of raw material)	
BOD5	2.4	1.4
TSS	2.26	0.94
pH	Within the range 6.0 to 9.0.	

Appendix A[1]

Abbreviations, Acronyms and Other Terms Used in this Notice

Act—The Clean Water Act
Agency—The U.S. Environmental Protection Agency
BAT—The best available technology economically achievable, under Section 304(b)(2)(B) of the Act
BCT—The best conventional pollutant control technology, under Section 304(b)(4) of the Act
BMP—Best management practices, under Section 304(e) after the Act
BPT—The best practicable control technology currently available, under Section 304(b)(1) of the Act
Clean Water Act—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*), as amended by the Clean Water Act of 1977 (Public Law 95–217)
Direct discharger—A facility which discharges or may discharge pollutants into waters of the United States
Indirect discharger—A facility which discharges or may discharge pollutants into a publicly owned treatment works
NPDES permit—A National Pollutant Discharge Elimination System permit issued under Section 402 of the Act
NSPS—New source performance standards, under Section 306 of the Act
POTW—Publicly owned treatment works
PSES—Pretreatment standards for existing sources of indirect discharges, under Section 307(b) of the Act
PSNS—Pretreatment standards for new sources of direct discharges, under Section 307 (b) and (c) of the Act
RCRA—Resource Conservation and Recovery Act (PL 94–580) of 1976, amendments to Solid Waste Disposal Act

Appendix B[2]

Chronological Listing of Federal Register Publications for Rubber Manufacturing Point Source Category

Federal Register Volume, Date, and Description:
38 FR 28219, 11 Oct. 73—Effluent limitations guidelines proposed for subparts A thru E

[1] Appendix A will not appear in Title 40 of the Code of Federal Regulations.
[2] Appendix B will not appear in Title 40 of the Code of Federal Regulations.

39 FR 6660, 21 Feb. 74—Effluent limitations guidelines promulgated for subparts A thru D

39 FR 26423, 19 Jul. 74—Effluent limitation guidelines promulgated for subparts A thru D. Correction Headings now read: Metric units (kg/kkg of product); should read metric units (kg/kkg or raw materials).

39 FR 30632, 23 Aug. 74—Effluent limitations guidelines proposed subparts E thru K

40 FR 2334, 10 Jan. 75—Effluent limitations guidelines promulgated for subparts E thru K for BPT, BAT, NSPS, and PTNS

40 FR 2374, 10 Jan. 75—Proposal amended for subparts 428.54 thru 428.114 (E thru K) for pretreatment standards for existing sources

40 FR 7109, 19 Feb. 75—Effluent limitations guidelines proposed amendments subparts A & B. Addresses changes in specialized definitions—plant age, process wastewater and definition of emulsion crumb rubber to exclude acrylonitrile butadiene rubber.

40 FR 18172, 25 Apr. 75—Effluent limitations guidelines proposed amendment for 428.10, 428.13, 428.20.21, 432.31, and 428.41. Amendments deal with cut-off date of 1959 to define old plants and specialized definitions for subparts A, B, C and D.

42 FR 48355, 23 Sept. 77—Effluent limitations guidelines proposed revocation of pretreatment standards for new sources for the tire and synthetic *segment* of the Rubber Manufacturing Point Source Category

43 FR 6229, 14 Feb. 78—Effluent limitations guidelines promulgation of revocation of pretreatment standards for new sources for subpart B emulsion crumb rubber and subpart C solution crumb rubber

[FR Doc. 79-38280 Filed 12-17-79; 8:45 am]

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federal register

Tuesday
December 18, 1979

Part III

Department of Health, Education, and Welfare

Office of Education

Instructional Media for the Handicapped

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 121i

Instructional Media for the Handicapped

AGENCY: Office of Education, HEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commissioner of Education proposes to amend the regulations governing the Instructional Media for the Handicapped Program. These changes are being proposed to eliminate unnecessary sections of the current regulations, to amend other sections that are not consistent with certain legislative changes, and to clarify and simplify the language. These changes will facilitate program management and greatly reduce the possibility of confusion arising from the public's reliance on obsolete regulations.

DATES: Public comments are invited on or before February 1, 1980.

ADDRESSES: Comments should be submitted to Barry E. Katz, U.S. Office of Education, 400 Maryland Avenue, S.W., (Room 4819, Donohoe Building), Washington, D.C. 20202. All comments submitted will be available during and after the comment period at the Division of Media Services, Room 4821, Donohoe Building, 400 Sixth Street, S.W., Washington, D.C., between the hours of 9:00 a.m. and 4:30 p.m., Mondays through Fridays except Federal holidays. Comments received in response to this notice will be considered in the preparation of the final regulations.

FOR FURTHER INFORMATION CONTACT: Barry E. Katz (Telephone 202/472-4640).

SUPPLEMENTARY INFORMATION: (a) Revision of current regulations is required for the following reasons;

(1) The Commissioner of Education has eliminated the Area Learning Resources Centers (ALRCs) and the Special Offices that supported the ALRCs. Subpart E and subpart G of the regulations, which regulated these projects, are, therefore, no longer needed.

(2) The wording of the regulations can be improved to eliminate certain ambiguitieds that have arisen in practice and to conform to the mandates of Executive Order 12044 and Operation Common Sense that the language of regulations be clear and simple.

(b) These proposed regulations do not contain certain types of requirements. Those requirements will be covered in the Education Division's General Administrative Regulations (EDGAR), which will replace the Office of Education General Provisions Regulations and which was published on May 4, 1979 as a notice of proposed rulemaking (NPRM).

Anyone wanting to comment on those requirements should do so in response to the EDGAR NPRM rather than to this NPRM.

The following items applicable to this program will now be among those covered generally in EDGAR:

How to apply for a grant.

How grants are made.

Certain conditions that must be met by a grantee.

The administrative responsibilities of a grantee.

The procedures the Office of Education uses to get compliance.

(c) Citation of Legal Authority: The reader will find a citation of statutory or other legal authority in parenthesis on the line following each substantive provision.

Approved: December 11, 1979.

(Catalog of Federal Domestic Assistance Program No. 13.446, Instructional Media Services for the Handicapped)

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is proposed to be amended by revising Part 121i to read as follows:

PART 121i—INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

Subpart A—General

Sec.
121i.1 Scope.
121i.2 Applicable regulations.
121i.3 Definitions.
121i.4–9 [Reserved]

Subpart B—Captioned Films Loan Service for the Deaf

121i.10 Purposes of the loan service.
121i.11 Eligible parties.
121i.12 Application for the use of the loan service.
121i.13 Limitations on use.
121i.14–19 [Reserved]

Subpart C—Educational Media Loan Service for the Handicapped

121i.20 Purpose of the educational media loan service.
121i.21 Eligible parties.
121i.22 Application for the use of the loan service.
121i.23 Limitations on use.
121i.24–29 [Reserved]

Subpart D—Media Research, Production, Distribution, and Training

121i.30 Purpose of the educational media research, production, distribution, and training program.
121i.31 Definitions.
121i.32 Activities funded under this supart.
121i.33 Eligible parties.
121i.34 Criteria for grants.
121i.35 Final products.
121i.36–39 [Reserved]

Subpart E—Centers on Educational Media and Materials for the Handicapped

121i.40 Purpose of the centers.
121i.41 Activities funded under this subpart.
121i.42 Eligible parties.
121i.43 Considerations in entering into agreements.
121i.44–49 [Reserved]

Authority: Part F of the Education of the Handicapped Act Pub. L. 91-230, as amended by Pub. L. 93-380, Pub. L. 94-482, and Pub. L. 94-142; 84 Stat 186-187 (20 U.S.C. 1451-1453).

Subpart A—General

§ 121i.1 Scope.

Part 121i applies to the program providing media for the handicapped under part F of the Act.

(20 U.S.C. 1451-1453)

§ 121i.2 Applicable regulations.

Grants and contracts funded under this part are subject to the applicable provisions of subchapter A of this chapter—relating to fiscal, administrative, property management, and other matters. Procurement contracts under this program are subject to 41 CFR Chapters 1 and 3.

(20 U.S.C. 1451-1453)

§ 121i.3 Definitions.

"Act" means the Education of the Handicapped Act (Title VI of Pub. L. 91-230 as amended).

"Borrower" means a user of loan service media.

"Deaf person" means a person whose hearing is so severly impaired as not to be correctable to a functional level for the ordinary activities of living.

"Distribution" means giving physical access to media and related materials and attendant equipment.

"Educational media" means those media used for educational purposes.

"Films" means motion pictures and other materials similar in display and function, such as videotapes and video discs.

"Media" means films, filmstrips, photographs and slides, transparencies, audio and video tapes, audio and video discs, and similar materials.

"Media technology" means the methods and processes through which media are provided and encompasses demonstrations of the use of modern communication technology in improving the general welfare of handicapped persons.

"Nonprofit purposes" means that the exhibition of media may not result in

monetary gain or other tangible economic benefit to the borrower.

"Theatrical films" means films produced for showing in a commercial setting as entertainment and not those primarily developed for use in a formal programn of instruction.

(20 U.S.C. 1451)

Subpart B—Captioned Films Loan Service for the Deaf

§ 121l.10 Purposes of the loan service.

The purpose of the captioned films for the deaf program is to promote the general welfare of deaf persons by—

(a) Bringing to deaf persons understanding and appreciation of those films that play an important part in the general and cultural advancement of hearing persons;

(b) Providing enriched educational and cultural experiences through which deaf persons can be brought into better touch with the realities of their environment; and

(c) Providing a wholesome and rewarding experience that deaf persons may share together.

(20 U.S.C. 1451)

§ 121l.11 Eligible parties.

Deaf persons, their parents, or other persons directly involved in activities promoting the advancement of the deaf in the United States are eligible to apply to borrow captioned films.

(20 U.S.C. 1452(a))

§ 121l.12 Application for the use of the loan service.

Eligible parties should contact the Division of Media Services of the Bureau of Education for the Handicapped for information regarding an application for borrowing captioned films.

(20 U.S.C. 1452)

§ 121l.13 Limitations on use.

(a) A borrower shall use the captioned films for nonprofit purposes only.

(b) A borrower shall insure that no fee is charged to anyone for using the films. However, a borrower may collect funds for the payment of reasonable rent for the use of equipment, for the payment of reasonable costs for a meeting place for the showing of a film, or for the payment of reasonable fees to a projectionist. These do not prevent an exhibition from being one for nonprofit purposes.

(c) In accordance with agreements with producers and distributors, a borrower shall show theatrical films to deaf persons only. However, this does not exclude the attendance of teachers of the deaf, interpreters, parents, and occasional guest as long as the audience is composed predominantly of deaf persons.

(20 U.S.C. 1452(a), (b)(1))

Subpart C—Educational Media Loan Service for the Handicapped

§ 121l.20 Purpose of the educational media loan service.

The purpose of the educational media loan service is to make educational media available in the United States for nonprofit purposes to handicapped persons, parents of handicapped persons, and other persons directly involved in activities for the advancement of the handicapped.

(20 U.S.C. 1452(a))

§121l.21 Eligible parties.

Handicapped persons, their parents, or other persons directly involved in activities for the advancement of the handicapped in the United States are eligible to apply to borrow educational media.

(20 U.S.C. 1452(a))

§ 121l.22 Application for the use of the loan service.

Eligible parties should contact the Division of Media Services of the Bureau of Education for the Handicapped for information regarding an application for borrowing educational media.

(20 U.S.C. 1452 (a))

§ 121l.23 Limitations on use.

A borrower shall use the educational media for nonprofit purposes only. A borrower shall insure that no fee is charged to anyone for using the educational media.

(20 U.S.C. 1452(a))

Subpart D—Educational Media Research, Production, Distribution and Training

§ 121l.30 Purpose of the educational media research, production, distribution, and training program.

The purpose of this program is to promote the educational advancement of handicapped persons by—

(a) Carrying on research in the use of educational media for the handicapped;

(b) Producing and distributing educational media for the use of handicapped persons, their parents, their actual or potential employers, and other persons directly involved in work for the advancement of the handicapped; and

(c) Training persons in the use of educational media for the instruction of the handicapped.

(20 U.S.C. 1451(a)(2))

§ 121l.31 Definitions applicable to this subpart.

"Production" means creating or changing media materials.

"Training" means activities designed to develop facility in the use of media materials and technology and in dissemination and marketing practices.

(20 U.S.C. 1451(a)(2), 1452)

§ 121l.32 Activities funded under this subpart.

The Commissioner may provide, by grant or contract, for the following activities:

(a) Research in the use of educational and training films and other educational media for the handicapped. This may include—

(1) Research to identify the full range of special needs of the handicapped related to educational media and media technology;

(2) Assessment to determine the need for—

(i) Educational media training;

(ii) Media information systems; and

(iii) Media delivery systems;

(3) Studies to determine the extent to which the needs listed in paragraph (a)(2) of this section are being met; and

(4) Development or demonstration of new or improved techniques that would contribute to the advancement and education of handicapped persons through the use of educational media or technology or both.

(b) Creation or adaptation of eductional media for use by handicapped persons, their parents, their actual or potential employers, and other persons directly involved in activities for the advancement of the handicapped.

(c) Distribution of educational media. This may include the development of delivery systems.

(d) Dissemination of information about practices found effective in regard to educational media and technology.

(e) Training of persons in the use and dissemination of educational media for the advancement of the handicapped.

(20 U.S.C. 1452(b)(5))

§ 121l.33 Eligible parties.

Parties eligible for funding under this subpart are profit and non-profit public and private agencies, organizations, and institutions.

(20 U.S.C. 1451, 1452)

§ 121l.34 Criteria for grants.

(a) In evaluating grant applications under this subpart, the Commissioner applies the following criteria. The Commissioner awards up to 100 points for the total criteria. The maximum

score for each criterion reflects the degree of importance that the Commissioner assigns to that criterion and is indicated separately at the end of each full criterion as follows:

(1) *Need.* (i) The need for the proposed activity with respect to the handicapping condition served or to be served by the applicant;

(ii) The potential for using the results in other projects or programs; and

(iii) The relevance to priority areas of concern as to handicapping conditions and activities listed in § 121i.32 as periodically determined and published by the Commissioner. (20 points)

(2) *Personnel.* The qualifications and experience of personnel designated to carry out the proposed project. (20 points)

(3) *Resources.* The availability of facilities and equipment required for the proposed project. (10 points)

(4) *Cost.* The reasonableness of estimated costs in relation to anticipated results. (15 points)

(5) *Objectives and work plan.* A sharply defined, clearly stated set of objectives whose results can be measured and a description of the activities to accomplish the objectives. (25 points)

(6) *Evaluation.* The provision for evaluation of the effectiveness of the project. (5 points)

(7) *Marketing and dissemination.* The provision for marketing or otherwise disseminating the results of the project and for making materials and techniques available to the populations for whom the project would be useful. (5 points)

(b) Each time the Commissioner publishes a Notice of Closing Date for grant applications, the Commissioner indicates—

(1) Which of the activities in § 121i.32 are to be priorities for grants; and

(2) Whether any particular handicapping condition or conditions are to be priorities for grants.

(20 U.S.C. 1451, 1452)

§ 121i.35 Final products.

The Commissioner may require any contractor or grantee engaged in the actual development of materials to submit originals or copies of those materials. The Commissioner issues specifications for the submission of those materials before awarding the contract or grant so that the potential contractor or grantee can provide for related costs and activities in its proposal or application.

(20 U.S.C. 1451, 1452)

Subpart E—Centers on Educational Media and Materials for the Handicapped

§ 121i.40 Purpose of the centers.

The Commission may fund activities under this subpart to establish and operate centers for educational media and materials for the handicapped. The purpose of these centers is to provide a comprehensive program to facilitate the use of new technology in educational programs for handicapped persons.

(20 U.S.C. 1453(a))

§ 121i.41 Activities funded under this subpart.

The Commissioner may provide Federal funds under this subpart to facilitate the use of educational technology through—

(a) The design of instructional materials;

(b) The development of instructional materials;

(c) The adaption of instructional materials; or

(d) Other activities consistent with the purposes of this subpart.

(20 U.S.C. 1453(a))

§ 121i.42 Eligible parties.

Parties eligible to apply under this subpart are institutions of higher education, State and local educational agencies, or other non-profit agencies.

(20 U.S.C. 1453(a))

§ 121i.43 Considerations in entering into contracts.

In considering proposals to enter into agreements under this subpart, the Commissioner gives preference to institutions and agencies—

(a) That have demonstrated the capabilities necessary for he development and evaluation of educational media for the handicapped; and

(b) That can serve the educational technology needs of the Model High School for the Deaf (established under Pub. L. 89–864).

(20 U.S.C. 1453)

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Part IV

Environmental Protection Agency

Guidelines Establishing Test Procedures for the Analysis of Pollutants; Proposed Regulations; Correction

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

[FRL 1323-D]

Guidelines Establishing Test Procedures for the Analysis of Pollutants

Correction

In FR Doc. 79-36871, appearing at page 69464 in the issue for Monday, December 3, 1979, Table I—*List of Approved Test Procedures* (pages 69568—69573) and Table II—*Containers, Preservation, and Holding Times* (pages 69574—69575), contained numerous printing errors. Tables I and II should have read as set forth below:

BILLING CODE 1505-01-M

TABLE I. LIST OF APPROVED TEST PROCEDURES

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS [1] Methods	Other Approved Methods
1. Acidity, as $CaCO_3$, milligrams per liter	Electrometric end point (pH of 8.2) or phenolphthalein end point	1	273(4d)	116	40	(607)[2]
2. Alkanlinity, as $CaCO_3$ milligrams per liter	Electrometric titration (only to pH 4.5) manual or automated, or equivalent automated methods	3 5	278 -	111 -	41 -	(607)[2] -
3. Ammonia (as N), milligrams per liter	Manual distillation[3] (at pH 9.5) followed by nessalerization, titration, electrode, automated phenolate	- 159 165 168	410 412 - 616	- 237 - -	- 116 - -	- (614)[2] - -
Bacteria						
4. Coliform (fecal)[4] number per 100 ml	MPN;[5] membrane filter	- -	922 937	- -	- (45)[6]	(132)[42] (124)[42]
5. Coliform (fecal)[4] in presence of chlorine, number per 100 ml	MPN;[5] membrane filter [5,7]	- -	922 928,937	- -	- -	- -
6. Coliform (total)[4], number per 100 ml	MPN;[5] membrane filter	- -	916 928	- -	- (35)[6]	(117)[42] (108)[42]
7. Coliform (total)[4] in presence of chlorine, number per 100 ml	MPN;[5] membrane filter with enrichment	- -	916 933	- -	- -	- -
8. Fecal streptococci[4], number per 100 ml	MPN;[5] membrane filter; plate count	- - -	943 944 947	- - -	- (50)[6] -	- (136)[42] (143)[42]
9. Biochemical oxygen demand, 5-day (BOD_5) milligrams per liter	Winkler (Azide Modification) or electrode method	- -	543 -	- -	(50)[6] -	- (17)[9]
10. BOD_5 Carbonaceous		-	-	-	-	(507)[28]
11. Bromide, milligrams per liter	Titrimetric, iodine-iodate	14	-	323	58	-
12. Chemical oxygen demand (COD), milligrams per liter	Dichromate reflux	20 -	550 -	472 -	124 -	(610)[2] (17)[9]

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
13. Chloride, milligrams per liter	Silver nitrate;	-	303	267	-	-
	mercuric nitrate; or	29	304	265	-	(615)[2]
	automated colorimetric-ferricyanide	31	613	-	(46)[10]	-
14. Chlorinated organic compounds (except pesticides), milligrams per liter	Gas chromatography[11]	-	-	-	-	-
15. Chlorine—total residual, milligrams per liter	Iodometric titration, amperometric or	-	318	-	-	-
	starch-iodine end-point;	35	322	278	-	-
	DPD colorimetric or	-	332	-	-	-
	Titrimetric methods (These last two are interim methods pending laboratory testing.)	-	329	-	-	-
16. Color, platinum cobalt units or dominant wave length, hue, luminance, purity	Colorimetric;	36	64	-	82	-
	spectrophotometric; or	39	66	-	-	-
	ADMI procedure[12]	-	-	-	-	-
17. Cyanide, total[13], milligrams per liter	Distillation followed by silver nitrate titration or pyridine pyrazolone (or barbituric acid) colorimetric	40	361	503	85	(22)[9]
18. Cyanide amenable to chlorination, milligrams per liter	Distillation followed by silver nitrate titration or pyridine pyrazolone (or barbituric acid) colorimetric	49	376	503	-	-
19. Dissolved oxygen, milligrams per liter	Winkler (Azide modification) or	51	443	368	126	(609)[2]
	electrode method	56	450	-	-	-
20. Fluoride, milligrams per liter	Distillation[3] followed by	-	389	-	-	-
	ion electrode;	65	391	307	93	-
	SPADNS; or	59	393	305	-	-
	automated complexone	61	614	-	-	-
21. Hardness—total, as $CaCO_3$, milligrams per liter	EDTA titration;	68	202	161	94	(617)[2]
	automated colorimetric; or	70	-	-	-	-
	atomic absorption (sum of Ca and Mg as their respective carbonates)	-	-	-	-	-

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
22. Hydrogen ion (pH), pH units	Electrometric measurement	239	460	178	129	(606)[2]
23. Kjeldahl nitrogen (as N), milligrams per liter	Digestion and distillation followed by nesslerization, titration, or	175	437	-	122	(612)[2]
	electrode;	165	-	-	-	-
	automated digestion automated phenolate	182	-	-	-	-
Metals						
24. Aluminum—total, milligrams per liter	Digestion[14] followed by	92	152	-	(19)[10]	-
	atomic absorption[15] or by					
	colorimetric (Eriochrome Cyanide R)	-	171	-	-	-
	or by ICP[27]	-	-	-	-	-
25. Aluminum—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced methods for total aluminum					
26. Antimony—total, milligrams per liter	Digestion[14] followed by atomic absorption[15]	94	-	-	-	-
27. Antimony—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total antimony	-	-	-	-	-
28. Arsenic—total, milligrams per liter	Digestion followed by	-	285	-	-	-
	silver diethyldithiocarbamate; or	9	283	-	(31)[10]	-
	atomic absorption[15, 17]	95	159	-	(37)[10]	-
	or by ICP[27]	-	-	-	-	-
29. Arsenic—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total arsenic	-	-	-	-	-
30. Barium—total, milligrams per liter	Digestion[14] followed by atomic	97	152	-	52	-
	absorption[15] or by ICP[27]	-	-	-	-	-
31. Barium—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total barium	-	-	-	-	-
32. Beryllium—total, milligrams per liter	Digestion[14] followed by atomic	99	152	-	53	-
	absorption[15] or by colorimetric	-	177	-	-	-
	(Aluminon) or by ICP[27]	-	-	-	-	-

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
33. Beryllium—dissolved, milligram per liter	0.45 micron filtration[16] followed by referenced method for total beryllium	-	-	-	-	-
34. Boron—total, milligrams per liter	Colorimetric (Curcumin),	13	287	-	-	-
	or by ICP[27]	-	-	-	-	-
35. Boron—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total boron	-	-	-	-	-
36. Cadmium—total milligrams per liter	Digestion[14] followed by	101	148	345	62	(619)[2] (37)[9]
	atomic absorption[15] or by					
	colorimetric (Dithizone)		182			
	or by ICP[27]	-	-	-	-	-
37. Cadmium—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total cadmium	-	-	-	-	-
38. Calcium—total, milligrams per liter	Digestion[14] followed by	103	148	345	66	-
	atomic absorption; or					
	EDTA titration	-	189	-	-	-
	or by ICP[27]	-	-	-	-	-
39. Calcium—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total calcium	-	-	-	-	-
40. Chromium VI, milligrams per liter	Extraction and atomic absorption;	89, 105	-	-	76	-
	colorimetric (Diphenylcarbazide)	-	192	-	75	-
41. Chromium VI—dissolved, milligram per liter	0.45 micron filtration[16] followed by referenced method for chromium VI	-	-	-	-	-
42. Chromium—total, milligrams per liter	Digestion[14] followed by	105	148	345	78	(619)[2]
	atomic absorption[15] or by					
	colorimetric (Diphenylcarbazide)	-	192	286	77	-
	or by ICP[27]	-	-	-	-	-
43. Chromium—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total chromium	-	-	-	-	-
44. Cobalt—total, milligrams per liter	Digestion[14] followed by	107	148	345	80	(37)[9]
	atomic absorption[15]					
	or by ICP[27]	-	-	-	-	-

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
45. Cobalt—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total cobalt	-	-	-	-	-
46. Copper—total, milligrams per liter	Digestion[14] followed by atomic absorption[15] or by	108	148	345	83	(619)[2] (37)[9]
	colorimetric (Neocuproine)	-	196	293	-	-
	or by ICP[27]	-	-	-	-	-
47. Copper—dissolved,	0.45 micron filtration[16] followed by referenced method for total copper	-	-	-	-	-
48. Gold—total, milligrams per liter	Digestion[14] followed by atomic absorption[18]	-	-	-	-	-
		-	-	-	-	-
49. Iridium—total, milligrams per liter	Digestion[14] followed by atomic absorption[18]	-	-	-	-	-
		-	-	-	-	-
		-	-	-	-	-
50. Iron—total, milligrams per liter	Digestion[14] followed by atomic absorption[15] or by	110	148	345	102	(619)[2]
	colorimetric (Phenanthroline)	-	208	326	-	-
	or by ICP[27]	-	-	-	-	-
51. Iron—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total iron	-	-	-	-	-
52. Lead—total, milligrams per liter	Digestion[14] followed by atomic absorption[15] or by	112	148	345	105	(619)[2]
	colorimetric (Dithizone)	-	215	-	-	-
	or by ICP[27]	-	-	-	-	-
53. Lead—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total lead	-	-	-	-	-
54. Magnesium—total, milligrams per liter	Digestion[14] followed by atomic absorption; or	114	148	345	109	(619)[2]
	gravimetric	-	221	-	-	-
	or by ICP[27]	-	-	-	-	-
55. Magnesium-dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total magnesium	-	-	-	-	-
56. Manganese—total, milligrams per liter	Digestion[14] followed by atomic absorption[15] or by	116	148	345	111	(619)[2]
	colorimetric (Persulfate or periodate)	-	225, 227	-	-	-
	or by ICP[27]	-	-	-	-	-

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
57. Manganese—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total manganese	-	-	-	-	-
58. Mercury—total, milligrams per liter	Flameless atomic absorption	118	156	338	(51)[10]	-
59. Mercury—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total mercury	-	-	-	-	-
60. Molybdenum—total, milligrams per liter	Digestion[14] followed by atomic absorption[15]	139	-	350	-	-
	or by ICP[27]	-	-	-	-	-
61. Molybdenum—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total molybdenum	-	-	-	-	-
62. Nickel—total, milligrams per liter	Digestion[14] followed by atomic absorption[15] or by	141	148	345	115	-
	colorimetric (Heptoxime)	-	232	-	-	-
	or by ICP[27]	-	-	-	-	-
63. Nickel—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total nickel	-	-	-	-	-
64. Osmium—total, milligrams per liter	Digestion[14] followed by atomic absorption[18]	-	-	-	-	-
65. Palladium—total, milligrams per liter	Digestion[14] followed by atomic absorption[18]	-	-	-	-	-
66. Platinum—total, milligrams per liter	Digestion[14] followed by atomic absorption[18]	-	-	-	-	-
67. Potassium—total, milligrams per liter	Digestion[14] followed by atomic absorption,	143	-	-	134	(620)[2]
	colorimetric (Cobaltinitrite), or by	-	235	-	-	-
	flame photometric	-	234	403	-	-
	or by ICP[27]	-	-	-	-	-

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods [1]	Other Approved Methods
68. Potassium—dissolved, milligrams per liter	0.45 micron filtration [16] followed by referenced method for total potassium	-	-	-	-	-
69. Rhodium—total, milligrams per liter	Digestion [14] followed by atomic absorption [18]	-	-	-	-	-
70. Ruthenium—total, milligrams per liter	Digestion [14] followed by atomic absorption [18]	-	-	-	-	-
71. Selenium—total, milligrams per liter	Digestion [14] followed by atomic absorption [17, 18]	145	159	-	-	-
	or by ICP [27]	-	-	-	-	-
72. Selenium—dissolved, milligrams per liter	0.45 micron filtration [16] followed by reference method for total selenium	-	-	-	-	-
73. Silica—dissolved, milligrams per liter	0.45 micron filtration [16] followed by colorimetric (Molybdosilicate)	274	-	398	139	-
	or by ICP [27]	-	487	-	-	-
		-	-	-	-	-
74. Silver-total [19], milligrams per liter	Digestion [14] followed by atomic absorption [15] or by	146	148	-	142	(619) [2] (37) [9]
	colorimetric (Dithizone)	-	243	-	-	-
	or by ICP [27]	-	-	-	-	-
75. Silver-dissolved [19], milligrams per liter	0.45 micron filtration [16] followed by referenced method for total silver	-	-	-	-	-
76. Sodium—total, milligrams per liter	Digestion [14] followed by atomic absorption or by	147	-	-	143	(621) [2]
	flame photometric	-	250	403	-	-
	or by ICP [27]	-	-	-	-	-
77. Sodium—dissolved, milligrams per liter	0.45 micron filtration [16] followed by referenced method for total sodium	-	-	-	-	-
78. Thallium—total, milligrams per liter	Digestion [14] followed by atomic absorption [15]	149	-	-	-	-

TABLE 1. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
79. Thallium—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total thallium	-	-	-	-	-
80. Tin—total, milligrams per liter	Digestion[14] followed by atomic absorption[15]	150	-	-	(65)[10]	-
81. Tin—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total tin	-	-	-	-	-
82. Titanium—total, milligrams per liter	Digestion[14] followed by atomic absorption[15]	151	-	-	-	-
83. Titanium—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total titanium	-	-	-	-	-
84. Vanadium—total, milligrams per liter	Digestion[14] followed by atomic absorption[15] or by	153	152	-	-	-
	colorimetric (Gallic acid)	-	260	441	(67)[10]	-
	or by ICP[27]	-	-	-	-	-
85. Vanadium—dissolved milligrams per liter	0.45 micron filtration[16] followed by referenced method for total vanadium	-	-	-	-	-
86. Zinc—total, milligrams per liter	Digestion[14] followed by atomic absorption[15] or by	155	148	345	159	(619)[2] (37)[9]
	colorimetric (Dithizone)	-	265	-	-	-
	or by ICP[27]	-	-	-	-	-
87. Zinc—dissolved, milligrams per liter	0.45 micron filtration[16] followed by referenced method for total zinc	-	-	-	-	-
88. Nitrate (as N), milligrams per liter	Cadmium reduction	201	423	-	-	-
	brucine sulfate;	197	427	358	119	(614)[2] (28)[9]
	automated cadmium or hydrazine reduction[20]	207	620	-	-	-
89. Nitrite (as N), milligrams per liter	Manual or automated colorimetric (Diazotization)	215	434	-	121	-
90. Oil and grease, milligrams per liter	Liquid-liquid extraction with trichlorotrifluoroethane-gravimetric	229	515	-	-	-

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
91. Organic carbon; total (TOC), milligrams per liter	Combustion--infrared method[2]	236	532	467	(4)[22]	-
92. Organic nitrogen (as N), milligrams per liter	Kjeldahl nitrogen minus ammonia nitrogen	175,159	437	-	122	(612,614)[2]
Organic Compounds						
93. Acenaphthene, micrograms per liter	GC or HPLC method (610)[38]	-	-	-	-	-
	GC/MS method(625)[26]	-	-	-	-	-
94. Acenaphthylene, micrograms per liter	GC or HPLC method (610)[38]	-	-	-	-	-
	GC/MS method(625)[26]	-	-	-	-	-
95. Acrolein, micrograms per liter	GC method (603)[31]	-	-	-	-	-
	GC/MS, method(624)[26]	-	-	-	-	-
96. Acrylonitrile, micrograms per liter	GC method (603)[31]	-	-	-	-	-
	GC/MS, method(624)[26]	-	-	-	-	-
97. Aldrin, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS, method (625)[26]	-	-	-	-	-
98. Anthracene, micrograms per liter	GC or HPLC method (610)[38]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
99. Benzene, micrograms per liter	GC method (602)[30]	-	-	-	-	-
	GC/MS method (624)[26]	-	-	-	-	-
100. Benzidine; milligrams per liter	HPLC method (605)[33]	-	-	-	-	-
	Oxidation-colorimetric[8]	-	-	-	-	-
micrograms per liter	GC/MS method(625)[26]	-	-	-	-	-
101. Benzo(a)anthracene, micrograms per liter	GC or HPLC method (610)[38]	-	-	-	-	-
	GC/MS, method (625)[26]	-	-	-	-	-
102. Benzo(a)pyrene, micrograms per liter	GC or HPLC method (610)[38]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
103. Benzo(b)fluoranthene micrograms per liter	GC or HPLC method (610)[38]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
104. Benzo(g,h,i)perylene, micrograms per liter	GC or HPLC method (610)[38]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
105. Benzo(k)fluoranthene, micrograms per liter	GC or HPLC method (610)[38]	–	–	–	–	–
	GC/MS method, (625)[26]	–	–	–	–	–
106. a-BHC, microgram per liter	GC method (608)[36]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
107. b-BHC, micrograms per liter	GC method (608)[36]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
108. d-BHC, microgram per liter	GC method (608)[36]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
109. g-BHC micrograms per liter	GC method (608)[36]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
110. Bis(2-chloroethyl) ether micrograms per liter	GC method (611)[39]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
111. Bis(2-chloroethoxy) methane micrograms per liter	GC method (611)[39]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
112. Bis(2-chloroisopropyl) ether micrograms per liter	GC method (611)[39]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
113. Bis(2-ethylhexyl) phthalate, micrograms per liter	GC method (606)[34]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
114. Bromodichloromethane, micrograms per liter	GC method (601)[29]	–	–	–	–	–
	GC/MS method (624)[26]	–	–	–	–	–
115. Bromoform, micrograms per liter	GC method (601)[29]	–	–	–	–	–
	GC/MS method (624)[26]	–	–	–	–	–
116. Bromomethane, micrograms per liter	GC method (601)[29]	–	–	–	–	–
	GC/MS method (624)[26]	–	–	–	–	–
117. 4-Bromophenylphenyl ether, micrograms per liter	GC method (611)[39]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
118. Butylbenzyl phthalate, micrograms per liter	GC method (606)[34]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
119. Carbon tetrachloride, micrograms per liter	GC method (601)[29]	–	–	–	–	–
	GC/MS method (624)[26]	–	–	–	–	–
120. Chlordane, micrograms per liter	GC method (608)[36]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS [1] Methods	Other Approved Methods
121. 4-Chloro-3-methylphenol	GC method (604)[32]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
122. Chlorobenzene,	GC methods (601)[29] (602)[30]	-	-	-	-	-
micrograms per liter	GC/MS, method (624)[26]	-	-	-	-	-
123. Chloroethane,	GC method (601)[29]	-	-	-	-	-
micrograms per liter	GC/MS, method (624)[26]	-	-	-	-	-
124. 2-Chloroethylvinyl ether	GC method (601)[29]	-	-	-	-	-
micrograms per liter	GC/MS, method (624)[26]	-	-	-	-	-
125. Chloroform,	GC method (601)[29]	-	-	-	-	-
micrograms per liter	GC/MS, method (624)[26]	-	-	-	-	-
126. Chloromethane,	GC method (601)[29]	-	-	-	-	-
micrograms per liter	GC/MS method (624)[26]	-	-	-	-	-
127. 2-Chloronaphthalene,	GC method (612)[40]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
128. 2-Chlorophenol,	GC method (604)[32]	-	-	-	-	-
micrograms per liter	GC/MS, method(625)[26]	-	-	-	-	-
129. 4-Chlorophenylphenyl ether,	GC method (611)[39]	-	-	-	-	-
micrograms per liter	GC/MS, method (625)[26]	-	-	-	-	-
130. Chrysene,	GC or HPLC method (610)[38]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
131. 4,4'-DDD	GC method (608)[36]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
132. 4,4'-DDE	GC method (608)[36]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
133. 4,4'-DDT	GC method (608)[36]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
134. Dibenzo(a,h)anthracene,	GC or HPLC method (610)[38]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
135. Dibromochloromethane,	GC method (601)[29]	-	-	-	-	-
micrograms per liter	GC/MS method (624)[26]	-	-	-	-	-
136. 1,2-Dichlorobenzene,	GC methods (601)[29] (602)[30] (612)[40]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
137. 1,3-Dichlorobenzene	GC methods (601)[29] (602)[30] (612)[40]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
138. 1,4-Dichlorobenzene,	GC methods (601)[29] (602)[30] (612)[40]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
139. 3,3'-Dichlorobenzidine,	HPLC method (605)[33]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
140. Dichlorodifluoromethane	GC method (601)[29]	-	-	-	-	-
micrograms per liter						
141. 1,1- Dichloroethane	GC method (601)[29]	-	-	-	-	-
micrograms per liter	GC/MS method (624)[26]	-	-	-	-	-
142. 1,2-Dichloroethane,	GC method (601)[29]	-	-	-	-	-
micrograms per liter	GC/MS method (624)[26]	-	-	-	-	-
143. 1,1-Dichloroethane	GC method (601)[29]	-	-	-	-	-
micrograms per liter	GC/MS method (624)[26]	-	-	-	-	-
144. trans-1,2-Dichloroethane,	GC method (601)[29]	-	-	-	-	-
micrograms per liter	GC/MS method (624)[26]	-	-	-	-	-
145. 2,4-Dichlorophenol,	GC method (604)[32]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
146. 1,2-Dichloropropane,	GC method (601)[29]	-	-	-	-	-
micrograms per liter	GC/MS method (624)[26]	-	-	-	-	-
147. cis-1,3-Dichloropropene	GC method (601)[29]	-	-	-	-	-
micrograms per liter	GC/MS method (624)[26]	-	-	-	-	-
148. trans-1,3-Dichloropropene	GC method (601)[29]	-	-	-	-	-
micrograms per liter	GC/MS method (624)[26]	-	-	-	-	-
149. Dieldrin,	GC method (608)[36]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
150. Diethyl phthalate,	GC method (606)[34]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
151. 2,4-Dimethylphenol,	GC method (604)[32]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
152. Dimethyl phthalate,	GC method (606)[34]	-	-	-	-	-
micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
153. Di-n-butyl phthalate, micrograms per liter	GC method (606)[34]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
154. Di-n-octyl phthalate, micrograms per liter	GC method (606)[34]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
155. 4,6-Dinitro-2-methylphenol, micrograms per liter	GC method (604)[32]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
156. 2,4-Dinitrophenol, micrograms per liter	GC method (604)[32]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
157. 2,4-Dinitrotoluene, micrograms per liter	GC method (609)[37]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
158. 2,6-Dinitrotoluene, micrograms per liter	GC method (609)[37]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
159. 1,2-Diphenylhydrazine, micrograms per liter	GC/MS method (625)[26]	-	-	-	-	-
160. Endosulfan I, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
161. Endosulfan II, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
162. Endosulfan sulfate, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
163. Endrin, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
164. Endrin aldehyde, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
165. Ethylbenzene, micrograms per liter	GC method (602)[30]	-	-	-	-	-
	GC/MS method (624)[26]	-	-	-	-	-
166. Fluoranthene, micrograms per liter	GC or HPLC method (610)[38]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
167. Fluorene, micrograms per liter	GC or HPLC method (610)[38]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
168. Heptachlor, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
169. Heptachlor epoxide, micrograms per liter	GC method (608)[36]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
170. Hexachlorobenzene, micrograms per liter	GC method (612)[40]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
171. Hexachlorobutadiene, micrograms per liter	GC method (612)[40]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
172. Hexachlorocyclopentadiene, micrograms per liter	GC method (612)[40]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
173. Hexachloroethane, micrograms per liter	GC method (612)[40]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
174. Indeno(1,3,3-cd)pyrene, micrograms per liter	GC or HPLC method (610)[38]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
175. Isophorone, micrograms per liter	GC method (609)[37]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
176. Methylene chloride, micrograms per liter	GC method (601)[29]	–	–	–	–	–
	GC/MS method (624)[26]	–	–	–	–	–
177. Naphthalene, micrograms per liter	GC or HPLC method (610)[38]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
178. Nitrobenzene, micrograms per liter	GC method (609)[37]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
179. 2-Nitrophenol, micrograms per liter	GC method (604)[32]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
180. 4-Nitrophenol, micrograms per liter	GC method (604)[32]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
181. N-Nitrosodimethylamine, micrograms per liter	GC method (607)[35]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
182. N-Nitrosodipropylamine, micrograms per liter	GC method (607)[35]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
183. N-Nitrosodiphenylamine, micrograms per liter	GC method (607)[35]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–
184. PCB-1016, micrograms per liter	GC method (608)[36]	–	–	–	–	–
	GC/MS method (625)[26]	–	–	–	–	–

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
185. PCB-1221, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
186. PCB-1232, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
187. PCB-1242, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
188. PCB-1248, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
189. PCB-1254, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
190. PCB-1260, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
191. Pentachlorophenol, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
192. Phenanthrene, micrograms per liter	GC or HPLC method (610)[38]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
193. Phenol, micrograms per liter	GC method (604)[32]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
194. Pyrene, micrograms per liter	GC or HPLC method (610)[38]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
195. 2,3,7,8-Tetrachlorodibenzo-p-dioxin micrograms per liter	GC/MS methods (613)[41] (625)[26]	-	-	-	-	-
196. 1,1,2,2-Tetrachloroethane, micrograms per liter	GC method (601)[29]	-	-	-	-	-
	GC/MS method (624)[26]	-	-	-	-	-
197. Tetrachloroethene, micrograms per liter	GC method (601)[29]	-	-	-	-	-
	GC/MS method (624)[26]	-	-	-	-	-
198. Toluene, micrograms per liter	GC method (602)[30]	-	-	-	-	-
	GC/MS method (624)[26]	-	-	-	-	-
199. Toxaphene, micrograms per liter	GC method (608)[36]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
200. 1,2,4-Trichlorobenzene, micrograms per liter	GC method (612)[40]	-	-	-	-	-
	GC/MS method(625),[26]	-	-	-	-	-
201. 1,1,1-Trichloroethane, micrograms per liter	GC method (601)[29]	-	-	-	-	-
	GC/MS method(624)[26]	-	-	-	-	-
202. 1,1,2-Trichloroethane, micrograms per liter	GC method (601)[29]	-	-	-	-	-
	GC/MS method(624)[26]	-	-	-	-	-
203. Trichloroethene, micrograms per liter	GC method (601)[29]	-	-	-	-	-
	GC/MS method(624)[26]	-	-	-	-	-
204. Trichlorofluoromethane, micrograms per liter	GC method (601)[29]	-	-	-	-	-
	GC/MS method(624)[26]	-	-	-	-	-
205. 2,4,6-Trichlorophenol, micrograms per liter	GC method (604)[32]	-	-	-	-	-
	GC/MS method (625)[26]	-	-	-	-	-
206. Vinyl Chloride, micrograms per liter	GC method (601)[29]	-	-	-	-	-
	GC/MS method (624)[26]	-	-	-	-	-
207. Orthophosphate (as P), milligrams per liter	Manual or	249	481	384	131	(621)[2]
	automated ascorbic acid reduction	256	624	-	-	-
208. Pesticides, milligrams per liter	Gas chromatography[10]	-	555	529	(24)[11]	-
209. Phenols, milligram per liter	Colorimetric, (4AAP)	241	582	545	-	-
210. Phosphorus (elemental), milligrams per liter	Gas chromatography[22]	-	-	-	-	-
211. Phosphorus; total (as P), milligrams per	Persulfate digestion followed by manual	249	476,481	-	133	(621)[2]
	or automated ascorbic acid reduction	256	624	384	-	-

TABLE 1. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS [1] Methods	Other Approved Methods
Radiological						
212. Alpha—total, pCi per liter	Proportional or scintillation	–	648	591	(75)[10] (78)[24]	–
213. Alpha—counting error, pCi per liter	Proportional or scintillation counter	–	648	594	(79)[10]	–
214. Beta—total, pCi per liter	Proportional counter	–	648	601	(75)[10] (78)[24]	–
215. Beta—counting error, pCi per liter	Proportional counter	–	648	606	(79)[10]	–
216. a) Radium—total, pCi per liter	Proportional counter	–	661	661	–	–
b) ^{226}Ra, pCi per liter	Scintillation counter	–	667	–	(81)[10]	–
Residue						
217. Total, milligrams per liter	Gravimetric, 103 to 105°C	270	91	–	–	–
218. Total dissolved (filterable), milligrams per liter	Glass fiber filtration, 180°C	266	92	–	–	–
219. Total suspended (nonfilterable), milligrams per liter	Glass fiber filtration, 103 to 105°C	268	94	–	–	(537)[26]
220. Settleable, milliliters per liter or milligrams per liter	Volumetric or gravimetric	–	95	–	–	–
221. Total volatile, milligrams per liter	Gravimetric, 550°C	272	95	–	–	–

TABLE I. LIST OF APPROVED TEST PROCEDURES (Cont.)

Parameter and units	Method	Reference (Page Nos.) 1974 EPA Methods	14th Ed. Standard Methods	Part 31 1975 ASTM	USGS Methods[1]	Other Approved Methods
222. Specific conductance, micromhos per centimeter at 25°C	Wheatstone bridge conductimetry	275	71	120	148	(606)[2]
223. Sulfate (as SO_4) milligrams per liter	Gravimetric;	-	493	424	-	(624)[2]
	turbidimetric; or	277	496	425	-	(623)[2]
	automated colorimetric (barium chloranilate)	279	-	-	-	-
224. Sulfide (as S), milligrams per liter	Titrimetric—iodine for levels greater than 1 mg per liter;	284	505	-	154	-
	Methylene blue photometric	-	503	-	-	-
225. Sulfite (as SO_3), milligrams per liter	Titrimetric, iodine-iodate	285	508	435	-	-
226. Surfactants, milligrams per liter	Colorimetric (Methylene blue)	157	600	494	(11)[22]	-
227. Temperature, degrees C	Calibrated glass or electrometric thermometer	286	125	-	(31)[25]	-
228. Turbidity, NTU	Nephelometric	295	132	223	156	-

Footnotes:

1. All page references for USGS methods unless otherwise noted are to Brown, E., Skougstad, N.W., and Fishman, M.J., "Methods for Collection and Analysis of Water Samples for Dissolved Minerals and Gases, "U.S. Geological Survey Techniques of Water-Resources Inv., book 5 ch. A1, (1970)."

2. EPA comparable method may be found on indicated page of "Official Methods of Analysis of the Association of Official Analytical Chemists" methods manual, 12th ed. (1975).

3. Manual distillation is not required if comparability data on representative effluent samples are on company file to show that this preliminary distillation step is not necessary; however, manual distillation will be required to resolve any controversies.

4. The method used must be specified.

5. The 5 tube MPN is used.

6. Slack, K.V. and others, "Methods for Collection and Analysis of Aquatic Biological and Microbiological Samples "U.S. Geological Survey Techniques of Water-Resource Inv., book 5, ch A4 (1973)."

7. Since the membrane filter technique usually yields low and variable recovery from chlorinated wastewaters, the MPN method will be required to resolve any controversies.

8. The chloromine-T oxidation-colormetric procedure for benzidine is available from the Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Cincinnati,Ohio 45268

9. American National Standard on Photographic Processing Effluents, Apr. 2, 1975. Available from ANSI, 1430 Broadway, New York, N.Y. 10018.

10. Fishman, M.J. and Brown, Eugene, "Selected Methods of the U.S. Geological Survey for Analysis of Wastewaters," (1976) open-file report 76-177.

11. Procedures for pentachlorophenol, chlorinated organic compounds, and pesticides can be obtained from the Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268.

12. Color method (ADMI procedure) available from Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268.

13. For samples suspected of having thiocyanate interference, magnesium chloride is used as the digestion catalyst. In the approved test procedure for cyanides, the recommended catalysts are replaced with 20 ml of a solution of 510 g/l magnesium chloride ($MgCl_2 \cdot 6H_2O$). This substitution will eliminate thiocyanate interference for both total cyanide and cyanide amenable to chlorination measurements.

14. For the determination of total metals the sample is not filtered before processing. Because vigorous digestion procedures may result in a loss of certain metals through precipation, a less vigorous treatment is recommended as given on p. 83 (4.1.4) of "Methods for Chemical Analysis of Water and Wastes" (1974). In those instances where a more vigorous digestion is desired the procedure on p. 82 (4.1.3) should be followed. For the measurement of the noble metal series (gold, iridium, osmium, palladium, platinum, rhodium and ruthenium), an aqua regia digestion is to be substituted as follows: Transfer a representative aliquot of the well-mixed sample to a Griffin beaker and add 3 ml of concentrated redistilled HNO_3. Place the beaker on a steam bath and evaporate to dryness. Cool the beaker and cautiously add a 5 ml portion of aqua regia. (Aqua regia is prepared immediately before use by carefully adding 3 volumes of concentrated HCl to one volume of concentrated HNO_3.) Cover the beaker with a watch glass and return to the steam bath. Continue heating the covered beaker for 50 min. Remove cover and evaporate to dryness. Cool and take up the residue in a small quantity of 1:1 HCl. Wash down the beaker walls and watch glass with distilled water and filter the sample to remove silicates and other insoluble material that could clog the atomizer. Adjust the volume to some predetermined value based on the expected metal concentration. The sample is now ready for analysis.

15. As the various furnace devices (flameless AA) are essentially atomic absorption techniques, they are considered to be approved test methods. Methods of standard addition are to be followed as noted in p. 78 of "Methods for Chemical Analysis of Water and Wastes." 1974

16. Dissolved metals are defined as those constitutuents which will pass through a 0.45 μm membrane filter. A prefiltration is permissible to free the sample from larger suspended solids. Filter the sample as soon as practical after collection using the first 50 to 100 ml to rinse the filter flask. (Glass or plastic filtering apparatus are recommended to avoid possible contamination.) Discard the portion used to rinse the flask and collect the required volume of filtrate. Acidify the filtrate with 1:1 redistilled HNO_3 to a pH or 2. Normally, 3 ml of (1:1) acid per liter should be sufficient to preserve the samples.

17. See "Atomic Absorption Newsletter," vol. 13, 75 (1974). Available from Perkin-Elmer Corp., Main Ave., Norwalk, Conn. 06852

18. Method available from Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268

19. Recommended methods for the analysis of silver in industrial wastewaters at concentrations of 1 mg/l and above are inadequate where silver exists as an inorganic halide. Silver halides such as the bromide and chloride are relatively insoluble in reagents such as nitric acid but are readily soluble in an aqueous buffer of sodium thiosulfate and sodium hydroxide to a pH of 12. Therefore, for levels of silver above 1 mg/l 20 ml of sample should be diluted to 100 ml by adding 40 ml each of 2M $Na_2S_2O_3$ and 2M NaOH. Standards should be prepared in the same manner. For levels of silver below 1 mg/l the recommended method is satisfactory.

20. An automated hydrazine reduction method is available from the Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268.

21. A number of such systems manufactured by various companies are considered to be comparable in their performance. In addition, another technique, based on combustion-methane detection is also acceptable.

22. **Goerlitz, D., Brown, E., "Methods for Analysis of Organic Substances in Water": U.S. Geological Survey Techniques of Water-Resources Inb., book 5, ch. A3 (1972)**

23. **R.F. Addison and R.G. Ackman, "Direct Determination of Elemental Phosphorus by Gas-Liquid Chromatography," "Journal of Chromatography," vol. 47, No. 3, pp. 421-426, 1970.**

24. **The method found on p. 75 measures only the dissolved portion while the method on p. 78 measures only suspended. Therefore, the 2 results must be added together to obtain "total".**

25. **Stevens, H.H., Fick, J.F., and Smoot, G.F., "Water Temperature - Influential Factors, Field Measurement and Data Presentation; U.S. Geological Survey Techniques of Water Resources Inv., book 1 (1975)."**

26. **EPA interim methods for analysis of organics in municipal and industrial wastewater by GC/MS purge and trap (Method 624 and methylene chloride extraction (Method 625) procedures are available from the Environmental Monitoring and Support Laboratory, U.S.E.P.A., Cincinnati, Ohio, 45268. Direct Aqueous injection is to be used in these GC/MS procedures for all compounds that exceed 1000 micrograms per liter. Dichlorodifluoromethane should be analyzed by the interim gas chromatographic method 601. For differentiation between isomeric pairs anthracene and phenanthrene, chrysene and benzo(a)anthracene, and benzo (b) fluoranthene and benzo (k) fluoranthene use method 610 of polynuclear aromatic hydrocarbons. "Interim Method for Benzidine and its Salts in Wastewater" is available from the Environmental Monitoring and Support Laboratory, U.S.E.P.A., Cincinnati, Ohio, 45268 (EMSL-CI).**

27. **The Inductively Coupled Plasma Optical Emission Spectrometric Method (ICP) is available from the Environmental Monitoring and Support Laboratory, U.S.E.P.A. Cincinnati, Ohio 45268 (EMSL-CI).**

28. **Method 507 for Carbonaceous Biochemical Oxygen Demand (BOD carbonaceous) is available from the Environmental Monitoring and Support Laboratory, U.S.E.P.A. Cincinnati, Ohio 45268 (EMSL-CI).**

29. Inert gas purge, followed by gas chromatography with halide specific detection (interim method 601), available from EMSL-CI.

30. Inert gas purge followed by gas chromatography and photoionization detection (interim method 602), available from EMSL-CI.

31. Inert gas purge followed by gas chromatographic separation and detection with flame ionization detector (interim method 603), available from EMSL-CI.

32. Methylene chloride extraction, followed by gas chromatography with flame ionization or electron capture detection (interim method 604), available from EMSL-CI.

33. Chloroform extraction followed by concentration and high performance liquid chromatography (HPLC) with electrochemical detection (interim method 605), available from EMSL-CI.

34. Methylene chloride extraction followed by gas chromatography with flame ionization or electron capture detection (interim method 606), available from EMSL-CI.

35. Methylene chloride extraction followed by gas chromatography with nitrogen-phosphorous or reductive Hall detectors (interim method 607), available from EMSL-CI.

36. Methylene chloride extraction followed by gas chromatography with electron capture or halogen specific detection (interim method 608), available from EMSL-CI.

37. Methylene chloride extraction followed by exchange to toluene, gas chromatography with flame ionization detection (interim method 609), available from EMSL-CI.

38. Methylene chloride extraction followed by HPLC with fluoresence or UV detection; or gas chromatography (interim method 610), available from EMSL-CI.

39. Methylene chloride extraction followed by gas chromatography with halogen-specific detector (interim method 611), available from EMSL-CI.

40. Methylene chloride extraction followed by concentration, gas chromatography with electron capture detection (interim method 612), available from EMSL-CI.

41. Methylene chloride extraction followed by transfer to hexane and capillary column gas chromatography/mass spectometry with electron impact ionization (interim method 613), available from EMSL-CI.

42. Microbiological Methods for Monitoring the Environment (December 1978) available for the Environmental Monitoring and Support Laboratory U.S. E.P.A. Cincinnati, Ohio 45268.

TABLE II. CONTAINERS, PRESERVATION, AND HOLDING TIMES

Measurement[a]		Container[b]	Preservative[c]	Maximum Holding Time[d]
1	Acidity	P,G	Cool, 4°C	14 days
2	Alkalinity	P,G	Cool, 4°C	14 days
3	Ammonia	P,G	Cool, 4°C H_2SO_4 to pH<2	28 days
	BACTERIA			
4-7	Coliform, fecal and total	P,G	Cool, 4°C[h] 0.008% $Na_2S_2O_3$	6 hours
8	Fecal streptococci	P,G	Cool, 4°C[h] 0.008% $Na_2S_2O_3$	6 hours
9	Biochemical oxygen demand	P,G	Cool, 4°C	48 hours
10	Biochemical oxygen demand Carbonaceous	P,G	Cool, 4°C	48 hours
11	Bromide	P,G	None required	28 days
12	Chemical oxygen demand	P,G	Cool, 4°C H_2SO_4 to pH<2	28 days
13	Chloride	P,G	None Required	28 days
14	Chlorinated organic compounds	G, teflon-lined cap	Cool, 4°C[h] 0.008% $Na_2S_2O_3$	7 days (until extraction) 30 days (after extraction)
15	Chlorine, total residual	P,G	Determined on-site	2 hours
16	Color	P,G	Cool, 4°C	48 hours
17-18	Cyanide, total and amenable to chlorination	P,G P,G	Cool, 4°C NaOH to pH>12[h] 0.008% $Na_2S_2O_3$	14 days
19	Dissolved oxygen Probe Winkler	 G bottle & top G bottle & top	 Determine on site Fix on site	 1 hour 8 hours
20	Fluoride	P	None Required	28 days
21	Hardness	P,G	HNO_3 to pH<2	6 months
22	Hydrogen ion (pH)	P,G	Determine on site	2 hours
23&92	Kjeldahl and organic nitrogen	P,G	Cool, 4°C H_2SO_4 to pH<2	28 days
	METALS[e]			
40-41	Chromium VI	P,G	Cool, 4°C	48 hours

TABLE II. CONTAINERS, PRESERVATION, AND HOLDING TIMES (cont.)

Measurement[a]		Container[b]	Preservative[c]	Maximum Holding Time[d]
58-59	Mercury	P,G	HNO_3 to pH<2 0.05% $K_2Cr_2O_7$	28 days
24-87	Metals except above	P,G	HNO_3 to pH<2	6 months
88	Nitrate	P,G	Cool, 4°C	48 hours
88(a)[i]	Nitrate-nitrite	P,G	Cool, 4°C H_2SO_4 to pH<2	28 days
89	Nitrite	P,G	Cool, 4°C	48 hours
90	Oil and Grease	G	Cool, 4°C H_2SO_4 to pH<2	28 days
91	Organic Carbon	P,G	Cool, 4°C H_2SO_4 to pH<2	28 days
93-206	ORGANIC COMPOUNDS[f]			
	Extractables (including phthalates, nitrosamines organochlorine pesticides, PCB's, nitroaromatics, isophorone, polynuclear aromatic hydrocarbons, haloethers, chlorinated hydrocarbons and TCDD)	G, teflon-lined cap	Cool, 4°C 0.008% $Na_2S_2O_3$[h]	7 days (until extraction) 30 days (after extraction)
	Extractables (phenols)	G, teflon-lined cap	Cool, 4°C H_2SO_4 to pH<2 0.008% $Na_2S_2O_3$[h]	7 days (until extraction) 30 days (after extraction)
	Purgeables (Halocarbons and Aromatics)	G, teflon-lined septum	Cool, 4°C 0.008% $Na_2S_2O_3$[h]	14 days
	Purgeables (Acrolein and Acrylonitrite)	G, teflon-lined septum	Cool, 4°C 0.008% $Na_2S_2O_3$[h]	3 days
207	Orthophosphate	P,G	Filter on site Cool, 4°C	48 hours
208	Pesticides	G, teflon-lined cap	Cool, 4°C 0.008% $Na_2S_2O_3$[h]	7 days (until extraction) 30 days (after extraction)
209	Phenols	P,G	Cool, 4°C H_2SO_4 to pH<2	28 days
210	Phosphorus (elemental)	G	Cool, 4°C	48 hours
211	Phosphorus, total	P,G	Cool, 4°C H_2SO_4 to pH<2	28 days

TABLE II. CONTAINERS, PRESERVATION, AND HOLDING TIMES (cont.)

Measurement[a]		Container[b]	Preservative[c]	Maximum Holding Time[d]
	RADIOLOGICAL			
212-216	Alpha, Beta and radium	P,G	HNO_3 to pH<2	6 months
217	Residue, total	P,G	Cool, 4°C	14 days
218	Residue, Filterable	P,G	Cool, 4°C	14 days
219	Residue, nonfilterable	P,G	Cool, 4°C	7 days
220	Residue, settleable	P,G	Cool, 4°C	7 days
221	Residue, volatile	P,G	Cool, 4°C	7 days
73	Silica	P	Cool, 4°C	28 days
222	Specific conductance	P,G	Cool, 4°C	28 days
223	Sulfate	P,G	Cool, 4°C	28 days
224	Sulfide	P,G	Cool, 4°C Zinc Acetate	28 days
225	Sulfite	P,G	Cool, 4°C	48 hours
226	Surfactants	P,G	Cool, 4°C	48 hours
227	Temperature	P,G	Determine on site	immediately
228	Turbidity	P,G	Cool, 4°C	48 hours

a Parameter numbers refer to Table I.
b Polyethylene (P) or Glass (G).
c Sample preservation should be performed immediately upon sample collection. For composite samples each aliquot should be preserved at the time of collection. When use of an automatic sampler makes impossible to preserve each aliquot, then samples may be preserved by maintaining at 4°C until compositing and sample splitting is completed.
d Samples should be analyzed as soon as possible after collection. The times listed are the maximum times that samples may be held before analysis and still considered valid. Samples may be held for longer periods only if the permittee, or monitoring laboratory, has data on file to show that the specific types of samples under study are stable for the longer time.

Some samples may not be stable for the maximum time period given in the table. A permittee, or monitoring laboratory, is obligated to hold the sample for a shorter time if knowledge exists to show this is necessary to maintain sample stability.

e Samples should be filtered immediately on-site before adding preservative for dissolved metals.
f Guidance applies to samples to be analyzed by GC, LC, or GC/MS for specific organic compounds.
g This parameter not listed in Table I.
h Should only be used in the presence of residual chlorine.
i Not available in Table I.

BILLING CODE 1505-01-C

federal register

Tuesday
December 18, 1979

Part V

Department of Commerce

National Oceanic and Atmospheric Administration

Guidelines for Sea Grant Colleges and Regional Consortia

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 918

Guidelines for Sea Grant Colleges and Regional Consortia

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

ACTION: Final rule.

SUMMARY: The following guidelines, evolved over a dozen years of program experience, outline the procedures which will be followed in the designation of Sea Grant Colleges and Regional Consortia and the responsibilities of the organizations so designated. Sea Grant Colleges are institutions of higher education, or confederations of such institutions, that have been designated by the Secretary of Commerce as having the purpose of understanding, assessing, developing, utilizing, and conserving oceans, Great Lakes, and coastal resources through research, advisory service, education, and training. Sea Grant Regional Consortia are alliances of two or more organizaitons, so designated by the Secretary of Commerce, having the purpose of providing a vehicle whereby the organizations may combine their capabilities into a single program to conduct more adequate research, advisory service, education, and training in fields related to ocean, Great Lakes, and coastal resources on a regional basis.

EFFECTIVE DATE: December 18, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. Ned A. Ostenso, Office of Sea Grant, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852, (202–443–8923).

Chapter IX, Title 15 of the Code of Federal Regulations, is hereby amended by adding a new Part 918 as set forth below.

Dated: December 7, 1979.

Francis J. Balint,

Acting Director, Office of Management and Computer Services.

PART 918—SEA GRANTS

Sec.

918.1 Introduction.
918.2 Definitions.
918.3 Eligibility, qualifications, and responsibility of a Sea Grant College.
918.4 Duration of Sea Grant College designation.
918.5 Eligibility, qualifications, and responsibilities—Sea Grant Regional Consortia.
918.6 Duration of Sea Grant Regional Consortium designation.
918.7 Application for designation.

Authority: Sec. 207, National Sea Grant College Program Act, as amended (Pub. L. 94–461, 33 U.S.C. 1121, et seq.).

§ 918.1 Introduction.

Pursuant to Section 207 of the National Sea Grant College Program Act, as amended (Pub. L. 94–461, 33 U.S.C. 1121 et seq.), herein referred to as the Act, the following guidelines establish the procedures by which organizations can qualify for designation as Sea Grant Colleges or Sea Grant Regional Consortia, and the responsibilities required of organizations so designated.

§ 918.2 Definitions.

(a) *Marine Environment.* The term "Marine Environment" means any or all of the following: the coastal zone, as defined in Section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1)); the seabed, subsoil and waters of the territorial sea of the United States, including the Great Lakes; the waters of any zone over which the United States asserts exclusive fishery management authority; the waters of the high seas; and the seabed and subsoil of and beyond the Outer Continental Shelf.

(b) *Ocean, Great Lakes, and Coastal Resources.* The term "Ocean, Great Lakes, and Coastal Resources" means any resource (whether living, nonliving, manmade, tangible, intangible, actual, or potential) which is located in, derived from, or traceable to, the marine environment. Such term includes the habitat of any such living resource, the coastal space, the ecosystems, the nutrient-rich areas, and the other components of the marine environment which contribute to or provide (or which are capable of contributing to or providing) recreational, scenic, aesthetic, biological, habitational, commercial, economic, or conservation values. Living resources include natural and cultured plant life, fish, shellfish, marine mammals, and wildlife. Nonliving resources include energy sources, minerals, and chemical substances.

(c) *Person.* The term "Person" means any public or private corporation, partnership, or other association or entity (including any Sea Grant College, Sea Grant Regional Consortium, institution of higher education, institute, or laboratory); or any State, political subdivision of a State, or agency or officer thereof.

(d) *Sea Grant College.* The term "Sea Grant College" means any public or private institution of higher education or confederation of such institutions which is designated as such by the Secretary under Section 207 of the National Sea Grant Program Act. Included in this term are all campuses (or other administrative entities) of a designated Sea Grant College, working through the established management structure of the Sea Grant College.

(e) *Sea Grant Program, The term "Sea Grant Program" means any program which:*

(1) Is administered by a Sea Grant College, Sea Grant Regional Consortium, institution of higher education, institute, laboratory, or State or local agency; and

(2) Includes two or more Sea Grant projects involving one or more of the following activities in fields related to ocean, Great Lakes, and coastal resources:

(i) Research,

(ii) Education and training, and

(iii) Advisory services.

(f) *Sea Grant project.* A Sea Grant project is any separately described activity which has been proposed to the National Sea Grant College Program, and has subsequently been approved.

(g) *Sea Grant Regional Consortium.* The term "Sea Grant Regional Consortium" means any association or other alliance of two or more persons as defined above (other than individuals) established for the purpose of pursuing programs in marine research education, training, and advisory services on a regional basis (i.e., beyond the boundaries of a single state) and which is designated as a consortium by the Secretary under Section 207 of the National Sea Grant Program Act.

(h) *Field Related to Ocean, Great Lakes, and Coastal Resources.* The term "Field Related to Ocean, Great Lakes, and Coastal Resources" means any discipline or field (including marine sciences and the physical, natural, and biological sciences, and engineering, included therein, marine technology, education, economics, sociology, communications, planning law, international affairs, public administration, humanities, and the arts) which is concerned with, or likely to improve the understanding, assessment, development, utilization, or conservation of, ocean, Great Lakes, and coastal resources.

§ 918.3 Eligibility, qualifications, and responsibility of a Sea Grant College.

(a) To be eligible for designation as a Sea Grant College, the institution of higher education or confederation of such institutions must have

demonstrated a capability to maintain a high quality and balanced program of research, education, training, and advisory services in fields related to ocean, Great Lakes, and coastal resources for a minimum of three years, and have received financial assistance as an Institutional program under either Section 205 of the National Sea Grant College Program Act or under Section 204(c) of the earlier National Sea Grant College and Program Act of 1966.

(b) To be eligible for designation as a Sea Grant College, the candidate institution or confederation of institutions must meet the qualifications set forth above as evaluated by a site review team composed of members of the Sea Grant Review Panel, NOAA's Office of Sea Grant, and other experts named by NOAA. As a result of this review, the candidate must be rated highly in all of the following qualifying areas:

(1) *Leadership.* The Sea Grant College candidate must have achieved recognition as an intellectual and practical leader in marine science, engineering, education, and advisory service in its state and region.

(2) *Organization.* The Sea Grant College candidate must have created the management organization to carry on a viable and productive Sea Grant Program, and must have the backing of its administration at a sufficiently high level to fulfill its multidisciplinary and multifaceted mandate.

(3) *Relevance.* The Sea Grant College candidate's program must be relevant to local, State, regional, or National opportunities and problems in the marine environment. Important factors in evaluating relevance are the need for marine resource emphasis and the extent to which capabilities have been developed to be responsive to that need.

(4) *Programmed Team Approach.* The Sea Grant College candidate must have a programmed team approach to the solution of marine problems which includes relevant, high quality, multidisciplinary research with associated educational and advisory services capable of producing identifiable results.

(5) *Education and Training.* Education and training must be clearly relevant to National, regional, State and local needs in fields related to ocean, Great Lakes, and coastal resources. As appropriate, education may include pre-college, college, post-graduate, public and adult levels.

(6) *Advisory Services.* The Sea Grant College candidate must have a strong program through which information, techniques,and research results from any reliable source, domestic or international, may be communicated to and utilized by user communities. In addition to the educational and information dissemination role, the advisory service program must aid in the identification and communication of user communities' research and educational needs.

(7) *Relationships.* The Sea Grant College candidate must have close ties with Federal agencies. State agencies and administrations, local authorities, business and industry, and other educational institutions. These ties are: (1) To ensure the relevance of its programs, (2) To give assistance to the broadest possible audience, (3) To involve a broad pool of talent in providing this assistance (including universities and other administrative entities outside the Sea Grant College), and (4) To assist others in developing research and management competence. The extent and quality of an institution's relationships are critical factors in evaluating the institutional program.

(8) *Productivity.* The Sea Grant College candidate must have demonstrated the degree of productivity (of research results, reports, employed students, service to State agencies and industry, etc.) commensurate with the length of its Sea Grant operations and the level of funding under which it has worked.

(9) *Support.* The Sea Grant College candidate must have the ability to obtain matching funds from non-Federal sources, such as state legislatures, university management, state agencies, business, and industry. A diversity of matching fund sources is encouraged as a sign of program vitality and the ability to meet the Sea Grant requirement that funds for the general programs be matched with at least one non-Federal dollar for every two Federal dollars.

(c) Finally, it must be found that the Sea Grant College candidate will act in accordance with the following standards relating to its continuing responsibilities if it should be designated a Sea Grant College:

(1) Continue pursuit of excellence and high performance in marine research, education, training, and advisory services.

(2) Provide leadership in marine activities including coordinated planning and cooperative work with local, state, regional, and Federal agencies, other Sea Grant Programs, and non-Sea Grant universities.

(3) Maintain an effective management framework and application of institutional resources to the achievement of Sea Grant objectives.

(4) Develop and implement long-term plans for research, education, training, and advisory services consistent with Sea Grant goals and objectives.

(5) Advocate and further the Sea Grant concept and the full development of its potential within the institution and the state.

(6) Provide adequate and stable matching financial support for the program from non-Federal sources.

(7) Establish and operate an effective system to control the quality of its Sea Grant programs.

§ 918.4 Duration of Sea Grant College designation.

Designation will be made on the basis of merit and the determination by the Secretary of Commerce that such a designation is consistent with the goals of the Act. Continuation of the Sea Grant College designation is contingent upon the institution's ability to maintain a high quality performance consistent with the requirements outlined above. The Secretary may, for cause and after an opportunity for hearing, suspend or terminate a designation as a Sea Grant College.

§ 918.5 Eligibility, qualifications, and responsibilities—Sea Grant Regional Consortia.

(a) To be eligible for designation as a Sea Grant Regional Consortium, the candidate association or alliance of organizations must provide, in significant breadth and quality, one or more services in the areas of research, education, and training, or advisory service in fields related to ocean, Great Lakes, and coastal resources. Further, it is essential that the candidate Sea Grant Consortium be required to provide all three services as soon as possible after designation. Further, such association or alliance must demonstrate that:

(1) It has been established for the purpose of sharing expertise, research, educational facilities, or training facilities, and other capabilities in order to facilitate research, education, training, and advisory services in any field related to ocean, Great Lakes, and coastal resources; and

(2) It will encourage and follow a regional multi-State approach to solving problems or meeting needs relating to ocean, Great Lakes, and coastal resources, in cooperation with appropriate Sea Grant Colleges, Sea Grant Programs and other persons in the region.

(b) Although it is recognized that the distribution of effort between research, education, training, and advisory services to achieve appropriate balance in a Sea Grant Regional Consortium may differ from a Sea Grant College, sustained effort in all of these areas is,

nonetheless, an essential requirement for retention of such designation. To be eligible for designation as a Sea Grant Regional Consortium, the candidate association or alliance of organizations must meet the qualifications set forth above as evaluated by a site review team composed of members of the Sea Grant Review Panel, the Office of Sea Grant, and other experts. Further, the candidate must be rated highly in all of the following qualifying areas which are pertinent to the Consortium's program:

(1) *Leadership.* The Sea Grant Regional Consortium candidate must have achieved recognition as an intellectual and practical leader in marine science, engineering, education, and advisory service in its region.

(2) *Organization.* The Sea Grant Regional Consortium candidate must have created the management organization to carry on a viable and productive multidisciplinary Sea Grant Program and have the backing of the administrations of its component organizations at a sufficiently high level to fulfill its multidisciplinary and multifaceted mandate.

(3) *Relevance.* The Sea Grant Regional Consortium candidate's Sea Grant Program must be relevant to regional opportunities and problems in the marine environment. Important factors in evaluating relevance are the extent and depth of the need of a region for a focused marine resource emphasis and the degree to which the candidate has developed its capability to be responsive to that need.

(4) *Education and Training.* Education and training must be clearly relevant to regional needs and must be of high quality in fields related to ocean, Great Lakes, and coastal resources. As appropriate, education may include precollege, college, post-graduate, public and adult levels.

(5) *Advisory Services.* The Sea Grant Regional Consortium candidate must have a strong program through which information techniques, and research results from any reliable source, domestic or international, may be communicated to and utilized by user communities. In addition to the educational and information dissemination role, the advisory service program must aid in the identification and communication of user communities' research and educational needs.

(6) *Relationships.* The Sea Grant Regional Consortium candidate must have close ties with federal agencies, state agencies and administrations, regional authorities, regional business and industry, and other regional educational institutions. These regional ties are: (1) To ensure the relevance of programs, (2) To generate requests for such assistance as the consortium may offer, and (3) To assist others in developing research and management competence. The extent and quality of a candidate's relationships are critical factors in evaluating the proposed designation.

(7) *Productivity.* The Sea Grant Regional Consortium candidate must have demonstrated a degree of productivity (of research results, reports, employed students, service to regional agencies, industry, etc.) commensurate with the length of its Sea Grant operations and the level of funding under which it has worked.

(8) *Support.* The Sea Grant Regional Consortium candidate must have the ability to obtain matching funds from non-Federal sources, such as State legislatures, university management, State agencies, and business and industry. A diversity of matching funds sources is encouraged as a sign of program vitality and the ability to meet the Sea Grant requirement that funds for the general programs be matched with at least one non-Federal dollar for every two Federal dollars.

(c) Finally, it must be found that the Sea Grant Regional Consortium candidate will act in accordance with the following standards relating to its continuing responsibilities as a Sea Grant Regional Consortium:

(1) Continue pursuit of excellence and high performance in marine research education, training, and advisory services.

(2) Provide regional leadership in marine activities including coordinated planning and cooperative work with local, State, regional, and Federal agencies, other Sea Grant Programs, and non-Sea Grant organizations.

(3) Maintain an effective management framework and application of organizational resources to the achievement of Sea Grant objectives.

(4) Develop and implement long-term plans for research, education, training, and advisory services consistent with Sea Grant goals and objectives.

(5) Advocate and further the Sea Grant concept and the full development of its potential within the consortium and the region.

(6) Provide adequate and stable matching financial support for the program from non-Federal sources.

(7) Establish and operate an effective system to control the quality of its Sea Grant program.

§ 918.6 Duration of Sea Grant Regional Consortium designation.

Designation will be made on the basis of merit and the determination by the Secretary of Commerce that such a designation is consistent with the goals of the Act. Continuation of the Sea Grant Regional Consortium designation is contingent upon the alliance's ability to maintain a high quality performance consistent with the standards outlined above. The Secretary may, for cause and after an opportunity for hearing, suspend or terminate the designation as a Sea Grant Regional Consortium.

§ 918.7 Application for designation.

(a) All applications for initial designation as a Sea Grant College or a Regional Consortium should be addressed to the Secretary of Commerce and submitted to the Director, National Sea Grant College Program, National Oceanic and Atmospheric Administration. The application should contain an outline of the capabilities of the applicant and the reasons why the applicant believes that it merits designation under the guidelines contained in this regulation. Upon receipt of the application, the Director will present the institution's case to the Sea Grant Review Panel for evaluation. The Panel's recommendation will be forwarded to the Secretary for final action.

(b) An existing Sea Grant College or Regional Consortium may also apply as in (a) above for a change in the scope of designation to include or exclude other administrative entities of the institution or association. If approved by the Secretary such included (excluded) administrative entities shall share (lose) the full rights and responsibilities of a Sea Grant College or Regional Consortium.

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Part VI

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Regulations Governing Agencies for Issue of United States Savings Bonds

Dept. Circular, Public Debt Series No. 4–67, First Revision

DEPARTMENT OF THE TREASURY

Fiscal Service

Bureau of the Public Debt

31 CFR Part 317

Regulations Governing Agencies for Issue of United States Savings Bonds

AGENCY: Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: Department of the Treasury Circular, Public Debt Series No. 4–67 (31 CFR, Part 317), contains the regulations governing agencies authorized to sell and issue accrual-type United States Savings Bonds and Notes. The Circular has previously referred specifically to United States Savings Bonds of Series E and to United States Savings Notes (Freedom Shares). This First Revision of the Circular is necessary because of the introduction in 1980 of Series EE savings bonds and the withdrawal from sale of Series E savings bonds. The sale of savings notes terminated on June 30, 1970.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Charles A. Guerin, Assistant Chief Counsel, Bureau of the Public Debt, Washington, D.C. 20226 (202–376–0243).

SUPPLEMENTARY INFORMATION: The Secretary of the Treasury has announced that United States Savings Bonds of Series EE will be offered for sale as of January 1, 1980. Under the terms of the offering circular, the bonds will be sold and issued by organizations qualified as issuing agents. The Secretary has also announced that Series E savings bonds will be withdrawn from sale. Their over-the-counter sales will be terminated as of December 31, 1979, and sales on payroll deduction plans will be terminated no later than June 30, 1980.

In view of the changes in the Savings Bond Program, Department of the Treasury Circular, Public Debt Series No. 4–67, the regulations governing issuing agents, is being revised, effective January 1, 1980, to cover the issuance of Series EE bonds. The revised regulations also apply to Series E bonds until their sale and issue have been terminated and a final accounting has been made by each issuing agent for the Series E savings bond stock for which it is charged.

Other changes being made in the regulations are discussed below.

Some rearrangement and renumbering of the various sections in the circular have been made.

Section 317.3 is being revised to allow qualification of agents only on the basis of trust agreements. Under the regulations previously in effect, there have been three bases for qualification: trust agreement, prepayment agreement and collateral agreement. Since virtually all agents have qualified under trust agreements, the prepayment and collateral agencies are being eliminated. Agents which had qualified under these two latter classifications must requalify under trust agreements.

Section 317.4 provides that organizations currently qualified under trust agreements to issue Series E bonds may sell and issue Series EE bonds without the need for requalification. Issuing agents have been individually notified that their qualification will automatically be extended, but that they may requalify if they so desire.

A new provision of the circular, i.e., Section 317.8, stresses the importance the Department attaches to compliance with its instructions for the prompt remittance of the proceeds of savings bonds sales. These sales proceeds are funds belonging to the United States which are held in trust by issuing agents until properly remitted. The Department recently revised its rules to accelerate the remittance of these proceeds, in line with the President's objective of improving cash management operations within the Federal Government.

Section 317.9, which deals with the role of the Federal Reserve Banks, as fiscal agents, has been expanded.

The regulations in this Part involve the fiscal policy of the United States and do not meet the Department's criteria for significant regulations. Accordingly, it has been determined that notice and public procedures are unnecessary.

Dated: December 11, 1979.

Paul H. Taylor,

Fiscal Assistant Secretary.

The regulations in Title 31, Code of Federal Regulations, Part 317, are revised as follows:

PART 317—REGULATIONS GOVERNING AGENCIES FOR ISSUE OF UNITED STATES SAVINGS BONDS

Sec.

317.0 Purpose and effective date.
317.1 Definitions.
317.2 Organizations authorized to act.
317.3 Procedure for qualifying and serving as issuing agent.
317.4 Issuing agents currently qualified.
317.5 Termination of qualification.
317.6 Issuance of bonds.
317.7 Accounting for bond stock and sales proceeds.
317.8 Remittance of sales proceeds.
317.9 Role of Federal Reserve Banks.
317.10 Reservation.

Authority: Sec. 22, 49 Stat. 21, as amended; 31 U.S.C. 757c.

Source: Department of the Treasury Circular, Public Debt Series No. 4–67, First Revision.

§ 317.0 Purpose and effective date.

The regulations in this Part govern the manner in which organizations may qualify and act as agents for the sale and issue of accrual-type United States Savings Bonds. They are effective as of January 1, 1980.

§ 317.1 Definitions.

(a) "Bond(s)" means United States Savings Bonds of Series EE, and, until their sale is terminated, savings bonds of Series E.

(b) "Federal Reserve Bank" refers to the Federal Reserve Bank of the district in which the issuing agent or the applicant organization is located, and includes the Branch(es) of the Reserve Bank, where appropriate.

(c) "Issuing agent" refers to an organization which has been granted a certificate of qualification by a Federal Reserve Bank to sell and issue savings bonds.

(d) "Offering circular" refers to Department of the Treasury Circular, Public Debt Series No. 1–80, and, until the sale of Series E bonds is terminated, Department of the Treasury Circular No. 653.

(e) "Organization" means any entity, as described in § 317.2, which may qualify as an issuing agent of bonds.

§ 317.2 Organizations authorized to act.

Organizations eligible to apply for qualification and serve as savings bond issuing agents include: (a) Banks, trust companies and savings institutions chartered by or incorporated under the laws of the United States, or those of any State or Territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico; (b) Agencies of the United States and of State and local governments; and (c) Employers operating payroll savings plans for the purchase of United States Savings Bonds.

§ 317.3 Procedure for qualifying and serving as issuing agent.

(a) *Execution of application-agreement.* The applicant-organization shall obtain from, duly execute, and file with a Federal Reserve Bank an application-agreement form. The terms of each application-agreement shall include the provisions prescribed by

Section 202 of Executive Order No. 11246, entitled "Equal Employment Opportunity" (3 CFR, Subchapter B, 42 U.S.C. 2000e note).

(b) *Certificate of qualification.* Upon approval of an application-agreement, the Federal Reserve Bank will issue a certificate of qualification to the organization. Until the receipt of such a certificate, an organization shall not perform any act as an issuing agent, or advertise in any manner that it is authorized to so act or that it has applied for qualification as an issuing agent.

(c) *Basis for obtaining stock and performing issue functions.* After receipt of a certificate of qualification, an organization may obtain bond stock and perform the functions of an issuing agent. Under the terms of the application-agreement, the stock of bonds, together with the proceeds of their sale, are at all times the property of the United States, for which the organization shall be fully accountable.

(d) *Adverse action or change in qualification.* An organization will be notified by the Federal Reserve Bank if its application-agreement to act as issuing agent is not approved, or if, after qualification, the certificate of qualification is terminated.

§ 317.4 Issuing agents currently qualified.

Organizations qualified as issuing agents under trust agreements currently in effect are authorized to continue to act in that capacity without requalification. By so acting, they shall be subject to the terms and conditions of the previously executed application-agreements and these regulations in the same manner and to the same extent as though they had requalified hereunder.

§ 317.5 Termination of qualification.

(a) *By the United States.* The Secretary of the Treasury or his delegate may terminate the qualification of an issuing agent at any time, upon due notice to the agent. If this action is taken, the agent will be required to make a final accounting for the balance of savings bond stock for which it is charged, based on the records of the Federal Reserve Bank. The agent must surrender all unissued bonds and remit the issue price of any remaining bonds included in its accountability.

(b) *At request of issuing agent.* A Federal Reserve Bank will terminate the qualification of an issuing agent upon its request, provided the agent is in full compliance with the terms of its agreement and the applicable regulations and instructions, and renders a final accounting.

§ 317.6 Issuance of bonds.

(a) *General.* Issuing agents shall comply with all regulations and instructions issued by the Department of the Treasury directly, or through the Federal Reserve Bank, concerning the sale, inscription, dating, validation and issue of the bonds, and disposition of the registration stubs. No issuing agent shall have authority to sell bonds other than as provided in the offering circular.

(b) *Fees.* Issuing agents other than Federal agencies, which for the purpose of this section include Government corporations and independent establishments, will be paid a fee for each savings bond issued. A schedule reflecting the amount of the fees and the basis upon which they are computed will be published in the **Federal Register.**

(c) *No charge to customers.* Financial institutions accepting fees from the Treasury for issuing savings bonds shall not make any charge to customers for the same service.

§ 317.7 Accounting for bond stock and sales proceeds.

Issuing agents must comply with all regulations and instructions issued by the Department of the Treasury governing the accounting for bond stock and for the proceeds of bond sales.

§ 317.8 Remittance of sales proceeds.

Issuing agents shall remit bond sales proceeds promptly in accordance with instructions issued by the Department of the Treasury, either directly or through the Federal Reserve Banks. Failure to comply with these instructions may subject an agent to penalties, including termination of its qualification as an issuing agent.

§ 317.9 Role of Federal Reserve Banks.

In their capacity as fiscal agents of the United States, the Federal Reserve Banks are authorized to perform such duties, including the issuance of instructions and forms, as may be necessary to fulfill the purposes and requirements of these regulations. The Reserve Banks qualify issuing agents; supply them with bond stock and maintain records of the agents' accountability; instruct them regarding the sale and issue of bonds, the custody and control of bond stock, and the accounting for and remittance of sales proceeds; and provide guidelines covering the amount of bond stock agents may ordinarily requisition and maintain.

§ 317.10 Reservation.

The Secretary of the Treasury may at any time, or from time to time, supplement or amend the terms of these regulations.

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Bureau of the Public Debt

31 CFR Part 317

Regulations Governing Agencies for Issue of United States Savings Bonds

AGENCY: Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: Department of the Treasury Circular, Public Debt Series [No. 4-80] (31 CFR, Part 317), contains the regulations governing agencies authorized to sell and issue accrual-type United States Savings Bonds and Notes. The Circular has previously referred specifically to United States Savings Bonds of Series E and to United States Savings Notes (Freedom Shares). This First Revision of the Circular is necessary because of the introduction in 1980 of Series EE savings bonds and the withdrawal from sale of Series E savings bonds. The sale of savings notes terminated on June 30, 1970.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Charles A. Queen, Assistant Chief Counsel, Bureau of the Public Debt, Washington, D.C. 20226 (202-376-0240).

SUPPLEMENTARY INFORMATION: The Secretary of the Treasury has announced that United States Savings Bonds of Series EE will be offered for sale as of January 1, 1980. Under the terms of the offering circular, the bonds will be sold and issued by organizations qualified as issuing agents. The Secretary has also announced that Series E savings bonds will be withdrawn from sale. Their over-the-counter sales will be terminated as of December 31, 1979, and sales on payroll deduction plans will be terminated no later than June 30, 1980.

In view of the changes in the Savings Bond Program, Department of the Treasury Circular, Public Debt Series No. 4-80, the regulations governing issuing agents, is being revised, effective January 1, 1980, to cover the issuance of Series EE bonds. The revised regulations also apply to Series E bonds until their sale and issue have been terminated and a final accounting has been made by each issuing agent for the Series E savings bond stock for which it is charged.

Other changes being made in the regulations are discussed below.

federal register

Tuesday
December 18, 1979

Part VII

Federal Emergency Management Agency

Standards of Conduct

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 3

[Docket No. FEMA-Gen-3]

Standards of Conduct

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: On August 27, 1979, the Federal Emergency Management Agency (FEMA) published its interim regulations prescribing standards of conduct for FEMA employees, special government employees, and former employees (44 FR 50276). A correction document was published on September 28, 1979 (44 FR 55876). While these regulations were made fully effective on August 27, 1979, FEMA did offer an opportunity for public comment on the regulation by October 26, 1979. This date has now passed, and this regulation should now be given final form.

EFFECTIVE DATE: December 18, 1979.

ADDRESS: Federal Emergency Management Agency, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of General Counsel (202) 634–4113.

SUPPLEMENTARY INFORMATION: These regulations have been reviewed and approved by the Office of Government Ethics. Only one comment was received and that from an employee. His queries have been resolved. For reasons of convenience, these regulations are being republished in their entirety. In doing this a few errors have been corrected and editorial changes made, but no changes of substance made. For this reason there is no purpose served by a 30-day delay of the effective date and the regulation is made effective immediately.

Accordingly, Part 3 of Chapter I of Title 44, Code of Federal Regulations, is revised to read as follows:

PART 3—STANDARDS OF CONDUCT

Subpart A—General

Sec.
3.1 Purpose.
3.2 Applicability and scope.
3.3 Definitions.
3.4 Notification to employees and special Government employees.
3.5 Interpretation and advisory service.
3.6 Employee responsibilities.
3.7 Sanction for violation.
3.8 Disqualification procedure.

Subpart B—Conduct and Responsibilities of Employees

Sec.
3.10 Administrative extension of statutory limitations.
3.11 Proscribed actions.
3.12 Financial interests.
3.13 Outside employment and other activities.
3.14 Gifts and gratuities.
3.15 Use of Government property, vehicles, and communications systems.
3.16 Misuse of information.
3.17 Gambling, betting and lotteries.
3.18 Indebtedness.
3.19 General conduct prejudicial to the Government.
3.20 Intermediaries and product recommendation.
3.21 Membership in organizations.
3.22 Use of intoxicants.
3.23 False statements.
3.24 Care of official records and documents.
3.25 Disclosure of information about an individual.

Subpart C—Conduct and Responsibilities of Special Government Employees

3.40 Applicability of Subpart B.
3.41 Use of Government employment.
3.42 Use of inside information.
3.43 Coercion.
3.44 Gifts, entertainment, and favors.
3.45 Applicability of other provisions.

Subpart D—Disclosure of Financial Interests

General Provisions
3.50 General.
3.51 Information not required.
3.52 Effect of employees' statements on other requirements.
3.53–3.59 [Reserved]

Financial Disclosure Under Ethics in Government Act of 1978
3.60 Who must file.
3.61 Form used to file.
3.62 When to file.
3.63 How and where to file.
3.64 Supervisory review of report.
3.65 Action on report.
3.66 Public release.
3.67–3.79 [Reserved]

Financial Disclosure Under Executive Order 11222 and 5 CFR Part 735
3.80 Who must file.
3.81 Form used to file.
3.82 When to file.
3.83 How and where to file.
3.84 Review of report.
3.85 Action on report.
3.86 Confidentiality of employees' statements.
3.87 Employees' complaint on filing requirement.
3.88 Employees not required to submit statements.
3.89 Information not known to employees.

Subpart E—Post Employment Conflicts of Interest [Reserved]

Appendix A Statutes Governing Conduct of Federal Employees

Authority: Title II of Ethics in Government Act of 1978, Pub. L. 95–521, 92 Stat. 1838 (5 U.S.C. app); 5 CFR Parts 735, 737; EO 11222, 30 FR 6469, 3 CFR, 1964–1965 Comp., p. 306.

Subpart A—General

§ 3.1 Purpose.

(a) The purpose of this part is to set forth Federal Emergency Management Agency (FEMA) policy and procedure relating to employee responsibilities and conduct.

(b) 5 CFR 735.101 states in part: "The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of Government employees and special Government employees through informed judgment is indispensable to the maintenance of these standards".

(c) This part effectuates the requirements in Subpart A of 5 CFR Part 735 that FEMA issue regulations covering FEMA employees and special Government employees which (1) implement Executive Order 11222 of May 8, 1965, and 5 CFR Part 735 and (2) prescribe additional standards of ethical and other conduct appropriate to the particular functions of FEMA. This Part also effectuates the requirements placed on FEMA by the Ethics in Government Act of 1978, and implementing regulations of OPM.

§ 3.2 Applicability and scope.

(a) This part applies to all persons included within the terms "employee" and "special government employee" as defined in § 3.3. This part also applies to all former employees and special government employees of FEMA.

(b) This part prescribes general standards of conduct for FEMA employees. It is not, however, inclusive. Other FEMA regulations, instructions and issuances may include standards of ethical behavior. Employees must consult these. Among these instructions are those related to (1) the Freedom of Information Act, (2) The FEMA Employee Security Program, and (3) The FEMA Acquisition Process.

(c) This part does not apply unless there is specific provision to that effect to standards of ethical conduct required by law or regulation of FEMA contractors or grantees, nor does it apply to organizational conflicts of interest.

§ 3.3 Definitions.

For purposes of this part:

(a) "FEMA" means the Federal Emergency Management Agency.

(b) "Director" means the Director, FEMA.

(c)"Employee" includes every employee of FEMA, Headquarters and field, but does not include a special Government employee nor does it include a member of the Executive Reserve except during such time as the member is serving as an employee of FEMA.

(d) "Special Government employee" includes an employee of FEMA who is retained, designated, appointed, or employed to perform, with or without compensation, and for not to exceed 130 days during any period of 365 consecutive days, temporary duty on either a full time or intermittent basis. See 18 U.S.C. 202.

(e) "Person" includes an individual, corporation, company, association, firm, partnership, society, joint stock company, or other organization or institution.

(f) "Ethics Counselor" means the FEMA officer designated to administer for FEMA Titles II and V of the Ethics in Government Act of 1978 (Pub. L. 95–521), and it also means the FEMA Official who serves as the Agency's designee to OGE on matters covered by Parts 735 and 737 of Title 5 of the Code of Federal Regulations and who coordinates and directs the FEMA ethics counseling service. In FEMA this is the General Counsel.

(g) "OGE" means the Office of Government Ethics in the Office of Personnel Management (OPM).

(h) "Head of Unit" as used herein includes Deputy Director, Associate Directors, Regional Directors, Federal Insurance Administrator, and the United States Fire Administrator. For purposes of this part, the Deputy Director is "Head of unit" for any organizational component of FEMA not included in the above listing of final publication. During the absence of, or a vacancy in the Office of the Deputy Director, the Director may name another official in FEMA to exercise this function.

§ 3.4 Notification to employees and special Government employees.

(a) The provisions of this part as it is revised, shall be brought to the attention of, and made available to, each employee and special Government employee by furnishing a copy at the time of final publication. The provisions of this part shall further be brought to the attention of such employees at least annually thereafter.

(b) The provisions of this part shall be brought to the attention of each new employee and new special Government employee by furnishing a copy at the time of entrance of duty, and by such other methods of information and education as the Director may prescribe.

§ 3.5 Interpretation and advisory service.

(a) The Ethics Counselor serves as FEMA's designee to OGE on matters covered by this Part and by 5 CFR Parts 735 and 737. The Ethics Counselor is responsible for coordinating FEMA's counseling services and for assuring that counseling and interpretations on questions of conflicts of interest and other matters covered by this part are available.

(b) Such deputy counselors as may be required shall be designated by the General Counsel from among the staff of the Office of the General Counsel to give authoritative advice and guidance to current, former and prospective employees and special Government employees who seek advice and guidance on questions of conflicts of interest and on other matters covered by this Part.

(c) To assist in avoiding situations of noncompliance the Ethics Counselor shall, in accordance with section 206(b)(7) of the Ethics in Government Act of 1978 (Pub. L. 95–521), maintain a list of those circumstances or situations which have resulted or may result in noncompliance with laws or regulations concerning conflicts of interest and shall furnish a published list to employees subject to Title II of the Ethics in Government Act of 1978.

(d) The Ethics Counselor shall provide advice promptly to former FEMA employees and special Government employees who make inquiry on any matter arising under the post employment conflict of interest regulations of OPM (5 CFR Part 737) and this Part.

§ 3.6 Employee responsibilities.

(a) Each employee and special Government employee has a positive duty to become acquainted with the numerous statutes relating to the ethical and other conduct of employees and special Government employees of FEMA and of the Government. Appendix A of this Part contains a listing of many of the more important statutory provisions of general applicability. In case of doubt on any question of statutory application to fact situations that may arise, an individual should consult the text of the statutes, Executive Orders or regulations and may consult the Ethics Counselor or Deputy Counselor. These will be made available to the employee by the Ethics Counselor or Deputy Counselor, who have available for review copies of laws, Executive Orders, agency regulations, and pertinent issuances by OPM on this subject.

(b) In any case where any employee or special Government employee, regardless of grade or position, finds that participation in a particular matter or transaction might be considered to involve a direct or indirect financial interest, such individual shall promptly submit a request for disqualification to act in the matter or for other proposed remedial action in writing to the appropriate supervisor. This request will be acted on in accordance with § 3.8.

§ 3.7 Sanction for violation.

A violation of this Part by an employee or special government employee may be cause for appropriate disciplinary action, or remedial action, which may be in addition to any penalty prescribed by law.

§ 3.8 Disqualification procedure.

(a) This section applies whether or not the conflict or apparent conflict of interest appears on any disclosure form and it applies to any employee or special government employee, regardless of grade or position. It applies to a request for disqualification to act made pursuant to paragraph (b) of this section.

(b) All disqualification or remedial action requests are referred to the Ethics Counselor. If the Ethics Counselor reaches an opinion, based on information submitted to him, that an employee or special government employee is not in compliance with applicable laws and regulations, then the Ethics Counselor shall so notify the individual of this opinion. The Ethics Counselor shall act on requests by individuals but is not required to approve the specific remedial action proposed. The individual shall be given a reasonable opportunity for an oral or written response. The Ethics Counselor may also ask for additional information.

(c) The Ethics Counselor shall consider the individual's response, and reach an opinion as to whether or not the individual is in compliance. If the opinion is that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, and after consultation with the individual (if practical) determine and notify the individual of what steps if any, and the date for completion, would be appropriate for assuring compliance with the laws and regulations.

(d) These steps may include:

(1) Divestiture,

(2) Restitution,

(3) The establishment of a blind trust,

(4) Request for an exemption under section 208(b) of Title 18, United States Code, or

(5) Voluntary request for transfer, reassignment, disqualification for a particular assignment, or limitation of duties.

(e) If any of the remedial actions indicated in paragraph (d)(5) of this section is contemplated, appropriate personnel officers of FEMA shall be notified and shall participate in the determination of the action proposed to be effected.

(f) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (c) the matter shall be referred to the Director.

Subpart B—Conduct and Responsibilities of Employees

§ 3.10 Administrative extension of statutory limitations.

The provisions of the statutes identified in this Part, including those in Appendix A, which relate to the ethical and other conduct of Federal employees are adopted and will be enforced as administrative regulations, violations of which may, in appropriate cases be the basis for disciplinary action, including removal. The fact that a statute which may relate to employee conduct is not identified in this Part does not mean that it may not be the basis for disciplinary action against an employee.

§ 3.11 Proscribed actions.

An employee shall avoid any action whether or not specifically prohibited by this Subpart which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels;

(f) Affecting adversely the confidence of the public in the integrity of the Government;

(g) Discriminating contrary to any law, rule or regulation, against any other employee, or applicant for employment, on the grounds of race, color, religion, national origin, sex, age, handicapping condition, marital status, or political affiliation.

(h) Excluding contrary to any law, rule or regulation, any person from participating in, or denying to any person the benefits, of, any program or activity administered by FEMA on the grounds of race, color, religion, national origin handicapping condition, age, sex, marital status or political affiliation;

(i) Knowingly participating, while conducting official business, in or attending any segregated meetings, or meetings held in segregated facilities, from which persons are excluded because of race, color, religion, sex or national origin, etc.

§ 3.12 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with the employee's Government duties and responsibilities as a Federal Employee; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through Government employment.

(b) No employee shall participate in any manner, on behalf of the United States, in the negotiation of contracts, the making of loans, and grants, the granting of subsidies, the fixing of rates, or the issuance of valuable permits or certificates, or in any investigation or prosecution, or in the transaction of any other official business which affects chiefly a person:

(1) By whom the individual has been employed or with whom the individual has had any economic interest within the preceding two years, or

(2) With whom the individual has any economic interest or any pending negotiations concerning a prospective economic interest, except with express prior authorization in writing by the Director.

(c) Contracts shall not knowingly be entered into between the Government and employees of the Government or business concerns or organizations which are substantially owned or controlled by Government employees, except for the most compelling reasons, such as cases where the needs of the Government cannot reasonably be otherwise supplied.

(d) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, Executive Order, OPM regulation (5 CFR Parts 735 and 737) or the regulation in this Part.

(e)(1) The financial (or economic) interests described below are, unless otherwise determined by the Ethics Counselor in specific cases, too remote or too inconsequential to affect the integrity of an employee's services, and are thereby exempted from the prohibitions of 18 U.S.C. 208(a), and the holding of such an interest does not exclude such employee's participation in the transaction of any official business involving such financial or economic interest:

(i) Deposits in a bank, savings and loan association, building association, credit union or similar financial institution; or policies held with an insurance company;

(ii) Any holding in a widely held mutual fund, or regulated investment company which does not specialize in any particular industry;

(iii) Continued participation in a bona fide pension, retirement, group life, health, or accident insurance plan or other employee welfare or benefit plan that is maintained by a business or nonprofit organization by which the employee was formerly employed, to the extent that the employee's rights in the plan are vested and require no additional services by the employee or further payments to the plan by the organization with respect to the services of the employee. To the extent that such plans are profit sharing or stock bonus plans, this exemption shall not apply.

(2) These exempted financial interests should, however, be reported by employees on disclosure forms to the extent prescribed in Subpart D of this Part.

(3) For purposes of this Part unless otherwise provided in law, regulation, or on any form requesting disclosure, the interest of a spouse, dependent child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those relations who are residents of the employee's household.

(f) Paragraph (b) of this section does not apply if the officer or employee first advises the Ethics Counselor in writing of the nature and circumstances of the matter, makes full disclosure of the financial interest, and receives in advance a written determination by such Ethics Counselor or Deputy Counselor that such interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such employee.

(g) The provisions of this section do not limit or add to the provisions of any disclosure requirements under Subpart D of this Part.

§ 3.13 Outside employment and other activities.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and

proper discharge of the duties and responsibilities of his or her Government employment, and which might result in a conflict or apparent conflict between the private interests of the employee and the official Government duties and responsibilities. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances where acceptance may result in, or create the appearance of, conflicts of interest;

(2) Outside employment which tends to impair the mental or physical capacity to perform Government duties and responsibilities in an acceptable manner;

(3) Outside activities that may be construed by the public to be the official acts of FEMA;

(4) Activities that establish relationships or property interests that may result in a conflict between one's private interests and official duties;

(b) Full-time employees and part-time employees with a regularly scheduled tour of duly must obtain the prior approval of the Ethics Counselor or Deputy Counselor before engaging in outside employment in the same professional field as that of the individual's official position.

(c) Although teaching, lecturing, and writing are outside employment, employees are encouraged to engage in such activities so long as they are not prohibited by law, Executive Order, OPM regulations or this Part.

(d) An employee shall not receive any salary or anything of monetary value from a private source as compensation for services to the Government.

(e) Any full-time employee mentioned in § 3.60 of this Part, whose appointment is required to be made by and with the advice and consent of the Senate, may not have earned income in any calendar year attributable to such year in excess of 15% of his or her salary.

(f) No employee, including the Director, shall receive outside compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of FEMA, or which draws substantially on official data or ideas which have not become part of the body of public information.

(g) The use of an employee's name and title in connection with articles for publication which bear upon work in FEMA is permissible only if approval is obtained from the Ethics Counselor or Deputy Counselor.

(h) This section does not preclude an employee from:

(1) Participation in the activities of National or State political parties not proscribed by law.

(2) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

§ 3.14 Gifts and gratuities.

(a) Except as otherwise provided in this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with FEMA;

(2) Conducts operations or activities that are regulated by FEMA; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duty.

(b) The prohibitions of paragraph (a) of this section do not apply in the following cases:

(1) Obvious family or personal relationship, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans; and

(4) Acceptance of unsolicited advertising or promotional materials, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(5) Acceptance of a gift, gratuity, favor, entertainment, loan, payment of expenses, fees, compensation, or other thing of monetary value when such acceptance is determined in writing by the Director, to be necessary and appropriate in view of the work FEMA and the duties and responsibilities of the employee. A copy of each such determination shall be sent to the Ethics Counselor.

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness or retirement.

(d) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(e) Neither this section nor § 3.13 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under FEMA orders when reimbursement is proscribed by decisions of the Comptroller General for such reasons as reimbursement by the person to the Agency directly.

§ 3.15 Use of Government property, vehicles and communications systems.

(a) An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities.

(b) Each employee shall protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to the employee.

(c) An employee shall not use, or authorize the use of, Government owned or leased motor vehicles or aircraft for other than official purposes (31 U.S.C. 638a(c)).

(d) An employee shall not use the Federal Telecommunications System or similar system, or commercial telephone facilities for official long-distance calls unless specifically authorized to do so. Use of these facilities for purposes other than the conduct of official business is also prohibited.

§ 3.16 Misuse of information.

(a) *Use of inside information.* For the purpose of furthering a private interest, an employee shall not, except as provided in § 3.13 directly, or indirectly

use, or allow the use of, information which has been or has the appearance of having been obtained through or in connection with Government employment and which has not been made available to the general public.

(b) *Coercion.* An employee shall not use Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to self or another person, particularly one with whom the employee has family, business, or financial ties.

(c) *Disclosure of restricted information.* Except as authorized by law, or FEMA regulation, including that related to the Freedom of Information Act, no employee shall divulge restricted commercial or economic information, or restricted information concerning the personnel or operations including procurement actions of any Government agency, or release any such information in advance of the time prescribed for its authorized release.

§ 3.17 Gambling, betting and lotteries.

An employee shall not, except as otherwise lawfully authorized, participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device; in conducting a lottery or pool; in a game for money or property; or in selling or purchasing a numbers slip or ticket.

§ 3.18 Indebtedness.

(a) An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For purposes of this section "a just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which, in the view of FEMA, does not under the circumstances, reflect adversely on the Government as employer.

(b) In the event of dispute between an employee and an alleged creditor, this section does not require FEMA to determine the validity or amount of the disputed debt.

§ 3.19 General conduct prejudicial to the Government.

(a) Officers and employees of the Federal Government are servants of the people. Because of this, their conduct must, in many instances, be subject to more restrictions and to higher standards than may be the case in certain private employments. They are expected to conduct themselves in a manner which will reflect favorably upon their employer. Although the Government is not particularly interested in the private lives of its employees, it does expect them to be honest, reliable, trustworthy, and of good character and reputation. They are expected to be loyal to the Government, and to the department or agency in which they are employed.

(b) An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

(c) Each employee shall act in a manner that facilitates the effective accomplishment of the work of FEMA, observing at all times the requirements of courtesy, consideration, and promptness in dealing with the public and with persons or organizations having business with FEMA.

§ 3.20 Intermediaries and product recommendation.

Except as authorized in connection with the performance of official duties, no employee shall recommend or suggest the use of any particular or identified nongovernmental intermediary to deal with FEMA nor shall an employee recommend any device or product tested by or for, or used by FEMA, or for which FEMA provides financial assistance.

§ 3.21 Membership in organizations.

(a) An employee may not, in his or her official capacity as an employee of FEMA, serve as a member of a non-Federal or private organization except where statutory authority exists, or where the Director has determined, in writing, that such service would be beneficial to FEMA and consistent with such employee's service as a FEMA employee.

(b) The foregoing is subject to the following. An employee may, and is encouraged to serve in an individual capacity as a member of a non-Federal or private organization, particularly those engaged in civic or community affairs on a non-political, non-profit basis, provided that:

(1) Membership does not violate any restriction, law, or regulation, including this Part, and

(2) The employee's official title or organization connection is not shown on any listing or presented in any activity of the organization in such a manner as to imply that the employee is acting in an official capacity.

(c) An employee may be designated in writing to serve as a liaison representative of FEMA to a non-Federal or private organization when the Director, an Associate Director, or a Regional Director, as appropriate, has determined that such service would be beneficial to FEMA and provided that:

(1) The activity relates to the work of FEMA;

(2) The employee does not participate by vote in the policy determinations of the organization;

(3) FEMA is in no way bound by any vote or action taken by the organization.

§ 3.22 Use of intoxicants.

An employee shall not use intoxicants habitually, to excess (5 U.S.C. 7352). Intoxicants shall not be consumed on Government-owned or leased premises. An employee found using, or under the influence of, intoxicants while at work will be subject to disciplinary action.

§ 3.23 False statements.

An employee shall not, knowingly and willfully, conceal or cover up a material fact, or make any false, or fictitious statement in connection with any official matter, document, or record (18 U.S.C. 1001, 2073).

§ 3.24 Care of official records and documents.

An employee shall not, willfully and unlawfully, conceal, remove, mutilate, falsify, or destroy any Government document or record (18 U.S.C. 285, 2071).

§ 3.25 Disclosure of information about an individual.

(a) Every employee who is involved in the design, development, operation, or maintenance of a system of records or who has access to a system of records shall familiarize himself with the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) and FEMA regulation implementation of the Privacy Act of 1974 (44 CFR Part 6) and FEMA directives issued thereunder and apply these requirements to all systems of records.

(b) No officer or employee shall disclose any record which is contained in a system of records by any means of communication to any person or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains, unless the disclosure is to a recipient specified in paragraph (c) of this section. The term "record", for purposes of this section, means any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to education, financial transactions, medical history, and criminal or employment history and that contains name or the identifying number, symbol, or other identifying particular assigned to the individual, such as a fingerprint, voice-print, or

photograph. The term "system of records" means a group of any records under the control of FEMA from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. The term "routine use" means, with respect to the disclosure of a record, the use of that record for a purpose which is compatible with the purpose for which it was collected. The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence. The term "agency" is defined in 5 U.S.C. 552(e).

(c) An employee may disclose any record which is contained in a system of records without a written request by and without the prior written consent of the individual to whom the record pertains if the disclosure is:

(1) To those employees of the agency which maintains the record who have a need for the record in the performance of their duties.

(2) Pursuant to section 552 of Title 5 U.S.C. (Freedom of Information Act);

(3) For a routine use as defined in section (a)(7) of the Privacy Act of 1974 (described in paragraph (b) of this section);

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 U.S.C.;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and that the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of the individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress, or a subcommittee of any such joint committee;

(10) To the Comptroller General or any authorized representatives, in the course to the performances of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(d) No employee shall maintain a record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(e) No employee shall sell or rent an individual's name and address unless such action is specifically authorized by law.

(f) An employee is subject to criminal penalties and administrative sanctions who by virtue of such employment or offical position has possession of or access to agency records which contain idividually identifiable information the disclosure of which is prohibited by paragraph (a) of this section or by any other rules, regulations or directives of FEMA established under the Privacy Act of 1974, and who:

(1) Knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, or

(2) Willfully maintains a system of records without meeting the notice requirements of the Privacy Act of 1974, or

(3) Knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses.

(g) An employee subjects self to administrative sanctions, and subjects FEMA to civil penalties who:

(1) Makes a determination not to amend an individual's record in accordance with the Privacy Act of 1974; or

(2) Refuses to comply with an individual's request to gain access to review and to obtain a copy of any information pertaining to him; or

(3) Fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to ensure fairness in any determination relating to the qualifications, character, right, or opportunities of or benefits to the individual that may be made on the basis of such record and consequently a determination is made which is adverse to the individual; or

(iv) Fails to comply with any provision of the Privacy Act of 1974 or any FEMA regulation or directive implementing it (5 U.S.C. 552a(g)(4)).

Subpart C—Conduct and Responsibilities of Special Government Employees

§ 3.40 Applicability of Subpart B.

Except as specifically provided in § 3.41–§ 3.45. Each special Government employee is subject to the provisions of Subpart B as if such individual were an employee, with the following exceptions:

(a) § 3.13 Outside employment and other outside activities;

(b) § 3.14 Gifts and gratuities;

(c) § 3.21 Membership in organizations.

§ 3.41 Use of Government employment.

A special Government employee shall not use FEMA employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for the individual or another person, particularly one with whom the employee has family, business, or financial ties.

§ 3.42 Use of inside information.

(a) A special Government employee shall not use information obtained as a result of FEMA employment which has not become part of the body of public information for private gain for the employee or another person either by direction on the employee's part or by counsel, recommendation, or suggestion to another person, particularly one with whom the employee has family, business, or financial ties.

(b) Special Government employees may teach, lecture, or write in a manner consistent with the provisions of § 3.13.

§ 3.43 Coercion.

A special Government employee shall not use Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to the employee or another person, particularly one with whom the employee has family, business, or financial ties.

§ 3.44 Gifts, entertainment and favors.

(a) Except as provided in paragraph (b) of this section, a special Government employee, while so employed or in connection with employment, shall not receive or solicit from a person having business with FEMA anything of monetary value as a gift, gratuity, loan,

entertainment, or favor for the employee or another person particularly one with whom the employee has family, business, or financial ties.

(b) The exceptions or § 3.14, which are applicable to employees, are also applicable to special Government employees.

§ 3.45 Applicability of other provisions.

(a) Each special Government employee shall acquaint himself with each statute, Executive Order, regulation, or similar provision listed in Appendix A to this part.

(b) A special Government emoployee engaged on irregular or occasional basis is bound by the political activity restrictions or the Hatch Act cited in Appendix A only while in an active duty status and for the entire 24 hours of any day during which the special government employee is actually employed.

Subpart D—Disclosure of Financial Interests

General Provisions

§ 3.50 General.

(a) Title II of the Ethics in Government Act of 1978 (Pub. L. 95–521), which became effective January 1, 1979, requires that certain officers and employees of the executive branch make specified financial disclosures in accordance with procedures for filing review and public availability established by the Office of Personnel Management.

(b) Section 402 of Executive Order 11222 of May 8, 1965 authorizes the Office of Personnel Management to prescribe regulations requiring submission by certain officers and employees of the executive branch of statements of employment and financial interest. These are contained in subpart D of 5 CFR Part 735.

(c) This Subpart D describes for FEMA, the procedures required to implement the laws, Executive orders, and Office of Personnel Management Regulations concerning disclosure of financial and employment interests.

(d) An individual required to file a disclosure statement by virtue of the Ethics in Government Act of 1978 need not file a disclosure statement required by virtue of E.O. 11222 and Subpart D of 5 CFR Part 735.

§ 3.51 Information not required.

Subpart D of this part does not require an employee to report information relating to a connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in disclosure statements.

§ 3.52 Effect of employees' statements on other requirements.

The statements and supplementary statements required of employees pursuant to this part are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit the employee or any other person to participate in a matter in which the employee's or the other person's participation is prohibited by law, order, or regulation, including this Part.

§ 3.53–§ 3.59 [Reserved]

Financial Disclosure Under Ethics in Government Act of 1978

§ 3.60 Who must file.

The following officials of FEMA, if they have served 61 or more days during the preceding calendar year:

(a) Officers and employees (including special Government employees, as defined in 18 U.S.C. 202) whose positions are classified at GS–16 or above of the General Schedule, or whose basic rate of pay under other pay schedules is equal to or greater than the minimum rate of basic pay for GS–16. This includes all positions in the Senior Executive Service;

(b) Officers or employees in any other position determined by the Director of the Office of Government Ethics to be of equal classification to GS–16;

(c) Employees in the excepted service in positions which are of a confidential or policy-making character unless their positions have been excluded by regulations issued by the Director of the Office of Government Ethics (see 5 CFR 735.503).

(d) The Ethics Counselor.

§ 3.61 Form used to file.

The disclosure statement which must be used is either Standard Form (SF) 278, or Standard Form 278A (used for appointees confirmed by the Senate). "Financial Disclosure Statement for Executive Branch Personnel." Copies are available from the Ethics Counselor.

Hereafter the regulation uses the term SF 278 to describe both forms.

§ 3.62 When to file.

No later than May 14 annually, or 30 days after the individual assumes a position subject to the requirement in § 3.60 of this part unless the individual has within 30 days prior to assuming the position, left another position subject to the requirement. In the event of termination of employment, if the individual has not in the interim accepted another position subject to the requirement, report must be filed no later than the 30th day after termination, covering:

(a) The preceding calendar year if the annual May 15 report has not been filed, and

(b) The portion of the present calendar year up to the date of termination.

§ 3.63 How and where to file.

(a) The SF 278, with a copy of the employee's position description, shall be submitted to the Ethics Counselor (General Counsel), who shall note on the report the date it is received. The Ethics Counselor will forward the report to the Head of Unit under whom the individual serves for review.

(b) The Forms SF 278 of heads of units shall be submitted for review to the Deputy Director. The Deputy Director's Form SF 278 will be submitted to the Director for review.

(c) Special government employees who were employed for more than 60 days during CY 1978 will be required to file an annual report (SF 278) with processing of their forms to be accomplished in the same manner prescribed in paragraph (a) of this section.

§ 3.64 Supervisory review of report.

Upon receipt of an SF 278 the head of until will consider the reported financial interests as they relate to the individual's duties, and make recommendations. The Director or head of unit then will return the form with attachments, to the Ethics Counselor for review. The review process shall be completed within 60 days after the date of filing.

§ 3.65 Action on report.

(a) If, after review, the Ethics Counselor or Deputy Counselor is of the opinion that the individual making the report is in compliance with applicable law and regulation, he or she shall state such opinion on the report, and sign same. If additional information is required, the involved individual shall be notified as to what this information is and as to when it must be submitted.

(b) If the Ethics Counselor or Deputy Counselor is of the opinion, on the basis

of information submitted that the individual is not in compliance with applicable laws and regulations, the invididual shall be notified and the procedure specified in § 3.8 followed. Notwithstanding § 3.8 if steps for assuring compliance with applicable laws and regulations are not taken by the date set under § 3.8(c) by an individual appointment which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

§ 3.66 Public release.

(a) No later than 15 days after any report (including SF 278) is received by FEMA, the Ethics Counselor shall permit inspection of, or furnish a copy of, such report including the position description to any person who requests inspection or a copy. The report shall be retained for six years after receipt. No fee shall be charged for furnishing a copy unless the cost of reproduction exceeds $10 in which case the fee shall be the same as those established under the FEMA regulations implementing the Freedom of Information Act (Part 5 of this Title). The Ethics Counselor shall maintain an accurate accounting of disclosures of reports in accordance with the requirements of Part 6 of this title, which relates to implementation of the Privacy Act of 1974. These reports are part of a system of records—OPM—Govt 4 established by the Office of Personnel Management.

(b) Notwithstanding paragraph (a) a report may not be made available under this section to any person, except upon a written application by such person stating

(1) The person's name, occupation and address,

(2) The name and address of any other person on whose behalf the inspection or copy is requested, and

(3) That such person is aware of the prohibitions on the obtaining or use of the report.

These applications shall be made available to the public throughout the period during which the report is made available to the public.

§ 3.67–§ 3.79 [Reserved]

Financial Disclosure Under Executive Order 11222 and 5 CFR Part 735

§ 3.80 Who must file.

(a) Except as provided in § 3.88, the following categories of employees shall submit statements of employment and financial interest:

(1) Employees classified as GS–13 or above who are in a position identified as a position the incumbent of which is responsible for making a Government decision or taking a Government action in regard to:

(i) Contracting or procurement;

(ii) Administering or monitoring grants or subsidies;

(iii) Regulating or auditing private or other non-Federal enterprise; or

(iv) Other activities in which the decision or action has an economic impact on the interests of any non-Federal enterprise.

(2) Employees classified at GS–13 or above who are in a position which the Director has determined has duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflicts-of-interest situation and to carry out the purpose of law, Executive order, and this part.

(3) Employees classified below GS–13 who are in a position which otherwise meet the criteria in paragraph (a) or (b) of this section, and which position has been approved by the OPM as an exception that is essential to protect the integrity of the Government and to avoid employee involvement in a possible conflict-of-interest situation.

(B) The specific positions described in subsection (a) of this section shall be identified in a FEMA Directive. A copy of this directive shall be furnished to each incumbent of a position subject to the requirement of § 3.80 of this part, and shall be made available to any person upon request. The directive shall be kept current and reviewed at least annually. Designation of a position is effective upon actual notification to the incumbent, or upon inclusion of a statement in the official job description that the position is subject to requirements of this section.

§ 3.81 Form used to file.

The disclosure statement which must be used by the employees named according to § 3.80 is FEMA Form 11–1.

§ 3.82 When to file.

An employee required to submit a FEMA Form 11–1 pursuant to § 3.80 shall submit that statement not later than:

(a) Ninety days after the effective date of this part if employed on or before that effective date; or

(b) Thirty days after entrance on duty, but not earlier than 90 days after the effective date, if appointed after that effective date.

§ 3.83 How and where to file.

(a) The FEMA Form 11–1 shall be submitted to the Ethics Counselor (General Counsel) for review and custody.

(b) Changes in, or additions to, the information contained in the Form 11–1 shall be reported to the Ethics Counselor in a supplementary statement of the financial interests or employment as of September 30 each year. This supplementary statement is due by October 31. If no changes or additions occur, a negative report is required.

(c) Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest or engaging in outside employment or other activity that could result, or taking an action that would result, in a violation of the conflict-of-interest provisions of Section 208 of Title 18, United States Code, or this Part.

§ 3.84 Review of report.

The FEMA Form 11–1 is reviewed by the Ethics Counselor, or Deputy Counselor, who shall obtain copies of the relevant job description. The counselors shall show the forms to supervisors, or other employees of FEMA only to the extent required to determine if a conflict of interest exists.

§ 3.85 Action on report.

When a statement submitted pursuant to this part or information from other sources indicates a conflict between the interests of an employee and the performance of the employee's services for the government, the employee concerned shall be provided an opportuntiy to explain the conflict or appearance of conflict in accordance with the procedure set out in § 3.8.

§ 3.86 Confidentiality of employees' statements.

Unlike the SF 278, each FEMA Form 11–1 and each supplementary statement shall be held in confidence by FEMA. To insure this confidentiality, the OPM regulations provide that:

(a) FEMA shall designate which officials and employees are to review and retain the statements;

(b) Officials and employees designated under paragraph (a) of this section are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this Part; and

(c) FEMA may not disclose information from a statement except as the OPM or the Director may determine for good cause shown.

§ 3.87 Employees' complaint on filing requirement.

Employees have the opportunity for review through the FEMA grievance procedures of a complaint by an

employee that the position has been improperly included under these regulations as one requiring the submission of a statement of employment and financial interests.

§ 3.88 Employees not required to submit statements.

Employees in positions that meet the criteria in § 3.80 may be excluded from the reporting requirement when the Ethics Counselor determines that:

(a) The duties of a position are such that the likelihood of the incumbent's involvement in a conflict-of-interest situation is remote;

(b) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government.

§ 3.89 Information not known to employees.

If any information required to be included on a statement or supplementary statement, including holdings placed in trust, is not known to the employee but is know to another person, the employee shall request that other person to submit information in the employee's behalf.

Subpart E—Post Employment Conflicts of Interest [Reserved]

Appendix A—Statutes Governing Conduct of Federal Employees

There are numerous statutes pertaining to the ethical and other conduct of Federal employees. The important ones of general applicability are referred to in this Appendix.

A. Bribery and Graft

.01 Title 18, U.S.C., Section 201, prohibits anyone from bribing or attempting to bribe a public official by corruptly giving, offering, or promising him or any person selected by him, anything of value with intent (a) to influence any official act by him, (b) to influence him to commit or allow any fraud on the United States, or (c) to induce him to do or omit to do any act in violation of his lawful duty. As used in Section 201, "Public officials" is broadly defined to include officers, employees, and other persons carrying on activities for or on behalf of the Government.

.02 Section 201 also prohibits a public official's solicitation or acceptance of, or agreement to take a bribe. In addition, it forbids offers or payments to, and solicitations or receipt by, a public official of anything of value "for or because of" any official act performed or to be performed by him.

.03 Section 201 further prohibits the offering to or the acceptance by a witness of anything of value involving intent to influence his tesimony at a trial, Congressional hearing, or agency proceeding. A similar provision applies to witnesses "for or because of" testimony given or to be given. The provisions summarized in this section do not preclude lawful witness fees, travel and subsistence expenses, or reasonable compensation for expert testimony.

B. Compensation to Officers and Employees in Matters Affecting the Government

.01 Title 18 U.S.C., Section 203, prohibits an officer or employee from receiving compensation for services rendered for others before a Federal department or agency in matters in which the Government is a party or is interested.

.02 Section 203 applies to a special Government employee as follows:

(a) If the special Government employee has served in FEMA more than 60 days during the preceding period of 365 days, Section 203 applies to him only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially in his governmental capacity, or (2) which is pending in FEMA, or

(b) If the special Government employee has served in FEMA no more than 60 days during the preceding period of 365 days, section 203 applies to him only in relation to a particular matter involving a specific party or parties in which he has at any time participated personally and substantially in his governmental capacity.

.03 Section 203 does not apply to a retired officer of the uniformed services while not on active duty and not otherwise an officer or employee of the United States.

C. Activities of Officers and Employees in Claims Against and Other Matters Affecting the Government

.01 Title 18 U.S.C., Section 205, prohibits an officer or employee, otherwise than in the performance of his official duties from:

(a) Acting as agent or attorney for prosecuting any claim against the United States, or receiving any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claims; or

(b) Acting as agent or attorney for anyone before any Government agency, court, or officer in connection with any matter in which the United States is a party or has a direct and substantial interest.

.02 Section 205 applies to a special Government employee as follows:

(a) If the special Government employee has served in FEMA more than 60 days during the preceding period of 365 days, section 205 applies to him only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially in his governmental capacity, or (2) which is pending in FEMA.

(b) If the special Government employee has served no more than 60 days during the preceding period of 365 days, Section 205 applies to him only in relation to a particular matter involving a specific party or parties in which he has at any time participated personally and substantially in his governmental capacity.

.03 Section 205 does not preclude:

(a) An employee, if not inconsistent with faithful performance of his duties, from acting without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings, in connection with those proceedings; or

(b) An employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

.04 Sections 203 and 205 do not preclude:

(a) An employee from acting as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which he is serving as guardian, executor, administrator, trustee, or other personal fiduciary, except in those matters in which he has participated personally and substantially as a Government employee or which are the subject of his official responsibility, provided the head of the operating unit concerned approves; or

(b) A special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with, or for the benefit of the United States provided the Director or designee shall certify in writing that the national interest so requires, and such certification shall be published in the **Federal Register.**

.05 Section 205 does not apply to a retired officer of the uniformed services while not on active duty and not otherwise an officer or employee of the United States.

D. Disqualification of Former Officers and Employees in Matters Connected With Former Duties or Official Responsibilities; Disqualification of Partners

Title 18 U.S.C., Section 207 deals with former employees and possible conflicts of interest.

E. Acts Affecting a Personal Financial Interest

.01 Title 18, U.S.C., Section 208 prohibits an officer or employee, including a special Government employee, from participating personally and substantially in a governmental capacity in any matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.

F. Salary of Government Officials and Employees

.01 Title 18, U.S.C., Section 209, prohibits:

(a) An officer or employee from receiving any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the United States from any source other than the Government of the United States, except as may be contributed out of the treasury of a State, county, or municipality, and

(b) Any person or organization from paying, contributing to, or supplementing the salary of an officer or employee under circumstances which would make its receipt a violation of subparagraph .01(a) of this section.

.02 Section 209:

(a) Does not prevent a Government employee from continuing to participate in a bona fide pension or other welfare plan maintained by a former employer;

(b) Exempts special Government employees and employees serving the Government without compensation, and grants a corresponding exemption to any outside person paying compensation to such individuals; and

(c) Does not prohibit the payment or acceptance of sums under the terms of the Government Employees Training Act.

G. Code of Ethics for Government Service

"Code of Ethics for Government Service", House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12 of July 11, 1958, which reads as follows:

"Any Person in Government Service Should:

"PUT loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

"UPHOLD the Constitution, laws, and legal regulations of the United States and all governments therein and never be a party to their evasion.

"GIVE a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

"SEEK to find and employ more efficient and economical ways of getting tasks accomplished.

"NEVER discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

"MAKE no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

"ENGAGE in no business with the Government either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

"NEVER use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

"EXPOSE corruption wherever discovered.

"UPHOLD these principles, ever conscious that public office is a public trust."

H. Prohibitions

.01 The prohibition against lobbying with appropriated funds (18 U.S.C. 1913) reads as follows:

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation, but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

"Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than 1 year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment."

.02 The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918). An individual may not accept or hold a position in the Government of the United States if he:

(a) Advocates the overthrow of our constitutional form of Government;

(b) Is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

(c) Participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(d) Is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia.

.03 The prohibitions in 2 U.S.C. 441 i, against receiving any single honorarium in excess of $2,000, or total honorariums in excess of $25,000 in any calendar year.

.04 The prohibitions against (a) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 788); and (b) the disclosure of confidential information (18 U.S.C. 1905). Each employee who has access to classified information, e.g. confidential, secret, or top secret, or to a restricted area is responsible for knowing and for complying strictly with the security regulations of the Federal Emergency Management Agency.

.05 The prohibition against the use of the franking privilege to avoid payment of postage on private mail (18 U.S.C. 7119).

.06 The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

.07 The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001). An employee in connection with an official matter shall not knowingly and willfully conceal or cover up a material fact or falsify official papers or documents.

.08 The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508). Falsely making, altering or forging in whole or in part, any form of transportation request is prohibited.

.09 The prohibitions against:

(a) Embezzlement of Government money or property (18 U.S.C. 641). No employee may convert any Government money or Government property to his own use or the use of another person.

(b) Failure to account for public money (18 U.S.C. 643). Any employee, who, having received public money which he is not authorized to retain, fails to render his accounts for same as provided by law, is guilty of embezzlement.

(c) Embezzlement of the money or property of another person in the possession of the employee by reason of his employment (18 U.S.C. 654). An employee is prohibited from embezzling or wrongfully converting for his own use the money or property of another which comes under his control as the result of his employment.

.10 The prohibition against unauthorized removal or use of documents relating to claims from or by the Government (18 U.S.C. 285). No employee, without authority, may remove from the place where it was kept by authority of the United States any document, record, file, or paper intended to be used to procure the payment of money from or by the United States or the allowance or payment of any claim against the United States, regardless of whether the document or paper has already been used or the claim has already been allowed or paid; and no employee may use or attempt to use any such document, record, file, or paper to procure the payment of any money from or by the United States or the allowance or payment of any claim against the United States.

.11 The prohibition against proscribed political activities, including the following, among others:

(a) Using official authority or influence for the purpose of interfering with or influencing the result of an election, except as authorized by law (5 U.S.C. 7324);

(b) Taking an active part in political management or in political campaigns, except as authorized by law (5 U.S.C. 7324);

(c) Offering or promising to pay anything of value in consideration of the use of, or promise to use, any influence to procure any appointive office or place under the United States for any person (18 U.S.C. 210);

(d) Soliciting or receiving, either as a political contribution or for personal emolument, anything of value in consideration of a promise of support or use of influence in obtaining for any person any appointive office or place under the United States (18 U.S.C. 211);

(e) Using official authority to interfere with a Federal election (18 U.S.C. 595);

(f) Promising any employment compensation, or other benefit made possible by Act of Congress in consideration of political activity or support (18 U.S.C. 600);

(g) Action by a Federal officer or employee to solicit or receive, or to be in any manner concerned with soliciting or receiving, any contribution for any political purpose whatever from any other Federal officer or employee or from any person receiving compensation for services from money derived from the Treasury of the United States (18 U.S.C. 602);

(h) Soliciting or receiving (by any person) anything of value for any political purpose whatever on any Government premises (18 U.S.C. 603);

(i) Soliciting or receiving contributions for political purposes from anyone on Federal relief or work relief (18 U.S.C. 602);

(j) Payment of a contribution for political purposes by any Federal officer or employee to another Federal officer or employee (18 U.S.C. 607);

(k) Payment of a political contribution in excess of statutory limitations and purchase of goods, commodities, advertising, or articles, the proceeds of which inure to the benefit of certain political candidates or organizations (18 U.S.C. 608).

.12 The prohibition against an employee acting as the agent of a foreign principal registered under the Federal Agents Registration Act (18 U.S.C. 219).

Dated: December 6, 1979.

John W. Macy, Jr.,

Director.

[FR Doc. 79-38674 Filed 12-17-79; 8:45 am]

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federal register

Tuesday
December 18, 1979

Part VIII

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Listing With Endangered Status for the American Crocodile and Certain Saltwater Crocodiles

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Listing With Endangered Status for the American Crocodile Throughout Its Range and the Saltwater Crocodile Exclusive of the Papua New Guinea Population.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines that the American crocodile (*crocodylus acutus*) and the saltwater crocodile (*Crocodylus porosus*) populations outside of Papua New Guinea be listed as Endangered species. This action is being taken because both species have suffered serious losses of habitat throughout their ranges and have been subject to extensive poaching for their hides. The Papua New Guinea population of *C. porosus* is not being included in this action because of the assurances of the government of Papua New Guinea that crocodiles are under strict control within that country and that wild populations are not being jeopardized. The Florida population of *C. acutus* is already listed as Endangered under provisions of the Act. This rule would provide additional protection to wild populations of both species, presently listed on the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, by further restricting commercial trade in their parts and products.

DATES: This rule becomes effective on January 18, 1980.

ADDRESSES: Questions concerning this action may be addressed 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, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The American crocodile, *Crocodylus acutus,* ranges throughout the Caribbean Sea, and on the Pacific Coast of Central and South America from Mexico to Ecuador in primarily coastal waters.

Portions of the following countries are known to have or have had populations of this species: United States, Mexico, Colombia, Venezuela, Ecuador, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Trinidad and Tobago, Jamaica, Cuba, Haiti, Dominican Republic, and Belize. The Florida population is currently listed as Endangered and its Critical Habitat has been determined (see the **Federal Registers** of September 25, 1975 [40 FR 44149–44151] and September 24, 1976 [41 FR 41914–41916]).

On May 23, 1975, Professor Federico Medem of the Faculty of Science of the National University of Colombia petitioned the Secretary of the Interior to list, under protection of the Endangered Species Act of 1973, the American crocodile throughout its range. However, only the Florida population was actually proposed and eventually listed.

The saltwater, or estuarine, crocodile, *Crocodylus porosus,* ranges throughout Southeast Asia and includes the countries of Australia, Papua New Guinea, Indonesia, Philippines, Malaysia, Thailand, Burma, Bangladesh, India, Cambodia, Vietnam, and Sri Lanka. This species may be the largest of reptiles, with reports of lengths well over 20 feet (7 meters), although leatherback sea turtles may weigh more.

All populations of the saltwater crocodile and all populations of the American crocodile, with the exception of those in Florida, were proposed as Endangered under the Similarity of Appearance clause of the Act (**Federal Register** of April 6, 1977; 42 FR 18287–18291); no final action has been taken as of this date on that proposal. Populations of *C. acutus* are listed on Appendix II (other than Florida which is on Appendix I) and *C. porosus* on Appendix I (other than Papua New Guinea which is on Appendix II) on the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

In the **Federal Register** of February 5, 1979 (44 FR 7060–7061), the Fish and Wildlife Service published a Notice of Review on the status of these species. Information contained in the notice summarized existing knowledge concerning their status and the reasons for conducting the review. Persons who desire to review these data should consult this document or the *Endangered Species Technical Bulletin* of March 1979; these documents are available from the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

On July 24, 1979, the Fish and Wildlife Service proposed that the American crocodile throughout its range and the saltwater crocodile, exclusive of the Papua New Guinea population, be listed as Endangered species (see the **Federal Register** of July 29, 1979 [44 FR 43442–43445] and the August 1979 *Endangered Species Technical Bulletin* for details of this proposal). Included in the proposal was a summary of comments from the notice of review as well as complete summaries of the status of these species.

The proposal summarized the factors thought to be contributing to the likelihood that these species could become extinct within the foreseeable future, specified the prohibitions which would be applicable if such a determination were made, and solicited comments, suggestions, objections and factual information from any interested person.

Those factors affecting the status of these species were published in the proposal to list them and are reprinted below:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The increasing human population throughout the ranges of these species has resulted in a loss of much available habitat for the crocodiles. Because crocodilians do not tolerate much disturbance, especially during nesting seasons, human populations have impacted the species by harrassment as well as by direct destruction of suitable basking and nesting sites. This problem (habitat destruction due to encroaching human population) is especially severe in Central America, the Caribbean, and South America (for the American crocodile) and Southeast Asia, such as Sarawak and Sri Lanka (for the estuarine crocodile). It is most probable that the continuing expansion of human populations in these areas will result in increasing amounts of habitat destruction and harrassment (i.e. curtailment of its range) in the future.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* This is the major factor involved in the decline of both *C. acutus* and *C. porosus.* The hides are extremely valuable in the production of fashionable leather luxury items; this has led to the severe decline or elimination via hunting of virtually all populations of both species where not protected. Indeed, even in countries with restricted taking of and commerce in

crocodiles, poaching continues to severely impact crocodilian populations. In some countries, poorly managed and ill-conceived commercial crocodile farming schemes have also resulted in a drain on populations, particularly of *C. porosus*, since they often rely on young collected in the wild. Some farms have gone as far as to hybridize *C. porosus* with protected species in order to circumvent trade and conservation restrictions, thus resulting in a drain on both species involved. Commercial exploitation can be expected to continue as prices are high and regulatory mechanisms are weak or lacking.

3. *Disease or predation.* These factors are probably not significant in the decline of *C. acutus* and *C. porosus*. However, natural predation may seriously affect the ability of populations already reduced through overexploitation and habitat destruction to maintain themselves.

4. *The inadequacy of existing regulatory mechanisms.* While many of the countries where these species occur have laws to protect crocodilians, they are often ignored, unenforced, or impossible to enforce because of lack of manpower, funds or magnitude of the problem. The lack of effective means to protect crocodilians is a major problem in the conservation of wild populations of these species; this is especially true with both *C. acutus* and *C. porosus*.

5. *Other natural or man-made factors affecting its continued existence.* Malicious killing of these crocodilians occurs wherever they are found and undoubtedly contributes to their decline, especially in areas near human populations. Crocodiles are also taken accidentally by fishing nets and are killed whenever encountered, especially *C. porosus*, where the species has a reputation as a maneater.

After the Service published the proposal, several additional letters arrived which were in response to the notice of review. This information was received from U.S. embassies or consulates in Belize, Nicaragua, Jamaica, and Burma. The American crocodile is Endangered in Belize by habitat destruction and crocodile hunting; in Nicaragua, it is considered to have reached a very low level and is in danger of extinction; Jamaica does not consider the crocodile either Endangered or Threatened and estimates that there are 2,000 crocodiles in the country. However, any significant destruction of remaining wetlands could put this species at once in jeopardy. Jamaica does not have adequate powers of wildlife law enforcement and would benefit from the enactment and vigilant observance of import restrictions in the U.S. Jamaica indicated that the reduction of commercial incentive to exploitation of its wild stock would be regarded with favor. The Burmese government considers the estuarine crocodile to be in danger of extinction and has instituted conservation measures to preserve the natural habitat. In addition, it is attempting to restrict illegal crocodile hunting and has begun to breed the animals in captivity.

Summary of Comments

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the **Federal Register** prior to adding any species to the List of Endangered and Threatened Wildlife.

In the July 29, 1979, **Federal Register** proposed rulemaking (43 FR 43442–43445) and associated July 26, 1979, Press Release, all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rulemaking.

All public comments received during the period of July 29, 1979, to October 29, 1979, were considered.

A total of 11 comments were received. All favored protection as proposed.

Dr. Howard W. Campbell (National Fish and Wildlife Laboratory): Dr. Campbell supplied updated information to that previously supplied the Office of Endangered Species. This information is repeated below:

Haiti: The American crocodile still exists in this country but there are very few data on distribution and status. Dr. Fred G. Thompson of the Florida State Museum recently located two extant populations of unknown size but limited geographic extent, one along the northern coast at Gap Haitien and one on the western coast at St. Marc. Both populations are under heavy human predation for eggs (they are eaten) and adults and young for hides and for curios for the tourist trade. Dr. Thompson suspects some crocodiles may still survive in another location, the relatively inaccessible Trou Cayman Swamp in the southern part of the country. The only factor protecting these known and suspected populations is accessibility. Crocodiles are taken at every opportunity and as these areas become more accessible the populations will probably be lost unless some protective measures are taken.

Dominican Republic: Crocodiles are severely reduced or extirpated over all of this country except for the swamps of the northwestern area around Monte Cristo and in Lago Enriquillo in the southwest. This latter population numbered in the hundreds and was perhaps the most locally dense population of the American crocodile remaining anywhere in its range. Unfortunately, the population is now in extreme duress due to pollution and dropping water levels in the lake as a result of agriculture activities in the immediate area. Local biologists are now attempting to relocate the crocodiles in hope of saving some individuals. There is, however, little if any secure habitat available for such a relocation and the fate of translocated adults is uncertain. The situation in this country has rapidly degraded from low/stable to critical for the crocodile with the loss of this piece of habitat.

Mexico: Mexican biologists are currently attempting to protect a population of American crocodiles of unknown size in the "Laguna Caimanero," a marsh and lagoon immediately south of Mazatlan, Sinaloa. Heavy human use of this habitat by hunters and commercial fishermen is imposing difficulties, however. This is the only confirmed breeding population of crocodiles remaining on Mexico's west coast but other small pockets near Teacapan, San Blas, and along the Guerrero and Chiapas coasts are probable.

The current oil spill occurring along the east coast of Mexico has a high probability of impact on crocodiles in coastal marshes and mangroves but no data are presently available. This situation should be watched for potential long-term effects.

Costa Rica: Recent reports of crocodiles in the Palo Verde Biological Reserve on the Pacific coast (G. Bertrand, pers. comm.) suggest that a population is resident in this area. Costa Rican biologists express considerable concern over the status of both crocodilian species in their country and rate basic status surveys as high priority among their needs.

In addition, the Service received a brief report by Lala A. K. Singh of the Gharial Research and Conservation Unit in Tikerpada, India. Mr. Singh reviewed the status of the saltwater crocodile and outlined the rearing program for restocking the species in India. He makes the following information available: 1. The largest concentration of crocodiles on the mainland coast is located at the Bhitarkanika Sanctuary and consists of only approximately 29 adults, 5 subadults, and 156 juveniles; 2. A good population of nearly 100 animals may exist in the Sundarbans of West Bengal; 3. The presence of this species is doubtful in Andhra Pradesh and they are extinct in Tamilnadu. This species was last seen in Tamilnadu near Coleron but the site has since dried up because of the Mettur Dam on the River Cauvery; 4. Although once abundant, by the mid-1970's crocodiles had become rare in the Andamans. In conclusion, he strongly supported protection as an Endangered species.

The U.S. embassy in Australia supplied information given to it by the Australian National Parks and Wildlife Service (ANPWS). Mr. Graeme Kelleher, Acting Director of ANPWS, provided several reports of research conducted by Dr. H. Messel in northern Australia. These documents provide a review of saltwater crocodile status which indicates that many populations are severely depleted and at best are just maintaining present numbers. Mr. Kelleher goes on to say:

"In December 1972, the Australian Government imposed and has since maintained a total prohibition on the export from Australia of all crocodile skins and skin products. This move effectively removed the

major incentive behind crocodile hunting viz to supply international markets. Since 1974, both species of Australian crocodiles, *C. porosus* and the endemic freshwater species *C. johnstoni* have received total protection by legislation in each of the States where the species occur, namely Western Australia, Northern Territory and Queensland.

Although populations of both species were seriously depleted prior to legislative protection, recent intensive surveys of northern Australian rivers suggest there may be limited recovery in some regions."

Dr. Faith Campbell (National Resources Defense Council) supported the proposal and added information on the saltwater crocodile in the Andaman Islands. Dr. Campbell states:

"According to a recent survey, populations of *C. porosus* in the Andaman Islands have declined sharply in recent years due to destruction of habitat. Virtually all freshwater streams needed for nesting now support human settlements. The crocodile population of the islands is now estimated to be 100–200 on North Andaman, 50–100 on Middle Andaman, 20–30 on South Andaman. Little Andaman was not surveyed. [*Oryx* Vol. XV #1, June 1979, page 22.]"

Three other individuals supported the proposal but questioned the exclusion of the Papua New Guinea population of *C. porosus*—Dr. J. W. Gibbons (Savannah River Ecology Lab), H. Livingstain and Dr. H.R. Bustard (Crocodile Breeding and Management Project, India). The Service believes that such exclusion will not result in jeopardy to *C. porosus* in this region and will continue to monitor the crocodile population in this area closely through contacts with the government of Papua New Guinea and scientists working on the species. Should a decline in the status ocur, the Service will quickly take appropriate measures to list the saltwater crocodile under provisions of the Endangered Species Act of 1973.

The following individuals supported the proposal but added no new information: Dr. F. W. King (Florida State Museum), Dr. W. R. Courtenay, Jr. (American Society of Ichthyologists and Herpetologists), Mr. Hank Guarisco, and Mr. Bob Davis.

After a thorough review and consideration of all the information available, the Director has determined that (1) the two species of crocodiles are Threatened with becoming extinct throughout all or a significant portion of their ranges (except the Papua New Guinea population of *C. porosus)* due to one or more of the factors described in Section 4(a) of the Act, as specified in the proposal of July 29, 1979 (44 FR 43442–43445) and discussed above, and (2) listing these species as Endangered will provide them with necessary protections to ensure their survival.

Effects of the Rulemaking

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations referred to above, which pertain to Endangered species, are found at § 17.21 of Title 50, and are summarized below.

With respect to the American crocodile and estuarine crocodile (except the Papua New Guinea population), all prohibitions of Section 9(a)(1) of the Act, as implemented by 50 CFR 17.21, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale these species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations published in the **Federal Register** of September 26, 1975 (40 FR 44412), codified at 50 CFR 17.22 and 17.23, provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

National Environmental Policy Act

An environmental assessment has been prepared pursuant to Executive Order 12114 and is on file in the Service's Washington Office of Endangered Species, Suite 500, 1000 N. Glebe Road, Arlington, Virginia. It addresses this action as it involves the two crocodilians.

The primary author of this rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species (703/235–1975).

Regulations Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. By adding the American crocodile throughout its range and the estuarine crocodile (exclusive of the Papua New Guinea population) to the list, 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			
Reptiles:							
Crocodile, American	*Crocodylus acutus*	NA	U.S.A. (FL.), Mexico, S. & C. America, Caribbean.	Entire	E	86	NA
Crocodile, Saltwater (Estuarine).	*Crocodylus porosus*	Entire, except Papua New Guinea	Southeast Asia, Australia, Papua New Guinea, Pacific Islands.	Entire, except Papua New Guinea.	E		NA

Note.—The Department of the Interior has determined that this rule is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR 14.

Dated: December 12, 1979.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 79-38746 Filed 12-17-79; 8:45 am]

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federal register

Tuesday
December 18, 1979

Part IX

Department of Energy

Geothermal Loan Guaranty Program, Federal Loan Guarantees for Geothermal Energy Utilization

DEPARTMENT OF ENERGY

10 CFR Part 790

The Geothermal Loan Guaranty Program, Federal Loan Guarantees for Geothermal Energy Utilization

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) revises its regulations relating to the geothermal loan guaranty program. The rule sets forth policies and procedures under which DOE will issue a Federal guaranty on loans related to the commercial development of practicable means to produce or utilize energy from geothermal resources in an environmentally acceptable manner. The revised provisions will enable the Secretary in the exercise of reasonable judgment to (1) minimize a lender's financial risk; (2) encourage the flow of credit for geothermal energy projects without the need for Federal assistance; and (3) enhance competition and encourage new entrants into the goethermal market. In addition, the amendments will conform existing provisions with DOE financial and program policies and will remove certain ambiguities identified during the past two years of operating experience. The amendments are necessary to implement recent legislation.

EFFECTIVE DATE: December 18, 1979.

FOR FURTHER INFORMATION CONTACT:

Rudolph A. Black, Resource Manager for Geothermal, Office of Assistant Secretary for Resource Applications, Department of Energy, Washington, DC 20461, (202) 633–8755.

Lawrence R. Oliver, Office of General Counsel, Room 6F–055, 1100 Independence Ave. SW., Washington, DC 20580 (202) 252–6958.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Comments and Responses on Proposed Regulations.
III. Changes Initiated by DOE.
IV. Additional Information.

I. Background

On May 26, 1976, ERDA published in the **Federal Register** (41 FR 21433) a final regulation containing policies, filing procedures and other instructions under which lenders may obtain a Federal guaranty on loans to qualified borrowers related to the commercial development of practicable means to produce, with environmentally acceptable processes, useful energy from geothermal resources. That regulation became effective on June 25, 1976 thereby permitting applications for guarantees on loans for geothermal projects to be submitted to ERDA.

The proposed regulation published by DOE on January 5, 1979 (44 FR 1568), incorporated many of the changes to the Geothermal Loan Guaranty Program contained in Pub. L. 95–238. The legislative amendments, in summary, provide: That the full faith and credit of the United States is pledged to the payment of these guaranties; that DOE can borrow funds from the Department of the Treasury if balances in the Geothermal Resources Development Fund are insufficient to enable DOE to carry out its guaranty and other responsibilities; the authority to assist the borrower in making payment on loan principal; that DOE may complete and operate a plant acquired through default; for loan limitations of $100 million per project and of $200 million per qualified borrower; for clarification on the scope of projects utilizing geothermal energy in direct heat processes; a limitation of 1 percent on a guaranty fee to be imposed annually on the outstanding guaranteed debt and directs that fees collected to be deposited in the Geothermal Resources Development Fund; and, that DOE can reimburse to qualified public agencies and Indian tribes a portion of the interest when a holder of their debt guaranteed under this regulation is required to include that income under Chapter I of the Internal Revenue Code. The proposed regulation contained other revisions and amendments to the previously published regulations for the Geothermal Loan Guaranty Program that clarify DOE financial policy and remove certain ambiguities identified during two years of operating experience.

DOE's proposed regulation announced that public hearings would be held in San Francisco, California, on February 13, 1979, and in Dallas, Texas, on February 21, 1979. Parties desiring to speak at those meetings were requested to inform DOE by January 29, 1979. DOE received only one request to speak at each of those meetings and because of limited public interest, the public hearings were cancelled. Both parties that expressed an interest in speaking at the public hearings were promptly notified by DOE of the cancellation, and both parties were invited to submit written comments.

DOE received written replies from 12 interested parties representing Federal, local government and private sector interests. The next section contains summaries of the substantive comments received, a response to each when appropriate, and any change made to the proposed rule as a result of that comment.

II. Comments and Responses on Proposed Regulations

Changes which have been made to the regulation as a result of comments received from interested parties are as follows: One party suggested that the borrower should have direct access to DOE regardless of whether tentative loan arrangements have been made. DOE has accepted this suggestion and revised the regulation. New procedures for filing an application permit a prospective borrower to apply directly to DOE for a guaranty. After the proposed project is found acceptable, arrangements can then be made for debt placement.

Another party questioned whether the definition of a qualified borrower prohibited lease financing. The definition is that which is specified by Pub. L. 93–410 and in the opinion of the Department of Energy may, in many cases, exclude lease financing project from consideration. DOE, however, will consider applications involving lease financing on a case-by-case basis.

A party suggested that the regulation permit financial institutions to utilize a servicing agent to meet servicing requirements imposed upon lenders. These institutions, such as insurance companies, pension funds, and the Federal Financing Bank (FFB), may not have the staff capability to service the loan. In order to provide for the necessary participation by long-term lenders in the Geothermal Loan Guaranty Program, DOE has accepted the suggestion and revised the regulation.

Several parties commented on the use of the FFB as a lender. One party suggested that the FFB be utilized as a lender of last resort, while another party urged that the FFB be used exclusively. Other parties believed that the FFB participation may be necessary and suggested that the regulation contain specific criteria for FFB involvement. DOE has revised the regulation to specify a preference for private sector loan funding and to provide criteria for loan funding through the FFB. Specifically, FFB funding may be used when the guaranty requires DOE to make payment of interest differential or when the interest rate and other loan agreement terms and conditions do not reflect the presence of a guaranty backed by the full faith and credit of the United States.

It was suggested that the section on the use of the FFB also be amended to provide preference for private lender

funding during the project's interim construction phase. DOE accepted the suggestion and revised the regulation.

Another party suggested that supplementary heat sources and central heat storage systems costs be included as eligible project costs. The regulation does not prohibit these specific items and DOE will determine the eligibility on a case-by-case basis.

A party suggested that loan commitment fees on undrawn portions of a loan be allowed as an eligible cost since the charge is standard practice among commercial banks. The regulation has been revised to not specifically prohibit the inclusion of such fees as project costs.

A suggestion was made to amend provisions in the regulation dealing with inventions and other intellectual property by easing and clarifying DOE's requirements for licensing such property. The suggestion was accepted and the regulations were revised.

One party expressed concern that the provision dealing with reduction or withdrawal of the guaranty could, after an initial disbursement, result in the guaranty being withdrawn because of a delay in the project. The regulation was revised to expressly provide for that condition under which the guaranty would be withdrawn and for those conditions under which the guaranty would be reduced. In either instance, the guaranty will not be reduced below the amount which has been disbursed by the lender in compliance with contractual provisions.

Another party suggested an additional criteria be adopted concerning an exploration or reservoir development project. Specifically, it was suggested that there be satisfactory evidence of the borrower's right to explore or develop the resource. DOE accepted the suggestion and revised the regulation.

A party noted that administration of geothermal leases on National Forest System lands is shared by the U.S. Departments of Agriculture and the Interior. That party suggested that the appropriate "Forest Supervisor" has responsibility for projects located on National Forest System lands. DOE accepted the suggestion and revised the regulation.

Many parties suggested revisions to the proposed regulation that are editorial or are for the purpose of greater clarity. DOE accepted most of these suggested revisions.

Public comments which were not incorporated in these final regulations and DOE's response to each comment are as follows: A party suggested that potential borrowers be required to purchase equipment or services only from United States companies. DOE does not believe that such a requirement is applicable to the Geothermal Loan Guaranty Program and that legislative provisions requiring such purchase restrictions are not specified in Pub. L. 93–410. Such restrictions are applicable to contracts in which the Government purchases goods for its own use.

However, projects having guaranteed loans do not involve the procurement of goods for the Government's use and the suggestion was not adopted for this reason.

A party suggested that DOE's final determination on a loan guaranty application be made in 45 days from receipt. DOE did not amend the regulation to provide a specific time limitation in which loan guaranty applications will be processed. However, it is DOE's intenton to expedite the processing of applications and render decisions as soon as possible.

It was suggested that DOE provide some explanation of intentions and procedures for cooperation with other involved Federal agencies to avoid duplication of environmental reviews. The Council on Environmental Quality regulations which become effective in 1979 set forth procedures by which agencies shall work together to avoid duplication. As an example of DOE's cooperation with other Federal and non-Federal agencies, DOE has entered into a Memorandum of Understanding with the Bureau of Land Management, U.S. Geological Survey and the California Energy Commission for the preparation of a joint environmental document for the Northern California Power Agency guaranty application in California. By continuing to proceed in this manner, we believe that duplication can be avoided through the new Council on Environmental Quality (CEQ) regulations and early cooperative efforts on the part of all involved agencies.

DOE did not revise this regulation to include its intention to cooperate with other agencies since that intention is contained in our general regulation governing DOE's procedures and policies that implement NEPA.

Another party suggested that DOE's practice of applying the maximum permissible guaranty fee be amended. The revision should reflect changes in the project's risk and DOE's administrative expenses during the term of the loan. The regulation was not amended to incorporate changes to the one percent guaranty fee because sufficient evidence is not presently available to determine probable losses which may be incurred as a result of the program.

A party suggested that DOE be required to notify the lender within two weeks after receipt of an application if the interest rate is found reasonable. It is DOE's intention to respond, in a timely manner, to requests from applicants regarding DOE's acceptance of certain loan conditions, but no specific time limitation has been adopted.

III. Changes Initiated by DOE

Additional changes to the proposed regulation were initiated by DOE as a result of new circumstances or administrative requirements. Illustrations of those significant changes are as follows: On May 14, 1979, the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to administer the Geothermal Loan Guaranty Program. The regulation has been amended to reflect the Secretary's delegation, however, a definition of Secretary has been added to refer to the Secretary or the Assistant Secretary for Resource Applications when authorized or their designees as may be allowed through the present or future delegations.

Priorities governing DOE's consideration of loan guaranty applications were revised. First priority consideration will be given to projects located at undeveloped geothermal resource areas. Second priority consideration will be given to projects demonstrating or utilizing new technologies; and third priority consideration will be given to projects located at partially developed geothermal resource areas. The intent of these revised priorities is to utilize DOE's authority in a manner which will best achieve the objective of accelerating the development of new geothermal resource areas.

The restriction prohibiting a guaranty on loans which can be converted to an equity relationship with the borrower has been removed. DOE will consider guarantees on convertible loans on a case-by-case basis.

Section 790.4(e) outlines the conditions under which loan guarantees will be made for otherwise tax exempt debt and provides for the payment of interest differential assistance in those cases.

This subparagraph was included because Pub. L. 95–238, which amended Pub. L. 93–410, specifically added this provision to the law. The effect of this subparagraph on tax exempt securities is not clear. The Internal Revenue Service (IRS) is the agency within the executive branch of the Federal Government which has the authority to make a determination as to whether or

not this provision is effective to include interest received by a holder of obligations guaranteed under this regulation in the gross income of the holder for purposes of Chapter I of the Internal Revenue Code in those cases where such interest would otherwise be tax exempt. This ruling may result in additions to, or deletions from, this regulation, with respect to this subparagraph. Until § 790.4(e) is published in its final form, we encourage interested parties to submit their comments to the Department of Energy.

IV. Additional Information

These regulations outline requirements for filing and processing an application for a geothermal loan guaranty, and for the issuance and subsequent servicing of guaranteed loans. Specific documentation and information required to be submitted by an applicant and copies of the Geothermal Loan Guaranty Application form can be obtained from: Vito A. Magliano, Director of the Geothermal Loan Guaranty Program Office, San Francisco Operations Office, 1333 Broadway, Oakland, California 94612, telephone (415) 273–7151.

In accordance with its proposed plan for improving Government Regulations (43 FR 18634, May 1, 1978), DOE has determined that this final regulation is significant because Congress regards the accelerated development of geothermal energy to be of widespread concern. Further, geothermal energy development is a significant part of the National Energy Plan for expansion of nonconventional sources of energy. This regulation modifies an existing program, as called for by Pub. L. 95–238, and increases the amount of guarantees which may be made to an individual or for a specific project. However, the total dollar loan guaranty authorization of $350 million for this program was not increased by this legislation. Therefore, the changes contained herein are not expected to have a major impact on the availability of geothermal energy over the program already in existence. DOE has, therefore, determined that the enhanced program as implemented by this regulation will not have a major economic impact over the existing program. Accordingly, the preparation of the economic regulatory analysis, called for by DOE's procedure on Improving Energy Regulations, is not necessary.

This final regulation which amends and revises existing program regulations has been reviewed in accordance with existing DOE policy that implements the National Environmental Policy Act of 1969. DOE has determined that the regulation does not require the preparation of an Environmental Impact Statement pursuant to the requirements of the National Environmental Policy Act of 1969.

Issued in Washington, D.C., December 7, 1979.

Ruth M. Davis,

Assistant Secretary for Resource Applications.

10 CFR is amended by revising Part 790 to read as follows:

PART 790—THE GEOTHERMAL LOAN GUARANTY PROGRAM

Subpart A—General Provisions

Sec.

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790.30 Loan servicing by lender or servicing agent.
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790.35 Satisfactory documentary evidence.
790.36 Reduction or withdrawal of guaranty.
790.37 Default, demand, payment and collateral liquidation.
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790.39 Treatment of payments.
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790.43 Other Federal assistance.
790.44 Inventions and other intellectual property.
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790.46 Nondiscrimination in Federally assisted programs.
790.47 Suspension, termination, or cancellation of operations or production on Federal land and leases administered by the Secretary of the Interior.
790.48 Appeals.

Authority: Title II of the Geothermal Energy Research, Development, and Demonstration Act of 1974, Pub. L. 93–410, 88 Stat. 1086 (30 U.S.C. 1141 et seq.); Department of Energy Organization Act, Pub. L. 95–91 91 Stat. 565 (42 U.S.C. 7101 et seq.); Title V of the Department of Energy Act of 1978—Civilian Applications, Pub. L. 95–238, 92 Stat. 86.

Subpart A—General Provisions

§ 790.1 Purpose.

The purpose of this regulation is to set forth policies and procedures under which the Department of Energy (DOE) will issue a Federal guaranty on loans related to the commercial development of practicable means to produce or utilize energy from geothermal resources in an environmentally acceptable manner.

§ 790.2 Objectives.

The objectives of the Federal geothermal loan guaranty program are: (a) To encourage and assist the private and public sectors to accelerate development of geothermal resources with environmentally acceptable processes by enabling the Secretary in the exercise of reasonable judgment, to minimize a lender's financial risk that is associated with the development of new geothermal reservoirs and with the application of new technology; (b) to develop normal borrower-lender relationships which will in time encourage the flow of credit for geothermal energy projects without the need for Federal assistance; and (c) to enhance competition and encourage new entrants into the geothermal market.

§ 790.3 Effective date.

This regulation is effective December 18, 1979.

§ 790.4 Eligible loans and priorities.

(a) The Secretary may approve agreements to guaranty, and commitments to guaranty, lenders against the loss of principal and accrued interest on loans made by such lenders to qualified borrowers. Any such agreements shall be made subject to the application of priorities and preferential considerations for guarantees as set forth in paragraph (b) of this section and subject to criteria in § 790.6. Such agreements may be entered into only for the purposes of:

(1) Determination and evaluation of the commercial potential of geothermal resources;

(2) Research and development with respect to geothermal extraction and utilization technologies, including but not limited to the mitigation of adverse environmental effects;

(3) Acquisition of rights in geothermal resources;

(4) Development, construction, and operation of facilities for the demonstration or commercial production of electricity through the use of geothermal resources, including onsite generation of electricity for direct use by a single customer or,

(5) Construction and operation of a new commercial, agricultural, or industrial facility, or modification and operation of an existing commercial, agricultural, or industrial facility, when geothermal hot water or steam is to be used within or by such facility or modification thereto, for the purposes of space heating or cooling, industrial or agricultural processes, other commercial applications, including hybrid plants, or combinations of applications separately eligible for loan guaranty assistance under this regulation.

(b) In complying with the objectives of the Geothermal Loan Guaranty Program, the Secretary will give first priority consideration to those applications for projects having a plan of operations which shows substantial promise of the prompt development and utilization of energy from undeveloped geothermal resource areas. Second priority consideration will be given to those applications for projects designed to demonstrate or utilize new technological advances. Third priority will be given to projects that will exploit the commercial potential of partially developed geothermal resource areas. The Secretary will give lower priority consideration to applications involving projects that propose: only geological and geophysical exploration; only the acquisition of land or leases; only research and development, or to be located at a geothermal resource area where utilization technology and economics have been proven. Within each category of priority as described herein, preferential consideration will be given to (1) applications in which the lender is providing a portion of the loan for which a guaranty is not requested, (2) projects to be carried out by small public and private utilities and small businesses, and (3) projects from which the Federal Government will receive royalty payments.

(c) Not less than ten percent of the amount available for loan guarantees during a fiscal year will be allocated to guarantees on loans to small public and private utilities and small businesses, as defined in § 790.5. At the Secretary's discretion the allocation reserved for such concerns may be adjusted. To the extent that guarantees on loans to such concerns are not issued within six months following the beginning of each fiscal year, the uncommitted allocation of loan guarantees for such concerns, at the discretion of the Secretary, may become available on an unrestricted basis.

(d) A loan application which, in the Secretary's view, meets usual loan standards of lenders without a Federal guaranty will be regarded by the Secretary as not eligible for a loan guaranty under this regulation. In addition, an application for a guaranty which does not represent a complete project, or an application which does not present an acceptable plan to repay the proposed guaranteed debt, or a project which is devoted exclusively to the extraction or production of geothermal byproducts as defined in § 790.5(b), or a project devoted exclusively to the desalination of geothermal brines will not be eligible for a Federal loan guaranty under this regulation.

(e) No loan shall be guaranteed if the income from such loan is excluded from gross income for purposes of Chapter 1 of the Internal Revenue Code of 1954, referred to in this section as Tax Exempt Securities. (This restriction does not apply to loans funded by Federal Financing Bank.) However, a guaranty may be issued in accordance with this regulation on a debt issued by, or on behalf of, a State, political subdivision, or Indian tribe (which would normally issue Tax Exempt Securities) if the income received by a purchaser of that debt is included as gross income for purposes of Chapter 1 of the Internal Revenue Code of 1954, as amended. For such transactions, the Secretary shall pay to the issuer of the debt or other appropriate party that portion of the interest which is found to be appropriate after consultation with the Secretary of the Treasury, regarding current market yield on other obligations of the issuer or other obligations which have similar terms and conditions. Payment under this subsection shall be made to the issuer or the appropriate party in accordance with the guaranty agreement.

§ 790.5 Definitions.

For purposes of this regulation:

(a) "Applicant" means any party who has filed an application for a loan guaranty authorized under these regulations and who believes it is a qualified borrower as defined in paragraph (l) of this section;

(b) "Byproduct" means any mineral or minerals or gases which are found in solution or in association with geothermal or geopressured resources and which have a value of less than 75 percent of the value of the geothermal steam and associated geothermal resources or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(c) "Default" means only the actual failure by the borrower to make payment of interest or principal in accordance with a schedule in the loan agreement, or to meet other requirements specified as a default condition in the guaranty agreement or collateral documents or other agreements relating to the guaranteed debt;

(d) "Estimated aggregate cost of the project" means those reasonable and customary costs incurred or to be paid in behalf of the project, including construction and start-up costs but excluding costs specified in § 790.22(c);

(e) "Federal Financing Bank" means that organization in the United States Department of the Treasury having the authority to purchase federally guaranteed debt;

(f) "Geothermal resources" means (1) all products of geothermal processes, including indigenous steam, geopressured fluids, hot water, and brines, (2) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations, and (3) any byproduct derived from a geothermal resource;

(g) "Guaranty fee" means a charge made by DOE for its administrative cost for processing and monitoring guaranteed loans, for interest differential payments, and for probable guaranteed loan losses;

(h) "Holder" means the entity that lawfully holds all or any part of the guaranteed loan;

(i) "Lender" means any entity engaged in the business of lending money, or the Federal Financing Bank. Loan servicing functions required by this regulation can be performed by the lender or a servicing agent acceptable to the Manager;

(j) A "loan" is an obligation involving a borrower and a lender, evidenced in writing, which makes available to the borrower money at a specified rate of interest for a limited period of time;

(k) "Manager" means the Manager of the Department of Energy's San Francisco Operations Office, 1333 Broadway, Oakland, California 94612, or a representative authorized by the Manager;

(l) "Qualified Borrower" means any public or private agency, institution, association, partnership, corporation, political subdivision, or other legal entity which (as determined by the

Secretary) has presented satisfactory evidence of an interest in geothermal resources and is capable of performing research or completing the development and production of energy in an acceptable manner;

(m) "Project" means an undertaking to develop geothermal resources at a specific site which when completed will result in an identifiable product, system, or resource for which a market potentially exists. Examples of a project include, but are not limited to, exploration and full-field development well drilling, power plant construction, equipment manufacturing, research and development, construction of transmission lines from a geothermal power plant, and ventures to utilize geothermal energy in conjunction with other energy resources or as a resource in direct heat applications such as crop drying and greenhousing;

(n) "Secretary" means the Secretary of Energy or the Assistant Secretary for Resource Applications when authorized or their designees or any other party specified in an executed written contract or other written agreement with the Department of Energy;

(o) A "small public or private electric utility, including its affiliates," is a business concern primarily engaged in the generation, transmission or distribution of electric energy for sale whose total electric output for its preceding fiscal year did not exceed four million megawatt-hours; and

(p) A "small business, including its affiliates," is a concern which is independently owned and operated, is not dominant in its field of operation, and which does not have assets exceeding $9 million, or a net worth in excess of $4 million, and does not have an average net income, after Federal income taxes, for the preceding two years in excess of $400,000 (average net income to be computed without benefit of any carryover loss).

§ 790.6 Loan guaranty criteria.

In addition to meeting the requirements for eligibility set forth in § 790.4(a), a guaranty or commitment to guaranty may be made only if the following conditions are met as determined by the Secretary on the written recommendation by the Manager (criteria applicable to the lender may not pertain to guarantees in which the Federal Financing Bank is the lender):

(a) The application form is signed by an authorized representative of the prospective borrower and, when applicable, by an authorized representative of the lender;

(b) The project proposed by the applicant meets program objectives stated in § 790.2 and conforms to program priorities set forth in § 790.4(b);

(c) The applicant has furnished acceptable reasons why the loan would not be made without a Federal loan guaranty;

(d) There is satisfactory evidence demonstrating that the lender or a servicing agent is competent to administer the contractual terms and conditions applicable to the lender or servicing agent specified in the loan transaction documents;

(e) The guaranty shall apply only to the amount of the loan that does not exceed 75 percent of the estimated aggregate cost of the project;

(f) When the amount of the guaranty requested is equal to 100% of the loan made by the lender, the lender must set forth reasons fully establishing why it is unwilling to undertake a loan having less than the maximum guaranty;

(g) The loan bears interest at a rate not to exceed an annual percent on the principal obligation outstanding as the Secretary determines, in consultation with the Secretary of the Treasury, to be reasonable, taking into account the range of interest rates for similar loans and risks which are guaranteed by the full faith and credit of the United States;

(h) The term of the loan requires, as determined by the Secretary, the lesser of (1) full repayment over a period of no more than 30 years, (2) full repayment no longer than the expected average useful life of major physical assets essential to the project, or (3) full repayment represented by the borrower's ability to repay the loan based on the project's cash flow projection;

(i) The amount of the loan together with other funds available to the applicant will be sufficient to carry out the project;

(j) There is reasonable assurance of repayment of the guaranteed portion of the loan from the project's income received by the borrower, and assurance that loan repayment is not dependent on interest or principal assistance;

(k) The amount of a guaranty for any loan for a project does not exceed $100,000,000, however, any loan in excess of $50,000,000 must comply with the Community Impact Assistance requirements in section 205 of Pub. L. 95–238.

(l) The total dollar amount of guarantees made under this regulation for any combination of outstanding loans to any single borrower does not exceed $200,000,000, unless the Secretary determines in writing that a guaranty in excess of these amounts is in national interest and does not adversely impact competition. Such determinations shall be submitted to the Speaker of the House and the Chairman of the Committee on Science and Technology of the House of Representatives, and to the President of the Senate and the Chairman of the Committee on Energy and Natural Resources of the Senate, accompanied by a full and complete report on the proposed project and guaranty. The proposed guaranty or commitment to guarantee will not be finalized prior to the expiration of 30 calendar days (not including any date on which either House of Congress is not in session) from the date on which the report is received by the Speaker of the House and the President of the Senate;

(m) The project is to be performed in the United States, its territories or possessions, or on property owned or leased by the United States Government outside the United States, its territories or possessions;

(n) The project is technically feasible, and that each major milestone event contains acceptable criteria;

(o) There is acceptable evidence that the applicant will initiate and complete the project in a timely and efficient manner;

(p) There is a sufficiency of geophysical, geological, hydrological and geochemical data to reasonably assure successful project completion;

(q) The applicant agrees to make available to the Manager on a timely basis specified technical and economic information, and, subject to provisions in § 790.20(b)(2), further agrees to the public dissemination of specified project information;

(r) There is satisfactory evidence of the applicant's interest in geothermal resources;

(s) There is satisfactory evidence that the project will be carried out by the use of environmentally acceptable processes in such a manner as to prevent or mitigate adverse environmental impact to the maximum extent practicable, and to comply with any applicable environmental protection and pollution control requirements;

(t) The terms and conditions set forth in the loan agreement and other documents related to the transaction are acceptable;

(u) The terms and conditions set forth in other loans relating to the project are acceptable;

(v) The Secretary of the Treasury has insured to the maximum extent feasible that the timing, interest rate, and terms and conditions of any guaranty

exceeding $25,000,000 will have the minimum possible impact on the capital market of the United States taking into account other Federal direct and indirect commercial securities activities;

(w) There are not significant adverse competitive impacts from cumulative guarantees in excess of $50,000,000 to any single applicant;

(x) There is satisfactory evidence of the applicant's right to explore and develop the geothermal resource through deed, lease, permit, license, or other entitlement.

§ 790.7 Interest and principal assistance.

(a) Whenever the borrower is unable to pay required interest or principal, the Manager, upon approval by the Secretary, may enter into interest or principal assistance contracts with the borrower to pay the lender for and on behalf of the borrower the interest charges or principal payments which become due and payable if the Secretary finds that:

(1) The borrower is unable to meet such payments and is not in default;

(2) That it is in the public interest to permit the borrower to continue to pursue the purposes of the project; and

(3) That the probable net cost to the Federal Government in paying such amounts will be less than that which would result in the event of a default.

(b) The amounts which the Manager is authorized to pay under an interest or principal assistance agreement shall be no greater than the amount of interest or principal which the borrower is obligated to pay under the loan agreement.

(c) The principal or interest assistance agreement shall provide that the borrower repay the amounts received on terms and conditions, including interest, which are satisfactory to the Secretary.

§ 790.8 Grace period.

The loan agreement shall provide specific dates for the payment of principal and interest and shall provide a period of grace of not less than 30 days for the making of any payment. The loan agreement may provide that repayment of principal may be deferred when approved by the Secretary. The lender or servicing agent shall not grant the borrower any further extension of time over and above any grace period without the prior written consent of the Manager.

§ 790.9 Period of guaranty and assistance contracts.

No loan guaranty agreement or commitment to guaranty will be made or interest or principal assistance contract entered into after September 3, 1984. Guaranty agreements in effect at that time will continue until the term of the loan is completed or until the guaranteed portion of the loan is repaid in full with accrued interest, or is otherwise terminated. Interest or principal assistance contracts in effect on September 3, 1984, will remain in effect until the contract term expires or is otherwise terminated.

§ 790.10 Information for States and Indian Tribes.

The Secretary, the Manager, or a Regional Representative of the Secretary will, as appropriate, meet with Governors of directly affected States, regional associations of Governors, heads of State agencies and commissions responsible for energy or environmental matters, and Indian Tribes for the purpose of:

(a) Discussing the status of projects guaranteed under this regulation;

(b) Identifying means to remove or mitigate legal and regulatory barriers to the accelerated use of geothermal resources;

(c) Evaluating plans to encourage growth in the geothermal industry;

(d) Discussing community impacts which may result from projects receiving a loan guaranty under this regulation; or

(e) Considering other appropriate areas.

§ 790.11 Full faith and credit and incontestability.

The full faith and credit of the United States is pledged to the payment of all guarantees issued in accordance with these regulations and such guarantees shall be valid and incontestable by the Government. The guaranty agreement entered into under these regulations shall be conclusive evidence that the guaranty and the underlying loan are in compliance with applicable law and these regulations, and that such loan has been approved.

§ 790.12 Loan funding.

(a) Loans guaranteed in accordance with these regulations may be funded through private lenders or the Federal Financing Bank. Funding by private lenders, especially during the project's construction milestones, will have preference, except in the following cases:

(1) Whenever the Secretary is required to make payments of interest differential; or,

(2) Whenever the Secretary determines, after consultation with the Secretary of the Treasury and discussion with the private lender, if any, or another lender, that the interest rate, maturity, lending fees, or other terms and conditions available to the applicant do not reflect the value of a guarantee backed by the full faith and credit of the United States.

(b) Whenever a loan is funded through the Federal Financing Bank, the loan will be serviced in accordance with the loan servicing requirements of these regulations by parties acceptable to the Manager. Reasonable servicing costs shall be paid by the borrower in addition to the guaranty fee, and the servicing cost may be included in the estimated aggregate cost of the project.

§ 790.13 Deviations.

To the extent that such requirements are not specified in Pub. L. 93–410 as amended or other applicable statutes, the Secretary may authorize deviations on an individual application basis from the requirements of this regulation (except § 790.23) upon a finding that such deviation is essential to program objectives and the special circumstances in the guaranty application make such deviation clearly in the best interest of the Government. Recommendation for any deviation shall be submitted in writing by the Manager or the Secretary. Such recommendations shall include a supporting statement which indicates briefly the nature of the deviation requested and the reasons therefore.

Subpart B—Applications

§ 790.20 Filing.

(a) A completed application for a loan guaranty under this regulation must be on a form provided by the Manager and be signed by the prospective borrower and submitted to the Manager who is responsible for processing the application. If the application involves a private lender, the form shall be signed by the lender. Application forms and information regarding the filing of applications may be obtained from the Director, Geothermal Loan Guaranty Program Office, San Francisco Operations Office, Department of Energy, 1333 Broadway, Oakland, California 94612. Telephone (415) 273–7151.

(b) (1) Prior to receipt of an application, the Manager is authorized to conduct preliminary discussions with prospective lenders, borrowers or other interested parties wishing to obtain information or advice regarding eligibility for a loan guaranty and compliance with this regulation, and whether a lender should be obtained by the borrower prior to the submission of an application.

(2) Subject to the requirements of law and applicable regulations, information such as trade secrets, commercial and

financial information, geological, geophysical and geographic information and data (including maps) concerning wells which the borrower or lender submits to DOE during the preliminary discussion or at any other time throughout the duration of the project on a privileged or confidential basis, will not be publicly disclosed by DOE without prior notification to the submitter. Information asserted by the submitting party to be privileged or confidential shall be appropriately identified and marked.

(c) Supporting information and cost data submitted by the applicant shall be updated and furnished to the Manager whenever changes occur during DOE's consideration of the guaranty application.

§ 790.21 Supporting information.

(a) The applicant shall provide information, as prescribed by the Manager, to supplement the guaranty application. The following items are provided to illustrate the range of supporting information which may be required to enable the Manager to prepare a recommendation with respect to any pending application.

(1) Full description of the scope, nature, extent, milestones and location of the proposed project;

(2) A detailed budget-type breakdown of both the estimated aggregate cost of the project and the amount to be borrowed;

(3) Evidence showing that the amount of the loan together with equity or other financing will be sufficient to complete the project and its startup period, and provide sufficient working capital;

(4) The applicant's plan to repay the loan, including cash flow projections, assumptions regarding marketability of the project's results or product, and descriptions of the project's technical and economic feasibility and environmental acceptability;

(5) The aggregate outstanding amount of guaranty commitments or guaranteed loans previously made to the applicant under the provisions of these regulations;

(6) Where relevant to the purpose of the loan guaranty, a copy of the applicant's title or lease agreement to the property on which the project is to be carried out, supported by title opinion or other acceptable evidence of the applicant's ownership interest;

(7) Subject to § 790.20(b)(2), technical information and reports, geophysical data, well logs and core data, financial statements, milestone schedules, and maps and charts;

(8) Information covering the management experience of each officer or key person in the applicant's organization who will be associated with the project and a description of salaries (and other financial remuneration including profit sharing and stock options) to be paid to officers and employees that are, or will be, directly associated with the project;

(9) A description of the applicant's management concept, and business plan or plan of operations, to be employed in carrying out the project;

(10) A description of the intended sources and amount of capital and its form (equity, loans from principals, loans from the lender, outside financing, or factoring) together with evidence of a commitment from these sources and a copy of each such agreement, and evidence of the financial ability of each source to honor its commitment;

(11) A listing of assets associated or to be associated with the project, including appropriate data as to value and useful life of major assets essential to the project, and a description of any other security offered as collateral for the loan;

(12) A listing all permits or authorizations required by Federal, State and local government agencies to conduct the project and a copy of each application for approval of such permits or authorizations when issued or statement of planned filing dates and expected date of approval;

(13) A description of the applicant's organization and, as applicable, a copy of the business certificate, partnership agreement or corporate charter, bylaws, and appropriate authorizing resolutions;

(14) The lender's written assessment of all aspects of the borrower's loan application in such detail as would be expected by prudent lenders considering a loan without a guaranty, together with copies of the proposed loan agreement, the applicant's financial statements, investigations from credit bureaus, references, bank, inquiries, and professional organizations;

(15) A copy of all loan agreements pertaining to the project and written assurance from any existing lenders of project funds that the loan amounts as well as terms and conditions imposed by lenders on such loans will not be altered in any significant respect without the prior approval of the Manager;

(16) Evidence of consultation conducted by the applicant with appropriate agencies of any affected State regarding the proposed project, and a description of any adverse social or economic impacts which may occur in the community in which the project will be located;

(17) A disclosure by the lender and the servicing agent of (i) whether any of its officers, directors, major stockholders or other major owners have a financial interest in the applicant and (ii) whether any of the applicant's officers, directors, major stockholders or other major owners have a financial interest in the lender or the servicing agent;

(18) Any other information required by the Manager to fully evaluate the guaranty application;

(19) Environmental information which will identify probable environmental impacts resulting from construction and operation of the proposed project. Applicants should consult with DOE as early as possible in their planning process to obtain guidance with respect to the appropriate level and scope of environmental information to be submitted as part of their application.

(b) In addition to supporting information illustrated in paragraph (a) of this section, the Manager may independently obtain or may require the submisson of certain information regarding the lender or servicing agent, as deemed necessary by the Manager, to include but not be limited to:

(1) A description of the lender's or servicing agent's organization and a copy of the business certificate, partnership agreement or corporate charter, bylaws, and appropriate authorizing resolutions;

(2) Copies of investigation reports obtained from credit bureaus, reference and bank inquiries, and professional associations;

(3) A description of the management experience of each officer or key person in the lender's or servicing agent's organizations who will be servicing the loan;

(4) A description of the management techniques and plan to be employed by the lender or servicing agent in monitoring and servicing the loan; and

(5) A copy of the lenders' conditional loan commitment document, if any, issued to the applicant.

(c) The Manager shall consider the application and other relevant information and shall be responsible for: (1) Determining whether the application is in compliance with these regulations; (2) assessing and evaluating the financial, technical, environmental, legal, management, and marketing aspects of the project; (3) assessing the availability of the project's financing, other than that provided by the proposed guaranty for the project, and assessing whether such financing is adequately committed; and, (4) recommending to the Secretary approval or disapproval of the application. The Manager shall include with a

recommendation for approval a description of proposed pertinent terms and conditions that have been previously discussed and negotiated by the Manager with the applicant. When not approved by the Secretary, the Manager will provide the applicant with a written statement setting forth the basis for disapproval of the guaranty application.

§ 790.22 Project costs.

(a) Project costs will be recorded in accordance with generally accepted accounting principles and practices which are consistently applied.

(b) Except a set forth in paragraph (c) of this section, reasonable and customary project costs that are directly required for the project are permitted in computing the estimate aggregate cost of the project. These costs include, but are not limited to the following:

(1) Employees' salaries and wages, consultant fees and other outside assistance;

(2) Land purchase or lease payments, including reasonable real estate commissions;

(3) Engineering fees, surveys, plats, title insurance, recording fees and legal fees incurred in connection with land acquisition;

(4) Site improvements, site restoration and abandonment costs, access roads and fencing;

(5) Drilling of exploration wells, shallow heat-flow wells, and test, production and reinjection wells;

(6) Buildings, transmission lines, power plant equipment, and machinery;

(7) Taxes (including tax advances associated with community impact planning) to be paid to Federal, State and local government agencies and other taxing authorities;

(8) Insurance, including flood insurance, and bonds of all types;

(9) Engineering, geological, and architectural fees paid in connection with drilling, machinery selection, design, acquisition and installation;

(10) Research, exploration or development necessary to complete the project;

(11) Professional services and fees necessary to obtain licenses and permits and to prepare environmental reports and data;

(12) Interest costs charged by the lender and, except as provided in § 790.22(c)(5), interest payments to other lenders;

(13) Costs incurred for the benefit of the project prior to approval of the guaranty agreement that are directly connected with the project, including costs to prepare the loan guaranty application and its supporting data;

(14) Technical and socio-economic information dissemination costs, and community impact assistance costs;

(15) Costs to provide safety and environmental protection equipment, facilities and services;

(16) Travel and transportation costs;

(17) Bond or private placement financing cost and trustee fees;

(18) Fees for royalties and licenses;

(19) Costs associated with acquiring geophysical and other technical data;

(20) Financial and legal services costs;

(21) Costs to comply with terms and conditions specified in the guaranty agreement or with applicable laws, rules and regulations;

(22) Expenses associated with an initial period of starting operations; and

(23) A contingency reserve.

(c) Costs which are not considered as part of the estimated aggregate cost of the project are illustrated below:

(1) Company organizational expenses not directly related to the project;

(2) Parent corporation general and administrative expenses and other parent corporation assessments;

(3) Dividends and profit sharing to stockholders, employees and officers;

(4) Goodwill, franchises, or trade or brand name costs;

(5) Except as provided in § 790.31, fees or commissions charged to the borrower for finding a loan and interst costs and associated fees on loans to cover the applicant's equity in the project;

(6) Operating expenses (including interest costs) incurred after an initial period of start-up; and

(7) Costs that are excessive or are not directly required to carry out the project.

(d) Independently, or at the direction of the Secretary, the Manager may review any or all cost elements included by the applicant in the estimated aggregate project cost. The applicant shall make available records and other data necessary to permit the Manager to conduct this review. In carrying out this review responsibility, the Manager may utilize employees of Federal agencies or may direct the applicant to submit to a review performed by an independent public accountant or other competent authority.

(e) When costs incurred prior to the approval of the guaranty agreement, as provided in § 790.22(b)(14), are included in the estimated aggregate project cost, the applicant, if requested by the Manager, shall make available to auditors selected by the Manager financial and other records necessary to complete an audit of such costs.

(f) In the case of a guaranty for the purposes specified in § 790.4(a)(5), the estimated aggregate cost of the project can only be that portion of the total cost which is directly related to the utilization of geothermal energy within the structure or facility. However, the estimated aggregate cost of the project may include construction and start-up operations when the facility or structure is to be located near a geothermal energy resource predominantly for the purpose of utilizing geothermal energy, or as determined by the Secretary, the economic viability of the project is substantially dependent on the performance of the geothermal reservoir.

§ 790.23 Environmental considerations.

(a) The issuance of a Federal guarantee for a loan under these regulations is subject to the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq. Pub. L. 91–190) and applicable regulations, rules and guidelines implementing NEPA.

(b) As part of the NEPA review to be accorded individual applications, DOE shall review and consider the environmental impacts associated with the commercial operation of the project throughout its useful life. Such considerations shall be carried out even where the proposed guaranty may be limited to only a small or preliminary segment of the entire commercial project. (For example, if the guaranty is for a project to complete a steam supply system for a future powerplant, the environmental impacts of construction and operation of the powerplant and related transmission lines over the useful life of the plant would be evaluated along with the impacts associated with drilling and surface gathering construction.) Approval of a disbursement under a guaranty, shall not be made unless the applicable requirements of the NEPA have been met.

(c) The issuance of a loan guaranty under this regulation is subject to the provisions of Executive Orders 11988—Floodplain Management, and 11990—Protection of Wetlands. Applicants for loan guarantees under this regulation should familiarize themselves with these Orders and with the DOE regulations implementing them (proposed 10 CFR Part 1022, published at 43 FR 31108, July 19, 1978).

§ 790.24 Mandatory purchase of flood insurance.

The Flood Disaster Protection Act of 1973 (Pub. L. 92–234) may require purchase by the applicant of flood insurance as a condition of receiving a guaranty on loans for acquisitions or construction purposes in an identified flood plain area having special flood hazards. Applicants having questions

regarding compliance with provisions of the Flood Disaster Protection Act and guidelines of the Federal Insurance Administration should refer them to the Manager.

Subpart C—Servicing and Closing

§ 790.30 Loan servicing by lender or servicing agent.

The lender may not assign to another lender or servicing agent those loan servicing functions required by these regulations unless prior written approval is obtained from the Manager. Except when the loan is funded through the Federal Financing Bank, a private lender or a servicing agent shall agree that:

(a) Loan servicing is a responsibility of the lender who shall exercise such care and diligence in the disbursement, servicing and repayment of the loan as would be exercised by a reasonable and prudent lender in dealing with a loan without guaranty;

(b) When the lender is a private entity that normally does not service loans, or is the Federal Financing Bank, the Secretary may waive the lender's loan servicing requirements and permit the loan to be serviced by a servicing agent acceptable to the Manager.

(c) The lender or servicing agent shall notify the Manager in writing without delay:

(1) That disbursement for the first project milestone is ready to be made, together with evidence from the borrower that the project has commenced or is about to commence;

(2) Of the date and amount of disbursement for each subsequent project milestone under the loan;

(3) If, excluding any grace period, the lender or servicing agent has not received payment within 10 days after the date specified for payment in the loan agreement, together with evidence of appropriate notifications made by the lender or servicing agent to the borrower;

(4) Of any failure, known to the lender or servicing agent, by an intended source of capital to honor its commitment;

(5) Of any failure by the borrower, known to the lender or servicing agent, (i) to comply with terms and conditions as set forth in the loan agreement or (ii) to comply with terms and conditions in the guaranty agreement that the lender or servicing agent has agreed to monitor;

(6) If the lender or servicing agent has information that the borrower may be violating or about to violate any of the default conditions set forth in the loan agreement or that the borrower may not be able to meet any future scheduled payment of principal or interest;

(7) Of any liens or any other encumbrances recorded subsequent to execution of the loan documents; or

(8) Of all material changes from the project's cash flow projections in effect at the time the loan guaranty application is approved.

(d) The lender or servicing agent will not demand accelerated repayment unless the borrower had defaulted in the payment of principal or interest or, in other cases as specified in the guaranty agreement, if such demand has been approved in writing by the Manager.

(e) The guaranty agreement or collateral documents shall require the lender or servicing agent to submit to the Manager periodic reports on the financial status and condition of the guaranteed loan. The Manager shall prescribe the frequency, format and content of these reports. However, such reports shall, as a minimum, be required annually and shall be furnished to the Manager until such time as the guaranteed portion of the loan and interest or principal assistance is repaid.

§ 790.31 Guaranty fee.

(a) A guaranty fee of not more than one percent shall be paid annually by the lender or servicing agent at a rate specified in the guaranty agreement or collateral documents. Fees collected by the Manager shall be deposited in the Geothermal Resource Development Fund. The fee shall be imposed on the average amount of the guaranteed portion of the loan outstanding during the year. The fee requirement may be passed to the borrower by the lender or servicing agent and in such instances may be included in the estimated aggregate cost of the project. When the Federal Financing Bank is the lender, the borrower shall pay the guaranty fee directly to the Manager.

(b) At the time the guaranty agreement is concluded, as set forth in § 790.45(d), the lender shall present to the Manager payment of the first year's guaranty fee. Subsequent payments of the fee shall be made yearly by the lender or servicing agent on the anniversary date of closing. If an interest or principal assistance contract is in effect, payments of this fee, if passed by the lender or servicing agent to the borrower, may be deferred by the Manager for an appropriate time.

(c) The Secretary shall periodically determine whether the existing guaranty fee is sufficient to cover aniticipated administrative expenses, interest differential payments, and probable default costs, and when appropriate, establish a revised fee rate, not to exceed one percent, to be applied to current and new quaranty agreements.

§ 790.32 Geothermal resources development fund.

(a) As provided in Section 204(a) of Pub. L. 93–410, there is established in the Treasury of the United States a Geothermal Resources Development Fund, which is available to the Secretary in carrying out any loan guaranty, interest or principal assistance, and interest differential payments. Balances in the Fund are available for necessary administrative expenses incurred by or on behalf of DOE in carrying out the provisions of this regulation.

(b) Appropriations to the Geothermal Resources Development Fund that are made available through legislation, or repayments made by borrowers in accordance with terms and conditions in interest or principal assistance contracts, or amounts returned through recoveries by the U.S. Attorney General, or amounts collected as guaranty fees shall be deposited in the Fund.

(c) If at any time balances in the Fund are insufficient to enable the Secretary to discharge DOE's obligations and responsibilities under this regulation, the Secretary, subject to provisions in appropriations acts, may borrow funds from the Secretary of the Treasury upon the issuance of notes or other obligation instruments containing terms and conditions prescribed by the Secretary of the Treasury.

§ 790.33 Project monitoring.

The guaranty agreement or collateral documents shall provide that employees and representatives of DOE shall, with the Manager's approval, have access at reasonable times and under reasonable circumstances to the project site. Further, the agreement shall provide that auditors selected by DOE or the U.S. Comptroller General shall have access to, and the right to examine any directly pertinent documents and records of the borrower. The lender or servicing agent, to the extent lawful and within their control, and borrower will assure availability of information related to the project as is necessary to permit the Manager to determine technical progress, soundness of financial condition, management stability, compliance with environmental protection requirements, and other matters pertinent to the guaranty.

§ 790.34 Loan disbursements and drawdowns.

(a) Unless otherwise approved by the Manager, the guaranty agreement or collateral documents shall provide that the lender or servicing agent shall not permit the borrower to drawdown any

funds under the loan agreement until the lender or servicing agent has:

(1) provided the notification set forth in § 790.30(c) (1) and (2) and has received written notice from the Manager that disbursement for the applicable milestone is approved; and

(2) received from the borrower satisfactory documentary evidence, as provided in § 790.35, that loan drawdowns requested will be used to pay allowable project costs incurred or to be incurred by the borrower.

(b) The Manager is authorized to disapprove loan disbursement requests and in such instances shall provide the borrower and lender or servicing agent with a written statement setting forth reasons for the Manager's disapproval.

(c) When the loan is fully guaranteed, the lender or servicing agent will not withhold loan drawdowns from the borrower except upon written notification from the Manager, or in the absence of satisfactory documentary evidence.

§ 790.35 Satisfactory documentary evidence.

The loan agreement shall provide that the borrower furnish to the lender or servicing agent a written statement in support of each request by the borrower for loan drawdowns. This statement shall set forth, in such detail as the lender, servicing agent or Manager may require, the purposes for which drawdown is requested and an attestation that such disbursements will be used only for those purposes. Each drawdown request shall be signed by a person authorized to order the expenditure of the borrower's funds. The manager shall be notified by the lender or servicing agent whenever the borrower's documentary evidence is judged by the lender to be unsatisfactory.

§ 790.36 Reduction or withdrawal of guaranty.

(a) The Secretary, may, upon the written recommendation of the Manager, withdraw the guaranty by written notice to the lender and the borrower if it is determined that initiation of the project has not occurred within the period of time set forth in the guaranty agreement or collateral documents. Within 60 days after the written notice is issued, the Manager shall reimburse the lender for the full amount of the guaranty fee paid by the lender if the fee has not been passed to the borrower.

(b) The Secretary may, upon the written recommendation of the Manager, reduce the guaranty by written notice to the lender and the borrower if it is determined that:

(1) The borrower has failed to acquire capital from intended or alternate sources, or has failed to comply with material terms and conditions as set forth in the loan or guaranty agreement. The Manager will notify the borrower and the lender that the guaranty shall be reduced only to the amount that has been received by the borrower as of the date of the written notice;

(2) The lender has failed to comply with any material term or condition set forth in the guaranty or loan agreement. The guaranty may be reduced to the amount that has been received by the borrower as of the date the Manager's notice of reduction of the guaranty. Notice of the Manager's finding that a material term has not been complied with by the lender shall be sent by the Manager to the borrower and the lender. Following notification, the borrower will be allowed reasonable time to acquire a substitute lender that is capable of complying with provisions in the loan and guaranty agreements. When the borrower obtains a substitute lender satisfactory to the Manager a new guaranty agreement will be executed and the original lender be reimbursed by the borrower for unpaid principal outstanding and accrued interest; or

(3) The project's economic success or environmental acceptability is no longer achievable as determined by the Secretary. The guaranty shall be reduced to amounts which have been received by the borrower as of the date that the notice is received by the lender. Any guaranteed funds held by a servicing agent shall be returned to the lender.

(c) The guaranty agreement or collateral documents shall provide that the lender will obtain a substitute servicing agent whenever the Manager, by written notice to the lender, determines that the current servicing agent has failed to comply with a material term or condition in the guaranty agreement or collateral document. Any failure by a servicing agent shall not result in a withdrawal or reduction of the guaranty.

§ 790.37 Default, demand, payment and collateral liquidation.

(a) In the event that the borrower has defaulted in the making of required payments of principal or interest on any portion of a loan guaranteed in accordance with these regulations, and such default has not been cured within the period of grace provided in the loan agreement, the lender, or any other holder, or nominee or trustee empowered to act for the lender or holder (referred to in this section collectively as "holder"), may make written demand upon the Manager for payment pursuant to the guaranty agreement.

(b) In the event that the borrower is in default as a result of a breach of one or more of terms and conditions of the guaranty agreement, note, loan agreement, or other contractual obligation related to the transaction, other than the borrower's obligation to pay principal or interest, as provided in § 790.37(a) the holder shall not automatically be entitled to make demand for payment pursuant to the guaranty, unless the Secretary agrees in writing that such default has materially affected the rights of the parties, and finds that the holder should be entitled to receive payment of the outstanding guaranteed debt.

(c) No provision of these regulations shall be construed to preclude forbearance by the lender and the Secretary for the benefit of the borrower.

(d) Upon the making of demand for payment as provided in § 790.37 (a) or (b), the holder shall provide, in conjunction with such demand or immediately thereafter, at the request of the Manager, such supporting documentation as may be reasonably required to justify such demand.

(e) Payment of the guaranteed debt shall be made 60 days after receipt by the Manager of written demand for payment, provided the demand is in compliance with terms of the guaranty agreement, applicable law, and these regulations. The guaranty agreement will provide that interest shall accrue during that 60 day period at the same rate as is stated in the loan agreement. Upon expiration of the 60 day period, interest shall accrue at a rate specified in the guaranty agreement.

(f) Upon payment of the guaranteed debt pursuant to these regulations, the holder shall transfer and assign to the Secretary all rights held by the holder in the guaranteed portion of the debt. Such assignment shall include the guaranteed portion of the loan and related security and collateral rights. Through such payments and assignment, the Secretary shall be subrogated to the rights of the recipient of the payment and shall have superior rights in and to the property acquired from the recipient of the payment.

(g) When so provided, the lender or servicing agent and the Manager may jointly agree to a plan of liquidation of the collateral pledged to secure the guaranteed debt, and thereafter the lender or servicing agent may undertake such liquidation and make application

of the proceeds derived thereby in accordance with terms and conditions in the loan agreement or the written plan of liquidation.

(h) Where payment of the guaranteed debt has been made and the lender or servicing agent has not undertaken a plan of liquidation, the Secretary, in accordance with the rights received through subrogation and acting through the U.S. Attorney General, shall seek to foreclose on the collateral assets and take such other legal action as necessary for the protection of the Government.

(i) If the Secretary is awarded title to collateral assets as a result of a foreclosure proceeding, the Secretary may take action to complete, maintain, operate, lease, or otherwise dispose of the project facilities, or to permit the borrower to continue the project if the Secretary determines this to be in the public interest.

(j) In addition to foreclosure and sale of collateral, the U.S. Attorney General shall take appropriate action in accordance with rights contained in the guaranty agreement or collateral documents to recover costs incurred by the Government as a result of the defaulted loan. Any recovery so received by the U.S. Attorney General on behalf of the Government shall be applied in the following manner: First to the expenses incurred by the U.S. Attorney General and DOE in effecting such recovery; second to reimbursement of any amounts paid by DOE as a result of the loan guaranty; third to any amounts owed to DOE under related principal and interest assistance contracts; and fourth to any other lawful claim held by the Government on such proceeds. Any sums remaining after full payment of the above shall be available for the benefit of other parties lawfully entitled to claim them.

§ 790.38 Perfection of liens and preservation of collateral.

(a) The guaranty agreement or collateral documents shall provide that the lender or servicing agent will take those actions necessary to perfect and maintain liens, as applicable, on assets which are collateral for the guaranteed portion of the loan. Upon default by the borrower, the holder of collateral shall take actions as required in the guaranty agreement or such as the Manager may reasonably require to provide for the care, preservation, protection and maintenance of such collateral so as to enable the United States to achieve maximum recovery upon default of the loan. The Manager shall reimburse the holder of collateral for reasonable and appropriate expenses incurred in taking actions required by the Manager. Except as provided in § 790.37, the lender or servicing agent shall not waive or relinquish, without the consent of the Manager, any collateral for the loan to which the United States would be subrogated upon payments under the guaranty agreement.

(b) In the event of a default the Manager may enter into contracts as required to preserve the collateral for the loan and to complete unfulfilled environmental requirements. The cost of such contracts may be charged to the Geothermal Resource Development Fund.

§ 790.39 Treatment of payments.

When the lender holds a guaranteed and non-guaranteed portion of the same loan, payments of principal under the loan agreement made by the borrower shall be applied by the lender to reduce the guaranteed and non-guaranteed portions of the loan on a proportionate basis.

§ 790.40 Assignment and participation in the guaranteed loan.

(a) The lender may sell all or part of the guaranteed loan or provide other parties with participating shares in the guaranteed loan without the prior consent of the Manager or Secretary. However, the original lender or servicing agent shall continue to be responsible for and perform the duties and obligations of the lender as set forth in the guaranty agreement, unless the Manager approves a substitute lender or servicing agent.

(b) If participating shares in the guaranteed loan are sold by a lender, or if the lender assigns any portion of the guaranteed loan, written notice shall be given by the lender or servicing agent to the Manager and the borrower in a manner prescribed by the guaranty agreement or collateral documents.

(c) The guaranty agreement may provide for the transfer, by the lender, of any part of the guaranteed loan to other parties and provide the conditions under which the guaranty will accompany the transfer.

§ 790.41 Survival of guaranty agreement.

Any guaranty agreement shall be binding upon the lender, the borrower and the Secretary and upon their successors and assigns. No delay or failure of the Secretary or the Manager in the exercise of any right or remedy and no single or partial exercise of any right or remedy shall preclude the exercise of any further rights; and no action taken or omitted by the Secretary or the Manager shall be deemed a waiver of any right or remedy of the United States.

§ 790.42 Modifications to existing guaranty agreements.

The Manager may approve modifications to terms and conditions in existing guaranty agreements and collateral documents pertaining to the project only upon determining that such modifications will not (a) substantially change the project's scope, cost and purpose; (b) deviate from provisions in this regulation; or (c) compromise the loan agreement schedule for loan repayment. When the Manager finds that a substantive modification to existing terms and conditions is desirable or necessary, or a substantive modification is requested in writing by the borrower and lender or servicing agent, a written recommendation shall be forwarded for approval by the Secretary.

§ 790.43 Other Federal assistance.

(a) Nothing in these regulations shall be interpreted to deny or limit the borrower's right to seek and obtain other Federal financial assistance (e.g., contracts, grants, cooperative agreements, direct loans or guaranteed loans). For purposes of this section, other financial assistance does not include revenue sharing funds or any tax benefits. However, the total amount of Federal financial assistance, including guarantees made under these regulations, obtained by the borrower for the benefit of the project, shall not exceed 75 percent of the estimated aggregate cost of the project to be undertaken by the borrower.

(b) After concluding a loan guaranty agreement, the borrower shall not undertake any work in connection with the project for a Federal agency without the Manager's written approval.

§ 790.44 Inventions and other intellectual property.

(a) Inventions and other intellectual property (including copyrights, trademarks, and proprietory data) accruing to the borrower and resulting from the project will remain with the borrower. In the case of default, such property shall be treated as project assets in accordance with terms and conditions in the guaranty agreement.

(b) Where the principal purpose of the loan is for research and development with respect to extraction and utilization technologies, or for the development or demonstration of new and unique facilities or equipment, the guaranty agreement may provide that inventions and other intellectual property resulting from the project, which are owned or

controlled by the borrower, shall be made available for use within the United States upon reasonable terms and conditions including provisions, if necessary, which protect the confidentiality thereof, if such action is determined by the Secretary to be in the public interest. This requirement will normally not be imposed where the principal purpose of the loan to be guaranteed is to utilize generally available technology to explore and evaluate a geothermal resource base, or to acquire rights in geothermal resources. The applicant (borrower) agrees:

(1) not to discriminate against any person on the grounds of race, color, national origin, sex, handicap, or age, in the carrying out or completion of any project where a loan guarantee is issued under this regulation and to comply with the DOE "Nondiscrimination in Federally Assisted Programs" regulations implementing the Civil Rights Requirements of Title VI of the Civil Rights Act of 1964; Section 16 of the Federal Energy Administration Act of 1974; Section 401 of the Energy Reorganization Act of 1974; Title IX of the Higher Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and the Civil Rights Requirements administered pursuant to the DOE Organization Act; and

(2) to incorporate or cause to be incorporated into all construction contracts under the guaranteed loan the provisions prescribed by 41 CFR Part 60 pursuant to the provisions prescribed for Government contracts by Section 202 of Executive Order No. 11246, September 28, 1965, 30 FR 12319 (regarding nondiscrimination in employment by Government contractors and subcontractors.

§ 790.45 Closing.

(a) When an application for a loan guaranty has been approved by the Assistant Secretary, the Manager shall notify the lender and the applicant and provide them with a copy of the terms and conditions underlying DOE's approval of the guaranty;

(b) A preclosing conference will be arranged by the Manager, if the lender or applicant requests one, to discuss the terms and conditions;

(c) Requests by the lender or applicant for substantive modification of the terms and conditions in the guaranty agreement or collateral documents shall be submitted by the Manager for the Assistant Secretary's consideration, supported by such documentation and facts as would justify the requests; and,

(d) Immediately after approval of all terms and conditions by the parties, the Manager shall arrange with the lender and the applicant for the preparation and review of necessary documents and agree upon a dated for execution of the guaranty agreement and collateral documents and payment of the guaranty fee.

§ 790.46 Nondiscrimination in Federally assisted programs.

(a) Applicants and recipients of Federal assistance from DOE are obligated to comply with civil rights requirements of the following public laws: Title VI of the Civil Rights Act of 1964; Title IX of the Higher Education Amendments of 1972; Section 16 of the Federal Energy Administration Act of 1974; Section 401 of the Energy Reorganization Act of 1974; Section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975. The Energy Conservation and Production Act of 1976, as amended, Pub. L. 94–385, 90 Stat 1158, 42 U.S.C. 6870.

(b) To be in compliance with civil rights requirements, an applicant/recipient, among other obligations, must submit a written assurance that the program will be operated in a manner which does not exclude from participation in or deny the benefits or services to that it does not discriminate on the basis of race, color, national origin, sex, age, or handicap.

§ 790.47 Suspension, termination or cancellation of operations or production on Federal land and leases administered by the Secretary of the Interior.

(The terms of this section which apply to the "Supervisor" of the United States Geological Survey or the "authorized officer" of the United States Bureau of Land Management shall apply, when applicable, to the appropriate "Forest Supervisor" when projects are located on National Forest Service lands.)

(a) The Manager shall inform the Supervisor (as defined in 30 CFR 270.2 (c)) when a loan guaranty is approved involving a Federal lease, so as to provide for future coordination of the loan guaranty program and lease administration.

(b) Under regulations issued by the Department of Interior, a leaseholder may, as provided in 43 CFR 3205.3–8 and 30 CFR 270.17, apply for suspension of operations or production, or both, under a producing geothermal lease (or for relief from any drilling or producing requirements of such a lease). When a loan guaranty has been issued under this regulation for a project to be conducted by a qualified borrower who is a lessee under the above cited regulation, the borrower shall submit a copy of any suspension application to the Manager, together with a statement setting forth complete information showing the effect of such suspension on the borrower's ability to comply with terms and conditions set forth in the loan and guaranty agreements. The Manager shall notify the borrower and the Secretary in those situations when approval of any such application might cause default by the borrower. Except in cases where potential environmental safety or reservior damage is imminent, the borrower shall obtain the Manager's approval prior to submitting a suspension application to the Supervisor.

(c) 43 CFR 3204.3 requires that each geothermal lease issued by the Department of the Interior provide for the readjustment of terms and condtions at not less than 10-year intervals beginning 10 years after the date geothermal steam is produced. When a guaranty under this regulation has been issued for a loan on a project to be conducted by a borrower who is a lessee, and the borrower files an objection to any proposed readjustment with the Authorized Officer (as defined in 43 CFR 3000.0–5 (f)) a copy of the objection shall be submitted without delay by the borrower to the Manager. The Manager shall foward a copy of the objection to the Secretary and to those lenders concerned and shall consult with the Authorized Officer regarding any final action by the Authorized Officer which might terminate the lease. The Manager shall prepare an assessment on the effect of the proposed readjustment of lease terms and conditions that would substantially limit the borrower's ability to comply with the terms and conditions set forth in the loan agreement. The manager shall forward his assessment in writing to the Secretary, the Authorized Officer and the Supervisor.

(d) Upon receipt by the lessee of notice of a proposed cancellation of a lease by the Authorized Officer, the lessee with a loan guaranteed under this regulation will provide the Manager and the lender with notice of such proposed action. Upon receipt of such notice the Manager will consult with the Supervisor and Authorized Officer for the purpose of determining whether the public interest can best be served by an acceptable alternative arrangement, such as obtaining assignments for a party qualified to hold geothermal leases who is a qualified borrower and who is willing to assume the original lessee's loan agreement and related

undertaking, so that operation and production can continue.

§ 790.48 Appeals.

The guaranty agreement or collateral documents shall provide that any dispute concerning a question of fact arising under a guaranty agreement shall be decided in writing by the Manager. The borrower, lender or servicing agent, as appropriate, may within seven days after receipt of any such decision request reconsideration by the Manager. If not satisfied with the final written decision, the borrower, lender or servicing agent may appeal the decision within 30 days, in writing, to the Chairman, Board of Contract Appeals (CA–1), Department of Energy, Washington, D.C. 20585. That Board, when functioning to resolve such a dispute under a loan guaranty, shall proceed in the same general manner as when it presides over appeals involving contract disputes. The decision of the Board with respect to such appeals shall be the final decision of the Department.

[FR Doc. 79–38783 Filed 12–17–79; 8:45 am]

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Reader Aids

Federal Register

Vol. 44, No. 244

Tuesday, December 18, 1979

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

Listing of Public Laws

Last Listing December 17, 1979

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 5871 / Pub. L. 96–144 To authorize the apportionment of funds for the Interstate System, to amend section 103(e)(4) of title 23, United States Code, and for other purposes. (Dec. 13, 1979; 93 Stat. 1084) Price $.75.

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Wednesday
December 19, 1979

federal register

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(Revised as of April 1, 1979)

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	Title 21—Food and Drugs (Parts 1300 to End) (Part 1308 Table)	$4.25	$

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[A cumulative checklist of CFR issuances for 1979 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

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