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federal register

Wednesday
February 6, 1980

Highlights

7997 **Federal Facility Ridesharing Program** Executive order

8162 **Basic Educational Opportunity Grant** HEW/OE list closing dates for application materials relevant to program selection

8028 **Accommodations for the Physically Handicapped** GSA/PBS develops minimum accessibility standards for the design of Federal buildings and facilities; comments by 4–7–80

8000 **Residential First Mortgage** FHLBB issues three interpretations relating to the recent temporary statutory preemption of State usury laws with respect to Federally-related loans; effective 12–28–79

8003 **Income Tax** Treasury/IRS publishes final regulations relating to the treatment of certain transfers of appreciated property to political organizations

8236 **Federal Consumers Affairs** SBA outlines elements to achieve awareness under the program (Part V of this issue)

8025 **Crude Oil** DOE/ERA decides to prepare regulatory analysis in conjunction with pending proceeding regarding reseller regulations

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8272 **Noise Labeling Requirements** EPA issues response to petition for reconsideration; effective 2–6–80 (Part VIII of this issue)

8083 **Magnetic Tape** Commerce/PTO announces the availability of two basic information files and a new bibliographic file

8248 **Electronic Fund Transfers** FRS promulgates additional sections of Regulation E and proposes to delay the effective date of certain portions of the requirements of Regulation E beyond 5–10–80; effective 5–10–80 and comments by 3–7–80 respectively (2 documents) (Part VII of this issue)

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Presidential Documents

Title 3—

The President

Executive Order 12191 of February 1, 1980

Federal Facility Ridesharing Program

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to increase ridesharing as a means to conserve petroleum, reduce congestion, improve air quality, and provide an economical way for Federal employees to commute to work, it is hereby ordered as follows:

1–1. *Responsibilities of Executive Agencies*

1–101. Executive agencies shall promote the use of ridesharing (carpools, vanpools, privately leased buses, public transportation, and other multi-occupancy modes of travel) by personnel working at Federal facilities. Agency actions pursuant to this Order shall be consistent with Circular A–118 issued by the Office of Management and Budget.

1–102. Agencies shall establish an annual ridesharing goal tailored to each facility, and expressed as a percentage of fulltime personnel working at that facil.ty who use ridesharing in the commute between home and work. Agencies that share facilities or that are within easy walking distance of one another should coordinate their efforts to develop and implement ridesharing opportunities.

1–103. Agencies shall designate, in accordance with OMB Circular A–118, an employee transportation coordinator. Agencies that share facilities may designate a single transportation coordinator. The coordinator shall assist employees in forming carpools or vanpools (employee-owned or leased) and facilitate employee participation in ridesharing matching programs. The coordinator shall publicize within the facility the availability of public transportation. The coordinator shall also communicate employee needs for new or improved transportation service to the appropriate local public transit authorities or other organizations furnishing multi-passenger modes of travel.

1–104. Agencies shall report to the Administrator of General Services, hereinafter referred to as the Administrator, the goals established, the means developed to achieve those goals, and the progress achieved. These reports shall be in such form and frequency as the Administrator may require.

1–2. *Responsibilities of the Administrator of General Services*

1–201. The Administrator shall issue such regulations as are necessary to implement this Order.

1–202. The Administrator may exempt small, remotely located Federal facilities from the requirements of Sections 1–102, 1–103, and 1–104 on his own initiative or upon request of the agency. An exemption shall be granted in whole or in part when, in the judgment of the Administrator, the requirements of those Sections would not yield significant ridesharing benefits.

1–203. The Administrator shall, in consultation with the Secretary of Transportation, periodically provide agencies with guidelines, instructions, and other practical aids for establishing, implementing, and improving their ridesharing programs.

1–204. The Administrator shall assist in coordinating the ridesharing activities of the agencies with the efforts of the Department of Energy, under the Federal Energy Management Program and in the development of an emergency energy conservation plan for the Federal government.

1–205. The Administrator shall take into consideration the advice of the Environmental Protection Agency under the Clean Air Act, as amended, in performing his responsibilities under this Order.

1–206. The Administrator shall, in consultation with the Secretary of Transportation, report annually to the President on the performance of the agencies in implementing the policies and actions contained in this Order. The report shall include (a) an assessment of each agency's performance, including the reasonableness of its goals and the adequacy of its effort, (b) a comparison of private sector and State and local government ridesharing efforts with those of the Federal government, and (c) recommendations for additional actions necessary to remove barriers or to provide additional incentives to encourage more ridesharing by personnel at Federal facilities.

Jimmy Carter

THE WHITE HOUSE,
February 1, 1980.

[FR Doc. 80–3931
Filed 2–4–80; 3:45 pm]
Billing code 3195–01–M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 16

[Amdt. 15]

Limitation on Imports of Meat

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes and reserves Subpart A—Section 204 Import Regulations of 7 CFR Part 16 governing the entry or withdrawal from warehouse of certain meats which were issued under Section 204 of the Agricultural Act of 1956, as amended, to carry out the voluntary agreements with certain countries limiting the export from and the importation into the United States of such meats. No voluntary restraint agreements are in effect for 1980.

EFFECTIVE DATE: February 6, 1980.

FOR FURTHER INFORMATION CONTACT: Bryant Wadsworth (FAS), 202–447–7217, Dairy, Livestock and Poultry Division, CP, FAS, USDA, Room 6621 South Building, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: The Secretary of State and the U.S. Trade Representative concur in the issuance of this regulation.

The action taken herewith has been determined to involve foreign affairs functions of the United States. Therefore, this regulation falls within the foreign affairs exception to the notice, public participation and effective date provisions of 5 U.S.C. 553 and Executive Order 12044.

Final Rule

PART 16 [RESERVED]

Accordingly, Subpart A, section 204 Import Regulations of Part 16, Limitation on Imports of Meat, of Title 7 of the Code of Federal Regulations is deleted and reserved.

(Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854) and Executive Order 11539 (35 FR 10733))

Issued at Washington, D.C. this 31st day of January 1980.

Thomas R. Hughes,

Administrator.

[FR Doc. 80-3781 Filed 2-5-80; 8:45 am]
BILLING CODE 3410-10-M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 3, Amdt. 7]

Amendment to Tangerine Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum diameter (size) requirement for Honey tangerines for domestic shipments from 2-$^{9}/_{16}$ inches to 2-$^{6}/_{16}$ inches for the period February 1, 1980, through October 12, 1980. The amendment also lowers the minimum diameter requirement for export shipments of Honey tangerines from 2-$^{9}/_{16}$ inches to 2-$^{4}/_{16}$ inches for the same period. This action recognizes current market demand for smaller sizes of this fruit and is consistent with the size composition of the available crop in the interest of growers and consumers.

EFFECTIVE DATE: February 1, 1980.

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, grapefruits, 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 recommendation of the committee established under the marketing agreement and order, and upon other available information. It is found that the regulations of shipments of Florida Honey tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum size requirements, herein specified, for domestic and export shipments of Honey tangerines reflect the Department's appraisal of the need for the amendment of the current regulation to permit handling of smaller sizes of the designated fruit based on current supply and demand conditions. Relaxation of the minimum size requirements for Honey tangerines will tend to promote the orderly marketing of this fruit.

The Citrus Administrative Committee, at an open meeting on January 29, 1980, reported there is a good market demand for smaller size Honey tangerines. With the marketing of Dancy variety tangerines and tangelos nearly finished, the Honey tangerines will help fill demand.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. Growers, handlers, and other interested persons were given an opportunity to submit information and views on the amendment at an open meeting, and the amendment relieves restrictions on the handling of Florida Honey tangerines. It is necessary to effectuate the declared purposes of the act to make the regulatory provisions effective as specified, and handlers have been apprised of such provisions and 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 of § 905.303 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 3) (44 FR 59195; 65962; 66779; 69917; 72025; 74797; and), should be and are amended by revising Table I, paragraph (a), applicable to domestic shipments, and Table II, paragraph (b), applicable to export shipments, to read as follows:

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

(a) * * *

Table I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (in.) (4)
Tangerines:			
Honey	Feb. 1, 1980, thru Oct. 12, 1980.	Florida No. 1.	2-5/16

(b) * * *

Table II

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (in.) (4)
Tangerines:			
Honey	Feb. 1, 1980, thru Oct. 12, 1980.	Florida No. 1.	2-5/16

* * * * *

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

Dated: February 1, 1980.

D. S. Kuryloski,

Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-3803 Filed 2-5-80; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

Truth in Lending; Calculation and Disclosure of Annual Percentage Rates; Correction

Correction

In FR Doc. 80–1897, appearing on page 4345 in the issue for Tuesday, January 22, 1980, in the first line of paragraph C, change the last section listed from "226.503" to "226.505"

BILLING CODE 1505-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 590

[No. 80-67]

Preemption of State Usury Laws

February 1, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice of agency interpretation.

SUMMARY: Pursuant to the authority granted by Section 105 of Pub. L. 96–161, 96th Cong., 1st Sess. (1979), the Federal Home Loan Bank Board is issuing three interpretations relating to the recent temporary statutory preemption of State usury laws with respect to Federally related residential first mortgage loans.

The Board has determined that:

(1) Section 105(a) of Pub. L. 96–161 does not preempt a State law provision requiring lenders to refund unearned interest in the event a loan is prepaid.

(2) If a lender extends a commitment issued prior to the effective date of Pub. L. 96–161, and the lender is not under an obligation to renew that commitment, the lender is authorized to treat a new commitment as a new loan transaction and exempt from State usury laws as provided by Section 105 of the statute.

(3) A State law prohibiting a lender from charging points would be preempted by Section 105(a)(1) of Pub. L. 96–161 with respect to Federally related residential first mortgage loans.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Attorney, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552 (202–377–6457).

EFFECTIVE DATE: December 28, 1979.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted by Section 105(c) of Pub. L. 96–161, 96th Cong., 1st Sess. (1979), the Federal Home Loan Bank Board is issuing three additional interpretations (Nos. 590–6 through 590–8) relating to the temporary preemption of State usury laws with respect to Federally related residential first mortgage loans as prescribed by that statute and the regulations issued thereunder. The reader is also invited to consult the regulations on the statute published at 45 FR 1853 (Jan. 9, 1980), and prior Interpretations published at 45 FR 6165 (Jan. 25, 1980) and 45 FR 2480 (Jan. 15, 1980).

Federal Home Loan Bank Board Interpretation No. 590–6 (State Law Requiring Refund of Unearned Interest Upon Prepayment)

Section 105(a) of Pub. L. 96–161 provides that State laws "expressly limiting . . . the amount of interest, discount points, or other charges which may be charged, taken, received, or reserved" shall not apply to Federally related residential first mortgage loans made during the period described in that statute. The Federal Home Loan Bank Board has been asked to interpret the effect of this provision on Section 138.05(2) of the Wisconsin Statutes which provides that for any loan on which the interest charged exceeds 10% per annum, the borrower will be entitled to a refund of unearned interest in the event of a prepayment.

It is the view of the Board that Wis. Stat. Section 138.05(2) does not constitute a "law . . . expressly limiting . . . the amount of interest, discount points, or other charges which may be charged, taken, received, or reserved . . ." so as to be preempted by § 105 of Pub. L. 96–161. By its terms, the Wisconsin statute is applicable only in the event of prepayment. As such, the state law does not directly affect the amount of interest a State-chartered lender in Wisconsin may charge initially in making a loan. It is clear from the legislative history of Pub. L. 96–161 that the federal statute was intended to preempt only State laws which have a direct impact on the rate of interest charged and not "limitations on prepayment charges, attorney fees, late charges or similar limitations designed to protect borrowers." *See* S. Rep. No. 368, 96th Cong., 1st Sess. 19 (1979).

Federal Home Loan Bank Board Interpretation No. 590–7 (Extensions of Outstanding Commitments)

In Federal Home Loan Bank Board Interpretation No. 590–1, 45 FR 2840 (Jan. 15, 1980), the Board determined that loans made pursuant to commitments issued prior to the December 28, 1979 effective date of Pub. L. 96–161 would be subject to state usury laws notwithstanding the preemption provisions of the Federal statute. The Board has been asked to determine whether an extension of a pre-December 28, 1979 commitment also would be governed by the above Interpretation.

In this situation the lender would not be required to extend the commitment on the same terms. For purposes of Pub. L. 96–161, the lender's obligation under the previous commitment would end with the expiration of that commitment. Accordingly, unless extension on the same terms is required by contract or State law, nothing would prevent the lender from treating a new commitment as a new extension of credit made during the preemption period and thus exempt from state interest ceilings to the

extent allowed by Section 105 of Pub. L. 96–161.

Although lenders may not be legally bound to extend commitments on the same terms, the Board strongly urges they exercise great restraint in setting new interest rates. In many cases, borrowers have been forced to seek extensions only because construction delays have prevented them from closing on their original commitments. The Board believes that the best interests of the financial community and the public will not be served if lenders raise interest rates on such renewals to higher levels not contemplated by these borrowers.

Federal Home Loan Bank Board Interpretation No. 590–8 (State Law Prohibition Against Charging Points)

Section 105(a)(1) of Pub. L. 96–161 states that state laws "expressly limiting . . . the amount of interest, discount points, or other charges which may be taken, charged, received, or reserved" shall not apply to Federally related residential first mortgage loans made during the period described in the statute. The Federal Home Loan Bank Board has been asked to interpret the effect to this provision on Section 12–108 of the Maryland Commercial Law Code, which prohibits certain lenders in that State from charging borrowers or other persons any point or a fraction of a point. Under Maryland law, a "point" is defined as "a fee, premium, bonus, loan origination fee, service charge, or any other charge equal to 1 percent of the principal amount of a loan which is charged by the lender at or before the time the loan is made as additional compensation for the loan." Md. Com. Law Code Ann. Section 12–101(h).

In our view, Md. Com. Law Code Ann. Section 12–108 would be preempted by Pub. L. 96–161 with respect to the Federally related residential first mortgage loans. Section 105(a)(1) expressly preempts not only State laws limiting interest rates but State laws regulating "discount points, or other charges which may be taken, charged, received, or reserved" as well. Thus, the scope of Section 105(a)(1) includes "points" as defined under the Maryland law.

Moreover, since the preemptory language of Section 105(a)(1) does not distinguish between charges assessed against buyers and sellers, it would be our view that Md. Com. Law Code Ann. Section 12–108 would be preempted as applied to both.

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 80-3813 Filed 2-5-80; 8:45 am]

BILLING CODE 6720-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1214

Space Transportation System; Payload Specialists for NASA or NASA-Related Payloads

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: NASA set forth its policy on and process for the acquisition and utilization of payload specialists who operate NASA or NASA-related payloads aboard Space Transportation System (STS) flights in a regulation which was published in the Federal Register at 43 FR 9790–9792, March 19, 1978. This amendment makes administrative changes related to these regulations.

Since this action is internal and administrative in nature and does not affect the existing regulations, notice and public procedure are not required.

DATE: Effective February 6, 1980.

ADDRESS: Jesse W. Moore, Director, Spacelab Mission Integration Division, Code SM–8, National Aeronautics and Space Administration, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Jesse W. Moore, 202–755–3766.

PART 1214—SPACE TRANSPORTATION SYSTEM

14 CFR Part 1214 is amended by amending §§ 1214.301 and 1214.303 as follows:

1. Section 1214.301 is amended by adding § 1214.301(g) which reads as follows:

§ 1214.301 Definitions.

* * * * *

(g) *Unique Criteria.* Generally, unique criteria would include the need for a highly specialized or unusual technical or professional background or the need for instrument operations requiring a highly specialized or unusual technical background that is not likely to be found in the available group of Mission Specialists or cannot be implemented in a reasonable specialist training period.

2. Section 1214.303 is revised to read as follows:

§ 1214.303 Policy.

NASA policy is to provide individuals associated with space investigations the opportunity to perform as payload specialists aboard STS flights to conduct measurements and observations in pursuance of mission objectives whenever a unique criterion exists which is satisfied by their capabilities or qualities and justifies their presence. Payload Specialists are otherwise selected from the Mission Specialists cadre. The official-in-charge of the sponsoring Program Office will be responsible for verification of the need, technical criteria, and uniqueness for payload specialists. This determination will be coordinated with the Associate Administrator of Space Transportation System Operations and reviewed with the Administrator and Deputy Administrator.

A. M. Lovelace,

Acting Administrator.

[FR Doc. 80-3760 Filed 2-5-80; 8:45 am]

BILLING CODE 7510-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. IC–11030]

Delegation of Authority to Director of Division of Investment Management

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules relating to general organization to delegate to the Director of the Division of Investment Management authority to issue notices of applications for orders under the Investment Company Act of 1940 permitting the depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security. Such authority is limited to applications which, upon examination, do not appear to the Director to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held. This delegation of authority should result in time and cost savings for applicants and the Commission in the processing of such applications.

EFFECTIVE DATE: January 30, 1980.

FOR FURTHER INFORMATION CONTACT: Cathy G. Douglas, Esq., Division of Investment Management, Securities and

Exchange Commission, Room 543, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-3021.

SUPPLEMENTARY INFORMATION: Effective December 14, 1970, section 26 [15 U.S.C. 80a-26] of the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a et seq.] was amended by adding new section 26(b) which provides that:

> It shall be unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved the substitution. The Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of [the Act].

Subsequent to the enactment of section 26(b) of the Act, the Commission, upon application, has issued several orders approving the substitution of securities in unit investment trusts. The Commission expects that other applications will be filed in the future seeking similar orders. Therefore, the Commission believes it to be appropriate to amend its rules relating to general organization to delegate authority to the Director of the Division of Investment Management to issue notices, pursuant to rule 0-5 under the Act [17 CFR 270.0-5], of applications for orders pursuant to section 26(b) of the Act where, upon examination, the matter does not appear to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held.

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Accordingly, Part 200 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended by revising paragraph (a)(1)(xxi) of § 200.30-5 and redesignating the subsequent paragraphs to read as follows:

§ 200.30-5 Delegation of authority to Director of Division of Investment Management.

* * * * *

(a) * * *

(1) * * *

(xxi) Section 26(b), 15 U.S.C. 80a-26(b).

(xxii) Section 28(c), 15 U.S.C. 80a-28(c).

(xxiii) Section 31(d), 15 U.S.C. 80a-30(d).

(xxiv) Section 32(c), 15 U.S.C. 80a-31(c).

(xxv) Section 45(a), 15 U.S.C. 80a-44(a).

* * * * *

The Commission finds, in accordance with sections 553(b)(A) and 553(d) of the Administrative Procedure Act ("APA") [5 U.S.C. 553(b)(A) and 553(d)], that this amendment relates solely to agency organization, procedure, or practice and does not relate to a substantive rule. Accordingly, notice and opportunity for public comment are unnecessary, and publication of the amendment to the Commission's rules relating to general organization 30 days before its effective date is similarly unnecessary.

(Pub. L. No. 87-592, 76 Stat. 394, 15 U.S.C. 78d-1, 78d-2)

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-3758 Filed 2-5-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 256

Off-Reservation Treaty Fishing; Great Lakes and Connecting Waters in Michigan Ceded in Treaty of 1836; Notice of Hearings; Extension of Comment Period

AGENCY: Department of the Interior.

ACTION: Interim rule; notice of hearings and extension of comment period.

SUMMARY: On November 15, 1979, the Department of the Interior published in the **Federal Register** a new rule, 25 CFR 256, Subpart D, regulating off-reservation Indian fishing in the Great Lakes and connecting waters of Michigan ceded by the Treaty of 1836. The rule was published as an interim rule effective immediately, followed by a 60-day public comment period which expired January 14, 1980. During that comment period, many requests were received asking the Department to hold hearings on the regulations. Because there is significant interest in the regulations in the Great Lakes states and oral testimony may assist the Department in considering regulatory changes for the 1980 fishing season, public hearings will be held and the public comment period extended.

Accordingly, notice is hereby given that public hearings on the regulations governing off-reservation Indian treaty fishing in the Great Lakes and connecting waters in Michigan ceded in the Treaty of 1836, 25 CFR 256, Subpart D, FR Doc. 79-35437, published as an interim rule in the **Federal Register** of Thursday, November 15, 1979, 44 FR 65747, will be held as shown below.

DATES: Public hearings: February 20, 1980—Sault Ste. Marie, Michigan; February 22, 1980—Lansing, Michigan.

COMMENT PERIOD: The public comment period on the interim rule is hereby extended to March 3, 1980.

ADDRESSES: Public hearing locations:

(1) Wednesday, February 20, 1980, at the Walker Cisler Center, Lake Superior State College, Sault Ste. Marie, Michigan, beginning at 1:00 p.m.;

(2) Friday, February 22, 1980, at the Law Building Auditorium, 525 W. Ottawa St., Lansing, Michigan, beginning at 9:00 a.m.

Interested persons who wish to comment should submit their comments to: Associate Solicitor for Indian Affairs, Department of the Interior, 18th and C Sts. NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Jim Jannetta, Attorney-Advisor, Department of the Interior, (202) 343-8526.

SUPPLEMENTARY INFORMATION: The public is invited to attend and participate. Participants should be prepared to present comments on the interim rule, together with supporting data, and recommendations for regulatory changes for the 1980 fishing season. Written submissions in addition to oral testimony will be appreciated.

To ensure orderly hearings and fair representation of all interested parties and viewpoints, the Department will schedule testimony from interested persons and organizations. If you wish to arrange for testimony at the hearings, please contact the Minneapolis Area Office, Bureau of Indian Affairs, 831 2nd Ave. S., Minneapolis, MN 55402, telephone (612) 725-2904. Requests for scheduling of testimony should be made no later than February 13, 1980.

The public comment period on the interim rule is hereby extended to March 3, 1980. Comments from interested persons are invited and will be considered in determining whether any changes should be made in the regulations.

Dated: January 29, 1980.

Cecil D. Andrus,

Secretary.

[FR Doc. 80-3889 Filed 2-5-80; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 25

[T.D. 7671]

Tax; Transfer of Appreciated Property to Political Organizations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the treatment of certain transfers of appreciated property to political organizations. Changes to the applicable tax law were made by the Act of January 3, 1975. The regulations provide the public with the guidance needed to comply with the statutory changes.

DATE: The regulations are effective with respect to transfers of appreciated property to political organizations made after May 7, 1974.

FOR FURTHER INFORMATION CONTACT: Susan K. Thompson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202/566–3294).

SUPPLEMENTARY INFORMATION:

Background

On July 30, 1979, the **Federal Register** published amendments to the Income Tax Regulations (26 CFR Part 1) under section 84 of the Internal Revenue Code of 1954, and to the Gift Tax Regulations (26 CFR Part 25) under section 2501 of the Internal Revenue Code of 1954 (44 FR 44553). These amendments were proposed to conform the regulations to sections 13 and 14 of the Act of January 3, 1975 (88 Stat. 2120). No comments were received with respect to the proposed amendments, and no public hearing was requested or held. The proposed amendments are adopted by this Treasury decision without change.

New Rules

The regulations adopted by this Treasury decision contain new rules applicable to transfers of appreciated property to political organizations after May 7, 1974. These transfers are governed by section 84, added to the Code in 1975.

In general, section 84 treats certain transfers of appreciated property to political organizations as sales for purposes of the income tax. The term "political organization" is defined in section 527 (e) (1). The term "transfer" is defined under the new rules as any assignment, conveyance or delivery of property other than a bona fide sale for an adequate and full consideration in money or money's worth.

The transferor is taxed on the difference between the fair market value and the adjusted basis of the property. In determining the amount of gain recognized by the transferor, the income tax rules relating to a sale of property apply. Because of the recognition of gain by the transferor at the time the property is contributed, the political organization is not permitted to "tack" the holding period of the donor to its holding period for purposes of determining its own holding period. Rather, under the new rules, the holding period of the political organization begins on the day after it acquires the property.

The new rules conform the regulations to the exemption from gift tax of money or other property transferred to a political organization. At the same time, the rules emphasize that the gift tax continues to apply to transfers to organizations other than political organizations.

The final regulations adopted by this Treasury decision impose no new reporting or recordkeeping requirements. Evaluation of the effectiveness of these regulations after issuance will be based upon comments received from offices within Treasury and the Internal Revenue Service, other governmental agencies, and the public.

Drafting Information

The principal author of these regulations is Susan K. Thompson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of amendments to the regulations

Accordingly, the amendments to 26 CFR Parts 1 and 25 published as a notice of proposed rulemaking in the **Federal Register** for July 30, 1979 (44 FR 44553), are hereby adopted as proposed.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: January 22, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The following new section is inserted immediately following § 1.83–8:

§ 1.84–1 Transfer of appreciated property to political organizations.

(a) *Transfer defined.* A transfer after May 7, 1974, of property to a political organization (as defined in section 527(e)(1), and including a newsletter fund to the extent provided under section 527(g)) is treated as a sale of the property to the political organization if the fair market value of the property exceeds its adjusted basis. The transferor is treated as having realized an amount equal to the fair market value of the property on the date of the transfer. For purposes of this section, a transfer is any assignment, conveyance, or delivery of property other than a bona fide sale for an adequate and full consideration in money or money's worth, whether the transfer is in trust or otherwise, whether the transfer is direct or indirect and whether the property is real or personal, tangible or intangible. Thus, for example, a sale at less than fair market value (other than an ordinary trade discount), or a receipt of property by a political organization under an agency agreement entitling the organization to sell the property and retain all or a portion of the proceeds of the sale, is a transfer within the meaning, of this section. The term "transfer" also includes an illegal contribution of property.

(b) *Amount realized.* A transferor to whom this section applies realizes an amount equal to the fair market value of the property on the date of the transfer. For purposes of this section, the definition of fair market value set forth in § 1.170A–1(c) (2) and (3) is incorporated by reference.

(c) *Amount recognized.* A transferor to whom this section applies is treated as having sold the property to the political organization on the date of the transfer. Therefore, the rules of chapter 1 of subtitle A (relating to income tax) apply to the gain realized under this section as if this gain were an amount realized upon the sale of the property. These rules include those of section 55 and section 56 (relating to minimum tax for

tax preference), section 306 (relating to disposition of certain stock), section 1201 (relating to the alternative tax on certain capital gains), section 1245 (relating to gain from dispositions of certain depreciable property), and section 1250 (relating to gain from dispositions of certain depreciable realty).

(d) *Holding period.* The holding period of property transferred to a political organization to which this section applies begins on the day after the date of acquisition of the property by the political organization.

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Par. 2. Section 25.2501 is deleted.

§ 25.2501 [Deleted]

Par. 3. Section 25.2501–1 is amended by adding at the end of paragraph (a) a new subparagraph (5) to read as follows:

§ 25.2501–1 Imposition of tax.

(a) *In general.* * * *

(5) The general rule of this paragraph (a) shall not apply to a transfer after May 7, 1974, of money or other property to a political organization for the use of that organization. However, this exception to the general rule applies solely to a transfer to a political organization as defined in section 527(e)(1) and including a newsletter fund to the extent provided under section 527(g). The general rule governs a transfer of property to an organization other than a political organization as so defined.

[FR Doc. 80–3840 Filed 2–5–80; 8:45 am]
BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1406–2]

Approval and Promulgation of Implementation Plans; Tennessee: 1979 Plan Revisions

AGENCY: U.S. Environmental Protection Agency, Region IV.

ACTION: Final rule.

SUMMARY: EPA today announces its approval of portions of the implementation plan revisions which the Tennessee Air Pollution Control Division submitted pursuant to the requirements of Part D of Title I of the Clean Air Act (CAA), as amended in 1977, with regard to nonattainment areas.

Other portions of the State's 1979 revisions are given conditional approval. These portions contain minor deficiencies which the State has agreed to have corrected by March 15, 1980. After receipt of the supplementary submittals, they will be the subject of another notice of proposed rulemaking. The specific portions of the Tennessee implementation plan revisions that EPA proposes to take final action on are described below in detail in the General Discussion.

DATE: These actions are effective February 6, 1980.

ADDRESSES: Copies of the materials submitted by Tennessee and the comments received in response to the proposal notice of July 24, 1979 (44 FR 43302) may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia, 30308.

FOR FURTHER INFORMATION CONTACT: Raymond Gregory, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30308, 404/881–3286 (FTS 257–3286).

SUPPLEMENTAL INFORMATION:

Background

In the July 24, 1979, **Federal Register** (44 FR 43302) EPA proposed conditional approval of the Tennessee SIP revision for the following designated nonattainment areas (primary (P), secondary (S)):

Total Suspended Particulate Matter (TSP)

A. That portion of Anderson and Knox Counties surrounding TVA's Bull Run Plant. (S)

B. Those portions of Campbell County Within downtown Lafollette and the area surrounding the Carborundum Company's plant at Jacksboro. (P&S)

C. That portion of Sullivan County within a section of Bristol. (P&S)

D. That portion of Sumner County surrounding TVA's Gallatin plant. (S)

Sulfur Dioxide (SO_2)

A. That portion of Polk County surrounding the Cities Service plant at Copperhill. (P&S)

B. That portion of Benton and Humphreys Counties surrounding TVA's Johnsonville plant. (P&S)

Carbon Monoxide

A. That portion of Knox County comprising metropolitan Knoxville (P&S).

B. That portion of Shelby County comprising metropolitan Memphis (P&S).

Implementation plan revisions under Part D of Title I of the Clean Air Act (CAA) were developed by the State for all the foregoing areas. These revisions were submitted for EPA's approval on February 13, 1979, with additional information submitted on April 12 and 27, 1979. This notice does not include action on all nonattainment areas. Action on implementation plan revisions concerning certain other nonattainment areas was proposed in the **Federal Register** of October 2, 1979 (44 FR 56717). Final action will be taken at a later date on the notice of October 2, 1979. The **Federal Register** of July 24, 1979 (44 FR 43302), and the **Federal Register** of November 2, 1979 (44 FR 63104), should be referred to for the present listing of the designated nonattainment areas in Tennessee. Future rulemaking actions will address the non-attainment areas for which proposal notices have not yet been published.

Receipt of the Tennessee revisions was first announced in the **Federal Register** of May 24, 1979, (44 FR 30123). Announcement of proposed conditional approval was printed in the **Federal Register** of July 24, 1979, (44 FR 43302). The Tennessee revisions have been reviewed by EPA in light of the CAAA of 1977, EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the **Federal Register** on April 4, 1979 (44 FR 20372), July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182), and need not be repeated in detail here.

General Discussion

The Notice of Proposed Rulemaking discussed each of the provisions of Section 172(b). For the Bristol TSP area, the new regulatory requirements adopted require better control of process fugitive and fugitive dust emissions. The control strategy demonstrates that the primary and secondary standards will be attained by December 1982. Therefore, the Bristol TSP nonattainment plan is approved.

In Campbell County there are two TSP nonattainment areas (Lafollette, Jacksboro) for which the State adopted new regulatory requirements. In Lafollette, where there are several mineral handling sources, control of fugitive dust on property of those

sources resulted in most of the necessary emission reductions. In Jacksboro, additional controls on the loading and unloading of silicon carbide resulted in the majority of emission reductions. The plan demonstrated attainment of the primary and secondary standards by December 1982; and, thus meets the reasonable further progress (RFP) requirement therefore, the TSP nonattainment plan for Campbell County is approved.

For Sumner County, the State indicated that ambient violations were due to a power plant in the area being out of compliance with applicable emission limitations. No ambient violations have been recorded since the completion of improvements to the power plant's TSP control system, and the Tennessee contends that the existing SIP is adequate to attain the standards. EPA agrees and the TSP nonattainment plan for Sumner County is approved.

In Anderson/Knox Counties, ambient violations were due to mechanical deterioration in the TSP control system at a nearby power plant. Since the completion of the necessary repairs, the State indicates that the standards will be achieved since the power plant will now be able to comply with the applicable emission limitations. EPA concurs with the State and approves the TSP plan for Anderson/Knox Counties.

Copperhill, Tennessee is the site of Cities Service's primary copper smelter. In the past, there have been numerous violations of the sulfur dioxide standards in the area, but the frequency and the magnitude of the violations have decreased in the last two years due to major improvements made at the plant. The nonattainment plan for the area limits the sulfur content of fuel burned, provides special requirements for processes during startup and shutdown at the smelter, and imposes limitations on hours of operation for some sources. Modeling of nonattainment plan submitted by the State demonstrates attainment of the primary standards, by the end of 1982, and thus meets the RFP requirement. Therefore, the plan for attaining the sulfur dioxide primary standards is approved. Pursuant to the State's request and modeling demonstration that application of RACT is inadequate to attain the secondary standard and that the application of RACT meets the RFP requirement, the Administrator grants an 18-month extension (from January 1, 1979, to July 1, 1980) for submittal of a complete plan to show attainment of the secondary standards.

For the Johnsonville area, the ambient violations were due primarily to a nearby power plant out of compliance with the applicable emission limitations.

Compliance by this plant is currently the subject of a lawsuit in the United States District Court for the Middle District of Tennessee, and revision of the applicable limit may be a result of that suit. However, the State is not a party to that suit and the State contends that the existing SIP is adequate and EPA agrees. Therefore, the sulfur dioxide submittal for Johnsonville is approved.

The plan submitted by the State for attainment of the carbon monoxide (CO) standard in Shelby County does not demonstrate attainment by December 1982 despite implementation of all reasonably available control measures. Therefore, section 172(b)(11) of the Clean Air Act requires that:

"(11) in the case of plans which make a demonstration pursuant to paragraph (2) of subsection (a)—

(A) establish a program which requires, prior to issuance of any permit for construction or modification of a major emitting facility, an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification;

(B) establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program; and

(C) identify other measures necessary to provide for attainment of the applicable national ambient air quality standard not later than December 31, 1987."

The State has expressly met most of these requirements with regulations and a program description, both of which are part of the subject SIP submittal. The requirements for compliance with subsection (B) will first be described, followed by a description of SIP inadequacies concerning requirements of section 172(b)(11).

"Inspection/Maintenance" (I/M) as it is used in section 172(b)(11)(B) above, refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes may be included as well. Operation of noncomplying vehicles is prohibited. This is most effectively accomplished by requiring proof of compliance in order to purchase license plates or to register a vehicle. In certain cases, a windshield sticker system can be used, much like many motor vehicle safety imspection programs.

Section 172 of the Clean Air Act requires that State Implementation Plans for States which include non-attainment areas must meet certain criteria. For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available measures, an extension to 1987 will be granted. In such cases section 172(b)(11)(B) requires that: "the plan provisions shall establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program * * *"

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these notices are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking 44 **Federal Register** 20372, n 6. Although the July 17, 1978, guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

- *Legal Authority.* States or local governments must have adopted the necessary statutes, regulations, ordinances, etc., to implement and enforce the inspection/maintenance program. (Section 172(b)(10).)
- *Commitment.* The appropriate governmental unit(s) must be committed to implement and enforce the I/M program. (Section 172(b)(10).)
- *Resources.* The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172(b)(7).)
- *Schedule.* A specific schedule to establish the I/M program must be included in the State Implementation Plan. (Section 172(b)(11)(B).) Interim milestones are specified in the July 17, 1978, memorandum in accordance with the general requirement of 40 CFR 51.15(c).
- *Program Effectiveness.* As set forth in the July 17, 1978 guidance memorandum, the I/M program must achieve a 25% reduction in passenger car exhaust emissions of hydrocarbons and a 25% reduction for carbon monoxide. This reduction is measured by comparing the levels of emission projected to December 31, 1987, with and without the I/M program. This policy is based on section 172(b)(2) which states that "the plan provisions * * * shall * * * provide for the implementation of all reasonably available control measures * * *"

Specific detailed requirements of these five provisions are discussed below.

To be acceptable, I/M authority must be adequate to implement and effectively enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which establishes an attainment date beyond December 31, 1982, unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a state legislature has had no opportunity to consider enabling legislation.

Written evidence is also required to establish that the appropriate governmental bodies are "committed to implement and enforce the appropriate elements of the plan." (section 172(b)(10).) Under section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

A specific schedule to establish an inspection/maintenance program is required. (section 172(b)(11)(B).) The July 17, 1978, guidance memorandum established as EPA policy the key milestones for the implementation of the various I/M programs. These milestones meet the general SIP requirement for compliance schedules as governed by 40 CFR 51.15(c). That section requires that increments of progress be contained in compliance schedules of over one year in length.

To be acceptable an I/M program must achieve the requisite 25% reductions in both hydrocarbon (HC) and carbon monoxide (CO) exhaust emissions from passenger cars by the end of calendar year 1987. The Act mandates "implementation of all reasonably available control as expeditiously as practicable." Section 172(b)(2). At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating, including mandatory programs in New Jersey and Arizona operating at about a 20% stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not undergone I/M before initial testing. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the program.) Depending on program type (private garage or centralized inspection) a mandatory I/M program may be implemented as late as December 31, 1982 and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982 and a 20% stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25% can be achieved by December 31, 1987. Earlier implementation of I/M produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20% stringency factors, it is EPA policy to use a 25% emission reduction as the criterion to determine compliance of the I/M portion with section 172(b)(2).

EPA has received an opinion from the Tennessee Attorney General concluding that there is sufficient statutory authority for an inspection and maintenance program to be implemented by certain cities in the State. EPA has also received a legal opinion from the Memphis City Attorney's office concurring with the legal opinion of the Tennessee Attorney General and indicating that Memphis is one of the cities with this authority. The City has submitted a letter indicating that inspection requirements (which EPA interprets as including a requirement to meet specified emission levels) must be met before an inspection decal will be issued. In addition, the Mayor of Memphis has submitted a letter committing to support an I/M program in Memphis and committing to the I/M schedule submitted in the SIP. It should be noted that the Mayor's commitments to I/M are made "contingent upon the support of the Memphis City Council" for future resources and approval of the final specific regulations. While EPA recognizes that the Mayor cannot commit the City Council to any future action, it should be understood that a failure by the City to institute a mandatory I/M program, according to the schedule submitted in the SIP, will make the area liable to the imposition of the growth and economic restrictions and/or Federal enforcement actions provided for in the Clean Air Act. Another commitment necessary in the SIP is emission reductions. The program implemented by the schedule would entail inspection and maintenance of light-duty vehicles in a centralized program initiated with voluntary repair in December 1980 and full mandatory operation in December 1981. As a result of its Reasonable Further Progress (RFP) calculation, the State has committed to a CO emission reduction of at least 25% from light-duty vehicles by 1987. Thus, the City of Memphis has adequate legal authority, commitments and schedules to implement the I/M program.

EPA is today conditionally approving the Memphis CO plan based on the proper officials' correcting the deficiencies noted below by March 15, 1980. This date has been changed by EPA on request from the State from the original proposed date of December 30, 1979, to allow the State sufficient time to adopt the necessary provisions; the State has indicated they would not be able to meet the originally proposed date of December 31, 1979.

Inadequacies in this SIP submission concerning section 172(b)(11) are:

1. The State has not submitted specific transportation measures and implementation commitments. However, the Memphis and Shelby County Office of Planning and Development has identified the following measures as being contained in the Transportation Improvement Program/Annual Element and having air quality benefits. These measures have been submitted to the State for formal adoption.

Measure	Implementation date
Bus fleet expansion	August 1979.
Computerized preferential traffic signalization system for buses.	January 1980.
Reduced fare shuttle bus service	March 1979.
Replacement of old buses	August 1979.
Promotional activities (Auto Restricted Zone demonstration project).	March 1979.
Horn Lake Road (widening and bridge at IC Railroad Johnston Yard to reduce bottleneck).	Fall 1980.
Mill Branch Road (improve traffic flow, I-55, I-250, and I-240).	Fall 1982.
Quince Road (improvements to reduce traffic congestion).	Fall 1982.

EPA considers the inclusion of these measures in the TIP/AE to be a partial commitment to their implementation. Full implementation commitments must be submitted by March 15, 1980.

2. The submittal does not contain a schedule for the analysis of the alternative transportation control measures under section 108. Also, there is no commitment from the proper agency(s) to implementing as expeditiously as practicable the measures found feasible for adoption or to justify the decision not to implement any of these measures.

3. The submittal does not contain a commitment of the proper agency(s) to

establish, expand, or improve public transportation measures to meet basic transportation needs as expeditiously as practicable.

4. Under section 174, the Memorandum of Understanding (MOU) between the proper local and State officials includes a commitment to the implementation of stationary source controls but not mobile source controls.

5. The schedule for the I/M program is generally adequate, although some of the dates need to be revised.

The Knoxville CO plan, submitted by the State, did not demonstrate attainment of the ambient CO standards by December 1982. When the State was contacted to confirm the submitted data, an error in calculating the base year inventory was discovered. With these corrections made, the area would attain the standard by December, 1982, as a result of the Federal Motor Vehicle Program. With the correction of the error used in calculating the base year inventory, EPA is approving the Knoxville CO plan as revised.

If Tennessee does not submit any of the materials needed to comply with the above conditions, EPA will publish a **Federal Register** notice at the expiration of the time limit for submittal ending the conditional approval and explaining that the section 110(a)(I) (44 FR 38583) July 2, 1979, restrictions are automatically imposed under the Act. These restrictions prohibit the construction of certain new major sources of air emissions, in affected non-attainment areas. Also, CAA sections 105 and 175 grants may be withheld.

Public Comments

EPA received no public comments on the specific Tennessee proposal notice (July 24, 1979, 44 FR 43302). The comments addressed in the following section were those made as national comments applicable to all Part D notices.

Comment: One commenter noted that the recent court decision on EPA's regulations for prevention of significant deterioration (PSD) affects EPA's new source review (NSR) requirements for Part D plans as well. (The decision is *Alabama Power Co.* vs. *Costle*, 13 ERC 1225 (D.C. Cir. June 18, 1979).)

The court ruled, among other things: (1) a "source" must be defined as a single building, facility, structure or installation, although EPA may define those terms to include an entire plant; (2) "modifications" subject to NSR include only those source changes resulting in a net increase in emissions from the entire source; (3) the "potential to emit" for purposes of the tonnage cut-off must be calculated after consideration of design controls on emissions, and (4) PSD requirements do not apply to sources within areas designated as nonattainment, except for sources with a substantial impact on a clean area of another state. In the commenter's view, the court's ruling on the definition of "source", "modification", and "potential to emit" should apply to Part D as well as PSD programs, and the court decision precludes EPA from requiring Part D review of sources located in designated areas.

Response: The preamble to the Emission Offset Interpretative Ruling, as revised January 16, 1979, explains that the interpretations in the Ruling govern the definitions of the terms "source," "major modification" and "potential to emit," and the areas in which NSR applies, for purposes of State plans under Part D (44 FR 3275 col. 3–3276 col. 1, January 16, 1979). In a proposed rule signed by the Administrator on August 22, 1979, and published in the **Federal Register** on September 5, 1979 (44 FR 51924) EPA explained its views on how the *Alabama Power* decision affects NSR requirements for state Part D plans.

As stated there, EPA agrees that the court's ruling on the definitions of "source," "modification," and "potential to emit" applies to NSR under Part D. EPA does not believe the court's ruling on the geographic areas where PSD requirements apply, affects the areas where Part D requirements apply. To implement the court's decision, EPA proposed regulations for Part D plans, to be set forth in a new section 40 CFR 51.18(j). EPA also proposed, for now, to approve a Part D SIP revision if it satisfies either existing EPA requirements or the proposed regulations. To the extent EPA's final regulations implementing *Alabama Power* are more stringent than existing requirements, EPA proposed that States will have additional time after EPA promulgates final regulations to submit revisions. EPA also proposed to approve state-submitted relaxations so long as the revised SIP meets all proposed, or (after promulgation) final, EPA requirements implementing *Alabama Power*. Since the Tennessee NSR program satisfies existing requirements for Part D, it is now being approved.

Comment: A national environmental group commented that satisfaction of the requirement for an adequate permit fee system (section 110(a)(2)(K) of the Act), and the requirement for proper composition of State boards to approve permits and enforcement orders (sections 110(a)(2)(F)(vi) and 128 of the Act) are necessary to assure that permit programs for nonattainment areas are implemented successfully.

Therefore, while stating that "we support the concept of conditional state plan approval," the commenters argued that EPA must negotiate a commitment from the State to satisfy the permit fee and State board requirements before conditionally approving a plan under Part D. In those States that fail to correct the omission within the required time, the commenter urged that restrictions on construction under section 110(2)(I) of the Act must apply.

Response: To be fully approved under section 110(a)(2) of the Act, a State plan must satisfy the requirements for the State boards and permit fees for all areas, including nonattainment areas. Several States have adopted provisions satisfying these requirements, and EPA is working with other States to assist them to develop the required programs. However, EPA does not believe these programs are needed to satisfy the requirements of Part D. Congress placed neither the permit fee nor the State board provision in Part D. While legislative history states that these provisions should apply in nonattainment areas, there is no legislative history indicating that they should be treated as Part D requirements. Therefore, EPA does not believe that failure to satisfy these requirements is grounds for conditional approval under Part D or for application of the construction restriction under section 110(a)(2)(I) of the Act.

Attainment Dates

The 1978 edition of 40 CFR Part 52 lists in the subpart for Tennessee the applicable deadlines for attaining ambient standards (attainment dates) required by section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadlines required by section 172(a) of the Act, the new deadlines are substituted on Tennessee's attainment date chart in 40 CFR Part 52. The earlier attainment dates under section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new section 172 plan requirements.

Congress established new attainment dates under section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines

more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 amendments. It would be a perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under part D. (123 Cong. Rec. 11 11958, daily ed. November 1, 1977).

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment. (*See* General Preamble for Proposed Rulemaking, 44 FR 20373–74 (April 4, 1979)).

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

Reference should be made to 40 CFR 52.2230 (1978) to determine the applicable deadlines for attainment under Section 110(a)(2)(A) of the Act.

Conditional Approval

EPA is taking final action to conditionally approve certain elements of Tennessee's plan. A discussion of conditional approval and its practical effect appears in a supplement to the General Preamble, 44 FR 38583 (July 2, 1979). The conditional approval requires the State to submit additional materials by the deadlines specified in today's notice. There will be no extensions of conditional approval deadlines which are being promulgated today. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

1. If the State submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the State's submission to determine if the condition is fully met. After review is complete, a **Federal Register** notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the State fails to timely submit the required materials needed to meet a condition, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

Certain deadlines for satisfying conditions are being promulgated today without prior notice and comment. EPA finds that for good cause notice and comment on these deadlines are unnecessary. *See* 5 U.S.C. section 553(b)(B) (the Administrative Procedure Act). The State is the party responsible for meeting the deadlines and the State has requested this extension of the deadline from December 30, 1979, to March 1, 1980. This is because the State must have the additional time to complete the SIP revision process. In addition, the public has had an opportunity to comment generally on the concept of conditional approval and on what deadlines should apply for these conditions. 44 FR 38583 (July 2, 1979) 44 FR 43302 (July 24, 1979).

EPA finds good cause to make this conditional approval immediately effective, because the Clean Air Act restricts new construction where plans are not approved after June 30, 1979, and making the conditional approval immediately effective will terminate the restriction as soon as possible.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA has reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 10244.

(Secs. 110, 172, Clean air Act (42 U.S.C. 7410, 7502))

Dated: January 29, 1980.

Douglas M. Costle,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

1. In § 52.2220, paragraph (c) is amended by adding subparagraph (30) as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(30) 1979 implementation plan revisions for nonattainment areas, submitted on February 13 and April 12 and 27, 1979, by the Tennessee Division of Air Pollution Control (Bristol, Lafollettee, Jacksboro, Sumner Co., Anderson/Knox Counties, Copperhill, Johnsonville area, Shelby Co., and Knox Co.) Conditional approval is given to the following portion of the revisions: CO plan for Memphis.

2. Section 52.2222 is revised to read as follows:

§ 52.2222 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Tennessee's plans for the attainment and maintenance of the national standards under 110 of the Clean Air Act. Furthermore, the Administrator finds the plans thus far submitted satisfy all requirements of Part D, Title I, of the Clean Air Act as amended in 1977, except as noted below.

3. A new § 52.2225 is added as follows:

§ 52.2225 Control strategy: Carbon monoxide and ozone.

Part D, conditional approval.

(a) The control strategy submitted pursuant to Part D of Title I for the Memphis CO nonattainment area is approved on condition that the State accomplish the following by March 15, 1980:

(1) Submit full commitments to Transportation Improvement Program/Annual Element measures having air quality benefits. Commitments for implementation and enforcement must be obtained from all appropriate implementing agencies, and from State and local funding bodies.

Implementation dates must be specified, and must be consistent with the date contained in the Annual Element of the TIP.

(2) Submit a schedule for the analysis of the alternative transportation control measures under Section 108. Also, a commitment from the proper agency(s) to the implementation as expeditiously as practicable of measures found feasible for adoption or to justify the decision not to implement any of these measures.

(3) A commitment from the proper agency(s) to establish, expand, or improve public transportation measures to meet basic transportation needs as expeditiously as practicable.

(4) Include a commitment in the Memorandum of Understanding (MOU), under Section 174, between the proper local and State officials to implement mobile source controls.

(5)) Revise the schedule for an I/M program to correct or include necessary dates.

(b) [Reserved]

4. A new § 52.2226 is added as follows:

§ 52.2226 Extensions.

The Administrator hereby extends for 18 months (until July 1, 1980) the statutory deadline for submittal of a plan to attain the secondary SO_2 standard in Copperhill.

5. Section 52.2230 is revised to read as follows:

§ 52.2230 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Tennessee's plan.

Air quality control region and nonattainment area*	Pollutants						
	TSP		SO		NO_2	CO	O
	Primary	Secondary	Primary	Secondary			
Eastern Tennessee-Southwestern Virginia Interstate:							
a. Sullivan County; Bristol nonattainment areas*	d	d	c	c	b	b	b
b. Campbell County nonattainment areas*	d	d	c	c	b	b	b
c. Anderson/Knox County nonattainment area*	c	d	c	c	b	b	b
d. Copperhill nonattainment area*	c	c	d	f	b	b	b
e. Knox County nonattainment area*	c	c	c	c	b	d	b
f. Rest of AQCR	c	c	c	c	b	b	b
Tennessee River Valley-Cumberland Mountains Intrastate	c	c	c	c	b	b	b
Middle Tennessee Intrastate:							
a. Benton/Humphreys County nonattainment area*	c	c	d	d	b	b	c
b. Rest of AQCR	c	c	b	b	b	b	c
Western Tennessee Intrastate:							
a. Benton/Humphreys County nonattainment area*	c	c	d	d	b	b	b
b. Rest of AQCR	c	c	b	b	b	b	b
Chattanooga Interstate	c	c	b	b	b	b	b
Metropolitan Memphis:							
a. Shelby County nonattainment area*	c	c	b	b	b	e	c
b. Rest of AQCR	c	c	b	b	b	b	c

a. Air Quality levels presently below primary standards or area is unclassifiable.
b. Air Quality levels presently below secondary standards or area is unclassifiable.
c. July 1975.
d. December 31, 1982.
e. December 31, 1987.
f. 18-Month extension granted.

*Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2223 (1978).

*For more precise delineation, see 81.343 of this chapter.

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BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1407-1]

Nevada State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) today takes final action to disapprove as State Implementation Plan revisions certain regulations governing particulate matter emissions from the Kennecott Copper Corporation's smelter located in McGill, Nevada (the McGill smelter), and to disapprove the control strategy revisions for particulate matter in White Pine County, Nevada. EPA takes no action on a variance from particulate matter emission limits applicable to the McGill smelter. These revisions were submitted to EPA by the Governor of Nevada on October 7, 1976.

EFFECTIVE DATE: March 7, 1980.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, Attention: Wallace D. Woo (415) 556-8063.

SUPPLEMENTARY INFORMATION: On March 15, 1979 (44 FR 15735), EPA published a Notice of Proposed Rulemaking for revisions to the Nevada Air Quality Regulations submitted on October 7, 1976 by the Governor for inclusion in the Nevada SIP. The events leading up to the proposed disapproval are set forth in that notice. Those portions of the proposal pertaining to particulate matter standards are hereby incorporated by reference.[1]

Response to Comments

The March 15, 1979 **Federal Register** notice provided a 90-day comment period. The only comments received were submitted by the Kennecott Copper Corporation.

1. Kennecott's major comment as to particulate matter regulations was that "EPA's analysis of the state regulations and variances is inadequate and leads to erroneous conclusions." It is Kennecott's contention that the smelter's emissions "make a very small contribution to ambient concentrations of particulate and would not cause violation of any National Ambient Air Quality Standard." In addition, Kennecott states that "the smelter was achieving compliance with national ambient air quality standards prior to its closing and could do so again if allowed to open * * *"

To the contrary, however, the revised control strategy submitted by Nevada in 1976 demonstrates that the smelter

[1] EPA defers action on the proposed SIP revisions for sulfur dioxide. Therefore, this final rulemaking notice does not address the issues pertaining to sulfur dioxide standards which were raised by Kennecott in its comments and in the March 15, 1979, proposal notice and evaluation report.

particulate emissions alone, quite apart from any other particulate emissions in the surrounding area, would be responsible for violations of the national ambient air quality standards (NAAQS). EPA is therefore required by Section 110 of the Clean Air Act to disapprove the control strategy submitted by the State because it would allow particulate matter emissions from Kennecott's smelter to violate the primary and secondary 24-hour standards.

This conclusion is based on EPA's review and analysis of the 1976 SIP revision, as discussed in the March 15, 1979 **Federal Register** notice which proposed disapproval, and on the comments received during the comment period.

EPA has, however, also received additional information submitted by Kennecott and the State in May, June, July, and August. These submissions, which are in the rulemaking record, were made in support of Kennecott's contention that if there were violations of the NAAQS, they were caused by windblown particulates from Kennecott's tailings pond and not from stack emissions.

EPA has reviewed this additional information, and in conjunction with it, all available data on ambient conditions and sources of particulate emissions. The review of the information has shown that there are ambient violations of total suspended particulate (TSP) standards which are not solely attributable to windblown soil, and that both stack and fugitive emissions from the McGill smelter cause or contribute to these violations.

Computer modeling of the particulate emissions, performed by Kennecott at the request of and verified by EPA, also indicates that the stack emissions by themselves are sufficient to cause violations of the primary 24-hour standard for TSP on the hills to the east of the smelter. The modeling results also indicate that stack emissions, by themselves, are sufficient to cause violations of the secondary 24-hour standard, and will cause violations of the primary 24-hour standard in conjunction with other particulate emissions (background, smelter fugitive, tailings pond) in other areas of the Steptoe Valley near the McGill smelter.

EPA has concluded, based on the monitoring data and the latest modeling results, that the NAAQS for TSP were exceeded before the smelter was closed, and that there has been no demonstration that they would be attained if the smelter were permitted to operate at the emission levels allowed by the State regulations. Thus, although EPA's conclusion as to the need for disapproval of the 1976 revision is based upon its analysis of the originally submitted data and on the comments received, the analysis of the new information submitted later by Kennecott and the State supports and verifies the original EPA analysis.

2. As a footnote to its comments, Kennecott mentions that the McGill area has not been classified as a nonattainment area for TSP under Section 107 of the Clean Air Act as amended in 1977. On March 3, 1977 (43 FR 8799, 9012) EPA designated the McGill area as "unclassifiable" based upon the State's request and ambient TSP monitoring data available through 1976. At that time, the State indicated that recorded violations might be due to windblown fugitive particulates from the surrounding area, and that further analysis of this problem would be warranted. Analysis of data from 1977 and 1978, however, indicates that violations in the McGill area are not solely attributable to windblown soil or fugitive particulates. Therefore, a redesignation to nonattainment for TSP will be considered for the McGill area. In any event, the attainment status of the area does not in any way determine the approvability of this SIP revision; even if the few existing monitors in the area did not show violations from the smelter, that would not mean that a relaxed emission limitation would assure attainment and maintenance of the NAAQS throughout the area affected by the smelter's emissions.

3. Kennecott also argues that the definition of particulate matter, expressed by the Nevada regulations in terms of "solid particulate matter," is of no consequence as long as compliance with the standards is achieved. The Nevada definition of "solid particulate matter" specifically excludes particulate matter in the form of liquid aerosols. The definition of particulate matter in the currently approved SIP includes both solid matter and liquid aerosols.

The Nevada submission contains no demonstration that the amount of liquid aerosols emitted from the McGill smelter is negligible or that these liquid aerosols would have a negligible impact on the attainment of the NAAQS for TSP. Indeed, copper smelters typically emit large quantities of aerosol particulates, and such a demonstration would be necessary for approval if the revision were otherwise approvable. In this case, however, the October 7, 1976 SIP revision does not demonstrate attainment of the NAAQS even after the exclusion of liquid aerosols from consideration in the control strategy calculations and must be disapproved anyway.

4. Another point made by Kennecott is also related to the particulate matter definition. It is argued that the absence of a specified compliance test method is a "mere make-weight objection" which is best demonstrated by the fact that the previously approved regulation specifies no compliance test method.

While the currently approved regulation specifies no test method, it does include fine liquid aerosols as well as solid particulate matter. Under 40 CFR 52.12(c), the applicable compliance test procedure for the approved regulation is EPA's Method 5 (40 CFR, Part 60, Appendix A) which measures both solid and liquid (aerosol) particulate matter. Because Method 5 measures both solid and aerosol particulate matter, it would not be applicable to the new Nevada regulation. Since there is no test method for solid particulate matter specified by the State and there is no applicable federal test method, the particulate regulations are rendered unenforceable under the new definition.

5. The EPA evaluation report accompanying the proposed disapproval stated that a demonstration must be made that the smelter's 750-foot stack represents good engineering practice (GEP) before ambient data can be used as the basis for approval of the State's control strategy revisions. In response, Kennecott claims that its comments, submitted on March 9, 1979, in response to EPA's "Notice of Proposed Regulatory Revisions, 1977 Clean Air Act Amendments for Stack Heights" (44 FR 2608 January 12, 1979), provide the required demonstration. EPA is reviewing Kennecott's comments, but has not yet reached a final conclusion.

For the purposes of this disapproval, however, no conclusion as to the credit to which McGill's 750-foot stack is entitled is necessary. Air quality data, computer modeling results, and the State's control strategy demonstration all show that the regulations for TSP submitted by Nevada are insufficient to attain the NAAQS even if *full* credit is given to Kennecott's 750-foot stack. Thus, today's disapproval is in no way whatever based on Kennecott's use of any dispersion technique.[2]

6. In its comments, Kennecott suggests that EPA did not consult the Nevada

[2] Because this disapproval is not based on the use of any dispersion technique, Kennecott's comments that EPA should allow the use of dispersion techniques in lieu of continuous emission reduction technology for reasons of economic and technological feasibility are not pertinent to today's action. EPA's disapproval does not involve this question.

Hearing Record on the regulations because the Hearing Record was not available in Carson City, Nevada, or Washington, D.C. and was not mentioned in the EPA Notice of Proposed Rulemaking or the evaluation report. Kennecott's suggestion that EPA did not consult the Nevada Hearing Record is incorrect. The Hearing Record was available for public review in the Regional Office and EPA did request that it be made available for public review in Carson City.[3]

The Hearing Record was inadvertently omitted from the initial package sent to Washington, D.C. on February 13, 1979, but was forwarded on May 18, 1979, after receipt of Kennecott's comments. While the Public Hearing Record itself was not referred to in the evaluation report, the public hearing was discussed and evaluated as meeting the requirements of 40 CFR 51.4 (*EPA Evaluation Report*, III. General EPA Requirements A. 40 CFR 51.4, Public Hearing).

7. Contained within the comments is a request by Kennecott to confer with the Administrator and the State. In response, the EPA Region IX staff met with Kennecott on May 31, 1979, July 30, 1979, August 7, 1979, and again on August 10, 1979, in an effort to resolve the issues discussed in the Notice of Proposed Rulemaking. Evaluation of the information obtained at these meetings appears in a report dated August 20, 1979, and has been discussed previously above.

EPA Actions

Under Section 110 of the Clean Air Act as amended and 40 CFR Part 51, the Administrator is required to approve or disapprove regulations submitted as SIP revisions. It is the purpose of this notice to take such final action, as indicated below.

1. EPA is disapproving Article 7.2.7, *Particulate Matter Emissions, Primary Nonferrous Smelters*, which relaxes the particulate matter emission limitation. The revised emission inventory and control strategy for particulate matter demonstrate that particulate matter emissions from Kennecott's smelter at the level permitted by this regulation, will, by themselves, cause violations of the primary and secondary 24-hour standards. In addition, the revision regulates only "solid particulate matter," while the existing regulation (NAQR Article 7.2) in the SIP regulates particulate matter (which includes liquids as well as solids). There is no control strategy demonstration in the revision to show that this further relaxation of the regulation would not interfere with the attainment and maintenance of the NAAQS for particulate matter. Furthermore, the regulation does not define "solid particulate matter," or specify a compliance test method. Since the amount of particulate matter measured at a source depends on the definition of "solid particulate matter" and the selection of the test method, this regulation is unenforceable.

2. The control strategy revisions supporting the revisions to the TSP regulations are being disapproved because they do not demonstrate that the NAAQS will be attained and maintained. The particulate matter control strategy projects violations of the primary and secondary 24-hour standards after implemention of the control strategy.

3. EPA defers action on the deletion of Article 8.1.3, *Copper Smelter Emissions*, because it relates to sulfur dioxide emissions.

4. Finally, EPA is taking no action on the variance from compliance as it relates to particulate emission limitations applicable to the McGill smelter. The variance was granted to Kennecott by the Nevada Environmental Commission on October 1, 1976, for a period of one year and has now expired. Similar one-year variances have been issued to Kennecott in 1977 and 1978, but they have not been submitted to EPA as SIP revisions. Therefore, no action is necessary.

The State of Nevada has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

Under the 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. This rule has been reviewed, and it has been classified as a specialized regulation not subject to the requirements of Executive Order 12044.

(Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)))

Dated: January 30, 1980.

Douglas M. Costle,

Administrator.

Subpart DD of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart DD—Nevada

1. Section 52.1470 is amended by adding paragraph (c)(13) as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

(13) Amendments to the NAQR and the control strategy submitted on October 7, 1976, by the Governor.

(i) Article 7—Particulate Matter: 7.2.7; Table 4.2—Emissions Inventory Summary for Particulates

Table 5.2—Summary of Control Strategy Analysis for Particulates

* * * * *

2. Section 52.1476 is amended by adding paragraph (b) as follows:

§ 52.1476 Control strategy: Particulate matter.

* * * * *

(b) The following rule and portions of the control strategy are disapproved since they do not provide the degree of control needed to attain and maintain the National Ambient Air Quality Standards for particulate matter.

(1) NAQR Article 7.2.7, *Particulate Matter;* Table 4.2, *Emissions Inventory Summary for Particulates* and Table 5.2, *Summary of Control Strategy Analysis for Particulates*, from the Nevada Control Strategy, submitted on October 7, 1976.

[FR Doc. 80-3791 Filed 2-5-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 81

[FRL 1406-6]

Attainment Status Designations; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: This relemaking changes the attainment status for Athens County in Ohio from nonattainment to attainment of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide. On September 14, 1979, this redesignation was proposed in the **Federal Register** (44 FR 53546) and a 30-day public comment period was established.

This action also corrects an error in the October 5, 1978 **Federal Register** (43 FR 45993) for the attainment status of Cuyahoga County for sulfur dioxide. The attainment and nonattainment areas in Cuyahoga County were incorrectly printed in reverse of the actual designations.

EFFECTIVE DATE: February 6, 1980.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Region V, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6039.

[3] Letter of March 13, 1979, from Allyn M. Davis, Director, Air and Hazardous Materials Division, EPA Region IX, to Dick Serdoz, Air Quality Office, Nevada Department of Conservation and Natural Resources.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act) which directed each State to submit to the Administrator of the Environmental Protection Agency (EPA) a list of the NAAQS attainment status of all areas within the State. The Administrator was required to promulgate the State lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and invited the public to comment by May 2, 1978. EPA received 20 comments on designations in Ohio. In response to these comments, EPA made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). The basis for designations, however, are subject to revision whenever sufficient data becomes available to warrant a redesignation.

In the October 5, 1978 **Federal Register** (43 FR 45993) York Township in Athens County, Ohio was designated nonattainment for sulfur dioxide primary standards. This designation was based on U.S. EPA's modeling of the Columbus and Southern Ohio Electric Company's (C&SOE) Poston Generating Station which indicated violations of the NAAQS.

On September 19, 1978 C&SOE Company submitted a State Implementation Plan revision request for the Poston Generating Station located in York Township in Athens County, Ohio. To support this revision request C&SOE submitted modeling analysis which demonstrated that the NAAQS for sulfur dioxide were being met in York Township, Athens County.

In the September 14, 1979 **Federal Register** (44 FR 53546) the U.S. Environmental Protection Agency (EPA) proposed to change the attainment status for Athens County in Ohio from nonattainment to attainment of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide. A 30-day public comment period was provided. During the comment period no comments were submitted regarding this revision.

Therefore, based upon the more recent modeling data U.S. EPA is promulgating the redesignation of York Township in Athens County, Ohio which was previously designated nonattainment as an area which is attaining the sulfur dioxide standards.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

Section 81.336 is amended as follows:

§ 81.336 Ohio.

* * * * * * *

Ohio—Sulfur Dioxide

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * * * *				
Athens				X
* * * * * * *				
Cuyahoga:				
The cities of Bay Village, Westlake, North Olmsted, Olmsted Falls, Rock River, Fairview Park, Berea, Middleburg Heights, Strongsville, North Royalton, Broadview Heights, Brecksville, and the townships of Olmsted and Riveredge				X
The remainder of Cuyahoga County	X			
* * * * * * *				

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

Dated: January 30, 1980.

Douglas Costle,

Administrator.

[FR Doc. 80-3834 Filed 2-5-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 180

[PP 6F1640 & PP 6F1657/R69A; FRL 1406-8]

Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Terbufos; Correction

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This document corrects a final rule on terbufos that appeared at page 2822 in the **Federal Register** of Tuesday, January 20, 1976 (FR Doc. 76-1693). The document adds a tolerance of 0.05 part per million (ppm) for residues of terbufos on corn grain, which was inadvertently omitted from the final rule.

EFFECTIVE DATE: February 6, 1980.

FOR FURTHER INFORMATION CONTACT: Nanette Liepman, Office of Pesticides and Toxic Substances, Chemical Information Division (TS-793), Federal Register Section, EPA, 401 M Street, SW, Washington, DC, 20460 (202/426-2432).

SUPPLEMENTARY INFORMATION: In FR Document 76-1693 appearing at page 2822 in the issue of January 20, 1976, the item corn grain at 0.05 ppm should have been included in the table. The petitioner originally proposed a tolerance for residues of the insecticide terbufos in or on corn grain (including field corn and popcorn) at 0.05 ppm, but the tolerance was inadvertently omitted from the table.

Therefore, since by Agency definition, corn grain includes field corn and popcorn, § 180.352 is amended in the table by revising the item "corn, pop, grain * * *" to read "corn, grain * * *."

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)])

Dated: January 31, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-3797 Filed 2-5-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final Rule.

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

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

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

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii, call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	City of Caraway, Craighead County (FI–5648).	Honey Cypress Ditch	Just upstream of St. Louis Southwestern Railroad	*226
			Just upstream of Arkansas Highway No. 158 Bridge	*227
		Asher Ditch	Just upstream of Arkansas Highway No. 158 Bridge	*227
			Just upstream of Missouri Avenue Bridge	*228
	Maps available at City Hall, Caraway, Arkansas 72419.			
California	Morgan Hill (City), Santa Clara County (Docket No. FI–5325).	Coyote Creek	Boys Ranch Private Drive 100 feet upstream of centerline	*390
		Llagas Creek	1st Corporate Limits at centerline	*315
			2nd Corporate Limits at centerline	*327
		West Little Llagas Creek	1st Corporate Limits at centerline	*310
			Monterey Highway 190 feet upstream of centerline	*316
			Watsonville Road 100 feet upstream of centerline	*318
			Lacrosse Drive 100 feet upstream from centerline	*321
			Edes Court 50 feet upstream from centerline	*329
			Cosmo Avenue 50 feet upstream of centerline	*331
			Fifth Street 70 feet upstream of centerline	*341
			Second Street 50 feet upstream of centerline	*344
			Wright and Hale Avenues 50 feet upstream of centerline	*350
			Llagas Road 100 feet upstream of centerline	*368
			(Last) Corporate Limits at centerline	*384
		Little Llagas Creek	Approximately 1,000 feet southeast of the intersection of Monterey Highway and Watsonville Road.	#1
		West Little Llagas Creek	Monterey Street between East Dunne Avenue and Bisceglia Avenue	#1
			Approximately 900 feet southwest of intersection of Hale Avenue and Llagas Road.	#1
			Monterey Street between Bisceglia Avenue and San Pedro Avenue	#2
	Maps available at City Hall, Civic Center, Morgan Hill, California.			
California	Sebastopol (City), Sonoma County (Docket No. FI–5688).	Laguna de Santa Rosa	Intersection of McKinley and Brown Streets	*76
	Maps available at City Hall, 7120 Bodega Avenue, Sebastopol, California.			
Illinois	Sunnyside (V), McHenry County (Docket No. FI–5688).	Fox River	Approximately 0.3 mile upstream of Chapel Hill Road	*741
			Approximately 1.1 miles upstream of Chapel Hill Road	*741
	Maps available at Village Hall, 1405 West Bayview Lane, McHenry, Illinois 60050.			
Kansas	(O), Kingman, Kingman County (Docket No. FEMA–5702).	South Fork Ninnescah River	At downstream corporate limits	*1,500
			Just downstream of Main Street	*1,505
			Just upstream of Main Street	*1,508
			250 feet upstream of corporate limit	*1,511
		Salt Creek	100 feet downstream of Atchison, Topeka and Sante Fe Railway bridge (near sewage disposal plant).	*1,503
			Just upstream of Atchison, Topeka and Sante Fe Railway (near Avenue A).	*1,508
			Just upstream of Avenue D	*1,515
		Pocomo Creek	At confluence with South Fork Ninnescah River	*1,509
			Just upstream of Broadway Street	*1,520
			Just upstream of Avenue H	*1,528
			Just upstream of confluence of West Fork Pocomo Creek	*1,539
			500 feet dowonstream of Kansas Avenue (at upstream limit of detailed study).	*1,554
	Maps available at the City Hall, 324 North Main, Kingman, Kansas 67068.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Main	Phillips (T), Franklin County (Docket No. FI-5665).	Sandy River	At the southern corporate limit	*538
			Just downstream of Bridge Street	*550
			Approximately 400 feet upstream of Bridge Street	*560
			Just upstream of Park Street	*603
	Maps available at Town Office, Main Street, Phillips, Maine 04966.			
Massachusetts	Amesbury (Town), Essex County (Docket No. FI-5452).	Merrimack River	Southeastern corporate limit	*10
			0.4 mile upstream of Powwow River confluence	*12
			Southwestern corporate limit	*13
		Powwow River	Confluence with Merrimack River	*12
			500 feet downstream of Main Street	*12
			Just upstream of Main Street	*47
			Just downstream of Pond Street	*75
			Just downstream of Lake Gardner Dam	*78
			Just upstream of Lake Gardner Dam	*90
			At corporate limits upstream of West Whitehall Road	*93
			Just downstream of Newton Road near Tuxbury Pond Dam	*94
			2,500 feet upstream of Tuxbury Pond Dam	*100
	Maps available at Town Hall, Friend Street, Amesbury, Massachusetts 01913.			
Massachusetts	(T), Berlin, Worcester County (Docket No. FI-4793).	Wrack Meadow Brook	At mouth	*289
			Just upstream of railroad bridge located 340 feet downstream of West Street.	*294
			Just upstream of West Street	*295
			Approximately 700 feet downstream of railroad grade	*298
			Just downstream of railroad grade located 200 feet downstream of Boylston Road.	*306
			Just upstream of railroad grade located 200 feet downstream of Boylston Road.	*312
			Just downstream of Boylston Road	*312
			Just upstream of Boylston Road	*317
			Approximately 1,690 feet upstream of Boylston Road	*323
			Upstream corporate limit	*334
		Assabet River	At corporate limit with Town of Marlborough	*215
			Just upstream of Bigelow Street	*216
			At corporate limit with Town of Northboro	*218
		Branch No. 2 Assabet River	At corporate limit with Town of Hudson	*266
			Approximately 165 feet upstream of downstream corporate limits	*270
			Approximately 900 feet upstream of downstream corporate limit	*291
			Just downstream of Gates Pond Road	*317
			Just upstream of Gates Pond Road	*320
			Approximately 750 feet upstream of Gates Pond Road	*321
		North Brook	At mouth	*217
			Just upstream of Bridge Road	*221
			Just upstream of Whitney Street	*223
			Just downstream of Pleasant Street	*224
			Just downstream of Wheeler Pond Dam	*227
			Just upstream of Wheeler Pond Dam	*229
			Just upstream of Crosby Road	*233
			Just downstream of Jones Road	*238
			Just upstream of South Street	*241
			Approximately 160 feet downstream of Linden Street	*247
			Just downstream of Ross Dam	*249
			Just upstream of Ross Dam	*274
			Just downstream of West Street	*274
			Just upstream of West Street	*284
			Just upstream of Earth Dam	*287
			Just upstream of Randall Road	*292
			Approximately 1,100 feet upstream of Randall Road	*293
			Approximately 3,720 feet downstream of Lancaster Road	*318
			Just downstream of railroad grade located 2,490 feet downstream of Lancaster Road.	*323
			Just upstream of railroad grade located 2,490 feet downstream of Lancaster Road.	*336
			Approximately 1,100 feet downstream of Lancaster Road	*343
			Approximately 950 feet downstream of Lancaster Road	*349
			Just downstream of Lancaster Road	*357
			Just upstream of Lancaster Road	*361
			Just downstream of Asphalt Road	*361
			Just upstream of Asphalt Road	*366
			Upstream corporate limit	*366
	Maps available at Town Hall, Berlin, Massachusetts 01503.			
Massachusetts	(T) Bolton Worcester County (Docket No. FI-4794).	Nashua River	At the downstream corporate limit located 2.62 miles downstream of Main Street.	*230
			50 feet downstream of Main Street	*231
			Just upstream of Main Street	*232
			Approximately 3,275 feet upstream of Main Street	*232

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	(T) Bolton Worcester County (Docket No. FI–4794).	Mill Brook	At the downstream corporate limit	*291
			Approximately 3,700 feet downstream of the downstream Mill Road crossing.	*300
			Just upstream of the dirt road located approximately 2,140 feet downstream of the downstream Mill Road crossing.	*303
			Approximately 1,100 feet downstream of the downstream Mill Road crossing.	*304
			Just downstream of the downstream Mill Road crossing	*310
			Just downstream of the footbridge located approximately 425 feet upstream of the downstream Mill Road crossing.	*311
			Approximately 525 feet upstream of the downstream Mill Road crossing.	*312
			Just downstream of the upstream Mill Road crossing	*313
			Approximately 900 feet downstream of Spectacle Hill Road	*315
			Just downstream of the unnamed road located approximately 800 feet downstream of Spectacle Hill Road.	*320
			Just upstream of the corrugated steel pipe located approximately 690 feet downstream of Spectacle Hill Road.	*334
			Approximately 100 feet downstream of Spectacle Hill Road	*343
			Just downstream of Spectacle Hill Road	*344
		Great Brook	At the downstream corporate limit	*231
			Approximately 3,500 feet downstream of East End Road	*232
			Just downstream of the dam located approximately 3,400 feet downstream of East End Road.	*233
			Just upstream of the dam located approximately 3,400 feet downstream of East End Road.	*237
			Approximately 2,675 feet downstream of East End Road	*240
			Just upstream of the East Bolton Dam	*244
			Just downstream of East End Road	*247
			Just upstream of East End Road	*249
			Just downstream of the private drive located approximately 2,700 feet upstream of East End Road.	*269
			Just upstream of the footbridge located approximately 3,270 feet upstream of East End Road.	*274
			Approximately 450 feet downstream of the downstream Main Street crossing.	*275
			Just downstream of the downstream Main Street crossing	*280
			Approximately 125 feet upstream of the downstream Main Street crossing.	*281
			Approximately 1,160 feet upstream of the downstream Main Street crossing.	*286
			Just downstream of the Main Street crossing located approximately 1,425 feet downstream of Burnam Street.	*291
			Just upstream of Burnam Road	*326
			Approximately 160 feet downstream of the downstream Interstate 495 exit ramp.	*326
			Just upstream of the downstream Interstate 495 exit ramp	327
			Approximately 130 feet upstream of the downstream Interstate 495 exit ramp.	*330
			Just upstream of Interstate 495	*330
			Just upstream of the Main Street crossing located approximately 580 feet upstream of Interstate 495.	*333
			Just upstream of the upstream Interstate 495 exit ramp	*333
			Just upstream of the dirt road located approximately 630 feet upstream of the upstream Interstate 495 exit ramp.	*338
			Just upstream of the dirt road located approximately 1,225 feet upstream of the upstream Interstate 495 exit ramp.	*341
			Approximately 1,900 feet upstream of the upstream Interstate 495 exit ramp.	*341
			Just upstream of the dirt road located approximately 2,700 feet upstream of the upstream Interstate 495 exit ramp.	*348
			Just downstream of the dirt road located approximately 3,570 feet upstream of the upstream Interstate 495 exit ramp.	*354
			Just upstream of the dirt road located approximately 3,570 feet upstream of the upstream Interstate 495 exit ramp.	*362
			Just upstream of the footbridge located approximately 2,030 feet downstream of the upstream Main Street crossing.	*365
			Just upstream of the footbridge located approximately 1,060 feet downstream of the upstream Main Street crossing.	*370
			Just upstream of the footbridge located approximately 400 feet downstream of the upstream Main Street crossing.	*371
			Just upstream of the footbridge located approximately 230 feet downstream of the upstream Main Street crossing.	*375
			Approximately 160 feet downstream of the upstream Main Street crossing.	*376
			Approximately 150 feet upstream of the upstream Main Street crossing.	*377
			Just downstream of the dam located approximately 630 feet downstream of Harvard Road.	*392
			Just upstream of the dam located 510 feet downstream of Harvard Road.	*395
			Approximately 140 feet downstream of Harvard Road	*399
			Approximately 140 feet upstream of Harvard Road	*403
			Just upstream of Nousse Road	*439

Maps available at Town Hall, Bolton, Massachusetts 01740.

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	(T) Dighton, Bristol County (Docket No. FI-5307).	Taunton River	Just upstream of Center Street	*14
			Three Mile River	*14
			Downstream corporate limits	*15
		Three Mile River	Just upstream of Old Somerset Avenue	*14
			Just upstream of upstream divergence of West Channel Three Mile River.	*19
			Just upstream of Dam Number 4	*27
			Upstream corporate limits	*27
		West Channel Three Mile River	Just upstream of downstream confluence with Three Mile River	*14
			Just upstream of Spring Street	*15
		Segreganset River	Mouth at Taunton River	*15
			About 650 feet upstream of confluence of Sunken Brook	*15
			1,400 feet downstream of Center Street	*25
			Just upstream of Center Street	*40
			About 2,600 feet upstream of Center Street	*47
		Sunken Brook	Confluence with Segreganset River	*15
			Just upstream of Center Street	*16
			About 3,900 feet upstream of Center Street	*17
	Maps available at Town Hall, Selectman's Office, Dighton, Massachusetts 02715.			
Massachusetts	Town of Dover, Norfolk County (Docket No. FI-5678).	Trout Brook	Confluence with Charles River	*108
			Station Location Upstream 1.00 Mile of Confluence	*109
		Charles River	Chestnut Street	*97
			Cochrane Dam Downstream	*100
			Willow Street	*105
			Centre Street	*107
			Charles River Street	*109
			Private Driveway	*110
			Bridge Street	*122
			Corporate Limits Upstream of Bridge Street	*123
	Maps available at the office of the Selectmen, Dover, Massachusetts.			
Massachusetts	Gill (T), Franklin County (Docket No. FI-5308).	Connecticut River	At Greenfield corporate limits	*158
			Just downstream of Turners Falls Road	*160
			Just upstream of Turners Falls Road	*187
			3.25 miles upstream of Turners Falls Road	*190
			Just downstream of Mohawk Trail (Route 2)	*192
			1,800 feet upstream of Mohawk Trail (Route 2)	*202
			At confluence with Dry Brook	*205
			At Northfield corporate limits	*207
		Fall River	Confluence with Connecticut River	*158
			250 feet upstream of South Cross Road	*170
			1,050 feet upsteam of South Cross Road	*180
			500 feet downstream of Old Stone Dam	*190
			Just upstream of Old Stone Dam	*205
			1,600 feet upstream of Old Stone Dam	*210
			3,850 feet upstream of Old Stone Dam	*220
			5,400 feet upstream of Old Stone Dam	*230
			1,600 feet downstream of Bascom Road	*240
			250 feet upstream of Bascom Road	*250
			3,000 feet downstream of a dam at Bernardston corporate limits	*260
			1,700 feet downstream of a dam at Bernardston corporate limits	*270
			Just downstream of Bernardston corporate limits	*280
			Just upstream of Bernardston corporate limits	*290
		Dry Brook	Confluence with Connecticut River	*205
			Just downstream of Stone Dam	*215
			Just upstream of Stone Dam	*232
			Just downstream of Main Road	*242
			Just upstream of Main Road	*247
			1,600 feet upstream of Boyle Road	*251
			2,900 feet upstream of Boyle Road	*260
			420 feet upstream of confluence of Otter Brook	*270
			1,000 feet downstream of North Cross Road	*288
			Just upstream of North Cross Road	*301
			At corporate limits (Bernardston)	*306
		Otter Brook	Confluence with Dry Brook	*267
			1,450 feet upstream of confluence with Dry Brook	*275
			3,100 feet upstream of confluence with Dry Brook	*285
			4,500 feet upstream of confluence with Dry Brook	*303
			Just downstream of Ben Hale Road	*313
			Just upstream of Ben Hale Road	*315
			Just downstream of private driveway	*317
			Just upstream of private driveway	*320
			Just downstream of West Gill Road	*322
			Just upstream of West Gill Road	*332
	Maps available at Town Hall, Gill Center, Massachusetts 01376.			
Massachusettts	(T), Hatfield, Hampshire County (Docket No. FI-4795).	Connecticut River	Southwest corporate limits	*126
			Northeast corporate limits	*129
		Mill River	At confluence with Connecticut River	*126
			Just downstream of Prospect Street Dam	*126
			Just upstream of Prospect Street Dam	*136
			Just upstream of Bridge Street	*138
			Just upstream of Chestnut Street	*141
			Just upstream of Boston and Maine Railroad	*144
			Just upstream of U.S. Highway 5	*148

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Bradstreet Depot Road	*153
			Northern corporate limits	*155
		Running Gutter Brook	At confluence with Mill River	*138
			Just upstream of Boston and Maine Railroad	*139
			Just upstream of Interstate 91	*140
			0.20 mile upstream of U.S. Highway 5	*143
	Maps available at the Town Clerk's Office, Hatfield, Massachusetts 01038.			
Massachusetts	Medway, Town, Norfolk County (Docket No. FI-5594).	Charles River	Downstream Corporte Limits	*138
			Factory Dam (Downstream)	*154
			Factory Dam (Upstream)	*164
			West Medway Dam (Upstream)	*176
			Upstream Corporate Limits	*184
		Chicken Brook	Confluence with Charles River	*171
			Main Street Culvert (Downstream)	*179
			Main Street Culvert (Upstream)	*189
			Park Pond	*195
			Upstream Corporate Limits	*222
		Hopping Brook	Confluence with Charles River	*184
			West Street (Downstream)	*204
			West Street (Upstream)	*209
			Limit of Detailed Study	*220
		Tributary to Great Black Swamp	Downstream Corporate Limits	*139
			State Route 109 Culvert (Upstream)	*143
			Limit of Detailed Study	*145
	Maps available at the Office of the Selectmen, 155 Village Street, Medway, Massachusetts.			
Massachusetts	Sandwich, Town, Barnstable County (Docket No. FI-5678).	Cape Cod Bay	Coastline	*11
			Cape Cod Canal	*11
	Maps available at the Office of the Town Clerk, Sandwich, Massachusetts.			
Massachusetts	Sherborn (Town), Middlesex County (Docket No. FI-5389).	Course Brook	300 feet downstream of Coolidge Stream	*145
			125 feet downstream of Sudbury Aqueduct	*148
			125 feet upstream of Sudbury Aqueduct	*151
			Upstream side of Conrail	*155
			Upstream corporate limits	*155
		Charles River	6,230 feet downstream from Bridge Street	*121
			100 feet upstream of Bridge Street	*122
			Just upstream of Conrail	*123
			Upstream corporate limits	*123
		Tributary "A"	At confluence with course brook	*151
			At limit of detailed study (downstream of Conrail)	*152
		Dopping Brook	At confluence with Bogastow Brook	*154
			At Hollis Street	*156
			At Washington Street	*164
			Just upstream from Brook Street	*164
	Maps available at Town Offices, P.O. Box 8, Sherborn, Massachusetts 01770.			
Massachusetts	Town of Shutesbury, Franklin County (Docket No. FI-5453).	Lake Wyola	At North Leverett Road	*836
			At the Dam (Downstream Limit of Detailed Study)	*836
	Maps available at the Town Hall, Shutesbury, Massachusetts 01072.			
Massachusetts	Sunderland (Town), Franklin County (Docket No. FI-5386).	Connecticut River	Downstream Corporate Limits	*129
			Sunderland Bridge (State Highway 116) 10 feet upstream from centerline.	*134
		Dry Brook	State Highway 47 50 feet upstream from centerline	*132
			Russell Street Culvert 25 feet upstream from centerline	*135
		Mohawk Brook	State Highway 47 50 feet upstream from centerline	*130
Massachusetts	(C), Taunton, Bristol County (Docket No. FI-5688).	Taunton River Tidal Flooding	At confluence of Three Mile River	*14
		Taunton River	About 400 feet downstream of confluence of Dam Lot Brook	*13
			Just upstream of Old Colony Avenue	*15
			About 1,200 feet upstream of State Route 44	*19
		Three Mile River	Just upstream of confluence of West Channel Three Mile River	*14
			About 100 feet downstream of Spring Street	*14
			About 175 feet upstream of Spring Street	*18
			About 100 feet downstream of Dam Number 4	*23
			Just upstream of Dam Number 4	*27
			About 650 feet downstream of Cohannet Street	*29
			Just downstream of Cohannet Street	*37
			Just upstream of Cohannet Street	*39
			Just upstream of Winthrop Street	*41
			Just upstream of Fisher Street	*42
			Just downstream of Tremont Street	*43
			Just upstream of Tremont Street	*46
		Three Mile River West Channel	Just downstream of Spring Street	*14
			About 30 feet upstream of Spring Street	*16
			At divergence with Three Mile River	*20
	Maps available at Town Hall, Main Street, Sunderland, Massachusetts.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Mill River	Just downstream of Spring Street	*13
			Just downstream of Weir Street	*15
			About 450 feet upstream of Weir Street	*18
			Just upstream of Winthrop Street	*19
			Just downstream of Washington Street	*24
			Just upstream of Washington Street	*25
			About 1,800 feet upstream of Washington Street	*30
			About 250 feet downstream of Dam Number 1	*33
			About 100 feet upstream of Dam Number 1	*43
			Just downstream of West Britannia Street	*45
			Just upstream of West Britannia Street	*48
			Just downstream of second Conrail crossing	*51
			Just upstream of second Conrail crossing	*52
			About 250 feet upstream of Wittenton Street	*54
		Cobb Brook	Just upstream of Somerset Street	*13
			About 400 feet downstream of Godfrey Street	*14
			Just upstream of Godfrey Street	*18
			Just downstream of Briggs Street	*19
			Just upstream of Briggs Street	*21
			Just upstream of Couch Street	*23
			Just downstream of General Cobb Street	*27
			Just upstream of General Cobb Street	*30
			About 150 feet downstream of Winthrop Street	*31
			Just upstream of Winthrop Street	*32
			Just downstream of Kilmer Avenue	*33
			Just upstream of Kilmer Avenue	*34
			Just upstream of Chase Street	*36
			About 200 feet upstream of Clifford Street	*38
			Just upstream of Shores Street	*40
			About 700 feet downstream of Tremont Street	*43
			Just downstream of Tremont Street	*47
			About 150 feet upstream of Tremont Street	*50
	Maps available at Office of the City Engineer, City Hall, 15 Summer Street, Taunton, Massachusetts 02780.			
Massachusetts	Winchester, Town, Middlesex County (Docket No. FI-5615).	Horn Pond Brook	Confluence with Aberjona River	*21
			Lake Street	*21
			Upstream side of Canal Street	*29
			Upstream side of Sylvester Avenue	*33
			Upstream side of Royal Street	*35
			Upstream Corporate Limits	*38
		Aberjona River	Upstream side of Mystic Valley Parkway	*10
			Upstream side of Boston and Maine Railroad (Downstream Crossing)	*14
			Upstream side of Bacon Street	*15
			USGS Gaging Station Dam	*17
			Downstream side of Waterfield Road	*18
			Upstream side of Main Street	*19
			Upstream side of Skillings Road	*21
			Upstream side of Swanton Street	*23
			Upstream side of Boston and Maine Railroad (Upstream Crossing)	*25
			Downstream side of Cross Street	*26
			Upstream side of Washington Street	*30
			Upstream Corporate Limits	*31
	Maps available at the Office of the Town Engineer, Winchester, Massachusetts.			
Michigan	(TWP) DeWitt, Clinton County (Docket No. FI-5688).	Looking Glass River	About 1.25 miles downstream Shavey Road	*795
			Just downstream Shavey Road	*796
			About 0.42 mile upstream Shavey Road	*798
	Maps available at Township Hall, 780 East Wieland Road, Lansing, Michigan 48906.			
Michigan	(TWP), St. Joseph, Berrien County (Docket No. FEMA-5702).	St. Joseph River	At downstream corporate limits of St. Joseph Township	*584
			About 1,056 feet upstream of Napier Avenue	*584
			About 8,900 feet upstream of Napier Avenue	*587
			Upstream corporate limits of St. Joseph Township	*588
		Hickory Creek	At downstream corporate limits of St. Joseph Township	*585
			About 100 feet downstream of Niles Road	*586
			About 100 feet upstream of Niles Road	*587
			About 700 feet upstream of Niles Road	*587
			About 760 feet downstream of Washington Avenue	*588
			About 200 feet downstream of Washington Avenue	*588
			About 100 feet upstream of Washington Avenue	*589
			About 100 feet upstream of Cleveland Avenue	*590
			About 3,350 feet upstream of Cleveland Avenue	*591
			Just downstream of Maiden Lane	*593
			At upstream corporate limit of St. Joseph Township	*594
		Lake Michigan	Shoreline	*584
	Maps available at the Township Hall, 146 West Napier, Benton Harbor, Michigan 49022.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Minnesota	Savage (C), Scott County (Docket No. FI-5688).	Minnesota River	Downstream corporate limit	*719
			Upstream corporate limit	*721
		Credit River	Mouth at Minnesota River	*719
			Just downstream of State Highway 13	*720
			About 100 feet downstream of Quentin Avenue	*740
			About 150 feet downstream of County Highway 16 (McColl Drive)	*751
			About 100 feet upstream of County Highway 16 (McColl Drive)	*762
			About 1,800 feet upstream of County Highway 16	*764
	Maps available at the City Hall, 12305 Quentia Avenue, South, Savage, Minnesota, 55378.			
Minnesota	(C), St. Paul Park, Washington County (Docket No. FEMA-5702).	Mississippi River	At downstream corporate limit	*701
			Approximately 1,000 feet downstream from County-State Route 38/ Chicago, Rock Island and Pacific Railroad bridge.	*702
			At northern corporate limit	*703
	Maps available at St. Paul Park City Hall, 639 2nd Street, St. Paul Park, Minnesota 55071.			
Minnesota	South St. Paul (C), Dakota County (Docket No. FI-5688).	Mississippi River	Southern corporate limits	*703
			Northern corporate limits	*706
	Maps available at the South St. Paul Municipal Building, 125 3rd Avenue, North, South St. Paul, Minnesota, 55075.			
New Mexico	Village of San Jon, Quay County (FEMA-5713).	San Jon Creek	At intersection of 4th Street and South Avenue	*4,028
			Approximately 1,320 feet east of 4th Street and South Avenue intersection along South Avenue.	*4,022
	Maps available at the Village Hall, San Jon, New Mexico 88431.			
New York	Brighton (Town), Monroe County (Docket No. FI-5688).	Genesee River	At downstream corporate limits	*520
			Ballantyne Bridge 50 feet upstream from centerline	*523
		Red Creek	Crittenden Road 50 feet upstream from centerline	*521
			Town Line Road 50 feet downstream from centerline	*521
		West Branch Red Creek	Crittenden Road 50 feet upstream from centerline	*521
			Jefferson Road 50 feet downstream from centerline	*523
		Buckland Creek	Elmwood Avenue 50 feet upstream from centerline	*446
			Chelmsford Road 50 feet upstream from centerline	*479
			Winton Road 50 feet upstream from centerline	*487
			Upstream crossing of Elmwood Avenue 50 feet upstream from centerline.	*508
		Irondequoit Creek	Browncroft Boulevard 100 feet upstream from centerline	*259
		Allen Creek	At downstream corporate limits	*324
			Interstate 490 150 feet downstream from centerline	*366
			Interstate 490 100 feet upstream from centerline	*373
			East Avenue 25 feet upstream from centerline	*387
			Clover Street 50 feet upstream from centerline	*451
			Edgewood Avenue 25 feet upstream from centerline	*466
			Evans Road 50 feet upstream from centerline	*479
		Allen Creek	Rochester Outer Loop Highway 47-100 feet upstream from centerline	*482
			Winton Road 125 feet upstream from centerline	*491
		Allen Creek Tributary	State Highway 47 25 feet upstream from centerline	*500
	Maps available at Town Hall, 2300 Elmwood Avenue, Rochester, New York 14618.			
New York	New Rochelle (City), Westchester County (Docket No. FI-4210-01).	Hutchinson River	Hutchinson River-Parkway—10 feet upstream from centerline	*66
			Reservoir No. 2 Dam—80 feet downstream from centerline	*77
			Reservoir No. 2 Dam—20 feet upstream from centerline	*103
			Reservoir No. 3 Dam—60 feet downstream from centerline	*103
			Reservoir No. 3 Dam—100 feet upstream from centerline	*124
			Mill Road—10 feet	*145
			Lakeshore Drive—120 feet upstream from centerline	*190
			Hutchinson Boulevard—120 feet upstream from centerline	*214
			Drake Road (At centerline)	*233
			Sheldrake River Tulip Lane—50 feet upstream from centerline	*153
			Harlan Drive—50 feet upstream from centerline	*170
			At upstream Corporate Limits	*219
		Long Island Sound	At intersection of Harbor Lane and Fort Slocum Road	*14
	Maps are available at City Hall, 515 North Avenue, New Rochelle, N.Y.			
New York	North Greenbush (Town), Rensselaer County (Docket No. FI-5688).	Hudson River	Upstream Corporate Limits	*24
		Wynants Kill	Brookside Avenue 75 feet upstream from centerline	*337
			State Route 150—100 feet upstream from centerline	*355
			Pine Bowl Road—125 feet downstream from centerline	*419
	Maps available at Town Hall, 1 Dodge Street, Wynantskill, New York.			
New York	Scarsdale (Village), Westchester County (Docket No. FI-5427).	Bronx River	Popham Road—40 feet upstream from centerline	*132
			Conrail—20 feet upstream from centerline	*145
			Greenacres Avenue—80 feet upstream from centerline	*165
			Hartsdale Dam—40 feet upstream from centerline	*168
		South Fox Meadow Brook	Bronx River Parkway—100 feet upstream from centerline	*158
			Paddington Road—20 feet upstream from centerline	*185
			Tompkins Road—40 feet upstream from centerline	*199
		Sheldrake River	Heathcote Road—40 feet upstream from centerline	*222
			Cayuga Road—40 feet upstream from centerline	*242
		Hutchinson River	Sprague Road—40 feet upstream from centerline	*214
			Drake Road—60 feet upstream from centerline	*234
	Maps available at Village Hall, Scarsdale, New York 10583.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
North Carolina	Unincorporated areas of Watauga County (FI-5554).	East Fork	Just downstream of Secondary Road 1522	*3,102
			Just upstream of Secondary Road 1524	*3,121
		Middle Fork	Just upstream of Secondary Road 1522	*3,104
			Just upstream of U.S. 221-421	*3,127
			Just upstream of Secondary Road 1542	*3,145
		Brushy Fork	Just upstream of Secondary Road 1117	*2,683
			Just upstream of U.S. 421	*2,729
			Just upstream of Secondary Road 1311	*2,764
			Just downstream of Secondary Road 1375	*2,875
		Cove Creek	Just downstream of Secondary Road 1149	*2,641
			Just upstream of U.S. Highway 321	*2,669
			Just upstream of Secondary Road 1215	*2,696
			100 feet downstream of Secondary Road 1217	*2,723
		Gap Creek	Just upstream of U.S. Highway 421-221	*2,990
			Just downstream of Secondary Road 1507	*3,024
			160 feet upstream of Secondary Road 1507	*3,027
		Howard Creek	Just downstream of Secondary Road 1306	*3,154
		Watauga River	Just upstream of Secondary Road 1557	*2,919
			Just upstream of Secondary Road 1559	*3,003
			Just upstream of Mill Ridge Road	*3,050
		South Fork New River	Just upstream of U.S. 221-421	*3,083
			Just upstream of paved road near confluence of Winkler Creek	*3,102
		Mutton Creek	Approximately 40 feet downstream of Secondary Route 1614	*3,087
		Winkler Creek	Approximately 15 feet downstream of State Farm Road	*3,103
			Just upstream of confluence with South Fork New River	*3,102
	Maps available at the Planning and Inspection Department, Basement Level, Watauga County Courthouse, Boone, North Carolina 28607.			
Ohio	Avon (C), Lorain County (Docket No. FI-5665).	French Creek	Downstream corporate limit	*623
			Just upstream Miller Road	*624
			Just upstream Interstate Route 90	*626
			4,600 feet upstream Interstate Route 90	*633
			Just upstream State Route 254	*664
			Just downstream Stony Ridge Road	*671
			Just upstream Stony Ridge Road	*682
			Just downstream State Route 83	*685
	Maps available at City Hall, City of Avon, 36774 Detroit Road, Avon, Ohio 44011.			
Ohio	Oberlin (C), Lorain County (Docket No. FI-5678).	Plum Creek	Just upstream of downstream corporate limit	*772
			About 1,190 feet downstream of Oberlin Road at corporate limit	*778
			Approximately 300 feet downstream of Oberlin Road	*780
			Just upstream of Oberlin Road	*781
			Just upstream of Park Street	*789
			Just upstream of Morgan Street	*798
	Maps available at City Hall, 85 South Main Street, Oberlin, Ohio 44074.			
Ohio	Sheffield (V), Lorain County (Docket No. FI-5688).	Black River	About 6,400 feet downstream of confluence of French Creek	*581
			About 800 feet upstream of 31st Street	*592
		French Creek	About 200 feet downstream of Lorain and West Virginia Railway	*609
			Just upstream of Abbe Road	*618
			Upstream corporate limits	*623
		Jungbluth Ditch (shallow flooding from Rainfall).	Area between Lorain and West Virginia Railway and Abbe Road	#1
	Maps available at Village Hall, 4820 Detroit Road, Elyria, Ohio 44035.			
Ohio	Woodville (V), Sandusky County (Docket No. FEMA-5702).	Portage River	Approximately 4,000 feet downstream from U.S. Route 20	*625
			Approximately 1,750 feet downstream from U.S. Route 20	*627
			Just downstream from U.S. Route 20	*630
			Approximately 3,100 feet upstream from Cherry Street	*633
		Victoria Creek	At confluence with Portage River	*631
			At upstream corporate limit	*633
	Maps available at the Village Hall, 545 Pemberville Road, Woodville, Ohio 43469.			
Oregon	Milwaukie (City), Clackamas and Multnomah Counties (Docket No. FI-5688).	Williamette River	Downstream corporate limits	*32
			Upstream corporate limits	*33
		Johnson Creek	Southeast Milport Road 370 feet upstream from centerline	*36
			Portland Traction Railroad Bridge 50 feet upstream from centerline	*44
			Upstream corporate limits	*122
		Kellogg Creek	Most upstream corporate limits	*46
	Maps available at City Hall, 10722 South East Main, Milwaukie, Oregon.			
Pennsylvania	Cheswick, Borough, Allegheny County (Docket No. FEMA-5724).	Allegheny River	Downstream Corporate Limits	*478
			Upstream Corporate Limits	*478
	Maps available at the Borough Building, Cheswick, Pennsylvania.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Borough of Duryea, Luzerne County (Docket No. FEMA-5724).	Susquehanna River	Corporate Limit	*559
			Confluence of Tributary No. 1 to Susquehanna River	*562
			Upstream County Boundary	*564
		Lackawanna River	Confluence with the Susquehanna River	*559
			Upstream end of levee downstream from Stephenson Street	*563
			Stephenson Street	*566
			Extension of Fulton Street	*570
			Upstream end of levee approximately 1,000 feet downstream of County Boundary.	*575
			County Boundary	*584
		Mill Creek	Downstream County Boundary	*636
			Conrail Culvert (downstream)	*636
			Conrail Culvert (upstream)	*642
			Upstream Corporate Limit	*642
			Ponded area east of Conrail Culvert near McAlpine Street	*653
			Ponded area in mining pit southwest of Conrail Culvert	*646
			Ponded area in mining pit northwest of Conrail Culvert	*639
	Maps available at the Borough Office, Duryea, Pennsylvania.			
Pennsylvania	Liverpool, Township, Perry County (Docket No. FI-5514).	Susquehanna River	Downstream Corporate Limits	*395
			Upstream Corporate Limits	*406
		Bargers Run	Downstream Corporate Limits	*407
			Private Drive	*420
			L.R. 50023	*442
			Abandoned Road	*443
			Private Drive	*453
			Township Route 542	*468
			Downstream Private Drive	*476
			Upstream Private Drive	*482
			Private Drive	*484
			Private Drive	*491
			Private Drive (Downstream)	*497
			L.R. 50046	*508
			L.R. 50001	*510
			1,400 feet upstream of the intersection of L.R. 50001 and Township Route 515.	*525
		Pfoutz Run	Downstream Corporate Limits	*414
			State Route 17 (Upstream)	*433
			Old State Route 17 (Upstream)	*472
			L.R. 50003 (Upstream)	*478
			Private Drive (Upstream)	*500
			600 feet upstream of the intersection of Route 17 and PA Route 235	*520
	Maps are available at the Buffalo Township Municipal Building.			
Pennsylvania	Town of McCandless, Allegheny County (Docket No. FEMA-5724).	Pine Creek	Kummer Road	*975
			Grubbs Road	*979
			Private Road	*985
			McKnight Road	*1,007
			Meinert Road	*1,022
		Little Pine Creek	Brittany Place	*1,023
			Pebbles Road	*1,039
			Remington Drive	*1,045
			Winchester Drive	*1,051
			Babocock Boulevard	*1,055
		Lowries Run	Confluence with Whittmer Run	*958
			Sloop Road	*989
		Whittmer Run	Confluence with Lowries Run	*952
			Upstream limit of Detailed Study (2,440 feet above mouth)	*985
	Maps available at Township Building, McCandless, Pennsylvania.			
Pennsylvania	South Wavery, Borough, Bradford County (Docket No. FI-4892).	Dry Brook	Downstream Corporate Limits	*785
			U.S. Route 220 Downstream	*807
			U.S. Route 220 Upstream	*817
			Elmira Street (L.R. 08114)	*821
			Foot Bridge	*826
			Southern Tier Expressway Downstream	*827
			Southern Tier Expressway Upstream	*833
			Bradford Street Downstream	*833
			Bradford Street Upstream	*837
			Upstream Corporate Limits	*837
		Chemung River	Downstream Corporate Limits	*776
			Upstream Corporate Limits	*778
	Maps available at the Borough Office of South Waverly, Pennsylvania.			
Pennsylvania	Township of Tyrone, Blair County (Docket No. FI-4724).	Little Juniata River	At upstream side of Legislative Route 732	*798
			At Conrail, upstream side (0.5 mile upstream, Legislative Route 732)	*814
			At upstream side of Township Route 506	*824
			At Conrail, upstream side (1.0 mile upstream Township Route 506)	*844
			At upstream side of Township Route 512	*850
			At downstream side of Legislative Route 07030	*855
		Sinking Run	At Township Route 453, upstream side	*806
			At Legislative Route 732, upstream side (0.7 mile upstream Township Route 453).	*832
			At Legislative Route 732, upstream side (1.0 mile upstream Township Route 453).	*846

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
			At Legislative Route 732, upstream side (0.3 mile downstream Township Route 495).	*910
			At Township Route 495	*922
			At Legislative Route 732, upstream side (0.4 mile upstream Township Route 495).	*910
			At Legislative Route 732, upstream side (0.8 mile upstream Township Route 495).	*956
			At Legislative Route 526	*976
			At Legislative Route 732 (0.3 mile upstream Legislative Route 526)	*988
			At Legislative Route 732 (1.1 miles upstream Legislative Route 526)	*1,011
			At Township Route 484 upstream side (1.8 miles upstream Legislative Route 526).	*1,034
			At Private Drive (0.5 mile upstream sinkhole)	*1,082
			At Township Route 484 (1.8 miles upstream sinkhole)	*1,158
			At Private Drive (0.7 mile upstream Township Route 484)	*1,176
			At Private Drive (0.9 mile upstream Township Route 484)	*1,250
			At Private Drive (1.9 miles upstream Township Route 484)	*1,395
			At Private Drive (2.2 miles upstream Township Route 484)	*1,458
		Tributary No. 1	At Township Route 484, upstream side	*1,031
			At Legislative Route 732, upstream side	*1,043
			At Private Drive (0.3 mile upstream Legislative Route 732)	*1,062
			At Private Drive (0.5 mile upstream Legislative Route 732)	*1,070
At Private Drive, upstream side (0.9 mile upstream Legislative Route 732).				*1,097
			At Private Drive (1.1 miles upstream Legislative Route 732)	*1,109
			At Private Drive (1.3 miles upstream Legislative Route 732)	*1,119
			At Private Drive (1.5 miles upstream Legislative Route 732)	*1,127
Maps available at the residence of Mr. John Burket, R.D. 1, Tyrone, Pennsylvania.				
South Carolina	Fort Mill (Town), York County (Docket No. FI-5688).	Mooneys Hill Branch	Link Street 120 feet upstream from centerline	*588
			Patterson Street 45 feet upstream from centerline	*589
		Dye Branch	Harris Street 45 feet upstream from centerline	*549
		Dye Branch Tributary 1	Harris Street 90 feet upstream from centerline	*552
		Leroy Branch	Hallett Street 50 feet downstream from centerline	*570
			Hallett Street 155 feet upstream from centerline	*576
			Summersby Street 100 feet downstream from centerline	*584
			Summersby Street 30 feet upstream from centerline	*592
			Lockman Street 40 feet upstream from centerline	*596
Maps available at Town Hall, 112 Confederate Street, Fort Mill, South Carolina.				
South Dakota	Mission Hill (Town), Yankton County (Docket No. FI-5673).	Unnamed Stream	Finotti Avenue at centerline	*1,175
			Nichols Avenue 30 feet upstream from centerline	*1,179
Maps available at Town Hall, Town of Mission Hill, Mission Hill, South Dakota.				
Texas	Bruceville-Eddy, City, McLennan County (Docket No. FI-4918).	Hoolia Creek	Upstream Corporate Limits	*687
			West Frontage Road (Upstream)	*667
			Downstream Corporate Limits	*667
		Tributary to Hoolia Creek	Upstream Corporate Limits	*677
			West Frontage Road (Upstream)	*673
			East Frontage Road (Upstream)	*672
			Old Farm to Market Road 107 (Upstream)	*666
			Downstream Corporate Limits	*653
		South Cow Bayou Lusk Branch	Upstream Corporate Limits	*583
			Centerline of Soil Conservation Service Structure Number 5 (Upstream).	*583
Maps available at the Fire Department, Bruceville-Eddy, Texas.				
Texas	City of Frisco, Collin County (FEMA-5713).	Stewart Creek Main Stream	Just upstream of State Highway 423	*529
			Approximately 500 feet upstream of St. Louis-San Francisco Railroad	*631
			Approximately 100 feet upstream of South Fifth St	*642
		Stewart Creek Tributary One	At confluence of Tributary 2	*551
			Approximately 300 feet upstream of St. Louis-San Francisco Railroad	*593
		Stewart Creek Tributary Three	Approximately 50 feet upstream of St. Louis-San Francisco Railroad	*609
		Stewart Creek Tributary Four	Approximately 50 feet downstream of South Fifth St	*645
			Just upstream of South Fifth St	*647
		Cottonwood Branch	Just upstream of State Highway 423	*551
			Confluence with Cottonwood Branch Tributary 1	*559
			Just upstream of St. Louis-San Francisco Railroad	*647
		Panther Creek Main Stream	Just upstream of St. Louis-San Francisco RR	*621
			Just upstream of U.S. Highway 289	*655
		Panther Creek Tributary One	Just upstream of U.S. Highway 289	*656
		West Rowlett Creek	Approximately 200 feet upstream of State Highway 121	*644
			Approximately 150 feet downstream of Farm to Market Road	*720
		White Rock Creek	Just upstream of State Highway 121	*707
Maps available at City Secretary's Office, City Hall, Frisco, Texas 75034.				
Texas	City of McKinney, Collin County (FEMA-5713).	Wilson Creek	Just downstream of Highway 121	*545
			Just upstream of Interstate 75	*558
		East Fork of the Trinity River	Just upstream of Greenville Road	*530
			Just upstream of U.S. Highway 380	*531
		Jeans Creek	Just downstream of Rockhill Road	*574
Maps available at Office of Director of Public Works, City Hall, McKinney, Texas 75069.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Vermont	Lyndon (Town), Caledonia County (Docket No. FI-2885).	Passumpsic River	Canada Pacific Railroad Bridge	*685
			U.S. Route 5 75 feet upstream from centerline	*707
			Center Street	*708
			U.S. Route 5 100 feet downstream from centerline	*709
			Vermont Route 114 100 feet downstream from centerline	*711
			Canada Pacific Railroad Bridge	*716
			Vermont Route 114 25 feet downstream from centerline	*717
			Town Highway 36	*718
			Town Highway 40	*741
			Vermont Route 114	*752
		Calendar Brook	U.S. Route 5 475 feet upstream from centerline	*735
		Hawkins Brook	Town Highway 69 275 feet upstream from centerline	*687
			Town Highway 6 100 feet downstream from centerline	*706
		Millers Run	Interstate Highway 91	*714
			Town Highway 31	*718
		Wheelock Branch Brook	Town Highway 1	*708
			Cross Street 150 feet upstream from centerline	*709
	Maps available at Town Hall, 24 Main Street, Lyndonville, Vermont.			
Vermont	(C) Newport, Orleans County (Docket No. FI-5683).	Black River	Mouth at Lake Memphremagog	*686
			At the southwestern corporate limit	*686
		Clyde River	Mouth at Lake Memphremagog	*686
			Just upstream of Clyde Street	*689
			Just downstream of diversion dam located about 2,000 feet downstream of Clyde Road.	*729
			Just upstream of diversion dam located about 2,000 feet downstream of Clyde Road.	*746
			Just downstream of dam located about 1,200 feet downstream of Clyde Road.	*746
			Just upstream of dam located about 1,200 feet downstream of Clyde Road.	*773
			Just downstream of dam located about 300 feet downstream of Clyde Road.	*850
			Just upstream of Clyde Road	*857
		Lake Memphremagog	Shoreline	*686
	Maps available at City Manager's Office, City Hall, Newport, Vermont 05855.			
Washington	Castle Rock (City), Cowlitz County (Docket No. FI-5673).	Cowlitz River	Intersection of Front Street and Huntington Avenue	*37
			Area east of Allen Avenue on Brierwood Street	*37
			Area south of Cowlitz Avenue and southwest of Studebaker Avenue on Burlington Northern tracks.	*37
			Most downstream limit of flooding affecting the City of Castle Rock	*39
			Castle Rock Bridge (A Street Bridge) 100 feet upstream from centerline.	*45
			Most upstream corporate limit at centerline	*49
	Maps available at the City Hall, Second and A, Castle Rock, Washington.			
Washington	Richland (City), Benton County (FI-5673).	Yakima River	Union Pacific Railroad Bridge at centerline	*352
			Van Giesen Street at centerline	*374
			Upstream corporate limits	*376
	Maps available at City Hall, 505 Swift Boulevard, Richland, Washington.			

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

Issued: January 22, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-3680 Filed 2-5-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Part 252

Operating-Differential Subsidy Regulations for Bulk Cargo Vessels Engaged in Worldwide Service

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This final rule revises Part 252 of Title 46. The change affects the method of determining foreign flag competition used in calculating operating subsidy and the method of determining the crew complement used for competitive foreign vessels. These amendments were undertaken in response to a request by the subsidized operators for a change in policy and they have been finalized after considering comments received as a result of publishing the proposed changes.

EFFECTIVE DATE: February 6, 1980.

FOR FURTHER INFORMATION CONTACT: Fredrick R. Larson, telephone (202) 377–5532.

SUPPLEMENTARY INFORMATION: On March 23, 1979 the Maritime Administration published in the **Federal Register** a proposed rule revising Part 252 of Title 46 Code of Federal Regulations. Comments were received from representatives of three groups of subsidized operators. These final changes have been made after consideration of the comments. Comment relating chiefly to wording of the proposed changes is not discussed.

Discussion of Major Comments

One comment submitted on behalf of several groups of operators, whose vessels entered subsidized service between the years 1973 and 1977, concerned the effective date of the change in the method of determining foreign flag competition.

It was recommended that this change be effective for all subsidy rates not yet

approved by the Maritime Subsidy Board (Board) instead of commencing January 1, 1980 as proposed. The reasons given were chiefly administrative convenience and the belief that the Merchant Marine Act of 1936 (Act) requires single flag competition.

The Board is of the opinion that the Act does not require single flag competition, but that the change is strictly a matter of policy. The Board's reason for the change to single flag competition is its conclusion that under the past and present worldwide bulk shipping market the foreign flag fleet (Liberian) having the greatest total tonnage in each specified tonnage range is a low cost flag and affords the best available basis for placing the operations of the subsidized U.S.-flag vessels on a parity with those foreign-flag vessels that are substantial competitors. The Board has reached this conclusion on the basis of the experience gained from the administration of the bulk ODS program begun after the passage of the 1970 Merchant Marine Act.

The Board also concludes that, consistent with past practice, this change should be applicable to all subsidy rates which have not been finalized. In the past the Board has implemented changes in subsidy regulations upon all non-finalized subsidy rates, whether the result was an increase or decrease in subsidy. None of the bulk subsidy rates have been finalized. Although the Board did approve foreign competition on July 28, 1976 for certain subsidized bulk operators, the operators were never formally advised of that action and never accepted that action.

The other major comment expressed concern that the distribution of worldwide bulk tonnage might be altered radically if cargo rationalization schemes are widely adopted or if some other unforeseen change should occur. The suggested solution was to provide that the subsidized operator could request the Board to redetermine the competition based on a showing that the foreign flag chosen was not a substantial competitor of the operator or that it was not, in fact, the low cost foreign flag.

The concept of single flag competition does not require a determination as to which is the lowest cost foreign flag. It is premised upon the assumption that the foreign flag with largest tonnage in the cargo range would be among the lowest cost competitive flags. However, the Board feels that it would be appropriate to determine the competition on some different basis if the Board becomes aware of facts indicating that the largest flag was not a substantial competitor in a particular situation. A proviso clause to accomplish this objective has been added to the regulation.

The Assistant Secretary of Commerce for Maritime Affairs has approved the determination that these amendments will not result in any major economic consequences that would require the preparation of a regulatory analysis pursuant to EO 12044 (43 FR 12661); Department of Commerce Administration Order 218–7 and the implementing Maritime Administration procedure (44 FR 2084, January 9, 1979).

PART 252—OPERATING DIFFERENTIAL SUBSIDY REGULATIONS FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICE

Accordingly, 46 CFR Part 252 is amended as follows:

1. By revising § 252.22 paragraph (d), and by replacing the existing paragraph (e) with a new paragraph (e) as follows:

§ 252.22 Substantiality and extent of foreign-flag competition.

* * * * *

(d) *Competitive foreign flag.* The competitive foreign flag shall be the flag with the greatest total tonnage in the range.

(e) *Largest foreign flag not competitor.* In the event that the Board believes that the competitive foreign-flag so determined pursuant to this § 252.22 is not a substantial competitor of any particular operator, the Board may determine the foreign-flag competition in a manner that more accurately reflects the true competition of the particular operator. In making this determination, the Board shall consider the written views of the operator and any other interested parties.

2. By revising § 252.31(f)(2) paragraph (ii) and deleting paragraph (iii) as follows:

§ 252.31 Wages of officers and crew.

* * * * *

(f) * * *

(2) * * *

(ii) *Crew complement.* For purposes of paragraph (f)(2)(i) of this section, a foreign crew complement, in number and nationality, shall be constructed for the subsidized vessel, in the following manner:

(A) *Determination of normal foreign crew complement.* A normal foreign crew complement will be determined for a foreign vessel substantially similar to the subsidized vessel in age and size, using as sources of data the crewing scales and practices of the competitive foreign flag developed through an examination of: crew manifests of such foreign flag vessels; payrolls; data obtained by the United States foreign Maritime Attaches; data submitted by or on behalf of operators; and other information that the Board determines, in its reasonable discretion, to be reliable.

(B) *Adjustments to normal foreign crew complement.* Adjustments to the normal foreign crew complement shall be made for significant differences between the physical characteristics of the foreign flag vessel and the subsidized vessel, taking into account the physical characteristics of physically comparable departments on other vessels under the same foreign flag. The adjusted crew complement shall only include crew members required by reason of foreign law, collective bargaining agreement, or normal practice. In the event of conflict between foreign law and normal practice, normal practice shall take precedence. These adjustments shall be made department by department, taking due account of the effect of changes in one department on the other departments.

(C) *Adjustments not feasible.* Where the foreign crew complement for a particular department of vessels under the registry of the competitive foreign country cannot be estimated or determined with reasonable substantiation, as provided above, so that the Board may exercise its reasonable discretion, the foreign crew complement for that department shall be deemed to be identical in number and rating with that of the subsidized vessel.

(iii) [Deleted].

Dated: January 21, 1980.

By order of the Maritime Subsidy Board, Martime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-3740 Filed 2-5-80; 8:45 am]

BILLING CODE 3510-15-M

Proposed Rules

Federal Register
Vol. 45, No. 26
Wednesday, February 6, 1980

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 ENERGY

10 CFR Part 212

[Docket No. ERA-R-79-48]

Mandatory Petroleum Allocations Regulations; Crude Oil Reseller Regulations

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Intent To Prepare Regulatory Analysis.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has decided to prepare a regulatory analysis in conjunction with its pending rulemaking proceeding regarding crude oil reseller regulations. A summary of the draft regulatory analysis will be published when completed and an opportunity for public comment on the regulatory analysis will be provided.

FOR FURTHER INFORMATION CONTACT:
William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, (202) 634-2170.
Daniel J. Thomas (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 7302, 2000 M Street, NW., Washington, D.C. 20461, (202) 254-3365.
Jeffrey D. Stoermer or Jack O. Kendall, (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6739 or 252-6911.

SUPPLEMENTARY INFORMATION:

On October 25, 1979, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued a notice of proosed rulemaking and public hearing (44 FR 62848, October 31, 1979) in which it proposed amendments to the price regulations applicable to resales of crude oil, as set forth in Subpart L of 10 CFR Part 212. No regulatory analysis was prepared in conjunction with the development of the October proposal.

In light of several public comments and requests which were made for a regulatory analysis, we have decide that such an analysis would be helpful in our consideration of the proposed rulemaking. Accordingly, we will defer our decision as to issuance of a final rule until this analysis is completed.

Once the draft regulatory analysis has been prepared we will publish a summary of the analysis, make copies of the full analysis available to the public, and provide an opportunity for the public to comment further on these issues. If appropriate, based upon our review of the results of this analysis, we may also issue modified or additional rulemaking proposals for further comment.

Issued in Washington, D.C., January 31, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

[FR Doc. 80-3838 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 7

Indemnification of Officers, Directors, and Employees by National Banks

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency is considering the revision of Intrepretive Ruling 7.5217 (12 CFR 7.5217) regarding the authority of national banks to indemnify their officers, directors, and employees. Specifically, the Comptroller is considering whether there is a need to bring these standards into greater conformity with the rules applicable to the rest of the business community, and whether the applicable standards need to be set forth with more specificity. The Comptroller has determined that the issues involved are of sufficient interest to warrant public participation in gathering relevant facts, and in identifying and selecting possible alternate courses of action. This notice will solicit public comments on the issues involved to assist the Comptroller in determining whether the revision of Interpretive Ruling 7.5217 is appropriate.

DATE: Comments must be received on or before: April 7, 1980.

ADDRESS: Comments should be sent in triplicate to: John E. Shockey, Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT:
Raija H. Bettauer, Attorney Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

SUPPLEMENTARY INFORMATION:

Interpretive Ruling 7.5217 indicates, in general terms, that a national bank may include in its articles of association a provision authorizing the indemnification of officers, directors and employees "against legal and other expenses incurred in defending law suits brought against them by reason of the performance of their official duties." In addition, the Interpretive Ruling indicates that national banks may purchase, and pay the premiums on, insurance for such indemnification. A national bank may not, however, in any manner provide indemnification to persons "guilty of, or liable for, willful misconduct, gross neglect of duty, or criminal acts". 12 CFR 7.5217.

Subsequently, the Comptroller's staff has interpreted the Ruling, for instance, in the following manner:

(1) The Interpretive Ruling indicates that a national bank *may* provide indemnification in certain circumstances. Consequently, in subsequent practice, provisions which allow indemnification *as of right* have not been acceptable to the Comptroller;

(2) The Comptroller has not approved indemnification provisions which in any manner provide compensation for persons adjudged gulity of a criminal offense. This applies equally to instances where the offense in question does not require the finding of criminal intent;

(3) The Interpretive Ruling excludes indemnification in any manner to a person who has been found liable for "willful" or "gross" neglect of duty. Since the Comptroller allows, however, indemnification for "ordinary" negligence, problems are frequently encountered in attempting to draw a definite line between the two concepts;

(4) The Comptroller has not found acceptable provisions which allow indemnification against liabilities incurred by bank personnel while in the service of another enterprise, even if the person may have been serving in that

capacity at the request of the bank and for a valid business reason;

(5) On its face, the Interpretive Ruling does not distinguish third-party and derivative actions. Consequently, some confusion has resulted as to the extent of permissible indemnification in derivative actions;

(6) The Interpretive Ruling does not indicate to what extent its standards may be qualified or supplemented by other indemnification standards, *e.g.*, by incorporating the relevant State law provisions;

(7) The Interpretive Ruling merely permits the inclusion of the indemnification provision in the articles of association rather than mandating such action. In the past, however, the permissive character of the Ruling has been qualified to the extent that the Comptroller does not consider by-laws or resolutions as the exclusive means by which to adopt indemnification standards, because that would deny the shareholders the opportunity to be heard on this issue;

(8) The Interpretive Ruling does not explicitly enumerate the types of expenses that may be included in the indemnification. In practice, the Ruling has been interpreted to extend to any reasonable expenses actually incurred in connection with any action, suit or proceeding (excluding reimbursement in criminal cases and for gross neglect of duty, as indicated elsewhere in the Ruling). Thus, the indemnification may cover *e.g.* judgments in civil actions, or legal expenses in anticipation of a threatened, but uninitiated law suit. With regard to indemnification in the event of a settlement, the Comptroller has required the approval of a court, the majority of shareholders, or the vote of uninterested members of the bank's Board of Directors.

Because of the broad language of the Interpretive Ruling, banks and bank counsel frequently cannot, short of an individual inquiry to the Comptroller, ascertain its specific application. Also, since the Comptroller's standards and practice in many instances may vary from the State indemnificationprovisions, the bank's counsel is not guided by the available legal authority from those sources in drafting an indemnification provision for a national bank. As a result of these interpretive difficulties, both the Comptroller's staff and the bank's counsel seem to devote to the application of the Ruling more time and resources than would seem necessary for an issue of this nature.

The Proposed Alternatives

Currently, the Comptroller is considering two possible alternatives for revising standards on indemnification for national banks. First, the existing Ruling could be supplemented by additional language that sufficiently clarifies the significant issues. Also, consistency and conformity with the rest of the business community could be achieved by making these changes along the lines of Article 5 of the Model Business Corporation Act, as drafted by the American Bar Association. In this case, however, it remains to be determined whether those standards could be adopted in their entirety, or whether any modifications are warranted in view of the protection of the safety and soundness of national banks.

Secondly, the Comptroller could authorize national banks to adopt indemnification provisions in accordance with the relevant State laws. Since most of the States seem to have adopted indemnification provisions relatively recently, those standards might well be appropriate for the use of national banks. However, it remains to be determined whether any of the State provisions would be unacceptable in view of the Comptroller's supervisory responsibilities over national banks.

Issues for Comment

The Comptroller invites comment on any element of the contemplated revision which may provide additional clarification regarding the indemnification of officers, directors and employees by national banks. Comments are specifically requested on the following areas of interest:

(1) The need for substantive changes in the Comptroller's current practice, including *e.g.* the need for further conformity with the indemnification standards applicable elsewhere in the business community;

(2) The need to incorporate in the indemnification provision a stricter standard of duty with respect to national bank personnel as compared to officers of other businesses;

(3) If new standards are required, the sufficiency of the Model Business Corporation Act, or, alternatively, the relevant State law, as a reference for standards of indemnification;

(4) If substantive changes in the current standard applicable to national banks are not called for, the need and the desired form for additional clarification regarding the current standard;

(5) What, if any, economic impact on national banks is expected from the revision of the current Interpretive Ruling.

All comments submitted will be available for public inspection at the Comptroller's Offices, 490 L'Enfant Plaza, Washington, D.C. If it is determined to be in the public interest to proceed further after consideration of the available data and comments received in response to this notice, a notice of proposed rulemaking will be issued for additional comment.

Dated: January 30, 1980.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 80-3839 Filed 2-5-80; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 353

Antidumping Duties

Cross Reference: For a document extending the comment period on a proposed rule concerning antidumping duties, which was initially published by the Customs Service on October 16, 1979, at 44 FR 59742, (19 CFR Part 153), see FR Doc. 80-3650, published by the Internaitonal Trade Administration of the Department of Commerce in the rules section of this issue of the Federal Register.

BILLING CODE 3510-25-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 200

[Docket No. R-80-767]

Previous Participation Review and Clearance; Transmittal of Proposed Rule to Congress

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of proposed rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorized Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each rule's publication in the Federal Register. This Notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of

Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755–6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR Part 200—Subpart H—Previous Participation Review and Clearance.

This proposed rule would amend the procedure for parties (who apply to become a sponsor, owner, prime contractor, Turnkey Developer, Management Agent, packager or consultant in HUD projects) to report and certify their previous participation for approval to participate in HUD housing programs.

(Sec. 7(o), Department of HUD Act, (42 U.S.C. 3535(o)), sec. 324, of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., January 31, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-3782 Filed 1-5-80; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1406-7]

Approval and Promulgation of Sulfur Dioxide State Implementation Plan Revisions—Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The purpose of this notice is to give notice that the comment period for the notice published December 26, 1979 (44 FR 76308) has been extended.

DATE: Comments are now due on or before February 8, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, USEPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6053.

SUPPLEMENTARY INFORMATION: This notice extends the period for comments to the notice published December 26, 1979 (44 FR 308), announcing receipt of proposed revisions to Rules 101 and 204 of chapter II, Part II of the Illinois Air Pollution Control Regulations. The revised rules were submitted to USEPA by the State of Illinois on March 21, 1979 as proposed revisions to the Illinois State Implementation Plan (SIP) pursuant to the requirements of Section 110 of the Clean Air Act (42 U.S.C. 7410).

IEPA sent a letter January 17, 1980, requesting that the comment period for the revisions to the Illinois SIP for sulfur dioxide, published December 26, 1979 (44 FR 76308), be extended for two weeks. This extension of time is requested to allow IEPA additional time to respond to USEPA's review and proposed action on the regulations.

USEPA has decided that the extension of the comment period to February 8, 1980 is a reasonable extension, and the comment period is hereby extended to February 8, 1980.

Dated: January 29, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-3831 Filed 2-5-80; 8:45 am]

BILLING CODE 6560-01

40 CFR Part 52

[FRL 1407-2]

Implementation Plan Revisions for Nonattainment Areas in the State of California; Receipt/Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Receipt and Availability.

SUMMARY: The purpose of this notice is to announce receipt of revisions to the California State Implementation Plan (SIP). The Sacramento Valley Air Basin Control Strategy which includes the Nonattainment Area Plans for Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, and Yuba Counties was submitted to the EPA through the California Air Resources Board on November 13, 1979, in accordance with the requirements of Part D of the Clean Air Act, as amended, "Plan Requirements for Nonattainment Areas". A Notice of Proposed Rulemaking discussing these revisions will be published in the **Federal Register** at a later date. The EPA invites public comments on these nonattainment area plans, especially with respect to the requirements of Part D of the Clean Air Act.

DATE: The period for submitting public comments will end not less than 60 days from the published date of this notice, April 7, 1980, and not less than 30 days from the published date of the Notice of Proposed Rulemaking.

ADDRESSES: Copies of the SIP revisions are available for inspection during normal business hours at the following locations.

Air and Hazardous Materials Division (A–4–2), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Public Information Reference Unit, Environmental Protection Agency, 401 "M" Street, S.W., Room 2404, Washington, D.C. 20460.

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95814.

In addition, copies of the applicable SIP revision are available for public inspection during normal business hours at each of the following locations:

Butte County Air Pollution Control District, 316 Nelson Avenue, P.O. Box 1229, Oroville, CA 95965.

Colusa County Air Pollution Control District, 751 Fremont Street, Colusa, CA 95932.

Glenn County Air Pollution Control District, 77 North Colusa, Williows, CA 95988.

Placer County Health Department, 11491 B Ave., Auburn, CA 95603.

Sacramento County Air Pollution Control District, 3701 Branch Center Rd., Sacramento, CA 95827.

Shasta County Air Pollution Control District, 1855 Placer St., Redding, CA 96001.

Sutter County Air Pollution Control District, 142 Garden Way, Yuba City, CA 95991.

Tehama County Air Pollution Control District, P.O. Box 38, Red Bluff, CA 96080.

Yolo-Solano Air Pollution Control District, P.O. Box 1006, Woodland, CA 95695.

Yuba County Air Pollution Control District, 938 14th St., Marysville, CA 95901.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief Regulatory Section, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, (415) 556–2938.

SUPPLEMENTARY INFORMATION: New provisions of the Clean Air Act, enacted in August 1977, Pub. L. 95–95, require states to revise their SIP's for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The Administrator promulgated a list of the NAAQS attainment status for the states on March 3, 1978 (43 FR 8962) and on March 19, 1979 (44 FR 16388). State and local governments were required by January 1, 1979 to develop, adopt, and submit to EPA revisions to their SIP's which provide for attainment of the NAAQS.

The Sacramento Valley Air Basin and the Sacramento Metropolitan Air Quality Maintenance Area portion of Placer County are designated nonattainment for ozone. Butte and Sacramento Counties are designated

nonattainment for carbon monoxide. Butte and Sutter Counties are designated nonattainment for the primary standard of total suspended particulates. Shasta (Sacramento Valley Air Basin portion), Tehama, Yolo, Solano (Sacramento Valley Air Basin portion), Yuba and Sacramento Counties are designated nonattainment for the secondary standard of total suspended particulates.

The Governor's designee submitted to EPA the nonattainment area plans for the Sacramento Valley Air Basin on November 13, 1979.

EPA is reviewing the revisions for conformance with the requirements of Part D of the Clean Air Act, as amended. Following EPA's review of the revisions, a Notice of Proposed Rulemaking will be published in the **Federal Register**. It will provide description of the proposed SIP revisions, summarize the Part D requirements, identify the major issues in the proposed revisions, and suggest corrections. An additional 30 days will be provided for public comments at that time.

However, as a result of a September 24, 1979 request by the ARB to redesignate Colusa, Clenn, Shasta, and Tehama County Air Pollution Control Districts to attainment, EPA is deferring the review of the portion of Chapter 13 concerning those Districts. Action will be taken for those areas following publication of a final rulemaking notice on the redesignation request.

The intent of this notice is to notify the public that the revisions were formally submitted to EPA for approval, that they are available for public inspection, and interested persons are encouraged to submit written comments.

(Secs. 110, 129, 171 to 178 and 301(a), Clean Air Act, as amended (42 U.S.C § 7410, 7429, 7501 to 7508, and 7601(a))

Dated: January 17, 1980.

Frank M. Covington,

Acting Regional Administrator.

[FR Doc. 80-3807 Filed 2-5-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Parts 446 and 447

[FRL 1406-5]

Paint and Ink Formulating Point Source Categories

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; public hearing.

SUMMARY: Notice is hereby given of a hearing open to the public to discuss and receive comments on pretreatment regulations proposed in the **Federal Register** as follows:

Proposal Date and Category

January 3, 1980 (40 FR 912) Paint Formulating
January 3, 1980 (40 FR 928) Ink Formualting

DATES: A public hearing has been scheduled for the following date and place:

February 28, 1980—Washington, D.C.

ADDRESS: The public hearing will be held at the following address:

Hall of States, Skyline Inn, South Capitol and I Streets, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jaye Swanson, Project Officer for Public Participation, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. (202) 426-2560.

Anyone wishing to make an oral statement and submit written testimony at the hearing should indicate so in writing to the above address, including which session of the hearing they plan to attend.

SUPPLEMENTARY INFORMATION: Registration for the hearing will be held from 8:30 to 9:00 AM. Oral testimony will be presented as follows: 9:30 to 11:30 AM—Paint Formulating; 1:00 PM to 3:00 PM—Ink Formulating. Following the registration period there will be a brief presentation by an EPA official covering the development of effluent limitations and standards under the Clean Water Act of 1977. Also, opportunity will be given throughout the day for audience participants to submit written questions to the Presiding Officer. These questions will be addressed during the question and answer sessions which will conclude the presentations of oral testimony for each category.

A court recorder will be present at the public hearing. Official transcripts will be available at cost.

Dated: January 31, 1980.

Swep T. Davis,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 80-3833 Filed 2-5-80; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

41 CFR Part 101-19

Accommodations for the Physically Handicapped; Proposed Change in Federal Standards

AGENCY: Public Buildings Service, General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration, in consultation with the Department of Health, Education, and Welfare, has developed a new "Federal Accessibility Standard" to provide minimum accessibility standards for the design of Federal buildings and facilities to accommodate the physically handicapped. The new standard will replace the current "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A117.1-1961 (1971)), as prescribed by § 101-19.603 of the Federal Property Management Regulations (FPMR).

The reason for developing the new standard is to provide more enforceable, clearer, and up-to-date standards specifically relevant to Federal buildings. The proposed standard will be applicable to all Federal buildings and facilities as currently defined in § 101-19.601, Authority and applicability, of the FPMR.

DATE: Comments must be received by: April 7, 1980.

ADDRESS: Written comments and requests for copies of the new Standard should be sent to the General Services Administration (PCD) Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Richard T. Broderick, Design Management Division (202-566-0714).

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 purpose of Executive Order 12044.

GSA proposes to amend Subpart 101-19.6 as follows:

Subpart 101-19.6—Accommodations for the Physically Handicapped

Section 101-19.603 is revised as follows:

§ 101-19.603 Standards.

Except as provided in § 101-19.604, every building shall be designed, constructed, or altered in accordance with the minimum standards in the "Federal Accessibility Standard" as developed by the General Services Administration, in consultation with the Department of Health, Education, and Welfare. Departures from these standards by use of other methods will be permitted when it is evident that equivalent accessibility and usability of the facility are provided. Except as provided under § 101-19.602 "Definitions" and § 101-19.604

"Exceptions", buildings designed, constructed, or altered before the effective date (to be assigned) of this standard shall be in accordance with the minimum standards in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A117.1–1961 (1971)).

Section 101–19.604(e) is revised as follows:

§ 101–19.604 Exceptions.

* * * * *

(e) The leasing of space when after receipt of bids or offers it is determined that no otherwise legally acceptable proposal substantially meets the requirements of the "Federal Accessibility Standards." If no offeror or bidder meets the requirements of the standard, then preference shall be given to the offeror or bidder who most nearly complies with the standard prescribed in § 101–19.603. If the award is proposed to a firm other than the one offering space that most nearly complies with the entire "Federal Accessibility Standard" and whose bid or offer is reasonable as to price and otherwise legally acceptable, a waiver or modification of those standards that could have been met, but that are not being furnished, must be obtained.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 4, 1980.

A. R. Marschall,

Commissioner, Public Buildings Service.

[FR Doc. 80-3927 Filed 2-5-80; 8:45 am]

BILLING CODE 6820-23-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 21049]

Inquiry Into Commercial Television Network Practices

AGENCY: Federal Communications Commission.

ACTION: Notice of Availability of Preliminary Report on Prospects for Additional Networks.

SUMMARY: The Preliminary Report describes the first of two steps of the Network Inquiry Special Staff's overall study of prospects for additional networks. It is accompanied by a series of appendices discussing spectrum management policies, multiple ownership, public broadcasting, interconnection of broadcasters, cable television, subscription television, multi-point distribution service, home video and direct broadcast satellites. These will be released either simultaneously with the preliminary report or shortly thereafter.

DATES: Comments in response to the Preliminary Report and consultant reports must be filed within ninety days of the date of the release of each report. Reply comments must be filed within fifteen days of the close of the respective comment periods.

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

FOR FURTHER INFORMATION CONTACT: Teri Freundlich, Network Inquiry Special Staff, (202) 254–7030.

Released: January 31, 1980.

In the matter of inquiry into Commercial Television Network Practices, Docket No. 21049 (44 FR 61230, October 24, 1979.)

Pursuant to delegated authority, the co-directors of the Network Inquiry announce the availability of the Preliminary Report on Prospects for Additional Networks. The Preliminary Report describes the first of two steps of the Network Inquiry Special Staff's overall study of prospects for additional networks. It is accompanied by a series of appendices discussing spectrum management policies, multiple ownership, public broadcasting, interconnection of broadcasters, cable television, subscription television, multi-point distribution service, home video and direct broadcast satellites. These will be released either simultaneously with the preliminary report or shortly thereafter.

Note.—Copies of the report are available from the FCC's Office of Public Affairs.

Federal Communications Commission.

Thomas G. Krattenmaker,

Stanley M. Besen, Co-Directors, Network Inquiry Special Staff.

[FR Doc. 80-3790 Filed 2-5-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants Review of the Status of the Uncompahgre Fritillary Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of status review.

SUMMARY: The Service will review the status of the Uncompahgre Fritillary Butterfly (*Boloria* sp.) to determine if it should be added to the List of U.S. Engangered and Threatened Wildlife. A petition received by the Service has presented sufficient data to warrent this review. Information concerning the status of this species is solicited.

DATES: Information regarding the status of this species should be submitted on or before May 6, 1980.

ADDRESS: Information should be sent to the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (703) 235–2771.

SUPPLEMENTARY INFORMATION:

Background

On November 9, 1979, Mr. Lawrence F. Gall petitioned the U.S. fish and Wildlife Service to list the Upcompahgre Fritillary Butterfly (*Boloria* sp.) as threatened or endangered. Section 4(a) of the Endangered Species Act of 1973 states that the Secretary may determine a species to be endangered or threatened because of any of the following factors:

1. The present or threatened destruction, modification, or curtailment of its habitat or range;
2. Overutilization for commercial, sporting, scientific, or educational purposes;
3. Disease or predation;
4. The inadequacy of existing regulatory mechanisms; or
5. Other natural or man-made factors affecting its continued existence.

This authority has been delegated to the Director, Fish and Wildlife Service.

The Service has determined that, with respect to the Uncompahgre Fritillary Butterfly, the petition provides substantial evidence indicating that the species may be endangered or threatened because of factors 2 and 4.

This species is known only from a restricted area on Mount Uncompahgre, Hinsdale County, Colorado. The number of adults present during the short flight period has been estimated at less than 200 individuals. Since rare species of the Fritillary Butterfly genus *Boloria* are valued highly by collectors, it is believed that demand for this species will be high when it is described scientifically. Excessive collecting activity could also damage the butterfly's fragile high altitude environment.

The Service is seeking the views of the Governor of Colorado, and is soliciting from him information on the

status of the Uncompahgre Fritillary. Other interested parties are invited to submit any factual information to the above address, especially publications and written reports, which is germane to this status review. The information received in response to this notice of review will be used to determine if this species should be proposed for addition to the List of U.S. Endangered and Threatened Wildlife.

This notice of review was prepared by Dr. Michael M. Bentzien, Office of Endangered Species (703/235–1975).

Dated: January 31, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-3825 Filed 2-5-80; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Bell's Vireo; Notice of Review

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of Review of the Bell's Vireo (*Vireo bellii*).

SUMMARY: Notice is hereby given that the Service has accepted a petition to consider listing the California, Nevada, Utah, Arizona, and northwestern Mexico populations of the Bell's Vireo as either Endangered or Threatened. Further data on the present status, possible Critical Habitats, and impacts of such a designation are still required before the Service can propose listing this species in accordance with section 4 of the Endangered Species Act of 1973, as amended.

DATES: Information regarding the status, habitat, and impacts of such rules should be submitted on or before October 3, 1980.

ADDRESSES: Comments on this notice of status review should be addressed to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 703/235–2771.

SUPPLEMENTARY INFORMATION: On November 8, 1979, the Service received a petition to list two subspecies of the Bell's Vireo (*Vireo bellii*) from Mr. J. M. Greaves, Goleta, California. A review of the status of these two subspecies has been conducted and is summarized below. *Vireo bellii pusillus* had a breeding distribution from the Central Valley of California east through the Owen's Valley to Death Valley and southern California (Santa Barbara County east to south-central San Bernardino County) to northwestern Baja California; wintering records are presently known only from southern Baja California, Mexico. *Vireo belli arizonae* had a breeding distribution from southern Nevada and southwestern Utah, southward to southeastern California (Colorado River Valley), central Arizona, and southern Sonora, Mexico. So far as is known, this second subspecies winters in the tropical zone of Mexico from central Sonora and Baja California south to Colima. An estimate of the current (1978) California population by the petitioner for the subspecies *pusillus* is 100 pairs located in isolated pockets in southern California. Numerous searches throughout the former range of the California subspecies have not found them where they occurred prior to about 1950. Singing males are usually very conspicious and are easily found in areas which still have a remnant population.

The decline of the vireo was attributed to the loss of the special habitat required are reproductive losses from the parasitism of the brown-headed cowbird (*Molothrus ater*). Bell's Vireo nests in the early successional stages (principally willows) of riparian woodlands which are rapidly being lost. The cowbird has shown an increase in population in the American Southwest and has apparently only recently invaded the riparian habitat occupied by the vireo. The conclusion of the Service based upon this status review indicates that one or both of these subspecies may be candidates for a proposal as Endangered or Threatened under the protection of the Endangered Species Act of 1973, as amended.

The data presented by Mr. Greaves were substantial to make the petition acceptable to the Service under section 4 of the Endangered Species Act of 1973, as amended. However, insufficient data were presented to permit the Director to propose listing either subspecies as Endangered or Threatened or to propose any Critical Habitat. Some, but not all, of the information still required by the Service before the Director can consider proposing any rules are: complete distribution and numbers still extant in southwestern U.S. and northwestern Mexico, specific habitats that may be proposed as critical, economic and other impacts of designating such areas as Critical Habitats, and the documented impacts of the cowbird and loss of habitat to the vireo. Any person having information on the vireo's past or present distribution or rate of cowbird parasitism are urged to send their records to the Service. Any other information relevant to this review would also be welcomed. The purpose of the extended comment period is to allow for at least the 1980 nesting data to be gathered and submitted.

The primary author of this notice of review is Jay M. Sheppard, Office of Endangered Species (703/235–1975).

Dated: January 31, 1980.

Lynn A. Greenwalt,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-3824 Filed 2-5-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 651 and 611

Atlantic Butterfish Fishery, Fishery Management Plan; Proposed Regulations

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

ACTION: Proposed regulations.

SUMMARY: The Assistant Administrator for Fisheries has approved, with the exception of one provision, the Fishery Management Plan for the Butterfish Fishery of the Northwest Atlantic Ocean (FMP). The plan, published below, was prepared by the Mid-Atlantic Fishery Management Council and was approved in accordance with section 304 of the Fishery Conservation and Management Act of 1976, as amended. The FMP contains recommended measures which provide for: (1) Annual domestic and foreign catch quotas; (2) A fishing year; (3) Domestic vessel registration, recordkeeping and reporting requirements; (4) Criteria for reallocating portions of the domestic annual harvest to the total allowable level of foreign fishing; and (5) Continued control of foreign fishing under 50 CFR Part 611.

DATE: Comments are invited until March 21, 1980.

ADDRESS: Send comments to Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone: (617) 281–3600.

FOR FURTHER INFORMATION CONTACT: Same name and address as above.

SUPPLEMENTARY INFORMATION: The Assistant Administrator for Fisheries has approved, with the exception of one provision, the Fishery Management Plan

for the Butterfish Fishery of the Northwest Atlantic Ocean (FMP). The exception was the measure which would close two areas to butterfish fishing (XIII–2. Time and Area Restrictions). That measure was disapproved because the FMP did not include information demonstrating that the proposed area closures are necessary and appropriate. The plan was approved in accordance with section 304 of the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.*, and is published herewith.

This FMP was prepared by the Mid-Atlantic Fishery Management Council (Council) and has been found to be consistent with the National Standards as set forth in section 301 of the Act, the other provisions of the Act, and other applicable law.

The Fishery Management Plan for the Butterfish Fishery contains the following recommended management measures:

(1) Annual catch quotas for both domestic and foreign fisherman;

(2) A fishing year for Atlantic butterfish from April 1, 1979, through March 31, 1980;

(3) A domestic vessel registration, recordkeeping, and reporting system;

(4) Criteria for reallocating portions of the domestic annual harvest (DAH) to the total allowable level of foreign fishing (TALFF); and

(5) Continued control of foreign fishing under 50 CFR Part 611.

Comments on the FMP are invited for a 45-day period from the date of publication.

In the near future proposed regulations will be published in the **Federal Register** to implement the plan. Comments on these proposed regulations will be invited for a 45-day period from the date of publication. All comments on the FMP and proposed regulations after they are published, should be sent to: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone: (617) 281–3600.

This action was taken under a delegation of authority from the Secretary to the Assistant Administrator for Fisheries, NOAA.

An environmental impact statement on this FMP was filed with the Environmental Protection Agency on December 15, 1978.

Signed at Washington, D.C., this the 28th day of January, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

Fishery Management Plan for the Butterfish Fishery of the Norhtwest Atlantic Ocean—November 1979

Mid-Atlantic Fishery Management Council in Cooperation With New England Fishery Management Council, South Atlantic Fishery Management Council, National Marine Fisheries Service

Abreviations and Definitions Used in This Document

CFR—Code of Federal Regulations
cm—centimeter
EIS—Environmental Impact Statement
fathom—6 feet
FRG—Federal Republic of Germany
FCMA—Fishery Conservation and Management Act
FCZ—Fishery Conservation Zone
FMP—Fishery Management Plan
fishing year—the 12 month period beginning April 1
Fork Length—length of a fish as measured from the most anterior point to the end of the medium rays of the tail.
g—gram
GDR—German Democratic Republic
GIFA—Governing International Fishery
ICNAF—International Commission for the Northwest Atlantic Fisheries
km—kilometer
Knot—a unit of speed of one nautical mile (about 1.1 statute miles) per hour
mm—millimeter
mt—metric ton=2204.6 pounds
NMFS—National Marine Fisheries Service
NOAA—National Oceanic and Atmospheric Administration
OY—Optimum Yield
PMP—Preliminary Fishery Management Plan
SA—Subarea or Statistical Area
Secretary—Secretary of Commerce
TAC—Total Allowable Catch
TALFF—Total Allowable Level of Foreign Fishing
<—less than
≤—less than or equal to
>greater than
≥—greater than or equal to

II. Summary

Fishery Management Plan for the Butterfish Fishery of the Northwestern Atlantic Ocean.

II–1. Responsible Federal Agency

US Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

II–2. Name of Action

(X) Administrative ( ) Legislative

II–3. Description of the Action

The Fishery Conservation and Management Act of 1976 (FCMA), enacted and signed into law on April 13, 1976, established a fishery conservation zone and provided exclusive US regulation over all fishery resources except highly migratory species (i.e., tuna) within the zone. This management plan for the butterfish fishery of the northwestern Atlantic Ocean was prepared by the Mid-Atlantic Fishery Management Council in consultation with the New England and South Atlantic Fishery Management Councils in accordance with the FCMA. It replaces the Preliminary Fishery Management Plan currently in effect. The objectives of the plan are to:

1. Promote the growth of the US butterfish export industry;
2. Minimize cost of harvesting butterfish;
3. Increase employment opportunities for commercial fishermen;
4. Prevent exploitation of the resource beyound that level producing the maximum sustainable yield; and
5. Minimize costs of enforcement and management of the resource.

It is recommended that the following measures be adopted to achive the objectives:

1. That the fishing year 1979–1980 optimum yield for butterfish be set at 11,000 metric tons. US capacity for butterfish for the 1979–1980 fishing year has been predicted to be 7,000 metric tons. Foreign fishermen, therefore, will be allocated an initial surplus of 4,000 metric tons of butterfish.
2. That any owner/operator of a vessel (foreign or domestic) desiring to catch butterfish within the FCZ (other than individual US fishermen for their own use), or transport or deliver for sale any butterfish caught within the FCZ, possess a valid registration issued by the NMFS.
3. That foreign fishing for butterfish be governed by the restriction set forth in part 611 of Title 50, Code of Federal Regulations (the Foreign Fishing Regulations) in effect at the time of FMP implementation, and as they may be amended in the future.
4. That weekly catch reports of all species harvested be filed by domestic fishermen possessing a valid registration for the butterfish fishery (see Section XIV–2(a)), and that domestic dealers and processors submit weekly reports on transactions involving butterfish.
5. That any significant fraction of the US butterfish capacity not harvested by US fishermen be reallocated to foreign fishermen (see Section XIII–3).

Implementation of FMPs by the Secretary of Commerce has been defined as a major Federal action significantly affecting the environment.

II–4. Summary of Impact

The measures recommended in the plan will provide for the long-term viability of the butterrfish stock whole permitting and encouraging the domestic butterfish industry to develop fully. The proposed action recommended herein should have no adverse impact on the environment.

II–5. Alternatives

Alternatives not included in the plan are:

1. Increased/Decreased Optimum Yield (OY)—The proposed optimum yield (OY) represents the best balance of possible catch levels consistent with the attainment of the

objectives of this FMP (see Section XII). The probable biological consequences of an increased or decreased optimum yield are described in Sections V–2 and V–3. The "practical" maximum sustainable yield for butterfish, under present fishery conditions, is approximately 16,000 metric tons, and the stock currently appears able to sustain an unnual harvest of that magnitude, barring any significant declines in future recruitment. An increased OY might also result in an increased TALFF for butterfish. The US fishery for butterfish for export is presently in its initial stages, but is growing rapidly. A large TALFF for butterfish might hinder the development of this export industry. Decreasing the OY beneath 11,000 metric tons would not be of significant bilogical advantage, but would result in the unwarranted restriction of either the US butterfish fishery, the foreign squid fishery, or both, and would not significantly further the growth of the US export fishery.

2. Increased/decreased US Capacity—The US capacity estimate proposed in this FMP represents the best prediction of domestic harvest for this species during the proposed 1979–1980 fishing year, based upon information received to date by the Mid-Atlantic Fishery Management Council (see in Section VIII, "Rhode Island Commercial Fishery").

3. Take No Action At This Time—This alternative would mean that the Preliminary Fishery Management Plan prepared by the NMFS would continue in force. Since the PMP for 1979 proposes an OY and a US capacity significantly in excess of that proposed by this FMP, it is likely that continuation of the PMP wold result in a large reallocation of butterfish to foreign fleets at the end of calendar year 1979. This would significantly undermine the stability and development of the US fishery, because foreign demand for US caught butterfish will be largely contingent upon an anticipated reallocation. Establishment of the OY proposed in this FMP, therefore, will protect US interests in this regard, by eliminating any possibility of a huge reallocation to foreign fleets.

The PMP regulates foreign, but not domestic, fishermen. The effect of this alternative would be that data that would be collected on domestic fishing and processing efforts as a result of this plan could not be collected as effectively, and that assessments of the scope and development of the domestic fishery would not be as accurate as they would be with the FMP.

4. Selection of Management Unit—The FCMA dictates that each FMP identify a specific management unit for each subject species. It is desirable for management purposes that such management unit include as much of a stock and/or fishery as possible.

One factor which influences the selection of a management unit is political boundaries. States jurisdictions within the territorial sea must be considered, as must the jurisdictions of other nations as they relate to US management of each resource. The US and Canada presently are engaged in negotiations to determine the demarcation of each nation's 200 mile fishing zone. One possible outcome of these negotiations may include American fisheries in Canadian waters (and/or vice versa). A ratified bilateral fisheries or boundary agreement will supercede the provisions of a FMP if conflicts exist. It is impossible to anticipate all possible outcomes of any agreement in a timely fashion, given the amount of time necessary to develop, implement and update US fishery management plans. It is therefore necessary, until such time as a permanent agreement is concluded, that a FMP for any species which is even marginally transboundary in its distribution, or which may be the explicit subject of a bilateral agreement, adopt a legally flexible management unit. This FMP is based on a management unit defined as all butterfish under US jurisdiction north of Cape Hatteras. Other alternative management units for this FMP are:

(a) Butterfish Within the FCZ North of Cape Hatteras—Selection of this option would limit the jurisdication of this FMP to the fishery for butterfish within the FCZ only. (All Management unit options for butterfish do not extend south of Cape Hatteras because the important fishery for this species does not extend south of that point and because the assesments upon which this FMP was based were performed for the area north of Cape Hatteras.) This management unit would ignore the significant fraction of the fishery and stock which occurs within the territorial sea. This option also does not anticipate management conflicts which might arise from the US/Canadian fishery negotiations.

(b) Butterfish Within All US Waters North of Cape Hatteras—This option includes virtually the entire butterfish stock and fishery, but does not have the inherent flexibility necessary to coordinate this FMP with a possible US/Canadian bilateral agreement. For example, this management unit could not include any possible US fishing effort for butterfish within Canadian waters, should such effort ever occur.

5. Other Management Measures—The Council has considered the use of other management measures and fishing regulations in order to determine if such are necessary or desirable to attain the management objectives, optimum yield, US capacity, or TALFF proposed by this FMP. This option includes such measures as gear, area, season, and other fishing regulations. It is the opinion of the Council that no management measures other than quota regulations and the Foreign Fishing Regulations are necessary at this time. Institution of other measures at this time would be of no management advantage for the domestic fishery and would lead to unwarranted increased cost of enforcement this FMP.

Further discussion of these alternatives is presented in Section XII–2.

II–6. List of Agencies From Which Comments Have Been Requested

Agency:	Comment received
Senate Commerce Committee	
House Merchant Marine and Fisheries Committee	
Department of State	×
Department of Commerce:	
National Marine Fisheries Service—NOAA	×
Office of Coastal Zone Management—NOAA	
Department of the Interior:	
U.S. Fish and Wildlife Service	×
Bureau of Land Management	
U.S. Department of Transportation, U.S. Coast Guard	×
Environmental Protection Agency	
The States of Maine through North Carolina	
New England Fishery Management Council	
South Atlantic Fishery Management Council	

II–7. Dates

Hearings: September 20, 1978, Norfolk, Virginia; September 21, 1978, Ocean City, Maryland; September 26, 1978, Cape May, New Jersey; September 27, 1978, Asbury Park, New Jersey; September 28, 1978, Centerreach, New York; October 3, 1978, Pt. Judith, Rhode Island; October 4, 1978, Gloucester, Massachusetts; October 5, 1978, Portland, Maine.

Final environmental impact statement to Environmental Protection Agency: Dec. 15, 1978.

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IV. Introduction

IV–1. Development of the Plan

This management plan for butterfish was prepared by the Mid-Atlantic Fishery Management Council in cooperation with the New England and South Atlantic Fishery Management Councils. It contains management measures to regulate fishing for butterfish and an environmental impact statement (EIS) prepared in accordance with the National Environmental Policy Act of 1969 (P.L. 91–190). Section 102(2) of P.L. 91–190 requires the preparation of an EIS in the case of major Federal actions that may significantly affect the quality of the human environment. Implementation by the Secretary of Commerce or her delegate of the management measures contained in this plan to regulate the foreign and domestic harvesting of butterfish will constitute such a major Federal action.

This fishery management plan, once approved and implemented by the Secretary of Commerce, will establish regulations on both foreign and domestic fleets harvesting butterfish within the FCZ and will supersede the PMP currently in effect.

IV–2. Overall Management Objectives

The Mid-Atlantic Council adopted the following goals to guide management and development of the butterfish fishery in the northwestern Atlantic. They are:

1. Promote the growth of the US butterfish export industry;
2. Minimize costs of harvesting butterfish;
3. Increase employment opportunities for commercial fishermen;
4. Prevent exploitation of the resource beyond that level producing the maximum sustainable yield; and
5. Minimize costs of enforcement and management of the resource.

V. Description of the Stocks

V–1. Species or Group of Species and Their Distribution

Butterfish (*Peprilus triacanthus*) range from Nova Scotia to South Carolina (Bigelow and Schroeder, 1953). This species has also been observed in deeper offshore waters off Cape Hatteras and Florida, and infrequently as far north as Prince Edward Island (Nichols and Breder, 1927; Needler, 1938; Murawski *et al.*, 1978).

The seasonal distribution of butterfish is similar to that of scup (*Stenotomus chrysops*), Atlantic mackerel (*Scomber scombrus*), weakfish (*Cynoscion regalis*), and long-finned squid (*Loligo pealei*). Butterfish north of Cape Hatteras display definite migratory patterns in response to water temperatures. Horn (1970), Waring (1975) and Fritz (1965) concluded on the basis of distribution of survey catches that summer movements of butterfish are both inshore and northward. Butterfish south of Cape Hatteras evidence no strong inshore-offshore migrations (Murawski *et al.*, 1978).

Butterfish travel in small schools, usually near the surface when inshore during the warm months. Bigelow and Schroeder (1953) state that butterfish "seldom descend deeper than 15 to 30 fathoms during the summer," and the northern component of this stock spends winter and early spring offshore and near the bottom.

Water temperature is probably the most significant factor affecting butterfish distribution. In winter in the Mid-Atlantic area, butterfish appear in water 660–690 feet (200–210 m) deep, at the edge of the Continental Shelf (Horn, 1970; Bigelow and Schroeder, 1953). South of New York Bight, from New Jersey to the Chesapeake Bay, butterfish overwinter along the 100 fathom (600 feet) contour (Heald, 1968). Butterfish appear off Rhode Island by the end of April, at Cape Cod by May, and arrive in the Gulf of Maine usually by June.

Meristic and morphometric studies by Caldwell (1961) and Horn (1970) have concluded that depth isolated populations of butterfish exist in the Atlantic. Caldwell (1961) proposed one population south of Cape Hatteras to Florida, distributed to 22 meters, and another group in all waters north of Cape Hatteras and deeper than 22 meters to the south. Horn (1970) examined specimens from both localities and concluded the two groups were distinct. For the purposes of this fishery management plan, all reported distant water fleet (foreign) catches and US landings north of Cape Hatteras are considered to come from the northern stock.

V–2. Abundance and Present Condition [1]

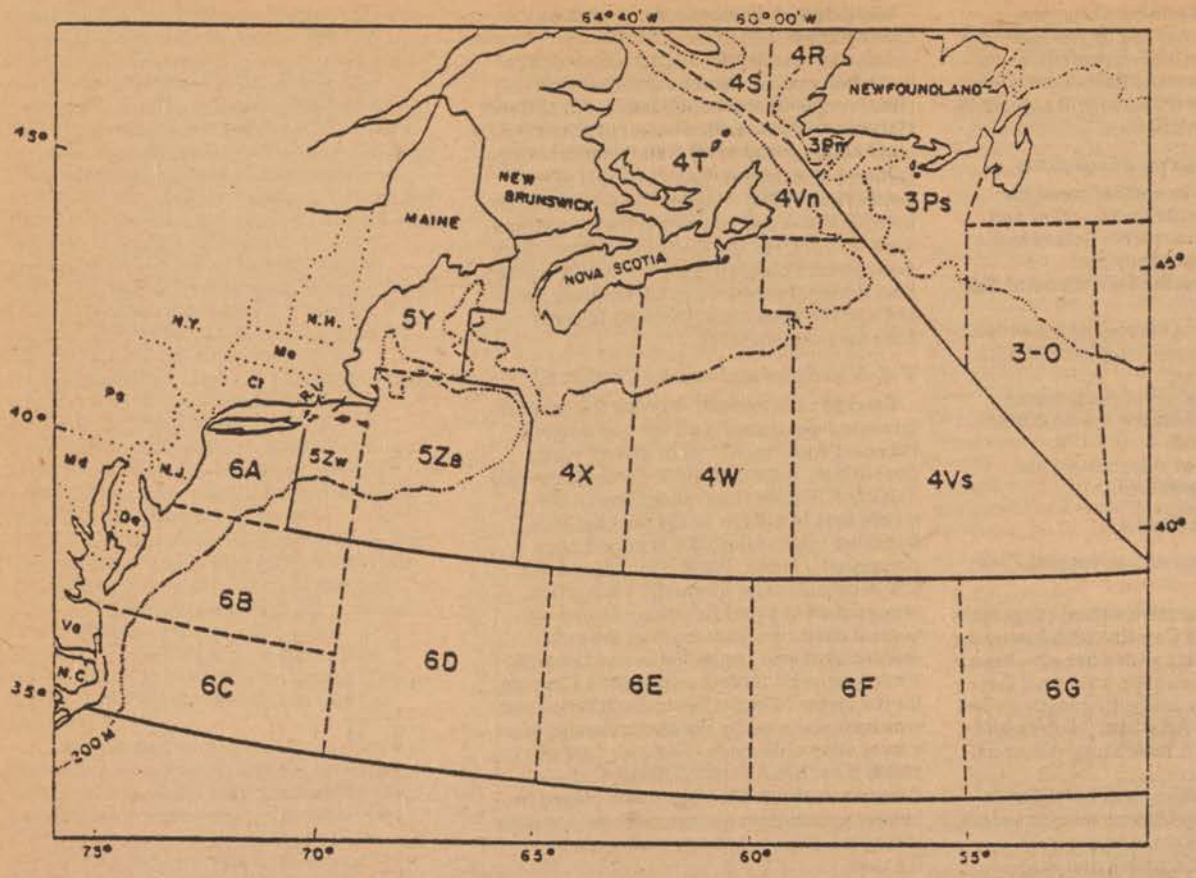
Catches of butterfish, *Peprilus triacanthus*, increased significantly off the northeastern US coast with the advent of distant water fleet fishing activity in 1963. Catches reported to ICNAF (Figure 1) increased from 3,209 metric tons in 1964 to 19,454 tons by 1973. Reported catches during this period were primarily by Japan, USSR, Poland, and the US. A considerable by-catch of butterfish was evident in squid fisheries pursued by several countries, with much of the catch discarded at sea (Lopez-Veiga and Labarta, 1975; Nagasaki, 1976; Waring, 1975). Concern for the status of butterfish in the ICNAF area was demonstrated by the recommendation of a total allowable catch (TAC) for 1977 of 18,000 tons (ICNAF, 1977; US Dept. of Commerce, 1976). This figure was judged to be precautionary in nature, since as adequate biological assessment was not available at the time.

The following discussion integrates available biological data with US research survey information and commercial catch statistics to determine the present status of the population, and harvests resulting from varying assumptions of population parameters, and size at selection by fishing gear.

Age and Growth—DuPaul and McEachran (1973) reported that butterfish in the Chesapeake Bay are fully recruited to the spawning population at the end of their second year, as 37 of 56 age 1 fish examined were maturing, and all age 2 individuals were in spent or resting condition. Studies of age at maturity in other areas have not been conducted. Wilk *et al.* (1975) reported that from March to June immature or indeterminate specimens comprised 12.5–35.8% of samples in the New York Bight. It can therefore be inferred that all individuals are not necessarily mature at the end of their first year.

BILLING CODE 3510-22-M

[1] The following sections were taken from Murawski and Waring (1978a), and updated by excerpts from Murawski and Waring (1978b) as noted.



Regulatory And Statistical Subareas And Divisions Established By The International Commission For The Northwest Atlantic Fisheries Off The United States Coast And Part Of Canada

BILLING CODE 3510-22-C

Age and growth studies of butterfish have been conducted by Draganik and Zukowski (1966), DuPaul and McEachran (1973), Waring (1975), and Kawahara (1977). In the latter three studies the population was composed of four age groups (0+–3+), while Draganik and Zukowski reported the maximum age as six. Back-calculated lengths at age were significantly smaller within Chesapeake Bay (DuPaul and McEachran, 1973) than farther offshore (Kawahara, 1977). Predictive equations describing growth characteristics of the population, given by Kawahara (1977) are:

$l_t = 210.2[1 - \exp(-0.8618(t + 0.0699))]$

and

$w = 1.635 \times 10^{-6} L^{3.4920}$

(fork length in mm, total weight in grams). According to the von Bertalanffy equation, growth is fastest during the first year and incremental increases in length are smaller as the fish age. The value of K is quite high, as is characteristic of fast-growing, short-lived fishes.

Development of the Fishery

Butterfish off the northeastern US coast were landed entirely by US fishermen during the period 1920–1962, with catches averaging 3,500 tons per annum (Waring, 1975). From 1963 to 1967 yearly production fluctuated around 5,000 tons. After 1967, reported catches increased dramatically, peaking in 1969 (17,506 tons) and again in 1973 (19,454 tons) (Figure 2; Table 1). Japan, USSR, Poland and the US accounted for most of the catches during recent years.

Catches by the US primarily were taken after the spawning season when butterfish are inshore. Seasonal domestic landings were greatest in early autumn (Waring, 1975). Japanese landings coincident with the offshore *Loligo* fishery, were taken from November to April with maximum production in November and January (Kawahara, 1977). Virtually no butterfish were landed by foreign fleets during summer when the resource is inshore and available to the domestic fishermen.

By-catch of butterfish during the *Loligo* fishery is considered to be significant. Lopez-Veiga and Labarta (1975) stated that butterfish is the main species in the by-catch of both the Spanish *Loligo* and *Illex* fisheries, although Spain has never reported any butterfish catches (Waring, 1975). Data presented by Lopez-Veiga and Labarta indicate that the monthly by-catch ranged from 3.15% (February) to 38.2% (September) of the entire catch in the directed squid fisheries during 1973 and early 1974. Italy has landed significant quantities of squid in the ICNAF area since 1972, however, their butterfish catches have also not been documented (Tibbetts, 1977; Waring, 1975).

Nagasaki (1976) reported the ability of Japanese fleets to direct effort at either *Loligo* or butterfish, when the inhabit the same ground. However, the following evidence suggests that the ratio of *Loligo* to butterfish in Japanese catches was similar to the annual relative species abundance for the period of 1969–1975.

The average ratio (Kg/tow) of *Loligo* to butterfish was calculated for NMFS spring and autumn research vessel surveys from 1969–1975. Indices were developed for the combined Southern New England and Middle Atlantic strata (Tibbetts, 1977). Butterfish catches from the spring surveys (in weight) from 1973–1975 were divided by a factor of 1.35 to account for the larger survey net used, but *Loligo* catches required no adjustment (Sissenwine and Bowman, 1977). Spring and autumn survey ratios were averaged to yield a value applicable to the entire year. The surveys bracket the Japanese fishing season, hence the index has a functional relationship to the commercial catches. The ratio of *Loligo*/butterfish landings reported by Japan was plotted vs. the survey ratio, resulting in a linear correlation (Figure 3). The 1972 point indicated a much higher ratio of *Loligo* to butterfish in the Japanese commercial catch than in the surveys, perhaps due to some discarding of butterfish in that year (when Japanese *Loligo* catches peaked). Commercial catch ratios for other countries landing both *Loligo* and butterfish in 1972 (e.g., US, Bulgaria, and the USSR) more closely approximated the survey data than the Japanese catches. Thus, the 1972 data were omitted from the regression analysis. The implications of the calculated relation are: (1) Japan probably discarded little of its catch of marketable butterfish during the period (excluding 1972), (2) Japanese fisheries are opportunistic, with landings reflecting availability, (3) if other countries reporting *Loligo* but not butterfish landings do not discard squid, then butterfish by-catch can be approximated from survey ratios. Accordingly, reported catches were adjusted upward using survey ratios to account for butterfish discards of those countries reporting only *Loligo*. The resulting total catches are listed in Table 1. The most significant change was in 1973, when the total catch increased 70.84% to 33,236 tons. The adjusted figures must also be regarded as underestimates of total catch, since there are no data on discards by those countries reporting butterfish landings.

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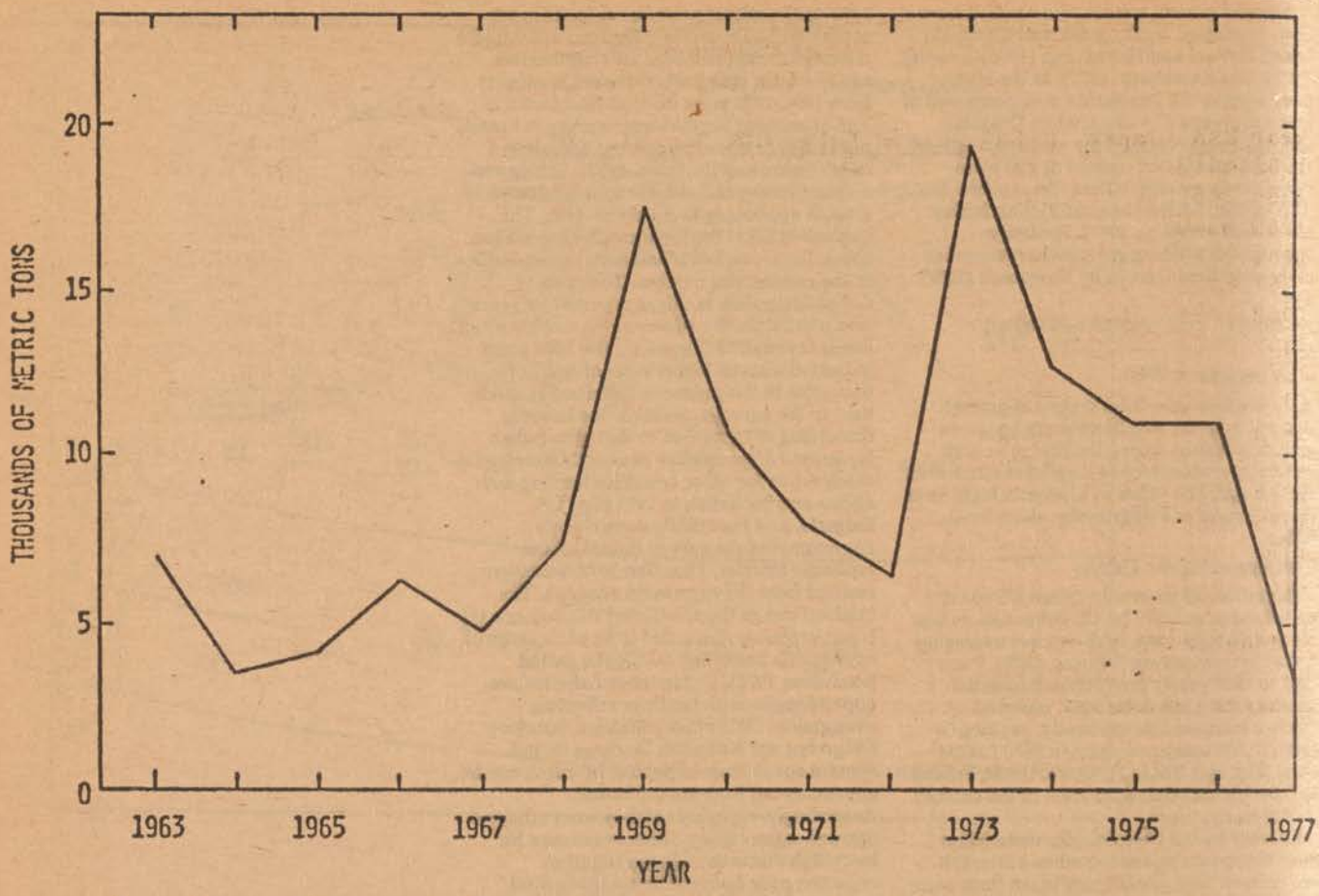

TOTAL REPORTED BUTTERFISH CATCHES FROM ICNAF SUBAREAS 4 - 5 AND STATISTICAL AREA 6
1963 - 1977

FIGURE 2

Table 1. Nominal Landings, ICNAF SA 4-6, by Country, and Adjusted Total Catches[1], 1963-1977
(in metric tons)

Year	USA	Japan	USSR	Poland	Bulg.	GDR	Romania	Others	Nominal Total	Adj. Catch
1963	4513		2285						6798	7083
1964	2461		1011						3209	3209
1965	3340		749						4089	4089
1966	2615		3865						6480	6480
1967	2452	146	2170						4768	4768
1968	1804	3526	1911						7241	7241
1969	2433	3930	11107		36				17506	17816
1970	1869	8624	404						10897	14319
1971	1570	5771	486		26				7853	10483
1972	819	3675	1848		114	34			6490	13040
1973	1557	12172	2234	2804	239	196	152		19454	33236
1974	2528	5457	1372	3508					12865	17993
1975	2088	3624	798	3754	298	1		612	11166	14852
1976	1528	7884	420	1518	4	3	62		11419	15837
1977	1447	1750	419	280			16	381	4293	4293

[1]Adjusted to account for discards of countries not reporting butterfish catches from the Loligo fishery.
Source: Murawski and Waring (1978b)

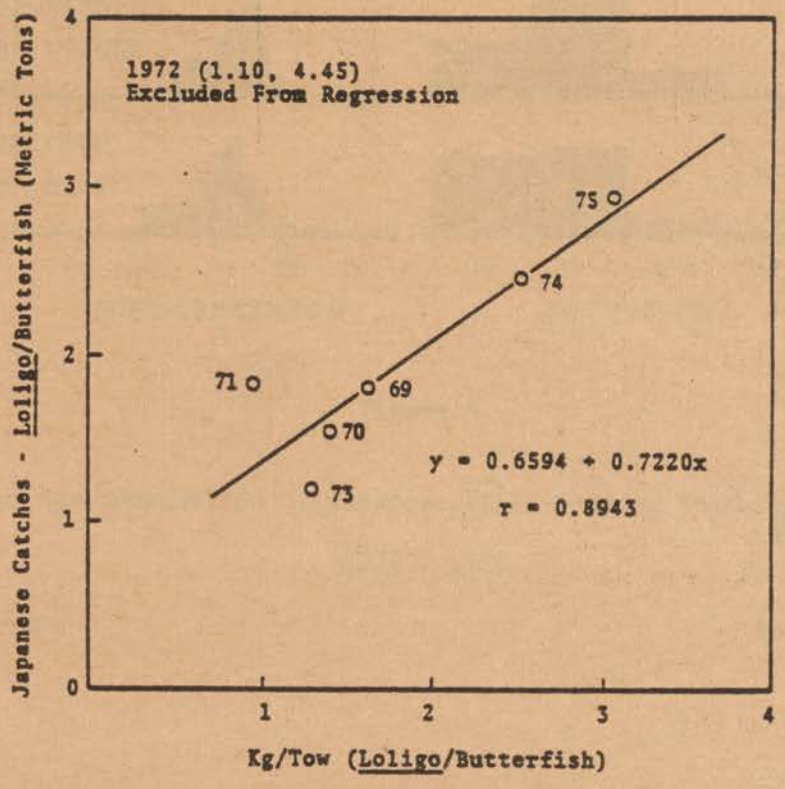

Figure 3

Ratio Of Loligo To Butterfish In US Research Vessel Surveys Vs. Japanese Catches

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Dynamics of the Population

Age Composition of the Catch. Length frequency sampling of butterfish catches by ICNAF member countries has been quite limited. Frequencies have been supplied by Japan, the USSR, and the U.S. Japan has provided first quarter frequencies since 1970; however, data reported for other quarters, and by the other countries has been intermittent. Since at least one length sample was reported for each quarter, beginning in 1970, all samples within a quarter were combined, weighting by individual sample size, to yield an overall quarterly frequency distribution. The length composition of the catches in 1968 and 1969 were derived from semi-annual NMFS research survey samples. Age frequencies were then calculated by applying the quarterly age/length keys of Kawahara (1977) to the length frequencies.

Japanese first quarter length and age frequencies from 1970–1976 are presented in Figure 4. The age distribution of the catch remained stable from 1970–1972, with 1+ individuals dominating the catch. A considerable proportion of the landings in 1973 were of those fish spawned the previous summer. From 1974–1976 age 0+ and 1+ fish were essentially co-dominant in the samples. Thus, a trend of decreasing age at recruitment is notable since 1970.

The annual catch in numbers at age was calculated in the following manner. The age composition in weight of each quarterly sample was derived by multiplying the percent age distribution in numbers by the mean weight at age (Table 2, determined by Kawahara, 1977), and dividing by the sum over all ages. The proportion at each age (in weight) was then multiplied by the commercial catch, yielding estimates of the total catch by age. Finally, the annual number caught in each age class was calculated by dividing the total catch at age by the average weight, and summing the quarterly estimates.

The calculated annual catches (numbers of fish) by year-class for the period 1968–1976 are presented in Table 3. Total catches were largest in 1973, followed by 1974, 1969, and 1976. The mean weight of fish landed was calculated by dividing the total catch by the number caught. Mean weights were greatest in 1970 and 1974, and smallest in value in 1968 and 1973.

1977 Survey Abundance Indices. The relative abundance of butterfish was calculated from U.S. research vessel surveys utilizing data for the Southern New England and Middle Atlantic strata (1–12, 61–76; Grosslein *et al.* 1973). Survey catches from Georges Bank were not included in the analysis since catches there were smaller and less consistent than those further to the south. The mean catch per tow in numbers and weight (linear, $\log_e N+1$) was first calculated, then $\log_e$ values were retransformed according to Bliss (1967). Estimates of the autmun abundance are given in Table 4 and Figure 5. Variations in numbers per tow parallel corresponding calculations in weight. Largest retransformed catches (in weight) were in 1976, followed by 1973, and 1968, while butterfish catches were smallest in 1970, and 1972. Retransformed numbers per tow peaked in 1976, 1973 and 1971, and were low in 1970 and 1972. Autumn survey indices generally correlate well with fluctuations in annual commercial catch (Table 1).

Table 2.—*Mean Butterfish Weight (Kg)* [1] *by Calendar Quarter*

Age	July–Sept.	Oct.–Dec.	Jan.–Mar.	Apr.–June
0+	.....	0.040	0.047	0.555
1+	0.056	0.101	0.104	0.104
2+	0.099	0.153	0.163	0.152
3+	0.1501	0.222	0.219	0.183

[1] Adjusted from 0.111 Kg.

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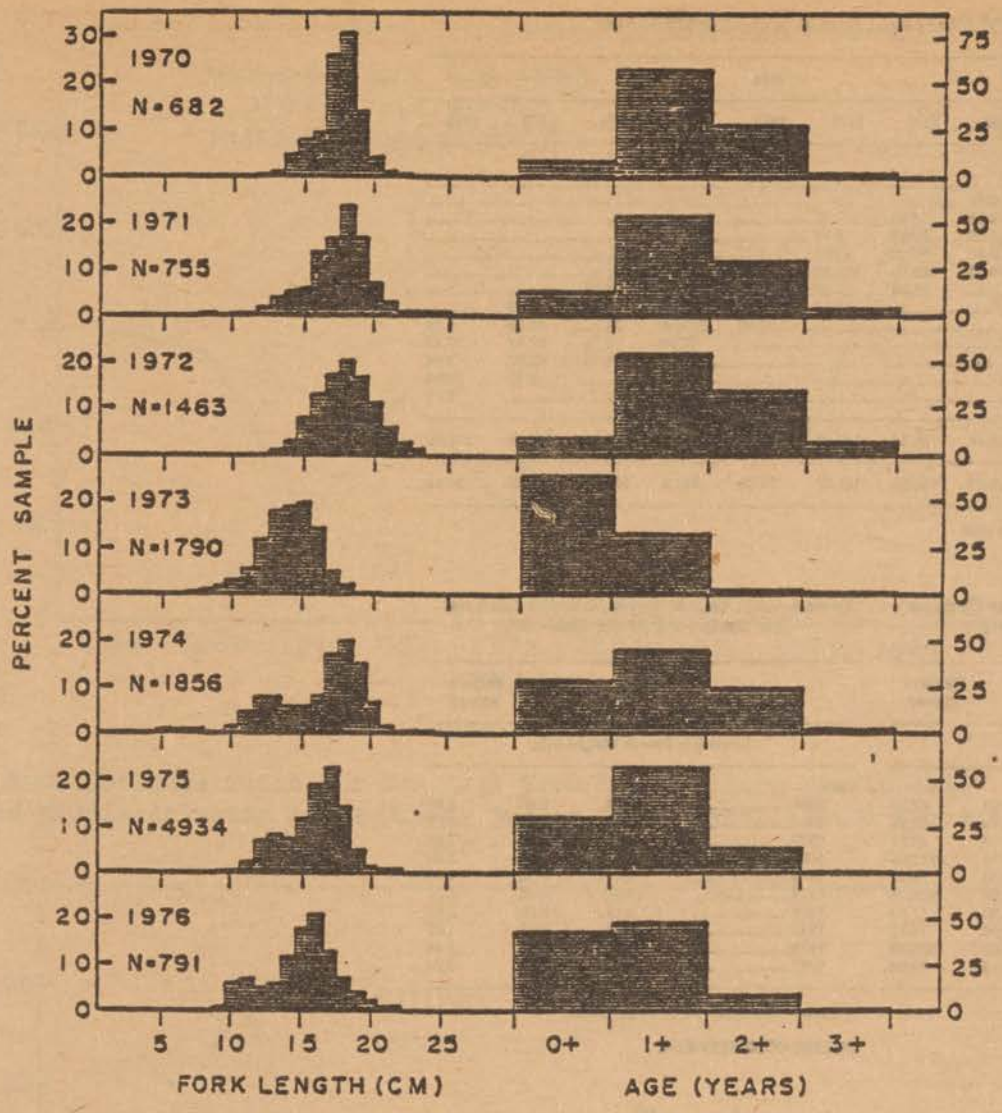

Figure 4

Length And Age Composition Of Japanese First-Quarter Butterfish Samples

1970 - 1976

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Table 3.—*Butterfish Catch ($x10^{-6}$ Fish), ICNAF SA 4–6, 1968–1976*

	Year								
	1968	1969	1970	1971	1972	1973	1974	1975	1976
Year class:									
1964	0.02								
1965	3.94	0.03							
1966	19.80	8.05	1.45						
1967	68.11	51.03	23.97	2.31					
1968	10.90	109.81	58.95	19.45	4.47				
1969		9.51	39.86	43.88	25.30	0.21			
1970			13.89	27.27	44.57	7.06	3.03		
1971				10.55	25.60	87.90	30.87	1.43	
1972					39.09	309.84	74.87	18.35	3.26
1973						55.04	65.76	67.67	17.49
1974							21.66	63.32	74.08
1975								5.30	75.09
1976									0.71
Σ[1]	102.77	178.44	138.12	103.46	139.02	460.05	196.19	156.06	170.62
ω(g)	70.46	99.85	103.68	101.32	93.80	72.24	103.09	95.17	92.82

[1] Totals may not equal Σ due to rounding error.

Table 4.—*Autumn U.S. Survey Butterfish Catch per Tow, Strata 1–12, 61–76, 1968–1977*

	Linear	Log_e	Retransformed
Catch Per Tow in Numbers			
Year:			
1968	121.09	1.99	47.28
1969	76.93	2.16	57.25
1970	48.29	1.13	10.74
1971	242.17	2.19	112.00
1972	86.67	1.36	20.11
1973	178.03	2.35	124.08
1974	116.32	1.95	77.52
1975	52.47	1.69	36.19
1976	160.31	2.32	156.60
1977	94.69	1.99	69.33

Table 4.—*Autumn U.S. Survey Butterfish Catch per Tow, Strata 1–12, 61–76, 1968–1977*

	Linear	Log_e	Retransformed
Catch per Tow in Weight (Kg)			
Year:			
1968	10.44	0.66	2.91
1969	5.32	0.66	2.72
1970	3.07	0.34	1.06
1971	5.45	0.58	2.29
1972	3.21	0.36	1.16
1973	8.39	0.75	3.70
1974	5.12	0.66	2.66
1975	2.94	0.58	1.80
1976	6.71	0.86	4.15
1977	6.87	0.70	3.24

SOURCE: Murawski and Waring (1978b).

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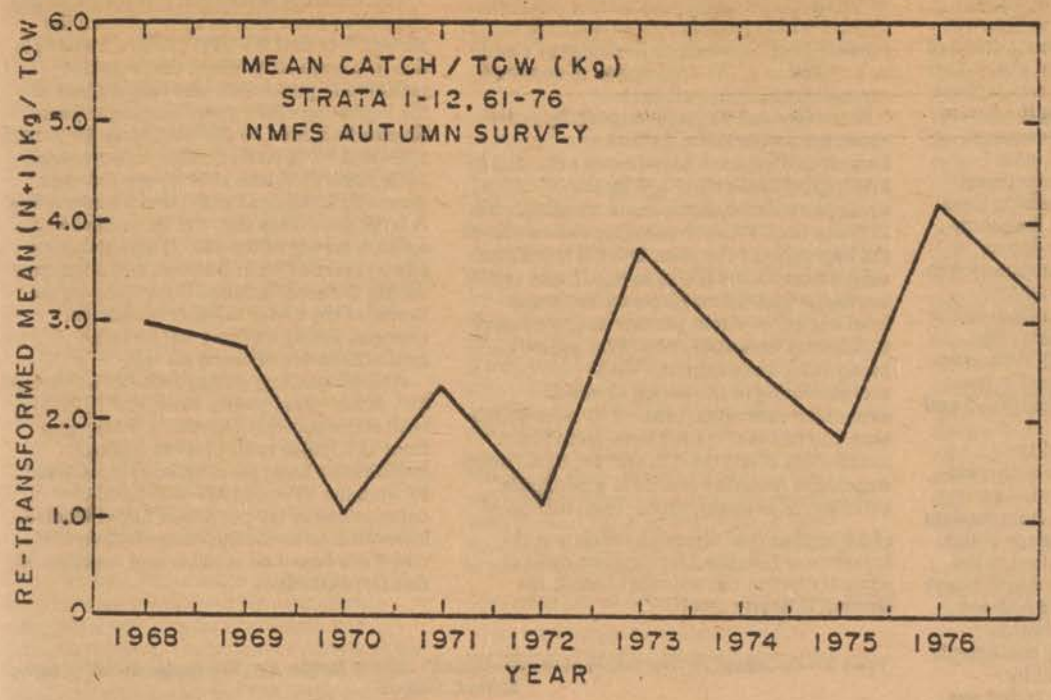

Figure 5

Retransformed Catch Per Tow (kg) From The Southern New England And Middle Atlantic Areas During Autumn US Research Vessel Surveys 1968 - 1977

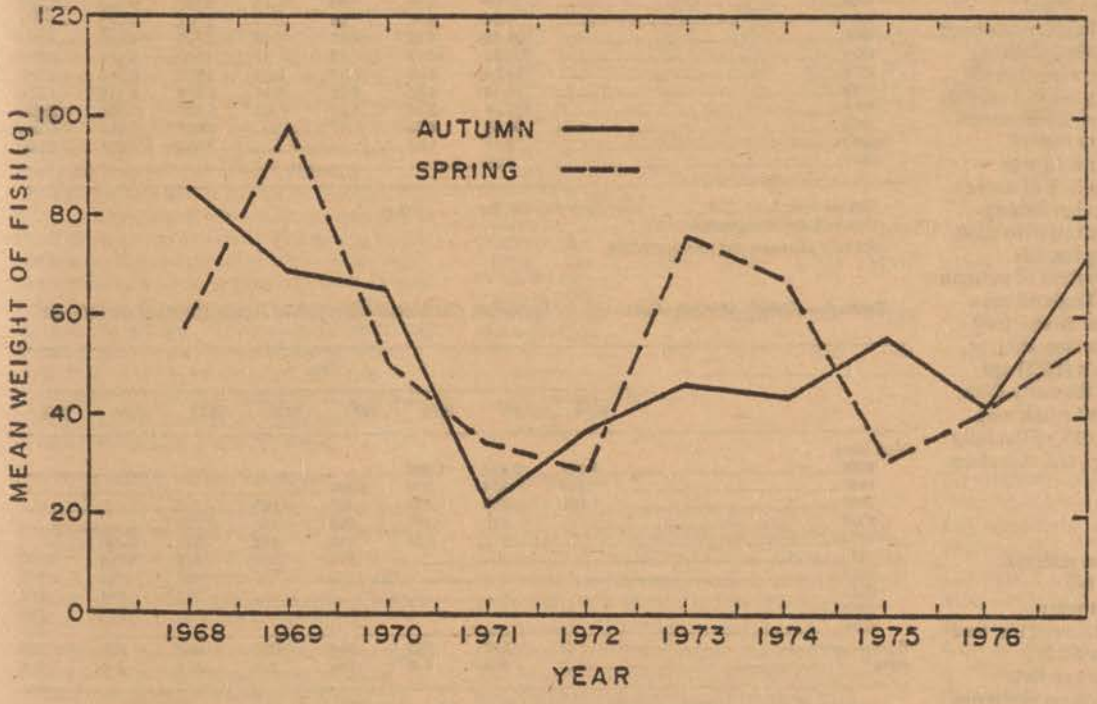

Figure 6

Mean Weight Of Butterfish (g) Taken From The Southern New England And Middle Atlantic Areas During US Research Vessel Surveys 1968 - 1977

The mean weight of individuals caught during the surveys is expressed in Figure 6. Both spring and autumn data show a trend of smaller average weights in recent years. This decrease may be attributable to two factors: (1) large year-classes dominating the survey catches as juveniles and (2) a decrease in mean weight as fishing becomes more intense. Although differential recruitment may play an important role in causing large fluctuations in mean weight, the long-term trend of smaller fish is probably due to increased fishing pressure. The autumn mean weight has averaged 41.43 g (about 1.5 ounces) since 1972, a figure quite close to the average weight of 0+ individuals in the fourth calendar quarter (Table 2). Estimates of average weight in the spring and autumn 1976 samples were nearly identical (41.82 and 41.86 g, respectively).

The total instantaneous mortality coefficient (Z) was estimated for each year-class from 1968–1975, utilizing spring survey mean catch per tow in numbers. Autumn data were not useful in this analysis since at this time juveniles are not fully recruited to the offshore areas. Spring frequency distributions of catch per tow were partitioned into age classes utilizing the age/length key of Kawahara (1977). Total mortality coefficients of each year-class were computed by regressing $\log_e$ number at age vs. coded age (Table 5). The increase in total mortality since 1968 has coincided with the tremendous rise in landings associated with the advent of distant water fleet activity.

Virtual Population Analysis

Stock size at the beginning of each year (1968–1976) was computed by virtual population analysis (Pope, 1972). Calculations of stock size for short-lived fishes utilizing this technique are particularly sensitive to values of the natural mortality coefficient (M) and starting fishing mortalities (F). Since no studies of the natural mortality rate of butterfish have been conducted, M was deduced from the age composition of survey catches prior to the heavy foreign fishing pressure. The surveys were initiated in 1963, the first year of foreign fishing for this species. The frequency distribution of autumn catches in the Southern New England area indicates larger individuals (to 30 cm, fork length) were in the population then than at present. Assuming Kawahara's (1977) age/length keys are applicable to the early data, the age composition of the 1963 catch was computed. Approximately 15.03% of the fully recruited fish were three years old, therefore:

$$Z = \frac{-\log_e 0.1503}{t - t_c} = \frac{1.8951}{3-1} = 0.95$$

If fishing mortality in 1963 was minimal ($\approx$0.2), then M approximates 0.8.

Virtual population analyses were conducted with an initial M value of 0.8, and starting Fs for each year-class scaled according to Z values from survey data (Table 5). Additional computations were run with M equalling 0.6, 1.0 and 1.2 to assess the sensitivity of stock size estimates to this parameter.

Fishing mortality rates derived from the VPA with M = 0.8 are listed in Table 6. Mean mortality rates increased substantially from 1968 (.213) to 1974 (.872). Relatively large variations in Fs occur among fully recruited cohorts within years, perhaps due to the sensitivity of the analysis to starting Fs and/or a violation of the assumption of constant natural mortality for all ages.

Stock size estimates (numbers), by year-class, are presented in Table 7. Corresponding stock biomass was derived by multiplying numbers at age by the appropriate first quarter mean weight (Table 2), since the VPA estimates population size at the beginning of the year. Overall stock size varied from 31,896 (1976) to 70,631 tons (1973), averaging 53,571 tons. Biomass estimates from expanded catch per tow data averaged 61,360 tons from 1969–1973 (Waring, 1975). Mean stock sizes from the VPA corresponding to the period of areal expansion estimates (1968–1973) were 40,483 tons, 61,762 tons, 113,162 tons, and 190,571 tons for Ms of 0.6, 0.8, 1.0, and 1.2. Since areal expansion probably results in a minimum estimate, M is apparently at least 0.8. An M of 0.8 implies that the catch efficiency of survey gear (adjusted for daytime catches when butterfish concentrate close to the bottom) is nearly 100%.

The apparent discrepancy in the estimates of relative stock size in 1976 between the survey data and the VPA (Tables 4 and 7) is due to a large 1976 cohort that was not reflected in population size calculations at the beginning of the year. The larger year-classes indicated by the VPA were 1972, 1968, 1971, and 1973, while smaller cohorts were 1975, 1969, 1970, and 1974. These data are generally consistent with survey information. A large year-class may not be evident in the autumn survey of the year it was spawned since juvenile fish are concentrated inshore during the early autumn. Depending on the timing of the cruise relative to climatic changes, young fish may not be fully available to the offshore survey.

Annual landings during 1968–1976 averaged 31% of the initial yearly stock size (Table 7), with the proportion harvested (P) ranging from 18% (1968) to 50% (1976). Annual exploitation rates (E, calculated from mean Fs from the VPA and M = 0.8) parallel calculations of the portion of initial biomass harvested, even though computations of P and E are based on weights and numbers of fish respectively.

Table 5.—*Calculation of Total Instantaneous Mortality (Z) Utilizing Number Per Tow by Age for NMFS Spring Surveys, 1968–78*

	Stratified No. per tow at age—				Regression coefficients for $\log_e$ No./tow vs. coded age[1]		
	0+	1+	2+	3+	r^2	a	b(= −Z)
Year class:							
1968	11.66	2.96	1.30	[2] .01	0.980	3.462	−1.097
1969	10.04	2.36	1.24	0.31	0.981	3.322	−1.108
1970	26.36	4.22	8.00	0.33	0.768	4.546	−1.250
1971	313.31	40.17	[2] .78	[2] .17	1.000	7.801	−2.054
1972	44.09	9.05	1.89	0.18	0.989	5.745	−1.807
1973	22.12	6.88	1.82	0.18	0.972	4.918	−1.576
1974	162.24	5.12	1.04	[2] .03	0.957	7.304	−2.524
1975	36.40	4.39	0.37		0.998	5.949	−2.294
1976	4.21	1.93			1.000	2.217	−0.780
1977	4.25						

[1]Coded Ages $A_i = 1, 2, 3 \ldots\ldots n$ for Ages 0+, 1+, 2+ . . . . . N+.
[2]Not included in regression.
SOURCE: Murawski and Waring (1968b).

Table 6.—*Fishing Mortality Rates (F) for Butterfish, Calculated From Virtual Population Analysis (M=0.8)*

	Year							
	1968	1969	1970	1971	1972	1973	1974	1975
Year class:								
1966	0.361	0.494	0.300					
1967	.191	.424	.776	0.300				
1968	.009	.235	.376	.407	0.300			
1969		.017	.171	.590	2.582	0.300		
1970			.024	.112	.542	.298	0.400	
197				.013	.071	.773	1.920	1.000
1972					.029	.691	.762	.957
1973						.071	.214	.750
1974							.031	.227
1975								.021
F[1]	.213	.279	.290	.504	.660	.690	.872	.788
Ages[2]	1-2	1-3	1-3	2-4	2-4	1-4	2-4	2-4

[1]Mean F for fully recruited ages, weighted by stock size in numbers (table 7).
[2]Fully recruited ages.

1978 Survey Abundance Indices [1]

The relative abundance of butterfish has been calculated on an annual basis as the catch in numbers and weight per tow from offshore (>27 m) bottom trowl surveys conducted by the NMFS. Catches from Mid-Atlantic and Southern New England strata during the autumn have been the largest and most consistent. Thus, the most relevant abundance indices are stratified random catches per tow for these cruises and strata (Table 4). The linear catch per tow index (in numbers) from the autumn 1977 survey (94.69) declined 40.9% from the previous year, and was 19.5% below the 10 year average of 117.70. However, linear weight per tow increased 2.4% to 6.87kg/tow, implying that, although numbers per tow declined, their average weight increased. Autumn mean weights per fish were 72.6 g, highest since 1968, and a 73.3% increase over the autumn 1976 mean (41.86 g; Figure 6). The retransformed weight per tow index decreased 21.9% to 3.24 kg/tow in 1977 (Table 4; Figure 5).

The autumn linear catch per tow index in numbers was partitioned into age classes using the fourth quarter age/length key of Kawahara (1977). The autumn estimate of ago 0+ relative abundance (Table 10) was 40.11 fish/tow, 68.5% below the 1976 estimate, and 53.2% below the 10 year average of 85.66. Thus, the 1977 year-class appears to be relatively weak when autumn abundance indices are compared with other year-classes. In contrast, the 1976 year-class was 48.8% greater than the 10 year average, and third highest in the time series.

Spring linear catch per tow estimates have been used to assess mortality of various year classes by regressing $\log_e$ catch/tow on coded age (Murawski and Waring, 1978a). Table 5 incorporates data for the 1978 spring survey. The decline in the value of Z for the 1976 year-class may be attributed to the sharp decline in total catch following implementation of the FCMA in March, 1977, but should be interpreted with caution due to the limited amount of data. The spring catch per tow indices in numbers have, however, been relatively poor in 1976 and 1977 despite the presence of a relatively strong 1976 year-class in the autumn of that year. Interestingly, a similar phenomenon has occurred with abundance indices of long-finned squid (*Loligo pealei*) (NMFS, Resource Assessment Division, 1978), but the cause of such fluctuations is as yet not apparent.

Future Condition of the Resource

Recruitment of butterfish appears to vary independently of total stock size, therefore, $F_{0.1}$ was applied to average recruitment in order to estimate the maximum long term average yield (MAY) (16,000 mt) (see Section V–3) under the assumption that future recruitment will fluctuate within the range of values observed in recent years. A more refined management strategy will only be possible if recruitment can be monitored on a real-time basis, and used almost immediately in the formulation of regulations since a significant portion of the recruits enter the fishery in their first year of life (Murawski and Waring, 1978a).

The most recent survey data available (autumn 1977, spring 1978) indicate that butterfish abundance is still within the range of values used earlier to calculate MAY (see Section V–3) and the total mortality rate of the population has been drastically reduced. With the sharp decline in total catch in 1977 and 1978, a greater proportion of larger fish are available to spawn than would normally be the case with intensive fishing pressure. Even though an implicit stock-recruitment relation has not been demonstrated for this stock, the probability of a good 1978 year-class is no doubt enhanced. Early indication from the joint US-USSR juvenile hake survey, and observations aboard US commercial vessels from Rhode Island suggest that the 1978 year-class may be strong relative to other years. These observations combined with the low catch in 1978 lead to the conclusion that the present population status is good relative to past years.

V–3. Estimate of Maximum Sustainable Yield

Above average recruitment to the northwest Atlantic butterfish stock was deduced from NMFS research surveys in 1976. This information, coupled with the significant decrease in the total catch of this species since enactment of the FCMA (the total catch of butterfish in 1977 was 78% lower than the previous year), indicates that the current abundance of this stock is probably high relative to previous years. A preliminary estimate of maximum sustainable yield is 21,635 metric tons (given the several assumptions and specified conditions discussed below and in Section V–2.). This estimate of MSY, however, presupposes certain minimum mesh sizes to be used in the fishery and an average level of annual recruitment to the stock, and these conditions will not be completely met in 1979. Mesh sizes used by foreign and domestic vessels in 1979 frequently will vary from that which theoretically will produce this MSY. In addition, the best scientific evidence available indicates that annual recruitment to this fishery is not constant and that the substantial variations in yearly recruitment which have been observed in the past will probably continue in future years. If a significant shift in recruitment values occurs over a persistent time interval, then it will be necessary to adjust estimates of maximum sustainable yield accordingly.

Table 7.—*Butterfish Stock Size (Millions of Fish),* [1] *Calculated From Virtual Population Analysis (M=0.8)*

	1968	1969	1970	1971	1972	1973	1974	1975	1976	
Year Class:										
1964	1.9									
1965	5.6	0.2								
1966	92.7	29.0	8.0							
1967	562.1	208.7	61.4	12.7						
1968	1,684.2	750.3	266.6	82.2	24.6					
1969		823.3	363.7	137.7	34.3	1.2				
1970			847.5	371.8	149.4	39.0	13.0			
1971				1,215.3	539.4	225.7	46.8	3.1		
1972					1,976.8	862.5	194.1	40.7	7.0	
1973						1,168.0	489.4	177.6	37.7	
1974							1,024.0	446.1	159.7	
1975								368.1	161.9	
Stock size (S) (tons) at beginning of year	41,022	61,740	56,580	67,976	51,884	70,631	53,663	46,750	31,896	53,571
Total catch (C) (tons)	7,241	17,816	14,319	10,483	13,040	33,236	17,993	14,852	15,837	16,091
Portion of initial stock harvested (P)	0.18	0.29	0.25	0.22	0.25	0.47	0.34	0.32	0.50	0.31
Exploitation [2] Rate (E)	0.13	0.17	0.18	0.28	0.35	0.36	0.42	0.40	[3]0.46	0.31

[1] Calculated from $5.57 \times e^{-1.1}$.
[2] $E = F(1-e^{-Z})/Z$.
[3] Assumed.

Yield Analyses [1]

Yield Per Recruit. Yield per recruit analyses were conducted for butterfish with the model of Paulik and Gales (1964), since an isometric length/weight relation could not be assumed. Fork lengths at 50% selection (l_c) were calculated utilizing Meyer and Merriner's (1976) empirical selection factor of 1.8. Analyses were conducted for stretched mesh sizes of 30 mm (l_c=54 mm), 60 mm (l_c=108 mm), 80 mm (l_c=144 mm) and 100 mm (l_c=180 mm). Various values of M, ranging from 0.6–1.2 were also included. The following data were used as input parameters to the model:

$L\infty = 210.2$ mm
$W\infty = 210.9$ g
$K = 0.8618$
$t_o = -0.0699$ yrs
$t_r = 0.25$ yrs
$\beta = 3.4920$
$M = 0.6 - 1.2$
$F = 0.01 - 2.50$
$t\lambda = 6.0$ yrs
$t_c = 0.275, 0.767, 1.271, 2.182$ yrs

[1] Excerpted and adapted from Murawski and Waring (1978b).

[1] The following discussion of Section V–3 was taken from Murawski (1978a).

Values of $F_{0.1}$ (Gulland and Boerema, 1973) were determined to be the point at which the marginal increase in yield per recruit was 10% of the yield at F=0.01. Exploitation rates corresponding to F_{max} and $F_{0.1}$ were computed from:

$$E = \frac{F(1-e^{-Z})}{Z}$$

Calculations of yields, fishing mortalities, and exploitation rates for various combinations of mesh size and natural mortiality rate are listed in Table 8. Transverse isopleth sections for M=0.8 are presented in Figure 7. If M=0.8, maximum yield per recruit (>26.48 g) occurs with the 80 mm mesh, at F >2.50. If a 60 mm mesh net was in use, a maximum yield of 22.07 g could be harvested with an F of 1.33. Utilizing $F_{0.1}$ computations, 23.04 g can be derived with F=0.96 and a mesh of 80 mm, however, if a 60 mm mesh is used, 20.32 g can be taken with an F of only 0.69 (Figure 7, Table 8).

Exploitation rates (E_{max}, $E_{0.1}$) are only slightly different among M values within mesh size categories (Table 8). Thus, these calculations are not highly sensitive to the absolute value of the natural mortality coefficient. Figure 8 summarizes the relations between stretched mesh size (mm) and $E_{0.1}$. The calculated regression equations describe more than 9.9% of the variation about the lines for all M values, therefore, $E_{0.1}$ for a particular mesh size (assuming a selection factor of 1.8) can be accurately computed.

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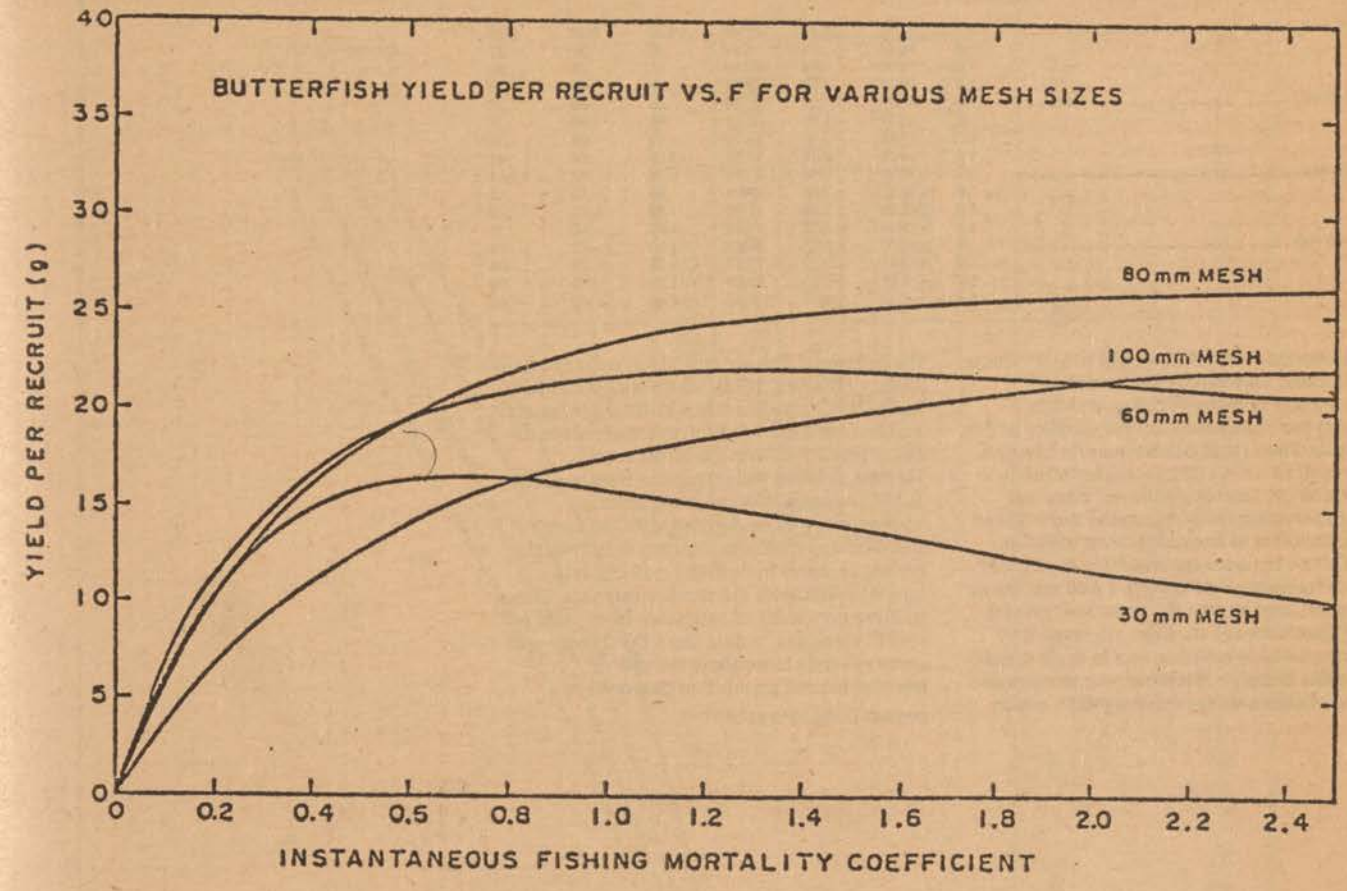
Figure 7



Yield Per Recruit Of Butterfish With Various Mesh Sizes (M = 0.8)

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Table 8.—*Yield Per Recruit Calculations for Butterfish*

	M	(g)	F_{max}	(g)	$F_{0.1}$	E_{max}	$E_{0.1}$
Size:							
30 mm	0.6	22.45	0.59	21.38	0.39	0.35	0.25
	.8	16.44	.71	15.60	.47	.37	.27
	1.0	12.65	.84	11.99	.55	.38	.28
	1.2	10.11	.98	9.55	.63	.40	.29
60 mm	.6	29.14	.99	27.08	.55	.50	.33
	.8	22.07	1.33	20.32	.69	.55	.36
	1.0	17.48	1.78	15.95	.84	.60	.38
	1.2	14.29	2.35	12.92	1.03	.64	.41
80 mm	.6	35.25	2.05	31.39	.75	.72	.41
	.8	>26.48	>2.50	23.04	.96	>.73	.45
	1.0	>20.04	>2.50	17.56	1.22	>.69	.49
	1.2	>15.24	>2.50	13.62	1.49	>.66	.52
100 mm	.6	>35.32	>2.50	30.23	1.09	>.77	.53
	.8	>22.41	>2.50	19.57	1.38	>.73	.56
	1.0	>14.28	>2.50	13.01	1.74	>.69	.59
	1.2	>9.13	>2.50	8.67	2.08	>.66	.61

The theoretical mean weight of individuals in the catch was estimated for several exploitation rates by dividing yield (in weight) per recruitment by the number of fish harvested from that cohort over its lifespan. Curves of mean weight vs. exploitation rate for the 30 mm and 60 mm mesh sizes are presented in Figure 9. Assuming the average exploitation rate from 1974–1976 was 0.43 (Table 7), then average weight in the catch should have equaled 40.73 g if a 30 mm mesh was used, and 87.99 g if the net was 60 mm. The Japanese have traditionally used a 30 mm mesh inside a 60 mm one in their squid-butterfish fisheries. However, trawls towed by U.S. fishermen have averaged 66 mm in the industrial fishery and 114 mm for the food fishery (Waring, 1975). Mean weights of fish in the U.S. survey catches in 1976 (spring and autumn average = 41.84 g) are quite close to those predicted with the 30 mm mesh. However, mean weights in the fishery (Table 3, 1976 average 92.92 g) more closely approximate those derived with the larger net. The apparent discrepancy may reflect culling of small butterfish (<15 cm, fork length) taken with the small mesh nets. The relative proximity of estimates from yield per recruit analyses to data from the fishery and surveys tends to validate the above assumptions of population parameters.

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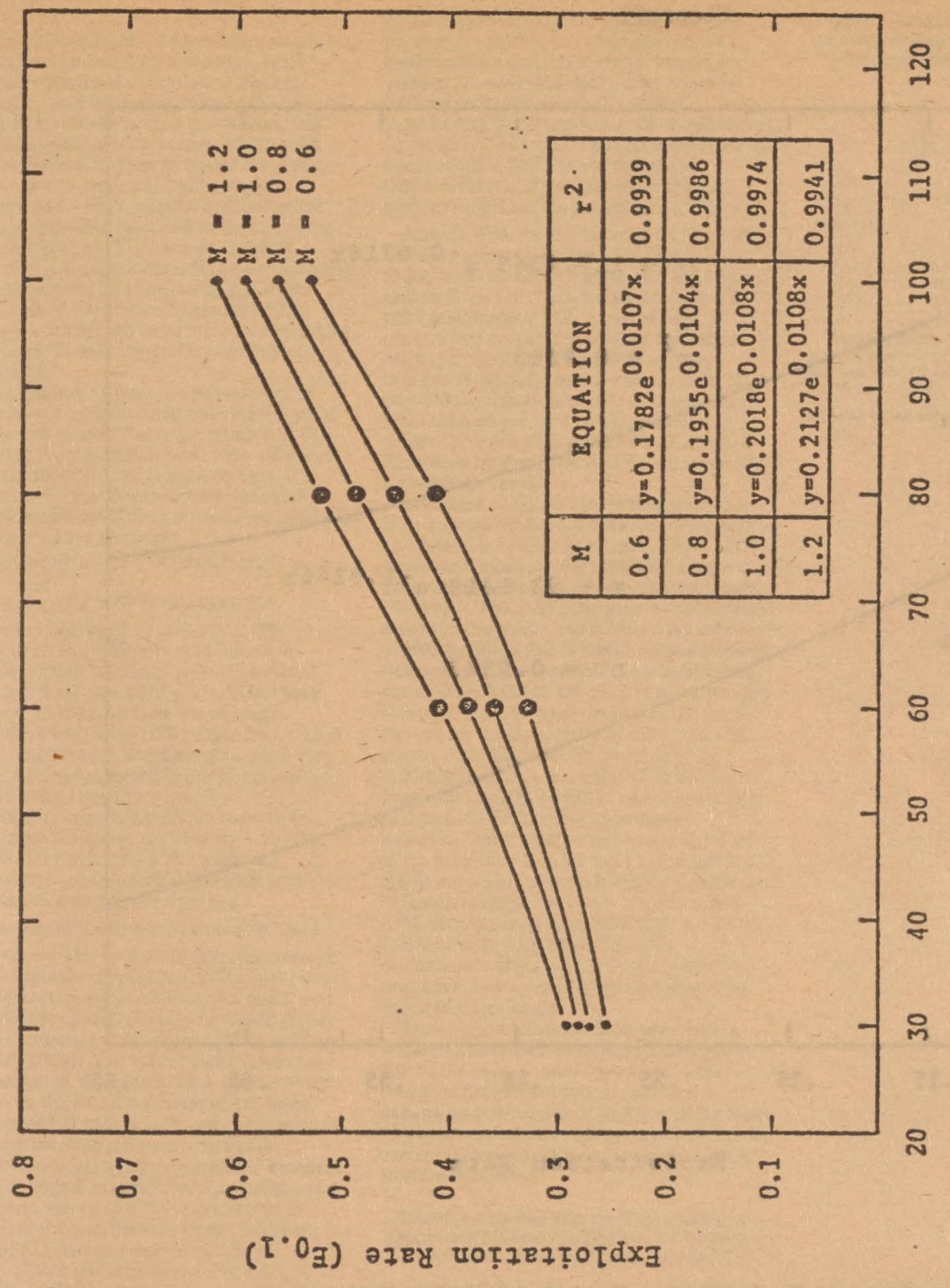
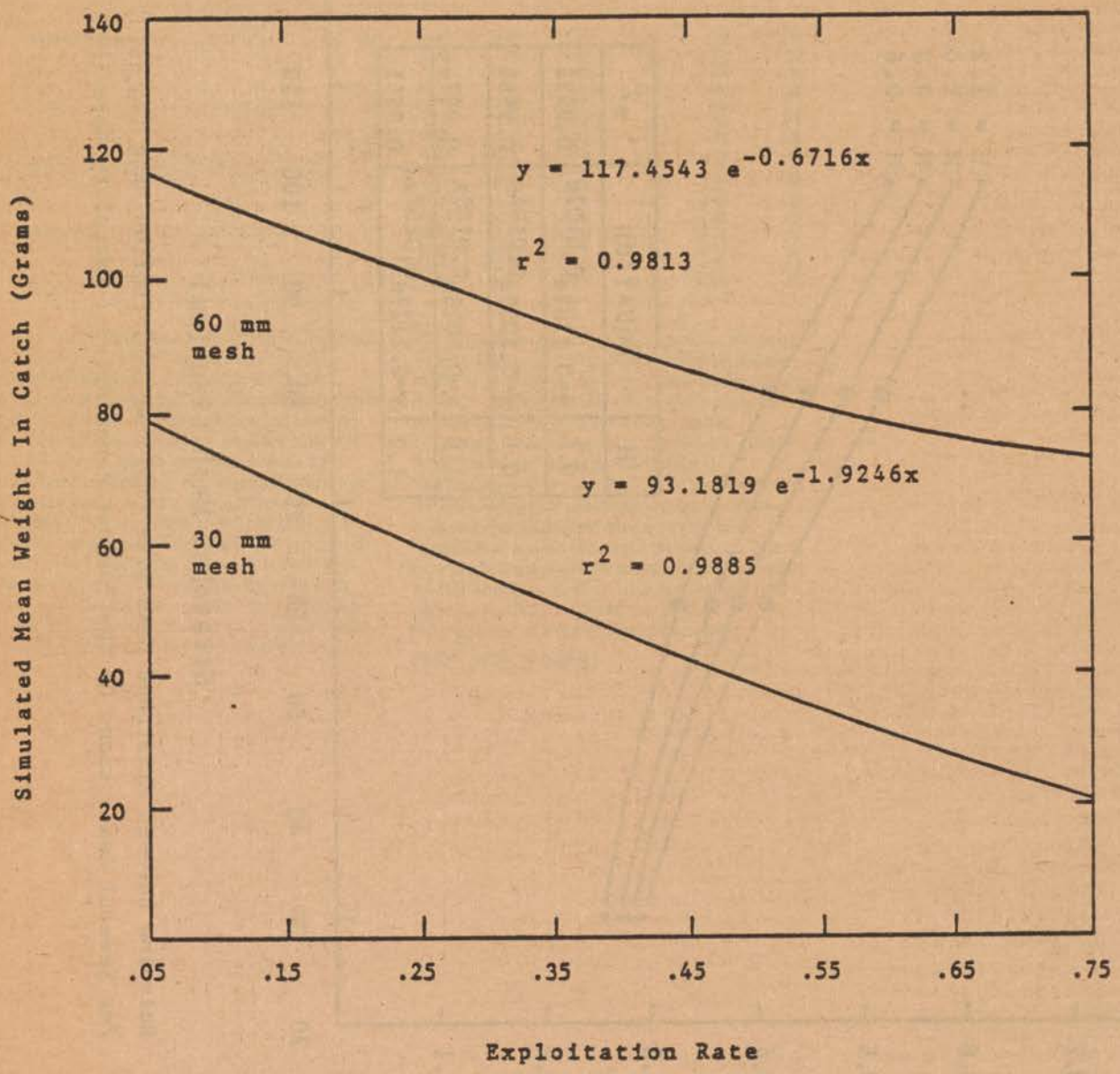


M	EQUATION	r^2
0.6	$y=0.1782e^{0.0107x}$	0.9939
0.8	$y=0.1955e^{0.0104x}$	0.9986
1.0	$y=0.2018e^{0.0108x}$	0.9974
1.2	$y=0.2127e^{0.0108x}$	0.9941

Figure 8

Relation Between Stretched Mesh Size (mm) And Exploitation Rate ($E_{0.1}$) For Several Assumptions Of The Instdntaneous Natural Mortality Rate (M)

Figure 9



Relations Between Exploitation Rate And Simulated Mean Weights Of Butterfish In The Catch With 30 mm And 60 mm Mesh Nets

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Equilibrium Yield. The total harvest of butterfish is a function of the number of recruits entering the population, fishing mortality, and the age at entry to the fishery. If the 30 mm mesh is used (l_c=54 mm, fork length) a considerable portion of the stock will be harvested prior to initial spawning since effort is concentrated in the late autumn and winter months, and butterfish are only partially recruited to the spawning population at age 1. However, if age at selection is delayed, harvest rates resulting in maximum yield increase to the point that very little of the adult stock survives the fishery, even though large increases in fishing rate result in only marginal gains in yield [1] (Figure 7).

The total catch from a given number of recruits can be calculated utilizing the yield per recruit model. The mean number of fish entering the population from 1968–1975 was 1138.5×10^6 (Table 7). Assuming ages at selection for the 30 mm and 60 mm meshes are 0.275 and 0.767, then the average numbers of recruits alive at t_c are:

$$1138.5\times10^6 e^{-(0.8)(0.275)}=913.7\times10^6$$

and

$$1138.5\times10^6 e^{-(0.8)(0.767)}=616.4\times10^6$$

Yields associated with $E_{0.1}$ ($F_{0.1}$ (30 mm)=0.47; $F_{0.1}$ (60 mm)=0.69) are then:

30 mm mesh (t_c=0.275 yrs)=14,540 tons

60 mm mesh (t_c=0.767 yrs)=18,945 tons

Thus, yield at $F_{0.1}$ from the average recruitment for 1968–1975 ranges from 14,540 tons to 18,945 tons, depending on mesh size used. Average reported landings during the period were 11,685 tons per year, with an adjusted mean catch of 16,123 tons. Since both mesh sizes were used at the time, the fact that the total adjusted catch was between the yield calculations indicates the population was utilized near $E_{0.1}$.

Derivation of Maximum Sustainable Yield [1]

Methods. The total yield from the average juvenile production (1138.5 million fish) over its lifespan for combinations of F and t_c was calculated utilizing Paulik and Gales' (1964) yield per recruit methodology (Murawski and Waring (1978)). The loci of yield values for various mesh sizes (and, thus, ages at entry based on the selection factor of 1.8) were determined at values of $F_{0.1}$ since transverse isopleth sections are generally flat in appearance, and result in very little marginal yield at large F values (near F_{max}). Although arbitrary, values of $F^{0.1}$ are preferable to those resulting in the maximum yield per recruit (F_{max})when stock-recruitment relationships are considered. For many species, including butterfish, recruitment to the fishery occurs prior to first spawning. The reduction in fishing mortality rate from F_{max} to $F_{0.1}$ results in only minor decreases in yield per recruit, but preserves a larger portion of the spawning stock. A positive stock-recruitment relationship has not been conclusively demonstrated for butterfish, but it is clear that more progeny will be generated by fishing at $F_{0.1}$ than at F_{max}. Values of $F_{0.1}$ were calculated by determining the points at which marginal increases in yield per recruit (0.01 intervals of F) were 10% of the yield per recruit at F=0.01. Other parameters used in the yield per recruit analysis are listed in Figure 10. Maximum yield at $F_{0.1}$ was thus derived by iterating with respect to mesh size (in 1 mm increments). Total production was calculated by multiplying the yield per recruit values by the number of fish alive at the age of recruitment (t_r=0.25 years). The resultant yield calculations are presented in Table 9.

Results. The maximum catch at $F_{0.1}$, given constant recruitment, was calculated to be 21,635 metric tons, at a mesh size of 82 mm and an $F_{0.1}$=1.01. Substantial decreases in total sustainable yield, however, should occur when mesh sizes smaller than 82 mm are used. Yield per recruit at $F_{0.1}$ is also reduced if the nets used are larger than 82 mm. Offshore bottom trawls at present must be at least 60 mm and pelagic trawls may be 45 mm for foreign vessels in the FCZ. Mesh sizes used by domestic vessels are generally siginficantly larger.

Estimates of relative juvenile abundance from autumn offshore bottom trawl surveys and total 0+ stock size estimates from virtual population analyses for 1968–1976 suggest substantial variations in annual recruitment (Table 10). The total estimated 0+ population size from the VPA ranged from 368.1 million to 1976.8 million fish (95% C.I.=453.0 million). Autumn catch per tow indices (in numbers) varied from 29.95 to 231.58. The catch per tow index for the 1976 year-class was the third highest for the time series of data, and 48% greater than the 1968–1975 average. For planning purposes, the value of 21,635 tons (mesh=82 mm, $F_{0.1}$=0.01) can be used as an estimate of MSY. It should be noted, however, that if smaller mesh nets are used in the butterfish fishery, total sustainable yields are less (Table 9). If average continues to fluctuate about the mean (1138.5 million fish), then the long-term MSY will remain at 21,635 tons. If a significant shift in recruitment values occurs over a persistent time span, however, MSY values should be adjusted accordingly.

Because butterfish are harvested with a wide range of mesh sizes (approximately 45 mm to 114 mm), a more "practical" MSY, based on the present mix of gear in the fishery, may be between 15,000 and 19,000 mt. The best conservative estimate of MSY under current fishery conditions is approximately 16,000 metric tons.

Table 9.—*Butterfish Yield Per Recruit Data and Estimates of Maximum Equilibrium Yield for Various Mesh Sizes, (Selection Factor=1.8, M=0.8)*

	$Y/R_{0.1}$ (g)	$F_{0.1}$	Age at selection t_c (year)	Yield for average recruitment at $F_{0.1}$ (tons) [1]
Mesh size (mm):				
30	15.60	0.47	0.275	14,540
60	20.32	.69	.767	18,945
76	22.75	.90	1.154	21,206
77	22.80	.91	1.186	21,252
78	22.93	.93	1.203	21,374
79	22.96	.94	1.236	21,402
80	23.04	.96	1.271	21,476
81	23.15	.99	1.306	21,579
82	23.21	1.01	1.338	21,635
83	23.21	1.02	1.362	21,635
84	23.17	1.03	1.395	21,597

Table 9.—*Butterfish Yield Per Recruit Data and Estimates of Maximum Equilibrium Yield for Various Mesh Sizes, (Selection Factor=1.8, M=0.8)*—Continued

	$Y/R_{0.1}$ (g)	$F_{0.1}$	Age at selection t_c (year)	Yield for average recruitment at $F_{0.1}$ (tons) [1]
Mesh size (mm)				
85	23.13	1.05	1.440	21,560
86	23.08	1.07	1.482	21,513
100	19.57	1.38	2.182	18,242

[1] Assuming that $F_{0.1}$ is the maximum F that will not adversely affect recruitment, then this is the maximum long-term average yield from the fishery, which is equivalent to the current interpretation of MSY.

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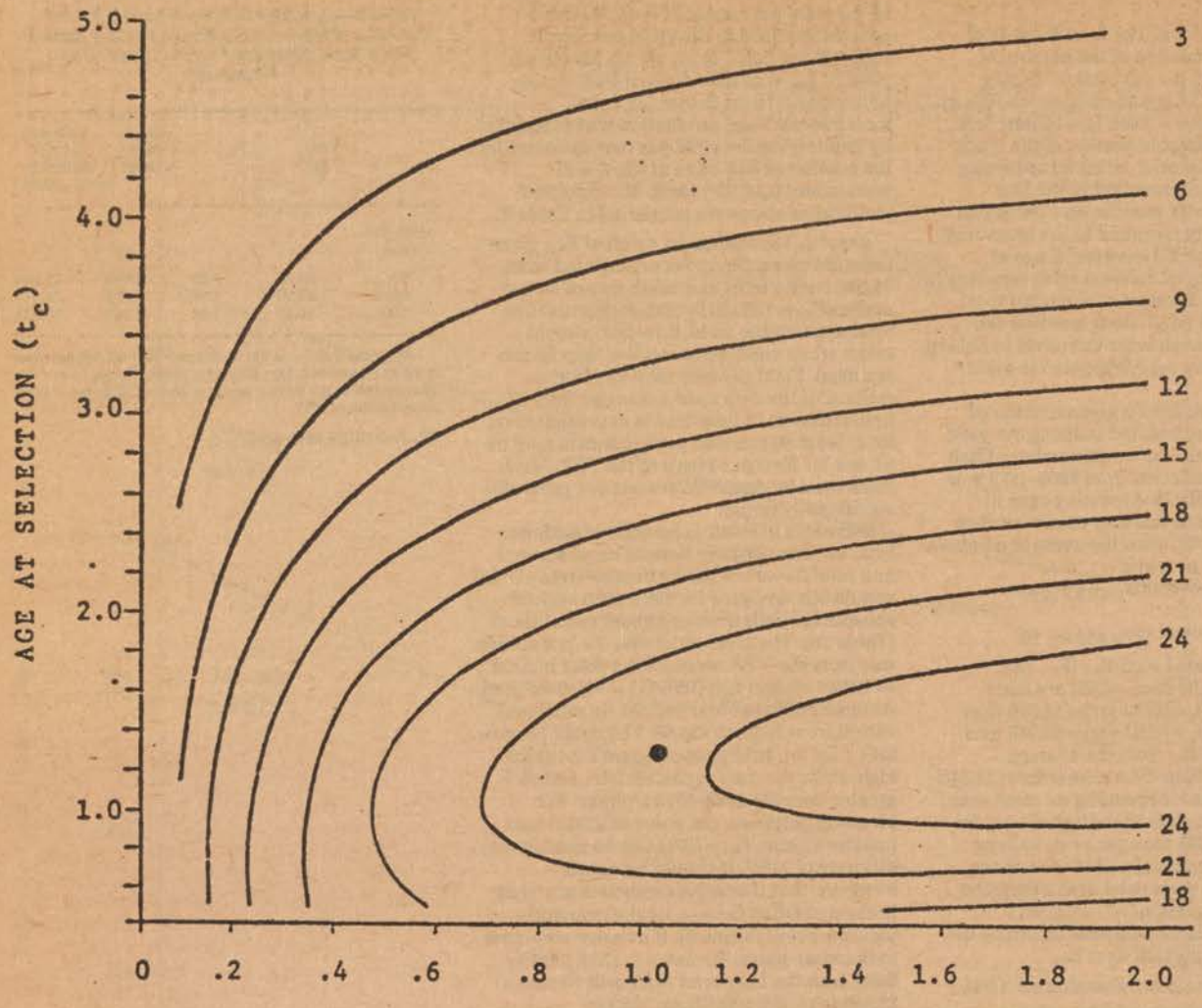
[1] Taken from Murawski (1978).



Butterfish Yield Per Recruit Isopleth (Grams), Assuming:

$M = 0.8$, $W_\infty = 210.9$ g, $K = 0.8618$,

$t_o = -0.0699$ yr, $t_r = 0.25$ yr, $B = 3.4920$, And $t_\lambda = 6.0$ yr.

Dot indicates maximum yield at $F_{0.1}$ ($t_c = 1.338$ yr, $F_{0.1} = 1.01$).

Figure 10

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Table 10.—*Estimates of Relative Juvenile (Age 0+) Butterfish Abundance From NMFS Autumn Offshore Bottom Trawl Surveys, and Total 0+ Stock Size for Year-Classes 1968–77*

Year-class	Autumn catch per tow index (XN)/tow age 0+)	Estimate of 0+[1] population size from VPA ($\times 10^6$)
1968	46.19	1684.2
1969	44.61	823.3
1970	30.06	847.5
1971	231.58	1215.3
1972	79.59	1976.8
1973	135.02	1168.8
1974	92.02	1024.0
1975	29.95	368.1
1976	127.50	.....
1977	40.11	

[1] Source: Murawski and Waring (1978b).

V–4. Probable Future Condition

As discussed in Sections V–2 and V–3, it is impossible to predict long-term abundance of, or recruitment to, the butterfish stock. The optimum yield proposed in this plan, however, is conservative from a biological standpoint, and harvest at that level in 1979 should not by itself threaten future recruitment or abundance. Unless butterfish abundance is significantly affected by other factors, such as environmental fluctuations or other natural phenomena, the population should remain at a relatively high level in 1980.

V–5. Ecological Relationships

As is typical of a small, schooling, pelagic finfish, butterfish are subject to predation by a number of larger species, especially pelagic finfish. Table 11 lists several species which are known to consume butterfish specifically. The relative importance of butterfish, however, to the diet of any other species is unknown.

Table 11.—*Butterfish Predators*

Common name	Scientific name	Reference
Haddock	*Melanogrammus aeglefinus.*	Horn, 1970.
Silver hake	*Merluccius bilinearis*	Horn, 1970.
Swordfish	*Xiphias gladius*	Bigelow and Schroeder, 1953.
Bluefish	*Pomatomus saltatrix*	Bigelow and Schroeder, 1953.
Weakfish	*Cynoscion regalis*	Bigelow and Schroeder, 1953.
Goosefish	*Lophius amercanus*	Bigelow and Schroeder, 1953.
Sand tiger	*Odontaspis taurus*	Bigelow and Schroeder, 1953.
Porbeagle	*Lamna nasus*	Bigelow and Schroeder, 1953.
Red hake	*Urophycis chuss*	Bigelow and Schroeder, 1953.

(specifically cited by Horn (1970) and Bigelow and Schroeder (1953).)

Young butterfish feed primarily on jellyfish (Horn, 1970), and ctenophores and salps (Haedrich, 1967). The diet of adult butterfish includes other small fish, squid, crustacea, polychaetes, tunicates and chaetnognaths (Bigelow and Schroeder, 1953; Leim and Scott, 1966; Nichols and Breder, 1927; Maurer and Bowman, 1975).

Table 12 lists the finfish species with which butterfish are most frequently captured by otter trawl surveys. Butterfish are known to prefer sandy sediments to rock and mud bottoms, which may partially explain the species composition of Table 12 (Bigelow and Schroeder, 1953).

Table 12.—*10 Fish Species Most Regularly Collected With Butterfish in Groundfish Surveys off the Northeast Coast of the United States Between the Gulf of Maine and Hudson Canyon*

Species	Summer	Fall	Winter
Spiny	X	X	X
Little skate	X	X	
Haddock	X	X	
Silver hake	X	X	X
Squirrel hake	X	X	X
Alewife	X	.....	
Yellowtail flounder	X	X	
Winter flounder	.....	X	
Fourspot flounder	.....	X	X
Longhorn sculpin	.....	X	

(from Murawski *et al.*, 1978, after Horn, 1970).

Butterfish also are commonly captured with squid by otter trawls, especially by foreign fisheries directed at squid.

Young butterfish are known to form associations with coelenterates (Murawski *et al.*, 1978). Bigelow and Schroeder (1953) describe young butterfish as "often living in the shelter of the larger jellyfishes, as young haddock do," but state that this behavior is neither manifested by adult butterfish, nor necessary to the survival of the fry.

VI. Description of Habitat

VI–1. Condition of the Habitat

Climatic, physiographic, and hydrographic differences separate the ocean region from Cape Hatteras to the Gulf of Maine into two distinct areas: the Mid-Atlantic—Southern New England Region and the New England Region, with the natural division occurring at Nantucket Shoals.

The Middle Atlantic—Southern New England Region is fairly uniform physically and is influenced by many large coastal rivers and the Chesapeake Bay, the largest estuary in the United States. Additional significant estuarine influences are Narragansett Bay, Long Island Sound, the Hudson River, Delaware Bay, and the nearly continuous band of estuaries behind barrier beaches along southern Long Island, New Jersey, Delaware, Maryland, and Virginia. The southern edge of the region includes the estuarine complex of Currituck, Albermarle, and Pamlico Sounds behind the outher banks of Cape Hatteras.

At Cape Hatteras, the Continental Shelf (characterized by waters less than 200 meters [656 feet] deep) extends seaward approximately 32 km (20 miles), widens gradually to 113 km (70 miles) off New Jersey and Rhode Island and then broadens to 193 km (120 miles) off Cape Cod forming Georges Bank. The substrate of the shelf in this region is predominantly sand interspersed with large pockets of sand-gravel and sand-shell. Beyond 200 m, the substrate becomes a mixture of silt, silt-sand, and clay. As the Continental Slope turns into the Abyssal Plain (at depths greater than 2,000 m [6,560 feet]), clay predominates over silt and becomes the major substrate.

Water temperatures range from less than 3°C in the New York Bight in February to approximately 27°C off Cape Hatteras in August. The annual range of surface temperature at any location may be 15°C in slope waters to greater than 20°C near shore. During the coldest season the vertical thermal gradient is minimized. In late April—early May, a thermocline develops although storm surges over Nantucket Shoals retard thermocline development there. The thermocline persists through the summer. Surface waters begin to cool in early autumn, weakening the thermocline so that by mid-November surface to bottom water temperature is nearly homogeneous. Overturns occur in the spring and fall, resulting in recycling of nutrients.

The salinity cycle results from stream flow and the intrusion of slope water from offshore. The salinity maximum of winter is reduced to a minimum in early summer by large volumes of spring river runoff. Inward drifts of offshore saline water in autumn eventually counterbalance the fresh water outflow and return the region's salinity distribution to the winter maximum. Water salinities near shore average 32°/oo, increase to 34–35°/oo along the shelf edge, and exceed 36.5°/oo along the main lines of the Gulf Stream.

On the Continental Shelf, surface circulation is generally southwesterly during all seasons, although this may be interrupted by coastal indrafting and some reversal of flow at the northern and southern extremities of the area. Speeds of the drift are on the order of five knots per day. There may be a shoreward component to this drift during the warm half of the year and an offshore component during the cold half. This drift, fundamentally the result of temperature-salinity distribution, may be made final by the wind. A persistent bottom drift at speeds of tenths of knots per day extends from beyond mid-shelf toward the coast and eventually into the estuaries. Offshore, the Gulf Stream flows northeasterly.

The New England region from Nantucket Shoals to the Gulf of Maine includes two of the worlds most productive fishing grounds: Georges Bank and Browns Bank. The Gulf of Maine, which is a deep cold water basin, is nearly sealed off from the open Atlantic by these two Banks. The outer edges of Georges and Browns Banks fall off sharply into the Continental Shelf. Other major features include Vineyard and Nantucket Sounds, Cape Cod Bay, and Cashes Ledge and Stellwagen Basin within the Gulf of Maine.

Water temperatures range from 2°C to 17°C at the surface and over the banks, and 4°C to 9°C at 200 meters in the inner Gulf of Maine. Mean salinity values vary from about 32 to 34°/oo depending on depth and location. However, lower salinity values generally occur close to shore. In addition, both water temperatures and salinities within the Regions, but especially along the southern boundary of Georges Bank and the deep basins of the inner Gulf of Maine, are influenced by intrusion of slope water.

Surface circulation within the Gulf of Maine is generally counterclockwise. Cold Nova Scotian waters enter through the Eastern Channel and move across Browns Bank while slope waters enter through the Northeast (Fundian) channel. Gulf of Maine

waters spill out over Georges Bank and through the Great South Channel onto Nantucket Shoals. The anticyclonic eddy over Georges Bank that develops in the spring breaks down into a westerly and southerly drift by autumn.

Gulf Stream meanders and warm core eddies, two oceanographic phenomena which normally remain in deep offshore water, can profoundly effect environmental conditions on the fishing grounds off the northeast United States when either one moves close along the Continental Slope. The warm core eddies seen off the New England coast mostly form in the slope water region southeast of Georges Bank by detaching from meanders of the Gulf Stream. Rotation is in a clockwise direction at speeds varying from 0.6 to 1.8 knots.

Environmental effects and their possible influence on fishery resources resulting from meanders and eddies have been identified by Chamberlin (1977) and are as follows:

1. Warming of the upper Continental Slope and outer shelf by direct contact of a meander or eddy. This may influence the timing of seasonal migrations of fish as well as the timing and location of spawning.

2. Injection of warm saline water into the colder less saline waters of the shelf by turbulent mixing at the inshore boundary of a meander or eddy. This may have influences on the fishery resource similar to that of direct warming, and also cause mortality of fish eggs and larvae on the shelf when the colder water in which they live is warmed beyond their tolerance by the mixing-in of warm slope water.

3. Entrainment of shelf water off the shelf, an effect frequently seen in satellite imagery. Mortality of Georges Bank fish larvae is known to occur, presumably because of temperature elevation when shelf water in which they occur is carried into the slope water (Colton, 1959). The most profound effects of the entrainment on the fishing grounds may be changes in circulation and in water mass properties resulting from the replacement of the waters lost from the shelf.

4. Upwelling along the Continental Slope which may result in nutrient enrichment near the surface and increased primary biological productivity.

The annual cycle of the plankton community (drifting organisms) of the region is typical of the temperate zone. During the winter, phytoplankton (plant plankton) and zooplankton (animal plankton) populations are low. Nutrients are available, but production is supressed by low levels of solar radiation and low temperature. As spring approaches and the level of solar radiation increases, an enormous diatom bloom occurs. As the bloom progresses, concentrations of inoganic nutrients decrease. As water temperatures increase during late spring and summer, phytoplankton and zooplankton become increasingly abundant because of the more rapid development of early life stages, the spawning of fish and benthos, and the abundant food supply.

During summer, zooplankton reaches maximum abundance while phytoplankton declines to a level near the winter minimum. Dinoflagellates and other forms apparently better suited than diatoms to warm, nutrient-poor waters become more abundant during summer. Bacteria in the sediment actively regenerate nutrients, but because of vertical temperature and salinity gradients, the water column is stable and nutrients are not returned to the euphotic zone (where solar radiation and nutrients are "fixed" into organic matter). On Georges Bank, nutrients regenerated by sedimentary bacteria are immediately available to phytoplankton because of mixing. Thus, diatoms dominate throughout the year on Georges Bank (Cohn, 1975).

During autumn, as water temperatures decrease, the water column becomes unstable due to mixing and nutrients are recycled to the euphotic zone. This stimulates another phytoplankton bloom which is limited by decreasing levels of solar radiation. Phytoplankton and zooplankton levels then decline to their winter minima while nutrient levels increase to their winter maxima.

Anomalous conditions within the generalized annual cycles are probably common. The stability of the water column which affects nutrient availability may be disrupted by severe storms. Anomalies in temperatures may disturb the timing between the annual cycles of interacting species.

VI–2. Habitat Areas of Particular Concern

1976 Anoxia in the Middle Atlantic Bight

During the summer and early autumn of 1976, oxygen concentrations at bottom were severely depleted and widespread mortalities of benthic organisms occurred in the section of the New York Bight shown in Figure 11. This near-anoxic (and in places anoxic) region of O_2 levels less than 2 parts per million (ppm) was located approximately 4 miles (6.5 km) off New Jersey and covered an area about 100 miles (160 km) long and 40 miles (64 km) wide during the most critical phases of the depletion (Sharp, 1976). Normal O_2 levels in this region are greater than 4 ppm.

Investigations to date indicate that this state was probably induced by a combination of meteorological and circulatory conditions in conjunction with a large-scale algal bloom (predominantly of *Ceratium tripos*). Lack of normal seasonal turbulence occasioned by relatively few storms (Hurricane Belle notwithstanding), unusual wind patterns, and above-average surface water temperatures probably all contributed to depletion of the oxygen content of waters beneath the permanent thermocline in this region (Sharp, 1976). It is not known to what degree the routine dumping of wastes (sewage sludge and dredge spoils) contributed to the depletion. However, it is reasonable to assume that any effect would have been detrimental (Atkinson, 1976).

The species affected by the anoxia of most commercial importance were surf clams, red hake, lobster, and crabs. Finfish were observed to be driven to inshore areas to escape the anoxia, or were trapped in water with concomitant high levels of hydrogen sulfide (Steimle, 1976). Freeman and Turner (1977) pointed out that ". . . it is difficult to measure with any precision the extent of damage to highly mobile organisms, especially the fishes. Sublethal effects can also occur. Among the observed effects of the anoxic water on fishes were behavioral changes involving vertical distribution and migratory routes which in turn may affect feeding and spawning habits."

Reduction in oxygen levels in New York Bight below normal levels has been observed several times in recent history (Atkinson, 1976) although not to levels as low as those observed in summer, 1976. The relative contribution of any of the above mentioned factors to the anoxia cannot yet and may never fully be assessed. However, it is important to note that each of these conditions, by itself, was not a unique, previously unobserved phenomenon. It is as yet too early to predict the long-term effects of the anoxic condition on any of the affected resources or their habitats.

The Environmental Protection Agency has requested that no fishing be permitted between 38°20′00″N to 38°25′00″N and 74°10′00″W to 74°20′00″W because the area is a sewage disposal area and between 38°40′00″N to 39°00′00″N and 72°00′00″W and 72°30′00″W because it is a toxic industrial waste site (W. E. Stickney, personal communication).

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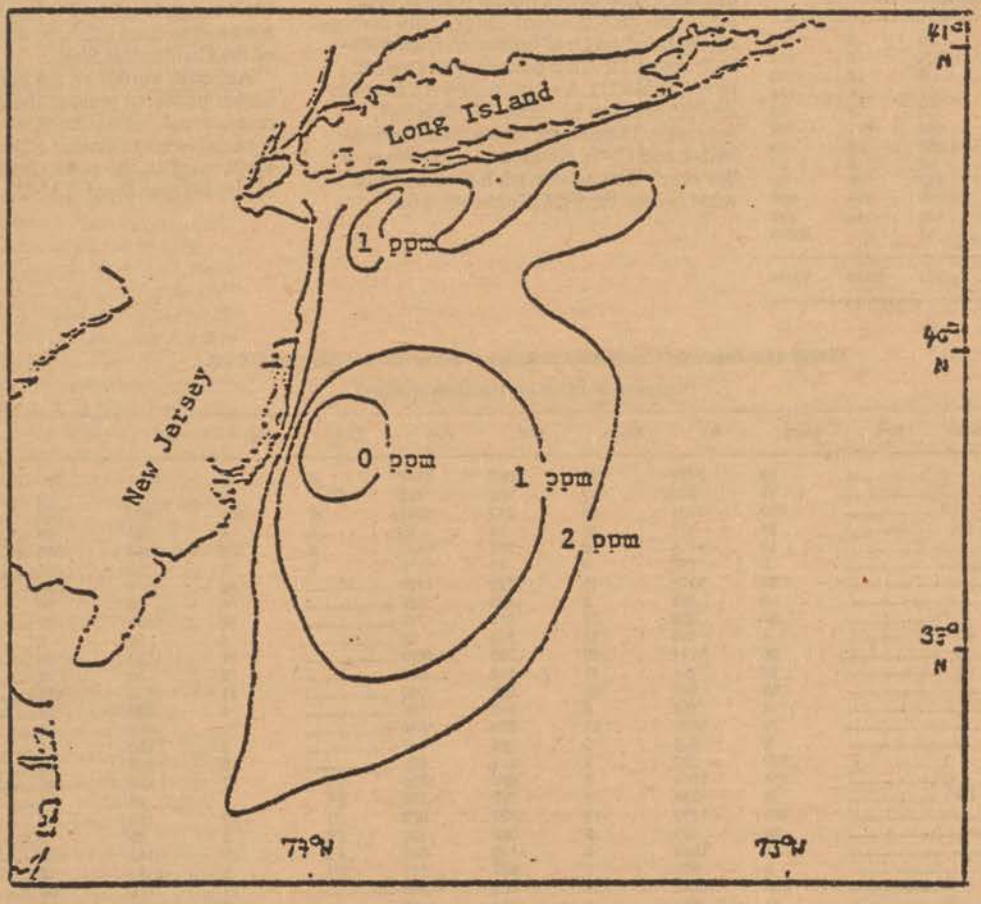
VI-3. Habitat Protection Programs

No special habitat protection programs exist in the habitat of the species that is the subject of this plan. Sampling for pollution is carried out by both the NMFS and the Environmental Protection Agency. Habitat protection programs are administered by a variety of Federal agencies including the Bureau of Land Management of the Interior Department, the Coast Guard, and the Environmental Protection Agency. States in the region with approved Coastal Zone Management Programs are Massachusetts and Rhode Island.

Figure 11

Oxygen Concentrations (Parts Per Million) In "Fish Kill" Area Of The Middle Atlantic Bight, Summer, 1976 (From Sharp, 1976)



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VII. Fishery Management Jurisdiction, Laws, and Policies

VII–1. Management Institutions

The US Department of Commerce, acting through the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils, pursuant to the FCMA, has authority to manage the stock throughout its range.

VII–2. Treaties and International Agreements

Foreign fishing for butterfish is regulated by the FCMA pursuant to which Governing International Fishery Agreements (GIFAs) are negotiated with foreign nations for fishing within the FCZ.

VII–3. Federal Laws, Regulations, and Policies

The only known Federal law that regulates the management of the butterfish fishery is the FCMA. Currently the fishery is managed pursuant to a Preliminary Management Plan prepared by the Department of Commerce. That PMP will be replaced by this Fishery Management Plan following its approval by the Council and the Secretary of Commerce. Foreign allocations of butterfish under the PMP for 1978 and 1979 in metric tons were:

	1978		1979 allocation [1]
	Allocation	Catch	
Bulgaria	0	0	12
FRG	105	0	100
France	0	0	10
Italy	501	354	174
GDR	0	0	10
Japan	672	651	358
Mexico	1,263	93	128
Poland	67	0	37
Romania	150	56	10
Spain	1,053	156	606
U.S.S.R.	100	14	497
Reserved	89		2,058
Total	4,000	1,324	4,000

[1] As of March 1979.

No Indian treaty rights are known to exist specific to this fishery.

VII–4. State Laws, Regulations, and Policies

No State laws, regulations, or policies specific to this fishery are known to exist.

VII–5. Local and Other Applicable Laws, Regulations, and Policies

No local or other laws, regulations, or policies specific to this fishery are known to exist.

VIII Description of Fishing Activities

VIII–1. History of Exploitation

Butterfish probably have contributed significantly to US commercial fisheries only since the early 20th century (McHugh, 1977). The commercial fishery for this species traditionally has been concentrated in the New York Bight—Southern New England area; in 1978, over 95% of the total reported US catch was landed in New Jersey, New York, and Rhode Island. Trends in US commercial butterfish landings in this region have tended to follow patterns of landings of food finfish by otter trawls, since most of the domestic butterfish catch is taken by this gear. Thus, commercial landings of this species from the New York Bight area peaked in the late 1930s–early 1940s, when landings of food finfish in this region were at their maximum during recent history. The average US reported catch of butterfish from 1964–1977 was 4.2 million pounds (1,914 metric tons) (Table 13). A significant but unknown amount is taken by industrial fisheries, especially in southern states (see Section VIII–2 and IX–1). About 60% on average of the yearly domestic catch has come from what is now the FCZ (Table 14). The development of the butterfish export industry in 1978 has resulted in a sharp increase in domestic landings, an increased importance of the fishery in Rhode Island, and a larger proportion of the domestic catch being taken in the FCZ (Tables 13 and 14). The development of the export fishery is discussed in Sections VIII–2 ("Rhode Island Commercial Fishery") and IX–3.

Foreign landings of butterfish were first reported in 1963, and the foreign fishery for this species, which is dominated by the Japanese, soon outgrew the US commercial fishery (Tables 1 and 16). Much of the Japanese catch of butterfish is taken in conjunction with the squid fishery (primarily for *Loligo pealei*, or long-finned squid). Precise data on the magnitude of the foreign catch are unavailable, since large quantities of butterfish frequently were caught but discarded by foreign vessels conducting directed fisheries for other species (see Section V–2). Most of the foreign butterfish catch has also come from the New York Bight—Southern New England area, although significant quantities have been taken on Georges Bank and in the southern reaches of the Middle Atlantic Bight. Assuming that most of the foreign butterfish catch is taken when these fleets conduct directed fisheries for squid, most of the foreign butterfish catch occurs in late fall and early winter in the Middle Atlantic Bight, when butterfish have returned to deep offshore waters at the edge of the Continental Shelf.

Although butterfish are known to bite on baited hooks, at present there is no recreational fishery for this species of reportable magnitude, and the impact of the sport catch on the stocks is probably negligible (see Section V–2).

Table 13.—*Reported Commercial Landings of Butterfish by State, 1964–1978*

[Thousands of pounds and thousands of dollars]

	Maine	N.H.	Mass.	R.I.	Conn.	N.Y.	N.J.	Del.	Md.	Va.	N.C.	S.C.	Total
1964	6		69	2671	123	1067	1187	4	33	1211	130		6501
	1		11	242	12	126	133	[1]	3	95	9		632
1965	1		220	1181	66	766	1181	7	164	2905	367		6858
	[1]		24	171	10	70	95	1	14	230	29		644
1966			42	1115	28	593	1475	4	131	2037	503		5928
			5	157	4	65	115	1	9	152	33		541
1967			23	1327	11	1120	1312		45	110	384	12	4344
			3	188	2	123	122		4	89	16	1	548
1968	1		44	958	74	974	727		18	698	107		3601
	[1]		5	146	11	150	86		2	70	8		478
1969	[1]		66	1141	68	763	1663		31	1112	130		4974
	[1]		10	191	11	110	166		3	85	8		584
1970			53	641	25	521	962		11	1603	133		3949
			10	152	6	142	120		1	202	11		644
1971			70	1098	11	353	1244		19	659	58		3512
			6	205	2	95	193		3	100	5		609
1972	1	1	120	267	3	411	492		5	252	88		1640
1973	3		134	1304	8	668	1030	[1]	7	199	40		3393
	[1]		34	354	2	232	158	[1]	1	45	4		830
1974			163	1770	11	797	979	[1]	12	186	76		3994
			38	453	2	300	135	[1]	3	39	9		979
1975			21	1899	8	1239	856	[1]	22	143	127		4315
			5	507	2	327	157	[1]	5	30	10		1043
1976	9		289	1273	21	959	336		21	125	54		3087
	5		81	382	4	274	83		6	30	6		871
1977	1		56	1529	28	650	436	1	26	132	48		2907
	[1]		19	425	7	215	105	[1]	7	30	8		816
1978 [2]	[1]	2	78	6297	48	926	482		22	118	111		8084
	[1]	1	21	2340	7	354	123		5	28	26		2905
Average	1	[1]	97	1631	36	787	957	1	38	766	157	1	4472

[1] Less than 500 lbs. or $500.
[2] Preliminary=zero.

Table 14.—*U.S. Commercial Landings of Butterfish by Distance Caught Offshore*

[Quantity in thousands of pounds, value in thousands of dollars]

	Quantity	Value	Average dollars per pound	Percent of total weight
0 to 3 Miles				
Year:				
1974	1,871	488	0.26	47
1975	1,613	396	.25	37
1976	1,544	425	.28	50
1977	983	322	.33	32
1978	801	256	.32	10
0 to 200 Miles				
Year:				
1974	2,124	491	0.23	53
1975	2,695	643	.24	63
1976	1,530	442	.29	50
1977	2,060	542	.26	68
1978	7,280	2,650	.36	90

VIII–2. Domestic Commercial and Recreational Fishing Activities

Following is a discussion of the domestic butterfish fishery in those States in which significant quantities of this species are landed. Detailed information on the contribution of butterfish by weight and value to US commercial fisheries is given by county and by fishing gear in Section IX–1.

There exists at present no sport fishery for butterfish of significant magnitude.

New York Commercial Fishery

From 1964–1978, New York commercial landings of butterfish averaged 787,000 pounds (357 metric tons). Peak landings of butterfish in New York occurred in 1939 (2,380 metric tons), the year that total State landings of food finfish and shellfish were greatest (Figure 13). The decline of butterfish landings since that date reflects the decline of the otter trawl fishery in New York. In 1978, butterfish was the ninth most important finfish, by weight landed, in New York, and the total ex-vessel value of that year's catch accounted for about four percent of the total landings and ex-vessel value of all food finfish and squid, but only about one percent of the total dockside value from all species in New York. In 1978, the New York butterfish catch represented approximately 11% and 12% of the total national catch of this species, in terms of pounds and ex-vessel value, respectively.

Almost all the butterfish landed in New York is sold for food, but some is used for bait. In 1977, pound nets accounted for approximately 23% of the total State catch, and otter trawls for the remainder. In recent years, 90% or more of the catch has been landed in Suffolk County. In 1977 in that County, butterfish contributed five percent of otter trawl landings and ex-vessel value, and six per cent and eight per cent of landings and revenues from pound nets, respectively.

Most butterfish landings in New York occur in late spring and early summer, although significant quantities are landed year-round. The pound net fishery takes its largest quantities during the warm months, when butterfish move inshore and north. A secondary peak in landings usually occurs in mid-autumn. This cycle is similar to, and may result from, the seasonal pattern of total finfish landings in this State. An increase in late fall—early winter landings of this species, while it would require increased effort by offshore trawlers, could significantly add to overall ex-vessel fishery income during these months, when New York fishery revenues are usually at a yearly minimum.

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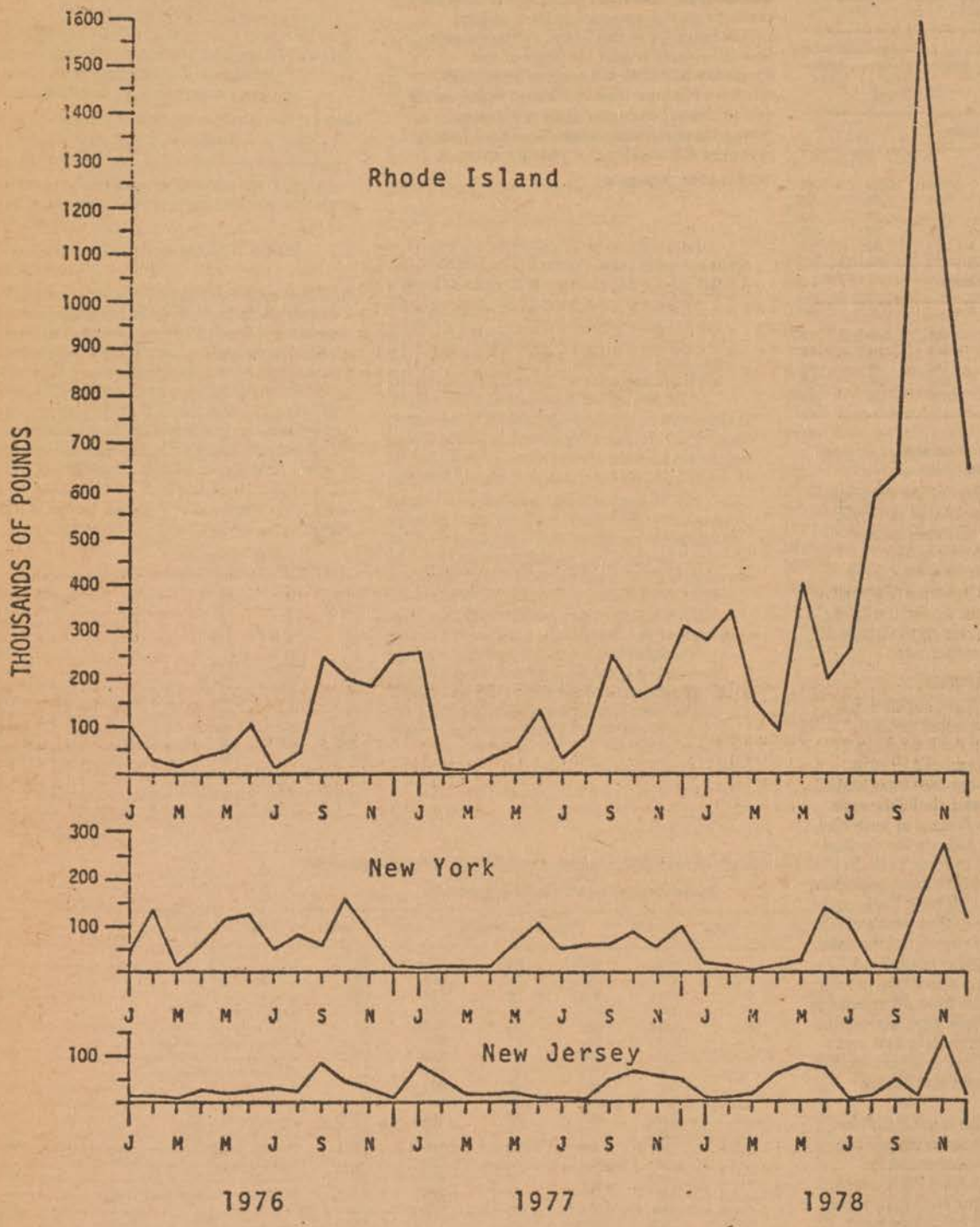
Figure 12



Reported Commercial Butterfish Landings In Rhode Island, New York, And New Jersey By Month, 1976-1978

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The average ex-vessel price per pound in 1973 for butterfish in New York was about $0.38, but monthly average price varied from $0.25 per pound (in early summer) to $0.52 per pound (in autumn). These prices, however, reflect only the average paid for all butterfish. Pound net-caught butterfish frequently bring higher prices than those taken by trawls, as the fish are usually in better condition and reach the markets sooner after capture. For different sizes and qualities, also, butterfish prices may vary significantly. "Jumbo" butterfish, usually available only in the autumn, brought $1.20 per pound at Fulton Fish Market in November, 1978. These are the butterfish which are utilized by smokehouses in New York City and which are usually preferred by most wholesale buyers. During autumn, demand for these fish frequently exceeds supply. Small butterfish, however, often are almost valueless or are utilized mainly as bait.

New Jersey Commercial Fishery

Commercial landings of butterfish in New Jersey in 1978 were 482,000 pounds, worth $123,000, accounting for six percent of total U.S. commercial landings of this species, but representing about half of the average State catch of butterfish since 1964 (Table 13). The 1978 butterfish catch contributed approximately 0.6% of the weight and 0.3% of the ex-vessel value of total New Jersey food finfish and shellfish landings in that year.

Most of the State butterfish catch is landed in Cape May and Ocean Counties, where the 1978 butterfish catch accounted for about 1.3% and 1.2%, and 1.0% and 0.9% by weight and ex-vessel value of finfish and squid landings in those counties, respectively.

Over 90% of the 1977 New Jersey butterfish catch was trawl-caught; the remainder was taken mainly by pound nets. The average price for trawl-caught butterfish in 1977 in New Jersey was about $0.24 per pound, while the average price for those taken by pound nets and other gear was about $0.28 per pound. The reason for this discrepancy is probably the same as that discussed for the pound net industry in New York.

Butterfish accounted for less than two percent of total New Jersey food finfish and squid landings and ex-vessel value in 1978. The New Jersey food finfish fishery is supported mainly by flounders (especially summer flounder) which provided about 30% of the ex-vessel revenues of this fishery sector that year. It is probable that much of the New Jersey butterfish catch is taken as a by-catch to the flounder fishery, since landings of flounders and butterfish tend to peak in the same seasons. In general, the New Jersey food finfish fishery relies heavily on those species which are also subject to intense recreational fishing pressure, e.g., summer flounder, bluefish, weakfish, black sea bass, and scup. In 1978, the ex-vessel price per pound for butterfish did not rank it among the top ten species ordered by the same criterion. Thus, while butterfish may occasionally contribute significantly in some months to a few ports or to a specific fishing gear, the value of this species to New Jersey fishermen is almost entirely as added income from an incidental fishery.

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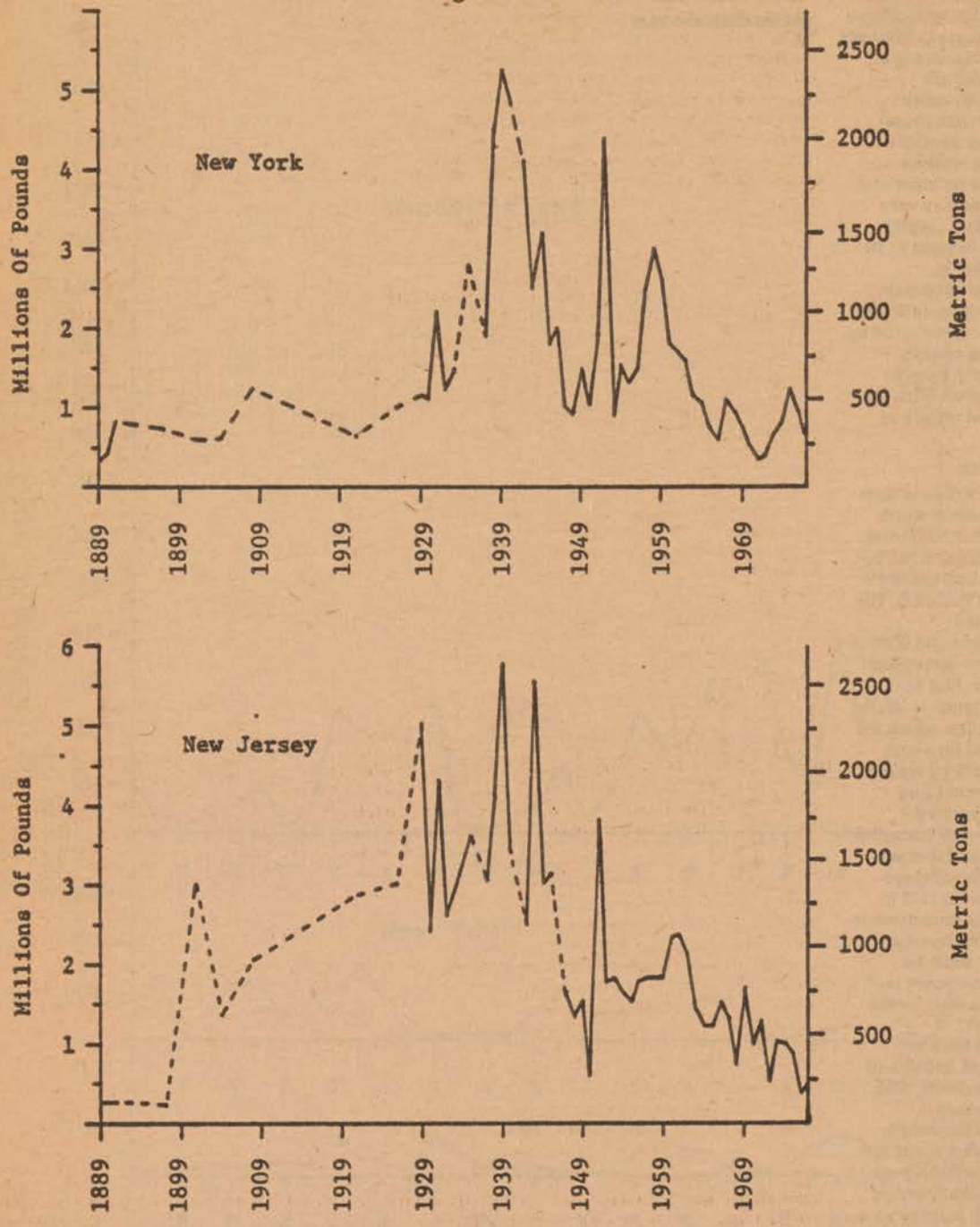
Figure 13



Reported Commercial Landings Of Butterfish In New York And New Jersey

1889 - 1977

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Rhode Island Commercial Fishery

More butterfish has been reported landed in Rhode Island than in any other State since 1973. Rhode Island landings averaged 30% of the reported national catch of this species from 1964–1977, and in 1977 provided about half of the US commercial catch (Table 13). This dominance was increased in 1978, when Rhode Island landings, in response to the development that year of foreign markets for this species, reached almost 6.3 million pounds (2,856 mt) and accounted for 78% of reported US butterfish landings. This 1978 catch was over five times greater than average State butterfish landings in the previous decade and represented the largest Rhode Island landings of this species on record (Figure 14).

The food finfish (including squid) fishery of Rhode Island traditionally has concentrated on a few species, mainly flounders (41% and 29% by weight of this category in 1977 and 1978, respectively) and other groundfish such as cod, haddock, and silver hake (24% and 26% in 1977 and 1978). Rhode Island butterfish landings from 1968–1977 averaged only 3% by weight of annual State food finfish landings, but in 1978 this contribution increased to 13%. In 1978, landings of large butterfish (the preferred size for the domestic and foreign markets) ranked fourth by weight and fourth by ex-vessel price per pound (after summer and yellowtail flounders and squid) among those species which contributed significantly (1% or greater by weight) to State landings of food finfish.

Most of the butterfish catch in Rhode Island is taken by otter trawls, the remainder by floating traps (about 10% in 1977). Three-quarters or more of the catch is taken in the FCZ, almost entirely by trawls. Almost all of the butterfish taken by floating traps is caught in Rhode Island Sound, within State waters. The increased trawling effort for butterfish in 1978 was expended almost completely within the FCZ.

Butterfish landings in Rhode Island are reported by various market sizes (see Table 24). Large butterfish and those taken by floating traps (which are usually reported as "unclassified") are the most highly valued on the market, the latter because the fish are usually in prime condition. In 1977, the average prices per pound paid to fishermen for large, medium, small, and unclassified butterfish were $0.34, $0.19, $0.11, and $0.40, respectively. In 1978, despite the dramatic increase in landings, the average ex-vessel prices for these categories were $0.39, $0.21, $0.18, and $0.41, respectively (Table 24). The effect of the development of the export market is most obvious in landings of large butterifsh, which not only accounted for almost all of the increase in overall landings, but also reflected a significant increase in ex-vessel price over 1977.

Rhode Island landings of large butterfish usually peak from early autumn through early winter (Figure 12). Butterfish catches by floating traps usually are greatest in early summer, coinciding with the months of greatest butterfish landings by pound nets in New York and New Jersey. Landings of food finfish in Rhode Island usually are at a maximum in late spring. The value of butterfish to the Rhode Island food finfish industry is, therefore, far greater seasonally than on a yearly basis. In 1977, butterfish accounted for about seven percent of ex-vessel revenue from food finfish for the last quarter of the year. From October–December, 1978, ex-vessel revenue from butterfish represented about 34% of total State ex-vessel revenues from food finfish (43% in October, 1978) (Figure 15).

At least 90% of the butterfish landed at Pt. Judith, the center of the Rhode Island butterfish industry, is being exported, mainly to Japan. Exported butterfish from this port resulted in approximately $2 million to these fishermen in 1978. Another result of the development of the export market in 1978 was that the wholesale price of frozen butterfish exceeded that for fresh butterfish for the first time in history (Pt. Judith Fishermen's Cooperative, personal communication).

Based on the rapid development of this fishery in Rhode Island, total US landings of butterfish in 1978 exceeded 3,600 metric tons. If a similar rate of growth for this fishery is maintained, as is predicted by the industry, then total US landings of butterfish in 1979 should reach 7,000 metric tons. It is impossible at present to predict the level of butterfish exports in 1979 because (1) butterfish exports are not determined by contracts set many months in advance of actual production but are negotiated on a short-term (immediate shipment) basis, and (2) the height of the trawl fishery for butterfish occurs in the autumn. It is clear that the main determinant of how rapidly the Rhode Island butterfish fishery develops will be the strength of foreign markets. Butterfish and squid, the harvests of which can readily be coordinated, offer the best prospects for expansion and diversification of fishing effort in this State, in terms of ex-vessel price, processing technology, and abundance and availability (both on traditional fishing grounds and with conventional fishing gear). The species which at present support the Rhode Island commercial food finfish fishery (groundfish and flounders) are in many cases overfished, under quota management, and/or have a lower ex-vessel price.

The development of this fishery in Rhode Island directly and indirectly benefits the fishery and related industries in other states. A significant fraction of the Rhode Island catch is processed and shipped to the overseas market through processors in other states. Export of most of the Rhode Island catch permits a stable market for butterfish in ports in other states which do not have the processing and handling facilities to enter the export market.

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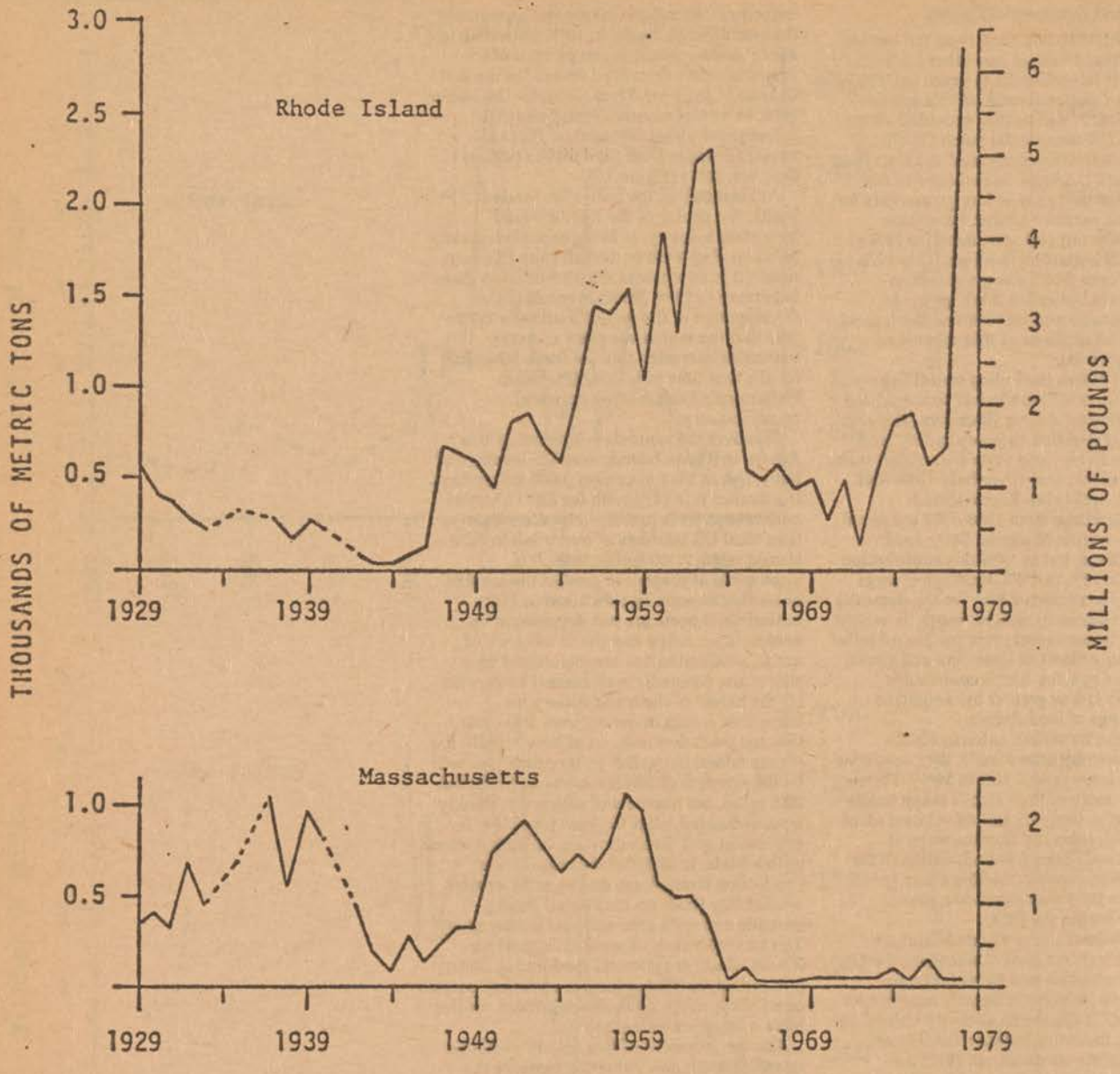
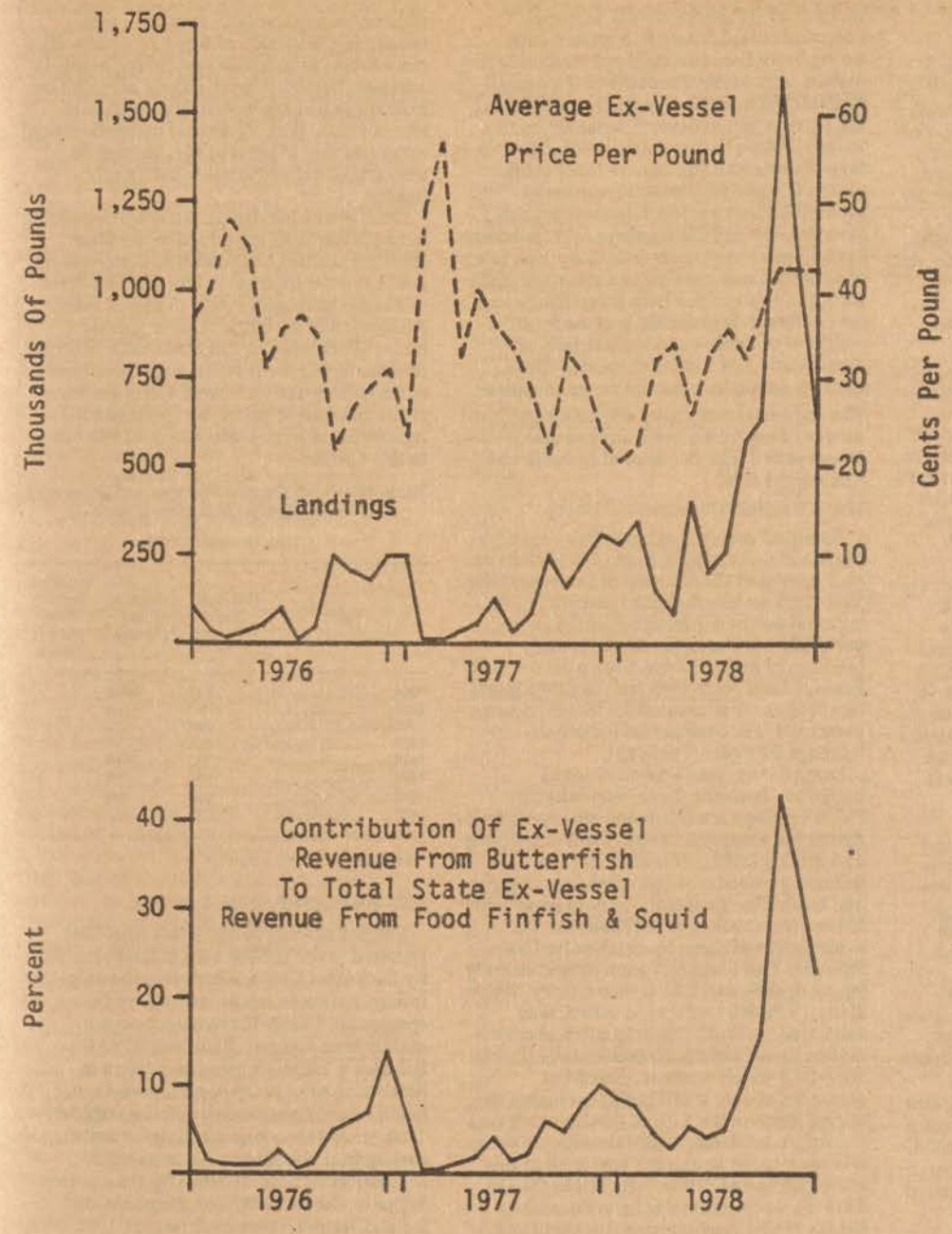


Reported Commercial Landings Of Butterfish
In Rhode Island And Massachusetts, 1929-1978
(Dashed Lines Indicate Missing Data Years)

Figure 14



Rhode Island Butterfish Fishery:

Average Ex-Vessel Price Per Pound (All Size Categories), Landings, And Percentage Of Total State Ex-Vessel Revenue From Food Finfish And Squid Attributable To Butterfish Landings, By Month, 1976 - 1978

Figure 15

BILLING CODE 3510-22-C

Virginia Commercial Fishery

From 1964–1978, reported commercial landings of butterfish in Virginia averaged 766,000 pounds (347 metric tons), or about 17% of the total US reported butterfish catch on average during that period (Table 13). The 1978 reported Virginia catch, approximately 118,000 pounds, worth $28,000, represented about 1.5% and 1.0% of the national catch, by weight and ex-vessel value, respectively.

A significant fraction (in 1978, about 30%) of the State butterfish landings came from the Chesapeake Bay. In 1978, about 70% of the catch came from offshore ocean waters (i.e., the FCZ). Over half the butterfish reported landed in Virginia in 1977 was taken by pound nets. Otter trawls accounted for about one-third of the total catch, and gill nets for most of the remainder.

The average ex-vessel price per pound for butterfish varies relatively little by season or by method of capture in Virginia, in contrast to other States. The average ex-vessel price per pound for butterfish in 1978 in Virginia was about $0.24, ranking this species 8th among other food finfish species (with significant landings). Butterfish, however, are no longer an important component of the State's food finfish landings. In 1978, this species accounted for only 0.3% and 0.3% of the Virginia food finfish and squid catch, by weight and ex-vessel value, respectivley. In no month of that year did butterfish account for more than approximately 2% of the State's ex-vessel revenues from this fishery sector. The contribution of this species to Virginia commercial fisheries by county and by fishing gear is given in Table 21.

Butterfish were historically an important component of the State's industrial ("scrap fish") fishery by pound nets. From the late 1930s through at least the late 1950s, large quantities of butterfish were taken by the pound net fishery for menhaden (McHugh, 1960; J. Zaborski, Virginia Sea Grant, personal communication). McHugh (1960) noted that butterfish "was the most important food fish in York River scrap in 1954, 1955, and 1958," and "almost two-thirds by number and one-half by weight of all butterfish caught in the York River fishery in 1958 were sold as scrap." It is estimated that during the 1930s, as much as 30% of the scrap fish catch by pound nets (other than menhaden) was composed of butterfish (J. Zaborski, personal communication).

Almost all butterfish sold as scrap in Virginia was recorded as "menhaden" during this period (W. Kelly, NMFS, personal communication). These fish were mainly young butterfish, unsuitable of marketing for human consumption because of their small size (McHugh, 1960). It is quite possible that the total weight of butterfish caught by this industrial fishery frequently was far greater than the reported (for human food) catch during this period. The total number of butterfish sold as scrap, however, probably always exceeded the numbers sold for human food. In recent years, the relatively high price of butterfish has resulted in almost complete culling of this species from scrap fish pound net catches. It is probably that the total weight of butterfish used industrially is significantly less than the reported State catch (J. Zaborski, personal communication).

The industrial catch may still be a significant source of mortality, however, because it is composed of high numbers of juvenile and undersized fish.

North Carolina Commercial Fishery

Reported landings of butterfish (taken by the foodfish fishery) in North Carolina have only averaged 157,000 pounds per year from 1964–1978, or less than four percent of the national catch on average over the same period. North Carolina reported yearly landings of butterfish have not attained that average level since 1967, and the 1978 State reported catch accounted for less than two percent of U.S. commercial butterfish landings that year (Table 13).

Large but unreported quantities of butterfish, however, have been taken by North Carolina trash fish and shrimp fisheries during the same time. Fahy (1966) and Brown and McCoy (1969) estimated that the following amounts of butterfish were caught and landed by the largely inshore scrap fish fishery from 1964 to 1971 (Table 15). The average size of these by-catch butterfish indicates that these fish were almost entirely young-of-the-year. The shrimp fishery, which operates mainly in Pamlico sound, was estimated by Wolff (1972) to catch about 50 million pounds of finfish incidentally during 1969–1971 which was not landed but discarded at sea. Wolff (1972) estimated that during those years, 1.3% of this by-catch was butterfish, or about 650,000 pounds per year. It is reasonable to assume that most of this butterfish by-catch was returned to the sea dead. By-catch estimates from the shrimp fishery during previous or subsequent years are not available.

The scrap fishery of North Carolina has declined significantly in the 1970s, due mainly to a diversion of these vessels to other more lucrative fisheries and fishing areas. In addition, butterfish have largely disappeared from these inshore waters and catches in recent years. Wolff (personal communication) estimates that at present only negligible amounts of butterfish are taken in this fishery.

If the above incidental catches of butterfish in North Carolina are added to the State reported catches, the total U.S. catch and the portion of the total catch taken in this State increase significantly (e.g., to 16% in 1964). Although it is probable that unreported butterfish catches in this State have declined drastically in recent years, a revival of the scrap fishery and/or changes in abundance or distribution of butterfish could result in a renewed and large-scale source of mortality to this species.

Table 15.—*North Carolina Reported and Unreported (Estimated) Catches of Butterfish, 1964–71*

[Thousands of pounds]

Year	Reported catch	Industrially caught butterfish	Butterfish by-catch from shrimp fishery
1964	130	1,086	(1)
1965	367	785	(1)
1966	503	528	(1)
1967	384	555	(1)
1968	107	466	(1)
1969	130	86	650
1970	133	121	650
1971	58	194	650

[1] Unknown.

VIII–3. Foreign Fishing Activities

Foreign catches of butterfish were first reported in the ICNAF area (Figure 1) in 1963 by the Soviet Union, which was the only foreign nation to report landings of this species until 1967. These catches came mainly from Georges Bank and ICNAF Subarea 4, although some was taken in Statistical Area 6. Other nations did not begin reporting butterfish catches until 1967–1968, when Japan began taking butterfish, mainly from the Middle Atlantic Bight (Statistical Area 6). Catches by vessels from Bulgaria, the GDR, Poland, Romania, and Ireland were first reported in 1969, 1972, 1973, 1974, and 1975, respectively (Table 16).

Although it was never officially reported, it is known that significant quantities of this species were also caught but discardded at sea by Spanish vessels. Reported and probable total foreign catches of butterfish in the ICNAF area are discussed in Section V–2 (see also Section VII–3 and Figure 16).

Most reported foreign catches of butterfish in what is now the FCZ have come from the Southern New England-Middle Atlantic Bight. In 1973, the year of peak foreign catches, approximately half the total foreign butterfish catch came from Subdivision 6A, which encompasses New York Bight. Compared to landings of other species, the foreign fishery for butterfish has been relatively small. Undoubtedly a large fraction of this catch has been taken incidentally to directed fisheries for other pelagic species, especially mackerel, herring, and squid. Since 1970, the largest harvester (including the U.S.) of butterfish has been Japan. In 1973, the peak year of Japanese butterfish landings, this species accounted for 37% of Japan's catch of all species from what is now the FCZ. The contribution of butterfish to total landings by other major foreign fishing nations has been much smaller (about 2% for the USSR in 1969, the year of peak Soviet butterfish landings).

ICNAF Statistical Bulletins do not record foreign catches of butterfish by month by fishing area. Catches of *Loligo pealei* (long-finned squid), however, are available on that basis. Since the Japanese fishery for butterfish is conducted mostly in conjunction with its fishery for squid, it can be deduced from these records that most Japanese catches of butterfish occur from late autumn to late winter in the Middle Atlantic Bight, when butterfish are offshore and in deep water at the edge of the continental shelf. This is also usually the season of minimum domestic commercial landings of this species.

VIII–4. Interaction Between Domestic and Foreign Participants in the Fishery

Until enactment of the FCMA, the foreign fishery for butterfish was largely confined to those cold weather months when U.S. catches of this species traditionally were at a minimum, when butterfish are offshore in deep water and less accessible to U.S. fishermen (Section VIII–3). Historically, there was a U.S. fishery in this area also. Since 1977, foreign fishing for butterfish has been controlled by regulations pursuant to a Preliminary Management Plan and amendments thereto, prepared by the NMFS under the FCMA. These regulations should minimize the conflict between U.S. and foreign competition for this species. Since much of the foreign butterfish catch has occurred as a by-catch from other fisheries, the reduction in foreign TALFFs for major pelagic species should also serve to control by-catch of this species.

Table 16.—*Reported Catches of Butterfish in ICNAF Subareas 1–5 and Statistical Area 6. 1963–76*

[In metric tons]

Year and country	Subarea 4	Division 5Y	Subdivision 5Ze [1]	Subdivision 5Zw [1]	Subarea 5NK [2]	Division 6A	Division 6B	Division 6C	Subarea 6NK [2]	Total
1976:										
U.S.S.R.	73		154	106		20	67			420
Bulgaria			4							4
Japan			1,405	5,391		929	116	26		7,867
Poland			664	392		140	322			1,518
Romania			35	27						62
Ireland			64	211		191	13			479
U.S.A.		15	48	711		568	169	17		1,528
G.D.R.			3							3
1975:										
U.S.S.R.	119		411	187		56	13	3		789
Bulgaria			128	4		166				289
G.D.R.			1							1
Japan			110	854		1,916	645	99		3,624
Poland			871	809		1,136	889	19		3,754
U.S.A.		2	8	869		850	339	20		2,088
Ireland			13	174		230	192	3		612
1974:										
Japan	3	2	1,202	2,596		1,403	207	44		5,457
Poland		47	1,365	88		1,061	947			3,508
U.S.S.R.			439	508		320	104	1		1,372
U.S.A.		3	18	1,432		637	417	8	13	2,528
1973:										
Bulgaria			82	124		18	15			239
G.D.R.				190			6			196
Japan			610	1,660		7,773	1,997	112		12,172
Poland		81	2,554	155		214				2,804
Romania			30	26		16	80			152
U.S.S.R.			500	952		929	47	6		2,334
U.S.A.		1	5	508		171			872	1,557
1972:										
Japan	14		1,107	289		1,198	989	73		3,675
Bulgaria			43	53		18				114
U.S.S.R.		83	138	214		1,160	246	7		1,348
G.D.R.			10			10	14			34
U.S.A.		24	2	97		102			594	819
1971:										
Japan	3		550	423		1,215	3,075		505	5,771
U.S.S.R.			61	232	107	72	14			486
Bulgaria			1			9	16			26
U.S.A.		24	8	387		103			1,048	1,570
1970:										
Japan			346	877		2,142	3,680	1,076		8,621
U.S.S.R.	13		70	326		8				407
U.S.A.		20	17	354		25			1,453	1,869
1969:										
U.S.S.R.	15		702	8,777		183	749	681		11,107
U.S.A.		33	74	637		60			1,634	2,433
Bulgaria				36						36
Japan			1,087	833		1,096	912	2		3,930
1968:										
U.S.S.R.			648	948					315	1,911
U.S.A.		37	27	611		10			1,119	1,804
Japan			284	44		1,024	2,174			3,526
1967:										
U.S.S.R.			1,406						764	2,170
U.S.A.		44	751						1,657	2,452
Japan				1		30	114	1		146
1966:										
U.S.S.R.			3,865							3,865
U.S.A.		52	553						2,615	3,220
1965:										
U.S.S.R.			732						17	749
U.S.A.		37	1,025						2,278	3,340
1964:										
U.S.S.R.	263		169						316	748
U.S.A.		27	946						1,588	2,561
1963:										
U.S.S.R.	285	110	1,779						111	2,285
U.S.A.		74	2,464		166				1,809	4,515

[1] Catches before 1968 were reported from "Division 5Z"

[2] "NK" = not known.

The US butterfish market is limited, and the development of export markets, which began in 1978, represents a distinct opportunity for expanding the US butterfish industry. Large foreign catches of this species in the past may have hindered the development of such an export market. Fishermen have indicated that activity of large foreign trawlers in areas of butterfish concentration may adversely influence the development of an offshore butterfish fishery by smaller US vessels because of perceived foreign dominance of the limited space because of size and number of vessels.

IX. Description of Economic Characteristics of the Fishery

IX–1. Domestic Harvesting Sector

Historical records of butterfish landings are available for the States of Maine through Virginia. These records indicate that butterfish has been an important component of the foodfish fisheries of this region since at least the 1930s. The ex-vessel values of this fishery in each of these States are given in Table 13 in Section VIII.

Those New England ports at which butterfish was recorded landed in 1977 are listed in Table 17. The most important New England port for butterfish traditionally has been Pt. Judith, Rhode Island. Total landings and ex-vessel value of butterfish at this port exceeded the combined similar total for all other New England ports in 1977. Although butterfish contributed less than one percent of total landings and ex-vessel revenue in other New England ports that year, this species accounted for just under three percent of total Pt. Judith food finfish and squid landings and revenues in 1977. Further information on the characteristics of this fishery in Rhode Island are given in Section VIII–2.

The total ex-vessel value of the New England (Maine-Connecticut) butterfish catch in 1977 (the latest year for which complete New England data are available) was $451,000, or about 0.2% of the total New England ex-vessel revenue from all species, and 0.5% of the ex-vessel revenue from food finfish and squid. The aggregate value of this butterfish catch, however, which includes the economic impact of this catch upon other fishery industries and related activities, probably was well in excess of one million dollars.

The Middle Atlantic (New York-Virginia) butterfish catch in 1977, 1.25 million pounds worth $357,000, accounted for about 1.5% of the regional ex-vessel revenue from food finfish and squid and 1.3% of the total landings of food finfish and squid by weight. In almost all counties in the Middle Atlantic States where butterfish are landed, the relative contribution of this species to the finfish and squid fisheries is greater in terms of ex-vessel value that it is in terms of weight landed.

Table 17.—*1977 Contribution of Butterfish Landings to Total New England Port Landings, by Weight*

[In metric tons]

Port and State	Butterfish	Total finfish and squid	Butterfish percent of total finfish and squid	Total all species	Butterfish percent of all species
Portland, Maine	0.4	14,493.1	<0.1	14,572.0	<0.1
Gloucester, Mass	.1	67,463.0	<.1	67,911.3	<.1
Chatham, Mass	10.7	1,493.3	.7	3,764.9	.3
New Bedford, Mass	1.7	28,462.7	<.1	75,768.0	<.1
Plymouth, Mass	.5	1,141.7	<.1	1,472.5	<.1
Provincetown, Mass	1.3	8,214.0	<.1	12,925.2	<.1
Sandwich, Mass	1.2	6,907.9	<.1	9,518.4	<.1
Newport, R.I	76.2	7,420.5	1.0	8,685.0	.9
Port Judith, R.I	549.6	19,268.1	2.9	19,717.6	2.8

Tables 18–21 show the contribution of butterfish to all counties in the Middle Atlantic States with recorded butterfish landings in 1976. These tables also show the value of the 1976 butterfish catch to each fishing gear industry within each county. Overall, butterfish provided approximately 3 pct and 4 pct of the ex-vessel revenues from otter trawls and pound nets, respectively, in these counties in 1976. In single counties to specific fishing gears, however, butterfish frequently was more valuable. For example, the 1976 butterfish catch provided almost 7 pct and 12 pct of the otter trawl and pound net income, respectively in Suffolk County, N.Y. (table 18).

Table 18.—*Contribution of 1976 Butterfish Landings to New York Counties and Fishing Gears*

	Pounds	Dollars	Average	
			Pounds	Dollars
Kings County				
Butterfish landings: Fish otter trawls	82,800	24,365	[1]$0.29	
			Butterfish contribution, percent	
County landings:				
All species	2,449,100	532,114	3.1	4.6
Finfish and squid	2,293,400	464,554	3.6	5.2
Fish otter trawls	2,027,100	332,283	4.1	7.3

Table 18.—*Contribution of 1976 Butterfish Landings to New York Counties and Fishing Gears*—Continued

	Pounds	Dollars	Average Pounds	Average Dollars
Nassau County				
Butterfish landings: Fish otter trawls	38,500	11,475	[1]$.30	
			Butterfish contribution, percent	
County landings:				
All species	4,871,100	2,539,856	0.8	0.5
Finfish and squid	1,029,700	265,686	3.7	4.3
Fish otter trawls	947,300	238,390	4.1	4.8
Suffolk County				
Butterfish landings:				
Haul seines	5,300	1,589	[1]$0.30	
Fish otter trawls	622,300	181,062	[1].29	
Fish pound nets	207,200	54,572	[1].26	
Anchor/set/stake gill nets	3,300	891	[1].27	
Total	858,100	238,114	[1].28	
			Butterfish contribution, percent	
County landings:				
All species	26,310,100	28,239,286	3.2	0.8
Finfish and squid	14,311,200	3,375,452	5.9	6.1
Haul seines	760,500	208,353	.7	.3
Fish otter trawls	9,176,400	2,776,050	6.8	6.5
Fish pound nets	2,418,700	469,048	8.6	11.6
Anchor/set/stake gill nets	803,800	97,932	.4	.9

[1] Average dollars per pound.

Table 19.—*Contribution of 1976 Butterfish Landings to New Jersey Counties and Fishing Gears*

	Pounds	Dollars	Average Pounds	Average Dollars
Atlantic County				
Butterfish landings:				
Fish otter trawls	7,500	2,436	[2]$0.32	
Scallop otter trawls	100	23	[2].23	
Total	7,600	2,459	[2].32	
			Butterfish contribution, percent	
County landings:				
All species	13,048,200	5,670,261	<0.1	<0.1
Finfish and squid	1,147,700	511,385	.7	.5
Fish otter trawls	734,000	234,772	1.0	1.0
Scallop otter trawls	21,000	29,286	.5	<.1
Cape May County				
Butterfish landings:				
Fish otter trawls	186,900	41,603	[2]$0.22	
Mid-water trawls	52,400	11,965	[2].23	
Runaround gill nets	100	13	[2].13	
Total	239,400	53,581	[2].22	
			Butterfish contribution, percent	
County landings:				
All species	39,696,700	14,961,938	0.6	0.4
Finfish and squid	22,508,300	4,373,150	1.1	1.2
Fish otter trawls	15,150,100	3,234,789	1.2	1.3
Mid-water trawls	4,525,300	331,463	1.2	3.6
Runaround gill nets	51,100	6,687	.2	.2
Monmouth County				
Butterfish landings:				
Fish otter trawls	3,900	1,395	[2]$0.36	

Table 19.—*Contribution of 1976 Butterfish Landings to New Jersey Counties and Fishing Gears*—Continued

	Pounds	Dollars	Average Pounds	Average Dollars
Monmouth County				
Fish pound nets	45,800	12,195	[2].27	
Total	49,700	13,590	[2].27	
			Butterfish contribution, percent	
County landings:				
All species	154,644,700	5,411,170	<0.1	0.2
Finfish and squid	153,916,789	4,840,930	<.1	.3
Food finfish and squid [1]	3,833,322	553,603	1.3	2.5
Fish otter trawls	3,000,800	350,394	.1	.4
Fish pound nets	3,007,900	242,994	1.5	5.0
Ocean County				
Butterfish landings:				
Fish otter trawls	36,400	12,563	[2]$0.35	
Lobster otter trawls	2,100	240	[2].11	
Runaround gill nets	100	41	[2].41	
Total	38,600	12,844	[2].33	
			Butterfish contribution, percent	
County landings:				
All species	15,459,500	6,479,155	0.2	0.2
Finfish and squid	10,897,664	2,577,855	.4	.5
Fish otter trawls	8,510,800	1,703,668	.4	.7
Lobster otter trawls	191,600	276,847	1.1	<.1
Runaround gill nets	497,200	81,738	<.1	<.1

[1] Monmouth County is the center of the New Jersey menhaden industry.
[2] Average dollars per pound.
< = less than.

Table 20.—*Contribution of 1976 Butterfish Landings to Maryland Counties and Fishing Gears*

	Pounds	Dollars	Average Pounds	Average Dollars
Dorchester County				
Butterfish landings: anchor/set/stake gill nets	100	38	[1]$0.38	
			Butterfish contribution, percent	
County landings:				
All species	12,158,300	5,195,529	<0.1	<0.1
Finfish and squid	3,372,600	504,157	<.1	<.1
Anchor/set/stake gill nets	151,100	57,167	<.1	<.1
Kent County				
Butterfish landings: anchor/set/stake gill nets	100	44	[1]$0.44	
			Butterfish contribution, percent	
County landings:				
All species	2,409,300	349,115	<0.1	<0.1
Finfish and squid	1,095,900	365,154	<.1	<.1
Anchor/set/stake gill nets	674,300	278,568	<.1	<.1
Worcester County				
Butterfish landings:				
Fish otter trawls	20,400	5,488	[1]$0.27	
Anchor/set/stake gill nets	100	17		[1]$0.17
Total	20,500	5,505	[1]$0.27	

Table 20.—*Contribution of 1976 Butterfish Landings to Maryland Counties and Fishing Gears*—Continued

	Pounds	Dollars	Average	
			Pounds	Dollars
Worcester County				
County landings:				
All species	11,378,500	5,446,980	0.2	0.1
Finfish and squid	2,998,300	576,537	.7	1.0
Fish otter trawls	2,706,500	495,170	.3	1.1
Anchor/set/stake gill nets	24,900	2,851	.4	.6

[1] Average dollars per pound.

Table 21.—Contribution of 1976 Butterfish Landings to Virginia Counties and Fishing Gears

	Pounds	Dollars	Average	
			Pounds	Dollars
Accomack County				
Butterfish landings:				
Fish otter trawls	2,100	595	[1]$0.28	
Drift gill nets	3,800	1,031	[1].27	
Total	5,900	1,626	[1].28	
			Butterfish contribution, percent	
County landings:				
All species	9,437,000	3,574,945	<0.1	<0.1
Finfish and squid	2,893,700	645,860	0.2	0.3
Fish otter trawls	796,800	281,391	0.3	0.2
Drift gill nets	1,723,800	265,139	0.2	0.4
City of Norfolk				
Butterfish landings:				
Fish otter trawls	2,900	726	[1]$0.25	
Fish pound nets	31,700	7,216	[1].23	
Total	34,600	7,942	[1].23	
			Butterfish contribution, percent	
County landings:				
All species	3,337,300	1,171,362	1.0	0.7
Finfish and squid	2,703,500	261,800	1.3	3.0
Fish otter trawls	1,303,300	310,489	.3	.3
Fish pound nets	1,346,700	107,960	2.4	2.3
City of Hampton				
Butterfish landings:				
Fish otter trawls	8,900	2,045	[1]$0.23	
Fish pound nets	2,500	537	.21	
Anchor/set/stake gill nets	1,400	303	.22	
Hand lines	100	21	.21	
Total	12,900	2,906	.23	
			Butterfish contribution, percent	
County landings:				
All species	9,382,800	5,618,549	0.1	>0.1
Finfish and squid	4,343,300	1,025,604	.3	.3
Fish otter trawls	3,471,900	926,508	.3	.2
Fish pound nets	522,100	42,022	.5	1.3
Anchor/set/stake gill nets	150,600	18,274	.9	1.7
Hand lines	27,200	3,914	.4	.5

Table 21.—Contribution of 1976 Butterfish Landings to Virginia Counties and Fishing Gears

	Pounds	Dollars	Average	
			Pounds	Dollars
Northampton County				
Butterfish landings: fish pound nets	300	71	$0.24	
			Butterfish contribution, percent	
County landings:				
All species	20,339,700	8,513,620	<0.1	<0.1
Finfish and squid	2,951,000	265,633	<.1	<.1
Fish pound nets	2,326,200	226,847	<.1	<.1
City of Virginia Beach				
Butterfish landings:				
Haul seines	1,600	409	[1] $0.26	
Fish pound nets	7,600	1,845	.24	
Anchor/set/stake gill nets	300	67	.22	
Drift gill nets	1,000	250	.25	
Total	10,500	2,571	.24	
			Butterfish contribution, percent	
County landings:				
All species	1,792,100	367,719	0.6	0.7
Finfish and squid	1,374,300	198,299	.3	1.3
Haul seines	487,200	77,682	.3	.5
Fish pound nets	525,800	56,367	1.4	3.3
Anchor/set/stake gill nets	260,000	42,586	.1	.2
Drift gill nets	73,700	12,175	1.4	2.1
York County				
Butterfish landings:				
Haul seines	800	174	[1] $0.22	
Fish pound nets	6,100	1,353	[1] .22	
Anchor/set/stake gill nets	1,400	306	[1] .22	
Total	8,300	1,833	[1] .22	
			Butterfish contribution, percent	
County landings:				
All species	3,185,600	762,965	0.3	0.2
Finfish and squid	1,640,200	176,718	.5	1.0
Haul seines	793,300	105,216	.1	.2
Fish pound nets	633,000	44,945	1.1	3.0
Anchor/set/stake gill nets	180,800	21,661	.3	1.4
Gloucester County				
Butterfish landings: fish pound nets	22,600	6,709	[1] $0.30	
			Butterfish contribution, percent	
County landings:				
All species	7,125,200	1,778,846	0.3	0.4
Finfish and squid	2,864,800	323,386	.8	2.1
Fish pound nets	2,529,900	249,716	.9	2.7
Lancaster County				
Butterfish landings: fish pound nets	600	163	[1] $0.27	
			Butterfish contribution, percent	
County landings:				
All species	17,431,300	1,927,491	<0.1	<0.1
Finfish and squid	14,529,200	523,780	<.1	<.1
Fish pound nets	14,078,800	426,652	<.1	<.1
Mathews County				
Butterfish landings: fish pound nets	29,600	6,466	[1] $0.22	

Table 21.—Contribution of 1976 Butterfish Landings to Virginia Counties and Fishing Gears—Continued

	Pounds	Dollars	Average	
			Pounds	Dollars
Mathews County				
			Butterfish contribution, percent	
County landings:				
All species	9,786,500	1,151,262	0.3	0.6
Finfish and squid	6,640,400	449,082	.4	1.4
Fish pound nets	6,582,700	431,519	.4	1.5

[1] Average dollars per pound.

Table 22 presents an analysis of major commercial fisheries in 1976 from Maine through Virginia in terms of total weights landed, total ex-vessel revenues, and ex-vessel prices per pound paid for each species, and the relative contribution of each species to total regional production. In 1976, butterfish ranked 35th by total poundage landed, 33rd by total ex-vessel revenue, and 26th by average ex-vessel price per pound paid to fishermen. If only food finfish and squid are considered in these rankings, butterfish ranked 26th, 22nd, and 15th, respectively. The relative positions of butterfish in these rankings indicate that the fishery for butterfish would be quite likely to expand significantly under contitions of a generally expanding commercial fishing industry in this region. This is especially probable since the fisheries for at least four of the food finfish species which precede butterfish by total weight landed and ex-vessel value—cod, haddock, yellowtail flounder, and Atlantic herring—are now or will be in the near future under regulation by Fishery Management Plans which will strictly limit expansion of the groundfish and herring fisheries for at least several years.

Table 23 shows the average national ex-vessel price per pound paid for butterfish since 1964 in actual dollars and in dollars adjusted for inflation. Table 24 shows these same prices for the Rhode Island butterfish fishery over the same period. Rhode Island is one of the largest butterfish producing States and is also one of the few States whose butterfish catch is reported by market categories. As Table 24 indicates, demand for butterfish depends greatly on size and quantity available. The price spreads between these size categories of butterfish in Rhode Island in 1977, for example, were greater than price differences for variouis market grades of almost all other food finfish (including groundfish). Such price differences in the butterfish market have also been observed in other States in which significant quantities of this species are landed. This is due to the fact that only the largest (or top quality) butterfish are in significant demand for human consumption domestically. Undoubtedly a large fraction of the catch of undersized butterfish is frequently used for industrial or bait purposes, expecially when the supply of large fish is abundant.

Table 22.—*1976 U.S. Commercial Landings.[1] of Selected Species in the New England and Middle Atlantic States (Maine-Virginia)*

Species	Thousands of pounds	Percent of total
Atlantic menhaden	656,380	46.7

Table 22.—*1976 U.S. Commercial Landings.[1] of Selected Species in the New England and Middle Atlantic States (Maine-Virginia)*

Species	Thousands of pounds	Percent of total
Atlantic herring	110,517	7.9
Atlantic cod	56,019	4.0
Blue crab	53,861	3.8
Surf clam	49,138	3.5
Silver hake	47,660	3.4
Yellowtail flounder	37,940	2.7
American lobster	33,113	2.4
Redfish	32,133	2.3
American oyster	24,666	1.8
Summer flounder	23,635	1.7
Unclassified, industrial	22,472	1.6
Pollock	22,117	1.6
Sea scallop	18,479	1.3
Scup	15,959	1.1
Winter flounder	15,631	1.1
Hard clam	14,009	1.0
Haddock	12,769	.9
Weakfish	12,059	.9
Soft clam	10,449	.7
White hake	9,046	.6
Squids	8,379	.6
Alewives	7,868	.6
American plaice	7,822	.6
Atlantic croaker	7,673	.5
Bluefish	6,905	.5
Ocean quahog	5,600	.4
Atlantic mackerel	4,975	.4
Red hake	4,975	.4
Witch	4,157	.3
Bluefin tuna	4,021	.3
Striped bass	3,987	.3
Swordfish	3,595	.3
Black sea bass	3,431	.2
Butterfish	3,033	.2
Unclassified, food	2,734	.2
Shrimps	2,254	.2
Tilefish	2,225	.2
Mussels	1,695	.1
American shad	1,557	.1
Catfish/bullheads	1,462	.1
Red crab	1,428	.1
Rock crab	1,413	.1
American eel	1,373	.1
Bay scallop	1,328	.1
Spot	1,221	.1
Dogfish	1,212	.1
White perch	837	.1
Bloodworms	532	<.1
Jonah crab	284	<.1
Tautog	254	<.1
Sharks	121	<.1
Yellow perch	24	<.1
Northern puffer	9	<.1
Total	1,376,428	98

Species	(Ex-vessel) thousands of dollars	Percent of total
American lobster	54,678	17.0
Sea scallop	33,135	10.3
American oyster	28,490	8.9
Hard clam	24,660	7.7
Surf clam	23,357	7.3
Atlantic menhaden	18,487	5.8
Yellowtail flounder	15,553	4.8
Atlantic cod	14,626	4.6
Blue crab	13,335	4.2
Soft clam	12,317	3.8
Summer flounder	10,650	3.3
Haddock	5,563	1.7
Winter flounder	5,444	1.7
Swordfish	4,905	1.5
Redfish	4,394	1.4
Atlantic herring	4,360	1.4
Silver hake	3,979	1.2
Scup	3,301	1.0
Pollock	2,934	.9
Bay scallop	2,790	.9
American plaice	2,365	.7
Striped bass	2,298	.7
Witch	2,057	.6
Weakfish	1,670	.5
Bluefin tuna	1,650	.5
Ocean quahog	1,617	.5
Squids	1,577	.5
Bloodworms	1,256	.4
White hake	1,185	.4
Black sea bass	1,143	.4
Atlantic croaker	967	.3
Tilefish	887	.3
Butterfish	865	.3
Shrimps	764	.2
Unclassified, Food	761	.2
Bluefish	625	.2
Atlantic mackerel	614	.2
American shad	526	.2
American eel	518	.2
Mussels	517	.2
Unclassified, Industrial	431	.1
Red hake	416	.1
Red crab	404	.1
Catfish/bullheads	285	<.1
Alewives	279	<.1
Spot	229	<.1
White perch	223	<.1
Rock crab	129	<.1
Jonah crab	81	<.1
Dogfish	65	<.1
Tautog	23	<.1
Sharks	12	<.1
Northern puffer	6	<.1
Yellow perch	5	<.1
Total	312,408	97
Grand total, all species	320,732	

Species	Average ex-vessel price per pound
Bloodworms	$2.36
Bay scallop	2.10
Sea scallop	1.79
Hard clam	1.76
American lobster	1.65
Swordfish	1.36
Soft clam	1.18
American oyster	1.16
Northern puffer	.68
Striped bass	.58
Witch	.49
Surf clam	.48
Summer flounder	.45
Haddock	.44
Yellowtail flounder	.41
Bluefin tuna	.41
Tilefish	.40
American eel	.38
Winter flounder	.35
American shad	.34
Shrimps	.34
Black sea bass	.33
Mussels	.31
American plaice	.30
Ocean quahog	.29
Butterfish	.29
Jonah crab	.28
Red crab	.28
Unclassified, Food	.28
White perch	.27
Atlantic cod	.26
Blue crab	.25
Yellow perch	.22
Scup	.21
Catfish/bullheads	.19
Squids	.19
Spot	.19
Weakfish	.14

Species	Average ex-vessel price per pound
Redfish	.14
White hake	.13
Pollock	.13
Atlantic croaker	.13
Atlantic mackerel	.12
Sharks	.10
Tautog	.09
Red crab	.09
Bluefish	.09
Red hake	.08
Silver hake	.08
Dogfish	.05
Alewives	.04
Atlantic herring	.04
Atlantic menhaden	.03
Unclassified, industrial	.02

[1] Landings are shown in round (live) weight except for shell mollusks. Clams, mussels and oyster are reported in weight of total meats; scallops are reported in weight of edible meats.
< = less than

Table 23.—*National Average Ex-Vessel Price of Butterfish*

[Dollars Per Pound]

	Unadjusted	Adjusted[1]
Year:		
1964	$0.10	$0.12
1965	.09	.11
1966	.09	.09
1967	.13	.10
1968	.13	.12
1969	.12	.09
1970	.16	.11
1971	.17	.09
1972	.25	.13
1973	.24	.11
1974	.25	.11
1975	.24	.11
1976	.28	NA
1977	.28	NA
1978	.36	NA

[1] 1967 standard dollars. Index from U.S. Bureau of Labor Statistics, Wholesale Prices and Price Indexes. Index used is for "Fresh Packaged Fish and Other Seafood".

Table 24.—*Ex-Vessel Price of Butterfish in Rhode Island*

[Dollars per pound]

	Large butterfish[1]		Medium butterfish[2]		Small butterfish[3]		Unclassified[4] butterfish	
	Unadjusted	Adjusted[5]	Unadjusted	Adjusted[5]	Unadjusted	Adjusted[5]	Unadjusted	Adjusted[5]
Year:								
1964							$0.09	$0.11
1965							.14	.16
1966							.14	.14
1967							.14	.14
1968							.15	.13
1969							.17	.13
1970							.24	.17
1971							.19	.12
1972	$0.38	$0.20	$0.15	$0.08			.28	.15
1973	.28	.13	.23	.10	$0.16	$0.07	.34	.15
1974	.25	.11	.19	.09	.12	.05	.45	.21
1975	.29	.13	.22	.10	.15	.06	.34	.15
1976	.34	NA	.23	NA	.15	NA	.29	NA
1977	.34	NA	.19	NA	.11	NA	.40	NA
1978	.39	NA	.21	NA	.18	NA	.41	NA

[1] Large = 300–350 per 100 lbs.
[2] Medium = 400–450 per 100 lbs.
[3] Small = more than 450 per 100 lbs.
[4] Rhode Island butterfish landings prior to 1972 were not reported by size category. After that year, this category contains mainly fish caught by floating traps.
[5] 1967 Standard Dollars.

IX–2. Domestic Processing Sector

Most butterfish reported landed is sold fresh or frozen for human consumption. Demand in the U.S. for butterfish as food is concentrated mainly on the largest and best quality fish (specification of market sizes is given in Table 24).

A small but growing fraction of the catches of the largest butterfish is smoked and sold in specialty markets. This processing is carried out almost exclusively in New York City, and most of these fish come from Suffolk County, New York, landings in the autumn, when large butterfish are most available in this area (see Section VIII–2, "New York Commercial Fishery").

Table 25.—*U.S. Production of Smoked Butterfish*

Year	Pounds	Wholesale value
1974	22,000	$38,000
1975	28,000	55,000
1976	43,000	101,000

About 20% on average of the annual reported butterfish catch was used industrially from 1965–1974 (the latest year for which data are available). Most of this fraction of the catch is used for bait (Tables 26 and 27). Large quantities of butterfish have been periodically taken by industrial (scrap fish) fisheries which do not report landings by species. The composition of such "trash" fish landings may fluctuate markedly from year to year. See Section VIII–2, "North Carolina Commercial Fishery").

Data to develop estimates of U.S. processor capacity are not available at this time. The reporting requirements proposed in this FMP should result in the necessary data being available for use in updating this FMP.

Table 26.—*Reported[1] Butterfish Landings Used for Industrial Products, by Region*

[Thousands of pounds]

Year	New England[1]	Middle Atlantic[2]	South Atlantic[3]	Total	Percent of total butterfish landings
1965	214	639	521	1,374	20
1966	401	445	397	1,243	21
1967	488	253	407	1,148	22
1968	416	352	262	1,030	29
1969		222	99	321	7
1970	247	278	139	664	17
1971	536	241	146	923	22
1972		167	600	767	47
1973		583	590	1,173	35
1974		781		781	20
1975		916		916	21

[1] New England = Maine through Connecticut.
[2] Middle Atlantic = New York through Virginia.
[3] South Atlantic = North Carolina through east coast Florida.

Table 27.—*Use of Reported[1] Butterfish Landings for Industrial Products, by Commodity*

[Thousands of pounds]

	Fresh/frozen		Canned animal food	For reduction
	Animal food	Bait		
Year:				
1965	491	104	12	767
1966	416	114		713
1967	117	187	122	722
1968	239	158		633
1969	156	96		69
1970		312	3	349
1971	8	281		634
1972	2	338		427
1973		791		381
1974		781		
1975		916		

[1] Large quantities of butterfish have been periodically taken by industrial fisheries which do not report landings by species. The composition of such trash fish landings may fluctuate markedly from year to year. See section VIII–2, "North Carolina Commercial Fishery" and "Virginia Commercial Fishery").

IX–3. International Trade

Prior to 1978, U.S. butterfish exports, if any, were negligible. A U.S. butterfish fishery for export was begun in 1978, based almost entirely on Rhode Island landings. Approximately 2,400 metric tons of whole frozen butterfish were exported in 1978, mainly to Japan (Pt. Judith Fishermen's Cooperative, personal communication) (see Section VIII–2). The ex-vessel value of this exported butterfish was approximately $2 million. Detailed information on the

processed value of these exports are unavailable, although it is estimated that U.S. processors grossed between $3 and $4 million from these sales.

It is impossible to predict the magnitude of butterfish exports in 1979. At present, foreign demand is greatest for large and roe-free butterfish, which are most available to domestic fishermen during autumn and early winter. Accurate estimates of 1979 exports will not be available until the height of the fall fishing season (October–November).

As Figure 16 illustrates, the world supply of butterfish (butterfish and Pacific butterfish, *Pampus echinogaster*) is heavily dependent upon the Atlantic species (74% by weight of total landings of both species from 1970–1977). From 1970–1976, the last year of unrestricted (except by area) foreign fishing for butterfish in the Atlantic Ocean, foreign butterfish catches from what is now the FCZ accounted for about 60% on average of the total harvest of both species (Pacific butterfish are not found within the U.S. FCZ). In 1977, due mainly to enactment of the FCMA, the total foreign catch of Atlantic butterfish fell to 2,077 tons, resulting in a total (all nations) catch of Atlantic and Pacific butterfish that year of about 5,400 metric tons, about one-third of the previous year's catch. The total foreign catch of both species, which averaged over 14,000 mt from 1970–1976, dropped to about 4,000 mt in 1977. The total catch of both species in 1978 is unknown. The failure of foreign nations to harvest the entire butterfish TALFF in 1978 in the Atlantic FCZ (Section VII–3) reflects not a lack of demand for butterfish, but probably a combination of other factors including (a) the failure of some nations with butterfish allocations to fish for any species whatsoever in the Atlantic FCZ in 1978, and (b) the possibility that foreign nations may have purposely minimized their catches of butterfish to the greatest extent practicable in order to prevent closure of their squid fisheries, which at present are of far greater importance to foreign fishing nations, and in which butterfish is an unavoidable by-catch.

The 1979 TALFF for butterfish (4,000 mt in the 1979 PMP and in this FMP), which is the same as the 1978 TALFF, makes it extremely probable that foreign demand for U.S.-caught butterfish will exceed the 1978 level. Japan, traditionally the largest harvester of butterfish (Table 16), was allocated only 672 mt of butterfish in 1978 and only 358 mt in 1979 (as of May, 1979), which is less than 13% of its average annual catch of butterfish from the Atlantic Ocean in the years prior to enactment of the FCMA. It is likely that, as foreign butterfish allocations in the FCZ are being limited, these countries will seek to maintain their butterfish supplies through imports from the U.S.

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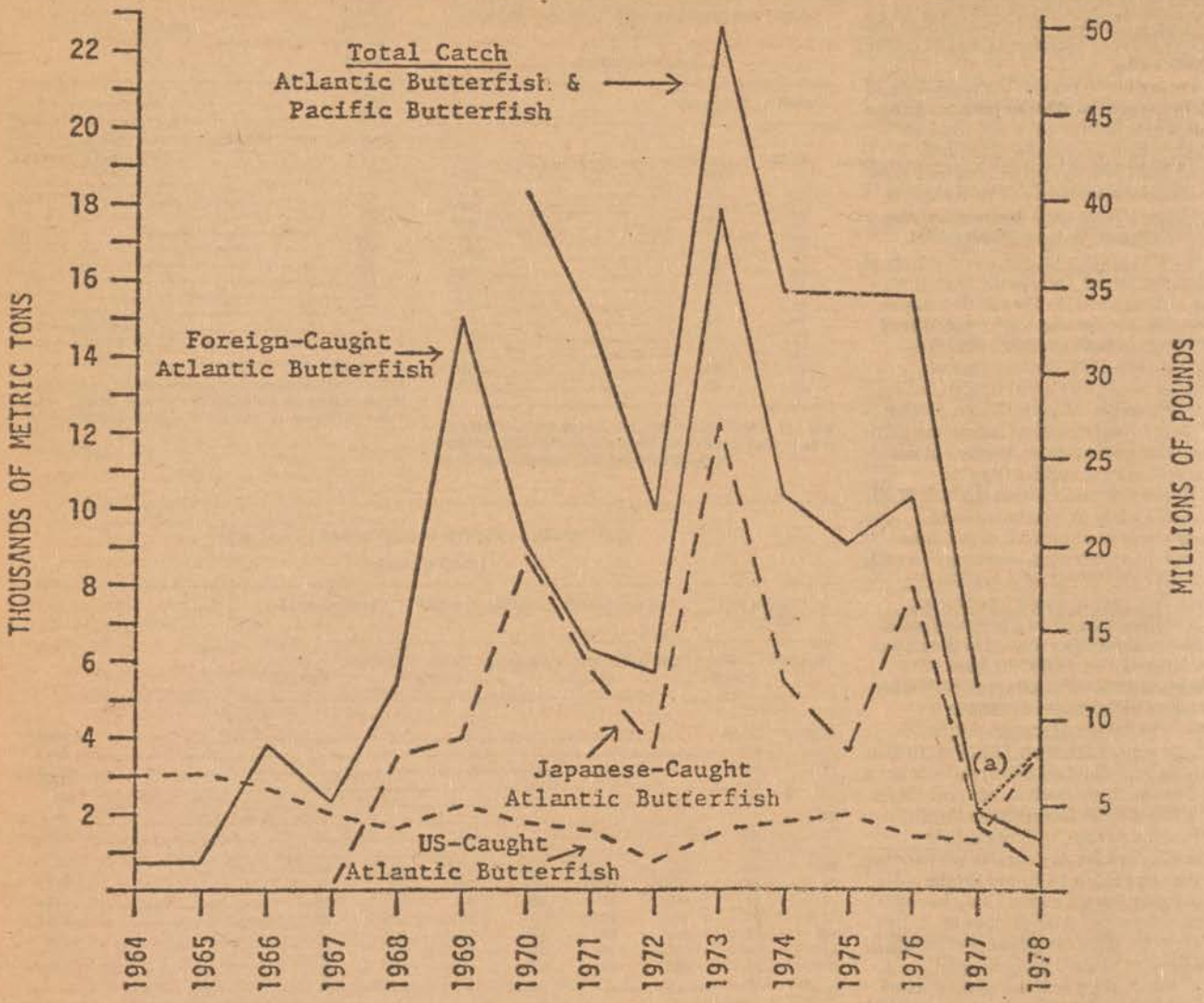

Figure 16

Total Catch By All Nations Of Atlantic Butterfish And Pacific Butterfish (1970-1977), Total Catch Of Atlantic Butterfish By Foreign (Non-US) Nations (1964-1978), Total Catch Of Atlantic Butterfish By Japan (1967-1978), And US Landings Of Atlantic Butterfish (1964-1978). Dashed Line (a) Represents Sum Of Foreign-Caught Atlantic Butterfish And Atlantic Butterfish Exported By US Processors In 1978. Exports Of US-Caught Butterfish Prior To 1978, If Any, Were Negligible.

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X. Descriptions of the Businesses, Markets, and Organizations Associated With the Butterfish Fishery

X-1. Relationship Among Harvesting, and Processing Sectors

The information for this analysis is not available.

X-2. Fishery Cooperatives or Associations

The information for this analysis is not available for ports in the Mid-Atlantic region. Data for selected ports in New England are presented in Table 28.

Table 28.—*1976 Labor Force Characteristics for Offshore Fishermen in New England Ports*

Ports	Number of full-time fishermen	Unions and cooperatives	Approximate average age	Major ethnic groups
Massachusetts:				
Boston	100	Union and nonunion	55	Yankee, Portuguese.
Chatham	60–80	Cooperative	45	Yankee
Gloucester	500	Union and nonunion	45	Italian, Yankee.
Menemsha	30	None	40	Yankee.
New Bedford	400	Union	43	Yankee/Norwegian/ Canadian/Portuguese.
Provincetown	150–200	Cooperative and nonunion	40	Yankee.
Rhode Island:				
Newport	80	Union and nonunion	45	Yankee/Portuguese/Italian.
Pt. Judith	120	Cooperative	40	Yankee/Norwegian.
Maine:				
Portland	150	None	40	Yankee.
Rockland	80	None	40	Yankee.
Connecticut: Stonington	45	None	50	Yankee.
New Hampshire: Rye	20	None	40	Yankee.

SOURCE: Smith and Peterson (1977).

X-3. Labor Organizations Concerned With Butterfish

The information for this analysis is not available for ports in the Mid-Atlantic region. Data for selected ports in New England are presented in Table 28.

X-4. Foreign Investment in the Domestic Butterfish Fishery

The information for this analysis is not available.

XI. Description of Social and Cultural Framework of Domestic Butterfish Fishermen and Their Communities

Uniform socio-economic data on fishing communities are not available. Certain information is available from the Federal censuses on a county basis. Therefore, butterfish landings were tabulated by county and analyzed to identify those counties with a significant involvement in this fishery (Tables 17–21). Barnstable, Massachusetts, Newport and Washington, Rhode Island, Suffolk, New York, and Cape May, New Jersey were selected as being relatively important in this fishery.

Table 29.—*Butterfish and Total Finfish and Squid Landings, 1976*

[Landings in thousands of pounds]

State and county	Butterfish	Total finfish and quid	In percentage: Butterfish share of county total	In percentage: Distribution of butterfish
Maine:				
Cumberland	0.5	32,442.4	>0.1	>0.1
York	8.6	6,376.4	.1	.3
Massachusetts:				
Barnstable	250.7	32,402.2	7.7	8.3
Bristol	16.6	55,888.2	>.1	.6
Dukes	8.7	2,717.6	3.2	.3
Essex	11.6	143,909.1	>.1	.4
Plymouth	2.0	2,503.2	>.1	.1
Rhode Island				
Newport	301.6	23,021.8	1.3	10.0
Washington	971.8	41,731.7	2.3	32.2

Table 29.—*Butterfish and Total Finfish and Squid Landings, 1976*—Continued

[Landings in thousands of pounds]

State and county	Butterfish	Total finfish and quid	In percentage: Butterfish share of county total	In percentage: Distribution of butterfish
Colorado:				
Fairfield	0.1	263.2	>.1	>.1
New Haven	.3	78.3	3.6	>0.1
New York:				
Kings	82.8	2,293.4	3.6	2.8
Nassau	38.5	1,029.7	3.7	1.3
Suffolk	838.1	14,311.2	5.9	27.8
New Jersey:				
Atlantic	7.6	1,147.7	.7	.2
Cape May	239.4	22,508.3	1.1	8.0
Monmouth	49.7	153,916.8	>.1	1.6
Ocean	38.6	10,897.7	.4	1.3
Maryland:				
Dorchester	0.1	3,372.6	>.1	>.1
Kent	0.1	1,095.9	>.1	>.1

Table 29.—*Butterfish and Total Finfish and Squid Landings, 1976*—Continued

[Landings in thousands of pounds]

State and county	Butterfish	Total finfish and quid	In percentage: Butterfish share of county total	In percentage: Distribution of butterfish
Worcester	20.5	2,998.3	.7	.7
Virginia:				
Accomack	5.9	2,893.7	.2	0.2
Norfolk	34.6	2,703.5	1.3	1.2
Hampton (city)	12.9	4,343.3	.3	.4
Northampton	0.3	2,951.0	>.1	>.1
Virginia Beach	10.5	1,374.3	.8	.4
York	8.3	1,540.2	.5	.3
Gloucester	22.6	2,864.8	.8	.8
Lancaster	0.6	14,529.2	>.1	>.1
Mathews	29.6	6,640.4	.4	1.0
Total	3,013.2			100.0

Data from the census are presented in Table 30. The resort nature of the economies of Barnstable and Cape May Counties is obvious from the data (low percentage of residents employed in manufacturing and relatively older population). The heavy involvement of the military in the Newport economy, and to a signficant but lesser extent in the Washington County economy, is also apparent. Suffolk County was highly urban and was the place of residence of many persons who worked outside the county (34.4%), probably in New York City.

The only one of the five counties that may have been in some economic difficulty was Cape May, with many indicators significantly differing from the national averages. For example, median age was 38.9 relative to the US average of 28.3. Educational achievement of residents aged 25 years and more was 11.3 years from Cape May County and 12.1 for the US. Unemployment was 6.5% relative to 4.4% for the nation. Manufacturing industries were relatively small and were growing at only about half the national rate (change in value added between 1963 and 1967 was 16.8% for the County and 36.4% for the US). Data on fisheries employment are not available on the county level.

Table 30.—*Selected 1970 Population and Economic Characteristics for Counties With Significant Butterfish Landings*

	United States	Barnstable	Newport	Washington	Suffolk	Cape May
POPULATION						
Total (000)	203,212	97	95	86	1,295	60
U.S. rank		364	373	403	19	567
Per square mile	57	246	619	267	1,213	223
Change, 60–70 (percent)	13.3	37.5	15.1	45.1	69.0	22.7
Net mig. 60–70 (percent)	1.7	32.4	.4	24.6	49.3	21.9
Female (percent)	51.3	52.1	44.0	47.5	50.3	51.3
Urban (percent)	73.5	41.3	68.0	59.1	89.8	61.8
Under 5 years (percent)	8.4	7.4	8.3	8.9	10.0	6.6
18 yr and over (percent)	65.8	68.5	69.6	68.0	60.3	71.7
65 yr ands over (percent)	9.9	16.9	7.2	7.8	7.6	20.0
Median age (percent)	28.3	34.4	23.9	23.7	26.4	38.9
Over 25, median school years completed	12.1	12.6	12.2	12.2	12.2	11.3
LABOR FORCE						
Total (000)	82,049	37	47	37	404	21
Civilian (000)	80,051	34	27	28	403	20
Female with husband (percent)	57.0	58.5	56.9	58.3	61.3	54.8
Unemployed (percent)	4.4	3.9	4.6	4.3	3.5	6.5
Employed in manufacturing (percent)	25.9	7.6	17.0	27.9	21.8	11.4
Employed outside county (percent)	17.8	6.1	13.2	22.1	34.4	15.8
Families with female head (percent)	10.8	10.5	14.1	10.4	7.2	10.1

Table 30.—*Selected 1970 Population and Economic Characteristics for Counties With Significant Butterfish Landings*—Continued

	United States	Barnstable	Newport	Washington	Suffolk	Cape May
Median family income	$9,586	$9,242	$9,162	$9,603	$12,081	$8,295
Families, low income (percent)	10.7	8.3	11.7	9.0	4.8	8.9
MANUFACTURING ESTABLISHMENT						
Total	311,140	96	53	74	1,475	52
20-99 employed (percent)	24.3	10.4	13.2	31.1	26.5	26.9
100 or more employees (percent)	11.2	2.1	5.7	12.2	5.8	5.8
Change, value added, 63-67 (percent)	36.4	12.5	189.0	160.0	37.3	16.8
RETAIL SALES						
Total in eating and drinking places (percent)	7.7	12.4	10.2	7.6	7.1	19.6
SELECTED SERVICES						
Receipts, hotels, etc. (percent)	11.6	55.7	27.8	25.7	7.4	58.3
Receipts, amusements (percent)	13.7	8.8	22.5	(1)	15.8	18.1

[1] Data not reported.
SOURCE: County and City Data Book, 1972.

XII. Determination of Optimum Yield

XII–1. Specific Management Objectives

The Mid-Atlantic Council adopted the following objectives to guide management and development of the butterfish fishery in the northwestern Atlantic. They are: 1. Promote the growth of the U.S. butterfish export industry; 2. Minimize cost of harvesting butterfish; 3. Increase employment opportunities for commercial fishermen; 4. Prevent exploitation of the resource beyond that level producing the maximum sustainable yield; and 5. Minimize costs of enforcement and management of the resource.

XII–2. Description of Alternatives and XII–3. Analysis of Beneficial and Adverse Impacts of Potential Management Options

This plan proposes a level of optimum yield and restrictions on the level of foreign fishing based on the surplus after the U.S. catches its estimated capacity. Changes in any of these proposals are possible alternative actions. The probable impact of each group of alternatives relative to the proposed action is discussed below.

1. Increased/Decreased Optimum Yield (OY) For Butterfish: The proposed optimum yield represents the best balance of possible catch levels consistent with the attainment of the objectives of this FMP. The probable biological consequences of an increased or decreased optimum yield are described in Sections V–2 and V–3. The "practical" maximum sustainable yield for butterfish, under present fishery conditions, is approximately 16,000 metric tons, and the stock currently appears able to sustain an annual harvest of that magnitude, barring any significant declines in future recruitment. An increased OY might also result in an increased TALFF for butterfish. The U.S. fishery for butterfish for export is presently in its initial stages, but is growing rapidly. A large TALFF for butterfish might hinder the development of this export industry. Decreasing the OY beneath 11,000 metric tons would not be of significant biological advantage, but would result in the unwarranted restriction of either the U.S. butterfish fishery, the foreign squid fishery, or both, and would not significantly further the growth of the U.S. export fishery.

2. Increased/Decreased U.S. Capacity For Butterfish: The U.S. capacity estimate proposed in this FMP respresents the best prediction of domestic harvest for this species during the proposed 1979–1980 fishing year, based upon information received to date by the Mid-Atlantic Fishery Management Council (see Section VIII–2, "Rhode Island Commercial Fishery").

3. Take No Action At This Time: This alternative would mean that the Preliminary Fishery Management Plan prepared by the NMFS would continue in force. Since the PMP for 1979 proposes an OY and a U.S. capacity significantly in excess of that proposed by this FMP, it is likely that continuation of the PMP would result in a large reallocation of butterfish to foreign fleets at the end of calendar year 1979. This would significantly undermine the stability and development of the U.S. fishery, because foreign demand for U.S.-caught butterfish will be largely contingent upon an anticipated reallocation. Establishment of the OY proposed in this FMP, therefore, will protect U.S. interests in this regard, by eliminating any possibility of a huge reallocation to foreign fleets.

The PMP regulates foreign, but not domestic, fishermen. The effect of this alternative would be that data that would be collected on domestic fishing and processing efforts as a result of this plan could not be collected as effectively, and that assessments of the scope and development of the domestic fishery would not be as accurate as they would be with the FMP.

4. Selection of Management Unit: The FCMA dictates that each FMP identify a specific management unit for each subject species. It is desirable for management purposes that such management unit include as much of a stock and/or fishery as possible.

One factor which influences the selection of a management unit is political boundaries. States' jurisdictions within the territorial sea must be considered, as must the jurisdictions of other nations as they relate to U.S. management of each resource. The U.S. and Canada presently are engaged in negotiations to determine the demarcation of each nation's 200 mile fishing zone. One possible outcome of these negotiations may include American fisheries in Canadian waters (and/or vice versa). A ratified bilateral fisheries or boundary agreement will supercede the provisions of a FMP if conflicts exist. It is impossible to anticipate all possible outcomes of any agreement in a timely fashion, given the amount of time necessary to develop, implement and update U.S. fishery management plans. It is therefore necessary, until such time as a permanent agreement is concluded, that a FMP for any species which is even marginaly transboundry in its distribution, or which may be the explicit subject of a bilateral agreement, adopt a legally flexible management unit. The alternative management units for this FMP are:

(a) Butterfish Within the FCZ North of Cape Hatteras: Selection of this option would limit the jurisdiction of the FMP to the fishery for butterfish within the FCZ only. (All management unit options for butterfish do not extend south of Cape Hatteras because the important fishery for this species does not extend south of that point and because the assessments upon which this FMP was based were performed for the area north of Cape Hatteras.) This management unit would ignore the significant fraction of the fishery and stock which occurs within the territorial sea. This option also does not anticipate management conflicts which might arise from the U.S./Canadian fishery negotiations.

(b) Butterfish Within All U.S. Waters North of Cape Hatteras: This option includes virtually the entire butterfish stock and fishery, but does not have the inherent flexibility necessary to coordinate this FMP with a possible U.S./Canadian bilateral agreement. For example, this management unit could not include any possible U.S. fishing effort for butterfish within Canadian waters, should such effort ever occur.

(c) All Butterfish Under U.S. Jurisdiction North of Cape Hatteras: This management unit precisely defines the management authority of this FMP under any possible outcome of a bilateral agreement, while simultaneously it encompasses as large a fraction of the butterfish stock and fishery as possible. (U.S. jurisdiction is defined here in the broad sense to include both state and federal jurisdictions.) Should the U.S. and Canada fail to achieve an agreement during the life of this plan, this management unit would be identical with (b), above. This management unit includes virtually the entire butterfish stock and fishery. The proposed OY has been designed for the entire stock and the U.S. capacity estimate includes any U.S. catches which might (albeit improbably) occur in Canadian waters. Relatively insignificant quantities of butterfish are occasionally taken in what are now Canadian waters. It is extremely improbable that such catches by any other country could ever grow to a level which, when added to the proposed OY, would result in overfishing. It is necessary to note, however, that a small fraction of the stock may not be addressed by this FMP.

5. Other Management Measures: The Council has considered the use of other management measures and fishing regulations in order to determine if such are necessary or desirable to attain the management objectives, optimum yield, US capacity, or TALFF proposed by this FMP. This option includes such measures as gear,

area, season, and other fishing regulations. It is the opinion of the Council that no management measures other than quota and reporting regulations and the Foreign Fishing Regulations are necessary at this time. Institution of other measures at this time would be of no management advantage for the domestic fishery and would lead to unwarranted increased costs of enforcement of this FMP. It must be noted that the Council is working to develop a series of regulations to establish rules of conduct for fixed and mobile gear fishermen to minimize conflicts. When these have been developed they may be considered as amendments to this and other FMPs.

XII–4. Tradeoffs Between the Beneficial and Adverse Impacts of the Preferred Management Option

The optimum yield specified by the proposed action is below the harvesting capacity and demand for butterfish by foreign nations which have fished in the region in recent years. Thus, the OY represents an adverse action with respect to foreign fishing.

Increased US landings of butterfish on the Atlantic coast could require more labor input but because of substantial unemployment no increase in the cost of labor is expected. Also, no severe reduction in the availability of butterfish as a prey organism for commercially and recreationally important species is expected.

The advantages of the selection of the management unit to be all butterfish under US jurisdiction north of Cape Hatteras are discussed in Sections XII–2/XII–3. Selection of this management unit provides the greatest possible flexibility for implementation of this FMP. Without such inherent flexibility, it is possible that a FMP of this species could not be instituted until a bilateral agreement with Canada is reached.

Primary management of the fishery through regulation of its FCZ component is the most efficient and equitable means of achieving the objectives of this FMP. The Secretary of Commerce has authority, outside of this FMP, to preempt the States' jurisdiction in the event that the States' management (or lack thereof) in the territorial sea significantly undermines the attainment of the objectives of this FMP. The Mid-Atlantic Council believes this authority should be invoked for this FMP only if absolutely necessary.

Since the provisions of this FMP should not result in a decline in future abundance of butterfish due to fishing, the optimum yield, management unit, and all other provisions of this FMP should not have an adverse impact on the environment.

XII–5. Specification of Optimum Yield

A prime objective of the Mid-Atlantic Council is to foster the development of the US fishery for butterfish for export. It is the aim of this Council that this be accomplished subject to the constraints imposed by other plan objectives.

Since enactment of the FCMA, the annual foreign harvest of this species in the northwest Atlantic has decreased significantly (see Sections VIII–2 and IX–3). This has resulted in the increased export of US-caught butterfish to foreign countries. There can be no doubt that the level of such foreign demand is dependent upon (a) the level of the butterfish TALFF, and, equally importantly, (b) foreign nations' anticipation of any annual reallocation of a portion of the US capacity initially set (see Sections VIII–2 and IX–3).

The PMP for 1979 for Other Finfish set a butterfish OY of 16,000 metric tons and initial US capacity and TALFF levels of 12,000 metric tons and 4,000 metric tons, respectively. Based on the information received to date and export estimates, we expect that 7,000 mt may be an adequate US Capacity for butterfish for fishing year 1979–1980 (the 12 month period beginning 1 April, 1979).

The 1978 US harvest of butterfish increased significantly from the 1977 level, from 1,319 mt to 3,667 mt. Reported foreign landings decreased from 2,077 mt in 1977 to 1,314 mt in 1978. The final TALFF was 5,500 mt and the 1978 TALFF was 4,000 mt. There was no reallocation to increase the TALFF in 1978.

The 1978 US landings were the highest for any year in the period 1964–1978 and exceeded the average for that period of 2,028 mt by 1,638 mt.

Export data on butterfish are not available. To determine the extent to which the increased US butterfish landings entered the export market, the Council contacted processors throughout the Mid-Atlantic and New England areas. The processors reported that exports were negligible during 1977 but were significant during 1978. Estimates of exports in 1978 by US processors were approximately 2,400 mt, according to the survey of processors. While these data are imcomplete, it is obvious that during 1978, the ex-vessel price of butterfish was adequate to cause fishermen to harvest the species while the price was reasonable enough to develop and export trade. All processors contacted reported plans to enter the export trade during 1979. The processors surveyed are located throughout the Mid-Atlantic and New England. They believe that they have the ability to meet the quality requirements of foreign buyers. They have established contacts with foreign buyers. The aggregate of their estimates of exports for 1979 substantiate the estimate of USCAP and US processing capacity in the FMP.

It also seems reasonable to conclude that a significant, if moderate, export trade for butterfish could be develop, if historical landings reported by foreign nations can be used as an indication of demand. Reported foreign landings of Atlantic butterfish averaged 6,682 mt for the period 1964–1978 with a peak of 17,897 mt in 1969. Since no economic data on exports are available, it is not possible to estimate how much of the demand that was met by direct foreign harvests could be met by the export of US harvested fish. However, it seems reasonable to conclude, particularly in light of the preliminary development that actually took place during 1978, that an export market for butterfish can be realized.

In the past two years foreign nations have harvested only a small portion of their TALFF for butterfish (2,077 mt vs. 5,500 mt in 1977 and 1,324 mt vs. 4,000 mt in 1978). However, it must be remembered that each foreign nation receives an allocation of each species. When a nation harvests its allocation of any one species, it is required to cease fishing operations in the Atlantic FCZ. It might also be possible that to some extent the relatively low harvest of butterfish by foreign nations during 1977 and 1978 was because of the effect on fishing operations of the foreign fishing areas (windows) and related restrictions.

In any event, the limited available data seem to indicate that there is a very real possibility for the expansion of the US butterfish fishery for export. Given the biological condition of the stock along with landings in the recent past, an optimum yield of 11,000 mt seems reasonable for the fishing year beginning April 1, 1979. Total landings of Atlantic butterfish in the years immediately prior to the enactment of the FCMA were 12,149 mt in 1974, 11,026 mt in 1975, and 11,753 mt in 1976. The relatively low levels in 1977 (3,396 mt) and 1978 (4,988 mt) could have reflected the effects of the foreign fishing regulations coupled with the developing US fishery for export.

Another positive result of the developing export fishery is that ex-vessel prices remained high throughout the year (in fact, reports indicate prices significantly higher than the annual average near the end of the season), even though significantly increased quantities of butterfish were landed. Traditionally, ex-vessel prices decreased during the season as landings increased.

The FCMA defines optimum yield as "the amount of fish (A) which will provide the greatest overall benefit to the nation, with particular reference to food production and recreational opportunities; and (B) which is prescribed as such on the basis of the maximum sustainable yield from such fishery, *as modified by any relevant economic, social or ecological factor*" (emphasis added). If OY were set equal to the "practical" MSY (16,000 mt), an increased harvest of 5,000 mt in addition to that provided by the 11,000 mt OY would be permitted. The entire increase would be allocated to TALFF given the USCAP of 7,000 mt. The current poundage fee for butterfish is 3.5% of $626 per metric ton. For the 5,000 mt, this would yield $109,550.00 in revenues to the US. However, it would certainly eliminate the US export trade and world result in the US harvest being reduced to the levels experienced prior to 1978. US landings in 1977, the most recent year prior to the development of the export trade were 2,907,000 pounds (1,319 mt) with an ex-vessel value of $816,000 (Table 13). 1978 US landings were 8,084,000 pounds with an ex-vessel value of $2,905,000. If the export trade develops as proposed in the FMP and the USCAP is realized, at the 1978 ex-vessel value of $0.36 per pound, the result would be $5,555,340. It may, therefore, be concluded that, while the specification of OY at 16,000 mt would likely increase government revenues by $109,550, it would significantly decrease potential income to fishermen. It must be noted that this analysis does not include the additional benefits of the 11,000 mt OY to the processing sector because limited data make such an analysis impossible. However, the benefits to the

processing sector of the 11,000 mt OY would serve to increase the difference between the approximately $4.5 million and the approximately $0.1 million.

In addition, the reduction of fishing mortality resulting from an OY of 11,000 mt (as opposed to 16,000 mt) increases the probability of increased mean weight of butterfish in the catch. Large butterfish are preferred by domestic and foreign markets and have a significantly greater ex-vessel value than small butterfish. This may have significant economic implications for the domestic industry. However, other factors, especially mesh sizes used in the fishery, also will affect the mean weight of butterfish in the catch (Figure 9).

The recent amendments to the FCMA require that US processor capacity be considered as well as US harvesting capacity. Data are not available to determine historical processing capacity for butterfish. Processing butterfish generally involves only packing and freezing. Therefore, this plan is based on the estimate that processor capacity at this time is at least 7,000 mt, that is, equal to US harvesting capacity. It is necessary that reporting systems be developed to gather the necessary data so that there will be a data base for the development of processor estimates in the future.

Another factor that must be considered in determining the optimum yield is that the foreign fisheries for *Loligo* and butterfish are inextricably related. Butterfish is an unavoidable by-catch in this squid fishery. Prior to enactment of the FCMA, the ratio of reported butterfish to *Loligo* catches by foreign fleets was relatively high, usually greater than 20%. Much of this butterfish however was not taken purely incidentally, but was directly pursued, in order to increase the overall efficiency of the foreign *Loligo*/butterfish fishery. Since implementation of the FCMA, it has been demonstrated that foreign fleets do not require this ratio of butterfish to *Loligo* quotas in order to take their *Loligo* allocations. In 1978, the foreign butterfish catch was approximately 14% of the *Loligo* catch, and there is good reason to believe this by-catch can be further reduced without significantly disrupting the foreign squid fishery.

It is the intent of the Council that the butterfish TALFF should be set at the minimum required to allow foreign nationals to harvest their expected squid allocations. The *Loligo* TALFF proposed by the 1979 FMP for Squid is 30,000 metric tons. It is the opinion of the Council that a butterfish TALFF of 4,000 metric tons is sufficient to allow foreign nations to completely harvest the *Loligo* TALFF, yet will not be of a magnitude that will drastically hinder the development of the US butterfish export industry.

It is clear, for the factors stated above, that it is necessary to modify MSY to determine OY in order to achieve the objectives of this FMP, particularly the development of an export industry. The stability and development of the US butterfish exporting industry necessitates setting a TALFF consistent with FMP objectives and elimination of uncertainties on the part of US and foreign fishermen as to the ultimate butterfish TALFF in fishing year 1979–1980.

The Mid-Atlantic Fishery Management Council, therefore, has determined that the optimum yield for butterfish in fishing year 1979–1080 for the specified management unit is 11,000 metric tons.

Table 31.—*Butterfish MSY, OY, U.S. Capacity, and Total Allowable Level of Foreign Fishing*

[Metric tons]

"Theoretical" MSY	21,635
"Practical" MSY [1]	16,000
Optimum yield	11,000
U.S. capacity	7,000
TALFF	4,000

[1] Given the mesh sizes currently in use in the fishery.

Attainment of Plan Objectives

(1) *Promote The Growth Of The US Butterfish Export Industry*—This objective will be met by the reduction of the foreign butterfish harvest in the FCZ to the proposed TALFF level. The validity of this assumption has already been demonstrated by the development of this domestic fishery since enactment of the FCMA and the concomitant reduction in foreign catches in the FCZ.

(2) *Minimize Cost Of Harvesting Butterfish*—This plan does not propose any regulation of the domestic fishery which would significantly result in increased harvesting costs. In addition, foreign fishing for butterfish and *Loligo* is subject to the Foreign Fishing Regulations which are designed in part so that foreign effort for these species will not adversely affect butterfish availability to domestic fishermen. Basing the FMP on a fishing year beginning April 1 will serve to enhance the efficiency of the foreign fishery since the major foreign fishery is carried out during the fall and winter. With a calendar year FMP, the foreign fishery would be split between two FMPs and could also present problems with reallocations. With an April 1 fishing year, foreign nations will know their entire allocation for a year before they begin fishing and will receive any reallocation while they are in the process of harvesting their base allocation.

(3) *Increase Employment Opportunities for Commercial Fishermen*—The OY, U.S. capacity, and TALFF proposed in this FMP will promote the rapid growth of the U.S. butterfish export industry. This will increase employment opportunities in the fishing, processing, and related sectors. The growth of this industry may also provide replacement or supplemental employment for fishermen who are currently underemployed in other fisheries, especially for groundfish.

(4) *Prevent Exploitation of the Resource Beyond That Level Producing the Maximum Sustainable Yield*—The optimum yield proposed by this plan is less than the best available estimate of the maximum sustainable yield under current fishing conditions. There is no evidence that this stock cannot sustain the proposed OY on a continuing basis or that this level of harvest will endanger future recruitment or abundance.

(5) *Minimize Costs of Enforcement and Management of the Resource*—Costs of managing this resource and enforcement will be mainly limited, for the domestic fishery, to costs incurred in the collection of data mandated by this plan. No gear, seasonal, area or other restrictions have been proposed by this plan for the domestic fishery. The costs of enforcing the provisions of this plan relative to the foreign fishery should be similar to those currently incurred in enforcing the PMP.

Relationship to National Standards

Section 301(a) of the Fishery Conservation and Management Act states that: "Any fishery management plan prepared, and any regulation promulgated to implement such plan . . . shall be consistent with the following national standards for fishery conservation and management." The following is a discussion of the standards and how this FMP meets them:

"(1) Conservation and management measures shall prevent overfishing while achieving, on a cotinuous basis, the optimum yield from each fishery." The best scientific evidence available indicates that butterfish is neither currently overfished nor at a reduced level of abundance. Harvests at the optimum yield level described in this FMP should not endanger future harvests at comparable levels.

"(2) Conservation and management measures shall be based upon the best scientific information available." This FMP is based on the best scientific evidence currently available, as outlined in Section V-2.

"(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination." This FMP meets the requirements of this standard by managing this species throughout the area of U.S. jurisdiction north of Cape Hatteras. The range of the species is somewhat greater than that, extending into Canadian waters. However, historical landings of this species in Canadian waters have been at such a small level that the management unit of this FMP effectively amounts to management of the species throughout its range. The fishery for this species effectively stops at Cape Hatteras, so managing the species north of that point does not violate this standard.

The foreign fisheries for *Loligo* and butterfish are closely coordinated. Butterfish is an almost unavoidable bycatch of *Loligo* at present because of the intermixing of the species and fishing gear and methods now in use. The FMP for Squid proposes a *Loligo* OY of 30,000 metric tons. The butterfish OY proposed in this FMP is adequate to allow foreign nations to completely harvest the initial squid TALFF plus any reasonable squid allocations. In addition, the schedules for Council review of U.S. capacity and notification of any reallocations of these species are identical in the Squid and Butterfish FMPs. This will provide for coordinated management of the foreign fisheries for butterfish and *Loligo*.

"(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such a

manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges." The OY and U.S. capacity estimates described in this FMP will accomodate all U.S. demand for butterfish without prejudice to residents of any State. The distribution of this species makes it extremely unlikely that fishermen of any State or region could harvest the U.S. capacity before the species becomes available to other domestic fishermen."

"(5) Conservation and management measures shall, where practicable, promote efficiency in the utilization of the fishery resources; except that no such measure shall have economic allocation as its sole purpose." Since domestic fisheries presently harvest butterfish beneath the OY level, no economic inefficiencies due to surplus investment or fishing effort or other factors, should result from the provisions of this FMP. As U.S. capacity estimates anticipate an increase in commercial fishing for butterfish, this FMP will not create economic inefficiency in domestic commercial fisheries.

"(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches." This FMP and the OY and allocations described herein take into account possible fluctuations in species abundance (see Section V–2) and expected trends in U.S. demand for butterfish (see Section VIII).

Butterfish recruitment historically has varied by about ±45% (one standard deviation) from the mean. The proposed OY is significantly beneath the maximum sustainable yield and, thus, the harvest should provide an adequate safeguard to stock abundance should future recruitment decrease significantly compared to levels observed in recent years. In addition, the management unit takes into account U.S./Canadian negotiations relative to a bilateral treaty on fisheries.

"(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication." The management measures outlined in this FMP are consistent with and complement, but do not unnecessarily duplicate, management measures contained in other FMPs or PMPs. Costs of domestic management will be limited to collection and processing of basic fishery data which is necessary for future revisions of this FMP and related enforcement costs. Thus, the costs which will be incurred as a result of the implementation of this FMP can be considered as the minimum that would be required for implementation of any fishery management plan. With respect to foreign effort, this plan adopts by reference the foreign fishing regulations presently in effect, thereby reducing the impact of implementation of the FMP on foreign fleets.

XIII. Measures, Requirements, Conditions, or Restrictions Proposed To Attain Management Objectives

Note.—All references to the Foreign Fishing Regulations are intended to adopt by reference the Foreign Fishing Regulations as they may exist at the time of the adoption of this FMP by the Secretary of Commerce and as they may be amended from time to time following FMP adoption.

XIII–1. Permits and Fees

(a) Registration:

(1) Any owner or operator of a vessel desiring to take any butterfish within the FCZ, or transport or deliver for sale, any butterfish taken within the FCZ must obtain a registration for that purpose.

(2) Each foreign vessel engaged in or wishing to engage in harvesting the available surplus must obtain a permit from the Secretary of Commerce as specified in the FCMA.

(3) This section does not apply to recreational fishermen taking butterfish for their personal use but it does apply to the owners of party and charter boats (vessels for hire).

(b) The owner or operator of a domestic vessel may obtain the appropriate registration by furnishing on the form provided by the NMFS information specifying the names and addresses of the vessl owner and master, the name of the vessel, official number, directed fishery or fisheries, gear type or types utilized to take butterfish, gross tonnage of vessel, crew size including captain, fish hold capacity (to the nearest 100 pounds), and the home port of the vessel. The registration form shall be submitted, in duplicate, to the Regional Director, NMFS, Gloucester, Massachusetts, 01930, who shall issue the required registration, for an indefinite term; such term to include the calendar year in which the registration is issued. New registrations will be issued to replace lost or mutilated registrations. A registration shall expire whenever vessel ownership changes, or when the master of the vessel changes in the directed fishery or fisheries of such vessel. Application for a new registration, because of a change in vessel ownership shall include the names and addresses of both the purchaser and the seller and be submitted by the purchaser.

(c) The registration issued by the NMFS must be carried, at all times, on board the vessel for which it is issued, mounted clearly in the pilothouse of such vessel, and such registration, the vessel, its gear and equipment and catch shall be subject to inspection by an authorized official.

(d) Registrations issued under this part may be revoked by the Regional Director for violations of this part.

Vessel Identification

(a) Each domestic fishing vessel shall display its official number on the deckhouse or hull and on an appropriate weather deck. Foreign fishing vessels shall display their International Radio Call Signs (IRCS) on the deckhouse or hull and on an appropriate weather deck.

(b) The identifying markings shall be affixed and shall be of the size and style established by the NMFS.

(c) Fishing vessel means any boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for, fishing, except a scientific research vessel. For the purpose of this regulation, fishing vessel includes vessels carrying fishing parties on a per capita basis or by charter which catch butterfish for any use.

Sanctions

Vessels conducting fishing operations pursuant to this FMP are subject to the sanctions provided for in the FCMA.

If any foreign fishing vessel for which a permit has been issued fails to pay any civil or criminal monetary penalty imposed pursuant to the Act, the Secretary may: (a) revoke such permit, with or without prejudice to the right of the foreign nation involved to obtain a permit for such vessel in any subsequent year; (b) suspend such permit for the period of time deemed appropriate; or (c) impose additional conditions and restrictions on the approved application of the foreign nation involved and on any permit issued under such application, provided, however, that any permit which is suspended pursuant to this paragraph for nonpayment of a civil penalty shall be reinstated by the Secretary upon payment of such civil penalty together with interest thereon at the prevailing US rate.

XIII–2. Time and Area Restrictions

Foreign nations fishing for butterfish shall be subject to the time and area restrictions set forth in part 611.50 of Title 50 Code of Federal Regulations (CFR).

Fixed Gear Avoidance

Foreign nations fishing for butterfish shall be subject to the fixed gear avoidance regulations set forth in part 611.50(e) of 50 CFR.

XIII–3. Catch Limitations

The fishing year for butterfish shall be the twelve (12) month period beginning April 1.

The total allowable level of foreign fishing for butterfish in fishing year 1979–1980 is 4,000 metric tons.

The US capacity (quota) for butterfish is 7,000 metric tons.

It is the policy of the Mid-Atlantic Fishery Management Council that the Assistant Administrator for Fisheries, NOAA, be allowed to make an in-season adjustment to the estimated domestic annual harvest (DAH) and Total Allowable Level of Foreign Fishing (TALFF) for butterfish based on the criteria specified by the Council as set forth below. The Council further establishes that any reallocation made by the Assistant Administrator in consultation with the Council must be consistent with the objectives of this management plan for the butterfish fishery. An adjustment is a temporary in-season reduction of USCAP and annual domestic quota and an equivalent temporary in-season increase of TALFF. At the end of the fishing year (March 31), USCAP, annual domestic quota, and TALFF shall revert to the amounts specified by the Mid-Atlantic Fishery Management Council in Section XII–5 of this FMP.

The Council's criteria to guide the Assistant Administrator in the reallocation process are as follows:

The National Marine Fisheries Service (NMFS) shall review reported domestic harvest (including off-loadings at sea) for butterfish for the first seven months of the fishing year (April 1 to October 31). Domestic harvest shall be determined based upon vessel and processor reports required by

Section XIV of this FMP and additional statistical port sampling data collected by NMFS.

If reported domestic harvest is equal to or greater than forty percent (40%) of the annual domestic quota, no reallocation of butterfish shall be made. However, if reported harvest for this period is less than forty percent (40%) of the annual domestic quota, the Assistant Administrator shall consider reallocating a portion of USCAP to TALFF. No reallocation shall be greater than one-half the difference between reported domestic harvest for the first seven months of the fishing year and the annual domestic quota. Any reallocation of USCAP to TALFF for butterfish shall be effective on January 1. Prior to making a reallocation the Assistant Administrator shall take into account: (1) the intent and capacity of the domestic industry to harvest butterfish during the latter portion of the fishing year for both domestic use and export; (2) the status of the butterfish population; and (3) the current harvest of butterfish by foreign nationals.

The Assistant Administrator shall accomplish any reallocation of butterfish through the regulatory process. The notice of proposed rulemaking shall reflect the above-mentioned criteria, and be published in the **Federal Register**. The public shall be given a 15-day comment period from the date of publication. During this time the Assistant Administrator or his designee shall consult with the appropriate committee of the Council to ensure that the proposed reallocation is consistent with the objectives contained in the FMP. The Assistant Administrator shall publish final regulations in the **Federal Register** to accomplish any reallocation. The Council believes these final regulations should be published in the **Federal Register** approximately 15 days prior to the effective date, to allow for proper notice. When the final regulations are published in the **Federal Register**, all comments and relevant information received including catch statistics shall be summarized.

The Council has determined that it is inappropriate to provide for reallocation of the entire difference between reported domestic catch and the annual domestic quota for butterfish for the the following reasons:

(1) The traditional pattern of US harvesting of butterfish throughout the latter part of the fishing year, including the last month of the fishing year.

(2) The unknown amount of incidental catch of butterfish which may be unreported.

(3) The possibility of unforeseen entry into the butterfish fishery by domestic fishermen late in the season.

(4) The development of the butterfish export market.

The Council anticipates that the Secretary, after consultation with the Council, will implement the intent of the FMP to restrict US harvest by imposing such measures including, but not limited to, trip limitations, quarterly or half yearly quotas, and closed areas, as she deems appropriate in the final regulations. Such measures should ensure the achievement of OY in a manner that does not result in a sudden dislocation of those involved in the fishery. The Council intends that these measures will enable fishermen to redirect their effort in a timely manner should a closure of the fishery or a substantial dimimution in allowable catch become necessary.

XIII–4. Types of Gear

Foreign nations fishing for butterfish shall be subject to the gear restrictions set forth in part 611.50(c) of 50 CFR.

XIII–5. Incidental Catch

Foreign nations fishing for butterfish shall be subject to the incidental catch regulations set forth in parts 611.13, 611.14, and 611.50 of 50 CFR.

XIII–6. Restrictions

No foreign fishing vessel operator, including those catching butterfish for use as bait in other directed fisheries, shall conduct a fishery for butterfish outside the areas designated for such fishing operations in this FMP.

XIII–7. Habitat Preservation, Protection and Restoration

The Council is deeply concerned about the effects of marine pollution on fishery resources in the Mid-Atlantic Region. It is mindful of its responsibility under the FCMA to take into account the impact of pollution on fish. The extremely substantial quantities of pollutants which are being introduced into the Atlantic Ocean pose a threat to the continued existance of a viable fishery. In the opinion of the Council, elimination of this threat at the earliest possible time is determined to be necessary and appropriate for the conservation and management of the fishery, and for the achievement of the other objectives of the FCMA as well. The Council, therefore, urges and directs the Secretary to forthwith proceed to take all necessary measures, including but not limited to, the obtaining of judicial decrees in appropriate courts, to abate, without delay, marine pollution emanating from the following sources: (1) the ocean dumping of raw sewage sludge, dredge spoils, and chemical wastes; (2) the discharge of raw sewage into the Hudson River, the New York Harbor, and other areas of the Mid-Atlantic Region; (3) the discharge of primary treated sewage form ocean outfall lines; (4) overflows from combined sanitary and storm sewer systems; and (5) discharges of harmful wastes and of any kind, industrial or domestic, into the Hudson River or surrounding marine and estuarine waters.

XIII–8. Development of Fishery Resources

The domestic fishery for butterfish and the butterfish export industry are developing and this development is expected to continue without direct governmental assistance at this time.

XIII–9. Management Costs and Revenues

It is expected that the initial increased governmental costs of implementing the management measures described in this plan will be limited to those costs incurred in issuing the required permits. Of this, an as yet undermined amount may be recovered by the Secretary of Commerce, who is authorized to recover costs of licensing and regulations.

On-going and permanent (for the life of the plan) additional expenses will be limited to costs of processing and manipulating the data from vessel logbooks and processor records, as outlined in the plan and other enforcement costs.

The Coast Guard will incur enforcement costs that should be similar to those incurred enforcing the PMP that regulates the butterfish fishery. It is not possible to specify these costs because of the multi-mission responsibilities of the Coast Guard.

XIV. Specifications and Sources of Pertinent Fishery Data

Note.—All references to the Foreign Fishing Regulations are intended to adopt by reference the Foreign Fishing Regulations as they may exist at the time of the adoption of this FMP by the Secretary of Commerce and as they may be amended from time to time following FMP adoption.

XIV–1. General

The following requirements are recommended in order for the Fishery Management Councils and the NMFS to acquire accurate data on the butterfish catch, by-catch, discards, catch disposition, fishing effort, and importance of butterfish to fishermen relative to all other species caught. These data are necessary to manage the fishery for the maximum benefit of the United States. It is necessary that reporting be as comprehensive as possible and should include the territorial sea and the FCZ. The following suggestions are designed to meet this need. If it is determined that the Secretary does not have the authority to mandate reporting of catches in the territorial sea, alternative methods of securing the data must be developed. It is understood that the NMFS is preparing model reporting requirements. The Mid-Atlantic Council will review these model requirements when they have been published to determine whether they meet the needs identified in this section. If such a determination is made by the Council, notice of the action will be published in the **Federal Register** and the model regulations will be considered as replacing the proposals that follow.

XIV–2. Domestic and Foreign Fishermen

XIV–2(a). Domestic Fishermen

(1) For a vessel registered in the butterfish fishery, the owner or master of such vessel must maintain an accurate log of fishing operations showing at least date, type and size of gear used, locality fished, duration of fishing time, length of tow (where appropriate), time of gear set, and the estimated weight in pounds of each species taken. Such logbooks shall be available for inspection by any authorized official, including (1) any commissioned, warrant or petty officer of the Coast Guard, (2) any certified enforcement or special agent of the NMFS, (3) any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce of Secretary of Transportation to enforce the Act, or (4) any Coast Guard personnel accompanying and acting under

the direction of any person described in category (1), and shall be presented for examination and subsequent return to the owner or master of the vessels upon proper demand by such authorized official at any time during or at the completion of a fishing trip. Such required documentation will be maintained by the owner or master of the vessel at least one year subsequent to the date of the last entry in the log book. Copies of logbook forms will be submitted weekly to an authorized official or designated agent of the NMFS.

(2) All data received under this section shall be kept strictly confidential and shall be released in aggregate statistical form only, without individual identification as to its source, except as necessary for purposes of enforcement of this FMP.

XIV–2(b). Foreign Fishermen

Foreign fishermen will be subject to the reporting and recordkeeping requirements set forth in aprt 611.9 of 50 CFR.

XIV–3. Processors

(1) All persons, individuals , firms, corporations, or business associations, at any port or place in the United States, that buy and/or receive butterfish from U.S. flag vessels shall keep accurate records of all transactions involving butterfish on forms supplied by the Regional Director, NMFS. These records will be submitted weekly to the Regional Director, NMFS. Records will show at least the name of vessel or common carrier butterfish was received from, date of transaction, amount of butterfish received, price paid, capacity to process butterfish, and the amount of that capacity actually used.

(2) The possession by any person, firm, or corporation of butterfish which such person, firm, or corporation knows, or should have known, to have been taken from the FCZ by a vessel of the United States without a valid registration is prohibited. In addition, all persons, individuals, firms, corporations, or business associations which process butterfish in any manner whatsoever other than temporarily preserving butterfish in its fresh state for immediate use, shall keep accurate records of all transactions involving butterfish. Such records will show at least the name of the entity from whom the butterfish was received, date of transaction, amount of butterfish received (by size if presorted), price paid, capacity to process butterfish, and amount of that capacity actually used.

XV. Relationship of the Recommended Measures to Existing Applicable Laws and Policies

XV–1. Fishery Management Plans

Preliminary Fishery Management Plans (PMPs) for five fisheries of the northwest Atlantic were implemented on March 1, 1977, by the U.S. Department of Commerce. These PMPs presently regulate foreign fishing for Atlantic mackerel, silver and red hake butterfish and finfish caught incidentally to trawling. The New England Fishery Management Council has prepared a Fishery Management Plan (FMP) for the Atlantic groundfish fishery. Regulations promulgated by the Secretary of Commerce imposing quotas, minimum size limits, mesh restrictions, etc., went into effect on June 13, 1977, and have been subsequently amended to appy to the fisheries during 1978. Plans for several other species are also in various stages of preparation by the Regional Fishery Management Councils.

This Butterfish Fishery Management Plan prepared by the Mid-Atlantic Fishery Management Council is related to these other plans as follows:

1. This Butterfish FMP will replace the PMP regulating foreign fishing for butterfish within the FCZ as prescribed under the FCMA.

2. All fisheries of the northwest Atlantic are part of the same general geophysical, biological, social, and economic setting. Domestic and foreign fishing fleets, fishermen, and gear often are active in more than a single fishery. Thus, regulations implemented to govern harvesting of one species of a group of related species may impact upon other fisheries by causing transfers of fishing effort. Many fisheries of the northwest Atlantic result in significant non-target species fishing mortality. Therefore, each management plan must consider the impact of non-target species fishing mortality on other stocks and as a result of other fisheries.

3. Butterfish are a food item for many commercially and recreationally important fish species. Also, butterfish utilize many finfish and invertebrate species as food items.

4. Present research programs often provide data on stock size, levels of recruitment, distribution, age, and growth for many species regulated by the PMSs, FMPs, and proposed FMPs.

XV–2. Treaties or International Agreements

No treaties or international agreements, other than GIFAs entered into pursuant to the FCMA, relate to this fishery.

XV–3. Federal Laws and Policies

The only Federal law that controls the fishery covered by this management plan is the FCMA.

Marine Sanctuary and Other Special Management Systems

The USS Monitor Marine Sanctuary was officially established on January 30, 1975, under the Marine Protection, Research, and Sanctuaries Act of 1972. Rules and regulations have been issued for the Sanctuary (15 CFR Part 924). They prohibit deploying any equipment in the Sanctuary, fishing activities which involve "anchoring in any manner, stopping, remaining, or drifting without power at any time" (924.f (a)), and "trawling" (924.3(h)). Although the Sanctuary's position off the coast of North Carolina at 35°00'23" N latitude—75°24'32" W longitude is located in the plan's designated management area, it does not occur within, or in the vicinity of, any foreign fishing area. Therefore, there is no threat to the Sanctuary by allowing foreign butterfish fishing operations under this plan if implemented by the Secretary of Commerce. Also, the Monitor Marine Sanctuary is clearly designated on all National Ocean Survey (NOS) charts by the caption "protected area". This minimizes the potential for damage to the Sanctuary by domestic fishing operations.

Potential Impact on Marine Mammals and Endangered Species

Numerous species of marine mammals occur in the Northwest Atlantic Ocean, yet definitive species composition is unknown. Indications are that the most numerous species in the area are the common (saddleback) dolphin (*Delphinus delphis*), harbor porpoise (*Phocoena phocoena*), and harbor seal (*Phoca virtulina*). Data on population abundance for various species, however, is sketchy at best, and for some species is non-existent. In addition, feeding behavior and preference for certain prey species are not well understood. These facts in combination make it extremely difficult to assess, even qualitatively, the potential impact of the Butterfish management program on marine mammal populations.

The proposed harvest level for the 1979–1980 fishing year of 11,000 mt is not expected to cause any declines in abundance of this species. Therefore, no change in the availability of these species to those toothed cetaceans and pinnipeds that utilize butterfish as a food item is expected to occur.

Whenever fishing gear and marine mammals occur in the same area, there always exists a potential for an incidental kill of marine mammals. Except in unique situations (e.g., tuna-porpoise in the central Pacific), the incidental kill as a result of commercial fishing activities usually has an insignificant impact upon the stability of marine mammal populations. This is because the number of animals killed is relatively small compared to total population size.

Outside of certain marine mammals, the only threatened/endangered species occurring in the Northwest Atlantic are the shortnose sturgeon (*Acipenser brevirostrum*) and several species of sea turtles. Because data on occurrences of shortnose sturgeon are vital to understanding its current status, the Council urges fishermen to report any incidental catch of this species to the Shortnose Sturgeon Recovery Project of the NMFS.

Available data appear to indicate that several species of sea turtles are regularly found in New England waters. These turtles are the Kemp's ridley (*Lepidochelys kempi*), leatherback (*Dermochelys coriacea*), loggerhead (*Caretta caretta*), and green (*Chelonia mydas*). In addition, hawksbill turtles (*Eretmochelys imbricata*) occasionally stray into the area. The Kemp's ridley sea turtle, while probably the most endangered reptile on earth (total population estimated at several thousand animals), is also the most frequently observed sea turtle in New England waters, especially Cape Cod Bay. Strandings of Kemp's ridley, with many individuals dying as a result, are not infrequent in the Bay and have been known to occur for some time. One hypothesis is that individuals remain in the Bay until late autumn, and with the decrease in water temperature as winter approaches, these animals become subject to hypothermia and subsequently die.

In late autumn 1978 seven Kemp's ridley turtles were found on the beaches along Cape Cod Bay. While several of these individuals were reportedly cut and bleeding when first observed, recent examination of the

presereved specimens did not reveal any major physical damage to the individuals. It is possible that these animals were injured by fishing actitity either through entanglement in the trawl nets or by contact with the vessel's propellor. However, there is no solid evidence to indicate that fishing operations were responsible for the kills. Based on inquiries to fishermen conducted by NMFS and Massachusetts Divison of Marine Fisheries personnel, the general conclusion can be drawn that regular and numerous killings of Kemp's ridley turtles in Cape Cod Bay do not occur as a result of normal commercial fishing operations. Efforts are underway to provide much needed monitoring of turtles and to better inform fishermen and the public about the necessity of protecting these animals, consistent with the position of not interfering, to the extent possible, with legitimate fishing activities.

In conclusion, the Council does not believe that implementation of the Butterfish FMP will have any adverse impact upon populations of marine mammals and endangered species. As additional understanding of the status and dynamics of marine mammal and sea turtle populations becomes available, the Council will integrate this information into its examination of poetential impacts upon the environment as a result of FMPs.

Current and/or Proposed Oil, Gas, Mineral, and Deep Water Port Development

While Outer Continental Shelf (OCS) development plans may involve areas overlapping those contemplated for offshore fishery management, we are unable to specify the relationship of both programs without site specific development information. Certainly, the potential for conflict exists if communication between interests is not maintained or appreciation of each other's efforts is lacking. Potential conflicts include, from a fishery management position: (1) exclusion areas, (2) adverse impacts to sensitive, biologically important areas, (3) oil contamination, (4) substrate hazards to conventional fishing gear, and (5) competition for crews and harbor space. We are not aware of pending deep water port plans which would directly impact offshore fishery management goals in the areas under consideration, nor are we aware of poetential effects of offshore fishery management plans upon future development of deep water port facilities.

XV–4. State, Local, and Other Applicable Laws and Policies

No State or local laws control the fishery that are the subject of this management plan.

State Coastal Zone Management (CZM) Programs

The proposed action entails management of butterfish stocks in an effort to ensure sustained productivity at some optimum level. In order to achieve this goal, all management plans must incorporate means to achieve integrity of fish stocks, related food chains, and habitat necessary for this integrated biological system to function effectively. Inasmuch as CZM plans are presently in the developmental stages, we are not aware of specific measures on the part of the individual states which would ultimately impact this fishery plan. However, the CZM Act of 1972, as amended, is primarily protective in nature, and provides measures for ensuring stability of productive fishery habitat within the coastal zone. Therefore, each State's CZM plan will probably assimilate the ecological principles upon which this particular fishery management plan is based. It is recognized that responsible long-range management of both coatal zones and fish stocks must involve mutually supportive goals. The Massachusetts and Rhode Island Coastal Zone Management Programs have been reviewed relative to this FMP and no conflicts have been identified. Future CZM Programs will be reviewed for consistency with this FMP.

XVI. Council Review and Monitoring of the Plan

The Council will review the plan each year. The review will include the most recent cruise survey data and data on the US harvesting and processing industries. This will permit a review of MSY, OY, US capacity, and TALFF and the development of and required modifications to the FMP. These reviews will be carried out so that any amendments to the FMP can be reviewed by the Council and the public and be implemented by the Secretary of Commerce by April 1 of each year. This schedule may be modified in the future as the domestic fishery evolves.

XVII. References

All requests for information upon which this FMP has been based should be directed to the offices of the Mid-Atlantic Fishery Management Council.

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[FR Doc. 80–3155 Filed 2–5–80; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 45, No. 26
Wednesday, February 6, 1980

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

Forest Service

Carson National Forest Grazing Advisory Boards; Meetings

The West Carson Grazing Advisory Board will meet at 10:00 a.m. on February 29, 1980, in the Conference Room of the main Administrative Building on the campus of Northern New Mexico Community College, El Rito, New Mexico. The purpose of the meetings will be to discuss the expenditure of Range Betterment Funds and the status of Management Plans.

The East Carson Grazing Advisory Board will meet at 10:00 a.m. on February 23, 1980, in the Conference Room of the Forest Supervisor's Office, Carson National Forest, Cruz Alta Road, Taos, New Mexico.

The meetings will be open to the public. Persons who wish to attend should notify Ken Bishop, Telephone 505/758–2237, P.O. Box 558, Taos, New Mexico 87571.

Written statements may be filed before or after the meetings.

Dated: January 29, 1980.

Jack Crellin,

Forest Supervisor.

[FR Doc. 80–3750 Filed 2–5–80; 8:45 am]

BILLING CODE 3410–11–M

Nezperce National Forest Grazing Advisory Board; Meeting

The Nezperce National Forest Grazing Advisory Board will meet at 9:00 a.m. March 12, 1980, in the Forest Supervisor's Conference room, Grangeville, Idaho. The purpose of this meeting is to review range improvement funds and allotment management plans program.

The meeting is open to the public, however, public comments and discussion is limited to after the agenda items are covered. Persons who wish to attend should notify Joseph C. Bednorz, 208–983–1963. Written statements may be filed with the board before or after the meeting.

Don Biddison,

Forest Supervisor.

January 28, 1980.

[FR Doc. 80–3786 Filed 2–5–80; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Upper Bayou Watershed, Oklahoma; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

NOTICE: Pursuant to section 102(2)(C) 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 not being prepared for critical area treatment in the Upper Bayou Watershed, Carter and Love Counties, Oklahoma.

The environmental assessment of this federally-assisted action indicates that the action will not cause significant impacts to human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

Project action will include grade stabilization structures, diversions, critical area plantings, shaping and sodding, fencing, and lined waterways to protect such severely eroded areas as gullies, badly scoured areas, and roadside ditches against continued accelerated erosion.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The environmental assessment is on file and may be reviewed by the interested parties by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360. The finding of no significant impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the finding of no significant impact is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until March 7, 1980.

(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))

Dated: January 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–3742 Filed 2–5–80; 8:45 am]

BILLING CODE 3410–16–M

COMMISSION ON CIVIL RIGHTS

North Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the North Carolina Advisory Committee of the Commission will convene at 9 a.m. and will end at 8 p.m., on February 26, 1980, at the Municipal Office Building, City Council Chambers, 300 West Washington Street, Greensboro, North Carolina 27402.

Persons wishing to attend this factfinding meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is to receive perceptions of race relations and civil rights developments in Greensboro. To hear from Government Officials, Media representatives, business, religious, education, civic and civil rights leaders and the Ku Klux Klan and Workers Viewpoint Organization.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., February 1, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-3809 Filed 2-5-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Management-Labor Textile Advisory Committee; Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on March 13, 1980, at 1:30 p.m. in Room 6802, Department of Commerce, 14th & Constitution Avenue, NW., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available to the ITA Freedom of Information Officer, Industry and Trade Administration, Records Inspection Facility Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-5078.

Dated: February 1, 1980.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 80-3805 Filed 2-5-80; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

U.S. Patent Data Files Available Through the National Technical Information Service

The two basic U.S. patent information data files maintained by the U.S. Patent and Trademark Office (PTO) and a new bibliographic file are now publicly available on magnetic tape from the National Technical Information Service (NTIS), in collaboration with the PTO.

The newly centralized service is in response to President Carter's Industrial Innovation Initiatives (White House Release, October 31, 1979) aimed at increasing the effective transfer of technological information to help increase productivity and innovation in the United States.

NTIS is rapidly expending its acquisition of domestic and foreign machine-readable data. The PTO tapes are the first of several innovative data services that NTIS will announce this year.

The three PTO files are available as follows:

- *Patent Classification File.* The Classification File is produced twice a year at the end of June and December. The tapes contain classification information on some four million patents by patent number and classification.

As patent classification codes change, because of reclassification required by ever-changing research and technical advances, the information on the earlier patents is made current. At the end of 1979 the patent classification code system contained more than 100,000 classes and sub-classes.

- *Patent Full Text File.* This product is produced on a weekly basis and includes the full texts of approximately 1,500 patents. The full text file was initiated in August 1970 and expended until full coverage was achieved in 1974. A history file containing information on approximately 650,000 patents will also be made available. The full text file contains all the wording in the issued patents as well as descriptions of the drawings contained in the patents.
- *Patent Bibliographic File.* This recently developed file provides users with abstracts of the essential information contained in the Full Text File. Included are the patent title, inventor's name, date of issuance, filing date, assignee and other information. Issue dates are the same as for the Full Text Tape, and a comparable history file is available.

The *Classification File* will be leased on an annual basis, with the tapes issued at the end of either December and June or June and December (two consecutive tapes).

The *Full Text* and *Bibliographic Files* will also be leased on an annual basis, January through December.

A test tape containing full text information on about 300 patents will be made available to potential users, permitting them to become familiar with the data before making a commitment to lease one or all of the files.

Prospective users may obtain sample lease agreements, fee structures and test tapes from the Patent Files Product Manager, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, Phone Area Code (703) 557-4806.

Joseph L. Caponio,

Deputy Director, National Technical Information Service.

[FR Doc. 80-3792 Filed 2-5-80; 8:45 am]

BILLING CODE 3510-04-M

Patent and Trademark Office

Establishment and Membership of Performance Review Board

This notice announces the establishment, by the Commissioner of the Patent and Trademark Office (PTO), as Appointing Authority for the Senior Executive Service at PTO, of the Performance Review Board (PRB) and the appointment of its members.

The purpose the PRB is to review (1) initial appraisals and ratings prepared by supervisors of senior executives, (2) the responses of senior executives, (3) the written review of initial ratings by higher level management when made, as well as providing written reports on senior executive appraisals and ratings to the Commissioner. The PRB may also make recommendations to the Commissioner on matters that will ensure the fair and equitable treatment of senior executives and instill, in the minds of all concerned, confidence regarding the integrity, competence, and impartiality of the PRB. The PRB will perform its review functions for all PTO members of the Senior Executive Service.

The names, titles, and terms of service of the PRB members who have been appointed are set forth below:

Lutrelle F. Parker, *Chairman*, Deputy Commissioner, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—permanent.

Rene D. Tegtmeyer, *Member*, Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—permanent.

Richard J. Shakman, *Member*, Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—permanent.
James O. Thomas, Jr., *Member*, Director, Patent Examining Group 140, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—3 years.
Herbert C. Wamsley, *Member*, Executive Assistant to the Commissioner, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—3 years.
William Feldman, *Member*, Deputy Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—2 years.
Jere W. Sears, *Member*, Deputy Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—2 years.
Richard P. Bartlett, Jr., *(Outide) Member*, Director of Administrative and Information Systems, National Bureau of Standards, Washington, D.C. 20234. Term—1 year.

The Personnel Officer, Aaron W. Deitch, shall serve as Executive Secretary to the PRB. Anyone desiring further information about the PRB or its membership should contact the Personnel Officer, Office of Personnel, U.S. Patent and Trademark Office, Washington, D.C. 20231. Telephone (703) 557–2662.

Dated: January 31, 1980.

Rene D. Tegtmeyer,

Acting Commissioner of Patents and Trademarks.

[FR Doc. 80-3777 Filed 2-5-80; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Return of Permit Application

On December 31, 1979, Notice was published in the **Federal Register** (44 FR 77230) that an application had been filed for a permit to take marine mammals by the Ministry of the Fishing Industry of the U.S.S.R., 103045, Moscow K–45, Rozhdestvenski Str. 12.

In the course of a detailed review of this application, the Marine Mammal Commission, Fish and Wildlife Service, and National Marine Fisheries Service have determined that there is insufficient information to make a determination on this request. Notice is hereby given that on January 29, 1980 and pursuant to the provisions on the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service returned the application of the U.S.S.R. Ministry of Fisheries. The Applicant was advised of the additional information required and that it may submit a new application at any future date.

Documentation relating to this application is available for review in the following offices:

Assistant Administrator for Fisheries, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802; and
Director, Fish and Wildlife Service, Department of the Interior, 1000 Glebe Road N., Arlington, Virginia 22201.

Dated: January 29, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-3848 Filed 2-5-80; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Visa Requirement for Cotton, Wool and Man-Made Fiber Apparel Exported From the Republic of Indonesia

February 1, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing new export visa requirement for cotton, wool and man-made fiber apparel from the Republic of Indonesia.

SUMMARY: The Governments of the United States and the Republic of Indonesia have exchanged letters dated October 1 and October 15, 1979, establishing an export visa requirement for cotton, wool and man-made fiber apparel products in Categories 330–359, 431–459 and 630–659, produced or manufactured in the Republic of Indonesia.

EFFECTIVE DATE: Effective on March 15, 1980, entry into the United States for consumption, or withdrawal from warehouse for consumption of cotton, wool or man-made fiber apparel products, produced or manufactured in the Republic of Indonesia and exported on and after March 1, 1980 for which the Government of the Republic of Indonesia has not issued an appropriate export visa will be prohibited. Apparel products exported from the Republic of Indonesia before March 15, 1980 will be permitted entry for consumption or withdrawal from warehouse for consumption in the United States until June 15, 1980.

FOR FURTHER INFORMATION CONTACT: Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: The export visa will be a rectangular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice when such form is used) and will be signed by an official of the Government of the Republic of Indonesia. A copy of the export visa is published as an enclosure to the letter set forth below. The officials authorized by the Government of the Republic of Indonesia to issue export visas for apparel are named on the list which follows this notice.

Interested parties are advised to take all necessary steps to insure that cotton, wool and man-made fiber apparel products, produced or manufactured in the Republic of Indonesia, which are to be entered in to the United States for consumption, or withdrawn from warehouse for consumption, will meet the stated visa requirements.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishes the new visa mechanism.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Officials Authorized by the Government of the Republic of Indonesia To Issue Visas for Apparel Products Exported to the United States

Ibrahim Achmad BA.; Drs. Sjamsuridjal Amin; H. Ch. Andresen; L. Annkotta; I Gst. Nfr. Rai Ardana; Arifin; Monang Aruan BBA; Bachrun, A.; Soewarsito Bondan; Burhanuddin SH; Drs. Masjkur Damang; M. Daud Dasa; Drs. Djajusman; Drs. M. Saleh Djapri; Drs. Donnie Djatnika; S. H. T. Djinu; Husin Djuned; Abd. Halik Drakel; Runtu Dogu; Rustam Effendi; Abdul Fathah Bs.; Frans Frederick; Drs. Goenardi; R. Djatmiko Hadilegowo; Muslim Halham BA.

K. Hanafi; A. B. Harahap; F. X. Hariyadi; P. H. Hattu; Mohd. Husni; Ahmad Intan; Drs. Yarlis Kamil; Hoesein Kastella; R.M.S. Koesoemopranoto; M. I. Krismurti; J. Kurmasela; Drs. Kuslizar; Drs. Zaini Latief; S. Ali Mahdi B. A.; Abdul Manaf; A. Rachman Manan BBA; R. Ruslim Mang; Marsaid; Maslan BA.; A. D. Matondang; Azhar Moekiat B.A.; R. Moeljono S. H.; Abd. Moeloekis; Umar Muhammad; Muchtar Nurchali S. H.

Zainal Abidin Nurmala; A. S. Rinding Padang BBA; Drs. G. Hamonangan Pane; Edward Parapat; Abdul Chalik Pasi BBA; M. N. Rahardjo; Mamat Ramdani; A. Ramelan; Abdul Rani; Mad Razik; L. L. Rehatta; Drs. Paiman Mahan Sastro; Bondan Setiowidjojo; Raja Obajir Siahaan; F. J. Siahainenia; Drs. D. Siantui; Gustamin Siregar; Drs. M. Hamonangan Siregar MA.; Drs. Zulkifli Siregar; V. Simandjuntak; Drs. B. Sitompul; Drs. Sutan M. Sjah; Sjarafu'ddin BA; R. Soebagjo; Soekanto.

Drs. Soekardjo; Soekirman BBA; Soepratiknjo; Soetadji; Ismoe Soewarto;

Ketoet Soewetere; Sudjiman M. S.; Eddy Suhadei; Endang Sutedja. BBA; M. T. Syahdan; Drs. Mansyur Tadaga; M. H. Tamba; T. R. Tampubolon; Ismail Tembong; Djamaluddin Thahir S. H.; J. A. Thalib. SH.; J. A. Turangan; NY. Yulhaida. S; Drs. Syarifuddin Yusuf; J. L. Woppy; Ir. Ramlan Zoebir.

February 1, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: In accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on March 15, 1980 and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber apparel products in Categories 330–359, 431–459, and 630–659, produced or manufactured in the Republic of Indonesia and exported on and after March 1, 1980 for which the Government of the Republic of Indonesia has not issued an appropriate export visa, fully described below. Merchandise exported before the effective date of this directive shall not be denied entry for consumption, or withdrawal from warehouse for consumption in the United States until June 15, 1980.

The export visa will be a rectangular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice when that form is used) and will be signed by an official of the Government of the Republic of Indonesia. A facsimile of the visa stamp is enclosed.

You are directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton, wool and/or man-made fiber textile products, produced or manufactured in the Republic of Indonesia, notwithstanding the designated shipment or shipments do not fulfill the aforementioned visa requirements, whenever requested to do so in writing by the Committee for the Implementation of Textile Agreements.

A detailed description of the textile categories of the terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843), and December 20, 1979 (44 FR 75441).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Indonesia and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Indonesia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Enclosure.

Visa for Cotton, Wool and Man-Made Fiber Apparel Exported to the United States from the Republic of Indonesia

Republic of Indonesia Textile Export Visa

No: _____
Date: _____
Signature _____

[FR Doc. 80-3606 Filed 2-5-80; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case No. 52224-0273-07-77]

Pacific Gas & Electric Co.; Conditional Determination to Deny Request that Proposed Potrero Unit No. 7 Be Classified as an Existing Facility

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Conditional determination to deny Pacific Gas & Electric Company's request that the proposed Potrero Unit No. 7 be classified as an existing facility.

SUMMARY: On February 23, 1979, Pacific Gas and Electric Company (PG&E) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify the proposed Potrero Unit No. 7 as an existing facility. This request was considered under § 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act).

ERA has completed its analysis of PG&E's request and has conditionally determined that PG&E has failed to demonstrate that the cancellation, rescheduling, or modification of Potrero Unit No. 7 would result in an adverse effect on electric system reliabiity within the meaning of § 515.6 of the Revised Interim Rule. ERA's conditional determination has been predicated upon an assumption that two nuclear powerplants (Diablo Canyon Units 1 and 2) owned by PG&E will be licensed to operate by the Nuclear Regulatory Commission (NRC). PG&E has asserted that the nuclear units will be in service prior to Potrero 7. In the event that the NRC denies, prior to December 31, 1982, PG&E a license to operate the Diablo Canyon nuclear units, ERA will reevaluate its conditional determination that PG&E has failed to rebut the statutory presumption of "new" status for Potrero 7, and depending upon what the reserve margin data shows at that time, may thereupon classify Potrero 7 an "existing" facility.

In the event that the NRC approves the operation of such nuclear units, ERA's present action will be deemed thereafter to be unconditional, and Potrero 7 will continue to be subject to Title II of the Act as a new facililty.

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, Acting Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128, Washington, D.C. 20461 (202) 254-7442.

Edward L. Lublin, Acting Deputy Assistant General Counsel, Office of the 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 February 23, 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, PG&E requested that ERA classify PG&E's proposed Potrero Unit No. 7 as an "exisiting" facility. On October 5, 1979, ERA published at 44 FR 57467 a summary of PG&E request for classification and requested comments by interested persons on or before October 26, 1979. ERA has received comments from representatives of the California Energy Commission; the Federal Energy Regulatory Commission; Cititzens for a Better Environment; Art Agnos, Assemblyman, 16th District, California Legislature; Phillip Burton, a Congressman from the State of California; Potrero Hills Residents for a Better Environment; and Alden Bryant and Associates, Berkeley, California.

(2) ERA has analyzed the material submitted by PG&E and interested

persons applicable to Potrero Unit No. 7. On the basis of such analysis ERA has conditionally determined that PG&E has not satisfactorily demonstrated that the cancellation, rescheduling or modification of Potrero Unit No. 7 would adversely affect electric system reliability within the meaning of § 515.6 of the Revised Interim Rule. ERA's conditional determination has been predicated upon an assumption that two nuclear powerplants (Diablo Canyon Units 1 and 2) owned by PG&E will be licensed to operate by the Nuclear Regulatory Commission (NRC). PG&E has asserted that the nuclear units will be in service prior to Potrero 7. In the event that the NRC denies, prior to December 31, 1982, PG&E a license to operate the Diablo Canyon nuclear units, ERA will reevaluate its conditional determination that PG&E has failed to rebut the statutory presumption of "new" status for Potrero 7, and depending upon what the reserve margin data shows at that time, may thereupon classify Potrero 7 an "existing" facility.

In the event that the NRC approves the operation of such nuclear units, ERA's present action will be deemed thereafter to be unconditional, and Potrero 7 will continue to be subject to Title II of the Act as a new facility.

A copy of ERA's Summary of Analysis dated November 29, 1979 and Supplements Nos. 1 and 2 dated December 31, 1979, are available for examination in the Office of Public Information at the above address.

Issued in Washington, D.C., January 31, 1980.

Robert L. Davies,

Assistant Administrator, Officer of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-3787 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

Phillips Bottled Gas, 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.

DATES: Effective date: (December 17, 1979).

Comments by: March 7, 1980.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street; Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. (phone) 816–374–5932.

SUPPLEMENTARY INFORMATION: On December 17, 1979, the Office of Enforcement of the ERA executed a Consent Order with Phillips Bottled Gas, Inc. of Toledo, Ohio. 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

Phillips Bottled Gas, Inc. (Phillips), with its home office located in Toledo, Ohio, is a firm engaged in the marketing of propane to resellers and end-users, 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 Phillips, the Office of Enforcement, ERA, and Phillips Bottled Gas, Inc., entered into a Consent Order.

The Consent Order encompases Phillips' sale of covered products during the period November 1, 1973 through September 6, 1978.

II. Disposition of Refunded Overcharges

In this Consent Order, Phillips 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. above, the sum of eight thousand and seven hundred and fifty dollars ($8,750) two weeks from the effective date of the document. 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. 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 William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

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 Phillips Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 7, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 17th day of December, 1979.

Dated: January 2, 1980.

William D. Miller,

District Manager of Enforcement.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel.

[FR Doc. 80-3766 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. GP80-11]

Columbia Gas Transmission Co.; Third-Party Protests [1]

January 31, 1980.

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 on November 13, 1979, protested the assertion by the Columbia Gas Transmission Company (Columbia) 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 Columbia in its evidentiary submission.

Take notice that the Associated Gas Distributors (AGD) also filed a third-party protest on November 14, 1979. AGD protests that the contracts in Appendix B do not provide 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 "Florida Cities", the Gas Consumers Group, Congressman Andrew Maguire, 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 February 13, 1980, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Lois D. Cashell,

Acting 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

Seller	Rate schedule No. or contract date
Franklin Adkins	4-11-77
Franklin Adkins	7-28-76
Allegheny Land & Mineral Company	7-13-76
Allegheny & Western Energy Corporation	6-3-78
Dennis D. Blauser	6-5-76
Raymond K. Bogert, Jr. d/b/a Bogert Coal & Gas	8-21-78
Norman L. Botkin	3-1-78
Charles S. Bradley & S. F. Bradley d/b/a/ Bradco Oil Co	11-15-65
R. H. Carnes	6-19-78
Danny Davis	3-14-77
Jack C. Dyer, Sr. and Jack C. Dyer, Jr. d/b/a D & D Gas Company	11-15-65
Eastern American Energy Corporation	6-7-78
Eastern Kentucky Oil & Gas, Inc	3-10-77
W. E. Elliott, Sr., Trustee	8-9-78
W. E. Elliott, Sr., Trustee	12-20-77
W. E. Elliott, Sr., Trustee	10-22-76
Energy Consultants, Inc	12-29-77
Fire Oil & Gas Company	4-6-78
Gilbert Imported Hardwoods, Inc	6-24-76
Gilbert Imported Hardwoods, Inc	6-24-76
Glenn L. Haught & Sons, *et al*	10-18-78
Warren R. Haught	5-9-78
William C. Hurtt, d/b/a W. C. Hurtt Drilling Company	11-7-78
Industrial Gas Associates	4-7-78
Industrial Gas Associates	4-7-78
Industrial Gas Associates	4-14-78
Industrial Gas Associates	4-14-78
Interstate Drilling, Inc	1-31-77
Jamar Land Company, Inc	8-22-78
Key Oil Company & 1978 XOIL Drilling Partners	10-30-78
Key Oil Company & Pace Pipeline Company	9-28-78
D. C. Malcolm, Inc. & D. C. Malcolm Joint Venture	2-14-77
D. C. Malcolm, Inc	9-25-78
Middle Fork Gas Limited Partnership	10-13-78
W. H. Masser d/b/a Fluharty Oil & Gas Company	10-17-77
Noxxe Company	6-29-78
NRM Petroleum Corporation	11-9-77
Natural Resources Management Corporation	12-5-77
Paken Exploration Company	2-6-78
Patrick Petroleum Corporation	6-29-76
Peake Operating Company	7-12-61
Petroleum Technology Corporation	3-31-77
J. C. Pollard	8-1-77
Ramco Oil & Gas Corporation	6-28-76
Ray Resources, Division of Flying Diamond Oil Corp	11-29-76
Flying Diamond Oil Corp., Ray Resources Division and Seneca Oil Company	2-9-78, 3-17-71
Ray Resources Division of Flying Diamond Oil Corp., W. W. Lindsey, and W. E. Elliott	11-30-70
Reel Energy Program	3-31-78
Reserve Oil Inc., *et al*	11-30-76
Rockwell Petroleum Company	3-26-70
Rockwell Petroleum Company	10-18-78
Royal Oil & Gas Corporation	3-1-78
Rubin-Clay Joint Venture	4-21-78
Spartan Gas Company	1-19-78
J. Scott Talbott, Jr	5-26-77
Trio Petroleum Corporation	4-28-78
Trio Petroleum Corporation	6-4-77
Union Drilling, Inc	10-10-77
Union Drilling, Inc	2-9-78
Union Drilling, Inc	10-10-77
Union Drilling, Inc	8-28-78
Union Drilling, Inc	8-28-78
Union Drilling, Inc	9-26-78
Union Drilling, Inc	11-9-77
Adams Drilling Company	10-12-45
Roger Adams	5-4-35

Appendix A—Continued

Seller	Rate schedule No. or contract date
Roger Adams	12-14-35
Roger Adams	8-3-36
Roger Adams	8-13-37
Anchorage Oil Company	9-7-51
Anchorage Oil Company	(8) 10-19-50
Anchorage Oil Company	(2) 12-4-50
Anchorage Oil Company	11-19-51
Anchorage Oil Company	10-5-51
Anchorage Oil Company	6-24-53
Anchorage Oil Company	9-4-51
Anchorage Oil Company	(2) 3-5-51
Anchorage Oil Company	2-20-53
Baiden Gas Company	1-25-63
Baiden Gas Company	11-1-30
Bethlehem Mines Corporation	12-15-46
Sherley S. Bevins	1-4-63
Goble Blankenship, *et al*	5-7-41
George H. Bortz, Jr	8-8-33
George H. Bortz, Jr	1-21-48
George H. Bortz, Jr	11-12-31
George H. Bortz, Agent	11-1-38
George H. Bortz, Agent	9-24-48
George H. Bortz Industries	8-16-50
Bortz Coal Company	8-17-50
Bortz Coal Company	6-24-48
Bortz Coal Company	11-13-51
George H. Bortz and E. B. Hostoffer, Agents	9-23-41
S. F. Bradley	9-2-65
W. E. Brewer	1-22-47
W. E. Brewer	4-22-47
Walter E. Brewer	2-19-40
E. S. Brumage	8-3-64
E. S. Brumage	9-24-68
E. S. Brumage	10-5-39
E. S. Brumage	1-6-66
E. S. Brumage	4-1-52
E. S. Brumage	9-19-63
E. S. Brumage	12-30-50
W. E. Burchett	10-29-59
Charley Cain	2-26-64
Charley Cain	10-22-54
Charley Cain	2-4-46
Charley Cain	12-28-65
Delta Drilling Company, *et al*	5-22-59
Ada M. Diederich	5-8-40
Eastern Ky. Exploration Co	11-1-29
Orville Eberly, Agent	8-20-53
W. E. Elliot	2-16-49
Goodfellows, Inc	6-4-35
Goodfellows, Inc	6-5-35
Mrs. John W. Harry, Mae Smith, and Bee White's Estate	7-27-34
Huntington Oklahoma Oil Co. & Midway City Gas Co	12-23-58
Huntington-Oklahoma Oil Co	1-11-35
Huntington-Oklahoma Oil Co. and D.B.M. Oil & Gas Co	11-26-43
C. D. Jacobs	10-8-34
C. D. Jacobs	7-12-33
C. D. Jacobs, Trustee	7-31-40
Meigs Developing Company	9-14-34
Meigs Developing Company	11-1-34
Meigs Developing Company	8-1-35
Meigs Developing Company	8-1-34
David S. Miranda, *et al*	12-24-46
Reno L. Mosier, Jr. and Lorraine M. Mosier	11-9-37
Midway City Gas Company	1-13-40
Trivis Newsom	10-7-29
Prather Drilling & Producing Company, Inc	3-4-66
Prather Drilling & Producing Company, Inc	4-20-72
Prather Drilling & Producing Company, Inc	10-28-64
Prather Drilling & Producing Company, Inc	3-29-71
Earl Prather and Anna Prather	9-17-52
Ray Resources, Division of Flying Diamond Oil Corp., and W. W. Lindsay & W. E. Elliot	11-30-70
Riley & Scott Gas Company	8-24-42
Rochester & Pittsburgh	10-4-57
Daniel Rubin	5-13-48
C. F. Shewey	4-5-40
C. F. Shewey and Christine Shewey	5-9-40
C. F. Shewey, d/b/a Grey Eagle Construction Co	10-29-70
C. F. Shewey, Agent	11-19-69
C. F. Shewey	4-5-40
Sallie S. Skidmore	6-21-50
Southeastern Gas Company	9-11-29
Southeastern Gas Company	3-26-29
Southeastern Gas Company	8-8-35
Southeastern Gas Company	12-3-29

Appendix A—Continued

Seller	Rate schedule No. or contract date
Southeastern Gas Company	11-18-31
Tri-County Oil & Gas Inc., *et al*	10-12-23
Tri-County Oil & Gas Inc., *et al*	4-30-64
Frank & Lucille Van Cleve, d/b/a/ Elms Brothers & Company	1-13-39
Frank & Lucille Van Cleve, d/b/a/ Elms Brothers & Company	7-13-51
Anthony J. Wise, Jr	6-1-66
Controlled Resources Oil & Gas Corp	6-28-74
Mutual Oil & Gas Inc., Agent	4-16-75
Patrick Petroleum Corporation	(5) 6-18-75
Patrick Petroleum Corporation	(3) 6-26-75
Patrick Petroleum Corporation	4-11-75
Patrick Petroleum Corporation	7-22-75
Patrick Petroleum Corporation	(2) 7-25-74
Patrick Petroleum Corporation	(3) 4-4-74
Patrick Petroleum Corporation	4-11-75
Patrick Petroleum Corporation	(4) 4-30-74
Patrick Petroleum Corporation	3-13-75
Union Drilling, Inc. & Allerton Miller	5-2-75
The Wise Oil Company	10-22-75
Armclar Gas Company	11-18-77
Armclar Gas Company	6-18-71
Armclar Gas Company	6-6-64
E. J. Brumage	3-31-78
Castle Gas Company, Inc	8-9-78
Castle Gas Company, Inc	6-7-77
George F. Clements, Jr	11-14-73
Colorado Gas Compression, Inc	12-14-77
Controlled Resources Oil & Gas Corp	7-6-78
Doran Associates, Inc	4-14-78
Charles Gabbard	7-28-76
Gulf Oil Corporation	RS 555
Reeves Leeventhal and C. L. Mann	11-9-77
R. Taylor Mosier & Margaret Mosier	6-13-77
Reno L. Mosier, Jr. d/b/a GO Enterprises	10-9-78
Aaron R. Parry, Jana Parry, Taylor Parry, Mildred Parry	3-23-77
Resource Exploration, Inc., *et al*	11-4-77
Carl E. Smith, Inc	9-15-78
O. V. Stonestreet, Birch Gas Limited Partnership 1977, D & S Gas Associates	8-4-78
S. G. Thompson and ST Joint Venture	5-2-78
Tri-County Oil & Gas, Inc	9-15-77
Appalachian Exploration and Development	9, 27, 30
Armclar Gas Company	10-16-78
Castle Gas Company	12-12-74
Cities Service Company	327, 347, 235, 248, 281, 292
Controlled Resources Oil and Gas Corp	5-21-74
George Heeter, Carl Heeter, W. G. Shaner, Jane Shaner, Rodney Heeter & Joe F. Sherman	9-3-77
Interstate Drilling Inc., Agent	5-21-74
Pennzoil Company	44
J. C. Pollard	2-28-74
Devon Corporation and Eason Oil Company	2,18,21,41, 42,43,44
J. W. Kinzer	1-14-70
Ashland Exploration Co	90
Ashland Exploration Co	12
Ashland Exploration Co	140
Cities Service Co	272
Consolidated Coal Co., *et al*	1
C. D. Jacobs	12-23-58
Appalachian Exploration & Dev	9
Appalachian Exploration & Dev	30
Armclar Gas Company	10-16-78
George Hecter, Carl Hecter, W. G. Shaner, June Shaner, Rodney Huter, & Joe F. Sherman	9-3-77
Castle Gas Company	12-12-74
Cities Service Company	327
Cities Service Company	347
Cities Service Company	235
Cities Service Company	248
Cities Service Company	281
Cities Service Company	292
Interstate Drilling Inc., Agent	5-21-74
Controlled Resources Oil and Gas Corp	4-30-74
Controlled Resources Oil and Gas Corp	3-31-74
Pennzoil Company	44
J. C. Polland	2-28-74

Appendix B

Seller	Rate Schedule No. or contract date
Exchequer Corp	7-27-79
J&J Enterprises Inc	7-25-79
Keystone Energy Resources Associates	7-25-79
Phillips Production Co	7-9-79
Phillips Production Co	7-24-79
Trahan Petroleum Inc	6-4-79
Noxxe Company	7-20-79
Appalachian Energy, Inc	6-8-79
Center Bar Gas Co	7-27-79
Doran Associates, Inc	6-8-79
Allegheny & Western Energy Corporation	4-20-79
Allegheny & Western Energy Corporation	6-6-79
Appalachian Energy d/b/a LDR	6-8-79
Berea Oil and Gas Corp	5-8-79
Blue Creek Gas Co	7-23-79
Burdette Oil & Gas Co., Inc	8-13-79
Fox Drilling Company Inc., et al	5-14-79
Basin Energy Drilling Program—1978	6-4-79
1978 XOIL Drilling Partners & Key Oil Company	4-30-79
D.C. Malcolm, Inc	5-22-79
Union Drilling, Inc	6-4-79
Union Drilling, Inc	6-5-79
Union Drilling, Inc	6-25-79
United Operating Co	7-31-79
Waco Oil & Gas Co., Inc	8-21-79
H.D. Wells Oil & Gas Exploration Development, Inc. and Norman C. Slaughter	7-27-79
Fairman Drilling Co	8-1-63
Fairman Drilling Co	9-19-63
Fairman Drilling Co	12-28-69
William C. Hurtt, el al	3-18-71
Lee S. Minter & Jane Minter	5-6-59
R. Taylor Mosier & Margaret L. Mosier	3-23-72
Weir Walker	10-17-68
H. Cromer Shumaker, Cromer A. Shumaker, Betty Lee Seelbaugh, Nancy J. Price, Sara Jane Friesen d/b/a Armclar Gas Co	9-10-64
H. Cromer Shumaker, Cromer A. Shumaker, Betty Lee Seelbaugh, Nancy J. Price, Sara Jane Friesen d/b/a Armclar Gas Co	5-10-63
Armclar Gas Co	7-5-68
Armclar Gas Co	3-20-58
Armclar Gas Co	10-2-64
Armclar Gas Co	11-21-68
Armclar Gas Co	7-24-65
Armclar Gas Co	8-19-72
Armclar Gas Co	6-6-64
H. Cromer Shumaker, Cromer A. Shumaker, Betty Lee Seelbaugh, Nancy J. Price, Sara Jane Friesen d/b/a Armclar Gas Co	6-18-71
Armclar Gas Co	11-19-64
Armclar Gas Co	6-5-69
Orville Eberly, Agent and Johnston Brothers	5-16-44
Orville Eberly, Agent and Nollem Oil & Gas Corp	11-5-46
Orville Eberly, Agent and Ralph Eberly	10-26-38
Orville Eberly	5-24-44
Orville Eberly	7-30-42
Orville Eberly	3-11-47
Orville Eberly, et al	8-15-47
Orville Eberly, et al	3-31-41
Orville Eberly, et al	5-6-39
Orville Eberly, Estate of Wm. Snee, and Robert Eberly	2-24-61
Orville Eberly	9-8-44
Orville Eberly, et al	4-7-43
Orville Eberly	5-5-49
Orville Eberly	3-10-44
Patrick Petroleum Corporation	3-13-75
Wiser Oil Co	10-22-75
Controlled Resources Oil & Gas Corp	7-6-78
Controlled Resources Oil & Gas Corp	6-28-74
Charles Gabbard	7-28-76
Armclar Gas Co	11-18-77
E. J. Brumage	3-31-78
Castle Company Inc	6-7-77
Castle Company Inc	8-9-78
Doran Associates	4-14-78
Gulf Oil Corp	555
George F. Clements, Jr	11-14-73
Union Drilling Inc. & Allerton Miller	5-2-75

Appendix B—Continued

Seller	Rate Schedule No. or contract date
Anchorage Oil Co	9-4-51
Anchorage Oil Co	2-20-53
Goodfellows, Inc	6-5-35
Meigs Developing Co	9-14-34
Meigs Developing Co	8-1-35
Meigs Developing Co	11-1-34
Meigs Developing Co	8-1-34
Orville Eberley, Agent	8-20-53
Goble Blankenship et al	5-7-41
Sherley S. Bevins	1-4-63
Ada M. Diederich	5-8-40
David S. Miranda et al	12-24-46
C. F. Shewey	4-5-40
Delta Drilling Company, et al	5-22-59
Rochester & Pittsburgh	10-4-57
Tivis Newsom	10-7-29
Baiden Gas Company	1-25-63
Baiden Gas Company	11-1-30
Sallie S. Skidmore	6-21-50
Bethlehem Mines Corp	2-15-46
S. F. Bradley	9-3-65
Walter E. Brewer	2-19-40
W. E. Brewer	1-22-47
W. E. Brewer	4-22-47
W. E. Burchett	10-29-59
Charley Cain	2-4-46
Charley Cain	12-28-65
Charley Cain	10-22-54
Charley Cain	2-26-64
Cities Service Company	235
Cities Service Company	292
Cities Service Company	248
W. E. Elliott	2-16-49
Eastern Ky. Exploration Co	11-1-29
Huntington Oklahoma Oil Co. & Midway City Gas Co	12-23-58
Huntington-Oklahoma Oil Co	1-11-35
Huntington-Oklahoma Oil Co. & D.B. & M. Oil & Gas Co	11-26-43
C. D. Jacobs	10-8-34
C. D. Jacobs	7-12-33
C. D. Jacobs, Trustee	7-31-40
Midway City Gas Co	1-13-40
Prather Drilling and Producing Company, Inc	3-4-66
Prather Drilling and Producing Company, Inc	4-20-72
Prather Drilling and Producing Company, Inc	10-26-64
Prather Drilling and Producing Company, Inc	3-29-71
Earl Prather and Anna Prather	9-17-52
Riley and Scott Gas Co	8-24-42
C. F. Shewey, Agency	11-19-69
C. F. Shewey, d/b/a Gray Eagle Construction Company	10-29-70
C. F. Shewey	4-5-40
C. F. Chewey and Christine Shewey	5-9-40
Mrs. John W. Harry, Mae Smith and Bee White's Estate	7-27-34
Southeastern Gas Co	11-18-31
Southeastern Gas Co	12-3-29
Southeastern Gas Co	9-11-29
Southeastern Gas Co	3-26-29
Southeastern Gas Co	8-8-35
E. J. Brumage	8-3-64
E. J. Brumage	9-24-68
E. J. Brumage	10-5-39
E. J. Brumage	1-6-66
E. J. Brumage	4-1-52
E. J. Brumage	6-19-63
E. J. Brumage	12-30-50
E. B. Hostoffer and George H. Bortz, Agents	9-23-41
Bortz Coal Company	8-17-50
George H. Bortz, Agent	9-24-48
Bortz Coal Company	6-24-48
Bortz Coal Company	11-13-51
George H. Bortz, Jr	1-21-48
George H. Bortz, Jr	11-12-31
George H. Bortz Industries, Inc	8-16-50
George H. Bortz, Agent	11-1-38
George H. Bortz, Jr	8-8-33
Frank & Lucille Van Cleve d/b/a Elms Brothers and Company	1-13-39
Frank & Lucille Van Cleve d/b/a Elms Brothers and Company	7-13-51
Appalachian Exploration and Development	9
Appalachian Exploration and Development	27
Appalachian Exploration and Development	30
Cities Service Co	281

Appendix B—Continued

Seller	Rate Schedule No. or contract date
Orville Eberly, et al	8-3-42
Orville Eberly, et al	5-19-42
Orville Eberly, Estate of Wm. Snee and Robert Eberly	8-30-71
Orville Eberly, et al	3-5-43
Union Drilling Inc	11-9-77
Charles E. Bradley & S. F. Bradley d/b/a Bradco Oil Co	11-15-65
W. E. Elliott, Sr., Trustee	8-9-78
W. E. Elliott, Sr., Trustee	10-22-76
W. E. Elliott, Sr., Trustee	12-20-77
Eastern Kentucky Oil & Gas Inc	3-10-77
Noxxe Company	6-29-78
Paken Exploration Co	6-29-78
Paken Exploration Co	2-6-78
Ray Resources, Division of Flying Diamond Oil Corp. and W. W. Lindsey & W. E. Elliott.	11-30-70
Franklin Adkins	7-28-76
Franklin Adkins	4-11-77
Allegheny Land and Mineral Company	7-13-78
Allegheny & Western Energy Corporation	8-3-78
Dennis D. Blauser	6-5-78
Samuel H. Rubin, Daniel Rubin, and Stanley M. Rubin, d/b/a Rubin Brothers, and Clay Limited Partnership, together operating as Rubin-Clay Joint Venture	4-21-78
Raymond K. Bogert, Jr. d/b/a Bogert Coal & Gas	8-21-78
Norman L. Botkin	3-1-78
R. H. Carnes	6-19-78
Jack C. Dyer, Sr. and Jack C. Dyer, Jr., d/b/a D & D Gas Co	11-15-65
Danny Davis	3-14-77
Eastern American Energy Corp.	6-7-78
Gilbert Imported Harwoods, Inc.	6-24-76
Warren R. Haught	5-9-78
William C. Hurtt, d/b/a W. C. Hurtt Drilling Co	11-7-78
Industrial Gas Associates	4-7-78
Industrial Gas Associates	4-14-78
Interstate Drilling Inc	1-31-77
Jamar Land Company, Inc	8-22-78
Key Oil Company and Pace Pipeline Co	9-28-78
1978 XOIL Drilling Partners & Key Oil Company	10-30-78
Fire Oil & Gas Co	4-6-78
Energy Consultants Inc	12-29-77
D.C. Malcolm, Inc., and D.C. Malcolm Joint Venture	2-14-77
D.C. Malcolm, Inc	9-25-78
Glenn L. Haught & Sons, et al	10-18-78
Middle Fork Gas Limited Partnership	10-13-78
W. H. Mosser, d/b/a Fluharty Oil & Gas Co	10-17-77
NRM Petroleum Corp	11-9-77
Natural Resource Management Corp	12-5-77
Ramco Oil & Gas Corp	6-28-76
Ray Resources, Division of Flying Diamond Oil Corp	3-17-71
Flying Diamond Oil Corp., Ray Resources Division and Seneca Oil Co	2-9-78
Reed Energy Program	3-31-78
Reserve Oil, Inc., et al	11-30-76
Rockwell Petroleum Co	3-26-70
Rockwell Petroleum Co	10-18-78
Royal Oil & Gas Corp	3-1-78
Spartan Gas Co	1-19-78
J. Scott Talbott, Jr.	5-26-77
Trio Petroleum Corp	6-4-77
Trio Petroleum Corp	4-26-78
Union Drilling, Inc	10-10-77
Union Drilling, Inc	2-9-78
Union Drilling, Inc	8-28-78
Union Drilling, Inc	9-26-78
Patrick Petroleum Corp	6-29-76
Devon Corporation and Eason Oil Co	81, 41
Devon Corporation and Eason Oil Co	16, 44
Devon Corporation and Eason Oil Co	21, 43
Devon Corporation and Eason Oil Co	2, 42
Big Marsh Oil Co	1
Consolidation Coal Company, et al	1
Resource Exploration Inc., et al	11-4-77
Carl E. Smith, Inc	9-15-78
Colorado Gas Compression, Inc	12-14-77
O. V. Stonestreet, Birch Gas Limited Partnership 1977, D & S Gas Associates	8-4-78
R. E. McCabe	4-5-48
Patrick Petroleum Corporation and Star Gas Company	11-6-69
Joseph B. Dudley & William J. Muha	6-28-68
Star Gas Company et al	8-29-68
Star Gas Company et al	11-27-68

Appendix B—Continued

Seller	Rate Schedule No. or contract date
R. H. Adkins	1-14-50
R. H. Adkins	12-11-51
R. H. Adkins and Cecil Dean	1-9-52
R. H. Adkins	4-8-52
Sweetland Land & Mineral Company	12-6-51
R. H. Adkins	3-15-54
R. H. Adkins et al	4-29-77
Lloyd G. Jackson	6-1-53
Morris Gas Company	1-23-57
James S. Ray	3-26-68
James O. Reese & Paul McComas, Trustees.	12-24-51
James S. Ray	10-30-59
Emmons Graham et al	1-13-20
Fisher Oil Company	10-30-45
Sam W. Hamilton & Larry K. Sleeth	1-12-67
Webster Myers	4-22-48
A & A Producers and Operators Co	4-1-70
A & A Producers and Operators Co	6-8-67
A & A Producers and Operators Co	12-22-69
A & A Producers and Operators Co	1-5-71
Adams Gas Company & Burks Gas Co	12-8-47
Durinda Leigh Drilling Co., Inc	12-9-64
R. H. Adkins	3-25-63
Ohlen Adkins, d/b/a Adkins Drilling Co. and Dessil Adkins a/b/a Dessil Adkins Drilling Co	11-18-71
Ohlen and Erma Adkins	9-27-66
Allegheny Land and Mineral Company	2-2-52
Apollo Petroleum Corp	5-3-72
Apollo Petroleum Corp	8-3-72
Apollo Petroleum Corp	9-25-72
Neal Rudder, d/b/a Rudder Oil & Gas Company, et al	7-22-69
Apollo Petroleum Corp	8-27-69
Apollo Petroleum Corp	7-31-70
Apollo Petroleum Corp	4-30-71
Ray Resources Corp	5-17-71
Apollo Petroleum Corp	10-31-72
Back Gas Company	8-3-44
J. C. Baker & Son, Inc	3-30-66
J. C. Baker & Son, Inc	1-13-67
Barcamp Gas Company and Federal Gas Corp	5-28-28
James S. Ray, d/b/a Blackburn Gas Co	2-28-64
Blue Creek Gas Co	9-18-68
Rubin Brothers	9-26-41
Joe Rubin and Sons	7-3-44
Joe Rubin, Samuel Rubin, Stanley Rubin, and Daniel Rubin, d/b/a Joe Rubin & Sons	10-8-57
Joe Rubin, Samuel Rubin, Stanley Rubin and Daniel Rubin, d/b/a Joe Rubin & Sons	10-18-60
Harry C. Boggs	4-23-64
Bonnett Inc. of WV	6-3-59
Boyd Oil & Gas, Inc	2-1-47
Boyd Oil & Gas, Inc	2-12-71
W. E. Brewer	9-30-44
W. E. Brewer	8-3-46
W. E. Brewer	10-21-47
W. E. Brewer	12-21-65
W. E. Brewer	11-23-71
C. S. Black, Trustee	8-18-42
Bruchett and Adkins	8-21-50
W. E. Burchett	1-26-40
W. E. Burchett	7-2-41
W. E. Burchett	8-9-46
W. E. Burchett	5-9-47
W. E. Burchett	7-18-47
W. E. Burchett	3-10-48
W. E. Burchett and R. H. Adkins	8-24-60
Camerion Oil & Gas Co	1-5-26
Camerion Oil & Gas Co	7-31-70
Camerion Oil & Gas Co	11-9-33
R. H. Adkins	7-16-43
Clear Fork Gas Co.	8-10-46
James S. Ray, et al d/b/a Cousins Gas Co	1-24-52
Cover Gas Co	1-29-29
Cumberland Gas Co	1-1-29
Cumberland Gas Co	5-1-34
Cumberland Gas Co	6-8-70
James S. Ray, Ralph E. Davis, and C. G. Krebs, d/b/a Deephole Gas Co	3-1-58
C. C. Dodd	11-13-70
Ira W. Belcher, d/b/a John Doe Gas Co	3-6-62
R. H. Adkins	5-12-44
Bonnie Drake, et al	5-7-63
Bonnie Drake, et al	8-30-63
Bonnie Drake, et al	2-5-65
East Kentucky Energy Corp	5-6-40
Edsel Gas Co	10-27-45
R. H. Adkins	11-14-44

Appendix B—Continued

Seller	Rate Schedule No. or contract date
R. H. Adkins, Trustee	10-21-49
Ethel Gas Co	7-25-29
R. H. Adkins	8-21-47
Eldon J. Haught and Warren R. Haught d/b/a Glenn L. Haught & Sons	7-9-71
Ferdinand Gas Co	1-14-50
Fiedler Gas Company and Ruby Smith Gas Co	1-16-36
Five Star Gas Co	6-7-66
R. H. Adkins	12-20-41
R. H. Adkins	4-24-42
Donald S. Garvin, Mike Rose and Rober L. Wharton	4-5-55
Gilbert Creek Gas Co	4-109-62
C. L. Glover, Belton Y. Glover, C. L. Glover, Jr., Brenda J. Glover, W. L. Glover, and Dorothy Glover, d/b/a Glover Gas Co	4-27-36
C. L. Glover, Belton Y. Glover, C. L. Glover, Jr., Brenda J. Glover, W. L. Glover, and Dorothy Glover, d/b/a Glover Gas Co	8-31-43
Paul F. Starr, et al	11-2-61
R. H. Adkins, et al., d/b/a Hamilton Creek Gas Co	8-10-46
W. H. Hildreth et al	8-4-65
Ronald L. Hooser, d/b/a Hooser Gas Co	9-4-47
Houston Gas Co	10-29-43
Hughes Gas Co	8-25-54
Bruce W. Hunt and Clara M. Hunt	5-15-70
Huntington Oklahoma Oil Company and Midway City Gas Co	2-21-33
Huntington Oklahoma Oil Company and Midway City Gas Co	5-1-29
Huntington Oklahoma Oil Company and Midway City Gas Co	6-6-49
Huntington Oklahoma Oil Company and Midway City Gas Co	3-27-42
Huntington Oklahoma Oil Company and Midway City Gas Co	6-10-54
Huntington Oklahoma Oil Company and Midway City Gas Co	1-3-45
J & J Enterprises, Inc	12-1-66
J & J Enterprises, Inc	3-31-67
J & J Enterprises, Inc	3-16-67
J & J Enterprises, Inc	4-11-67
J & J Enterprises, Inc	5-29-67
J & J Enterprises, Inc	6-12-67
J & J Enterprises, Inc	9-27-67
Jackson Development Company, Inc	1-9-62
Jackson Development Company, Inc	1-22-26
George Jackson and James G. Binns, d/b/a Binns-Jackson Gas Company	2-23-63
George Jackson and James G. Binns, d/b/a Binns-Jackson Gas Company	6-16-64
Barron Kidd	11-20-61
Barron Kidd	1-4-62
Kimeric & Company	4-26-48
King Gas Co	1-21-25
C. L. Kingsbury, et al	12-16-68
C. L. Kingsbury	10-15-69
Ralph Kirtley, Agent	9-10-35
Ralph Kirtley Gas Co	9-24-24
Krakrow Corporation	4-5-21
R. H. Adkins, d/b/a Kroll Gas Co	6-22-64
Lambert Gas Company and Laurel Hill Gas Co	4-4-45
Mid-American Oil & Gas Co	12-3-64
Land Oil & Gas Company and LeLynn Oil & Gas Company	11-23-56
R. H. Adkins	11-16-45
Paul MeMasters & W. E. Brewer	5-10-60
Lewis Gas Co	8-17-46
W. D. Lewis, Jr., et al	7-1-26
J. C. Liming, Trustee	7-8-24
J. C. Liming, Agent	5-21-36
Lock 3 Oil, Coal & Dock Company & Black Dan Coal Co	12-16-66
Lock 3 Oil, Coal & Dock Company & E. V. Muse—M. V. Muse—A. C. Muse—C. H. Muse, Jr	7-26-67
Lock 3 Oil, Coal & Dock Company and Black Dan Coal Co.—Albert C. Muse	3-4-68
Lock 3 Oil, Coal & Dock Company and Margaret M. Collin—A. C. Muse	4-19-66
Locl 3 Oil, Coal & Dock Company and E. V. Muse—M. V., Muse	1-24-67
Lock 3 Oil, Coal & Dock Company and A. C. Muse—Charles H. Muse, Jr	3-14-69
McCoy Oil & Gas Co	3-25-63
McRain Petroleum	12-14-71
McRain Petroleum	2-28-72

Appendix B—Continued

Seller	Rate Schedule No. or contract date
McRain Petroleum	7-22-72
Pennzoil	7-16-68
John W. Stone and Charles O. Hardman d/b/a Massa Oil Co	5-20-65
G. L. Meabon and Virginia Burns	11-19-24
Mercury Gas Co	10-12-48
Braxton Oil & Gas Corp	2-7-69
Braxton Oil & Gas Corp	12-19-60
Huntington Oklahoma Oil Co. & Midway City Gas Co	6-5-46
Allerton Miller	10-17-62
Allerton Miller	11-20-61
Allerton Miller	1-12-62
Allerton Miller	8-13-63
Allerton Miller	7-30-63
Allerton Miller	2-25-65
Allerton Miller	4-12-65
Allerton Miller	7-6-65
Allerton Miller	12-15-65
Allerton Miller	4-18-66
Allerton Miller	8-5-66
Allerton Miller	5-24-67
Allerton Miller	6-22-67
Allerton Miller	9-11-67
Allerton Miller	6-31-68
Allerton Miller	8-28-62
Allerton Miller	10-10-69
Allerton Miller	7-13-70
Allerton Miller	9-8-70
Allerton Miller	11-25-70
Clifford Mills	5-19-60
I. L. Morris	5-19-66
I. L. Morris	2-8-65
I. L. Morris	11-17-70
W. H. Mosser, Agent for Martin-Seese Oil Gas Company and Homer F. Martin	5-1-63
Stonestreet Lands Company	10-31-66
L. W. Roche	6-18-68
Mutal Oil & Gas Inc., Agent	4-16-75
Mutual Oil & Gas	9-26-69
L. W. Roche	10-9-69
Nine Mile Gas Co	5-1-20
Peter Nydam, Maurice Nydam, and Robert Nydam, d/b/a/ Nydam Brothers	7-6-62
Oilco, Inc	9-7-62
Oilco, Inc	3-27-63
Smith-Pace Oil & Gas Corp	5-12-50
W. E. Burchett and R. H. Adkins	8-24-60
Michael S. Pinkerton	10-12-70
Peake Operating Co	7-12-61
Partnership Properties Co	4-24-62
Partnership Properties Co	6-29-64
Partnership Properties Co	4-8-69
Partnership Properties Co	10-6-69
Partnership Properties Co	9-15-66
Partnership Properties Co	6-23-69
Partnership Properties Co	10-19-64
R. H. Adkins	7-26-49
Pilot Oil & Gas Corp., et al	9-8-71
Michael Pinkerton	10-12-70
Pond Fork Oil & Gas Co	11-21-60
A. A. Pursley	2-18-63
Quaker State Oil Refining Corp	6-28-67
Quaker State Oil Refining Corp	2-2-68
Quaker State Oil Refining Corp	10-4-66
Quaker State Oil Refining Corp	9-30-68
Queen Gas Co	1-20-60
Queen Gas Co	3-21-63
Queen Gas Co	4-24-64
Queen Gas Co	8-10-64
Ranger Gas Co	3-16-44
Ravencliffs Development Co	6-21-29
Ray Resources, Division of Flying Diamond Oil Corp	2-1-67
Ray Resources, Division of Flying Diamond Oil Corp	3-17-71
Ray Resources, Division of Flying Diamond Oil Corp	5-17-71
Ray Resources, Division of Flying Diamond Oil Corp	4-3-72
Ray Resources, Division of Flying Diamond Oil Corp	5-5-72
James W. Reed, et al	6-30-61
Reliance Oil Corp	10-26-71
Rhodes Mining Corp	7-7-47
Rhodes Mining Corp	9-22-60
Rhodes Mining Corp	11-28-60
Rhodes Mining Corp	12-19-60
Rhodes Mining Corp	2-1-63
Rhodes Mining Corp	4-17-61

Appendix B—Continued

Seller	Rate Schedule No. or contract date
Rhodes Mining Corp	3-7-61
William Dye Riddle	9-11-68
Denver D. Roberts	8-14-63
Denver D. Roberts	12-2-63
Rockey Drilling Co	12-18-64
Rockey Drilling Co	7-7-70
Rockwell Petroleum Co	3-26-70
Lendoll Rogers and David Scull, d/b/a/ Rogers and Scull	1-22-69
Robert R. Jones, d/b/a/ Rockwell Petroleum Co	3-18-57
Ross and Wharton Gas Co	10-13-54
Ross and Wharton Gas Co	1-14-71
Royal Oil & Gas Corp	12-3-69
Royal Oil & Gas Corp	10-12-70
Neal Rudder, d/b/a/ Rudder Oil & Gas Co	7-21-65
Neal Rudder, d/b/a/ Rudder Oil & Gas Co	2-25-66
James F. Scott	6-9-69
James F. Scott	9-22-71
James F. Scott	10-27-71
Joseph H. Hager	10-30-62
William Shepard	11-15-63
Burning Springs Land Co	7-23-30
M. Collier	3-27-42
E. C. Ware	5-1-59
C. Fred Shewey	7-21-60
C. Fred Shewey	12-22-60
C. Fred Shewey	4-6-66
Grey Eagle Construction Co	4-15-68
Grey Eagle Construction Co	11-22-68
Sinstar Development Co	7-11-63
Sinstar Development Co	2-17-65
Carl E. Smith, Inc	12-29-70
Carl E. Smith, Inc	7-22-71
Carl E. Smith, Inc	10-20-71
Frank D. & Darrell F. Smith	7-23-65
Frank D. & Darrell F. Smith	8-6-65
Smith-Pace Oil & Gas Corp	5-12-50
Southeastern Gas Co	5-1-34
Southeastern Gas Co	11-18-31
Southeastern Gas Co	8-8-35
Southeastern Gas Co	1-18-36
Southeastern Gas Co	11-1-40
Southeastern Gas Co	8-7-42
Southeastern Gas Co	5-19-64
Spartan Gas Co	12-31-40
Spartan Gas Co	9-18-42
Spartan Gas Co	7-16-43
Spartan Gas Co	2-11-44
Spartan Gas Co	3-12-75
Spartan Gas Co	11-6-70
Spartan Gas Co	10-16-67
Spartan Gas Co	3-3-65
Spartan Gas Co	12-3-64
Standard Gas Co	12-1-40
John W. Stone	4-25-62
John W. Stone	8-9-63
D.C. Sutton	7-27-65
Sweetland Land and Mineral Company, Maggie Burns, Wallace E. Burns, Jo Emma Stevens and Lula B. Priestly	9-18-57
Sweetland Land & Mineral Co	12-2-24
Sweetland Land & Mineral Co	3-8-46
Sweetland Land & Mineral Co	4-1-51
Sweetland Land & Mineral Co	6-1-59
Sweetland Land & Mineral Co	9-23-64
W. Howard Taylor, Agent	1-18-60
W. Howard Taylor, Agent	1-4-63
Tincher Gas Co	7-16-42
R. H. Adkins d/b/a Toney Gas Co	7-13-64
J. L. Trittipo Inc	10-26-70
R. P. Turley, Agent	9-30-42
Union Drilling, Inc. Agent	4-10-56
Union Drilling, Inc	6-15-56
Union Drilling, Inc	8-7-56
Union Drilling, Inc	2-19-57
Union Drilling, Inc. et al	6-2-58
Union Drilling, Inc. et al	6-2-58
Union Drilling, Inc. et al	9-1-59
Union Drilling, Inc. et al	6-1-60
Union Drilling, Inc. et al	11-2-60
Union Drilling, Inc. et al	3-30-61
Union Drilling, Inc	6-1-61
Union Drilling, Inc	6-1-61
Union Drilling, Inc	4-7-62
Union Drilling, Inc	10-12-62
Union Drilling, Inc	10-22-62
Union Drilling, Inc	10-22-62
Union Drilling, Inc	1-31-63
Union Drilling, Inc	8-27-63

Appendix B—Continued

Seller	Rate Schedule No. or contract date
Union Drilling, Inc	9-24-63
Union Drilling, Inc	10-17-63
Union Drilling, Inc	2-7-64
Union Drilling, Inc	3-19-64
Union Drilling, Inc	5-8-64
Union Drilling, Inc	11-2-64
Union Drilling, Inc	3-3-65
Union Drilling, Inc	5-6-65
Union Drilling, Inc	3-17-66
Union Drilling, Inc	7-8-66
Union Drilling, Inc	9-1-66
Union Drilling, Inc	10-19-66
Union Drilling, Inc	4-11-67
Union Drilling, Inc	10-24-67
Union Drilling, Inc	11-15-60
Union Drilling, Inc	11-6-67
Union Drilling, Inc. and Allerton Miller	11-27-67
Union Drilling, Inc	2-19-68
Union Drilling, Inc	8-27-68
Union Drilling, Inc	9-10-68
Union Drilling, Inc	9-10-68
Union Drilling, Inc	11-5-68
Union Drilling, Inc	11-5-68
Union Drilling, Inc	11-21-68
Union Drilling, Inc	11-27-68
Union Drilling, Inc	1-13-69
Union Drilling, Inc	6-4-69
Union Drilling, Inc	8-29-69
Union Drilling, Inc	10-22-69
Union Drilling, Inc	1-7-70
Union Drilling, Inc	2-17-70
Union Drilling, Inc	7-13-70
Union Drilling, Inc	2-8-71
Union Drilling, Inc	2-3-71
Union Drilling, Inc	5-5-71
Union Drilling, Inc	9-10-71
Union Drilling, Inc 2-9-72	
Union Drilling, Inc	2-9-72
Union Drilling, Inc	6-14-72
Union Drilling, Inc	11-8-72
Washington Natural Gas Co	6-6-14
Washington Natural Gas Co	9-22-55
Robert L. Wharton	5-4-54
Robert L. Wharton	12-23-64
Robert L. Wharton	1-21-72
R. H. Adkins	6-7-56
Ohlen Adkins, d/b/a Adkins Drilling Co	11-16-71
Franklin Adkins	2-25-75
Allegheny Land and Mineral Company	1-4-73
Apollo Petroleum Corp	7-13-73
Apollo Petroleum Corp	11-30-72
S.K. & J.M. Bartlett	10-1-72
Big Buck Energy Oil & Gas Inc	2-7-75
Blue Creek Gas Company and Rubin Brothers	4-16-75
Blue Creek Gas Co	11-10-77
Harry C. Boggs	6-29-76
Buttes Resources Co	5-22-74
Buttes Resources Co	4-14-74
Buttes Resources Co	4-14-75
W. H. Hildreth and Daniel M. Moore	10-5-73
Herbert O. Feldman and Northfield Investment Co	12-9-75
Great Basins Petroleum Co	7-30-75
Interstate Drilling Inc., Agent	1-30-73
Ralph Kirtley	7-25-75
Fire Frying Pan Oil & Gas Co	10-16-72
Mumma Oil Production Company, et al	1-22-75
Nashville Associates Inc	10-31-72
NRM Petroleum Corp	12-6-73
NRM Petroleum Corp	6-18-76
Natural Resource Management Corp	3-8-73
Daniel M. Moore	2-19-75
Ramco Oil & Gas Corp	10-30-72
Ramco Oil & Gas Corp	11-24-72
Ramco Oil & Gas Corp	12-26-72
Ramco Oil & Gas Corp	3-19-73
Ramco Oil & Gas Corp	3-21-74
Ramco Oil & Gas Corp	2-28-75
Ray Resources, Division of Flying Diamond Oil Corp	4-3-72
Ray Resources, Division of Flying Diamond Oil Corp	5-21-73
Ray Resources, Division of Flying Diamond Oil Corp	8-22-73
Ray Resources, Division of Flying Diamond Oil Corp	4-4-74
Rockey Drilling Co	12-11-72
Ross and Wharton Gas Co	10-13-75
Seminole Oil & Gas Corp	10-16-73

Appendix B—Continued

Seller	Rate Schedule No. or contract date
Seminole Oil & Gas Corp and The First National Bank of Spencer, W. Va	4-18-75
Seminole Oil & Gas Corp and The First National Bank of W. Va	11-28-75
Andrew J. Crevolin	5-11-73
Carl E. Smith, Inc	12-20-72
Carl E. Smith, Inc	1-4-74
Spartan Gas Co	12-3-64
Union Drilling, Inc	11-3-72
Union Drilling, Inc	11-21-72
Union Drilling, Inc	12-11-72
Union Drilling, Inc	3-12-73
Union Drilling, Inc	5-25-73
Union Drilling, Inc	5-2-75
Union Drilling, Inc	5-12-75
Union Drilling, Inc	5-14-75
Union Drilling, Inc	9-16-75
Cities Service Co	272
Ashland Exploration Inc	140
J. C. Pollard	8-1-77
Petroleum Technology Corp	3-31-77
Ray Resources, Division of Flying Diamond Oil Corp	11-29-78
Ashland Exploration Inc	90
Ashland Exploration Inc	72
C. D. Jacobs	12-23-58
Ashland Exploration Inc	72
C. D. Jacobs	12-23-58
Controlled Resources Inc	3-31-71
Controlled Resources Oil and Gas Corp	4-30-74
J. C. Pollard	2-28-74
Cities Service Co	327
Cities Service Co	347
Interstate Drilling Inc., Agent	5-21-74
Pennzoil Co	44
J. W. Kinzer	1-14-70
Castle Gas Company, Inc	12-12-74

[FR Doc. 80-3534 Filed 2-5-80; 8:45 am]

Billing Code 6560-01-M

[No. 140]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

January 24, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Arkansas Oil and Gas Commission

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-11214
2. 03-047-10096-0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Milam #1
6. Cecil
7. Franklin AR
8. 200.0 Million Cubic Feet
9. January 10, 1980
10. Arkansas Louisiana Gas Company

1. 80-11294
2. 03-033-10049-0000
3. 103 000 000
4. Ferguson Oil & Gas Company Inc
5. Preston No 1
6. Hollis Lake Field
7. Crawford AR
8. 51.0 Million Cubic Feet
9. December 27, 1979
10. Arkansas Louisiana Gas Company

1. 80-11295
2. 03-033-10049-0000
3. 103 000 000
4. Ferguson Oil & Gas Company Inc
5. Preston No 1
6. Hollis Lake Field
7. Crawford AR
8. 51.0 Million Cubic Feet
9. December 27, 1979
10. Arkansas Louisiana Gas Company

1. 80-11296
2. 03-033-10047-0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Kaylor #1
6. Hollis Lake
7. Crawford AR
8. 150.0 Million Cubic Feet
9. December 27, 1979
10. Arkansas Louisiana Gas Co

1. 80-11297
2. 03-033-10054-0000
3. 102 000 000
4. Texas Oil & Gas Corp
5. Minish #1-C
6. Kibler-Williams
7. Crawford AR
8. 100.0 Million Cubic Feet
9. December 27, 1979
10. Arkansas Louisiana Gas Co

1. 80-11298
2. 03-033-10054-0000
3. 102 000 000
4. Texas Oil & Gas Corp
5. Minish #1-UT
6. Kibler-Williams
7. Crawford AR
8. 400.0 Million Cubic Feet
9. December 27, 1979
10. Arkansas Louisiana Gas Co

1. 80-11299
2. 03-033-10054-0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Minish #1-LT
6. Kibler-Williams
7. Crawford AR
8. 300.0 Million Cubic Feet
9. December 27, 1979
10. Arkansas Louisiana Gas Company

Kansas Corporation Commission

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-09291A/K-78-0110
2. 15-093-20511-0000
3. 103 000 000
4. Mobil Oil Corporation
5. White Heirs Unit B #2
6. Panoma
7. Kearny KS
8. 70.0 Million Cubic Feet
9. December 7, 1979
10. Cities Service Gas Co

1. 80-09291B/K-78-0077
2. 15-067-20537-0000
3. 103 000 000
4. Mobil Oil Corporation
5. Walter B Kuhn Unit B #2
6. Panoma
7. Grant KS
8. 70.0 Million Cubic Feet
9. December 7, 1979
10. Cities Service Gas Co

Louisiana Office of Conservation

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-11209/79-3018
2. 17-031-20805-0000
3. 102 000 000
4. May Petroleum Inc
5. Rod Ra Sue Shanley 1-D (162790)
6. Bethany-Longstreet
7. Desoto LA
8. 1000.0 million cubic feet
9. December 31, 1979
10. Arkansas Louisiana Gas Co

1. 80-11210/79-3017
2. 17-045-20549-0000
3. 103 000 000
4. Lea Exploration Inc
5. John L Germany et al No 1
6. Iberia Field
7. Iberia Parish LA
8. 730.0 million cubic feet
9. December 31, 1979
10. Michigan Wisconsin Pipe Line Company

1. 80-11211/79-3019
2. 17-031-20722-0000
3. 102 000 000
4. May Petroleum Inc
5. Rod Ra Sud McMichael 1 (157114)
6. Bethany-Longstreet
7. Desoto LA
8. 730.0 million cubic feet
9. December 31, 1979
10. Arkansas Louisiana Gas Company, Tennessee Gas Pipeline

1. 80-11212/79-3020
2. 17-031-20766-0000
3. 102 000 000
4. May Petroleum Inc
5. Rod Ra Sum Mason #1 (158546)
6. Bethany-Longstreet
7. Desoto LA
8. 825.0 million cubic feet
9. December 31, 1979
10. Arkansas Louisiana Gas Company

1. 80-11276/79-3011
2. 17-031-20829-0000
3. 102 000 000
4. Lynal Inc

5. E Ra Sua State Lease 7451 No 1
6. East Buck Point Field
7. Vermilion Parish LA
8. 730.0 million cubic feet
9. December 31, 1979
10. Sugar Bowl Gas Corporation

1. 80–11277/79–3012
2. 17–031–20350–0000
3. 103 000 000
4. Placid Oil Company
5. Vub Bodcaw No 1
6. Lucky
7. Bienville LA
8. 1825.0 million cubic feet
9. December 31, 1979
10. Texas Eastern Transmission Corporation

1. 80–11278/79–3013
2. 17–031–20363–0000
3. 103 000 000
4. Placid Oil Company
5. Vur Tobin No 1
6. Lucky
7. Bienville LA
8. 3650.0 million cubic feet
9. December 31, 1979
10. Texas Eastern Transmission Corp

1. 80–11279/79–3014
2. 17–031–20355–0000
3. 103 000 000
4. Placid Oil Company
5. Vul D T Whitley No 2
6. Lucky
7. Bienville LA
8. 1825.0 million cubic feet
9. December 31, 1979
10. Texas Eastern Transmission Corp

1. 80–11280/79–3016
2. 17–031–20361–0000
3. 103 000 000
4. Placid Oil Company
5. Vuc Bodcaw No 3
6. Lucky
7. Bienville LA
8. 1200.0 million cubic feet
9. December 31, 1979
10. Texas Eastern Transmission Corp

1. 80–11281/79–3015
2. 17–031–20360–0000
3. 103 000 000
4. Placid Oil Company
5. Vut Continental Can Co No 1
6. Lucky
7. Bienville LA
8. 730.0 million cubic feet
9. December 31, 1979
10. Texas Eastern Transmission Corp

1. 80–11290/79–3029
2. 17–031–20564–0000
3. 102 000 000
4. Placid Oil Company
5. McClung-Pearman No 1
6. McKenzie
7. Claiborne LA
8. 200.0 million cubic feet
9. December 27, 1979
10. Arkansas Louisiana Gas Co

1. 80–11291/79–3027
2. 17–031–20934–0000
3. 103 000 000
4. Excalibur Resources Inc
5. Continental Can #1
6. Chemard Lake Field
7. Desoto LA
8. 22.0 million cubic feet
9. December 27, 1979
10. Tennessee Gas Pipeline

1. 80–11292/79–3028
2. 17–031–20842–0000
3. 103 000 000
4. Marshall Exploration Inc
5. U Hoss Ra Sue F L Galbreath #2
6. Belle Bower
7. Desoto LA
8. 365.0 million cubic feet
9. December 27, 1979
10. Arkla Gas Pipeline Co

1. 80–11293/79–3026
2. 17–023–21291–0000
3. 103 000 000
4. Edwin L Cox
5. John Thibodeaux No 1
6. Grand Chenier
7. Cameron LA
8. 100.0 million cubic feet
9. December 27, 1979
10. United Gas Pipe Line Company

North Dakota Geological Survey

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11213/111–NGPA
2. 33–053–00707–0000
3. 102 000 000
4. Shell Oil Company
5. USA 34–3–2
6. Mondak Field
7. McKenzie ND
8. 28.8 million cubic feet
9. January 11, 1980
10. Montana Dakota Utilities Co

Ohio Department of Natural Resources, Division of Oil and Gas

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11383/01267
2. 34–127–23687–0014
3. 108 000 000
4. L&M Exploration
5. Folk #2
6.
7. Perry OH
8. .3 million cubic feet
9. January 2, 1980
10. Foraker Gas Company

1. 80–11384/01268
2. 34–127–23741–0014
3. 108 000 000
4. L&M Exploration
5. Folk #1
6.
7. Perry OH
8. 1.6 million cubic feet
9. January 2, 1980
10. Foraker Gas Company

1. 80–11385/02792
2. 34–019–20753–0014
3. 108 000 000
4. L&M Exploration
5. Neider #3
6.
7. Carroll OH
8. 4.0 million cubic feet
9. January 2, 1980
10. Bonanza Gas Line

1. 80–11386/02793
2. 34–019–20754–0014
3. 108 000 000
4. L&M Exploration
5. Neidert #4
6.
7. Carroll OH
8. 4.0 million cubic feet
9. January 2, 1980
10. Bonanza Gas Line

1. 80–11387/02959
2. 34–019–20749–0014
3. 108 000 000
4. L&M Exploration
5. Jinnings #1
6.
7. Carroll OH
8. 3.5 million cubic feet
9. January 2, 1980
10. Bonanza Gas Line

1. 80–11388/02960
2. 34–019–20750–0014
3. 108 000 000
4. L&M Exploration
5. Jinnings #2
6.
7. Carroll OH
8. 3.5 million cubic feet
9. January 2, 1980
10. Bonanza Gas Line

1. 80–11389/02961
2. 34–019–20751–0014
3. 108 000 000
4. L&M Exploration
5. Jinnings #3
6.
7. Carroll OH
8. 3.5 million cubic feet
9. January 2, 1980
10. Bonanza Gas Line

1. 80–11390/02962
2. 34–019–20763–0014
3. 108 000 000
4. L&M Exploration
5. Jinnings #4
6.
7. Carroll OH
8. 3.5 million cubic feet
9. January 2, 1980
10. Bonanza Gas Line

1. 80–11391/02963
2. 34–019–20733–0014
3. 108 000 000
4. L&M Exploration Inc.
5. Swiney #1
6.
7. Carroll OH
8. .9 million cubic feet
9. January 2, 1980
10. Bonanza Gas Line

1. 80–11392/02964
2. 34–019–20739–0014
3. 108 000 000

4. L&M Exploration Inc.
5. Swiney #2
6.
7. Carroll OH
8. .9 million cubic feet
9. January 2, 1980
10. Bonanza Gas Line

1. 80–11393/02967
2. 34–019–20738–0014
3. 108 000 000
4. L&M Exploration
5. Neidert #2
6.
7. Carroll OH
8. 4.0 million cubic feet
9. January 2, 1980
10. Bonanza Gas Line

1. 80–11394/02968
2. 34–019–20740–0014
3. 108 000 000
4. L&M Exploration
5. Neidert #1
6.
7. Carroll OH
8. 4.0 million cubic feet
9. January 2, 1980
10. Bonanza Gas Line

1. 80–11395/03020
2. 34–151–21136–0014
3. 108 000 000
4. Zenith Exploration Company
5. W L & M R Schrock #1
6.
7. Stark OH
8. 2.0 million cubic feet
9. January 2, 1980
10. East Ohio Gas Company

1. 80–11396/03022
2. 34–151–21221–0014
3. 108 000 000
4. Zenith Exploration Company
5. Schrock #2
6.
7. Stark OH
8. 2.0 million cubic feet
9. January 2, 1980
10. East Ohio Gas Company

1. 80–11397/03290
2. 34–075–21389–0014
3. 108 000 000
4. Wenner Petroleum Corporation
5. D Swartzentruber #1
6. Moreland East
7. Holmes OH
8. 2.8 million cubic feet
9. January 2, 1980
10. Columbia Gas Trans Corp

1. 80–11398/03299
2. 34–169–21912–0014
3. 108 000 000
4. Wenner Petroleum Corporation
5. H G Krabill Trust #1
6. Canaan-Wayne
7. Wayne OH
8. 1.5 million cubic feet
9. January 2, 1980
10. Columbia Gas Trans Corp

1. 80–11399/03301
2. 34–169–21869–0014
3. 108 000 000
4. Wenner Petroleum Corporation
5. K Weekley #1
6. East Union
7. Wayne OH
8. 1.3 million cubic feet
9. January 2, 1980
10. Columbia Gas Trans Corp

1. 80–11400/05060
2. 34–075–21408–0014
3. 108 000 000
4. William F Hill
5. Anderson #1
6.
7. Holmes OH
8. 1.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11401/05061
2. 34–075–21804–0014
3. 108 000 000
4. William F Hill
5. Balderston #1
6.
7. Holmes OH
8. 8.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11402/05063
2. 34–075–21747–0014
3. 108 000 000
4. William F Hill
5. R Bevington #2
6.
7. Holmes OH
8. 1.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11403/05064
2. 34–075–21698–0014
3. 108 000 000
4. William F Hill
5. R Bevington #1
6.
7. Holmes OH
8. 1.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11404/05065
2. 34–075–21945–0014
3. 108 000 000
4. William F Hill
5. Drabenstott #2
6.
7. Holmes OH
8. 5.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11405/05066
2. 34–169–21547–0014
3. 108 000 000
4. William F Hill
5. Beyler #2
6.
7. Wayne OH
8. 3.0 million cubic feet
9. January 2, 1980
10. Ohio Fuel Gas Company

1. 80–11406/05067
2. 34–075–21753–0014
3. 108 000 000
4. William F Hill
5. R Bevington #4
6.
7. Holmes OH
8. 1.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11407/05068
2. 34–075–21752–0014
3. 108 000 000
4. William F Hill
5. R Bevington #3
6.
7. Holmes OH
8. 1.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11408/05073
2. 34–075–21928–0014
3. 108 000 000
4. William F Hill
5. Lowe #1
6.
7. Holmes OH
8. 4.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11409/05074
2. 34–075–21907–0014
3. 108 000 000
4. William F Hill
5. R Achamire #3
6.
7. Holmes OH
8. 4.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11410/05075
2. 34–075–21887–0014
3. 108 000 000
4. William F Hill
5. G Cullen #1
6.
7. Holmes OH
8. 3.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11411/05076
2. 34–075–21886–0014
3. 108 000 000
4. William F Hill
5. W Cullen #1
6.
7. Holmes OH
8. 8.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11412/05107
2. 34–075–21896–0014
3. 108 000 000
4. William F Hill
5. Bucklew #1
6.
7. Holmes OH
8. .0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11413/05108
2. 34–075–21934–0014
3. 108 000 000
4. William F Hill
5. Drabenstott #1
6.
7. Holmes OH
8. 5.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11414/05542
2. 34–151–22262–0014
3. 108 000 000
4. Belden & Blake Oil Production
5. Varian Comm #1–628
6.
7. Stark OH

8. .1 million cubic feet
9. January 2, 1980
10. Wiser Oil Co

1. 80–11415/07118
2. 34–031–21360–0014
3. 108 000 000
4. Agnes Beisser Gas & Oil
5. Sewell River Coal & Gas #2
6.
7. Coshocton OH
8. .5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11416/07119
2. 34–031–21428–0014
3. 108 000 000
4. Agnes Beisser Gas & Oil
5. Sewell River Coal & Gas #6
6.
7. Coshocton OH
8. .5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11417/07120
2. 34–031–21426–0014
3. 108 000 000
4. Agnes Beisser Gas & Oil
5. Sewell River Coal & Gas #5
6.
7. Coshocton OH
8. .5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11418/07121
2. 34–031–21425–0014
3. 108 000 000
4. Agnes Beisser Gas & Oil
5. Sewell River Coal & Gas #4
6.
7. Coshocton OH
8. .5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11419/07122
2. 34–031–21424–0014
3. 108 000 000
4. Agnes Beisser Gas & Oil
5. Sewell River Coal & Gas Co #3
6.
7. Coshocton OH
8. .5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11420/07123
2. 34–031–21339–0014
3. 108 000 000
4. Agnes Beisser Gas & Oil
5. Sewell River Coal & Gas #1
6.
7. Coshocton OH
8. .5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11421/07298
2. 34–115–21868–0014
3. 102 000 000
4. Mid-Atlantic Oil Company
5. Huck #9 Unit
6.
7. Morgan OH
8. 40.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11422/07392
2. 34–115–00672–0014
3. 108 000 000
4. Cameron Brothers
5. Woodyard #2
6.
7. Morgan OH
8. .3 million cubic feet
9. January 2, 1980
10. Columbia Gas Trans Corp

1. 80–11423/07393
2. 34–115–20673–0014
3. 108 000 000
4. Cameron Brothers
5. Woodyard #3
6.
7. Morgan OH
8. .3 million cubic feet
9. January 2, 1980
10. Columbia Gas Trans Corp

1. 80–11424/07394
2. 34–115–00415–0014
3. 108 000 000
4. Cameron Brothers
5. Woodyard #1
6.
7. Morgan OH
8. .3 million cubic feet
9. January 2, 1980
10. Columbia Gas Trans Corp

1. 80–11425/07395
2. 34–115–00378–0014
3. 108 000 000
4. Cameron Brothers
5. Newburn #2
6.
7. Morgan OH
8. 1.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Trans Corp

1. 80–11426/07396
2. 34–115–00365–0014
3. 108 000 000
4. Cameron Brothers
5. Newburn #1
6.
7. Morgan OH
8. 1.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Trans Corp

1. 80–11427/07663
2. 34–167–24541–0014
3. 103 000 000
4. C W Riggs Inc
5. D Wilson #3
6. Reno Field
7. Wash OH
8. 16.0 million cubic feet
9. January 2, 1980
10.

1. 80–11428/07669
2. 34–167–24534–0014
3. 103 000 000
4. C W Riggs Inc
5. McKitrick—2
6. Reno Field
7. Wash OH
8. 18.0 million cubic feet
9. January 2, 1980
10.

1. 80–11429/07692
2. 34–169–21582–0014
3. 108 000 000
4. Wenner Petroleum Corporation
5. F Moine #4
6. Smithville-Milton
7. Wayne OH
8. 1.5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11430/07693
2. 34–169–21569–0014
3. 108 000 000
4. Wenner Petroleum Corporation
5. F Moine #3
6. Smithville-Milton
7. Wayne OH
8. 1.5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11431/07695
2. 34–169–21537–0014
3. 108 000 000
4. Wenner Petroleum Corporation
5. F Moine #1
6. Smithville-Milton
7. Wayne OH
8. 1.5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11432/07702
2. 34–169–21534–0014
3. 108 000 000
4. Wenner Petroleum Corporation
5. E Saal #2
6. Smithville-Milton
7. Wayne OH
8. 1.5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11433/07703
2. 34–169–21522–0014
3. 108 000 000
4. Wenner Petroleum Corporation
5. E Saal #1
6. Smithville-Milton
7. Wayne OH
8. 1.5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11434/07710
2. 34–119–23849–0014
3. 108 000 000
4. Guernsey Petroleum Corporation
5. Miller Unit 1MC
6.
7. Muskingum OH
8. 8.0 million cubic feet
9. January 2, 1980
10. East Ohio Gas Company

1. 80–11435/05077
2. 34–075–21924–0014
3. 108 000 000
4. William F Hill
5. Herman #1
6.
7. Holmes OH
8. 7.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11436/05078
2. 34–075–21534–0014
3. 108 000 000
4. William F Hill
5. Shaffer #4
6.
7. Holmes OH
8. 4.0 million cubic feet
9. January 2, 1980
10. Ohio Fuel Gas

1. 80–11437/05080

2. 34–075–21467–0014
3. 108 000 000
4. William F Hill
5. John Starner #1
6.
7. Holmes OH
8. .0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11438/05081
2. 34–075–21910–0014
3. 108 000 000
4. William F Hill
5. Wachtel #1
6.
7. Holmes OH
8. 15.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11439/05082
2. 34–075–21863–0014
3. 108 000 000
4. William F Hill
5. Weber #1
6.
7. Holmes OH
8. 5.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11440/05083
2. 34–075–21497–0014
3. 108 000 000
4. William F Hill
5. Zaugg #1
6.
7. Holmes OH
8. 1.5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11441/05084
2. 34–075–21159–0014
3. 108 000 000
4. William F Hill
5. Zaugg #2
6.
7. Holmes OH
8. 1.5 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11442/05085
2. 34–075–21844–0014
3. 108 000 000
4. William F Hill
5. R Achamire #1
6.
7. Holmes OH
8. .0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11443/05086
2. 34–075–21906–0014
3. 108 000 000
4. William F Hill
5. R Achamire #2
6.
7. Holmes OH
8. 4.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11444/05087
2. 34–075–21414–0014
3. 108 000 000
4. William F Hill
5. Shaffer #1
6.
7. Holmes OH
8. 4.0 million cubic feet
9. January 2, 1980
10. Ohio Fuel Gas

1. 80–11445/05088
2. 34–075–21423–0014
3. 108 000 000
4. William F Hill
5. Shaffer #2
6.
7. Holmes OH
8. 4.0 million cubic feet
9. January 2, 1980
10. Ohio Fuel Gas

1. 80–11446/05089
2. 34–075–21535–0014
3. 108 000 000
4. William F Hill
5. Shaffer #3
6.
7. Holmes OH
8. 4.0 million cubic feet
9. January 2, 1980
10. Ohio Fuel Gas

1. 80–11447/05091
2. 34–075–21895–0014
3. 108 000 000
4. William F Hill
5. Rohr #1
6.
7. Holmes OH
8. 2.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11448/05092
2. 34–075–20181–0014
3. 108 000 000
4. William F Hill
5. Schlabach #1
6.
7. Holmes OH
8. 1.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11449/05092
2. 34–075–21597–0014
3. 108 000 000
4. William F Hill
5. C R McDowell #1
6.
7. Holmes OH
8. 3.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11450/05094
2. 34–075–21758–0014
3. 108 000 000
4. William F Hill
5. C R McDowell #2
6.
7. Holmes OH
8. 3.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11451/05095
2. 34–075–21769–0014
3. 108 000 000
4. William F Hill
5. C R McDowell #3
6.
7. Holmes OH
8. 3.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11452/05097
2. 34–075–21785–0014
3. 108 000 000
4. William F Hill
5. Norris #1
6.
7. Holmes OH
8. .0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11453/05098
2. 34–075–21812–0014
3. 108 000 000
4. William F Hill
5. Norris #2
6.
7. Holmes OH
8. 7.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11454/05099
2. 34–075–21784–0014
3. 108 000 000
4. William F Hill
5. Packe #1
6.
7. Holmes OH
8. 3.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11455/05102
2. 34–075–21768–0014
3. 108 000 000
4. William F Hill
5. Hoyer #1
6.
7. Holmes OH
8. 1.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

1. 80–11456/07728
2. 34–167–24966–0014
3. 103 000 000
4. Trap Springs Oil & Gas Company
5. Westbrook #1
6. Independence Township
7. Washington OH
8. 20.0 million cubic feet
9. January 2, 1980
10. Columbia Gas Transmission Corp

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at Ferc
10. Purchaser(s)

1. 80–11222
2. 47–041–21752–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. E E Marsh #3
6. Collins Settlement
7. Lewis WV
8. 11.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11223
2. 47–041–21733–0000
3. 108 000 000

4. Seneca-Upshur Petroleum Co
5. E E Marsh #2
6. Collins Settlement
7. Lewis WV
8. 8.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11224
2. 47–041–21720–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. E E Marsh #1
6. Collins Settlement
7. Lewis WV
8. 9.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11225
2. 47–041–21637–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. W J Barnes #2–A
6. Collins Settlement
7. Lewis WV
8. 4.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11226
2. 47–041–21627–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. W J Barnes #1
6. Collins Settlement
7. Lewis WV
8. 10.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11227
2. 47–041–21616–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Harry R Myers #1
6. Collins Settlement
7. Lewis WV
8. 8.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11228
2. 47–041–21606–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Kenneth Williston #1
6. Collins Settlement
7. Lewis WV
8. 5.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11229
2. 47–041–21592–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Woodrow Perrine #1
6. Collins Settlement
7. Lewis WV
8. 6.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11230
2. 47–041–21583–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Arretia Robinson #2
6. Skin Creek
7. Lewis WV
8. 5.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11231
2. 47–041–21564–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Arretia Robinson #1
6. Skin Creek
7. Lewis WV
8. 7.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11232
2. 47–041–21559–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Madison Puffenbarger #1
6. Collins Settlement
7. Lewis WV
8. 7.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11233
2. 47–041–21780–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. W W Woodford #1
6. Collins Settlement
7. Lewis WV
8. 7.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11234
2. 47–041–21776–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. M W Weidlich #1
6. Collins Settlement
7. Lewis WV
8. 3.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11235
2. 47–041–21771–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Hallie M Dietz #1
6. Collins Settlement
7. Lewis WV
8. 6.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11236
2. 47–041–21758–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Alice V. Biglin #1
6. Collins Settlement
7. Lewis WV
8. 5.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11237
2. 47–097–21416–0000
3. 108 000 000
4. Union Drilling Inc
5. Myron B & Cecile Hymes 1266
6. Meade District
7. Upshur WV
8. 1.1 million cubic feet
9. January 2, 1980
10. Equitable Gas Co

1. 80–11238
2. 47–041–21811–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. A A Warren #1
6. Collins Settlement
7. Lewis WV
8. 5.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11239
2. 47–041–21802–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Roy L Eagle #1
6. Collins Settlement
7. Lewis WV
8. 5.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11240
2. 47–097–20475–0000
3. 108 000 000
4. J Robert Hornor Agent
5. G A Rinehart #1
6. Warren
7. Upshur WV
8. 4.0 million cubic feet
9. January 2, 1980
10. Equitable Gas Company

1. 80–11241
2. 47–097–20439–0000
3. 108 000 000
4. J Robert Hornor Agent
5. H A Casto #1
6. Warren
7. Upshur WV
8. 8.0 million cubic feet
9. January 2, 1980
10. Equitable Gas Company

1. 80–11242
2. 47–085–23090–0000
3. 108 000 000
4. Drilco Oil Prod
5. Drilco Oil Prod-M L Bollinger Well #
6. Smithville
7. Ritchie WV
8. 10.5 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11243
2. 47–085–22976–0000
3. 108 000 000
4. Drilco Oil Prod
5. Drilco Oil Prod-S Carlile Well #2
6. Twin Oaks
7. Ritchie WV
8. 1.2 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11244
2. 47–085–22938–0000
3. 108 000 000
4. Drilco Oil Prod
5. Drilco Oil Prod-A Kesterson Well #1
6. Twin Oaks
7. Ritchie WV
8. 1.3 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11245
2. 47–085–22916–0000
3. 108 000 000
4. Drilco Oil Prod
5. Drilco Oil Prod-Jennings Ross Well
6. Twin Oaks
7. Ritchie WV

8. .7 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11246
2. 47–085–22369–0000
3. 108 000 000
4. John Wright Oil & Gas Co
5. John Wright Oil & Gas Co Well #1
6. Hazelgreen
7. Ritchie WV
8. 1.6 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11247
2. 47–085–21884–0000
3. 108 000 000
4. Freeman Merritt Gas Co
5. Freeman Merritt Gas Co-Well #2
6. Smithville
7. Ritchie WV
8. 3.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11248
2. 47–085–22866–0000
3. 108 000 000
4. Drilco Oil Prod
5. Drilco Oil Prod-S Carlile Well #1
6. Twin Oaks
7. Ritchie WV
8. 1.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11249
2. 47–085–22824–0000
3. 108 000 000
4. Drilco Oil Prod
5. Drilco Oil Prod-Mable Garfield Well
6. Goff
7. Ritchie WV
8. 1.8 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11250
2. 47–085–22740–0000
3. 108 000 000
4. Drilco Oil Productions
5. Drilco Oil Productions-Velva Null WE
6. Spruce Creek
7. Ritchie WV
8. 2.4 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corporation

1. 80–11251
2. 47–085–22721–0000
3. 108 000 000
4. Drilco Oil Prod
5. Drilco Oil Prod-R S Carpenter Well
6. Goff
7. Ritchie WV
8. 1.2 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11252
2. 47–085–22720–0000
3. 108 000 000
4. Drilco Oil Prod
5. Drilco Oil Prod-S E Carpenter Well #
6. Goff
7. Ritchie WV
8. .7 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11253
2. 47–021–21648–0000
3. 108 000 000
4. Drilco Oil Productions-M P Simmons
5. Drilco Oil Prod-M P Simmons Well #1
6. Newburne
7. Gilmer WV
8. 7.1 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11254
2. 47–105–00580–0000
3. 108 000 000
4. W C Wilson Oil & Gas
5. G W Munday Well #1
6. Munday
7. Wirt WV
8. 4.7 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11255
2. 47–105–20578–0000
3. 108 000 000
4. W C Wilson Oil & Gas
5. G W Munday Well #2
6. Munday
7. Wirt WV
8. 4.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11256
2. 47–085–21846–0000
3. 108 000 000
4. Freeman Merritt Gas Co
5. Freeman Merritt Gas Co—#1
6. Smithville
7. Ritchie WV
8. 2.7 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11257
2. 47–041–21482–0000
3. 108 000 000
4. Union Drilling Inc
5. Cecil M Clark 1131
6. Skin Creek District
7. Lewis WV
8. 10.0 million cubic feet
9. January 2, 1980
10. Equitable Gas Co

1. 80–11258
2. 47–007–20904–0000
3. 108 000 000
4. Union Drilling Inc
5. Howard C Davis 1227
6. Holly District
7. Braxton WV
8. .7 million cubic feet
9. January 2, 1980
10. Equitable Gas Co

1. 80–11259
2. 47–001–20454–0000
3. 108 000 000
4. Union Drilling Inc
5. James Mayle 1201
6. Philippi District
7. Barbour WV
8. 15.1 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11260
2. 47–041–21610–0000
3. 108 000 000
4. Union Drilling Inc
5. Audra Clark 1176
6. Courthouse District
7. Lewis WV
8. 8.5 million cubic feet
9. January 2, 1980
10. Equitable Gas Co

1. 80–11261
2. 47–085–21587–0000
3. 108 000 000
4. Boot-Heel Oil & Gas Co
5. Boot-Heel O & G Co—#1
6. Spruce Creek
7. Ritchie WV
8. 2.5 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11262
2. 47–021–21216–0000
3. 108 000 000
4. Welcome Gregg Oil & Gas Co
5. Welcome Gregg O & G Co—#1
6. Rackett
7. Gilmer WV
8. 7.7 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11263
2. 47–021–21192–0000
3. 108 000 000
4. M B Allman Oil & Gas Co
5. M B Allman O & G Co—#1
6. Newburne
7. Gilmer WV
8. 1.4 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11264
2. 47–021–21400–0000
3. 108 000 000
4. Woodrow Riddle Oil & Gas Co
5. Woodrow Riddle O & G Co #1
6. Rackett
7. Gilmer WV
8. 2.2 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11265
2. 47–021–20337–0000
3. 108 000 000
4. Woodrow Riddle Oil & Gas Co
5. Woodrow Riddle O & G Co #2
6. Rackett
7. Gilmer WV
8. 2.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11266
2. 47–085–22188–0000
3. 108 000 000
4. Ola G Cox Oil & Gas Co
5. Ola G Cox O & G Co—#1
6. Hazelgreen
7. Ritchie WV
8. 1.7 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11267
2. 47–085–22124–0000
3. 108 000 000
4. R L Strauther Oil & Gas Co
5. R L Strauther O & G Co—#1
6. Burnt House
7. Ritchie WV
8. 3.8 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11268

2. 47–085–22058–0000
3. 108 000 000
4. J W Parks Gas Co
5. J W Parks Gas Co—#1
6. Burnt House
7. Ritchie WV
8. 2.2 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11269
2. 47–085–21883–0000
3. 108 000 000
4. William Kerns Oil & Gas Co
5. William Kerns O & G Co—#1
6. Smithville
7. Ritchie WV
8. 5.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11270
2. 47–085–21817–0000
3. 108 000 000
4. Beanridge Oil & Gas Co
5. Beanridge Oil & Gas Co—#1
6. Smithville
7. Ritchie WV
8. 3.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11271
2. 47–085–02368–0000
3. 108 000 000
4. Clay Bailey Oil & Gas Co
5. Clay Bailey O & G Co—#1
6. Burnt House
7. Ritchie WV
8. 6.0 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11272
2. 47–085–02308–0000
3. 108 000 000
4. Grace Snodgrass Oil & Gas Co
5. Grace Snodgrass O & G Co #2
6. Hazelgreen
7. Ritchie WV
8. 2.4 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11273
2. 47–085–22298–0000
3. 108 000 000
4. White Rock Oil & Gas Co
5. White Rock O & G Co #1
6. Goff
7. Ritchie WV
8. 1.2 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11274
2. 47–085–22195–0000
3. 108 000 000
4. Orville Evans Oil & Gas Co
5. Orville Evans O & G Co #1
6. Berea
7. Ritchie WV
8. 2.4 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

1. 80–11275
2. 47–085–22259–0000
3. 108 000 000
4. Albert Smith Oil & Gas Co
5. Albert Smith O & G Co #1
6. Hazelgreen
7. Ritchie WV
8. 2.8 million cubic feet
9. January 2, 1980
10. Consolidated Gas Supply Corp

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11300A/NM–4349–79A
2. 30–039–21796–0000–1
3. 103 000 000
4. Continental Oil
5. Jicarilla 30 No 12 (Gallup)
6. West Lindrith
7. Rio Arriba NM
8. 700.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Co

1. 80–11300B/NM–4349–79B
2. 30–039–21796–0000–2
3. 103 000 000
4. Continental Oil
5. Jicarilla 30 No 12 (Dakota)
6. West Lindrith
7. Rio Arriba NM
8. 700.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Co

1. 80–11301/NM–4318–79
2. 30–039–05804–0000–0
3. 108 000 000
4. Southland Royalty Company
5. Arizona Jicarilla #7
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. .1 million cubic feet
9. January 2, 1980
10. Gas Company of New Mexico

1. 80–11302/NM–4319–79
2. 30–045–07624–0000–0
3. 108 000 000
4. Southland Royalty Company
5. Hagood #1
6. West Kutz Pictured Cliffs
7. San Juan NM
8. 2.9 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80–11303/NM–4320–79
2. 30–045–13041–0000
3. 108 000 000
4. Southland Royalty Company
5. A D Hudson #5
6. Basin Dakota
7. San Juan NM
8. 19.7 million cubic feet
9. January 2, 1980
10. Southern Union Gathering Company

1. 80–11304/NM–4321–79
2. 30–045–11975–0000–0
3. 108 000 000
4. Southland Royalty Company
5. Hubbard #2
6. Basin Dakota
7. San Juan NM
8. 2.8 million cubic feet
9. January 2, 1980
10. Southern Union Gathering Company

1. 80–11305/NM–4322–79
2. 30–045–11760–0000–0
3. 108 000 000
4. Southland Royalty Company
5. Largo Federal #1
6. Basin Dakota
7. San Juan NM
8. 6.0 million cubic feet
9. January 2, 1980
10. Northwest Pipeline Corporation

1. 80–11306A/NM–4334–79A
2. 30–039–22006–0000–1
3. 103 000 000
4. Arco Oil and Gas Company
5. Jicarilla #102 (Gallup)
6. W Lindrith Gallup
7. Rio Arriba NM
8. 5.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80–11306B/NM–4334–79B
2. 30–039–22006–0000–2
3. 103 000 000
4. Arco Oil and Gas Company
5. Jicarilla #102 (Dakota)
6. W Lindrith Dakota
7. Rio Arriba NM
8. 5.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80–11307/NM–4332–79
2. 30–039–21931–0000–0
3. 103 000 000
4. Continental Oil
5. Axi Apache N No 15
6. Axi Apache Area-Blanco Mesaverde
7. Rio Arriba NM
8. 90.0 million cubic feet
9. January 2, 1980
10. Gas Company of New Mexico

1. 80–11308/NM–4323–79
2. 30–045–10185–0000–0
3. 108 000 000
4. Southland Royalty Company
5. Thompson #5
6. Basin Dakota
7. San Juan NM
8. 19.6 million cubic feet
9. January 2, 1980
10. Southern Union Gathering Company

1. 80–11309/NM–4335–79
2. 30–039–22005–0000–0
3. 103 000 000
4. Arco Oil and Gas Company
5. Jicarilla #101
6. W Lindrith Gallup-Dakota
7. Rio Arriba NM
8. .0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80–11310/NM–4338–79
2. 30–005–60540–0000–0
3. 103 000 000
4. Yates Petroleum Corp
5. Phillips KH Fed Com #1
6. Wildcat
7. Eddy NM
8. .0 million cubic feet
9. January 2, 1980
10.

1. 80–11311/NM–4303–79
2. 30–045–07040–0000–0

3. 108 000 000
4. Amoco Production Company
5. Gallegos Canyon Unit #159
6. Basin Dakota
7. San Juan NM
8. 20.9 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80–11312/NM–4304–79
2. 30–045–09815–0000–0
3. 108 000 000
4. Amoco Production Company
5. L C Kelly #1
6. Basin Dakota
7. San Juan NM
8. 21.5 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80–11313/NM–4305–79–2
2. 30–015–22781–0000–0
3. 103 000 000
4. Boyd Operating Company
5. Murphy Federal #1
6. Burton Flat Morrow
7. Eddy County NM
8. 273.8 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80–11314/NM–4307–79
2. 30–045–23036–0000–0
3. 103 000 000
4. Marathon Oil Company
5. Ohio Government #4
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 104.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80–11315/NM–4308–79
2. 30–045–23038–0000–0
3. 103 000 000
4. Marathon Oil Company
5. Ohio C Government #6
6. West Kutz Pictured Cliffs
7. San Juan NM
8. 140.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80–11316/NM–4310–79
2. 30–045–06696–0000–0
3. 108 000 000
4. Southland Royalty Company
5. Whitley #4
6. Blanco Pictured Cliffs
7. San Juan NM
8. 12.5 million cubic feet
9. January 2, 1980
10. Southern Union Gathering Company

1. 80–11317/NM–4311–79
2. 30–039–06559–0000–0
3. 108 000 000
4. Southland Royalty Company
5. Arizona Jicarilla B #3
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 9.2 million cubic feet
9. January 2, 1980
10. Gas Company of New Mexico

1. 80–11318/NM–4312–79
2. 30–045–20527–0000–0
3. 108 000 000
4. Southland Royalty Company
5. Cain #18
6. Aztec Pictured Cliffs
7. San Juan NM
8. 20.6 million cubic feet
9. January 2, 1980
10. Southern Union Gathering Company

1. 80–11319/NM–4313–79
2. 30–045–09204–0000–0
3. 108 000 000
4. Southland Royalty Company
5. Holder #1
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 20.6 million cubic feet
9. January 2, 1980
10. Southern Union Gathering Company

1. 80–11320/NM–4314–79
2. 30–045–10266–0000–0
3. 108 000 000
4. Southand Royalty Company
5. Thompson #6
6. Basin Dakota
7. San Juan NM
8. 9.5 million cubic feet
9. January 2, 1980
10. Southern Union Gathering Company

1. 80–11321/NM–4315–79
2. 30–045–07519–0000–0
3. 108 000 000
4. Southland Royalty Company
5. Cain #5
6. Aztec Pictured Cliffs
7. San Juan NM
8. 8.5 million cubic feet
9. January 2, 1980
10. Southern Union Gathering Company

1. 80–11322/NM–4316–79
2. 30–045–06460–0000–0
3. 108 000 000
4. Southland Royalty Company
5. Riddle #1
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 19.0 million cubic feet
9. January 2, 1980
10. Southern Union Gathering Company

1. 80–11323/NM–4317–79
2. 30–045–02048–0000–0
3. 108 000 000
4. Southland Royalty Company
5. Bruington #2
6. Aztec Pictured Cliffs
7. San Juan NM
8. 20.7 million cubic feet
9. January 2, 1980
10. Southern Union Gathering Company

1. 80–11324/NM–4188–79
2. 30–025–25958–0000–0
3. 102 000 000
4. Amoco Production Company
5. Federal H No 1
6. Wildcat-Atoka
7. Lea NM
8. 1,101.0 million cubic feet
9. January 2, 1980
10. Tuco Inc

1. 80–11325/NM–4238–79
2. 30–045–23096–0000–0
3. 103 000 000
4. Amoco Production Company
5. Elliott Gas Com X #1
6. Basin-Dakota
7. San Juan NM
8. 73.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80–11326A/NM–4259–79–A
2. 30–039–21892–0000–1
3. 103 000 000
4. Cotton Petroleum Corporation
5. Apache No 116 (Gallup)
6. Lindrith-Gallup West
7. Rio Arriba NM
8. 56.0 million cubic feet
9. January 2, 1980
10. Northwest Pipeline Corp

1. 80–11326B/NM–4259–79–B
2. 30–039–218920–0000–2
3. 103–000–000
4. Cotton Petroleum Corporation
5. Apache No. 116 (Dakota)
6. Lindrith Dakota West
7. Rio Arriba NM
8. 56.0 million cubic feet
9. January 2, 1980
10. Northwest Pipeline Corp

1. 80–11327/NM–4262–79
2. 30–039–06671–0000–0
3. 108–000–000
4. Northwest Production Corporation
5. Jicarilla 119 N #3
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.8 million cubic feet
9. January 2, 1980
10. Northwest Pipeline Corp

1. 80–11328/NM–4263–79
2. 30–039–07140–0000–0
3. 108–000–000
4. Northwest Production Corporation
5. Jicarilla 119 N #6
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba NM
8. 18.0 million cubic feet
9. January 2, 1980
10. Northwest Pipeline Corp

1. 80–11329/NM–4266–79
2. 30–039–06203–0000–0
3. 108–000–000
4. Northwest Production Corporation
5. Jicarilla 117 E #6
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba NM
8. 21.0 million cubic feet
9. January 2, 1980
10. Northwest Pipeline Corp

1. 80–11330/NM–4269–79
2. 30–045–20737–0000–0
3. 108–000–000
4. El Paso Natural Gas Company
5. Huerfano Unit NP #212
6. Basin-Dakota Gas
7. San Juan NM
8. 18.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80–11331/NM–4279–79
2. 30–039–20954–0000–0
3. 108–000–000
4. El Paso Natural Gas Company
5. SJ 27–4 Unit #78
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba NM
8. 21.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80–11332/NM–4280–79
2. 30–039–06872–0000–0
3. 108–000–000
4. El Paso Natural Gas Company
5. SJ 27–4 Unit #12
6. Tapacito-Pictured Cliffs Gas

7. Rio Arriba NM
8. 21.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11333/NM-4289-79
2. 30-045-13113-0000-0
3. 108-000-000
4. El Paso Natural Gas Company
5. Ludwick #20
6. Basin-Dakota Gas
7. San Juan NM
8. 19.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11334/NM-3997-79
2. 30-015-22709-0000-0
3. 102-103-000
4. Harvey E Yates Company
5. Travis Deep Unit #4
6.
7. Eddy NM
8. 90.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11335/NM-4109-79
2. 30-015-20800-0000-0
3. 108-000-000
4. Yates Petroleum Corporation
5. Federal CM #1
6. Penasco Draw-San Andres-Yeso
7. Eddy NM
8. 5.6 million cubic feet
9. January 2, 1980
10. Transwestern Pipeline Company

1. 80-11336/NM-521-79
2. 30-039-05115-0000-0
3. 108-000-000
4. Amerada Hess Corporation
5. Jicarilla Apache I #1-1
6. Otero
7. Rio Arriba NM
8. 5.4 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11337/NM-3312-79
2. 30-039-21596-0000-0
3. 108-000-000
4. Amoco Production Company
5. Valencia Canyon Unit #18
6. Choza Mesa-Pictured Cliffs
7. Rio Arriba NM
8. 19.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11338/NM-3951-79
2. 30-039-06098-0000-0
3. 108-000-000
4. Petroleum Corporation of Texas
5. Federal A #1 NM-3517
6. Tapacita Pictured Cliffs
7. Rio Arriba NM
8. 16.5 million cubic feet
9. January 2, 1980
10. Northwest Pipeline Corp

1. 80-11349/NM-3952-79
2. 30-045-06650-0000-0
3. 108-000-000
4. Petroleum Corporation of Texas
5. Marshall B No 1-A NM-011808
6. South Blanco (Pictured Cliffs)
7. San Juan County NM
8. 19.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11340/NM-3954-79
2. 30-039-05489-0000-0
3. 108-000-000
4. Petroleum Corporation of Texas
5. C & C Federal #1 SF-081347
6. South Blanco Pl
7. Rio Arriba County NM
8. 4.7 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11341/NM-3955-79
2. 30-025-22010-0000-0
3. 108-000-000
4. Getty Oil Company
5. Willard Beaty No 5
6. Lazy J
7. Lea NM
8. 5.0 million cubic feet
9. January 2, 1980
10. Warren Petroleum Company

1. 80-11342/NM-3956-79
2. 30-025-00000-0000-0
3. 108-000-000
4. Getty Oil Company
5. Skelly Penrose A Unit No 31
6. Langlie-Mattix
7. Lea NM
8. 1.0 million cubic feet
9. January 2, 1980
10. Getty Oil Co Natural Gas Plant

1. 80-11343/NM-3958-79
2. 30-025-11591-0000-0
3. 108-000-000
4. Apollo Oil Company
5. Federal B #1
6. Langlie Mattix
7. Lea NM
8. 40.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11344/NM-3959-79
2. 30-025-11588-0000-0
3. 108-000-000
4. Apollo Oil Company
5. Federal B #2
6. Langlie Mattix
7. Lea NM
8. 40.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11345/NM-03967-79
2. 30-005-00000-0000-0
3. 108-000-000
4. Hanson Oil Corporation
5. Honolulu Federal #1
6. Sams Ranch-Grayburg-San Andres
7. Chaves NM
8. 3.4 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11346/NM-376-78
2. 30-015-10260-0000-0
3. 102-000-000
4. Harvey E Yates Company
5. Gates Federal Deep #1
6.
7. Eddy County NM
8. 50.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11347/NM-376-78
2. 30-015-10260-0000-0
3. 103-000-000
4. Harvey E Yates Company
5. Gates Federal Deep #1
6.
7. Eddy NM
8. 50.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11348/NM-422-78
2. 30-045-22675-0000-0
3. 108-000-000
4. Hixon Development Company
5. KA DA PAH Well No 80-113
6. WAW-Fruitland-PC
7. San Juan NM
8. 11.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11349/NM-0001-79
2. 30-015-22236-0000-0
3. 102-000-000
4. Harvey E Yates Company
5. South Empire Deep Unit #15
6. South Empire Morrow
7. Eddy NM
8. 300.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11350/NM-225-79
2. 30-015-22241-0000-0
3. 102-000-000
4. Harvey E Yates Company
5. South Empire Deep Unit #16
6. South Empire Morrow
7. Eddy NM
8. 34.2 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11351/NM-230-79
2. 30-045-22744-0000-0
3. 108-000-000
4. Hixon Development Company
5. Hixon Federal Well No 1
6. WAW-Fruitland-PC
7. San Juan NM
8. 1.8 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11352/NM-520-79
2. 30-039-05108-0000-0
3. 108-000-000
4. Amerada Hess Corporation
5. Jicarilla Apache H TR 2 #1
6. Otero
7. Rio Arriba NM
8. 2.1 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11353/NM-4425-79
2. 30-045-22992-0000-0
3. 103-000-000
4. El Paso Natural Gas Company
5. Atlantic #2A
6. Blanco Mesaverde
7. San Juan NM
8. 160.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11354/NM-4416-79
2. 30-039-21662-0000-0
3. 103-000-000
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #113
6. Basin Dakota
7. Rio Arriba NM
8. 70.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company

1. 80-11355/NM-4419-79

2. 30-045-23158-0000-0
3. 103-000-000
4. El Paso Natural Gas Company
5. Atlantic A #21
6. Blanco Pictured Cliffs
7. San Juan NM
8. 50.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11356/NM-4421-79
2. 30-039-20849-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit #207
6. Basin Dakota
7. Rio Arriba NM
8. 70.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11357/NM-44221-79
2. 30-039-20850-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit #205
6. Basin Dakota
7. Rio Arriba NM
8. 30.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11358/NM-4423-79
2. 30-039-21663-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #237
6. Basin Dakota
7. Rio Arriba NM
8. 50.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11359/NM-4424-79
2. 30-039-21732-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #110
6. Basin Dakota
7. Rio Arriba NM
8. 30.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11360/NM-4409-79
2. 30-045-09228-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. Mansfield #6
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 18.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11361/NM-4022-79
2. 30-045-22740-0000-0
3. 108 000 000
4. Hixon Development Company
5. In Ni Da Pah Well No 1
6. WAW-Fruitland-Pc
7. San Juan NM
8. 7.3 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11362/NM-4412-79
2. 30-039-21680-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #254
6. Basin Dakota
7. Rio Arriba NM
8. 50.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11363/NM-4413-79
2. 30-039-21661-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #236
6. Basin Dakota
7. Rio Arriba NM
8. 50.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11364/NM-4414-79
2. 30-039-22908-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-9 Unit #31A
6. Blanco Mesaverde
7. San Juan NM
8. 180.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11365/NM-4415-79
2. 30-039-21652-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #251
6. Basin Dakota
7. Rio Arriba NM
8. 40.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11366/NM-4417-79
2. 30-039-20991-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #111
6. Basin Dakota
7. Rio Arriba NM
8. 50.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11367/NM-4418-79
2. 30-039-21729-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #99
6. Basin Dakota
7. Rio Arriba NM
8. 40.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11368/NM-4420-79
2. 30-039-21947-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #48A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 110.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11369/NM-03448-79
2. 30-039-06309-0000-0
3. 108 000 000
4. Amoco Production Company
5. Jicarilla Apache A 118 #5
6. Gavilian-Pictured Cliffs
7. Rio Arriba NM
8. 21.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Co
1. 80-11370/NM-03513-79
2. 30-039-06186-0000-0
3. 108 000 000
4. Amoco Production Company
5. Jicarilla Contract 146 #1
6. South Blanco-Pictured Cliffs
7. Rio Arriba NM
8. 11.0 million cubic feet
9. January 2, 1980
10. Northwest Pipeline
1. 80-11371/NM-4338-79
2. 30-005-60540-0000-0
3. 102 000 000
4. Yates Petroleum Corporation
5. Phillips Kh Federal Com No 1
6. Wildcat
7. Chaves County NM
8. .0 million cubic feet
9. January 2, 1980
10.
1. 80-11372A/NM-4339-79A
2. 30-025-26183-0000-1
3. 103 000 000
4. Continental Oil
5. Semu Blinebry No 101 (Blinebry)
6. Nmfu
7. Lea NM
8. 32.0 million cubic feet
9. January 2, 1980
10. Warren Petroleum Co
1. 80-11372B/NM-4339-79B
2. 30-025-26183-0000-2
3. 103 000 000
4. Continental Oil
5. Semu Blinebry No 101 (Warren Tubb)
6. Nmfu
7. Lea NM
8. 32.0 million cubic feet
9. January 2, 1980
10. Warren Petroleum Co
1. 80-11373/NM-4340-79
2. 30-039-21985-0000-0
3. 103 000 000
4. Continental Oil
5. Jicarilla 30 No 14
6. West Lindrith
7. Rio Arriba NM
8. 82.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Company
1. 80-11374A/NM-4341-79A
2. 30-025-26182-0000-1
3. 103 000 000
4. Continental Oil
5. Semu Blinebry No 100 (Blinebry)
6. Nmfu-Blinebry O & G Warren Tubb Oil
7. Lea NM
8. 197.0 million cubic feet
9. January 2, 1980
10. Warren Petroleum Co
1. 80-11374B/NM-4341-79B
2. 30-025-26182-0000-2
3. 103 000 000
4. Continental Oil
5. Semu Blinebry No 100 (Warren Tubb)
6. Nmfu-Blinebry Warren Tubb Oil
7. Lea NM
8. 197.0 million cubic feet
9. January 2, 1980
10. Warren Petroleum Company
1. 80-11375A/NM-4342-79-A
2. 30-039-21986-0000-1
3. 103 000 000
4. Continental Oil
5. Jicarilla 30 No 15 (Gallup)
6. West Lindrith

7. Rio Arriba NM
8. 83.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Co

1. 80–11375B/NM–4342–79–B
2. 30–039–21988–0000–2
3. 103 000 000
4. Continental Oil
5. Jicarilla 30 No 15 (Dakota)
6. West Lindrith
7. Rio Arriba NM
8. 83.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Co

1. 80–11376A/NM–4343–79A
2. 30–025–25488–0000–1
3. 103 000 000
4. Continental Oil
5. Warren Unit No 59 (Blinebry)
6. Nmfu
7. Lea NM
8. 150.0 million cubic feet
9. January 2, 1980
10. Warren Petroleum Co

1. 80–113376B/NM–4343–79B
2. 30–025–25488–0000–2
3. 103 000 000
4. Continental Oil
5. Warren Unit No 59 (Warren Tubb)
6. Nmfu
7. Lea NM
8. 150.0 million cubic feet
9. January 2, 1980
10. Warren Petroleum Co

1. 80–11377/NM–4345–79
2. 30–025–26130–0000–0
3. 103 000 000
4. Continental Oil
5. Vaughan A–14 No 7
6. Nmfu
7. Lea NM
8. 9.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Co

1. 80–11378A/NM–4347–79A
2. 30–039–21797–0000–1
3. 103 000 000
4. Continental Oil
5. Jicarilla 30 No 10 (Gallup)
6. West Lindrith
7. Rio Arriba NM
8. 88.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Co

1. 80–11378B/NM–4347–79
2. 30–039–21797–0000–2
3. 103 000 000
4. Continental Oil
5. Jicarilla 30 No 10 (Dakota)
6. West Lindrith
7. Rio Arriba NM
8. 88.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Co

1. 80–11379A/NM–4348–79A
2. 30–039–21933–0000–1
3. 103 000 000
4. Continental Oil
5. Jicarilla 30 No 13 (Gallup)
6. West Lindrith
7. Rio Arriba NM
8. 58.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Co

1. 80–11379B/NM–4348–79B
2. 30–039–21933–0000–0
3. 103 000 000
4. Continental Oil
5. Jicarilla 30 No 13 (Dakota)
6. West Lindrith
7. Rio Arriba NM
8. 58.0 million cubic feet
9. January 2, 1980
10. El Paso Natural Gas Co

U.S. Geological Survey, Tulsa, Okla.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11380/LA–59–9
2. 17–015–20922–0000–0
3. 103 000 000
4. Shell Oil Company
5. USA No 37
6. Sligo
7. Bossier LA
8. 75.0 million cubic feet
9. January 3, 1980
10. Texas Eastern Transmission Corp

1. 80–11381/LA–58–9
2. 17–015–20922–0000–0
3. 103 000 000
4. Shell Oil Company
5. USA No 37–D
6. Sligo
7. Bossier LA
8. 350.0 million cubic feet
9. January 3, 1980
10. Texas Eastern Transmission Corp

1. 80–11382/LA–57–9
2. 17–015–21060–0000–0
3. 103 000 000
4. Shell Oil Company
5. USA No 6
6. Sligo
7. Bossier LA
8. 120.0 million cubic feet
9. January 3, 1980
10. Texas Eastern Transmission Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 21, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–3726 Filed 2–5–80; 8:45 am]

BILLING CODE 6450–01–M

[No. 143]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

January 28, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11913/79–970
2. 15–115–20381–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Nelson #3 00173–000002
6. Lost Springs
7. Marion KS
8. 10.9 million cubic feet
9. January 7, 1980
10. Cities Service Gas Co

1. 80–11914/79–969
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Loveless-Austin-Dody #4 00173–00000
6. Antelope SE Pool
7. Marion KS
8. 4.5 million cubic feet
9. January 7, 1980
10. Cities Service Gas Co

1. 80–11915/79–968
2. 15–115–20074–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Wight #2 00173–000006
6. Lost Springs
7. Marion KS
8. 5.6 million cubic feet
9. January 7, 1980
10. Cities Service Gas Co

1. 80–11916/79–967
2. 15–115–20172–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Loveless-Austin-Dody #11–00173–0000
6. Lost Springs
7. Marion KS
8. 4.5 million cubic feet
9. January 7, 1980

10. Cities Service Gas Co
1. 80–11922/79–938
2. 15–157–00000–0000
3. 108 000 000
4. Graham-Michaelis Corporation
5. Toner #1
6. Pleasant Valley
7. Ford KS
8. 16.5 million cubic feet
9. January 7, 1980
10. Northern Natural Gas Co
1. 80–11923/79–933
2. 15–007–00000–0000
3. 108 000 000
4. Champlin Petroleum Company
5. Baier A #1
6. Aetna
7. Barber KS
8. 11.0 million cubic feet
9. January 7, 1980
10. Cities Service Gas Company
1. 80–11924/79–932
2. 15–007–00000–0000
3. 108 000 000
4. Champlin Petroleum Company
5. Davis Ranch T #1
6. Aetna
7. Barber KS
8. .0 million cubic feet
9. January 7, 1980
10. Cities Service Gas Company
1. 80–11925/78–183
2. 15–127–20183–0000
3. 108 000 000
4. Benson Mineral Group
5. Veal 3–29
6. Wilde
7. Morris KS
8. 21.9 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11926/78–184
2. 15–127–20111–0000
3. 108 000 000
4. Benson Mineral Group
5. Gant 2–15
6. Wilde
7. Morris KS
8. 15.7 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11927/78–185
2. 15–127–20235–0000
3. 108 000 000
4. Benson Mineral Group
5. Gamt 3–7
6. Wilde
7. Morris KS
8. 8.8 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11928/78–186
2. 15–127–20114–0000
3. 108 000 000
4. Benson Mineral Group
5. Gamt 3–15 Twin
6. Wilde
7. Morris KS
8. 15.7 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11929/78–187
2. 15–127–20208–0000
3. 108 000 000
4. Benson Mineral Group
5. Gant 1–7
6. Wilde
7. Morris KS
8. 8.8 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11930/78–188
2. 15–127–00202–0000
3. 108 000 000
4. Benson Mineral Group
5. Gant 2–7
6. Wilde
7. Morris KS
8. 8.4 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11931/78–189
2. 15–127–20113–0000
3. 108 000 000
4. Benson Mineral Group
5. Gant 3–15
6. Wilde
7. Morris KS
8. 15.7 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11932/78–190
2. 15–127–20187–0000
3. 108 000 000
4. Benson Mineral Group
5. Gant 2–15 Twin
6. Wilde
7. Morris KS
8. 15.7 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11933/78–182
2. 15–127–20164–0000
3. 108 000 000
4. Benson Mineral Group
5. Veal 2–29
6. Wilde
7. Morris KS
8. 17.3 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11934/78–143
2. 15–127–20198–0000
3. 108 000 000
4. Benson Mineral Group
5. Graham 2–17
6. Wilde
7. Morris KS
8. 4.4 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11935/78–142
2. 15–127–20190–0000
3. 108 000 000
4. Benson Mineral Group
5. Graham 1–17
6. Wilde
7. Morris KS
8. 4.0 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11936/78–138
2. 15–127–20193–0000
3. 108 000 000
4. Benson Mineral Group
5. Vanier 3–13
6. Wilde
7. Morris KS
8. 20.4 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11937/78–137
2. 15–127–20176–0000
3. 108 000 000
4. Benson Mineral Group
5. Vanier 2–13
6. Wilde
7. Morris KS
8. 21.5 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11938/78–136
2. 15–127–20158–0000
3. 108 000 000
4. Benson Mineral Group
5. Fusom 5–21
6. Wilde
7. Morris KS
8. 9.5 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11939/78–135
2. 15–127–20137–0000
3. 108 000 000
4. Benson Mineral Group
5. Fuson 4–21
6. Wilde
7. Morris KS
8. 7.7 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11940/78–134
2. 15–127–20228–0000
3. 108 000 000
4. Benson Mineral Group
5. Fusom 9–21
6. Wilde
7. Morris KS
8. 41.6 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11941/78–133
2. 15–127–20099–0000
3. 108 000 000
4. Benson Mineral Group
5. Fusom 2–20
6. Wilde
7. Morris KS
8. 7.7 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11942/78–132
2. 15–127–20074–0000
3. 108 000 000
4. Benson Mineral Group
5. Fusom 1–21
6. Wilde
7. Morris KS
8. 19.0 million cubic feet
9. January 7, 1980
10. Mapco
1. 80–11943/79–888
2. 15–075–20183–0000
3. 103 000 000
4. Petro-Lewis Corporation
5. Art #1
6. Bradshaw
7. Hamilton KS
8. 40.0 million cubic feet
9. January 7, 1980
10. Kansas-Nebraska Pipeline
1. 80–11944/79–892
2. 15–075–20083–0000

3. 103 000 000
4. Petro-Lewis Corporation
5. Dave #1
6. Bradshaw
7. Hamilton KS
8. 40.0 million cubic feet
9. January 7, 1980
10. Kansas-Nebraska Pipeline

1. 80–11945/79–891
2. 15–075–20186–0000
3. 103 000 000
4. Petro-Lewis Corporation
5. Bonnie #1
6. Bradshaw
7. Hamilton KS
8. 40.0 million cubic feet
9. January 7, 1980
10. Kansas-Nebraska Pipeline

1. 80–11946/79–890
2. 15–075–20185–0000
3. 103 000 000
4. Petro-Lewis Corporation
5. Alan #1
6. Bradshaw
7. Hamilton KS
8. 40.0 million cubic feet
9. January 7, 1980
10. Kansas-Nebraska Pipeline

1. 80–11947/79–889
2. 15–075–20168–0000
3. 103 000 000
4. Petro-Lewis Corporation
5. Gillam #1
6. Bradshaw
7. Hamilton KS
8. 40.0 million cubic feet
9. January 7, 1980
10. Kansas-Nebraska Pipeline

1. 80–11948/79–935
2. 15–055–20311–0000
3. 103 000 000
4. Champlin Petroleum Company
5. Piney #2
6. Panoma
7. Finney KS
8. 118.0 million cubic feet
9. January 7, 1980
10. Kansas-Nebraska Natural Gas Co

1. 80–11949/79–912
2. 15–145–00000–0000
3. 108 000 000
4. K & E Drilling Inc
5. Galliart #1
6. Zook
7. Pawnee KS
8. 18.2 million cubic feet
9. January 7, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80–11950/79–0847
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Hartwig Sr #2
6. Buffalo Gas
7. Woodson KS
8. 1.0 million cubic feet
9. January 7, 1980
10.

1. 80–11951/79–0846
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Leitzbach C #1
6. Humboldt
7. Allen KS
8. 4.0 million cubic feet
9. January 7, 1980
10.

1. 80–11952/79–0845
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. F Duffey #1
6. Iola Gas
7. Allen KS
8. 2.0 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation Inc

1. 80–11953/79–0844
2. 15–207–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Hartwig SR #1
6. Buffalo Gas
7. Woodson KS
8. 1.2 million cubic feet
9. January 7, 1980
10.

1. 80–11954/79–0843
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Hawkinson #1
6. Leanna Gas
7. Allen KS
8. 2.0 million cubic feet
9. January 7, 1980
10.

1. 80–11955/79–0842
2. 15–205–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Callison A #2
6. Buffalo Gas Filed
7. Wilson KS
8. 1.0 million cubic feet
9. January 7, 1980
10.

1. 80–11956/79–0841
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Adams #1
6. Iola Gas
7. Allen KS
8. 1.0 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation Inc

1. 80–11957/79–0840
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. McIntire #1
6. Leanna Gas
7. Allen KS
8. 1.0 million cubic feet
9. January 7, 1980
10.

1. 80–11958/79–0839
2. 15–205–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Aubuchon #1
6. Buffalo Gas
7. Wilson KS
8. 1.0 million cubic feet
9. January 7, 1980
10.

1. 80–11959/79–0829
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Ellis B #1
6. Iola Gas
7. Allen KS
8. 2.0 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation Inc

1. 80–11960/79–0838
2. 15–133–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Lindberg A #2
6. Leanna Gas
7. Neosho KS
8. 2.0 million cubic feet
9. January 7, 1980
10.

1. 80–11961/79–0837
2. 15–113–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Lindberg A #3
6. Leanna Gas
7. Neosho KS
8. 1.0 million cubic feet
9. January 7, 1980
10.

1. 80–11962/79–0836
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Teague #2
6. Iola Gas
7. Allen KS
8. 1.0 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation Inc

1. 80–11963/78–144
2. 15–127–20175–0000
3. 108 000 000
4. Benson Mineral Group
5. Vamier 4–24
6. Wilde
7. Morris KS
8. 20.4 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11964/79–835
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. E A Siefker #3
6. Iola Gas
7. Allen KS
8. 3.0 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation Inc

1. 80–11965/78–145
2. 15–127–20144–0000
3. 108 000 000
4. Benson Mineral Group
5. Vamier 2–24 Twin
6. Wilde
7. Morris KS
8. 2.8 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11970/78–163
2. 15–127–20115–0000
3. 108 000 000
4. Benson Mineral Group
5. Gant 4–15
6. Wilde

7. Morris KS
8. 15.7 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11971/78–162
2. 15–127–20236–0000
3. 108 000 000
4. Benson Mineral Group
5. Gant 4–7
6. Wilde
7. Morris KS
8. 8.8 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11972/78–160
2. 15–127–20195–0000
3. 108 000 000
4. Benson Mineral Group
5. Vamier 5–13
6. Wilde
7. Morris KS
8. 20.4 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11973/78–156
2. 15–127–20196–0000
3. 108 000 000
4. Benson Mineral Group
5. Vahier 5–24
6. Wilde
7. Morris KS
8. 21.5 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11974/78–155
2. 15–127–20207–0000
3. 108 000 000
4. Benson Mineral Group
5. Vamier 6–24
6. Wilde
7. Morris KS
8. 20.4 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11975/78–154
2. 15–127–20243–0000
3. 108 000 000
4. Benson Mineral Group
5. Vamier 6–13
6. Wilde
7. Morris KS
8. 20.4 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11976/78–153
2. 15–127–20103–0000
3. 108 000 000
4. Benson Mineral Group
5. Fusom 3–21
6. Wilde
7. Morris KS
8. 7.7 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11977/78–152
2. 15–127–20098–0000
3. 108 000 000
4. Benson Mineral Group
5. Fusom 1–2 Twin
6. Wilde
7. Morris KS
8. 7.7 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11978/78–151
2. 15–127–20200–0000
3. 108 000 000
4. Benson Mineral Group
5. Fusom 8–21
6. Wilde
7. Morris KS
8. 19.0 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11979/78–149
2. 15–127–20101–0000
3. 108 000 000
4. Benson Mineral Group
5. Fusom 2–21
6. Wilde
7. Morris KS
8. 7.8 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11980/78–148
2. 15–127–20100–0000
3. 108 000 000
4. Benson Mineral Group
5. Fusom 2–20 Twin
6. Wilde
7. Morris KS
8. 7.8 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11981/78–147
2. 15–127–20104–0000
3. 108 000 000
4. Benson Mineral Group
5. Fusom 3–21 Twin
6. Wilde
7. Morris KS
8. 7.5 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11982/78–146
2. 15–127–20097–0000
3. 108 000 000
4. Benson Mineral Group
5. Fusom 1–20
6. Wilde
7. Morris KS
8. 7.7 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11988/78–164
2. 15–127–20110–0000
3. 108 000 000
4. Benson Mineral Group
5. Gamt 1–15 Twin
6. Wilde
7. Morris KS
8. 15.7 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11989/78–166
2. 15–127–20109–0000
3. 108 000 000
4. Benson Mineral Group
5. Gant 1–15
6. Wilde
7. Morris KS
8. 15.7 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11990/78–168
2. 15–127–20094–0000
3. 108 000 000
4. Benson Mineral Group
5. Titus 1–20 Twin
6. Wilde
7. Morris KS
8. 20.4 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11991/78–169
2. 15–127–20091–0000
3. 108 000 000
4. Benson Mineral Group
5. Titus 2–17
6. Wilde
7. Morris KS
8. 16.1 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11992/78–170
2. 15–127–20090–0000
3. 108 000 000
4. Benson Mineral Group
5. Titus 1–17
6. Wilde
7. Morris KS
8. 16.1 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11993/78–171
2. 15–127–20093–0000
3. 108 000 000
4. Benson Mineral Group
5. Titus 1–20
6. Wilde
7. Morris KS
8. 20.4 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11994/78–175
2. 15–127–20171–0000
3. 108 000 000
4. Benson Mineral Group
5. Dwyer 1–31
6. Wilde
7. Morris KS
8. 18.6 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11995/78–177
2. 15–127–20184–0000
3. 108 000 000
4. Benson Mineral Group
5. Veal 4–29
6. Wilde
7. Morris KS
8. 21.9 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11996/78–178
2. 15–127–20153–0000
3. 108 000 000
4. Benson Mineral Group
5. Veal 1–29
6. Wilde
7. Morris KS
8. 21.9 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11997/78–180
2. 15–127–20250–0000
3. 108 000 000
4. Benson Mineral Group
5. Veal 6–29
6. Wilde
7. Morris KS
8. 21.9 million cubic feet
9. January 7, 1980
10. Mapco

1. 80–11998/79–981

2. 15–115–20201–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Nelson #2 00173–000002
6. Lost Springs
7. Marion KS
8. 10.9 million cubic feet
9. January 7, 1980
10. Cities Service Gas Co

1. 80–11999/79–980
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Loveless-Austin-Dody #1 00173–000001
6. Antelope Se Pool
7. Marion KS
8. 4.5 million cubic feet
9. January 7, 1980
10. Cities Service Gas Co

1. 80–12000/79–979
2. 15–115–20098–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Nelson #1 00173–000002
6. Lost Springs
7. Marion KS
8. 10.9 million cubic feet
9. January 7, 1980
10. Cities Service Gas Co

1. 80–12001/79–978
2. 15–115–20171–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Loveless-Austin-Dody #10–00173–00000
6. Lost Springs
7. Marion KS
8. 4.5 million cubic feet
9. January 7, 1980
10. Cities Service Gas Co

1. 80–12002/79–977
2. 15–115–20203–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Opdenhoff-Buethe #1 00173–000003
6. E Antelope Pool
7. Marion KS
8. 3.4 million cubic feet
9. January 7, 1980
10. Cities Service Gas Co

1. 80–12003/79–976
2. 15–115–26293–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Hiebert #1 00173–000007
6. East Antelope Pool
7. Marion KS
8. 12.4 million cubic feet
9. January 7, 1980
10. Cities Service Gas Co

1. 80–12004/79–834
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Boyd #1
6. Iola Gas
7. Allen KS
8. .0 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation

1. 80–12005/79–0833
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. F Duffey #2
6. Iola Gas
7. Allen KS
8. 2.0 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation Inc

1. 80–12006/79–0832
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Kohl (Brown) #1
6. Iola Gas
7. Allen KS
8. 1.0 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation Inc

1. 80–12007/79–0831
2. 15–205–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Callison A #4
6. Buffalo Gas
7. Wilson KS
8. 1.0 million cubic feet
9. January 7, 1980
10.

1. 80–12008/79–0830
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Potter #1
6. Iola Gas
7. Allen KS
8. 3.0 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation Inc

1. 80–12009/79–0828
2. 15–205–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Becannon #1
6. Buffalo Gas Field
7. Wilson KS
8. 2.0 million cubic feet
9. January 7, 1980
10.

1. 80–12010/79–0827
2. 15–207–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Thomas #2
6. Buffalo Gas Field
7. Woodson KS
8. 1.0 million cubic feet
9. January 7, 1980
10.

1. 80–12011/79–0826
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Templeman #1
6. Iola Gas
7. Allen KS
8. .5 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation

1. 80–12012/79–0825
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. E A Siefker #1
6. Iola Gas
7. Allen KS
8. 3.0 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation Inc

1. 80–12013/79–0824
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Walguist #2
6. Leanna Gas
7. Allen KS
8. .4 million cubic feet
9. January 7, 1980
10.

1. 80–12014/79–0823
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. H Duffey #1
6. Iola Gas
7. Allen KS
8. 6.8 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation Inc

1. 80–12015/79–0822
2. 15–205–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Markham #1
6. Buffalo Gas
7. Wilson KS
8. 3.0 million cubic feet
9. January 7, 1980
10.

1. 80–12016/79–0821
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Moritz 2L
6. Iola Gas
7. Allen KS
8. 7.0 million cubic feet
9. January 7, 1980
10. Iola Gas Corporation Inc

Kentucky Department of Mines and Minerals, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–12053
2. 16–071–50118–0000
3. 108 000 000
4. Bradley Drilling Co
5. J B Boyd Heirs #1 Permit #11191
6. Appalachian
7. Floyd KY
8. 12.0 million cubic feet
9. December 21, 1979
10. Columbia Gas Transmission Corp

1. 80–12054
2. 16–159–50119–0000
3. 108 000 000
4. S F Bradley
5. Z Fannin #2 Permit #15042
6. Appalachian
7. Martin KY
8. 3.0 million cubic feet
9. December 21, 1979
10. Columbia Gas Transmission Corp

Michigan Department of Natural Resources

1. Control number (FERC/State)

2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11917
2. 21–079–33181–0000
3. 102 000 000
4. Amoco Production Company
5. Lockwood Bramer St Coldspr 1–35
6. Cold Springs 35–28N–6W
7. Kalkaska MI
8. 1280.0 million cubic feet
9. January 7, 1980
10.

1. 80–11918
2. 21–045–33026–0000
3. 102 000 000
4. Amoco Production Company
5. Getter 3–17
6. Eaton Rapids 17A–2N–3W
7. Eaton MI
8. 595.0 million cubic feet
9. January 7, 1980
10.

1. 80–11919
2. 21–101–32695–0000
3. 102 000 000
4. Northern Michigan Exploration Compa
5. Leo S Kelly & Marvin Cutler et al #1
6. Cleon 31 Field
7. Manistee MI
8. 2.4 million cubic feet
9. January 7, 1980
10. Consumers Power Company

1. 80–11920
2. 21–055–32913–0000
3. 102 000 000
4. Northern Michigan Exploration Company
5. Henry Fryzelka et al #1–22
6. Grant 22A Field
7. Grand Traverse MI
8. 146.0 million cubic feet
9. January 7, 1980
10. Consumers Power Company

1. 80–11921
2. 21–045–32937–0000
3. 102 000 000
4. Michigan Oil Company
5. Hausch et al #1–4
6.
7. Eaton MI
8. 375.0 million cubic feet
9. January 7, 1980
10. Consumers Power Company

Mississippi Oil and Gas Board

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–12049/103–79–435
2. 23–073–20148–0000
3. 107 000 000
4. Sun Oil Company (Delaware)
5. Ross Beatty No 8–7
6. Tatums Camp
7. Lamar MS
8. 1825.0 million cubic feet
9. January 8, 1980
10. Alabama-Tennessee Natural Gas Co

1. 80–12050/104–79–418
2. 23–065–20122–0000
3. 102 000 000
4. Harkins & Company
5. Dale Unit 8–10 Well No 1
6. Greens Creek
7. Jefferson Davis Counms
8. 1825.0 million cubic feet
9. January 8, 1980
10. Transcontinental Gas Pipeline Corp

1. 80–12051/107–79–426
2. 23–031–20048–0000
3. 107 000 000
4. Union Oil Co of California
5. B D Evans et al 10–7 No 1
6. McRaney
7. Covington MS
8. 456.0 million cubic feet
9. January 8, 1980
10. Mississippi Power and Light Co

1. 80–12052/110–79–426
2. 23–031–20039–0000
3. 107 000 000
4. Union Oil Company of California
5. Joseph Dale 3–10 No 2
6. McRaney
7. Covington MS
8. 2051.0 million cubic feet
9. January 8, 1980
10. Mississippi Power and Light Co

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11910
2. 30–025–26449–0000
3. 103 000 000
4. Gulf Oil Corporation
5. Central Drinkard Unit Well No 430
6. Drinkard
7. Lea NM
8. .0 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas

1. 80–11911
2. 30–039–22059–0000
3. 103 000 000
4. Northwest Pipeline Corporation
5. San Juan 31–6 Unit #32
6. Blanco Mesaverde
7. Rio Arriba NM
8. .2 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11912
2. 30–045–23447–0000
3. 103 000 000
4. El Paso Natural Gas Company
5. Huerfanito Unit #86A
6. Blanco Mesaverde
7. San Juan NM
8. 50.0 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11966
2. 30–025–00000–0000
3. 108 000 000
4. Dallas McCasland
5. Devonian Christman No 2
6. Jalmat
7. Lea NM
8. 18.5 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11967
2. 30–015–22841–0000
3. 102 000 000
4. J C Barnes Oil Company
5. Little Squaw Comm No 2
6. Wildcat Atoka
7. Eddy NM
8. .9 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11968
2. 30–025–26449–0000
3. 103 000 000
4. Gulf Oil Corporation
5. Central Drinkard Unit Well No 427
6. Drinkard
7. Lea NM
8. .0 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas

1. 80–11969
2. 30–045–23140–0000
3. 103 000 000
4. Amoco Production Company
5. Wallace Gas Com Well #3
6. Aztec (Pictured Cliffs)
7. San Juan NM
8. 68.5 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11983
2. 30–045–00000–0000
3. 103 000 000
4. Hixon Development Company
5. Mandana State Com No 2
6. Waw-Fruitland-PC
7. San Juan NM
8. 64.0 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11984
2. 30–025–26346–0000
3. 103 000 000
4. Black River Corporation
5. El Paso State No 1
6. Jalmat
7. Lea NM
8. 91.0 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11985
2. 30–025–00000–0000
3. 108 000 000
4. Amerada Hess Corporation
5. State D A #2
6. Eunice
7. Lea NM
8. 5.4 million cubic feet
9. January 7, 1980
10. Northern Natural Gas Co

1. 80–11986

2. 30–045–23644–0000
3. 103 000 000
4. Southland Royalty Company
5. Dusenberry #3–E
6. Undesignated
7. San Juan NM
8. 50.0 million cubic feet
9. January 7, 1980
10. Southern Union Gathering Company

1. 80–11987
2. 30–045–23644–0000
3. 103 000 000
4. Southland Ropyalty Company
5. Dusenberry #3–E
6. Basin Dakota
7. San Juan NM
8. 50.0 million cubic feet
9. January 7, 1980
10. Southern Union Gathering Company

1. 80–12152
2. 30–045–00000–0000
3. 103 000 000
4. Petroleum Corporation of Texas
5. Hanley #2 JM
6. Aztec Pictured Cliffs
7. San Juan NM
8. 120.0 million cubic feet
9. January 9, 1980
10. El Paso Natural Gas Company

1. 80–12153
2. 30–015–22323–0000
3. 103 000 000
4. Yates Petroleum Corporation
5. Greasewood BD State No 3
6. Penasco Draw Sa Yeso
7. Eddy NM
8. .0 million cubic feet
9. January 10, 1980
10. Transwestern Pipeline Company

1. 80–12154
2. 30–015–60564–0000
3. 103 000 000
4. Yates Petroleum Corporation
5. Eirckson Ky State No 1
6. Wildcat
7. Chaves NM
8. .0 million cubic feet
9. January 10, 1980
10.

1. 80–12162
2. 30–015–22889–0000
3. 103 000 000
4. Gulf Oil Corporation
5. Eddy Gr State Com Well No 2
6. North Loving Morrow
7. Eddy NM
8. .0 million cubic feet
9. January 9, 1980
10. El Paso Natural Gas

1. 80–12163
2. 30–045–23413–0000
3. 103 000 000
4. Southland Royalty Company
5. Albino Canyon #2
6. Albino Pictured Cliffs
7. San Juan NM
8. 50.0 million cubic feet
9. January 9, 1980
10. Northwest Pipeline Corporation

1. 80–12164
2. 30–025–00000–0000
3. 103 000 000
4. Durham Inc
5. Elkan No 1
6. Cerca (Penn)
7. Lea NM
8. 3.0 million cubic feet
9. January 9, 1980
10. Warren Petroleum Co

1. 80–12165
2. 30–025–26368–0000
3. 103 000 000
4. Amoco Production Company
5. State HF Com #1
6. Hobbs Drinkard
7. Lea NM
8. 225.0 million cubic feet
9. January 9, 1980
10. Phillips Petroleum Co

1. 80–12166
2. 30–025–26348–0000
3. 103 000 000
4. Read & Stevens Inc
5. Wainoco State #2
6. Quail Queen
7. Lea NM
8. 3.0 million cubic feet
9. January 9, 1980
10. Warren Petroleum Co

1. 80–12167
2. 30–025–26221–0000
3. 103 000 000
4. Read & Stevens Inc
5. Quail State #3–Y
6. Quail Queen
7. Lea NM
8. 7.0 million cubic feet
9. January 9, 1980
10. Warren Petroleum Company

North Dakota Geological Survey

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchase(s)

1. 80–12155/193
2. 33–025–00069–0000
3. 102 000 000
4. Amoco Production Company
5. Berent Selle #1
6. Killdeer
7. Dunn ND
8. 23.3 million cubic feet
9. January 10, 1980
10. Montana-Dakota Utilities Company

1. 80–12156/192
2. 33–025–00062–0000
3. 102 000 000
4. Amoco Production Company
5. Grant Carlson #1
6. Killdeer
7. Dunn ND
8. 6.7 million cubic feet
9. January 10, 1980
10. Montana-Dakota Utilities Company

1. 80–12157/191
2. 33–025–00072–0000
3. 102 000 000
4. Amoco Production Company
5. Grant Carlson B Well #1
6. Killdeer
7. Dunn ND
8. 8.0 million cubic feet
9. January 10, 1980
10. Montana-Dakota Utilities Company

Ohio Department of Natural Resources, Division of Oil and Gas

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–12055/03238
2. 34–075–21982–0014
3. 108 000 000
4. Killbuck Oil Field Service
5. Earl Russell #2 BL
6. Killbuck
7. Holmes OH
8. 5.8 million cubic feet
9. January 9, 1980
10. Columbus Gas Transmission Corp

1. 80–12056/03239
2. 34–075–21914–0014
3. 108 000 000
4. Killbuck Oil Field Service
5. Earl Russell #1 BL
6. Killbuck
7. Holmes OH
8. 5.8 million cubic feet
9. January 9, 1980
10. Columbus Gas Transmission Corp

1. 80–12057/03240
2. 34–075–21913–0014
3. 108 000 000
4. Killbuck Oil Field Service
5. Charles Pyers Jr #1 BL
6. Killbuck
7. Holmes OH
8. 1.9 million cubic feet
9. January 9, 1980
10. Columbus Gas Transmission Corp

1. 80–12058/04532
2. 34–053–20171–0014
3. 108 000 000
4. R Gene Brasel also DBA Brasel & Bra
5. Schartiger-Darst #1
6.
7. Gallia OH
8. 1.8 million cubic feet
9. January 9, 1980
10. Columbus Gas Transmission Corp

1. 80–12059/04533
2. 34–053–20169–0014
3. 108 000 000
4. R Gene Brasel also DBA Brasel & Bra
5. Floyd Leonard #1
6.
7. Gallia OH
8. 2.4 million cubic feet
9. January 9, 1980
10. Columbus Gas Transmission Corp

1. 80–12060/07605
2. 34–167–24699–0014
3. 103 000 000
4. Trap Springs Oil & Company
5. Catherine Arnold #2
6. Rainbow Creek
7. Washington OH
8. 25.0 million cubic feet
9. January 9, 1980
10. American Energy Services Inc

1. 80–12061/07606

2. 34–167–24564–0014
3. 103 000 000
4. Trap Springs Oil & Gas Company
5. Howard Schaad #1
6. Rainbow Creek
7. Washington OH
8. 21.0 million cubic feet
9. January 9, 1980
10. American Energy Services Inc

1. 80–12062/07607
2. 34–167–24700–0014
3. 103 000 000
4. Trap Springs Oil & Gas Company
5. Roger Martin #1
6. Rainbow Creek
7. Washington OH
8. 20.0 million cubic feet
9. January 9, 1980
10. American Energy Services Inc

1. 80–12063/07608
2. 34–167–24551–0014
3. 103 000 000
4. Trap Springs Oil & Gas Company
5. Gerald Lang #2
6. Rainbow Creek
7. Washington OH
8. .0 million cubic feet
9. January 9, 1980
10. American Energy Services Inc

1. 80–12064/07609
2. 34–167–24698–0014
3. 103 000 000
4. Trap Springs Oil & Gas Company
5. Clarence Arnold #4
6. Rainbow Creek
7. Washington OH
8. 20.0 million cubic feet
9. January 9, 1980
10. American Energy Services Inc

1. 80–12065/07783
2. 34–031–23574–0014
3. 103 000 000
4. LBJ Drilling d.b.a Jeff Moran
5. Mary Summers #1
6.
7. Coshocton OH
8. 18.0 million cubic feet
9. January 9, 1980
10.

1. 80–12066/07926
2. 34–167–05035–0014
3. 103 000 000
4. Berresford Enterprises Inc
5. Gregory Greene #2
6. Big Run Allotment
7. Washington OH
8. 15.0 million cubic feet
9. January 9, 1980
10.

1. 80–12067/07941
2. 34–119–04904–0014
3. 103 000 000
4. Williston Oil & Development Corp
5. Founds #10
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. January 9, 1980
10.

1. 80–12068/07946
2. 34–119–24893–0014
3. 103 000 000
4. Williston Oil & Development Corp
5. Founds #4
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. January 9, 1980
10.

1. 80–12069/07949
2. 34–119–24796–0014
3. 103 000 000
4. Williston Oil & Development Corp
5. Founds #1
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. January 9, 1980
10.

1. 80–12070/07950
2. 34–119–24806–0014
3. 103 000 000
4. Williston Oil & Development Corp
5. Patton #6
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. January 9, 1980
10.

1. 80–12071/07951
2. 34–119–24803–0014
3. 103 000 000
4. Williston Oil & Development Corp
5. Patton #4
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. January 9, 1980
10.

1. 80–12072/07954
2. 34–119–24739–0014
3. 103 000 000
4. Williston Oil & Development Corp
5. Gillogly #5
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. January 9, 1980
10.

1. 80–12073/07975
2. 34–035–20915–0014
3. 103 000 000
4. Rowley & Brown Pet Corp
5. Cleveland Catholic Diocese #1
6.
7. Cuyahoga OH
8. 10.0 million cubic feet
9. January 9, 1980
10. Columbia Gas of Ohio Inc

1. 80–12074/07976
2. 34–035–20916–0014
3. 103 000 000
4. Rowley & Brown Pet Corp
5. Cleveland Catholic Diocese #2
6.
7. Cuyahoga OH
8. 10.0 million cubic feet
9. January 9, 1980
10. Columbia Gas of Ohio Inc

1. 80–12075/07977
2. 34–035–20917–0014
3. 103 000 000
4. Rowley & Brown Pet Corp
5. Cleveland Catholic Diocese #3
6.
7. Cuyahoga OH
8. 10.0 million cubic feet
9. January 9, 1980
10. Columbia Gas of Ohio Inc

1. 80–12076/07978
2. 34–133–20647–0014
3. 103 000 000
4. Pominex Inc
5. Robert Bossow Unit #2
6.
7. Portage OH
8. 25.0 million cubic feet
9. January 9, 1980
10. Stark Oilfield Services Inc

1. 80–12077/08006
2. 34–119–24856–0014
3. 103 000 000
4. Rowley & Brown Pet Corp
5. Lentz #1
6.
7. Muskingum OH
8. 10.0 million cubic feet
9. January 9, 1980
10. Columbia Gas

1. 80–12078/08017
2. 34–083–22642–0014
3. 103 000 000
4. Harold Sparks
5. Wallace Byler #2
6.
7. Knox OH
8. 3.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Trans

1. 80–12079/08023
2. 34–073–22207–0014
3. 103 000 000
4. Petro Oil Co
5. Inboden Well #1
6.
7. Hocking OH
8. 17.0 million cubic feet
9. January 9, 1980
10.

1. 80–12080/08031
2. 34–133–21830–0014
3. 103 000 000
4. Poi Energy Inc
5. Pennock #2
6.
7. Portage OH
8. 40.0 million cubic feet
9. January 9, 1980
10.

1. 80–12081/08032
2. 34–133–21831–0014
3. 103 000 000
4. Poi Energy Inc
5. Pennock #1
6.
7. Portage OH
8. 60.0 million cubic feet
9. January 9, 1980
10.

1. 80–12082/08033
2. 34–133–21825–0014
3. 103 000 000
4. Poi Energy Inc
5. YMCA #1
6.
7. Portage OH
8. 35.0 million cubic feet
9. January 9, 1980
10.

1. 80–12083/08034
2. 34–153–20603–0014
3. 103 000 000
4. Poi Energy Inc
5. Case #3
6.

7. Summit OH
8. 40.0 million cubic feet
9. January 9, 1980
10.

1. 80–12084/08035
2. 34–153–20666–0014
3. 103 000 000
4. Poi Energy Inc
5. Top Roc #4
6.
7. Summit OH
8. 50.0 million cubic feet
9. January 9, 1980
10.

1. 80–12085/08036
2. 34–133–21609–0014
3. 103 000 000
4. Poi Energy Inc
5. Morgan #2
6.
7. Portage OH
8. 15.0 million cubic feet
9. January 9, 1980
10.

1. 80–12086/08086
2. 34–133–21981–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Guyette-Stamm #1
6.
7. Portage OH
8. .5 million cubic feet
9. January 9, 1980
10.

1. 80–12087/08087
2. 34–083–22653–0014
3. 103 000 000
4. Andrew James & Alexander Inc
5. P Flack No 1
6. Butler
7. Knox OH
8. 9.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Transmission Corp

1. 80–12088/08088
2. 34–133–21982–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Guyette-Stamm #2
6.
7. Portage OH
8. .5 million cubic feet
9. January 9, 1980
10.

1. 80–12089/08090
2. 34–133–20886–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. March #1
6.
7. Portage OH
8. .1 million cubic feet
9. January 9, 1980
10.

1. 80–12090/08090
2. 34–007–21057–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Del Mul #3
6.
7. Ashtabula OH
8. .2 million cubic feet
9. January 9, 1980
10.

1. 80–12091/08091
2. 34–007–21207–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Palmer #3
6.
7. Ashtabula OH
8. .2 million cubic feet
9. January 9, 1980
10.

1. 80–12092/08092
2. 34–007–21205–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Palmer #1
6.
7. Ashtabula OH
8. .2 million cubic feet
9. January 9, 1980
10.

1. 80–12093/08093
2. 34–133–22033–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Ramsey-Herr #4
6.
7. Portage OH
8. .1 million cubic feet
9. January 9, 1980
10.

1. 80–12094/08094
2. 34–133–22032–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Ramsey-Herr #5
6.
7. Portage OH
8. .1 million cubic feet
9. January 9, 1980
10.

1. 80–12095/08095
2. 34–133–21705–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Fitzgerald #1
6.
7. Portage OH
8. .3 million cubic feet
9. January 9, 1980
10.

1. 80–12096/08096
2. 34–073–22152–0014
3. 103 000 000
4. Reliance Management Co
5. Sunday Creek Coal #48R
6.
7. Hocking OH
8. 8.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Transmission

1. 80–12097/08097
2. 34–089–23673–0014
3. 103 000 000
4. American Well Management Company
5. Fisk No 1
6.
7. Licking OH
8. 18.0 million cubic feet
9. January 9, 1980
10.

1. 80–12098/08098
2. 34–119–24879–0014
3. 103 000 000
4. The Clinton Oil Co
5. Singer-Matesich #1
6.
7. Muskingum OH
8. 20.0 million cubic feet
9. January 9, 1980
10.

1. 80–12099/08099
2. 34–119–24869–0014
3. 103 000 000
4. The Clinton Oil Co
5. M Foster #4
6.
7. Muskingum OH
8. 20.0 million cubic feet
9. January 9, 1980
10.

1. 80–12100/08100
2. 34–119–24872–0014
3. 103 000 000
4. The Clinton Oil Co
5. J Yost #2
6.
7. Muskingum OH
8. 24.0 million cubic feet
9. January 9, 1980
10.

1. 80–12101/08101
2. 34–073–02195–0014
3. 103 000 000
4. Carl M Poston
5. Willard Kieffer No 2
6. Brenholts
7. Hocking OH
8. 36.5 million cubic feet
9. January 9, 1980
10.

1. 80–12102/08102
2. 34–115–21894–0014
3. 103 000 000
4. Partners Oil Company
5. #1–79B Ballou-Brown
6.
7. Morgan OH
8. 100.0 million cubic feet
9. January 9, 1980
10. National Gas & Oil Corp

1. 80–12103/08103
2. 34–115–21685–0014
3. 103 000 000
4. Partners Oil Company
5. #1–79B Morgan County Airport
6.
7. Morgan OH
8. 100.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Transmission Corp

1. 80–12104/08104
2. 34–127–24464–0014
3. 103 000 000
4. Partners Oil Company
5. #1–79B Winegardner
6.
7. Perry OH
8. 100.0 million cubic feet
9. January 9, 1980
10. National Gas & Oil Corp

1. 80–12105/08105
2. 34–007–21189–0014
3. 103 000 000
4. Giant Petroleum Corporation
5. L C & D E Griffin #1
6.
7. Ashtabula OH
8. 20.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas

1. 80–12106/08106

2. 34–007–21190–0014
3. 103 000 000
4. Giant Petroleum Corporation
5. L C & D E Griffin #2
6.
7. Ashtabula OH
8. 20.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas

1. 80–12107/08107
2. 34–053–00487–0014
3. 103 000 000
4. Carl M Poston
5. Ohio Electric Company No 1
6. Cheshire
7. Gallia OH
8. 3.7 million cubic feet
9. January 9, 1980
10.

1. 80–12108/08108
2. 34–053–00488–0014
3. 103 000 000
4. Carl M. Poston
5. E & P Thompson No 2
6. Cheshire
7. Gallia OH
8. 3.7 million cubic feet
9. January 9, 1980
10.

1. 80–12109/08109
2. 34–073–02196–0014
3. 103 000 000
4. Carl M Poston
5. Willard Kieffer No 1
6. Brenholts
7. Hocking OH
8. 36.5 million cubic feet
9. January 9, 1980
10.

1. 80–12110/08110
2. 34–167–34114–0014
3. 103 000 000
4. L&M Exploration Inc
5. James Bauerbach #1
6.
7. Washington OH
8. 12.8 million cubic feet
9. January 9, 1980
10. Gas Transport Inc

1. 80–12111/08111
2. 34–155–21223–0014
3. 103 000 000
4. Berea Oil and Gas Corporation
5. Schultz #1
6.
7. Trumbull OH
8. 18.5 million cubic feet
9. January 9, 1980
10. East Ohio Gas Company

1. 80–12112/08112
2. 34–155–21311–0014
3. 103 000 000
4. Berea Oil and Gas Corporation
5. Goncz #4
6.
7. Trumbull OH
8. 27.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas Company

1. 80–12113/08113
2. 34–167–24094–0014
3. 103 000 000
4. L&M Exploration Inc
5. David Archer #1
6.
7. Washington OH
8. 12.8 million cubic feet
9. January 9, 1980
10. Gas Transport Inc

1. 80–12114/08114
2. 34–127–24343–0014
3. 103 000 000
4. Quaker State Oil Refining Corp
5. W. McIlvoy #1 30201–1
6.
7. Perry OH
8. 5.5 million cubic feet
9. January 9, 1980
10. Foraker Gas Co

1. 80–12115/08115
2. 34–127–24374–0014
3. 103 000 000
4. Quaker State Oil Refining Corp
5. R Hazlett #1 80220–1
6.
7. Perry OH
8. 7.3 million cubic feet
9. January 9, 1980
10. Foraker Gas Co

1. 80–12116/08116
2. 34–153–20734–0014
3. 103 000 000
4. Petro Evaluation Services Inc
5. H L Morris #1
6.
7. Summit OH
8. 35.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas

1. 80–12117/08117
2. 34–153–20737–0014
3. 103 000 000
4. Petro Evaluation Services Inc
5. D D Arnold #1
6.
7. Summit OH
8. 35.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas

1. 80–12118/08118
2. 34–075–22167–0014
3. 103 000 000
4. Poi Energy Inc
5. Ferguson #1
6.
7. Holmes OH
8. 15.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Transmission

1. 80–12119/08119
2. 34–031–23578–0014
3. 103 000 000
4. Richard C Meyer Inc
5. Francis F Smailes No 1
6. Warsaw-North
7. Coshocton OH
8. 20.0 million cubic feet
9. January 9, 1980
10. National Gas & Oil Corp

1. 80–12120/08120
2. 34–119–24910–0014
3. 103 000 000
4. Geo Energy Inc
5. Bissonnette #1
6.
7. Muskingum OH
8. 4.0 million cubic feet
9. January 9, 1980
10.

1. 80–12121/08121
2. 34–075–22251–0014
3. 103 000 000
4. H I Smith Oil & Gas Inc
5. Snyder #2
6.
7. Holmes OH
8. 16.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas Company

1. 80–12122/08122
2. 34–167–24171–0014
3. 103 000 000
4. L&M Exploration Inc
5. Jim Huck 1–A
6.
7. Washington OH
8. 12.8 million cubic feet
9. January 9, 1980
10. Gas Transport Inc

1. 80–12123/08123
2. 34–167/24152–0014
3. 103 000 000
4. L&M Exploration Inc
5. Herbert Huck #1
6.
7. Washington OH
8. 12.8 million cubic feet
9. January 9, 1980
10. Gas Transport Inc

1. 80–12124/08124
2. 34–167–24257–0014
3. 103 000 000
4. L&M Exploration Inc
5. Robert Wagner 1–A
6.
7. Washington OH
8. 12.8 million cubic feet
9. January 9, 1980
10. Gas Transport Inc

1. 80–12125/08125
2. 34–167–23963–0014
3. 103 000 000
4. L&M Exploration Inc
5. Leo Lang #1
6.
7. Washington OH
8. 12.8 million cubic feet
9. January 9, 1980
10. Gas Transport Inc

1. 80–12126/08126
2. 34–167–24334–0014
3. 103 000 000
4. L&M Exploration Inc
5. Ella Rauch #2
6.
7. Washington OH
8. 12.8 million cubic feet
9. January 9, 1980
10. Gas Transport Inc

1. 80–12127/08127
2. 34–167–24103–0014
3. 103 000 000
4. L&M Exploration Inc
5. Vernon D Augenstein #1
6.
7. Washington OH
8. 12.8 million cubic feet
9. January 9, 1980
10. Gas Transport Inc

1. 80–12128/08128
2. 34–133–22075–0014
3. 103 000 000
4. Pominex Inc
5. Homer O Lucas #2
6.

7. Portage County OH
8. 25.0 million cubic feet
9. January 9, 1980
10. Stark Oilfield Services Inc

1. 80–12129/08129
2. 34–115–21897–0014
3. 103 000 000
4. Minuteman Exploration Company
5. Eloise Mautz #3
6.
7. Morgan OH
8. 11.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas Company

1. 80–12130/08130
2. 34–115–21915–0014
3. 103 000 000
4. Minuteman Exploration Company
5. Eloise Mautz #4
6.
7. Morgan OH
8. 11.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas Company

1. 80–12131/08132
2. 34–105–21838–0014
3. 103 000 000
4. BJVC Energy Management Corp
5. Virgil C King #1
6.
7. Meigs OH
8. 6.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Transmission Corp

1. 80–12132/08133
2. 34–105–21807–0014
3. 103 000 000
4. Adams Drilling Company
5. Clyde Stewart #1
6.
7. Meigs OH
8. 5.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Transmission Corp

1. 80–12133/08134
2. 34–163–20410–0014
3. 103 000 000
4. Energex Oil and Gas Corporation
5. R L Davis No 1
6.
7. Vinton County OH
8. 40.0 million cubic feet
9. January 9, 1980
10.

1. 80–12134/08135
2. 34–163–20411–0014
3. 103 000 000
4. Energex Oil and Gas Corporation
5. J Martin No 1
6.
7. Vinton County OH
8. 40.0 million cubic feet
9. January 9, 1980
10.

1. 80–12135/08136
2. 34–163–20413–0014
3. 103 000 000
4. J H Beal Associates Inc
5. L Addington No 1
6.
7. Vinton County OH
8. 40.0 million cubic feet
9. January 9, 1980
10.

1. 80–12136/08137
2. 34–013–20295–0014
3. 103 000 000
4. Appalachian Energy Inc
5. James W Keyser #2 A–E–97
6.
7. Belmont OH
8. 30.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Transmission Corp

1. 80–12137/08138
2. 34–013–20302–0014
3. 103 000 000
4. Appalachian Energy Inc
5. James Keyser #3 A–E–118
6.
7. Belmont OH
8. 30.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Transmission Corp

1. 80–12138/08139
2. 34–013–20305–0014
3. 103 000 000
4. Appalachian Energy Inc
5. James Keyser #4 A–E–119
6.
7. Belmont OH
8. 30.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Transmission Corp

1. 80–12139/08140
2. 34–151–23010–0014
3. 103 000 000
4. DLM Gas & Oil Company
5. R Lautzenheiser Unit #1
6.
7. Stark OH
8. 7.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas Co

1. 80–12140/08141
2. 34–151–23021–0014
3. 103 000 000
4. DLM Gas & Oil Company
5. Thomas #4
6.
7. Stark OH
8. 22.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas Company

1. 80–12141/08142
2. 34–151–23024–0014
3. 103 000 000
4. DLM Gas & Oil Company
5. Thomas #5
6.
7. Stark OH
8. 29.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas Company

1. 80–12142/08143
2. 34–075–22271–0014
3. 103 000 000
4. Rowley & Brown Petroleum Corporation
5. Martin #1
6.
7. Holmes OH
8. 15.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas Co

1. 80–12143/08144
2. 34–119–24987–0014
3. 103 000 000
4. The Benatty Corporation
5. Barkhurst #1
6.
7. Muskingum OH
8. 25.0 million cubic feet
9. January 9, 1980
10. National Gas and Oil Corporation

1. 80–12144/08148
2. 34–155–21324–0014
3. 103 000 000
4. Eastern Petroleum Services Inc
5. Bequeath #1
6.
7. Trumbull OH
8. 20.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas Co

1. 80–12145/08149
2. 34–163–20405–0014
3. 103 000 000
4. American Well Management Company
5. Fuller No 2
6.
7. Vinton OH
8. 18.0 million cubic feet
9. January 9, 1980
10.

1. 80–12146/08150
2. 34–155–21283–0014
3. 103 000 000
4. Ohio Oil and Gas
5. Forster #1
6.
7. Trumbull OH
8. 20.0 million cubic feet
9. January 9, 1980
10. East Ohio Gas Co

1. 80–12147/08151
2. 34–127–24360–0014
3. 103 000 000
4. Jerry C Olds
5. Adcock #3
6.
7. Perry OH
8. 7.0 million cubic feet
9. January 9, 1980
10. Enterprise Gas & Oil Inc

1. 80–12148/08152
2. 34–157–23400–0014
3. 103 000 000
4. KST Oil & Gas Co Inc
5. F B Pyle #2
6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Transmission Corp

1. 80–12149/08153
2. 34–031–23591–0014
3. 103 000 000
4. John C Mason
5. Elvin R & Walter Brillhart 1A
6.
7. Coshocton OH
8. 20.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Trans Corp

1. 80–12150/08155
2. 34–009–21976–0014
3. 103 000 000
4. Liberty Oil & Gas Corp
5. Frank Goebel #1
6.
7. Athens OH
8. 17.0 million cubic feet
9. January 9, 1980
10. Columbia Gas Transmission Corp

1. 80–12151/08156

2. 34–103–22142–0014
3. 103 000 000
4. Darrell L Seibert
5. Chestnut Meadows Develop #2–A
6.
7. Medina OH
8. 2.0 million cubic feet
9. January 9, 1980
10. The East Ohio Gas Co

Virginia Department of Labor and Industry, Division of Mines and Quarries

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–12175/DI–170
2. 45–051–20323–0003
3. 103 000 000
4. Philadelphia Oil Company
5. P–95–Tarpon Coal & Coke Company
6. Nora
7. Dickenson VA
8. 136.5 million cubic feet
9. January 7, 1980
10. Kentucky West Virginia Gas Company

1. 80–12176/DI–139
2. 45–051–20324–0003
3. 103 000 000
4. Philadelphia Oil Company
5. P–53–Steinman Development Company
6. Nora
7. Dickenson VA
8. 74.8 million cubic feet
9. January 7, 1980
10. Kentucky West Virginia Gas Company

1. 80–12177/DI–158
2. 45–051–20297–0003
3. 103 000 000
4. Philadelphia Oil Company
5. P–77–Steinman Development Company
6. Nora
7. Dickenson VA
8. 210.3 million cubic feet
9. January 7, 1980
10. Kentucky West Virginia Gas Company

1. 80–12178/DI–163
2. 45–051–20306–0003
3. 103 000 000
4. Philadelphia Oil Company
5. P–79–Steinman Development Company
6. Nora
7. Dickenson VA
8. 244.8 million cubic feet
9. January 7, 1980
10. Kentucky West Virginia Gas Company

1. 80–12179/DI–166
2. 45–051–20310–0003
3. 103 000 000
4. Philadelphia Oil Company
5. P–82–Tarpon Coal & Coke Company
6. Nora
7. Dickenson VA
8. 53.5 million cubic feet
9. January 7, 1980
10. Kentucky West Virginia Gas Company

1. 80–12180/DI–167
2. 45–051–20312–0003
3. 103 000 000
4. Philadelphia Oil Company
5. P–83–Tarpon Coal & Coke Company
6. Nora
7. Dickenson VA
8. 225.5 million cubic feet
9. January 7, 1980
10. Kentucky West Virginia Gas Company

1. 80–12181/DI–169
2. 45–051–20316–0003
3. 103 000 000
4. Philadelphia Oil Company
5. P–90–Tarpon Coal & Coke Company
6. Nora
7. Dickenson VA
8. 253.9 million cubic feet
9. January 7, 1980
10. Kentucky West Virginia Gas Company

West Virginia Department of Mines, Oil and Gas Division

1. Control number (FERC/State)
2. API well number 6666
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11877
2. 47–085–01774–0000
3. 108 000 000
4. Pierce Oil & Gas Company
5. S H Westfall #1
6. Murphy
7. Ritchie WV
8. 2.0 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11878
2. 47–085–02087–0000
3. 108 000 000
4. Bee Oil & Gas Company
5. Romeo H Bee #2
6. Union
7. Ritchie WV
8. 3.9 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11879
2. 47–085–02655–0000
3. 108 000 000
4. J F Deem
5. C M Welch Hrs #2
6. Murphy
7. Ritchie WV
8. 7.3 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11880
2. 47–085–02843–0000
3. 108 000 000
4. Mossor Oil & Gas Company
5. W H Mossor #1
6. Murphy
7. Ritchie WV
8. 2.3 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11881
2. 47–085–02909–0000
3. 108 000 000
4. Maxson Oil & Gas Co
5. Maxson #1
6. Union
7. Ritchie WV
8. 3.3 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11882
2. 47–085–01872–0000
3. 108 000 000
4. Hartman Oil & Gas Co
5. J F Hartman #1
6. Murphy
7. Ritchie WV
8. 2.9 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11883
2. 47–085–02216–0000
3. 108 000 000
4. Hartman Oil & Gas Company
5. J F Hartman #3
6. Murphy
7. Ritchie WV
8. 2.9 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11884
2. 47–085–02315–0000
3. 108 000 000
4. Hartman Oil & Gas Company
5. J F Hartman #4
6. Murphy
7. Ritchie WV
8. 2.9 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11885
2. 47–085–02391–0000
3. 108 000 000
4. Hartman Oil & Gas Co
5. J F Hartman #5
6. Murphy
7. Ritchie WV
8. 2.9 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11886
2. 47–085–03193–0000
3. 108 000 000
4. Van Devender Oil & Gas Co
5. C E Van Devender #2
6. Murphy
7. Ritchie WV
8. 5.3 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11887
2. 47–087–00029–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Epling Oil & Gas Company
6. Spencer
7. Roane WV
8. .6 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11888
2. 47–087–01589–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Bradshaw & Ryan #5
6. Walton
7. Roane WV
8. 1.2 million cubic feet
9. January 8, 1980
10. Pennzoil Company

1. 80–11889
2. 47–087–00276–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Injun Oil & Gas Company #1
6. Geary
7. Roane WV
8. .5 million cubic feet
9. January 8, 1980
10. Waggoner Gas Co (Lora Gas Co)

1. 80–11890
2. 47–087–01099–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Triplett Gas Company #1
6. Spencer
7. Roane WV
8. .2 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11891
2. 47–087–01127–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Triplett #2
6. Spencer
7. Roane WV
8. .2 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11892
2. 47–087–01165–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Henderson Oil Gas Company #1
6. Spencer
7. Roane WV
8. .8 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11893
2. 47–087–01202–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Hildreth & Hildreth Gas Co #3
6. Spencer
7. Roane WV
8. 3.2 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11894
2. 47–087–01596–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Henderson Oil & Gas Well #2
6. Spencer
7. Roane WV
8. .8 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11895
2. 47–087–01680–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Thomas Lease
6. Spencer
7. Roane WV
8. 1.5 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11896
2. 47–087–01697–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Tanner Run Oil Company
6. Spencer
7. Roane WV
8. 1.7 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11897
2. 47–087–00287–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Injun Oil & Gas Company #2
6. Geary
7. Roane WV
8. .4 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11898
2. 47–870–05600–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Hildreth & Hildreth Gas Co #1
6. Spencer
7. Roane WV
8. 3.2 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11899
2. 47–087–00765–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Marie Carpenter Well #1
6. Spencer District
7. Roane WV
8. 2.0 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11900
2. 47–087–00818–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Four N Drilling Company #1
6. Spencer
7. Roane WV
8. 2.5 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11901
2. 47–087–00917–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Four H Drilling #2
6. Spencer
7. Roane WV
8. 2.5 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11902
2. 47–087–00937–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Goebel Lease #2
6. Spencer
7. Roane WV
8. 1.0 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11903
2. 47–087–00998–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Hildreth & Hildreth Gas Company #2
6. Spencer
7. Roane WV
8. 3.2 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11904
2. 47–087–01041–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Little Creek Gas Company
6. Spencer
7. Roane WV
8. .5 million cubic feet
9. January 8, 1980
10. Consolidated Gas Supply Corp

1. 80–11905
2. 47–087–00398–0000
3. 108 000 000
4. Roy G Hildreth et al
5. B B Writht Lease #1
6. Spencer
7. Roane WV
8. .4 million cubic feet
9. January 8, 1980
10. Columbia Gas Trans Corp

1. 80–11906
2. 47–087–00000–0000
3. 108 000 000
4. Roy G Hildreth el at
5. Ogden Gas Company
6. Geary
7. Roane WV
8. .4 million cubic feet
9. January 8, 1980
10. Columbia Gas Trans Corp

1. 80–11907
2. 47–087–01338–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Bradshaw & Ryan #2
6. Walton
7. Roane WV
8. 1.2 million cubic feet
9. January 8, 1980
10. Pennzoil Company

1. 80–11908
2. 47–087–01391–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Bradshaw & Ryan #3
6. Walton
7. Spencer WV
8. 1.2 million cubic feet
9. January 8, 1980
10. Pennzoil Company

1. 80–11909
2. 47–087–01453–0000
3. 108 000 000
4. Roy G Hildreth et al
5. Bradshaw & Ryan #4
6. Walton
7. Spencer Roane WV
8. 1.2 million cubic feet
9. January 8, 1980
10. Pennzoil Company

1. 80–12017
2. 47–013–02962–0000
3. 103 000 000
4. Sterling Drilling & Prod Co Inc
5. Chenoweth #107
6. Washington District
7. Calhoun WV
8. 27.0 million cubic feet
9. January 8, 1980
10.

1. 80–12018
2. 47–013–02961–0000
3. 103 000 000
4. Sterling Drilling & Prod Co Inc
5. Chenoweth #106

6. Washington District
7. Calhoun WV
8. 55.8 million cubic feet
9. January 8, 1980
10.

1. 80–12019
2. 47–013–02963–0000
3. 103 000 000
4. Sterling Drilling & Prod Co Inc
5. Farrar #108
6. Washington District
7. Calhoun WV
8. 135.0 million cubic feet
9. January 8, 1980
10.

1. 80–12020
2. 47–021–22087–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Despard Heirs #1
6. Center District
7. Gilmer WV
8. 2.9 million cubic feet
9. January 8, 1980
10. Carnegie Natural Gas Co

1. 80–12021
2. 47–021–22101–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Despard Heirs #2
6. Center District
7. Gilmer WV
8. 2.9 million cubic feet
9. January 8, 1980
10. Carnegie Natural Gas Co

1. 80–12022
2. 47–021–22136–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Conley #1 A C
6. Center District
7. Gilmer WV
8. 2.7 million cubic feet
9. January 8, 1980
10. Carnegie Natural Gas Co

1. 80–12023
2. 47–085–23343–0000
3. 108 000 000
4. Petro-Lewis Corp
5. McGinnis #1
6. Lee District
7. Ritchie WV
8. 6.5 million cubic feet
9. January 8, 1980
10. Carnegie Natural Gas Co

1. 80–12024
2. 47–085–23352–0000
3. 108 000 000
4. Petro-Lewis Corp
5. McGinnis #2
6. Clay District
7. Ritchie WV
8. 3.3 million cubic feet
9. January 8, 1980
10. Carnegie Natural Gas Co

1. 80–12025
2. 47–085–23364–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Shearer #1 Michael
6. Clay District
7. Ritchie WV
8. 2.3 million cubic feet
9. January 8, 1980
10. Carnegie Natural Gas Co

1. 80–12026
2. 47–007–20629–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Haymond #1
6. Salt Lick District
7. Braxton WV
8. 2.8 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12027
2. 47–007–00630–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Hitchcock #1
6. Otter District
7. Braxton WV
8. 2.9 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12028
2. 47–007–20656–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Flint #1
6. Otter District
7. Braxton WV
8. 9.2 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12029
2. 47–007–00660–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Davis #1
6. Salt Lick District
7. Braxton WV
8. 3.1 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12030
2. 47–007–20661–0000
3. 108 000 000
4. Petro-Lewis Corp
5. McConkey #1–A
6. Salt Lick District
7. Braxton WV
8. 4.7 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12031
2. 47–007–20672–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Taft
6. Otter District
7. Braxton WV
8. 8.1 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12032
2. 47–007–20674–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Nulter #1 C A
6. Salt Lick District
7. Braxton WV
8. 5.2 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12033
2. 47–007–20675–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Nulter #1 John
6. Salt Lick
7. Braxton WV
8. 7.1 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12034
2. 47–007–20677–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Bender #1
6. Otter District
7. Braxton WV
8. 6.2 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12035
2. 47–007–20678–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Bender #2
6. Otter District
7. Braxton WV
8. 6.2 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12036
2. 47–007–20680–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Rutherford #1
6. Otter District
7. Braxton WV
8. 5.1 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12037
2. 47–007–20681–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Rutherford #2
6. Otter District
7. Braxton WV
8. 5.1 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12038
2. 47–007–20684–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Hines #1
6. Otter District
7. Braxton WV
8. 5.5 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12039
2. 47–007–20685–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Batten #1
6. Salt Lick District
7. Braxton WV
8. 2.7 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12040
2. 47–007–20695–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Smith #1
6. Otter District
7. Braxton WV
8. 8.0 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12041
2. 47–007–20698–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Branch #2
6. Salt Lick District
7. Braxton WV
8. 3.9 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12042
2. 47–007–20702–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Gerwig #1 O J
6. Otter District
7. Braxton WV
8. 2.3 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12043
2. 47–007–20703–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Branch #3
6. Otter District
7. Braxton WV
8. 5.7 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12044
2. 47–007–20704–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Keller
6. Salt Lick District
7. Braxton WV
8. 2.6 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12045
2. 47–007–20705–0000
3. 108 000 000
4. Petro-Lewis Corp
5. McConkey #1 J M
6. Otter District
7. Braxton WV
8. 8.6 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12046
2. 47–007–20749–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Hosey #1
6. Otter District
7. Braxton WV
8. 2.9 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12047
2. 47–021–21882–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Edwards #1
6. Center
7. Gilmer WV
8. 9.6 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12048
2. 47–021–22029–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Garret #1 I
6. Troy District
7. Gilmer WV
8. .4 million cubic feet
9. January 8, 1980
10. Equitable Gas Co

1. 80–12158
2. 47–013–22248–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Pell Heirs #1
6. Lee District
7. Calhoun WV
8. .2 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12159
2. 47–013–22262–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Pell Heirs #3
6. Lee District
7. Calhoun WV
8. .2 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12160
2. 47–013–22417–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Sturm Bessie
6. Lee District
7. Calhoun WV
8. 1.1 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12161
2. 47–013–22420–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Pell-Stump #1
6. Lee District
7. Calhoun WV
8. .9 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12168
2. 47–007–20825–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Shaver #1
6. Otter District
7. Braxton WV
8. 2.7 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12169
2. 47–007–20826–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Wilson #1
6. Otter District
7. Braxton WV
8. 6.5 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12170
2. 47–007–20827–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Wilson #2
6. Otter District
7. Braxton WV
8. 6.5 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12171
2. 47–007–20833–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Simons #2
6. Otter District
7. Braxton WV
8. 2.8 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12172
2. 47–007–20838–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Lloyd #4
6. Otter District
7. Braxton WV
8. 3.8 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12173
2. 47–007–20839–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Simons #3
6. Otter District
7. Braxton WV
8. 2.8 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12174
2. 47–007–20842–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Westfall #1
6. Otter District
7. Braxton WV
8. 6.3 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12182
2. 47–007–20847–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Douglas #1
6. Otter District
7. Braxton WV
8. 8.8 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12183
2. 47–007–20855–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Viller #1
6. Salt Lick District
7. Braxton WV
8. 3.8 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12184
2. 47–007–20873–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Douglas #2
6. Otter District
7. Braxton County WV
8. 4.8 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12185
2. 47–007–20792–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Roy #2

6. Salt Lick District
7. Braxton WV
8. 5.2 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12186
2. 47–007–20793–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Roy #1
6. Salt Lick District
7. Braxton WV
8. 5.6 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12187
2. 47–007–20800–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Hammond #1
6. Salt Lick District
7. Braxton WV
8. 1.3 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12188-
2. 47–007–20801–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Karl #1
6. Salt Lick District
7. Braxton WV
8. 2.8 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12189
2. 47–007–20757–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Pierce #1
6. Otter District
7. Braxton WV
8. 2.7 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12190
2. 47–007–20766–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Lavoo
6. Salt Lick
7. Braxton WV
8. 7.6 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12191
2. 47–007–20781–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Ellyson #1
6. Otter District
7. Braxton WV
8. 6.7 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12192
2. 47–007–20880–0000
3. 108 000 000
4. Petro-Lewis Corporation
5. Berkley #1
6. Otter District
7. Braxton WV
8. 5.0 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12193
2. 47–007–20791–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Singleton #1 Howard
6. Salt Lick District
7. Braxton WV
8. 2.9 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12194
2. 47–007–20821–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Frank Singleton #2
6. Salt Lick District
7. Braxton WV
8. 3.5 million cubic feet
9. January 11, 1980
10. Consolidated Gas Company

1. 80–12195
2. 47–007–20822–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Singleton #1 Frank
6. Salt Lick District
7. Braxton WV
8. 6.7 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12196
2. 47–007–00824–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Dean #1 Dora
6. Salt Lick District
7. Braxton WV
8. 6.1 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12197
2. 47–007–20789–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Crutchfield #1
6. Otter District
7. Braxton WV
8. .6 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12198
2. 47–007–20745–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Perrine #1
6. Otter District
7. Braxton WV
8. 6.2 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12199
2. 47–007–20746–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Gerwig #1 S R
6. Otter District
7. Braxton WV
8. 6.2 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12200
2. 47–007–20754–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Cutlip #1
6. Otter District
7. Braxton WV
8. 6.2 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12201
2. 47–013–22424–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Roberts et al #1 James
6. Lee District
7. Calhoun WV
8. 4.3 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12202
2. 47–007–20802–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Karl #2
6. Salt Lick District
7. Braxton WV
8. 2.7 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12203
2. 47–007–20799–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Singleton #2 Roy
6. Salt Lick District
7. Braxton WV
8. 3.4 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12204
2. 47–007–20755–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Straley #1
6. Otter District
7. Braxton WV
8. 5.7 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12205
2. 47–007–20784–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Laco #1
6. Otter District
7. Braxton WV
8. 4.5 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12206
2. 47–007–20785–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Singleton #2 Howard
6. Salt Lick District
7. Braxton WV
8. 2.0 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12207
2. 47–007–20788–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Fincham #1
6. Otter District
7. Braxton WV
8. 7.0 millfon cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12208
2. 47–001–20234–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Bennett #1 Wolf
6. Union District
7. Barbour WV
8. 9.8 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12209
2. 47–007–20740–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Waldeck #1
6. Otter District
7. Braxton WV
8. 13.8 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12210
2. 47–007–20741–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Busfield #1
6. Otter District
7. Braxton WV
8. 5.0 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

1. 80–12211
2. 47–007–20744–0000
3. 108 000 000
4. Petro-Lewis Corp
5. Cambell #1
6. Otter District
7. Braxton WV
8. 9.4 million cubic feet
9. January 11, 1980
10. Consolidated Gas Supply Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 21, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-3727 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

[No. 139]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

January 23, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

North Dakota Geological Survey

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11016/194
2. 33–052–00877–0000
3. 102 000 000
4. Brownlie Wallace Armstrong and Band
5. Hatter 34–34
6. Mondak
7. McKenzie ND
8. 7.5 million cubic feet
9. December 31, 1979
10. Montana-Dakota Utilities Co

1. 80–11017/195
2. 33–053–00791–0000
3. 102 000 000
4. Brownlie Wallace Armstrong and Band
5. Hatter #34–12
6. Mondak
7. McKenzie, ND
8. 7.5 million cubic feet
9. December 31, 1979
10. Montana-Dakota Utilities Co

1. 80–11018/196
2. 33–053–00830–0000
3. 102 000 000
4. Brownlie Wallace Armstrong and Band
5. Hatter #34–14
6. Mondak
7. McKenzie, ND
8. 7.5 million cubic feet
9. December 31, 1979
10. Montana-Dakota Utilities Co

1. 80–11019/197
2. 33–013–00806–0000
3. 102 000 000
4. Brownlie Wallace Armstrong and Band
5. Western Investment Co #24–12
6. Gross Ventre
7. Burke ND
8. 1.1 million cubic feet
9. December 31, 1979
10. Montana-Dakota Utilities Co

Oklahoma Corporation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11139/00280
2. 35–139–20962–0000
3. 103 000 000
4. Cities Service Co
5. Taylor B–3
6. Carthage
7. Texas OK
8. 47.4 million cubic feet
9. December 28, 1979
10. Northern Natural Gas Co

1. 80–11140/01298
2. 35–139–20989–0000
3. 103 000 000
4. Seneco Oil Company
5. Van Hyning #1
6. West Dombey
7. Texas OK
8. 134.0 million cubic feet
9. December 28, 1979
10. Panhandle Eastern Pipe Line Co

1. 80–11141/00639
2. 35–079–20276–0000
3. 103 000 000
4. Unit Drilling Co
5. Reed #2
6. Red Oak
7. Leflore OK
8. 220.0 million cubic feet
9. December 28, 1979
10. Arkansas-Louisiana Gas Co

1. 80–11142/01132
2. 35–047–21552–0000
3. 103 000 000
4. Harper Oil Company
5. Noble Long #2
6. Sooner Trend
7. Garfield OK
8. 44.0 million cubic feet
9. December 28, 1979
10. Exxon Corporation Arkansas LA Gas Co

1. 80–11143
2. 35–007–21344–0000
3. 103 000 000
4. J M Huber Corporation
5. Light D No 1
6. Mocane Laverne Field
7. Beaver OK
8. 10.2 million cubic feet
9. December 28, 1979
10. Panhandle Eastern Pipe Line Co

1. 80–11144/01014
2. 35–007–21398–0000
3. 103 000 000
4. J M Huber Corporation
5. Roberts No 2
6. Mocane Laverne
7. Beaver OK
8. 10.0 million cubic feet
9. December 28, 1979
10. Panhandle Eastern Pipe Line Co

1. 80–11145/01287
2. 35–007–21477–0000
3. 103 000 000
4. Bridger Petroleum Corporation
5. Beck Rogers #1
6. E Boyd
7. Beaver OK
8. 153.0 million cubic feet
9. December 28, 1979
10. Natural Gas Pipeline Co of America

1. 80–11146/01216

2. 35–059–20653–0000
3. 103 000 000
4. Amoco Production Company
5. State of Oklahoma W #2
6. Laverne
7. Harper OK
8. 51.0 million cubic feet
9. December 28, 1979
10. Michigan Wisconsin Pipeline Co

1. 80–11148/01285
2. 35–039–21063–0000
3. 103 000 000
4. Seneca Oil Company
5. Swartz #1
6. West Dombey
7. Texas OK
8. 107.0 million cubic feet
9. December 28, 1979
10. Panhandle Eastern Pipe Line Co

1. 80–11149/01218
2. 35–053–20466–0000
3. 103 000 000
4. Corley Ginther Oil Corp
5. A D Stormont No 1
6. Wakita
7. Grant OK
8. 73.0 million cubic feet
9. December 28, 1979
10. Cities Service Gas Co

1. 80–11150/01115
2. 35–047–00000–0000
3. 103 000 000
4. Bow Valley Petroleum Inc
5. J F Kokojan 2–3
6. Sooner Trend
7. Garfield OK
8. 174.0 million cubic feet
9. December 28, 1979
10. Exxon Corporation

1. 80–11151/01283
2. 35–007–21354–0000
3. 103 000 000
4. Shenandoah Oil Corporation
5. Howard No 1
6. Logan N W
7. Beaver OK
8. 204.0 million cubic feet
9. December 28, 1979
10. Northern Natural Gas Company

1. 80–11152/01224
2. 35–059–35152–0000
3. 108 000 000
4. Continental Oil Co
5. Hieronymus No 1
6. Laverne
7. Harper OK
8. 1.7 million cubic feet
9. December 28, 1979
10. Michigan Wisconsin Pipeline Transwestern Pipeline Co

1. 80–11153/01211
2. 35–151–00000–0000
3. 108 000 000
4. Graham-Michaelis Corp
5. Snoody #1–21
6. Cora
7. Woods OK
8. 12.5 million cubic feet
9. December 28, 1979
10. Panhandle Eastern Pipe Line

1. 80–11154/01275
2. 35–139–21010–0000
3. 103 000 000
4. Amoco Production Company
5. Jefferies Gas Unit #2
6. Hugoton
7. Texas OK
8. 34.0 million cubic feet
9. December 28, 1979
10. Phillips Petroleum Company

1. 80–11155/01277
2. 35–007–21479–0000
3. 103 000 000
4. Bridger Petroleum Corporation
5. Marie #1–21
6. S Balko
7. Beaver OK
8. 58.0 million cubic feet
9. December 28, 1979
10. Michigan-Wisconsin Pipe Line Co

1. 80–11156/01255
2. 35–019–21698–0000
3. 103 000 000
4. Texaco Inc
5. E H Connell No 13
6. Hewitt East
7. Carter OK
8. 70.0 million cubic feet
9. December 28, 1979
10. Aminoil USA Inc

1. 80–11157
2. 35–139–20977–0000
3. 103 000 000
4. H & L Operating Company
5. Etling #1–7 139–53867
6. Guymon-Hugoton
7. Texas OK
8. 25.0 million cubic feet
9. December 28, 1979
10. Northern Natural Gas Company Phillips Petroleum

1. 80–11158/01100
2. 35–073–50331–0000
3. 108 000 000
4. Continental Oil Co
5. E S Hobbs A No 1
6. Dover Hennessey
7. Kingfisher OK
8. 19.9 million cubic feet
9. December 28, 1979
10. Oklahoma Natural Gas Co

1. 80–11159/01265
2. 35–007–36559–0000
3. 108 000 000
4. Phoenix Recources Co
5. Pribble #1
6. Dower
7. Beaver Co OK
8. 5.0 million cubic feet
9. December 28, 1979
10. Northern Natural Gas Company

1. 80–11160/01225
2. 35–059–35155–0000
3. 108 000 000
4. Continental Oil Co
5. Shuman No 1
6. Laverne
7. Harper OK
8. 5.6 million cubic feet
9. December 28, 1979
10. Michigan Wisconsin Pipeline

1. 80–11161/00673
2. 35–073–00000–0000
3. 108 000 000
4. Petro Lewis Corporation
5. Clifford 28–1
6. Sooner Trend
7. Kingfisher OK
8. 2.7 million cubic feet
9. December 28, 1979
10. Partnership Properties Co

1. 80–11162/01260
2. 35–139–21145–0000
3. 102 000 000
4. Phillips Petroleum Company
5. Eli No 2
6. Guymon Hugoton Gas Area
7. Texas OK
8. 100.0 million cubic feet
9. December 28, 1979
10. Michigan Wisconsin Pipe Line Co

1. 80–11163/01268
2. 35–007–20506–0000
3. 103 000 000
4. Bridger Petroleum Corporation
5. Bourquin #1
6. Logan
7. Beaver OK
8. 438.0 million cubic feet
9. December 28, 1979
10. Michigan Wisconsin Pipe Line Co, Northern Natural Gas Co

1. 80–11164/01191
2. 35–071–00000–0000
3. 108 000 000
4. Kansas Gas Purchasing
5. Glenny #1
6. Blackwell
7. Kay OK
8. 12.3 million cubic feet
9. December 28, 1979
10. Cities Service Gas Company

1. 80–11165/01175
2. 35–071–00000–0000
3. 108 000 000
4. Kansas Gas Purchasing
5. Hudson #1
6. Blackwell
7. Kay OK
8. 15.0 million cubic feet
9. December 28, 1979
10. Cities Service Gas Company

1. 80–11166/01273
2. 35–007–21353–0000
3. 103 000 000
4. Bridger Petroleum Corporation
5. Barton #1
6. W Ivanhoe
7. Beaver OK
8. 111.0 million cubic feet
9. December 28, 1979
10. Northern Natural Gas Co

1. 80–11167/01190
2. 35–071–00000–0000
3. 108 000 000
4. Kansas Gas Purchasing
5. Elledge B #1
6. Blackwell
7. Kay OK
8. 7.8 million cubic feet
9. December 28, 1979
10. Cities Service Gas Company

1. 80–11168/01262
2. 35–139–00000–0000
3. 108 000 000
4. Ferguson Oil Company Inc
5. Thoreson No 1
6. N Hitchland
7. Texas OK
8. 16.0 million cubic feet
9. December 28, 1979
10. Phillips Petroleum Company

1. 80–11169/00385
2. 35–139–20936–0000

3. 102 000 000
4. Phillips Petroleum Company
5. Gayle No 2
6. Guymon Hugoton Gas Area
7. Texas OK
8. 48.0 million cubic feet
9. December 28, 1979
10. Michigan Wisconsin Pipe Line Co

1. 80–11170/00919
2. 35–151–20808–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Tatro No 1
6. N Edith
7. Woods OK
8. 467.0 million cubic feet
9. December 28, 1979
10.

1. 80–11171/00901
2. 35–047–21366–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Zrust No 1
6. Ringwood
7. Garfield OK
8. 298.0 million cubic feet
9. December 28, 1979
10. Oklahoma Gas & Electric Co

1. 80–11172/00923
2. 35–151–20739–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Seeley B #1
6. N W Lovedale
7. Woods OK
8. 621.0 million cubic feet
9. December 28, 1979
10. Northern Natural

1. 80–11173/00855
2. 35–011–20933–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Rice A No 1
6. E Fay
7. Blaine OK
8. 123.0 million cubic feet
9. December 28, 1979
10.

1. 80–11174/00775
2. 35–139–21026–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Myers D No 1
6. N W Dombey
7. Texas OK
8. 37.0 million cubic feet
9. December 28, 1979
10.

1. 80–11175/00774
2. 35–139–21015–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Gant B #1
6. N W Dombey
7. Texas OK
8. 213.0 million cubic feet
9. December 28, 1979
10.

1. 80–11176/01269
2. 35–007–21364–0000
3. 103 000 000
4. MWJ Corporation
5. Dailey #1
6. Mocane
7. Beaver OK
8. 156.0 million cubic feet
9. December 28, 1979
10. Northern Natural Gas Company

1. 80–11177/01270
2. 35–007–21471–0000
3. 103 000 000
4. Clements Exploration Co
5. Ondracek No 1
6. S E Logan
7. Beaver OK
8. 10.0 million cubic feet
9. December 28, 1979
10. Northern Natural Gas Company

1. 80–11178/00903
2. 35–153–20738–0000
3. 103 000 000
4. Cimarron Petroleum Corporation
5. Eversole—CPC #38
6. N E Waynoka
7. Woodward OK
8. 15.0 million cubic feet
9. December 28, 1979
10. Cities Service Gas Company

1. 80–11179/01272
2. 35–007–21484–0000
3. 103 000 000
4. Shenandoah Oil Corporation
5. J H Whittaker No 1–9
6.
7. Beaver OK
8. 260.0 million cubic feet
9. December 28, 1979
10. Northern Natural Gas Company

1. 80–11180/01256
2. 35–019–00092–0000
3. 102 000 000
4. Chevron USA Inc
5. Richard S Bond #1
6. Joiner City SE
7. Carter OK
8. 168.3 million cubic feet
9. December 28, 1979
10. Atlantic Richfield

1. 80–11181/00894
2. 35–047–21332–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Butler A #1
6. N W Enid
7. Garfield OK
8. 322.0 million cubic feet
9. December 28, 1979
10. Arkansas Louisiana Gas Company

1. 80–11182/00059
2. 35–094–21364–0000
3. 103 000 000
4. Union Texas Petroleum
5. Edythe Foster #2
6. Chaney Dell E Sec 36 T23N R11W
7. Major OK
8. 53.0 million cubic feet
9. December 28, 1979
10. Panhandle Eastern Pipeline Co

1. 80–11183/00046
2. 35–047–21378–0000
3. 103 000 000
4. Union Texas Petroleum
5. Slavicek #2
6. Waukomis SW—Sec 10 T21N–R7W
7. Garfield OK
8. 109.0 million cubic feet
9. December 28, 1979
10. Panhandle Eastern Pipeline Co

1. 80–11184/01306
2. 35–007–21340–0000
3. 103 000 000
4. Bridger Petroleum Corporation
5. Allen BP 16–A
6. Mocane-Laverne
7. Beaver OK
8. 760.0 million cubic feet
9. December 28, 1979
10. Michigan Wisconsin Pipe Line Co

1. 80–11185/01013
2. 35–007–21358–0000
3. 103 000 000
4. J M Huber Corporation
5. Roberts No 1
6. Mocane Laverne
7. Beaver OK
8. 24.4 million cubic feet
9. December 28, 1979
10. Panhandle Eastern Pipe Line Co

1. 80–11186/01297
2. 35–139–20955–0000
3. 103 000 000
4. Seneca Oil Company
5. Hamilton #1
6. West Dombey
7. Texas OK
8. 107.0 million cubic feet
9. December 28, 1979
10. Panhandle Eastern Pipe Line Co

1. 80–11187/00589
2. 35–047–00000–0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. Hays Roger
6. N E Enid
7. Garfield OK
8. 17.7 million cubic feet
9. December 28, 1979
10. Cities Service Gas Co

1. 80–11188/00594
2. 35–047–00000–0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. Stebbins
6. N E Enid
7. Garfield OK
8. 7.3 million cubic feet
9. December 28, 1979
10. Cities Service Gas Company

1. 80–11189/00587
2. 35–047–00000–0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. Toews
6. N E Enid
7. Garfield OK
8. 2.9 million cubic feet
9. December 28, 1980
10. Cities Service Gas Company

1. 80–11190/01192
2. 35–071–00000–0000
3. 108 000 000
4. Kansas Gas Purchasing
5. Elledge #1
6. Blackwell
7. Kay OK
8. 2.3 million cubic feet
9. December 28, 1980
10. Cities Service Gas Company

1. 80–11191/00590
2. 35–047–00000–0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. Powell #1
6. N E Enid

7. Garfield OK
8. 6.2 million cubic feet
9. December 28, 1980
10. Cities Service Gas Co

1. 80–11192/01193
2. 35–071–00000–0000
3. 108 000 000
4. Kansas Gas Purchasing
5. Elledge #2
6. Blackwell
7. Kay OK
8. 4.2 million cubic feet
9. December 28, 1980
10. Cities Service Gas Company

1. 80–11193/01276
2. 35–007–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Cooper No 1
6. Balko
7. Beaver OK
8. 7.2 million cubic feet
9. December 28, 1980
10. Phillips Petroleum Company

1. 80–11194/00220
2. 35–015–20629–0000
3. 102 000 000
4. Michigan Wisconsin Pipe Line Co
5. Baker #1
6. South Niles
7. Caddo OK
8. 55.0 million cubic feet
9. December 28, 1980
10. Michigan Wisconsin Pipe Line Co, Transok Pipeline Co

1. 80–11195/01041
2. 35–119–20931–0000
3. 102 000 000
4. Crain & Deisenroth
5. Kolb #5
6. N Garr SE NE SW of Sec 5–19N–5E
7. Payne OK
8. 27.3 million cubic feet
9. December 28, 1980
10.

1. 80–11196/01042
2. 35–119–20932–0000
3. 102 000 000
4. Crain & Deisenroth
5. Morris #2
6. N Garr SE NW SW of Sec 5–19N–5E
7. Payne OK
8. 31.4 million cubic feet
9. December 28, 1980
10.

1. 80–11197/01043
2. 35–119–20876–0000
3. 102 000 000
4. Crain & Deisenroth
5. Kolb #4
6. N Garr SE NE SW of Sec 5–19N–5E
7. Payne OK
8. 52.9 million cubic feet
9. December 28, 1980
10.

1. 80–11198/01293
2. 35–007–00000–0000
3. 103 000 000 Denied
4. Shenandoah Oil Corporation
5. Buster Brown #1
6. E Clearcreek
7. Beaver OK
8. 22.0 million cubic feet
9. December 28, 1980
10. El Paso Natural Gas Company

1. 80–11199/01097
2. 35–073–21919–0000
3. 103 000 000 Denied
4. Texaco Inc
5. Lnu 01A TR31 #2
6. Sooner Trend
7. Kingfisher OK
8. 45.0 million cubic feet
9. December 28, 1980
10. Panhandle Eastern Pipe Line Co, Oklahoma Natural Gas Co

1. 80–11200/01281
2. 35–007–21449–0000
3. 103 000 000
4. Shenandoah Oil Corporation
5. Alva Howard No 1
6. Logan N W
7. Beaver OK
8. 294.0 million cubic feet
9. December 28, 1980
10. Northern Natural Gas Company

1. 80–11201/01312
2. 35–007–21431–0000
3. 103 000 000
4. Bridger Petroleum Corporation
5. Carrier #1
6. Mocane-Laverne
7. Beaver OK
8. 82.0 million cubic feet
9. December 28, 1980
10. Michigan Wisconsin Pipe Line Co

1. 80–11202/01309
2. 35–007–21481–0000
3. 103 000 000
4. P F Beeler
5. P F Beeler Mayo 1–34
6. Mocane-Laverne
7. Beaver OK
8. 72.0 million cubic feet
9. December 28, 1980
10. Colorado Interstate Gas Co

1. 80–11203/01300
2. 35–007–21518–0000
3. 103 000 000
4. P F Beeler
5. P F Beeler Lula #2
6. Mocane-Council Grove
7. Beaver County OK
8. 216.0 million cubic feet
9. December 28, 1980
10. Northern Natural Gas Co

1. 80–11204/01317
2. 35–025–20357–0000
3. 103 000 000
4. H & L Operating Company
5. Lynda Lee 025–55942
6. Keyes
7. Cimarron OK
8. 70.0 million cubic feet
9. December 28, 1980
10. Panhandle Eastern Pipeline Co

1. 80–11205/01324
2. 35–029–20175–0000
3. 103 000 000
4. Stephens Production Company
5. Admire Estate #1
6. Centrahoma
7. Coal OK
8. 43.2 million cubic feet
9. December 28, 1980
10. Arkansas Louisiana Gas Company

1. 80–11206/01326
2. 35–121–20578–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Biggers #1
6. S Brewer
7. Pittsburg County OK
8. 347.0 million cubic feet
9. December 28, 1980
10.

1. 80–11207/00386
2. 35–139–20983–0000
3. 102 000 000
4. Phillips Petroleum Company
5. Sidna No 3
6. Guymon Hugoton Gas Area
7. Texas OK
8. 96.0 million cubic feet
9. December 28, 1980
10. Michigan Wisconsin Pipe Line Co

1. 80–11208/00384
2. 35–139–20999–0000
3. 102 000 000
4. Phillips Petroleum Company
5. Berry G No 2
6. Guymon Hugoton Gas Area
7. Texas OK
8. 100.0 million cubic feet
9. December 28, 1980
10. Michigan Wisconsin Pipe Line Co

1. 80–11147/01266
2. 35–007–21421–0000
3. 103 000 000
4. H & L Operating Co
5. Weaber Estate 007–54534
6. South Balko
7. Beaver OK
8. 70.0 million cubic feet
9. December 28, 1980
10. Northern Natural Gas Co

Oregon Department of Geology and Mineral Industries

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11011
2. 36–009–00022–0000
3. 102 000 000
4. Reichhold Energy Corp
5. Columbia County #10
6. Mist
7. Columbia OR
8. 800.0 million cubic feet
9. December 28, 1979
10. Northwest Natural Gas Reichhold Energy Corporation

1. 80–11012
2. 36–009–00015–0000
3. 102 000 000
4. Reichhold Energy Corp
5. Columbia County #6
6. Mist
7. Columbia OR
8. 1600.0 million cubic feet
9. December 28, 1979
10. Northwest Natural Gas Reichhold Energy Corporation

1. 80–11013
2. 36–009–00011–0000
3. 102 000 000
4. Reichhold Energy Corp

5. Columbia County #4
6. Mist
7. Columbia OR
8. 200.0 million cubic feet
9. December 28, 1979
10. Northwest Natural Gas Reichhold Energy Corporation

1. 80-11014
2. 36-009-00007-0000
3. 102 000 000
4. Reichhold Energy Corp
5. Columbia County #1
6. Mist
7. Columbia OR
8. 400.0 million cubic feet
9. December 28, 1979
10. Northwest Natural Gas Reichhold Energy Corporation

1. 80-11015
2. 36-009-00010-0000
3. 102 000 000
4. Reichhold Energy Corp
5. Columbia County #3
6. Mist
7. Columbia OR
8. 1100.0 million cubic feet
9. December 28, 1979
10. Northwest Natural Gas Reichhold Energy Corporation

Texas Railroad Commission, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-11020/003278
2. 42-435-19226-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Steen #4
6. Sonora (Canyon Upper)
7. Sutton TX
8. 8.8 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11021/003280
2. 42-087-26206-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Nichols 1
6. Panhandle East
7. Collingsworth TX
8. 2.5 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11022/003281
2. 42-087-26258-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Scruggs A 1
6. Panhandle East
7. Collingsworth TX
8. 4.8 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11023/003282
2. 42-087-26094-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Hall 1
6. Panhandle East
7. Collingsworth TX
8. 8.2 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11024/003283
2. 42-087-31520-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Bell D #3
6. Panhandle East
7. Collingsworth TX
8. 33.8 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11025/003288
2. 42-435-30407-0026
3. 108 000 000
4. El Paso Natural Gas Company
5. Thomson 3
6. Sonora (Canyon Upper)
7. Sutton TX
8. 1.8 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11026/003607
2. 42-497-00000-0000
3. 108 000 000
4. Bright & Company
5. Charles #1
6. Hartsell (Strawn)
7. Wise County TX
8. 21.0 million cubic feet
9. December 28, 1979
10. Cities Service Company

1. 80-11027/002582
2. 42-087-26101-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Hawkins 1
6. Panhandle East
7. Collingsworth TX
8. 3.1 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11028/002583
2. 42-087-33860-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Hodges #2
6. Panhandle East
7. Collingsworth TX
8. 2.9 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11029/002584
2. 42-087-26154-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Lutes 7
6. Panhandle East
7. Collingsworth TX
8. 7.3 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11030/002585
2. 42-087-26292-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Williams A #2
6. Panhandle East
7. Collingsworth TX
8. 4.6 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11031/002586
2. 42-087-31687-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Ledbetter #2
6. Panhandle East
7. Collingsworth TX
8. 9.9 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11032/002587
2. 42-087-31685-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Darrow #1
6. Panhandle East
7. Collingsworth TX
8. 9.1 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11033/002588
2. 42-483-26093-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Gooch #4
6. Panhandle East
7. Collingsworth TX
8. 12.6 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11034/002589
2. 42-087-26051-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Clark 1
6. Panhandle East
7. Collingsworth TX
8. 5.9 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80-11035/004054
2. 42-237-00000-0000
3. 108 000 000
4. Mitchell Energy Corporation
5. C F Lee #2 32552
6. Boonsville Bend Cong
7. Jack TX
8. 4.7 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80-11036/004056
2. 42-497-00000-0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Leonard Corp et al #1 28725
6. Boonsville Bend Cong
7. Wise TX
8. 6.8 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80-11037/004067
2. 42-497-30018-0000
3. 108 000 000
4. Mitchell Energy Corporation
5. WM D Johnson #3 47249
6. Wise Kent (Ham Sand)
7. Wise TX
8. 7.5 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80-11038/004071
2. 42-367-00000-0000

3. 108 000 000
4. Mitchell Energy Corporation
5. Sullivan Donaldson #1 28821
6. Boonsville Bend Cong
7. Parker TX
8. 6.6 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11039/004075
2. 42–497–30232–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Gertrude Wilson #2 57069
6. Boonsville Bend Cong
7. Wise TX
8. 3.7 million cubic feet
9. December 28, 1979
10. Natural Gas Pipeline Co of America

1. 80–11040/004076
2. 42–237–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. L A Worthington #15 38592
6. Boonsville Bend Cong
7. Jack TX
8. 4.6 million cubic feet
9. December 28, 1979
10. Natural Gas Pipeline Co of America

1. 80–11041/004078
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Morris-Gill #1–C 28751
6. Boonsville Bend Cong
7. Wise TX
8. 4.8 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11042/004080
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. E P Cowling #3 35931
6. Boonsville (Bend Congl)
7. Wise TX
8. 5.1 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11043/004083
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Birtie A Pearson Unit #1 28771
6. Boonsville Bend Cong
7. Wise TX
8. 8.2 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11044/004091
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. George W Chambers Gas Unit #1 22844
6. Boonsville (Bend Congl Gas)
7. Wise TX
8. 4.4 million cubic feet
9. December 28, 1979
10. Natural Gas Pipeline Co of America

1. 80–11045/004096
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Zina Fox #1 41727
6. Boonsville Bend Cong
7. Wise TX
8. 10.7 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11046/004106
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. D T Bowles #2 28572
6. Boonsville Bend Cong
7. Wise TX
8. 9.5 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11047/004111
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. D P Redwine #1 28792
6. Boonsville Bend Cong
7. Wise TX
8. 3.8 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11048/004112
2. 42–237–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. L A Worthington #6 32397
6. Boonsville Bend Cong
7. Jack TX
8. 11.8 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11049/004114
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. J O Castleberry #1 28593
6. Boonsville Bend Cong
7. Wise TX
8. 6.1 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11050/004116
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Agnes Worthington #1 32961
6. Boonsville Bend Cong
7. Wise TX
8. 4.0 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11051/004117
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Fred Tackel #1 31226
6. Boonsville Bend Cong
7. Wise TX
8. 10.7 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11052/004127
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Mollie Reddell #1 28791
6. Boonsville Bend Cong
7. Wise TX
8. 11.8 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11053/004128
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Medora Caraway #1 42433
6. Boonsville Bend Cong
7. Wise TX
8. 14.2 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11054/004137
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Rosie Boaz #1 32955
6. Boonsville Bend Cong
7. Wise TX
8. 6.8 million cubic feet
9. December 28, 1979
10. Natural Gas Pipeline Co of America

1. 80–11055/004171
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. W H Portwood #3 37445
6. Boonsville Bend Cong
7. Wise TX
8. 11.0 million cubic feet
9. December 28, 1979
10. Natural Gas Pipeline Co of America

1. 80–11056/004172
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. D F McCleskey Unit #1 28734
6. Boonsville Bend Cong
7. Wise TX
8. 8.3 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11057/004178
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Oran Speer #4 28813
6. Boonsville Bend Cong
7. Wise TX
8. 5.4 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11058/004179
2. 42–237–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. John Henderson #1 32957
6. Boonsville Bend Cong
7. Jack TX
8. 3.7 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11059/004180
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Bilberry-McClure #1 28568
6. Boonsville Bend Cong
7. Wise TX
8. 15.8 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11060/004181
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. C L Nunley #1 40689
6. Boonsville Bend Cong

7. Wise TX
8. 2.8 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11061/004184
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Paul Curtner #4 54109
6. Morris (Consolidate Cong)
7. Wise TX
8. 11.0 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11062/004189
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. G A Lehmberg #1 33149
6. Boonsville Bend Cong
7. Wise TX
8. 4.0 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11063/004205
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. J E Caldwell #2 28588
6. Boonsville Bend Cong
7. Wise TX
8. 4.7 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11064/004206
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. W H McGee #2 55854
6. Boonsville Bend Cong
7. Wise TX
8. 2.3 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11065/004215
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Warren Donaldson #1 28631
6. Boonsville Bend Cong
7. Wise TX
8. 14.5 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11066/004216
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. T L Dickenson #3 28628
6. Boonsville (Bend Congl)
7. Wise TX
8. 11.8 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11067/004221
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. E A Womack #1 28854
6. Boonsville Bend Cong
7. Wise TX
8. 8.0 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11068/004222
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. Bun Johns On Unit #1 28696
6. Boonsville Bend Cong
7. Wise TX
8. 8.2 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11069/004865
2. 42–215–00000–0000
3. 108 000 000
4. Clark Fuel Producing Co
5. Dair Baldridge No 1 (ID 12281)
6. Nichols (3200)
7. Hidalgo TX
8. 5.0 million cubic feet
9. December 28, 1979
10. Tennessee Gas Pipeline Co

1. 80–11070/004923
2. 42–215–00000–0000
3. 108 000 000
4. Clark Fuel Producing Co
5. Garcia L & L Co ID 49239
6. Nicholas (2800)
7. Hidalgo TX
8. 12.0 million cubic feet
9. December 28, 1979
10. Tennessee Gas Pipeline Co

1. 80–11071/004928
2. 42–413–30290–0000
3. 108 000 000
4. Amoco Production Company
5. Edwin S Mayer Jr E #4
6. Sawyer/Canyon
7. Schleicher TX
8. 10.0 million cubic feet
9. December 28, 1979
10. Lone Star Gas Company

1. 80–11072/004950
2. 42–413–30286–0000
3. 108 000 000
4. Amoco Production Company
5. Edwin S Mayer Jr L #2
6. Sawyer/Canyon
7. Schleicher TX
8. 5.0 million cubic feet
9. December 28, 1979
10. Lone Star Gas Company

1. 80–11073/005508
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. Nellie G Weis No 1–428
6. Lipscomb
7. Lipscomb TX
8. 8.0 million cubic feet
9. December 28, 1979
10. Southwestern Public Service Co

1. 80–11074/005509
2. 42–421–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. Seaton No 1
6. Texas Hugoton
7. Sherman TX
8. 8.0 million cubic feet
9. December 28, 1979
10. Northern Natural Gas Co

1. 80–11075/005510
2. 42–357–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. H T Glasgow A No 1
6. Ellis Ranch
7. Ochiltree TX
8. 8.0 million cubic feet
9. December 28, 1979
10. Southwestern Public Service Co

1. 80–11076/002453
2. 42–087–26281–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Wattenbarger A #1
6. Panhandle East
7. Collingsworth TX
8. 16.0 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11077/002462
2. 42–087–26065–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Deger 1
6. Panhandle East
7. Collingsworth TX
8. 12.5 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11078/002470
2. 42–087–26306–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Williams F 1
6. Panhandle East
7. Collingsworth TX
8. 14.9 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11079/002478
2. 42–087–26246–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Purkey 1
6. Panhandle East
7. Collingsworth TX
8. 4.4 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11080/002480
2. 42–087–26299–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Williams C 1
6. Panhandle East
7. Collingsworth TX
8. 18.8 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11081/002481
2. 42–087–26017–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Bergman 1
6. Panhandle East
7. Collingsworth TX
8. 3.2 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11082/002482
2. 42–087–26290–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Williams 4
6. Panhandle East
7. Collingsworth TX
8. 6.1 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11083/002483

2. 42–087–26002–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Baxter A #6
6. Panhandle East
7. Collingsworth TX
8. 18.6 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11084/002484
2. 42–087–26305–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Williams E 1
6. Panhandle East
7. Collingsworth TX
8. 9.7 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11085/002485
2. 42–087–26307–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Williams G 1
6. Panhandle East
7. Collingsworth TX
8. 4.4 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11086/002486
2. 42–087–26138–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Laycock A G
6. Panhandle East
7. Collingsworth TX
8. 6.9 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11087/002487
2. 42–087–26315–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Wischkaemper 4
6. Panhandle East
7. Collingsworth TX
8. 2.2 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11088/002488
2. 42–179–26221–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Noel B 2
6. Panhandle East
7. Gray TX
8. 7.1 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11089/002489
2. 42–087–26229–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Oneil A 3
6. Panhandle East
7. Collingsworth TX
8. 5.8 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11090/002490
2. 42–087–25990–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Barber 1
6. Panhandle East
7. Collingsworth TX
8. 5.4 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11091/002491
2. 42–087–26130–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Laycock 13
6. Panhandle East
7. Collingsworth TX
8. 9.8 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11092/002492
2. 42–483–26162–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Martin #1
6. Panhandle East
7. Wheeler TX
8. 7.9 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11093/002493
2. 42–087–26255–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Scott 1
6. Panhandle East
7. Collingsworth TX
8. 8.7 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11094/002495
2. 42–087–25985–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Amerson #1
6. Panhandle East
7. Collingsworth TX
8. 7.1 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11095/002496
2. 42–087–26171–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. McCarty 1
6. Panhandle East
7. Collingsworth TX
8. 6.7 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11096/002497
2. 42–087–26126–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Laycock #8
6. Panhandle East
7. Collingsworth TX
8. 9.9 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11097/002525
2. 42–087–26137–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Laycock A 5
6. Panhandle East
7. Collingsworth TX
8. .8 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11098/002537
2. 42–087–26213–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Nicholson D 1
6. Panhandle East
7. Collingsworth TX
8. 40.1 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11099/002538
2. 42–483–26211–000
3. 108 000 000
4. El Paso Natural Gas Company
5. Nicholson B 1
6. Panhandle East
7. Wheeler TX
8. 18.8 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11100/002580
2. 42–087–25997–0000
3. 108 000 000
4. El Paso Natural Gas Compnay
5. Baxter #4
6. Panhandle East
7. Collingsworth TX
8. 1.4 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11101/000481
2. 42–203–00000–0000
3. 108 000 000
4. The Maurice L Brown Co
5. Fults-Adair Gas Unit #1
6. Bethany-Pettit
7. Harrison County TX
8. 21.0 million cubic feet
9. December 28, 1979
10. United Gas Pipe Line Co

1. 80–11102/01556
2. 42–341–00000–0000
3. 108 000 000
4. Dore Corporation
5. Dore No 2–RRC ID No 25529
6. Panhandle West Field
7. Moore TX
8. 17.0 million cubic feet
9. December 28, 1979
10. Diamond Shamrock Corp Northern Natural Gas Company Panhandle Eastern Pipeline Company

1. 80–11103
2. 42–131–00000–0000
3. 108 000 000
4. Mobil Oil Corporation
5. Hahl-Webb Unit No 10639
6. North Government Wells/Wilcox
7. Duval TX
8. 16.2 million cubic feet
9. December 28, 1979
10. Tennessee Gas Pipeline Co

1. 80–11104/01587
2. 42–047–00000–0000
3. 108 000 000
4. Mobil Oil Corporation
5. La Gloria South Gas Unit No 28 (ID 6)
6. La Gloria/Loma Blanca
7. Brooks TX
8. 7.7 million cubic feet
9. December 28, 1979
10. Natural Gas Pipeline Co of Amer Transcontinental Gas Pipe Line Corp

1. 80–11105/002231
2. 42–065–00000–0000
3. 108 000 000

4. Panhandle Producing Company
5. Vida Lewis A–3 (25709)
6. Panhandle West
7. Carson TX
8. 1.2 million cubic feet
9. December 28, 1979
10. Getty Oil Company

1. 80–11106/002443
2. 42–087–26103–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Hayes #1
6. Panhandle East
7. Collingsworth TX
8. 5.8 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11107/002444
2. 42–087–26204–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Newkirk X 3
6. Panhandle East
7. Collingsworth TX
8. 5.3 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11108/002445
2. 42–087–26157–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Lutes A 3
6. Panhandle East
7. Collingsworth TX
8. 17.6 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11109/002446
2. 42–087–26278–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Tinsley 1
6. Panhandle East
7. Collingsworth TX
8. 2.5 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11110/002447
2. 42–087–26123–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Laycock 2
6. Panhandle East
7. Collingsworth TX
8. 14.3 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11111/002448
2. 42–087–26124–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Laycock 5
6. Panhandle East
7. Collingsworth TX
8. 3.3 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11112/002449
2. 42–087–26139–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Laycock A 7
6. Panhandle East
7. Collingsworth TX
8. 9.6 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11113/004185
2. 42–367–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. H B Prather #2 35933
6. Boonsville Bend Cong
7. Parker TX
8. 12.6 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11114/007345
2. 42–365–00000–0000
3. 108 000 000
4. Getty Oil Company
5. Werner E No 1 ID #29845
6. Carthage (Pettit Up)
7. Panola TX
8. 4.6 million cubic feet
9. December 28, 1979
10. Texas Gas Transmission Corp

1. 80–11115/007344
2. 42–365–00000–0000
3. 108 000 000
4. Getty Oil Co
5. Werner-Stevens No 1 ID #15826
6. Carthage (Paluxy)
7. Panola TX
8. 13.0 million cubic feet
9. December 28, 1979
10. Texas Gas Transmission Corp

1. 80–11116/007343
2. 42–365–00000–0000
3. 108 000 000
4. Getty Oil Co
5. Werner-Carrington No 1 ID #29848
6. Carthage (Pettit Up)
7. Panola TX
8. 7.6 million cubic feet
9. December 28, 1979
10. Texas Gas Transmission Corp

1. 80–11117/007342
2. 42–365–00000–0000
3. 108 000 000
4. Getty Oil Company
5. Werner A No 1 ID #30199
6. Carthage (Pettit Lo)
7. Panola TX
8. 5.9 million cubic feet
9. December 28, 1979
10. United Gas Pipeline Co

1. 80–11118/005512
2. 42–357–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. Edna J Herndon C No 1
6. Ellis Ranch
7. Ochiltree TX
8. 8.0 million cubic feet
9. December 28, 1979
10. Nat Gas Pipeline Co of Amer

1. 80–11119/005513
2. 42–357–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. Mary Jane Allen et al No 1
6. Share Se
7. Ochiltree TX
8. 8.0 million cubic feet
9. December 28, 1979
10. Southwestern Public Service Co

1. 80–11120/005515
2. 42–357–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. Sam K Hill A No 1
6. Ellis Ranch
7. Ochiltree TX
8. 8.0 million cubic feet
9. December 28, 1979
10. Southwestern Public Service Co

1. 80–11121/006014
2. 42–427–00000–0000
3. 108 000 000
4. Continental Oil Co
5. T B Slick Est-A No 120 59393
6. Rincon (B–1 Frio)
7. Starr TX
8. 8.1 million cubic feet
9. December 28, 1979
10. Tenneessee Gas Pipeline Co

1. 80–11122/005947
2. 42–427–00000–0000
3. 108 000 000
4. Continental Oil Co
5. T B Slick Est-B No 43 54919
6. Rincon (F)
7. Starr TX
8. 5.3 million cubic feet
9. December 28, 1979
10. Tennessee Gas Pipeline Co

1. 80–11123/005568
2. 42–065–00000–0000
3. 108 000 000
4. Getty Oil Company
5. Schafer Ranch No 13
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. December 28, 1979
10. Getty Oil Company Natural Gas Plant

1. 80–11124/005522
2. 42–065–00000–0000
3. 108 000 000
4. Getty Oil Company
5. Schafer Ranch No 21
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. December 28, 1979
10. Getty Oil Company Natural Gas Plant

1. 80–11125/005519
2. 42–111–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. Skaer No 1
6. Kerrick
7. Dallam TX
8. 8.0 million cubic feet
9. December 28, 1979
10. Southwestern Public Service Co

1. 80–11126/005520
2. 42–233–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. Ryan No 10
6. Panhandle West
7. Hutchinson TX
8. 8.0 million cubic feet
9. December 28, 1979
10. Northern Natural Gas Co Panhandle Eastern Pipeline Co

1. 80–11127/002450
2. 42–087–26056–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Coleman 2

6. Panhandle East
7. Collingsworth TX
8. 5.2 million cubic feet
9. December 28, 1979
10. El Paso Natural Gas Company

1. 80–11128/006620
2. 42–103–00000–0000
3. 108 000 000
4. Warren Pet Co Div/Gulf Oil Corp
5. W N Waddell et al No 651
6. San Hills (Judkins)
7. Crane TX
8. 8.0 million cubic feet
9. December 28, 1979
10. H & T Gathering Company

1. 80–11129/006061
2. 42–123–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Federal Land Bank Houston No 5 4708
6. Slick (Reklaw)
7. Dewitt TX
8. 9.0 million cubic feet
9. December 28, 1979
10. United Gas Pipe Line Co

1. 80–11130/007341
2. 42–365–00000–0000
3. 108 000 000
4. Getty Oil Company
5. Frost B No 1 ID #15823
6. Carthage (Paluxy)
7. Panola TX
8. 6.9 million cubic feet
9. December 28, 1979
10. Texas Gas Transmission Corp

1. 80–11131/007326
2. 42–365–00000–0000
3. 108 000 000
4. Getty Oil Co
5. Werner-Barnett No 1 ID #30205
6. Carthage (Hill South)
7. Panola TX
8. 3.3 million cubic feet
9. December 28, 1979
10. Texas Gas Transmission Corp

1. 80–11132/007323
2. 42–365–00000–0000
3. 108 000 000
4. Getty Oil Co
5. Werner-Micher No 1 ID #15825
6. Carthage (Paluxy)
7. Panola TX
8. 15.0 million cubic feet
9. December 28, 1979
10. Texas Gas Transmission Corp

1. 80–11133/007320
2. 42–365–00000–0000
3. 108 000 000
4. Getty Oil Co
5. Viola Creech No 1 ID #15822
6. Carthage (Paluxy)
7. Panola TX
8. 12.5 million cubic feet
9. December 28, 1979
10. Texas Gas Transmission Corp

1. 80–11134/007317
2. 42–365–00000–0000
3. 108 000 000
4. Getty Oil Company
5. Werner-Bagley No 1 ID #29441
6. Bethany (Pettit)
7. Panola TX
8. 13.0 million cubic feet
9. December 28, 1979
10. Texas Gas Transmission Corp

1. 80–11135
2. 42–047–00000–0000
3. 108 000 000
4. Mobil Oil Corporation
5. N Falfurrias Unit J Ramirez No 1
6. La Gloria (Earnest Lo)
7. Brooks TX
8. 6.5 million cubic feet
9. December 28, 1979
10. Transcontinental Gas Pipe Line Corp, Natural Gas Pipeline Company of Ame

1. 80–11136/005516
2. 42–421–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. Hobson No 1
6. Texas Hugoton
7. Sherman TX
8. 8.0 million cubic feet
9. December 28, 1979
10. Northern Natural Gas Co

1. 80–11137/005517
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. Leroy Becker No 1–636
6. Bradford
7. Lipscomb TX
8. 8.0 million cubic feet
9. December 28, 1979
10. Southwestern Public Service Co

1. 80–11138/005518
2. 42–211–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. Frank Shaller A No 1
6. Canadian S E
7. Hemphill TX
8. 8.0 million cubic feet
9. December 28, 1979
10. Southwestern Public Service Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 21, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–3728 Filed 2–5–80; 8:45 am]

BILLING CODE 6450–01–M

Designating a New Docket Prefix for Certain Natural Gas Policy Act Transportation and Sales

December 28, 1979.

Take notice that the Federal Energy Regulatory Commission has adopted a new docket prefix to be assigned to certain transactions authorized under Title III of the Natural Gas Policy Act of 1978 (NGPA).

ST—Transportation pursuant to section 311(a), sales pursuant to section 311(b), and assignments pursuant to section 312 of the NGPA, including self-implementing sales and transportation pursuant to the Commission's fuel oil displacement program.

The Secretary will assign each such transaction a separate docket number upon receipt of the 48-hour notice required by § 284.4(b) of the Commission's regulations. The Docket number will consist of the prefix "ST" followed by the last two digits of the fiscal year in which the proceeding is initiated, and a number assigned in straight sequence beginning at "1" with the start of the fiscal year, *e.g.*, "Docket No. ST80–1." All further filings pertaining to the transaction should bear the applicable docket number.

Note that although the rates and charges for emergency transactions authorized by Subpart C of Part 157 of the Commission's Regulations and transportation to essential agricultural users pursuant to Subpart E of Part 157 are governed by the Part 284 regulations, such transactions will not be assigned "ST" prefixes.

The assignment of an "ST" docket number to a transactions does not indicate that the Commission has instituted a proceeding within the meaning of § 284.123(b)(2)(ii). The Commission will review all filings in "ST" dockets for compliance with the Commission's regulations. Upon the completion of the review, the Commission may institute proceedings consistent with Part 284 of the Commission regulations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–3851 Filed 2–5–80; 8:45 am]

BILLING CODE 6450–85–M

[No. 142]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

January 25, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR

274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Alabama Oil and Gas Board

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-11627/12-21-797PD
2. 01-075-20220-0000
3. 102 000 000
4. Warrior Drilling & Eng Co Inc
5. John H Cobb Est-Vick #1
6. Blooming Grove
7. Lamar AL
8. 100.0 million cubic feet
9. January 4, 1980
10. Warrior Drlg & Eng Co

1. 80-11629/12-21-799PDA
2. 01-057-20171-0000
3. 102 000 000
4. Grace Petroleum Corporation
5. Wallin 8-5
6. Musgrove Creek
7. Fayette AL
8. 144.0 million cubic feet
9. January 4, 1980
10. Southern Natural Gas Company

1. 80-11630/12-217910PDA
2. 01-097-20105-0000
3. 107 000 000
4. Union Oil Company of California
5. International Paper Co 35-7 No 1
6. Chunchula
7. Mobile AL
8. 432.0 million cubic feet
9. January 4, 1980
10. United Gas Pipe Line Co, Phillips Petroleum Co

1. 80-11631/12-21-7911PD
2. 01-097-20104-0000
3. 107 000 000
4. Union Oil Company of California
5. Creola Investment Corp 34-7 No 1
6. Chunchula
7. Mobile AL
8. 290.0 million cubic feet
9. January 4, 1980
10. United Gas Pipe Line Company, Phillips Petroleum Co

1. 80-11632/12-21-7912PD
2. 01-097-20157-0000
3. 107 000 000
4. Union Oil Company of California
5. R J Newman et al 20-11 No 1
6. Chunchula
7. Mobile AL
8. 509.0 million cubic feet
9. January 4, 1980
10. United Gas Pipe Line Company, Phillips Petroleum Co

1. 80-11633/12-21-7913PD
2. 01-097-20159-0000
3. 107 000 000
4. Union Oil Company of California
5. International Paper Co 22-7 No 1
6. Chunchula
7. Mobile AL
8. 709.0 million cubic feet
9. January 4, 1980
10. United Gas Pipe Line Company, Phillips Petroleum Co

1. 80-11634/12-21-7914PD
2. 01-097-20161-0000
3. 107 000 000
4. Union Oil Company of California
5. C P Newman 17-11 No 1
6. Chunchula
7. Mobile AL
8. 361.0 million cubic feet
9. January 4, 1980
10. United Gas Pipe Line Company, Phillips Petroleum Co

1. 80-11635/12-21-7915PD
2. 01-097-20106-0000
3. 107 000 000
4. Union Oil Company of California
5. Roy J Smith 6-10 No 1A
6. Chunchula
7. Mobile AL
8. 37.0 million cubic feet
9. January 4, 1980
10. United Gas Pipe Line Company, Phillips Petroleum Co

1. 80-11636/12-21-7916PD
2. 01-097-20132-0000
3. 107 000 000
4. Union Oil Company of California
5. International Paper Co 13-10 No 2
6. Chunchula
7. Mobile AL
8. 528.0 million cubic feet
9. January 4, 1980
10. United Gas Pipe Line Company, Phillips Petroleum Co

1. 80-11637/12-21-79
2. 01-097-20141-0000
3. 107 000 000
4. Union Oil Company of California
5. R E Davis 1-11 No 1
6. Chunchula
7. Mobile AL
8. 147.0 million cubic feet
9. January 4, 1980
10. United Gas Pipe Line Company, Phillips Petroleum Co

1. 80-11638/12-21-7918PD
2. 01-097-20129-0000
3. 107 000 000
4. Union Oil Company of California
5. International Paper Co 2-10 No 1
6. Chunchula
7. Mobile AL
8. 263.0 million cubic feet
9. January 4, 1980
10. United Gas Pipe Line Company, Phillips Petroleum Co

1. 80-11639/12-21-7919PD
2. 01-097-20164-0000
3. 107 000 000
4. Union Oil Company of California
5. Della M Waltman 15-10 No 1
6. Chunchula
7. Mobile AL
8. 365.0 million cubic feet
9. January 4, 1980
10. United Gas Pipe Line Company, Phillips Petroleum Co

1. 80-11640/12-21-7921PD
2. 01-075-20186-0000
3. 102 000 000
4. Southland Royalty Company
5. D J Loggins 4-16 #2
6. Beaverton
7. Lamar AL
8. 90.0 million cubic feet
9. January 4, 1980
10. Northwest Alabama Gas District

1. 80-11641/12-21-791PD
2. 01-075-20180-0000
3. 102 000 000
4. Grace Petroleum Corporation
5. Ogden 5-1
6. Beaverton
7. Lamar AL
8. 180.0 million cubic feet
9. January 4, 1980
10. Northwest Alabama Gas District

1. 80-11642/12-21-792PD
2. 01-075-20150-0000
3. 102 000 000
4. Petroleum Corporation of Texas
5. W A Delaney Unit #1 Permit No 2522
6. Beaverton
7. Lamar AL
8. 120.0 million cubic feet
9. January 4, 1980
10. Northwest Alabama Gas District

1. 80-11643/12-21-793PD
2. 01-057-00188-0000
3. 103 000 000
4. Enserch Exploration Inc
5. A E Pinkerton No 24-13
6. Fayette West
7. Fayette AL
8. 216.0 million cubic feet
9. January 4, 1980
10. Coronado Transmission Company

1. 80-11644/12-21-794PD
2. 01-057-00000-0000
3. 103 000 000
4. Morrow Oil & Gas Co
5. Watkins et al Unit Well #1
6. West Fayette (Carter)
7. Fayette AL
8. .0 million cubic feet
9. January 4, 1980
10. Coronado Transmission Company

1. 80-11645/12-21-795PD
2. 01-075-20226-0000
3. 102 000 000
4. Moon & Hines
5. No 1 Hankins-Younghanse 22-9
6. Blowhorn Creek
7. Lamar AL
8. 394.0 million cubic feet
9. January 4, 1980
10. Southern Natural Gas Co

1. 80-11646/12-21-796PD
2. 01-075-20217-0000
3. 102 000 000
4. Moon & Hines
5. J E Pugh 7-5
6. Beaverton Field
7. Lamar AL
8. 140.0 million cubic feet
9. January 4, 1980
10. Northwest Alabama Gas District

1. 80-11628/12-21-798PDA
2. 01-075-20195-0000
3. 102 000 000
4. Grace Petroleum Corporation
5. Thomas 11-9
6. Blooming Grove
7. Lamar AL
8. 144.0 million cubic feet
9. January 4, 1980
10. Southern Natural Gas Company

Kansas Corporation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–11815/79–0966
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Wight #7 00173–000006
6. Lost Springs
7. Marion, KS
8. 5.6 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11816/79–0965
2. 15–115–20064–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Wight #1 00173–000006
6. Lost Springs
7. Marion, KS
8. 5.6 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11817/79–0964
2. 15–115–20139–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Wight #3 00173–000006
6. Lost Springs
7. Marion, KS
8. 5.6 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11818/79–0963
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Wight #8 00173–000006
6. Antelope Se Pool
7. Marion, KS
8. 5.6 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11819/79–0962
2. 15–115–20161–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Wight #4 00173–000006
6. Lost Springs
7. Marion, KS
8. 5.6 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11820/79–0961
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Wight #9 00173–000006
6. Antelope Se Pool
7. Marion, KS
8. 5.6 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11821/79–0975
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Loveless-Austin-Dody #8 00173–000001
6. Lost Springs
7. Marion, KS
8. 4.5 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11822/79–0974
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Loveless-Austin-Dody #3 00173–00000
6. Antelope Se Pool
7. Marion, KS
8. 4.5 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11823/79–0973
2. 15–115–20307–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Opdenhoff-Buethe #2 00173–000003
6. E. Antelope Pool
7. Marion, KS
8. 3.4 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11824/79–0972
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Loveless-Austin-Dody #6 00173–00000
6. Antelope Se Pool
7. Marion, KS
8. 4.5 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11825/79–0971
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Loveless-Austin-Dody #5 00173–000001
6. Antelope Se Pool
7. Marion, KS
8. 4.5 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11826/79–0369
2. 15–175–20100–0000
3. 108 000 000
4. Leben Oil Corporation
5. Manka #1
6. Massoni
7. Seward, KS
8. 3.5 million cubic feet
9. January 8, 1980
10. Panhandle Eastern Pipeline Co

1. 80–11827/79–0370
2. 15–119–20082–0000
3. 108 000 000
4. Leben Oil Corporation
5. Adams 1–12
6. Adams Ranch
7. Meade, KS
8. 14.0 million cubic feet
9. January 8, 1980
10. Panhandle Eastern Pipeline Co

1. 80–11828/79–0983
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Loveless-Austin-Dody #7 00173–00000
6. Lost Springs
7. Marion, KS
8. 4.5 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11829/79–0982
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Loveless-Austin-Dody #9 00173–000001
6. Lost Springs
7. Marion, KS
8. 4.5 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11830/79–0960
2. 15–115–20162–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Wight #5 00173–000006
6. Lost Springs
7. Marion, KS
8. 5.6 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11831/79–0929
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Wight #10 00173–000006
6. Antelope Se Pool
7. Marion, KS
8. 5.6 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11832/79–0928
2. 15–115–00000–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Wight #6 00173–000006
6. Lost Springs
7. Marion, KS
8. .0 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11833/79–0927
2. 15–115–20306–0000
3. 108 000 000
4. Shawmar Oil Co Inc
5. Wight #11 00173–000006
6. Lost Springs
7. Marion, KS
8. 5.6 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11834/79–0338
2. 15–053–00000–0000
3. 102 000 000
4. Ilus Industries Inc
5. Weber #1
6. Ellsworth
7. Ellsworth, KS
8. 36.4 million cubic feet
9. January 8, 1980
10. Northern Natural Gas Co

1. 80–11835/79–0803
2. 15–025–20167–0000
3. 102 000 000
4. Lear Petroleum Corporation
5. Caley No. 1–35
6. Caley
7. Clark, KS
8. 493.0 million cubic feet
9. January 8, 1980
10. Northern Natural Gas Co

1. 80–11836/79–0868
2. 15–007–00199–0000

3. 108 000 000
4. American Petrofina Company of Texas
5. Blunk No. 1
6. Aetna Gas Area
7. Barber, KS
8. 4.0 million cubic feet
9. January 8, 1980
10. Cities Service Gas Co

1. 80–11837/79–0820
2. 15–207–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Choquill #2
6. Buffalo Gas
7. Woodson, KS
8. 2.1 million cubic feet
9. January 8, 1980
10.

1. 80–11838/79–0819
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Walquist #3
6. Leanna Gas
7. Allen, KS
8. 3.2 million cubic feet
9. January 8, 1980
10.

1. 80–11839/79–0818
2. 15–205–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Markham #2
6. Buffalo Gas
7. Wilson, KS
8. 3.0 million cubic feet
9. January 8, 1980
10.

1. 80–11840/79–0817
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Sherrill #1
6. Iola Gas
7. Allen, KS
8. 7.1 million cubic feet
9. January 8, 1980
10. Iola Gas Corporation Inc

1. 80–11841/79–0816
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. E A Siefker #2
6. Iola Gas
7. Allen, KS
8. 7.7 million cubic feet
9. January 8, 1980
10. Iola Gas Corporation Inc

1. 80–11842/79–0815
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Wagner #1
6. Buffalo Gas
7. Allen, KS
8. .9 million cubic feet
9. January 8, 1980
10.

1. 80–11843/79–0814
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co
5. Heinz #2
6. Iola Gas
7. Allen, KS
8. 3.9 million cubic feet
9. January 8, 1980
10. Iola Gas Corporation Inc

1. 80–11844/79–0813
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co.
5. Wade No. 1
6. Iola Gas
7. Allen, KS
8. 3.2 million cubic feet
9. January 8, 1980
10. Iola Gas Corporation Inc.

1. 80–11845/79–0812
2. 15–205–00000–0000
3. 108 000 000
4. Layton Oil Co.
5. Aubuchon No. 2
6. Buffalo Gas
7. Wilson, KS
8. 1.3 million cubic feet
9. January 8, 1980
10.

1. 80–11846/79–0811
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co.
5. Stanfield No. 2
6. Buffalo Gas
7. Allen, KS
8. 1.7 million cubic feet
9. January 8, 1980
10.

1. 80–11847/79–0810
2. 15–133–00000–0000
3. 108 000 000
4. Layton Oil Co.
5. Lindberg A No. 1
6. Leanna Gas
7. Neosho, KS
8. 1.4 million cubic feet
9. January 8, 1980
10.

1. 80–11848/79–0809
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co.
5. Walquist No. 1
6. Leanna Gas
7. Allen, KS
8. 3.2 million cubic feet
9. January 8, 1980
10.

1. 80–11849/79–0808
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co.
5. H. Duffey No. 1
6. Iola Gas Field
7. Allen, KS
8. 2.0 million cubic feet
9. January 8, 1980
10. Iola Gas Corporation Inc.

1. 80–11850/79–0807
2. 15–205–00000–0000
3. 108 000 000
4. Layton Oil Co.
5. Olson No. 1
6. Buffalo Gas
7. Wilson, KS
8. 3.4 million cubic feet
9. January 8, 1980
10.

1. 80–11851/79–0806
2. 15–205–00000–0000
3. 108 000 000
4. Layton Oil Co.
5. Olson No. 2
6. Buffalo Gas
7. Wilson, KS
8. 2.1 million cubic feet
9. January 8, 1980
10.

1. 80–11852/79–0805
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co.
5. Leavell No. 3
6. Iola Gas
7. Allen, KS
8. 2.6 million cubic feet
9. January 8, 1980
10. Iola Gas Corporation Inc.

1. 80–11853/79–0804
2. 15–001–00000–0000
3. 108 000 000
4. Layton Oil Co.
5. Adams No. 2
6. Iola Gas
7. Allen, KS
8. .0 million cubic feet
9. January 8, 1980
10. Iola Gas Corporation Inc.

1. 80–11854/79–0959
2. 15–025–00000–0000
3. 108 000 000
4. Graham-Michaelis Corporation
5. McMinimy No. 1–20
6. Harper Ranch N
7. Clark, KS
8. 8.5 million cubic feet
9. January 8, 1980
10. Northern Natural Gas Co.

1. 80–11855/79–0947
2. 15–055–00000–0000
3. 108 000 000
4. Graham-Michaelis Corporation
5. Niguette No. 1
6. Hugoton Field
7. Finney, KS
8. 5.0 million cubic feet
9. January 8, 1980
10. Northern Natural Gas Co.

1. 80–11856/79–0112
2. 15–081–20071–0000
3. 108 000 000
4. Benson Mineral Group Inc.
5. Patterson No. 1–C
6. Hugoton
7. Haskell, KS
8. 24.5 million cubic feet
9. January 8, 1980
10. Northern Natural Gas Company

1. 80–11857/79–0099
2. 15–055–20198–0000
3. 108 000 000
4. Benson Mineral Group Inc.
5. Winters No. 1A
6. Hugoton
7. Finney, KS
8. 7.6 million cubic feet
9. January 8, 1980
10. Northern Natural Gas Company

1. 80–11858/79–0540
2. 15–093–20566–0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co., Inc.
5. Miles 2–2
6. Panoma Council Grove

7. Kearny, KS
8. 50.0 million cubic feet
9. January 8, 1980
10.

1. 80–11859/79–0854
2. 15–035–00000–0000
3. 103 000 000
4. McNeish Oil Operations
5. Brant No. 1
6. Geuda Springs
7. Cowley, KS
8. 39.6 million cubic feet
9. January 8, 1980
10. Eufaula Enterprises

1. 80–11860/79–0930
2. 15–007–00000–0000
3. 108 000 000
4. Champlin Petroleum Company
5. Davis Ranch D Well No. 1
6. Aetna
7. Barber, KS
8. .0 million cubic feet
9. January 8, 1980
10. Cities Service Gas Company

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–11215
2. 30–045–23471–0000
3. 103 000 000
4. Tenneco Oil Company
5. State Com K No. 12
6. Blanco Fruitland
7. San Juan, NM
8. 250.0 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Co.

1. 80–11216
2. 30–015–22956–0000
3. 103 000 000
4. Tenneco Oil Company
5. State HL 11 No. 1
6. Turkey Track (Atoka) undesignated
7. Eddy, NM
8. 1080.0 million cubic feet
9. January 7, 1980
10. Tuco Inc.

1. 80–11217
2. 30–045–23575–0000
3. 103 000 000
4. El Paso Natural Gas Company
5. Brookhaven Com B No. 3A
6. Blanco Mesaverde
7. San Juan, NM
8. 90.0 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11218
2. 30–039–22063–0000
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28–7 Unit No. 44A
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 70.0 million cubic feet
9. January 9, 1980
10. El Paso Natural Gas Company

1. 80–11219
2. 30–005–00000–0000
3. 103 000 000
4. MWJ Producing Company
5. State 32–No. 2
6. Tom Tom (San Andres)
7. Chavez, NM
8. 45.0 million cubic feet
9. January 7, 1980
10.

1. 80–11220
2. 30–005–00000–0000
3. 103 000 000
4. MWJ Producing Company
5. State 32–No. 1
6. Tom Tom (San Andres)
7. Chavez, NM
8. 45.0 million cubic feet
9. January 7, 1980
10.

1. 80–11221
2. 30–005–00000–0000
3. 103 000 000
4. MWJ Producing Company
5. State 32–No. 3
6. Tom Tom (San Andres)
7. Chavez, NM
8. 45.0 million cubic feet
9. January 7, 1980
10.

1. 80–11283
2. 30–025–26445–0000
3. 103 000 000
4. Gulf Oil Corporation
5. Central Drinkard Unit Well No. 426
6. Drinkard
7. Lea, NM
8. .0 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

Oklahoma Corporation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–11791/00878
2. 35–093–21555–0000
3. 103 000 000
4. Texas Oil & Gas Corp.
5. Branstetter A No. 1
6. N. Seiling
7. Major Co. OK
8. 31.0 million cubic feet
9. January 7, 1980
10. Delhi Gas Pipeline Corp.

1. 80–11792/00932
2. 35–025–00085–0000
3. 108 000 000
4. Texaco Inc.
5. W. D. Youtsler No. 1
6. E. Griggs
7. Cimarron OK
8. .0 million cubic feet
9. January 7, 1980
10. Transwestern Pipeline Co.

1. 80–11794/00931
2. 35–025–35337–0000
3. 108 000 000
4. Texaco Inc.
5. W. C. Smith No. 2
6. Griggs
7. Cimarron OK
8. 7.3 million cubic feet
9. January 7, 1980
10. Transwestern Pipeline Co.

1. 80–11795/00839
2. 35–017–20157–0000
3. 103 000 000
4. Texas Oil & Gas Corp.
5. Peters D #1
6.
7. Canadian OK
8. 93.0 million cubic feet
9. January 7, 1980
10.

1. 80/11796/00825
2. 35–017–21159–0000
3. 103 000 000
4. Texas Oil & Gas Corp.
5. Wilds A No. 1
6. Richland
7. Canadian OK
8. 137.0 million cubic feet
9. January 7, 1980
10.

1. 80–11797/00827
2. 35–017–20985–0000
3. 103 000 000
4. Texas Oil & Gas Corp.
5. Heinrich No. 1
6. Richland
7. Canadian OK
8. 151.0 million cubic feet
9. January 7, 1980
10. Delhi Gas Pipeline Corporation

1. 80–11798/00829
2. 35–017–20750–0000
3. 103 000 000
4. Texas Oil & Gas Corp.
5. Peters E #1
6. N. W. Richland
7. Canadian OK
8. 35.0 million cubic feet
9. January 7, 1980
10.

1. 80–11799/00781
2. 35–139–20954–0000
3. 103 000 000
4. Texas Oil & Gas Corp.
5. Criswell A–1
6. Tyrone
7. Texas OK
8. 295.0 million cubic feet
9. January 7, 1980
10.

1. 80–11801/00787
2. 35–079–00000–0000
3. 103 000 000
4. Texas Oil & Gas Corp.
5. Coggins Estate #1–3
6. N. W. Poteau
7. Leflore OK
8. 254.0 million cubic feet
9. January 7, 1980
10. Arkansas Okla Gas Co.

1. 80–11802/00793
2. 35–061–20219–0000
3. 103 000 000
4. Texas Oil & Gas Corp.
5. Nelson A No. 1
6. N. E. Keota

7. Haskell OK
8. 199.0 million cubic feet
9. January 7, 1980
10.

1. 80–11803/00794
2. 35–079–20286–0000
3. 103 000 000
4. Texas Oil & Gas Corp.
5. Zahn No. 1
6. W. Cedars
7. Leflore Co. OK
8. 56.0 million cubic feet
9. January 7, 1980
10.

1. 80–11804/01318
2. 35–007–21573–0000
3. 103 000 000
4. Don D. Montgomery Jr.
5. Isaacs #1–34
6. Greenough W.
7. Beaver OK
8. 125.0 million cubic feet
9. January 7, 1980
10. Panhandle Eastern Pipe Line Company

1. 80–11805/01333
2. 35–077–00000–0000
3. 103 000 000
4. Pitco
5. Shaw #1–14—Spiro
6. Wilburton
7. Latimer OK
8. 274.0 million cubic feet
9. January 7, 1980
10. Arkansas Louisiana Gas Company

1. 80–11806/01341
2. 35–063–20892–0000
3. 103 000 000
4. Cheyenne Petroleum Company
5. Roy #1–23
6. N. E. Holdenville
7. Hughes OK
8. 73.0 million cubic feet
9. January 7, 1980
10.

1. 80–11807/01342
2. 35–063–20893–0000
3. 103 000 000
4. Cheyenne Petroleum Company
5. Victor #1–22
6. N. E. Holdenville
7. Hughes OK
8. 182.5 million cubic feet
9. January 7, 1980
10.

1. 80–11808/01351
2. 35–063–20803–0000
3. 103 000 000
4. Cheyenne Petroleum Company
5. Steele #1–19
6. S. W. Gilcrease
7. Hughes OK
8. 73.0 million cubic feet
9. January 7, 1980
10.

1. 80–11809/01102
2. 35–045–20598–0000
3. 103 000 000
4. Sabine Corp.
5. McCartor #1–11
6. S. E. Arnell
7. Ellis OK
8. 22.7 million cubic feet
9. January 7, 1980
10. Northern Natural Gas Company

1. 80–11810/01335
2. 35–007–21440–0000
3. 103 000 000
4. Maguire Oil Company
5. Dickey #1
6. S. E. Liberal
7. Beaver OK
8. 100.0 million cubic feet
9. January 7, 1980
10. Panhandle Eastern Pipe Line Company

1. 80–11811/00869
2. 35–045–20630–0000
3. 102 000 000
4. Caroline Hunt Trust Estate
5. No. 1 R. J. Schneider 045–56583
6. S. E. Arnett (Morrow SD)
7. Ellis OK
8. 140.0 million cubic feet
9. January 7, 1980
10. Northern Natural Gas Company

1. 80–11812/00615
2. 35–025–20304–0000
3. 103 000 000
4. Coltexo Corporation
5. Purdy F–2
6.
7. Cimarron OK
8. .0 million cubic feet
9. January 7, 1980
10. Panhandle Easthern Pipeline Co.

1. 80–11813/01003
2. 35–007–21337–0000
3. 103 000 000
4. Pacific Oil & Gas Co.
5. Ham No. 1
6. West Forgan
7. Beaver OK
8. 30.0 million cubic feet
9. January 7, 1980
10. Panhandle Eastern Pipe Line Company

1. 80–11814/01070
2. 35–017–20944–0000
3. 103 000 000
4. Amoco Production Company
5. Meiwes Unit A #2
6. Fort Reno SW
7. Canadian OK
8. 554.0 million cubic feet
9. January 7, 1980
10. Oklahoma Natural Gas Co.

Texas Railroad Commission, Oil and Gas Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11647/002553
2. 42–087–26276–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Tindall A 1
6. Panhandle East
7. Collingsworth TX
8. 19.7 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11648/002614
2. 42–087–26179–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. McDowell 5
6. Panhandle East
7. Collingsworth TX
8. 19.7 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11649/001955
2. 42–123–00000–0000
3. 108 000 000
4. Paramount Petroleum Corporation
5. W H Ruschhaupt A #1 RRC#47992
6. East Meyersville (8225)
7. Dewitt TX
8. 17.0 million cubic feet
9. January 7, 1980
10. Texas Eastern Transmission Corp

1. 80–11650/002417
2. 42–087–26041–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Bryan 2
6. Panhandle East
7. Collingsworth TX
8. 20.3 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11651/002649
2. 42–087–26144–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Ledbetter 1
6. Panhandle East
7. Collingsworth TX
8. 21.2 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11652/002737
2. 42–341–00000–0000
3. 108 000 000
4. Phillips Petroleum Company
5. Jester A No 1
6. Texas Hugoton
7. Moore TX
8. 10.3 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Co., Panhandle Eastern Pipeline Co

1. 80–11653/002833
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Company
5. Hagy LR No 1
6. Panhandle West
7. Hutchinson TX
8. 15.1 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Co., Panhandle Eastern Pipeline Co

1. 80–11654/002890
2. 42–427–30056–0000
3. 108 000 000
4. Energy Reserves Group Inc
5. Groos National Bank #6
6. GREGG Wood
7. Starr TX
8. 16.0 million cubic feet
9. January 7, 1980
10. South Texas Natural Gas Gathering Co

1. 80–11655/003263
2. 42–087–26060–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Collins A 1
6. Panhandle East

7. Collingsworth TX
8. 15.1 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11656/005219
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Burnett RC No 3
6. Panhandle
7. Carson TX
8. 7.0 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11657/005270
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Burnett RC No 2
6. Panhandle
7. Carson TX
8. 7.0 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11658/005333
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 25
6. Panhandle
7. Hutchinson TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11659/005322
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 17
6. Panhandle
7. Hutchinson TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11660/005321
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 20
6. Panhandle
7. Hutchinson TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11661/005320
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 19
6. Panhandle
7. Hutchinson TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11662/003268
2. 42–483–26160–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Magnolia A 2
6. Panhandle East
7. Wheeler TX
8. 34.3 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11663/003285
2. 42–483–26141–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Laycock B 1
6. Panhandle East
7. Wheeler TX
8. 10.5 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11664/003286
2. 42–087–26025–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Betenbough A #3
6. Panhandle East
7. Collingsworth TX
8. 4.0 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11665/000722
2. 42–175–00000–0000
3. 108 000 000
4. M D Abel
5. Horney #1 ID #45123
6. South Albrecht 1950
7. Goliad TX
8. 6.0 million cubic feet
9. January 7, 1980
10. United Gas Pipeline Co

1. 80–11666/001583
2. 42–483–30527–0000
3. 102 000 000
4. Coquina Oil Corporation
5. Henry Hink #1
6. Mills Ranch (Granite Wash)
7. Wheeler TX
8. 50.0 million cubic feet
9. January 7, 1980
10. Natural Gas Pipeline Co of America

1. 80–11667/003287
2. 42–483–26142–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Laycock B 2
6. Panhandle East
7. Wheeler TX
8. 22.1 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11668/003298
2. 42–087–26215–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Nicholson F 1
6. Panhandle East
7. Collingsworth TX
8. 8.6 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11669/003301
2. 42–483–26108–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Hiltbrunner 1
6. Panhandle East
7. Wheeler TX
8. 17.0 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11670/003305
2. 42–483–20071–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Laycock 3–B
6. Panhandle East
7. Wheeler TX
8. 24.7 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11671/003306
2. 42–087–26046–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Cantrell 1
6. Panhandle East
7. Collingsworth TX
8. 24.5 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11672/004996
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No B2
6. Panhandle
7. Hutchinson TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11673/004999
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No C8
6. Panhandle
7. Hutchinson TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11674/005217
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Hill No 5
6. Panhandle
7. Hutchinson TX
8. 3.2 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Co

1. 80–11675/005216
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Burnett RC No 1
6. Panhandle
7. Carson TX
8. 7.0 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11676/005069
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corporation
5. U A Molloy #1 28538
6. Boonsville Bend Conglomerate
7. Wise TX
8. 6.6 million cubic feet
9. January 7, 1980
10. Natural Gas Pipeline Co of America

1. 80–11666/005603
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No B14
6. Panhandle
7. Hutchinson TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11678/005505

2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No C18
6. Panhandle
7. Hutchinson TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11679/005041
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No C16
6. Panhandle
7. Hutchinson TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11680/005017
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No B6
6. Panhandle
7. Hutchinson TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11681/005036
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Hill No 6
6. Panhandle
7. Hutchinson TX
8. 3.2 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11682/005305
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Hill No 2
6. Panhandle
7. Hutchinson TX
8. 3.2 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11683/005303
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Hodges No 4
6. Panhandle
7. Carson TX
8. 4.3 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11684/005302
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Hill No 3
6. Panhandle
7. Hutchinson TX
8. 3.2 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11685/005271
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Burnett RC No 4
6. Panhandle
7. Carson TX
8. 7.0 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11686/006917
2. 42–065–00000–0000
3. 108 000 000
4. S A Oil Account
5. Garner-A-(00146) No 3
6. Panhandle Carson County
7. Carson TX
8. 2.6 million cubic feet
9. January 7, 1980
10. Cabot Corporation

1. 80–11687/007110
2. 42–237–00000–0000
3. 108 000 000
4. Corpening Enterprises
5. Riscky-Montgomery Unit #1 66756
6. Jack County Regular
7. Jack TX
8. 15.3 million cubic feet
9. January 7, 1980
10. Texas Utilities Fuel Company

1. 80–11688/007079
2. 42–295–00000–0000
3. 108 000 000
4. Pioneer Production Co
5. Schultz No 1 22984
6. North Mammoth Creek
7. Lipscomb TX
8. 16.1 million cubic feet
9. January 7, 1980
10. Northern Natural Gas Company

1. 80–11689/007078
2. 42–295–00000–0000
3. 108 000 000
4. Pioneer Production Corporation
5. Broyles A #1 22402
6. North Mammoth Creek
7. Lipscomb TX
8. 4.7 million cubic feet
9. January 7, 1980
10. Northern Natural Gas Company

1. 80–11690/007076
2. 42–295–00000–0000
3. 108 000 000
4. Pioneer Production Corporation
5. Imke Unit #1 33134
6. North Mammoth Creek
7. Lipscomb TX
8. 12.8 million cubic feet
9. January 7, 1980
10. Northern Natural Gas Company

1. 80–11691/007069
2. 42–375–00000–0000
3. 108 000 000
4. Pioneer Production Corporation
5. Bivins D #1–R 40290
6. West Panhandle (Red Cave)
7. Potter TX
8. 4.0 million cubic feet
9. January 7, 1980
10. Pioneer Natural Gas Company

1. 80–11692/007495
2. 42–179–00000–0000
3. 108 000 000
4. Amarillo Oil Company
5. Zueb #9 (26630)
6. East Panhandle
7. Gray TX
8. 6.0 million cubic feet
9. January 7, 1980
10. Pioneer Natural Gas Company

1. 80–11693/007486
2. 42–179–00000–0000
3. 108 000 000
4. Amarillo Oil Company
5. Reeves #1 RRC 26621
6. East Panhandle
7. Gray TX
8. 10.0 million cubic feet
9. January 7, 1980
10. Pioneer Natural Gas Company

1. 80–11694/007482
2. 42–179–00000–0000
3. 108 000 000
4. Amarillo Oil Company
5. Darsey A #1 26604
6. East Panhandle
7. Gray TX
8. 9.1 million cubic feet
9. January 7, 1980
10. Pioneer Natural Gas Company

1. 80–11695/007481
2. 42–065–00000–0000
3. 108 000 000
4. Amarillo Oil Company
5. Hodges #1 25394
6. West Panhandle
7. Carson TX
8. 7.3 million cubic feet
9. January 7, 1980
10. Pioneer Natural Gas Company

1. 80–11696/007480
2. 42–179–00000–0000
3. 108 000 000
4. Amarillo Oil Company
5. J E & H T Parker #126640
6. East Panhandle
7. Gray TX
8. 20.4 million cubic feet
9. January 7, 1980
10. Pioneer Natural Gas Company

1. 80–11697/007476
2. 42–179–00000–0000
3. 108 000 000
4. Amarillo Oil Company
5. Zueb #17 (22638)
6. East Panhandle
7. Gray TX
8. 11.0 million cubic feet
9. January 7, 1980
10. Pioneer Natural Gas Company

1. 80–11698/007321
2. 42–365–00000–0000
3. 108 000 000
4. Getty Oil Co
5. Werner-Pope No 1
6. Carthage (Pettit Lo)
7. Panola TX
8. 4.3 million cubic feet
9. January 7, 1980
10. Texas Gas Transmission Corp

1. 80–11699/007556
2. 42–233–00000–0000
3. 108 000 000
4. Garrett & Carruth Oil & Gas Co
5. J A Whittenburg (01138) No 4
6. Panhandle Hutchinson County
7. Hutchinson TX
8. 1.1 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11700/007555
2. 42–233–00000–0000
3. 108 000 000
4. Garrett & Carruth Oil & Gas Co
5. J A Whittenburg (01138) No 2
6. Panhandle Hutchinson County

7. Hutchinson TX
8. 1.1 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11701/007554
2. 42–233–00000–0000
3. 108 000 000
4. Garrett & Carrth Oil & Gas Co
5. J A Whittenburg (01138) No 1
6. Panhandle Hutchinson County
7. Hutchinson TX
8. 1.1 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11702/007553
2. 42–233–00000–0000
3. 108 000 000
4. Garrett & Carruth Oil & Gas Co
5. J A Whittenburg (01138) No 8
6. Panhandle Hutchinson County
7. Hutchinson TX
8. 1.1 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11703/007552
2. 42–233–00000–0000
3. 108 000 000
4. Garrett & Carruth Oil & Gas Co
5. J A Whittenburg (01138) No 5
6. Panhandle Hutchinson County
7. Hutchinson TX
8. 1.1 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11704/007551
2. 42–233–00000–0000
3. 108 000 000
4. Garrett & Carruth Oil & Gas Co
5. J A Whittenburg (01138) No 3
6. Panhandle Hutchinson County
7. Hutchinson TX
8. 1.1 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11705/007550
2. 42–233–00000–0000
3. 108 000 000
4. Garrett & Carruth Oil & Gas Co
5. J A Whittenburg (01138) No 6
6. Panhandle Hutchinson County
7. Hutchinson TX
8. 1.1 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11706/007657
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. Whittenburg (01866) No 10
6. Panhandle Hutchinson County
7. Hutchinson TX
8. 1.1 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11707/007656
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. Whittenburg (01866) No 12
6. Panhandle Hutchinson County
7. Hutchinson TX
8. 2.2 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11708/007655
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. H E Smith et al (01891) No 1
6. Panhandle Hutchinson County
7. Hutchinson TX
8. .7 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11709/007654
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. Whittenburg (01866) No 1
6. Panhandle Hutchinson County
7. Hutchinson TX
8. .7 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11710/007653
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. Whittenburg (01866) No 3
6. Panhandle Hutchinson County
7. Hutchinson TX
8. .7 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11711/007652
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. Whittenburg (01866) No 2
6. Panhandle Hutchinson County
7. Hutchinson TX
8. .4 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11712/007651
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. Whittenburg (01866) No 7
6. Panhandle Hutchinson County
7. Hutchinson TX
8. .4 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11713/007644
2. 42–105–00000–0000
3. 108 000 000
4. Roy E Kimsey
5. Shannon Estate No 1 ID 19063
6. Noelke NE (Queen)
7. Crockett TX
8. 15.0 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11714/007690
2. 42–221–00000–0000
3. 108 000 000
4. Bay State Energy Company Inc
5. S H Ator #3 RRC 73978
6. Houston Ranch (Strawn)
7. Hood TX
8. 10.4 million cubic feet
9. January 4, 1980
10. Northern Gas Products Company

1. 80–11715/005001
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No C7
6. Panhandle
7. Hutchinson TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11716/005000
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No. C11
6. Panhandle
7. Hutchinson TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11717/005314
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Hodges No 3
6. Panhandle
7. Carson TX
8. 4.3 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11718/005313
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Hill No 1
6. Panhandle
7. Hutchinson TX
8. 3.2 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11719/007658
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. Whittenburg (01866) No 11
6. Panhandle Hutchinson County
7. Hutchinson TX
8. 2.9 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11720/007659
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. H E Smith et al (01891) No 3
6. Panhandle Hutchinson County
7. Hutchinson TX
8. 2.9 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11721/007660
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. Whittenburg (01866) No 8
6. Panhandle Hutchinson County
7. Hutchinson TX
8. .4 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11722/007661
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. Whittenburg (01866) No 9
6. Panhandle Hutchinson County
7. Hutchinson TX
8. .7 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11723/007662

2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. H E Smith et al (01891) No 2
6. Panhandle Hutchinson County
7. Hutchinson TX
8. 2.6 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11724/007663
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. Whittenburg (01866) No 4
6. Panhandle Hutchinson County
7. Hutchinson TX
8. .7 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11725/007664
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. Whittenburg (01866) No 5
6. Panhandle Hutchinson County
7. Hutchinson TX
8. .7 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11726/007665
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. Whittenburg (01866) No 6
6. Panhandle Hutchinson County
7. Hutchinson TX
8. .4 million cubic feet
9. January 7, 1980
10. Getty Oil Company

1. 80–11727/008545
2. 42–089–00000–0000
3. 108 000 000
4. Goldking Production Company
5. J R McLane No 1 (06359)
6. N Garwood (Miocene 2200)
7. Colorado TX
8. 10.0 million cubic feet
9. January 7, 1980
10. Channel Industries

1. 80–11728/08678
2. 42–421–00000–0000
3. 108 000 000
4. Detra Producing Company
5. Stratford Gas Unit #2
6. Stratford (Ciscolime)
7. Sherman TX
8. 20.0 million cubic feet
9. January 7, 1980
10. Diamond Shamrock Corporation

1. 80–11729/08679
2. 42–421–00000–0000
3. 108 000 000
4. Detra Producing Company
5. Stratford Gas Unit #6
6. Stratford (Cisco Lime)
7. Sherman TX
8. 10.0 million cubic feet
9. January 7, 1980
10. Diamond Shamrock Corporation

1. 80–11730/08681
2. 42–421–00000–0000
3. 108 000 000
4. Detra Producing Company
5. Stratford Gas Unit #7
6. Stratford (Cisco Lime)
7. Sherman TX
8. 16.0 million cubic feet
9. January 7, 1980
10. Diamond Shamrock Corporation

1. 80–11731/08785
2. 42–497–00000–0000
3. 108 000 000
4. La Junta Enterprises Inc
5. Keown 29089
6. Boonsville (Bend Congl Gas)
7. Wise TX
8. 13.2 million cubic feet
9. January 7, 1980
10. Loan Star Gas Company

1. 80–11732/08786
2. 42–497–00000–0000
3. 108 000 000
4. La Junta Enterprises Inc
5. Waggoner No 2 30436
6. Boonsville (Bend Congl Gas)
7. Wise TX
8. 19.8 million cubic feet
9. January 7, 1980
10. Loan Star Gas Company

1. 80–11733/08787
2. 42–497–00000–0000
3. 108 000 000
4. La Junta Enterprises Inc
5. Waggoner No 1 29091
6. Boonsville (Bend Congl Gas)
7. Wise TX
8. 20.6 million cubic feet
9. January 7, 1980
10. Lone Star Gas Company

1. 80–11734/08788
2. 42–497–00000–0000
3. 108 000 000
4. La Junta Enterprises Inc
5. Parish 30434
6. Boonsville (Bend Congl Gas)
7. Wise TX
8. 19.5 million cubic feet
9. January 7, 1980
10. Lone Star Gas Company

1. 80–11735/009110
2. 42–029–30587–0000
3. 108 000 000
4. Meredith Mallory Jr
5. R C Aldridge 72852
6. Fairfield
7. Bexar TX
8. 5.0 million cubic feet
9. January 7, 1980
10. Gulfside Gas Company

1. 80–11736/09913
2. 42–029–30261–0000
3. 108 000 000
4. Meredith Mallory Jr
5. Thomas W Barker #1 72142
6. Fairfield
7. Bexar, TX
8. 5.0 million cubic feet
9. January 7, 1980
10. Gulfside Gas Company

1. 80–11737/09189
2. 42–179–00000–0000
3. 108 000 000
4. O F Warren
5. Reynolds Lease
6. Panhandle Gray County
7. Gray, TX
8. 1.2 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11738/07943
2. 42–233–00000–0000
3. 108 000 000
4. Lula Belle Adams
5. Whittenburg No 1 (24581)
6. Panhandle West
7. Hutchinson, TX
8. 17.5 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11739/07969
2. 42–103–00000–0000
3. 108 000 000
4. Amoco Production Company
5. Southern Unit No 910
6. Running W (Waddell)
7. Crane, TX
8. .0 million cubic feet
9. January 7, 1980
10. Warren Petroleum Company

1. 80–11740/08006
2. 42–355–30229–0000
3. 108 000 000
4. Amoco Production Company
5. R R Knight No 1
6. Petronilla North (7670)
7. Nueces, TX
8. 9.1 million cubic feet
9. January 7, 1980
10. Lo Vaca Gathering Company

1. 80–11741/08008
2. 42–201–06125–0000
3. 108 000 000
4. Amoco Production Company
5. G H Holder No 3
6. Houston South (Shallow Miocene)
7. Harris, TX
8. 3.2 million cubic feet
9. January 7, 1980
10. Amoco Gas Company

1. 80–11742/08052
2. 42–203–00000–0000
3. 108 000 000
4. Amoco Production Company
5. Highland Lake Club No 2
6. Woodlawn (Rodessa)
7. Harrison, TX
8. 4.4 million cubic feet
9. January 7, 1980
10. Mississippi River Transm Corp

1. 80–11743/08073
2. 42–195–00000–0000
3. 108 000 000
4. Phillips Petroleum Company
5. Beulah No 1
6. Texas Hugoton
7. Hansford, TX
8. 7.1 million cubic feet
9. January 7, 1980
10. Michigan Wisconsin Pipeline Co

1. 80–11744/08321
2. 42–103–00000–0000
3. 108 000 000
4. Warren Pet Co Div of Gulf Oil Corp
5. W N Waddell et al No 411
6. Sand Hills (Judkins)
7. Crane, TX
8. 14.0 million cubic feet
9. January 7, 1980
10. H & T Gathering Company

1. 80–11745/08359
2. 42–175–00000–0000
3. 108 000 000
4. Houston Oil & Minerals Corporation
5. Annie Gaubatz #4
6. Poehler (Pettus 4500)

7. Goliad, TX
8. 3.3 million cubic feet
9. January 7, 1980
10. United Gas Pipeline Company

1. 80–11746/08368
2. 42–357–30052–0000
3. 108 000 000
4. Hytech Energy Corporation
5. Johnson #1
6. Pan Petro (Upper Morrow)
7. Ochiltree, TX
8. 2.4 million cubic feet
9. January 7, 1980
10. Northern Natural Gas Company

1. 80–11747/08492
2. 42–497–00000–0000
3. 108 000 000
4. Wichita Industries Inc
5. Davis-Horn #1
6. West Chico Field
7. Wise, TX
8. 6.6 million cubic feet
9. January 7, 1980
10. Cities Service Co

1. 80–11748/005362
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 21
6. Panhandle
7. Hutchinson, TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11749/005353
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Hodges No 2
6. Panhandle
7. Carson, TX
8. 4.3 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11750/05341
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 22
6. Panhandle
7. Hutchinson, TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11751/05336
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 24
6. Panhandle
7. Hutchinson, TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11752/05335
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 23
6. Panhandle
7. Hutchinson, TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11753/05334
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No A9
6. Panhandle
7. Hutchinson, TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11754/05557
2. 42–065–00000–0000
3. 108 000 000
4. Getty Oil Company
5. Eller A No 2
6. Panhandle West
7. Carson, TX
8. 16.0 million cubic feet
9. January 7, 1980
10. Getty Oil Company Natural Gas Plant

1. 80–11755/05411
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No B12
6. Panhandle
7. Hutchinson, TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11756/05401
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No B7
6. Panhandle
7. Hutchinson, TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11757/05386
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No B8
6. Panhandle
7. Hutchinson, TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11758/05382
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No B3
6. Panhandle
7. Hutchinson, TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11759/05381
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Mayfield B&C No B4
6. Panhandle
7. Hutchinson, TX
8. 1.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11760/05700
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 1
6. Panhandle
7. Hutchinson, TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11761/05699
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Burnett RC No 9
6. Panhandle
7. Carson, TX
8. 7.0 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11762/05696
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Burnett RC No 5
6. Panhandle
7. Carson, TX
8. 7.0 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11763/05695
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 11
6. Panhandle
7. Hutchinson, TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11764/05693
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Burnett RC No 6
6. Panhandle
7. Carson, TX
8. 7.0 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11765/05694
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Burnett RC No 7
6. Panhandle
7. Carson, TX
8. 7.0 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11766/05690
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 13
6. Panhandle
7. Hutchinson TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1.80–11767/06137
2.42–483–00000–0000
3. 107 000 000
4. Getty Oil Company
5. Ben Trout No 2
6. Farris (Hunton)
7. Wheeler TX
8. 450.0 million cubic feet
9. January 7, 1980
10. El Paso Natural Gas Company

1. 80–11768/05768
2. 42–065–00000–0000
3. 108 000 000
4. L R Spradling
5. Herndon NCT–1 #2
6. West Panhandle
7. Carson TX
8. 1.8 million cubic feet
9. January 7, 1980
10. Panhandle Easter Pipe Line Co

1. 80–11769/05709
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Hill No 4
6. Panhandle
7. Hutchinson TX
8. 3.2 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Co

1. 80–11770/05708
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 12
6. Panhandle
7. Hutchinson TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11771/05706
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Burnett RC No 8
6. Panhandle
7. Carson TX
8. 7.0 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11772/05705
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 7
6. Panhandle
7. Hutchinson TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11773/05701
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 4
6. Panhandle
7. Hutchinson TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11774/006908
2. 42–065–00000–0000
3. 108 000 000
4. S A Oil Account
5. Garner-A-(00146) No 4
6. Panhandle Carson County
7. Carson TX
8. 3.6 million cubic feet
9. January 7, 1980
10. Cabot Corporation

1. 80–11775/06872
2. 42–341–00000–0000
3. 108 000 000
4. Natural Gas Pipeline Co of Amer
5. J T Sneed No 202
6. Panhandle West
7. Moore TX
8. 9.9 million cubic feet
9. January 7, 1980
10. Nat Gas Pipeline Co of Amer

1. 80–11776/–6871
2. 42–341–00000–0000
3. 108 000 000
4. Natural Gas Pipeline Co of Amer
5. J. T Sneed No 101
6. Panhandle West
7. Moore TX
8. 20.4 million cubic feet
9. January 7, 1980
10. Nat Gas Pipeline Co of Amer

1. 80–11777/06869
2. 42–341–00000–0000
3. 108 000 000
4. National Gas Pipeline Co of Amer
5. J T Sneed Estate No 121
6. Panhandle West
7. Moore TX
8. .1 million cubic feet
9. January 7, 1980
10. Nat Gas Pipeline Co of Amer

1. 80–11778/06868
2. 42–233–00000–0000
3. 108 000 000
4. Natural Gas Pipeline Co of Amer
5. J T Sneed No 113
6. Panhandle West
7. Moore TX
8. 14.2 million cubic feet
9. January 7, 1980
10. Nat Gas Pipeline Co of Amer

1. 80–11779/06866
2. 42–341–00000–0000
3. 108 000 000
4. Natural Gas Pipeline Co of Amer
5. J T Sneed No 113
6. Pnahandle West
7. Moore TX
8. 17.9 million cubic feet
9. January 7, 1980
10. Nat Gas Pipeline Co of Amer

1. 80–11780/08024
2. 42–135–00000–0000
3. 108 000 000
4. Amoco Production Company
5. Cowden Operating Area No 1
6. Goldsmith N (San Andres Con)
7. Ector TX
8. 8.8 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11781/06865
2. 42–233–00000–0000
3. 108 000 000
4. Natural Gas Pipeline Co of Amer
5. Cart Johnson No 101
6. Panhandle West
7. Hutchinson TX
8. 13.1 million cubic feet
9. January 7, 1980
10. Nat Gas Pipeline Co of Amer

1. 80–11782/06404
2. 42–233–00000–0000
3. 108 000 000
4. L Jack Gross Production
5. Johnson A–1 240630
6. West Panhandle
7. Hutchinson TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Co

1. 80–11783/06402
2. 42–421–00000–0000
3. 108 000 000
4. Tom C Gross Oil & Gas
5. Green & Price #1
6. Texas Hugoton
7. Sherman TX
8. 1.5 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Co

1. 80–11784/006392
2. 42–233–00000–0000
3. 108 000 000
4. L Jack Gross Production
5. Weatherly #1
6. Panhandle (Hutchinson Co)
7. Hutchinson TX
8. 54.0 million cubic feet
9. January 7, 1980
10. Phillips Petroleum

1. 80–11785/006391
2. 42–065–00000–0000
3. 108 000 000
4. L Jack Gross Production
5. Burnett G 2
6. Panhandle (Carson)
7. Carson TX
8. .0 million cubic feet
9. January 7, 1980
10. Phillips Pet Co

1. 80–11786/006390
2. 42–065–00000–0000
3. 108 000 000
4. L Jack Gross Production
5. Burnett L #1
6. Panhandle (Carson)
7. Carson TX
8. 24.0 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Co

1. 80–11787/006389
2. 42–233–00000–0000
3. 108 000 000
4. L Jack Gross Production
5. Jayten 3–12
6. West Panhandle
7. Hutchinson TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Southern Union Gas Co

1. 80–11788/007557
2. 42–065–00000–0000
3. 108 000 000
4. Gene Thomas Hudspeth Jr
5. Bryan-A-(00175) No 1
6. Panhandle Carson County
7. Carson TX
8. 12.9 million cubic feet
9. January 7, 1980
10. Cabot Corporation

1. 80–11789/007650
2. 42–233–00000–0000
3. 108 000 000
4. Mark A Fahle
5. H E Smith et al (01891) No 4
6. Pnahandle Hutchinson County
7. Hutchinson TX
8. .4 million cubic feet
9. January 7, 1980
10. Phillips Petroleum Company

1. 80–11790/07688
2. 42–221–00000–0000
3. 108 000 000
4. Bay State Energy Company
5. S H Ator #1 RRC 72861

6. Houston Ranch (Strawn)
7. Hood TX
8. 6.3 million cubic feet
9. January 7, 1980
10. Northern Gas Products Company

1. 80–11793/05693
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Jack Johnson No 8
6. Panhandle
7. Hutchinson TX
8. 2.0 million cubic feet
9. January 7, 1980
10. Colorado Interstate Gas Company

1. 80–11800/05794
2. 42–065–00000–0000
3. 108 000 000
4. L R Spradling
5. Herndon NCT–1 #1
6. West Panhandle
7. Carson TX
8. 9.0 million cubic feet
9. January 7, 1980
10. Panhandle Eastern Pipe Line Co

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11520
2. 47–013–20056–0000
3. 108 000 000
4. Okmar Oil Company
5. A T Yoak #2
6. Sheridan District
7. Calhoun WV
8. 1.2 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11521
2. 47–013–20103–0000
3. 108 000 000
4. Okmar Oil Company
5. R FLING #1
6. Sheridan District
7. Calhoun WV
8. .7 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11522
2. 47–013–21201–0000
3. 108 000 000
4. Okmar Oil Company
5. Robert R Ferrell #1
6. Center District
7. Calhoun WV
8. 3.9 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11523
2. 47–013–21232–0000
3. 108 000 000
4. Okmar Oil Company
5. T K Ferrell #1
6. Sheridan District
7. Calhoun WV
8. 1.4 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11524
2. 47–013–21249–0000
3. 108 000 000
4. Okmar Oil Company
5. John Yoak #2
6. Sheridan District
7. Calhoun WV
8. .4 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11525
2. 47–013–21265–0000
3. 108 000 000
4. Okmar Oil Company
5. J W Rogers #1
6. Sheridan District
7. Calhoun WV
8. 2.6 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11526
2. 47–013–21275–0000
3. 108 000 000
4. Okmar Oil Company
5. Eva Dye Hathaway #1
6. Sheridan District
7. Calhoun WV
8. 4.5 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11527
2. 47–013–21290–0000
3. 108 000 000
4. Okmar Oil Company
5. H & H Eagle #1
6. Sheridan District
7. Calhoun WV
8. 2.5 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11528
2. 47–013–21365–0000
3. 108 000 000
4. Okmar Oil Company
5. Harold Kight #1
6. Center District
7. Calhoun WV
8. .7 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11529
2. 47–013–21400–0000
3. 108 000 000
4. Okmar Oil Company
5. Homer Jackson #1
6. Center District
7. Calhoun WV
8. 1.5 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11530
2. 47–013–21424–0000
3. 108 000 000
4. Okmar Oil Company
5. Virgil Taylor #1
6. Sheridan District
7. Calhoun WV
8. .7 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11531
2. 47–013–21474–0000
3. 108 000 000
4. Okmar Oil Company
5. Lee Roy Jones #1
6. Sheridan District
7. Calhoun WV
8. 9.1 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11532
2. 47–013–21501–0000
3. 108 000 000
4. Okmar Oil Company
5. Hamilton-Knight #1
6. Sheridan District
7. Calhoun WV
8. 5.8 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11533
2. 47–013–21556–0000
3. 108 000 000
4. Okmar Oil Company
5. John Kellar #1
6. Sheridan District
7. Calhoun WV
8. 6.3 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11534
2. 47–013–21558–0000
3. 108 000 000
4. Okmar Oil Company
5. A T Eagle Heirs #1
6. Sheridan District
7. Calhoun WV
8. .7 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11535
2. 47–013–21570–0000
3. 108 000 000
4. Okmar Oil Company
5. Hunter M Bennett #1
6. Sheridan District
7. Calhoun WV
8. 7.7 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11536
2. 47–013–21660–0000
3. 108 000 000
4. Okmar Oil Company
5. W O Umstead #1
6. Sheridan District
7. Calhoun WV
8. 8.1 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11537
2. 47–013–21676–0000
3. 108 000 000
4. Okmar Oil Company
5. Okmar—Lawrence #1
6. Sheridan District
7. Calhoun WV
8. 4.1 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11538
2. 47–013–02958–0000
3. 108 000 000
4. Smith Jones & Gibson
5. Susan Johnson #1
6. Sherman District

7. Calhoun WV
8. 2.8 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11539
2. 47–043–21804–0000
3. 108 000 000
4. Danny Davis
5. Ben Hatfield #2–B
6. Sheridan District
7. Lincoln WV
8. 8.0 Million Cubic Feet
9. January 7, 1980
10. Columbia Gas Transmission Corp

1. 80–11540
2. 47–013–22006–0000
3. 108 000 000
4. Okmar Oil Company
5. Bennie Jones #2
6. Sheridan District
7. Calhoun WV
8. 2.9 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11541
2. 47–013–22033–0000
3. 108 000 000
4. Okmar Oil Company
5. W G Bennett #1
6. Center District
7. Calhoun WV
8. .7 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11542
2. 47–013–22083–0000
3. 108 000 000
4. Okmar Oil Company
5. Jarvis & Bell #1
6. Center District
7. Calhoun WV
8. 4.3 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11543
2. 47–013–22107–0000
3. 108 000 000
4. Okmar Oil Company
5. Hamilton-Knight #2
6. Sheridan District
7. Calhoun WV
8. 5.8 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11544
2. 47–013–22247–0000
3. 108 000 000
4. Okmar Oil Company
5. Hamilton-Knight #3
6. Sheridan District
7. Calhoun WV
8. 5.8 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11545
2. 47–013–21350–0000
3. 108 000 000
4. Petro-Lewis Corporation
5. Dean #1 Frank
6. Washington District
7. Upshur WV
8. 6.0 Million Cubic Feet
9. January 4, 1980
10. Consolidated Gas Supply Corp.

1. 80–11546
2. 47–013–21747–0000
3. 108 000 000
4. Okmar Oil Company
5. Eva Dye Hathaway C #1
6. Sheridan District
7. Calhoun WV
8. .0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11547
2. 47–013–21783–0000
3. 108 000 000
4. Okmar Oil Company
5. H & H Eagle #2
6. Sheridan District
7. Calhoun WV
8. 2.5 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11548
2. 47–013–21807–0000
3. 108 000 000
4. Okmar Oil Company
5. Okmar-Martin #1
6. Sheridan District
7. Calhoun WV
8. 2.1 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11549
2. 47–013–21842–0000
3. 108 000 000
4. Okmar Oil Company
5. Okmar-Frederick #1
6. Sheridan District
7. Calhoun WV
8. 1.6 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–11550
2. 47–013–21866–0000
3. 108 000 000
4. Okmar Oil Company
5. Okmar-Goff #1
6. Sheridan District
7. Calhoun WV
8. 4.2 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11551
2. 47–013–21896–0000
3. 108 000 000
4. Okmar Oil Company
5. Bennie Jones #1
6. Sheridan District
7. Calhoun WV
8. .2 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11552
2. 47–013–21961–0000
3. 108 000 000
4. Okmar Oil Company
5. P Wagoner #1
6. Sheridan District
7. Calhoun WV
8. .7 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11553
2. 47–007–00837–0000
3. 108 000 000
4. Yale Oil Association Inc
5. Posey #1
6. Heaters
7. Braxton WV
8. 7.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11554
2. 47–007–01130–0000
3. 108 000 000
4. Yale Oil Association Inc
5. W W Kelley #1
6. Heaters
7. Braxton WV
8. 10.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11555
2. 47–007–01144–0000
3. 108 000 000
4. Yale Oil Association Inc
5. Nicholson #1
6. Heaters
7. Braxton WV
8. 10.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11556
2. 47–007–01185–0000
3. 108 000 000
4. Yale Oil Association Inc
5. Cleveland Conrad #1
6. Heaters
7. Braxton WV
8. 7.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11557
2. 47–007–00000–0000
3. 108 000 000
4. Yale Oil Association Inc
5. Lands of Linger #2
6. Heaters
7. Braxton WV
8. 13.0 Million Cubic Feet
9. January 7, 1980
10. Equitable Gas Company

1. 80–11558
2. 47–021–001626–0000
3. 108 000 000
4. Yale Oil Association Inc
5. White #1
6. Glenville South
7. Gilmer WV
8. 2.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11559
2. 47–021–01655–0000
3. 108 000 000
4. Yale Oil Association Inc
5. Conrad
6. Glenville South
7. Gilmer WV
8. 4.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11560
2. 47–021–17003–0000
3. 108 000 000
4. Yale Oil Association Inc
5. C A Roe #2
6. Glenville South
7. Gilmer WV
8. 3.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11561

2. 47-021-01734-0000
3. 108 000 000
4. Yale Oil Association Inc
5. Martin Gil-1734
6. Glenville South
7. Gilmer WV
8. 3.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80-11562
2. 47-021-00000-0000
3. 108 000 000
4. Yale Oil Association Inc
5. Kuhl #2
6. Glenville South
7. Gilmer WV
8. 4.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80-11563
2. 47-021-00000-0000
3. 108 000 000
4. Yale Oil Association Inc
5. Kuhl #1
6. Glenville South
7. Gilmer WV
8. 4.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80-11564
2. 47-021-00000-0000
3. 108 000 000
4. Yale Association Inc
5. Kuhl #3
6. Glenville South
7. Gilmer WV
8. 4.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80-11565
2. 47-045-00817-0000
3. 108 000 000
4. R W Adams and Associates
5. Paul Parsons #188
6. Triadelphia
7. Logan, WV
8. 8.8 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80-11566
2. 47-045-00833-0000
3. 108 000 000
4. R W Adams and Associates
5. WM Gillispie #1
6. Triadelphia
7. Logan WV
8. 1.1 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80-11567
2. 47-045-00834-0000
3. 108 000 000
4. R W Adams and Associates
5. Lucille Aldridge #3
6. Triadelphia
7. Logan WV
8. 8.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80-11568
2. 47-045-00836-0000
3. 108 000 000
4. R W Adams and Associates
5. Lucille Aldredge #4
6. Triadelphia
7. Logan WV
8. 8.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80-11569
2. 47-045-00854-0000
3. 108 000 000
4. R W Adams and Associates
5. Ken Harrison #1
6. Triadelphia
7. Logan WV
8. 1.2 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80-11570
2. 47-059-00754-0000
3. 108 000 000
4. R W Adams and Associates
5. Eva Bartram #1
6. Stafford
7. Mingo WV
8. 8.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80-11571
2. 47-021-01663-0000
3. 108 000 000
4. Yale Oil Association Inc
5. H J Shiflett
6. Glenville South
7. Gilmer WV
8. 3.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80-11572
2. 47-021-01664-0000
3. 108 000 000
4. Yale Oil Association Inc
5. R Shiflett #1
6. Glenville South
7. Gilmer WV
8. 3.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80-11573
2. 47-021-00000-0000
3. 108 000 000
4. Yale Oil Association Inc
5. Putman #1
6. Glenville South
7. Gilmer WV
8. 6.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80-11574
2. 47-021-01696-0000
3. 108 000 000
4. Yale Oil Association Inc
5. Van Horn #1 & 2 Gil 1696 #1 Gil 1697
6. Glenville South
7. Gilmer WV
8. 3.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corporation

1. 80-11575
2. 47-021-00000-0000
3. 108 000 000
4. Yale Oil Association Inc
5. Van Horn #2
6. Glenville South
7. Gilmer WV
8. 3.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80-11576
2. 47-045-00823-0000
3. 108 000 000
4. R W Adams and Associates
5. P P Plumley #189
6. Triadelphia
7. Logan WV
8. 7.0 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80-11577
2. 47-045-00825-0000
3. 108 000 000
4. R W Adams and Associates
5. George Brickles #190
6. Triadelphia
7. Logan WV
8. 7.6 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80-11578
2. 47-045-00832-0000
3. 108 000 000
4. R W Adams and Associates
5. Lon Gibson #1
6. Triadelphia
7. Logan WV
8. 9.4 Million Cubic Feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80-11579
2. 47-045-00858-0000
3. 108 000 000
4. R W Adams and Associates
5. Lucille Aldridge #5
6. Triadelphia
7. Logan WV
8. 8.0 million cubic feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80-11580
2. 47-021-21285-0000
3. 108 000 000
4. Ean Inc
5. Wilcox #1
6. Troy
7. Gilmer WV
8. .5 million cubic feet
9. January 7, 1980
10. Equitable Gas

1. 80-11581
2. 47-091-20082-0000
3. 108 000 000
4. Ean Inc
5. Vandevender #1
6. Pleasant Creek
7. Taylor WV
8. 5.6 million cubic feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80-11582
2. 47-091-20081-0000
3. 108 000 000
4. Ean Inc
5. Kerns #1
6. Court House
7. Taylor WV
8. 5.6 million cubic feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80-11583
2. 47-021-21351-0000
3. 108 000 000
4. Ean Inc
5. Ralston #2
6. Troy

7. Gilmer WV
8. .2 million cubic feet
9. January 7, 1980
10. Equitable Gas

1. 80–11584
2. 47–021–21328–0000
3. 108 000 000
4. Ean Inc
5. Talbott #1
6. Troy
7. Gilmer WV
8. .2 million cubic feet
9. January 7, 1980
10. Equitable

1. 80–11585
2. 47–021–21392–0000
3. 108 000 000
4. Ean Inc
5. Wilcox #5
6. Troy
7. Gilmer WV
8. .5 million cubic feet
9. January 7, 1980
10. Equitable Gas

1. 80–11586
2. 47–021–21515–0000
3. 108 000 000
4. Ean Inc
5. Moore #1
6. Glenville
7. Gilmer WV
8. 3.2 million cubic feet
9. January 7, 1980
10. Equitable Gas

1. 80–11587
2. 47–021–21530–0000
3. 108 000 000
4. Ean Inc
5. Moore #2
6. Glenville
7. Gilmer WV
8. 3.2 million cubic feet
9. January 7, 1980
10. Equitable Gas

1. 80–11588
2. 47–021–21585–0000
3. 108 000 000
4. Ean Inc
5. Wilcox #6
6. Troy
7. Gilmer WV
8. .5 million cubic feet
9. January 7, 1980
10. Equitable Gas

1. 80–11589
2. 47–041–20105–0000
3. 108 000 000
4. Standard Gas Co
5. Peterson #1
6. Skin Creek
7. Lewis WV
8. 2.1 million cubic feet
9. January 7, 1980
10. Columbia Gas Transmission Corp

1. 80–11590
2. 47–041–20108–0000
3. 108 000 000
4. Standard Gas Co
5. Taylor #1
6. Skin Creek
7. Lewis WV
8. 2.1 million cubic feet
9. January 7, 1980
10. Columbia Gas Transmission Corp

1. 80–11591
2. 47–097–20016–0000
3. 108 000 000
4. Standard Gas Co
5. Hefner #1
6. Meade
7. Upshur WV
8. 1.0 million cubic feet
9. January 7, 1980
10. Columbia Gas Transmission Corp

1. 80–11592
2. 47–085–22806–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Earl Pierce #1
6. Union
7. Ritchie WV
8. 1.0 million cubic feet
9. January 7, 1980
10. Equitable Gas

1. 80–11593
2. 47–085–22863–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Earl Pierce #2
6. Union
7. Ritchie WV
8. 5.3 million cubic feet
9. January 7, 1980
10. Equitable Gas

1. 80–11594
2. 47–085–23018–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Edw Pierce #1
6. Union
7. Ritchie WV
8. 1.4 million cubic feet
9. January 7, 1980
10. Equitable Gas

1. 80–11595
2. 47–085–23101–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Beck Hrs #2
6. Union
7. Ritchie WV
8. 2.0 million cubic feet
9. January 7, 1980
10. Equitable

1. 80–11596
2. 47–085–23115–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Earl Pierce #2
6. Union
7. Ritchie WV
8. 3.0 million cubic feet
9. January 7, 1980
10. Equitable

1. 80–11597
2. 47–085–22142–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Davis #1
6. Murphy
7. Ritchie WV
8. 3.8 million cubic feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80–11598
2. 47–085–22156–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Barron #1
6. Union
7. Ritchie WV
8. 1.3 million cubic feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80–11599
2. 47–085–22157–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Barron #2
6. Union
7. Ritchie WV
8. 1.3 million cubic feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80–11600
2. 47–085–22582–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Shields #1
6. Grant
7. Ritchie WV
8. .1 million cubic feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80–11601
2. 47–085–22781–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Shields #3
6. Union
7. Ritchie WV
8. 3.0 million cubic feet
9. January 7, 1980
10. Consolidated Gas Supply

1. 80–11602
2. 47–085–22859–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Gorrell #1
6. Murphy
7. Ritchie WV
8. 4.2 million cubic feet
9. January 7, 1980
10. Carnegie Nat Gas

1. 80–11603
2. 47–085–22841–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Baker #1
6. Union
7. Ritchie WV
8. 1.1 million cubic feet
9. January 7, 1980
10. Carnegie Nat Gas

1. 80–11604
2. 47–085–02815–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Hardbarger #U or #2
6. Harrisville
7. Ritchie WV
8. 1.5 million cubic feet
9. January 7, 1980
10. Carnegie Natural Gas Co

1. 80–11605
2. 47–085–22895–0000
3. 108 000 000
4. Go Distribution Co Inc
5. Welsh #1
6. Murphy
7. Ritchie WV
8. 1.8 million cubic feet
9. January 7, 1980
10. Carnegie Nat Gas

1. 80–11606

2. 47–085–22896–0000
3. 108 000 000
4. Co Distribution Co Inc
5. Baker #2
6. Union
7. Ritchie WV
8. 1.1 million cubic feet
9. January 7, 1980
10. Carnegie Nat Gas

1. 80–11607
2. 47–085–02921–0000
3. 108 000 000
4. Co Distribution Co Inc
5. Welsh #2
6. Murphy
7. Ritchie WV
8. 1.8 million cubic feet
9. January 7, 1980
10. Carnegie Nat Gas

1. 80–11608
2. 47–085–22947–0000
3. 108 000 000
4. Co Distribution Co Inc
5. Welsh #3
6. Union
7. Ritchie WV
8. 1.8 million cubic feet
9. January 7, 1980
10. Carnegie Nat Gas

1. 80–11609
2. 47–085–22958–0000
3. 108 000 000
4. GO Distribution Co Inc
5. Welsh #4
6. Murphy
7. Ritchie WV
8. 1.8 million cubic feet
9. January 7, 1980
10. Carnegie Nat Gas

1. 80–11610
2. 47–085–22985–0000
3. 108 000 000
4. GO Distribution Co Inc
5. Welsh #5
6. Union
7. Ritchie WV
8. 1.8 million cubic feet
9. January 7, 1980
10. Carnegie Nat Gas

1. 80–11611
2. 47–085–23577–0000
3. 108 000 000
4. GO Distribution Co Inc
5. Tate #3
6. Union
7. Ritchie WV
8. 6.5 million cubic feet
9. January 7, 1980
10. Carnegie Nat Gas

1. 80–11612
2. 47–085–22453–0000
3. 108 000 000
4. GO Distribution Co Inc
5. Tate #4
6. Union
7. Ritchie WV
8. 1.2 million cubic feet
9. January 7, 1980
10. Carnegie Nat Gas

1. 80–11613
2. 47–085–22688–0000
3. 108 000 000
4. GO Distribution Co Inc
5. Hall #2
6. Clay
7. Ritchie WV
8. 2.1 million cubic feet
9. January 7, 1980
10. Equitable

1. 80–11614
2. 47–021–21318–0000
3. 108 000 000
4. Ean Inc
5. Wilcox #3
6. Troy
7. Gilmer WV
8. .5 million cubic feet
9. January 7, 1980
10. Equitable Gas

1. 80–11615
2. 47–021–21324–0000
3. 108 000 000
4. Ean Inc
5. Talbott #2
6. Troy
7. Gilmer WV
8. .2 million cubic feet
9. January 7, 1980
10. Equitable Gas

1. 80–11616
2. 47–021–21338–0000
3. 108 000 000
4. Ean Inc
5. Wilcox #4
6. Troy
7. Gilmer WV
8. .5 million cubic feet
9. January 7, 1980
10. Equitable Gas

1. 80–11617
2. 47–008–20529–0000
3. 108 000 000
4. Ean Inc
5. Grose #1
6. Birch
7. Braxton WV
8. 3.1 million cubic feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11618
2. 47–007–20537–0000
3. 108 000 000
4. Ean Inc
5. Grose #2
6. Birch
7. Braxton WV
8. 5.6 million cubic feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11619
2. 47–085–21854–0000
3. 108 000 000
4. Ean Inc
5. Maxwell #3
6. Union
7. Ritchie WV
8. 1.4 million cubic feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11620
2. 47–085–21913–0000
3. 108 000 000
4. Ean Inc
5. Maxwell #4
6. Union
7. Ritchie WV
8. 1.4 million cubic feet
9. January 7, 1980
10. Consolidated Gas Supply Corp

1. 80–11621
2. 47–021–21340–0000
3. 108 000 000
4. Ean Inc
5. Ralston #1
6. Troy
7. Gilmer WV
8. .2 million cubic feet
9. January 7, 1980
10. Equitable Gas Co

1. 80–11622
2. 47–097–20019–0000
3. 108 000 000
4. Standard Gas Co
5. Hefner #1
6. Meade
7. Upshur WV
8. 1.0 million cubic feet
9. January 7, 1980
10. Columbia Gas Transmission Corp

1. 80–11623
2. 47–097–20044–0000
3. 108 000 000
4. Standard Gas Co
5. Young #1
6. Meade
7. Upshur WV
8. 1.8 million cubic feet
9. January 7, 1980
10. Columbia Gas Transmission Corp

1. 80–11624
2. 47–097–20371–0000
3. 108 000 000
4. Standard Gas Co
5. Cleavenger #1
6. Buckhannon
7. Upshur WV
8. 3.4 million cubic feet
9. January 7, 1980
10. Columbia Gas Transmission Corp

1. 80–11625
2. 47–097–20399–0000
3. 108 000 000
4. Standard Gas Co
5. Linger #1
6. Washington
7. Upshur WV
8. 3.1 million cubic feet
9. January 7, 1980
10. Columbia Gas Transmission Corp

1. 80–11626
2. 47–097–20410–0000
3. 108 000 000
4. Standard Gas Co
5. Linger #2
6. Washington
7. Upshur WV
8. 2.2 million cubic feet
9. January 7, 1980
10. Columbia Gas Transmission Corp

1. 80–11861
2. 47–097–20414–0000
3. 108 000 000
4. Standard Gas Co
5. Linger #3
6. Washington
7. Upshur WV
8. 22.4 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11862
2. 47–097–20452–0000
3. 108 000 000
4. Standard Gas Co
5. Poling #1
6. Buckhannon

7. Upshur WV
8. 6.8 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11863
2. 47–097–20462–0000
3. 108 000 000
4. Standard Gas Co
5. Zirkle Martin #1
6. Buckhannon
7. Upshur WV
8. 6.8 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11864
2. 47–097–20468–0000
3. 108 000 000
4. Standard Gas Co
5. Buckhannon CC #1
6. Washington
7. Upshur WV
8. 6.6 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11865
2. 47–097–20477–0000
3. 108 000 000
4. Standard Gas Co
5. Buckhannon CC #2
6. Washington
7. Upshur WV
8. 6.6 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11866
2. 47–097–20864–0000
3. 108 000 000
4. Standard Gas Co
5. St Clair #3
6. Buckhannon
7. Upshur WV
8. .0 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11867
2. 47–001–01082–0000
3. 103 000 000
4. Fox Drilling Co Inc
5. T Poe #1 (47–001–1082)
6. Belington Field
7. Barbour County WV
8. 120.0 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11868
2. 47–001–01088–0000
3. 103 000 000
4. Fox Drilling Co Inc
5. Stewart #1 (47–001–1088)
6. Belington Field
7. Barbour County WV
8. 120.0 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11869
2. 47–001–01121–0000
3. 103 000 000
4. Fox Drilling Co Inc
5. R K Talbott #2 (47–001–1121)
6. Belington Field
7. Barbour County WV
8. 110.0 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11870
2. 47–001–01124–0000
3. 103 000 000
4. Fox Drilling Co Inc
5. Mulson #1 (47–001–1124)
6. Belington Field
7. Barbour County WV
8. 100.0 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11871
2. 47–085–01662–0000
3. 108 000 000
4. Morris Oil & Gas Co
5. C Burke Morris #1
6. Union
7. Ritchie WV
8. 12.5 million cubic feet
9. January 8, 1980
10. Carnegie Natural Gas Co

1. 80–11872
2. 47–001–01107–0000
3. 103 000 000
4. Fox Drilling Co Inc
5. Stemple #1 (47–001–1107)
6. Belington Field
7. Barbour County WV
8. 100.0 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11873
2. 47–001–01109–0000
3. 103 000 000
4. Fox Drilling Co Inc
5. Conner #1 (47–001–1109)
6. Belington Field
7. Barbour County WV
8. 115.0 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11874
2. 47–001–41114–0000
3. 103 000 000
4. Fox Drilling Co Inc
5. Auvil #1 (47–001–1114)
6. Belington Field
7. Barbour County WV
8. 120.0 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11875
2. 47–001–01115–0000
3. 103 000 000
4. Fox Drilling Co Inc
5. R K Talbott #1 (47–001–1115)
6. Belington Field
7. Barbour County WV
8. 110.0 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

1. 80–11876
2. 47–001–01104–0000
3. 103 000 000
4. Fox Drilling Co Inc
5. McCauley #1 (47–001–1104)
6. Belington Field
7. Barbour County WV
8. 100.0 million cubic feet
9. January 8, 1980
10. Columbia Gas Transmission Corp

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–11282/NM–4437–79
2. 30–015–22930–0000–0
3. 103 000 000
4. General American Oil Company of Tex
5. Green B #9
6. South Empire Morrow
7. Eddy NM
8. 1,825.0 million cubic feet
9. January 9, 1980
10. Transwestern Pipeline Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 21, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–3819 Filed 2–5–80; 8:45 am]

BILLING CODE 6450–01–M

[Project No. 2812]

Appalachian Power Co.; Finding of No Significant Impact

January 31, 1980.

Take notice that the staff of the Federal Energy Regulatory Commission has prepared a finding of no significant impact (FNSI) on the application of Appalachian Power Company for a preliminary permit to maintain priority of application for a license for the 3,000-MW Brumley Gap Pumped Storage Project, FERC No. 2812. The FNSI is based upon an environmental assessment of the geo-technical and environmental field studies and related activities that would be conducted by APCO at the site of the proposed project if a preliminary permit is issued. The site is located on Brumley Creek, a tributary of the North Fork Holston River, at Brumley Gap in Washington County, Virginia, near the Town of Holston.

The FNSI presents the staff's determination that issuance of the proposed preliminary permit would not

constitute a major Federal action significantly affecting the quality of the human environment, and thus does not require preparation of an environmental impact statement.

A copy of FNSI, which incorporates the environmental assessment, has been placed in the public file for this proceeding and is available for inspection in the Commission's Office of Congressional and Public Affairs, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426. Copies are available in limited quantities upon request.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-3814 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-200]

Cliffs Electric Service Co.; Proposed Tariff Change

January 31, 1980.

The filing Company submits the following:

Take notice that on January 23, 1980, Cliffs Electric Service Company (Service Co.) tendered for filing a change in its rate schedule FERC No. 6 which would increase the rate for incidental energy delivered to the City of Marquette Board of Light and Power from 27.5 mills/kwh to 29.1 mills/kwh. No other change in Service Company's Power Sale Agreement with the City of Marquette is requested by this filing.

Service Company requests an effective date sixty days from the date of this filing.

Any person desiring to be heard or to protest this 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 Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 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. 80-3815 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP80-11]

Columbia Gas Transmission Co.; Third Party Protest[1]

January 29, 1980.

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 Columbia Gas Transmisison Company (Columbia) that the contracts identified in its protest constitute contractual authority for the producers to charge and collect the applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff asserts that the contracts contained in Appendix A do not provide authority for the producer to increase prices to the extent claimed by Columbia in its evidentiary submission.

Take further notice that the Associated Gas Distributiors (AGD) also filed a third-party protest on October 15, 1979. AGD protests that the contracts in Appendix B do not provide 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, "Florida Cities", the Gas Consumers Group, the Kansas State Corporation Commission, the Cities of Mangum, Oklahoma and Winfield, Kansas, Congressman Andrew Maguire, 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 those protests should file with the Commission, on or before February 11, 1980, a petition to intervene in accordance with 18 C.F.R. 1.8. The seller need not file for intervention because under 18 CFR 154.94(j)(4)(ii), the seller is automatically joined as a party.

Lois D. Cashell,

Acting Secretary.

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[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
Amoco Production Co.	78
Amoco Production Co.	173
Amoco Production Co.	174
Amoco Production Co.	190
Columbia Gas Development Corporation	10, 17
Exxon Corporation	26
Exxon Corporation	357
Forest Oil Corporation	50
Getty Oil Corporation	26
Getty Oil Corporation	223
Jay Simmons Trust	11-1-74
Petro-Lewis Funds, Inc.	1-15-54
Rebstock Producing Co.	11-1-74
Reeves Producing Co.	1-11-74
Superior Oil Co.	225
Texas Eastern Exploration Co.	14
Union Oil Co. of California	168
Union Oil Co. of California	223
Union Oil Co. of California	234
Union Texas Petroleum	120
CNG Producing Co.	44
Columbia Gas Development Corporation	23, 25
Columbia Gas Development Corporation	26
Columbia Gas Development Corporation	34
Felmont Oil Corporation	27
Forest Oil Corporation	62
Forest Oil Corporation	63
Issac Arnold, *et al.*	2
Exxon Corporation	489
Texaco, Inc.	2
Texaco, Inc.	463
Amoco Production Co.	760
Case Pomeroy Oil Corporation	9
Felmont Oil Corporation	29
Columbia Gas Development Corporation	21
Columbia Gas Development Corporation	22
Texaco, Inc.	4
Texaco, Inc.	306
Texaco, Inc.	364
Texaco, Inc.	539
Texaco, Inc.	7-1-76
Columbia Gas Development Corporation	7-10-78
Columbia Gas Development Corporation	8-8-78
Columbia Gas Development Corporation	9-29-78
Tenneco Exploration	16
Texas Oil & Gas Corporation	7-10-78
Texas Oil & Gas Corporation	9-29-78
Columbia Gas Development Corporation	12-6-78
Pancanadian Petroleum Corp.	1-9-79
Texaco, Inc.	560
Columbia Gas Development Corporation	8
Forest Oil Corporation	49

Appendix B

Producer	Rate schedule No. 1 or contract date
Ada Land Company	
Windson Gas Corporation	6
The Wiser Oil Company	6
Alminex U.S.A. Inc.	6
Canadian Superior Oil, Ltd	9
Natresco, Inc.	4
The Superior Oil Co.	367
Aminoil USA, Inc.	9-13-76
H. W. Bass & Sons	9-13-76
Case Pomeroy Oil Corp	7
Clark Oil Producing Co.	9-13-76
CNG Producing Co.	44
Columbia Gas Development Corporation	18
Columbia Gas Development Corporation	23
Columbia Gas Development Corporation	26
Columbia Gas Development Corporation	34
Felmont Oil Corp	24
Felmont Oil Corp	27
Felmont Oil Corp	29
Forest Oil Corp	62
Forest Oil Corp	63
Home Petroleum Corp	9-13-76
Amerada Hess Corp.	5-10-79
Exxon Corporation	620
The Louisiana Land & Exploration Co	27
AMOCO Production Company	219

Appendix B—Continued

Producer	Rate schedule No. 1 or contract date
AMOCO Production Co	78
AMOCO Production Co	174
AMOCO Production Co	641
Celtexo Corporation	6
Energy Reserves Group, Inc	109
Ethyl Development Corp	5-25-79
Exxon Corporation	562
Frank's Petroleum Inc	6-13-66
General American Oil Co. of Texas	70
Oxy Petroleum Inc	11-1-66
Sun Oil Company	38
AMOCO Production Co	173
AMOCO Production Co	190
AMOCO Production Company	384
Arco Oil & Gas Co	519
The Superior Oil Co	217
Superior Oil Co	225
American Petrofina Company of Texas	9
American Petrofina Company of Texas	67
American Petrofina Company of Texas	68
Inexco Oil Co	11-7-77
M. L. Mayfield	1-25-54
Exchange Oil & Gas Corp	34
Exxon Corporation	23
Exxon Corporation	24
Exxon Corporation	26
Exxon Corporation	357
Exxon Corporation	545
Exxon Corporation	546
Exxon Corporation	575
Exxon Corporation	577
Exxon Corporation	578
Exxon Corporation	580
Exxon Corporation	596
Exxon Corporation	617
Exxon Corporation	631
Exxon Corporation	632
Exxon Corporation	633
Exxon Corporation	635
Exxon Corporation	636
Exxon Corporation	637
Exxon Corporation	639
Gulf Oil Corp	363
Robert Mosbacher	3-20-75
Texas Pacific Oil Co	3
AMOCO Production Co	198
AMOCO Production Company	240
Sun Oil Company	367
AMOCO Production Company	431
AMOCO Production Company	731
Columbia Gas Development Corporation	16
Columbia Gas Development Corporation	17
Exxon Corporation	518
Exxon Corporation	528
Exxon Corporation	530
Exxon Corporation	541
Getty Oil Co	203
Getty Oil Co	223
Getty Oil Co	396
Phillips Petroleum Co	519
Texas Eastern Exploration Co	14
TexasGulf Inc	11-14-72
TexasGulf Inc	7-22-75
Union Oil Co. of California	168
Union Oil Co. of California	223
Union Oil Co. of California	234
Union Texas Petroleum	111
Exxon Corporation	135
General American Oil Co. of Texas	60
General American Oil Co. of Texas	64
McMoran Exploration Co	7-28-78
Union Oil Co. of California	12
Exxon Corporation	480
Exxon Corporation	488
Exxon Corporation	491
Exxon Corporation	492
Exxon Corporation	506
Exxon Corporation	531
Exxon Corporation	532
Exxon Corporation	534
Exxon Corporation	538
Exxon Corporation	539
Texas Gas Exploration Co	32
Exxon Corporation	567
Exxon Corporation	574
Exxon Corporation	588
Exxon Corporation	605

Appendix B—Continued

Producer	Rate schedule No. 1 or contract date
Exxon Corporation	610
Exxon Corporation	489
Texaco Inc	446
Texaco Inc	454
Texaco Inc	463
AMOCO Production Co	723
AMOCO Production Co	644
Union Texas Petroleum	134
AMOCO Production Company	539
Bethlehem Steel Corp	3
C & K Marine Production Company	11-23-77
Can Del Oil (U.S.) Inc	11-23-77
Four M Properties Ltd	11-23-77
Ocean Production	22
St. Joe Petroleum (U.S.) Corp	11-23-77
Texas Exploration Co	28
Exxon Corporation	585
Callery Properties, Inc	8-21-73
Davis Oil Co	1-11-71
Edgewater Oil Co. Inc	5-31-67
Edgewater Oil Co. Inc	4-1-72
Exchange Oil & Gas Corp	22
Exchange Oil & Gas Corp	28
Robert Mosbacher	8-23-73
Texas International Petroleum Corp	4-26-72
W. W. F. Oil Corporation	9-14-64
Columbia Gas Development Corporation	8
Forest Oil Corp	49
Columbia Gas Development Corporation	10
Forest Oil Corp	52
Columbia Gas Development Corporation	12
Arco Oil & Gas Co	63
Arco Oil & Gas Co	166
Arco Oil & Gas Co	261
Apache Corporation	9-11-78
California Co. (Chevron Oil)	23
Columbia Gas Development Corporation	19
Columbia Gas Development Corporation	25
Earl P. Burke, Jr., *et al.*	8-30-78
Earl P. Burke, Jr., *et al.*	1-16-79
Hydrocarbon Exploration Co. Inc	2-6-79
Miles Kimball Co	1-16-79
Riner Exploration Corp	1-17-79
Southport Exploration	2-9-79
Union Oil Co. of California	246
Columbia Gas Development Corporation	15
Sun Oil Company	76
Union Texas Petroleum	120
Windson Gas Corporation	4-1-72
Case Pomeroy Oil Corp	9
Columbia Gas Development Corporation	9
Forest Oil Corp	50
AMOCO Production Company	750
Isaac Arnold, *et al.*	6-28-63
Watson Petroleum Exploration, Inc. *et al.*	3-12-79
AMOCO Production Co	760
Tenneco Exploration Ltd	16
Texaco Inc	2
Shell Oil Co	3-1-79
Tenneco Exploration Ltd	16
Watson Petroleum Exploration, Inc. *et al.*	3-12-79
Texaco Inc	560
Texaco Inc	5
Texaco Inc	6
Sun Oil Company	98
Sun Oil Company	223
Phillips Petroleum Co	273
Oxy Petroleum Inc	12-8-78
James R. Moffett, *et al.*	3-1-74
Petro-Lewis Funds, Inc	10-31-52
Tennaco Oil Company	96
Texaco Inc	306
Mobil Oil Corp	423
Mobil Oil Corp	491
Northwestern Mutual Life Ins. Co	1
Exxon Corporation	618
Exxon Corporation	623
Exxon Corporation	627
Sun Oil Company	98
Sun Oil Company	223
Texaco Inc	560
Amoco Production Co	760
Great Southern Oil & Gas Company Inc	5-23-57
Momo Power Co	3-14-78
Mobil Oil Corp	534
Mesa Petroleum Co	1-4-79
Getty Oil Co	393

Appendix B—Continued

Producer	Rate schedule No. 1 or contract date
Getty Oil Co	404
TexasGulf Inc	9-12-72
Union Texas Petroleum	110
General American Oil Co	109
General American Oil Co of Texas	65
Frank's Petroleum Inc	2-14-79
Exxon Corporation	640
Getty Oil Co	26
Margaret Cullen Marshall, *et al.*	1-17-79
Exchange Oil & Gas Corp	6
Texaco Inc	2
Davis Oil Co	3-25-69
Petro-Lewis Funds, Inc	1-15-54
Petro-Lewis Funds, Inc	5-22-68
Exxon Corporation	634
Texaco Inc	5
Texaco Inc	6
Shell Oil Co	3-1-79
Mobil Oil Corp	141
Curt Weaver Oil Co	7-10-75
Curt Weaver Oil Co	4-18-67
James H. Kepper, Jr., *et al.*	11-1-74
Mid-Gulf Exploration Co	11-1-74
Rebstock Producing Co	11-1-74
Reeves Producing Co	1-11-74
Jay Simmons Turst	11-1-74
Crystal Oil Co	5-25-78
Crystal Oil Co	9-1-78
Harry H. Cullen, *et al.*	5-30-79
Exxon Corporation	624
Exxon Corporation	626
Exxon Corporation	644
Exxon Corporation	1-11-79
Exxon Corporation	5-1-79
General Crude Oil Co	4-6-79
Columbia Gas Development Corporation	4-9-79
Phillips Petroleum Co	4-25-79
Columbia Gas Development Corporation	7-10-78
Columbia Gas Development Corporation	8-8-78
Columbia Gas Development Corporation	9-29-78
Texas Oil & Gas Corp	7-10-78
Texas Oil & Gas Co	9-29-78
Columbia Gas Development Corporation	20
Columbia Gas Development Corporation	21
Columbia Gas Development Corporation	22
Texaco Inc	3
Texaco Inc	4
Texaco Inc	392
Texaco Inc	533
Texaco Inc	539
Texaco Inc	7-1-76
Texaco Inc	364
Texaco Inc	370
Columbia Gas Development Corporation	32
Columbia Gas Development Corporation	12-6-78
Pancanadian Petroleum Co	1-9-79
Columbia Gas Development Corporation	33

[FR Doc. 80-3820 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP79-19]

Mountain Fuel Supply Co.; Tariff Filing

January 31, 1980.

Take notice that on January 9, 1980, Mountain Fuel Supply Company (Mountain Fuel) filed First Revised Sheet No. 159 of Mountain Fuel's X-9 Rate Schedule, Original Volume No. 1, with a proposed effective date of June 18, 1979. Mountain Fuel states that it inadvertently failed to file this sheet in Docket No. RP79-19. Mountain Fuel further states that the X-9 rate is based on an agreement between Mountain Fuel and Colorado Interstate Gas Company (CIG) and that CIG has waived the notice requirements under Article 4.1 of the X-9 agreement.

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 February 13, 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. 80-3816 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-202]

Public Service Co. of Indiana, Inc.; Filing

January 31, 1980.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc. on January 25, 1980, tendered for filing pursuant to the Service Agreement between the City of Logansport, Indiana and Public Service Company of Indiana, Inc. a Notice of Termination to terminate such Service Agreement on May 22, 1980.

Such Notice of Termination is in accordance with Paragraph 3 of the Service Agreement under the provisions of Public Service Company of Indiana, Inc. FERC Electric Tariff Original Volume No. 1.

A copy of the filing was served upon the City of Logansport, Indiana and the Public Service Commission of Indiana.

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 February 22, 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. 80-3817 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders: Week of November 19 Through November 23, 1979

Notice is hereby given that during the week of November 19 through November 23, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Common Cause, Washington, D.C.; freedom of information, BFA-0026

Common Cause filed an Appeal from a partial denial by the Acting Director of the DOE Office of Personnel of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that certain of the documents which were initially withheld under Exemption 6 should be released to the public. Important issues that were considered in the Decision and Order were (i) whether the release of portions of a consultant's resume dealing with educational background and work experience would result in a clearly unwarranted invasion of the consultant's private affairs and (ii) whether the Acting Director responded adequately to a request for reports on the energy holdings of certain supervisory personnel.

Vinson & Elkins, Houston, Tex.; freedom of information, BFA-0025

Vinson & Elkins filed an Appeal from a partial denial by the Acting Chief Counsel, Region IX, of a Request for Information which the firm had submitting under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that one of seven documents which had been initially withheld under Exemption 5 should be released to the public, since it was a final policy determination of the DOE.

L. O. Ward, Enid, Okla.; freedom of information, DFA-0638

Mr. L. O. Ward filed an Appeal from a denial by the ERA Southwest District Office of Enforcement of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that all of the documents were properly withheld under Exemption 7(A). The Decision and Order considered the criteria for establishing that the burden of individually reviewing requested investigative records would interfere with an enforcement proceeding.

Exxon Co., U.S.A., Houston, Tex.; Motor gasoline, DEA-0639 through DEA-0642, DES-0639 through DES-0642

The Exxon Company, U.S.A. (Exxon) filed four related Applications for Stay and Appeals of four Orders for the Redirection of Product which the Economic Regulatory Administration Region IV Office of Petroleum Operations issued to the firm. Those Orders directed Exxon to supply motor gasoline to four Florida wholesale purchaser-resellers for the month of July, 1979, pursuant to 10 CFR 211.107(c). In considering the Appeals, the DOE found that the Redirection Orders did not contain sufficient evidence to justify the conclusion that the resellers were unable to obtain additional supplies of motor gasoline outside their marketing areas. Accordingly, the DOE determined that these Orders for the Redirection of Product be remanded to the ERA Region IV Office for further consideration and that the Applications for Stay be dismissed. The principal issue discussed in the Decision and Order was the requirement that a wholesale purchaser-reseller seeking relief under 10 CFR.211.107(c) demonstrate the impracticability of the firm's going outside its traditional market to obtain motor gasoline before receiving a Redirection Order from the ERA.

Price, Waterhouse & Co., Washington, D.C., freedom of information BFA-0022

Price, Waterhouse & Co. filed an Appeal from a denial by the Deputy Assistant Administrator for Enforcement, Economic Regulatory Administration, of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the Deputy Assistant Administrator properly withheld a list of firms to which Special Report Orders had been issued pursuant to Exemption 7(A) of the FOIA.

Remedial Orders

Armstrong Petroleum Corp., Newport Beach, Calif.; Crude oil, DRO-0150

Armstrong Petroleum Corporation objected to a Proposed Remedial Order which the DOE's Western Enforcement District issued to the firm. In the Proposed Remedial Order, the Western District found that the firm had improperly certified a certain property as stripper well property from September 1976 through December 1977 and therefore had sold crude oil at prices in excess of applicable ceiling price levels. In considering the firm's Objections, the DOE held that (1) the firm, as operator of a crude oil producing property, was properly served with the Proposed Remedial Order; (2) the property operated by the firm had been improperly certified as stripper well property during the audit period; and (3) the refund provisions of the Proposed Remedial Order should be modified to provide for a more certain refund. The DOE therefore modified the Proposed Remedial Order and issued it as a final Order.

California Petroleum Distributors, Inc., Westbury, N.Y.; motor gasoline, DRO–0100

California Petroleum Distributors, Inc. objected to a Proposed Remedial Order which the Region II Office of the Economic Regulatory Administration issued to the firm on August 7, 1978. In the Proposed Remedial Order, the Regional Office found that during the period November 1, 1973 through December 8, 1975 the firm had sold motor gasoline to its wholesale (reseller) classes of purchaser at prices in excess of those permitted under 6 CFR 150.359 and 10 CFR 212.93. In considering the firm's Objections, the DOE held that (1) when the firm received a discount from its suppliers' full prices and failed to prove its allegation that the discount was part of a bona fide settlement of litigation, it was prohibited from passing through the full prices (which it did not pay) as increased product costs under 10 CFR 212.93; (2) the firm had failed to present any evidence suggesting that the Regional Office incorrectly calculated the firm's weighted average unit cost of product in inventory; (3) the firm had not submitted any evidence showing that the Regional Office incorrectly determined the firm's classes of purchaser; and (4) an alleged prior audit of the firm which found the firm to be in compliance with applicable price regulations did not preclude the issuance of a Remedial Order to the firm. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order.

Requests for Exception

Greenbrier Hotel, White Sulphur Springs, W.Va.; temperature restrictions, DEE–8272

The Greenbrier Hotel filed an Application for Exception from the Emergency Building Temperature Restrictions which, if granted, would result in the public areas of the hotel being exempt from the Temperature Restrictions during the heating season. In considering the exception request, the DOE held that the cost of compliance with the Temperature Restrictions in this particular case is disproportionate to the benefits achieved because of the characteristics of the coal-fired steam generating heating system utilized by the Greenbrier. Accordingly, the DOE determined that Greenbrier was subject to an unfair distribution of burdens and its exception request should be approved.

Jerol R. Hodges, Los Angeles, Calif.; temperature restrictions, DEE–7780

Jerol R. Hodges filed an Application for Exception from the Emergency Building Temperature Restrictions which, if granted, would permit him to lower the temperature to 70°F in his office for reasons of personal health. In considering the request, the DOE found that Mr. Hodges had presented no medical evidence to demonstrate why a 78°F temperature level could not be maintained in his office without causing significant health consequences. The DOE determined that Mr. Hodge's request was based on a claim of personal discomfort, which did not form a proper basis for approval of exception relief. Accordingly, Mr. Hodges' exception request was denied.

Sinclair Oil Corp., Washington, D.C.; motor gasoline, DEE–5522

Sinclair Oil Corporation filed an Application for Exception from the provisions of the motor gasoline allocation regulations. In this Application, Sinclair requested that the DOE issue an Order increasing the quantity of motor gasoline which it is entitled to receive during certain months from the Atlantic Richfield Company. In considering the request, the DOE found that Sinclair had historically purchased substantial quantities of gasoline from Arco pursuant to an anti-trust decree and that Sinclair had voluntarily purchased gasoline on the spot market and not from Arco during a portion of the base period at Arco's specific request, as a result of difficulties that Arco refineries were experiencing. The DOE found that exception relief was necessary to restore to Sinclair the quantity of gasoline which the firm would otherwise have purchased from Arco. Accordingly, exception relief was granted. However, the DOE ordered an offsetting reduction in the supply obligations to Sinclair of the spot-market firms with whom Sinclair had dealt during the base period.

Universal Mineral Corp., Dallas, Tex.; crude oil, DEE–1834

Universal Mineral Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D in which the firm sought permission to sell crude oil produced from the No. 1 Humble-Dowdy Fee Lease at market price levels. In considering the request, the DOE found that exception relief was necessary to provide an economic incentive for the firm to continue production from the property. Accordingly, exception relief was granted.

Requests for Stay

Raypak, Inc., Westlake Village, Calif., application for stay BES–0009, Teledyne Laars, North Hollywood Calif., BES–0009

On October 19, 1979, Raypak, Inc. and Teledyne Laars filed a joint Application for Stay from the requirements of the test procedures specified in 10 CFR, Part 430, until such time as a suitable test procedure for the boilers which they manufacture is prescribed by the DOE. In considering the Application, the DOE determined that the denial of the requested stay would result in more immediate hardship and inequity to the firms than to any other interested persons. The DOE also found that the applicants had demonstrated a substantial likelihood of success on their underlying exception applications. The firms' stay request was therefore granted.

Southwestern Refining Co., Inc., Washington, D.C.; crude oil, BES–0005

Southwestern Refining Company, Inc. filed an Application for Stay from the requirement that it purchase entitlements pursuant to 10 CFR 211.67. In considering the Application the DOE determined that the financial material which the firm had filed indicated that the firm would attain a profit and would not incur a serious financial hardship in the absence of a stay. The DOE further determined that Southwestern had failed to satisfy any of the criteria for the approval of a stay. Southwestern's stay request was therefore denied.

Western Refining Co., Salt Lake City, Utah; application for stay, BES–0003

Western Refining Company filed an Application for Stay from the requirement that it purchase entitlements during the months of August 1979 and September 1979 in accordance with 10 CFR 211.67. In considering the Application, the DOE determined that Western had not shown either that it would incur a special hardship if it consumated its entitlements purchase obligations or that the standards for the granting of a stay had otherwise been met. Western's stay request was therefore denied.

Motion for discovery

Mobil Oil Corp., New York, N.Y.; motion for discovery, BED–0015

On November 6, 1979, Mobil Oil Corporation filed a Motion to Compel the Production of Data by Koch Refining Company in connection with a scheduled evidentiary hearing with respect to Appeals filed by Mobil from certain Canadian crude oil Allocation Notices. In considering the request, the DOE determined that Mobil could establish expertise in purchasing crude oil by posing appropriate questions at the evidentiary hearing. Accordingly, the Motion for Discovery was denied.

Protective Orders

The following firm filed an Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy:

Name, Location, and Case No.

Mobil Oil Corp., Washington, D.C.; BEJ–0001

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE propose to grant in an order issued on the same date as the Interim Order:

Company name, location, and case No.

Rally Oil Co., Washington, D.C.; DEN–2542
Lipscomb Oil Co., Greenville, Miss., DEN–2858
Delta Pet. Corp., Fort Lauderdale, Fla., DEN–2368
Ray's Auto Station, Pawtucket, R.I., DEN–7528
C&B Exxon, Huntsville, Ala., DEN–8243

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed Applications for Exception and Temporary Exception from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. After reviewing the material presented by this firm, the DOE issued a Decision and Order which determined that each of these petitions should be dismissed without prejudice to a refiling at a later date.

Company Name, Location, and Case No.

Naph-Sol Ref. Co., Inc., Washington, D.C.; BEL-0243, BEE-0243

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case No.

Antler Resort & Marina, DEE-7148
Bouquet Canyon Chevron, DEE-4584
Cliff's Mobil, DEE-4328
Filbert's Chevron, DEE-4376
Exxon Co., USA, DES-0639 through DES-0642
Kenneth W. Boyd, DEE-4638
Phillips & Son, Inc., DEE-4620
Bob Lee's, Inc., DEE-6157
C & M Oil Co., Inc., DEE-4244; DES-4244
Fargo Oil Co., DEE-2909
Hodgdon Sales & Service, DEE-7713
Kate's Mini Store, DEE-6436
Phenix Pet. Products, DEE-2458
Plymouth Gulf Services, DEE-6837
R. L. Jordan Oil Co., DEE-8133
Rally Oil Co., DES-2542
Ray Modrell Trucking, DEE-5761
Rosan, Inc., DEE-6079
Sidney Smith, DEE-4919
Jack King, DEE-6060
Jackson Oil Co., BEE-0260
Michael Patton, DEE-4726
Midland Oil Co., DEE-3169
N. C. Ginther, DRO-0302
Northern Pet., Inc., DEE-5430
Publicker Industries, DEE-7356
Tri-S-Mobil, Inc., DEE-6418
Verma Chevron, DEE-4921
Carl Stuckey, DEE-6181; DES-6181
Keenan's Sunoco, DEE-6007
LBM Distributors, DEE-3625
Rutledge Oil Co., DEE-5743
Scott Paper Co., BEE-0099; BES-0099
Troy's Garage, DEE-4321
Wakefield Service, DEE-4323

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

January 31, 1980.

[FR Doc. 80-3844 Filed 2-5-80; 8:45 am]

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Issuance of Decisions and Orders; Week of December 17 Through December 21, 1979

Notice is hereby given that during the week of December 17 through December 21, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Miller & Chevalier, Washington, D.C. BFA-0066, freedom of information

Miller & Chevalier filed an Appeal from a partial denial by the ERA Assistant Administrator for Enforcement of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that portions of one document which had been withheld under Exemption 5 embodied the official policy of DOE Region VI and should therefore be released to the public. The DOE determined that the remaining material had been properly withheld under Exemption 5.

PRC Energy Analysis Co., McLean, Va., BFA-0073, freedom of information

PRC Energy Analysis Company filed an Appeal from a partial denial by the Office of Procurement Operations of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE concluded that a contract proposal had been properly withheld under Exemption 4 prior to the time of the contract award but subsequent to the selection of the winning proposal. The DOE also determined that the numerical weights assigned to the contract proposal evaluation criteria had been properly withheld under Exemption 5. Finally, the DOE concluded that portions of one requested document should be released to the public.

Requests for Exception

Advanced Sales Corp., St. Petersburg, Fla., DEE-1778, motor gasoline

Advanced Sales Corporation filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought to be assigned a lower-priced supplier of motor gasoline to replace Triangle Refineries, Inc., it base period supplier. In considering the request, the DOE found that the firm had failed to demonstrate that the prices it was being charged by Triangle were substantially in excess of the prices which Advanced Sales' competitors were paying for gasoline. Accordingly, exception relief was denied.

Howard B. Barnwell, Jr., Chattanooga, Tenn., BEE-0455, temperature restrictions

Howard B. Barnwell, Jr. filed an Application for Exception from the provisions of 10 CFR, Part 490 in which he sought permission to raise the maximum heating temperature in his office above 65°F and to lower the minimum cooling temperature below 78°F. In considering his request, the DOE found that exception relief was necessary to alleviate a serious health risk to Mr. Barnwell. Accordingly, exception relief was granted.

BGN LP Gas Co., Stryker, Ohio, DEE-1398, propane

BGN LP Gas Company filed an Application for Exception from the provisions of 10 CFR 212.111(c)(1) in which the firm sought to increase its maximum allowable selling price of propane upon purchasing the assets of an existing propane retailer. In considering the request, the DOE found that exception relief was necessary to provide local consumers with a continued supply of inexpensive propane and to prevent an independent marketer from going out of business. Accordingly, exception relief was granted.

Central Florida Gas Corp., Winter Haven, Fla., DEE-8022, reporting requirements

Central Florida Gas Corporation filed an Application for Exception from the reporting requirements of Form EIA-149 ("Natural Gas Supply, Requirements, and Usage") in which the firm contended that the requirements imposed a serious hardship on the firm. In considering the request, the DOE found that the firm had refused to submit information to support its claims. Accordingly, exception relief was denied.

Country Club Apartments, Columbus, Ga., DEE-7546, temperature restrictions

Country Club Apartments filed an Application for Exception from the provisions of 10 CFR, Part 490 in which the firm sought permission to lower the minimum cooling temperature in its offices to 74°F and to raise the maximum heating temperature to 72°F. In considering the request, the DOE found that exception relief was necessary to alleviate a serious health risk to an employee of the firm. Accordingly, exception relief was granted.

Doug's Distributing Co., Gilbertsville, Ky., DEE-3512, motor gasoline

Doug's Distributing Company filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE concluded that any financial difficulties which Doug's was experiencing were directly attributable not to the new base period, but to the firm's discretionary business decisions. Accordingly, exception relief was denied.

El Paso Natural Gas Co., El Paso, Tex., DEE-1113, reporting requirements

El Paso Natural Gas Company filed an Application for Exception from the provisions of 10 CFR 211.17(b) and 10 CFR 211.222 in which the firm sought an permission to use a reporting procedure in place of Form FEO-1000, the "Prime Suppliers Monthly Report." In considering the request, the DOE found that exception relief was appropriate to permit El Paso accurately to report the names and addresses of its customers. Accordingly, exception relief was granted.

Frank Pure Food Co., Franksville, Wis., BEO-0212, temperature restrictions

Frank Pure Food Company filed an Application for Exception from the provisions of 10 CFR, Part 490 in which the firm sought permission to raise the maximum heating temperature in its employees' lunch room above 65°F. In considering the request, the DOE found that the firm had not supported its claim that its employees would face a health risk if the firm complied with the DOE Temperature Restrictions. Accordingly, exception relief was denied.

Larry Flynt Publications, Inc., Los Angeles, Calif., DEE–7783, temperature restrictions

Larry Flynt Publications, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 490 in which the firm sought permission to lower its minimum cooling temperature below 78°F. In considering the request, the DOE found that exception relief was necessary because compliance with the DOE Temperature Restrictions would pose a serious health risk to Larry Flynt. Accordingly, exception relief was granted.

Shaw Shell Service, Los Angeles, Calif., DOE–0373, motor gasoline

Shaw Shell Service filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to enable Shaw and Shell Oil Company to realize a reasonable return on capital investments made at Shaw's retail outlet. Accordingly, exception relief was granted directing Shell Oil Company to establish an appropriate base period volume for Shaw for the months of July through September 1979, based on the base period use of the nearest comparable Shell retail outlet in Shaw's marketing area.

Request for Temporaray Exeception

Cities Service Co., Tulsa, Okla., BEL–0020, gasohol

Cities Service Company filed an Application for Temporary Exception from the DOE motor gasoline allocation regulations. In its application, the firm sought to sell gasoline in the form of Gasohol to designated retail outlets in excesss of the outlets' allocation entitlements. In considering the request, the DOE determined that temporary exception relief would help to relieve the shortage of motor gasoline in the United States and would provide additional information concerning the feasibility of marketing Gasohol. Accordingly, temporary exception relief was granted.

GSC/Six Flags Corp., Los Angeles, Calif., BES–0373, BEL–0371, motor gasoline

GSC/Six Flags Corporation filed Applications for Stay and Temporary Exception from the provisions of 10 CFR 210.62, 10 CFR 211.17, and 10 CFR, Part 212, Subpart E, in which the firm sought to construct and operate retail motor gasoline outlets at six amusement parks which it operates. In considering the Applications, the DOE determined that Six Flags had not satisfied the criteria for the Granting of a Stay or Temporary Exception. Six Flags' requests were therefore denied.

Kerr-McGee Corp., Oklahoma City, Okla., BEL–0457, crude oil

Kerr-McGee Corporation filed an Application for Temporary Exception in which the firm sought to be assigned 61,495 barrels of crude oil per day in order to offset its losses of imported crude oil. In considering the request, the DOE determined that the Application for Temporary Exception should be denied.

Texas Oil Marketers Association, Austin, Tex., BEL–0436, motor gasoline

The Texas Oil Marketers Association (TOMA) filed an Application for Temporary Exception from the provisions of 10 CFR 212.93 in which the association sought to increase its members' maximum allowable prices of motor gasoline to reflect increased non-product costs. In considering the request, the DOE determined that the resellers and reseller-retailers belonging to TOMA constituted a class. The DOE further determined that Temporary exception relief was appropriate for those members of the class with net losses in their most recent fiscal year or with net profits which had decreased and were no greater than $25,000 per year. Accordingly, temporary exception relief was granted in part.

Request for Stay

La Gloria Oil & Gas Co., Houston, Tex., BES–0056, gasohol

La Gloria Oil & Gas Company filed an Application for Stay from the requirement that it supply motor gasoline to American Agri-Fuels Corporation pursuant to an assignment order issued to the firm by the Region VII Office of Petroleum Operations. In considering the Application, the DOE determined that the order imposed a substantial burden on the firm which might be disproportionate to the burdens imposed upon the other firms that were assigned to supply American Agri-Fuels. La Gloria's stay request was therefore granted.

Interim Orders

Union Oil Co. of California, Los Angeles, Calif. BEN–0009, crude oil

On December 21, 1979, the Union Oil Company of California was granted interim exception relief which immediately implemented the exception relief which the DOE proposed to grant in an order issued on the same day.

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in orders issued on the same date as the Interim Orders:

Company Name, Location, and Case No.

Advanced Sales Corp., St. Petersburg, Fla., DEN–8251
Berry's Garage, Tyngsboro, Mass., DEN–6819
Handi-Car, Inc., Chevron U.S.A., Inc., Tucson, Ariz., DEN–4605
Harrison Gas & Oil, Inc., Los Angeles, Calif., BEN–0245
John's Standard Service, College Park, Ga., DEN–7520
Midway Petroleum, Inc., Dundalk, Md., DEN–3851
Stonewall County, Tex., Aspermont, Tex., DEN–8248

Protective Orders

The following firms filed applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Orders submitted by the firms. The DOE granted the following applications and issued the requested Protective Orders as Orders of the Department of Energy:

Company Name, Location, and Case No.

Ashland Oil, Inc.,
Getty Oil Co., Washington, D.C., BEJ–0004
Marathon Oil Co., Washington, D.C., BEJ–0005
Mobil Oil Corp., Washington, D.C., BEJ–0006
Standard Oil Co. of Indiana, Washington, D.C., BEJ–0007
Texaco, Inc., Washington, D.C., BEJ–0008

Petitions involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Decision and Order which determined that the request be granted.

Company Name, Location, and Case No.

North Bellmore Exxon, North Bellmore, N.Y., DXE–7973
U–Needa Carwash, Inc., Woodlyn, Pa., DOE–0358

The following firms filed Applications for Exception, Stay, Temporary Stay, and/or Temporary Exception from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocations of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Location, and Case No.

Airline Shell, Bossier City, La., BEO–0059
Q–T–S Oil Co., Port Chester, N.Y., DEE–6747

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case No.

Albina Fuel Company, DRO–0209
Architectural Woodwork Institute, BEE–0248; BES–0248
Cortlandt Servicenter, DEE–7996
Dasher Gas Service Co., DEE–6456
Katherine Aymond, DEE–7666
Lloyd Engeran, DEE–7665
Manufacturers Business Forms Ltd., DEE–7632
Gulf Oil Co.—U.S.A., DEE–7579
Petroleum Treating Company, BST–0027; BEL–0027
Sav-Mor Oil Company, DEE–5905; DST–5905
Stephan Oil Company, DEE–6546
Amber Lubricants Co., DEE–7505
Beacon of Sheepshead Bay, Inc., DEE–6320
Charlestowne Exxon, DEE–6739
Clean Coal Corp., DEE–8290
D & D Service, DEE–6667
David A. Wheatly Oil, DEE–8291
Guyer's Auto Service, DEE–6912
Iowa Oil Company, DEE–2776
J. Marzano & Son, DEE–2411
Ken Ruby Construction, DEE–3504
Kilgore Oil Company, DEE–5874
Midway Mobil Service, DEE–4377
Nelson Oil Company, DEE–5916
Ouellette's Market, DEE–6777
Sing Brothers, DEE–2765; DES–2765; DST–2765

Thomas L. Bowman, DES–3391
Turner's Grocery, DEE–3189
Augy's Gulf, DEE–5403
Bell Oil Company, DEE–3286
Bobby L. Wixon, DEE–6395
Bradford Gulf, DEE–5703
Grossenbacher Oil Co., DEE–2324
Hikes Point Gulf, DEE–7190
Pitstop #3 Gas & Food, DEE–7376
Practical Mechanics, DEE–4031
Trzynka Automotive, DEE–2250
Altavista Minute Market, Inc., DEE–6523
Bob Linke, Inc., DEE–6595
Central Auto Service, DEO–0391
Chapman, Duff & Paul, BFA–0031
Crossroads Shell, DEE–7006
Jayhawk Oil Company, DEE–4234
Smith Brothers Fuel Company, Inc., DEE–4737
Starfire Service, DEE–7147

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

January 31, 1980.

[FR Doc. 80–3846 Filed 2–5–80; 8:45 am]

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Issuance of Decisions and Orders; Week of December 24 through December 28, 1979

Notice is hereby given that during the week of December 24 through December 28, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeal

L. J. Bonnaffons, Inc., New Orleans, La.; BEA–0046, BES–0046, motor gasoline

L. J. Bonnaffons, Inc. filed an Appeal and an Application for Stay from an assignment order issued by the Region VI Office of Petroleum Operations on October 31, 1979. In considering the Appeal, the DOE determined that the October 31 Order was erroneous because it failed to identify the "comparable outlet" which was used in making the assignment to Bonnaffons and because it assigned a quantity of gasoline which was less than the firm's original base period volume. The firm's Appeal was therefore granted, and its stay request was dismissed as moot.

Request for Exception

Southland Oil Co./VGS Corp., Washington, D.C.; DXE–3449, crude oil

Southland Oil Company filed an Application for Exception from the provisions of the Old Oil Entitlements Program (10 CFR 211.67) in which the firm sought to be relieved of its obligation to purchase entitlements for the period June through November 1979. On June 19, 1979, the DOE issued a Proposed Decision and Order in which it determined that the firm's obligation to purchase entitlements should be reduced by $708,195 per month during the period in question. In considering Southland's Statement of Objections to the June 19 Order, the DOE determined that the methodology it had employed to calculate the firm's current return on invested capital (ROIC) was consistent with the stated goals of entitlements exception relief. However, the DOE concluded that Southland's historical ROIC should have been calculated in the same fashion. Accordingly, the DOE recalculated Southland's historical ROIC and determined that the firm should be granted additional exception relief amounting to $3,103,932.

Request for Temporary Exception

Atlantic Richfield Co., Los Angeles, Calif.; BEL–0028
Beacon Oil Co., Washington, D.C.; BEL–0029
Cities Service Co., Tulsa, Okla.; BEL–0031
Derby Refining Co., Houston, Tex.; BEL–0033
Gulf Oil Corp., Houston, Tex.; BEL–0527
Pacific Resources, Inc., Honolulu, Hawaii; BEL–0035
Pester Refining Co., Washington, D.C.; BEL–0034
Phillips Petroleum Co., Bartlesville, Okla.; BEL–0032
Standard Oil Co. (Indiana), Chicago, Ill.; BEL–0023
Texaco, Inc., White Plains, N.Y.; BEL–0022
Time Oil Co., Washington, D.C.; BEL–0036
Total Petroleum Co., Detroit, Mich.; BEL–0037
United Refining Co., Warren, Pa.; BEL–0038
Vickers Petroleum Corp., Wichita, Kans.; BEL–0030, gasohol

The Atlantic Richfield Company and thirteen other refiners filed Applications for Temporary Exception from the provisions of 10 CFR 212.83 in which the firms sought permission to treat gasohol as a separate category and grade of gasoline under the refiner price regulations. In considering the request, the DOE found that temporary exception relief was necessary to further the production and marketing of gasohol by these refiners. Accordingly, temporary exception relief was granted.

Requests for Stay

Manatee Energy Co., Washington, D.C.; BES–0025, BST–0025, crude oil

Manatee Energy Company filed an Application for Temporary Stay and an Application for Stay of the provisions of 10 CFR 211.67 (the Entitlements Program). In considering the Applications, the DOE determined that Manatee had relied upon erroneous advice which it had received from DOE officials. The DOE therefore stayed a portion of Manatee's entitlement purchase obligations for December 1979 and spread the remainder of that obligation over a 12-month period.

Marathon Oil Co., Washington, D.C.; BES–0098, BST–0098, motor gasoline

Marathon Oil Company filed an Application for Temporary Stay and for Stay from the requirement that it supply Delta Petroleum Corporation with motor gasoline pursuant to an assignment order issued by the Region IV Office of Petroleum Operations. In considering the Applications, the DOE determined that Marathon had failed to show that it or its customers would suffer irreparable injury in the absence of immediate stay relief. In addition, the DOE determined that the regional office had not been required to comply with Subpart C of the DOE Procedural Regulations and that Marathon's due process rights had not been violated in the assignment order proceedings. Marathon's Applications for Temporary Stay and for Stay were therefore denied.

Mobil Oil Corp., BES–0026
Texaco, Inc., Washington, D.C.; BES–0052, motor gasoline

Mobil Oil Corporation and Texaco, Inc. filed Applications for Stay from the requirements that they furnish American Agri-Fuels Corporation with unleaded motor gasoline pursuant to orders issued to the firms by the Region VII Office of Petroleum Operations. In considering the Applications, the DOE determined that they raised identical issues and should therefore be consolidated. The DOE concluded that the firms has not demonstrated that they were likely to succeed on the merits of their Appeals of the Region VII orders, because the regulations cited by the firms do not apply to assignment orders issued pursuant to an exception decision of the Office of Hearings and Appeals. The stay requests were therefore denied.

Sinclair Marketing, Inc., Englewood, Colo.; BES–0059, BST–0059, motor gasoline

Sinclair Marketing, Inc. filed Applications for Temporary Stay and for Stay from the requirement that it supply American Agri-Fuels Corporation with unleaded motor gasoline pursuant to an assignment order issued to the firm by the Region VII Office of Petroleum Operations. In considering the Applications, the DOE determined that Sinclair has failed to submit any evidence that it would suffer an irreparable injury in the absence of temporary stay relief. The DOE also determined that Sinclair had failed to show that its due process rights had been violated by the issuance of the assignment order or that the order was factually incorrect. Sinclair's Applications for Temporary Stay and for Stay were therefore denied.

Vickers Petroleum Corp., Wichita, Kans.; BES–0055, BST–0055, motor gasoline

Vickers Petroleum Corporation filed Applications for Temporary Stay and for Stay from the requirement that it supply American Agri-Fuels Corporation with unleaded motor gasoline pursuant to an assignment order issued to the firm by the Region VII Office of Petroleum Operations. In considering the Applications, the DOE determined that

Vickers had failed to submit any evidence that it would suffer an irreparable injury in the absence of temporary stay relief. The DOE also determined that Vickers had failed to show that issuance of the assignment order violated the firm's due process rights. Vicker's Applications for Temporary Stay and for Stay were therefore denied.

Supplemental Order

Southland Oil Co./VGS Corp., Washington, D.C.; BEX-0021, crude oil

On December 27, 1979, the DOE issued a Decision and Order to Southland Oil Company/VGS Corporation in which the firm's obligation under 10 CFR 211.67 to purchase entitlements was stayed to the extent specified in a Proposed Decision and Order issued to the firm on the same day.

Warrior Asphalt Company of Alabama, Inc., Washington, D.C.; BEX-0017, crude oil

On December 27, 1979, the DOE issued a Decision and Order to Warrior Asphalt Company of Alabama, Inc. in which the firm's obligation under 10 CFR 211.67 to purchase entitlements was stayed to the extent specified in a Proposed Decision and Order issued to the firm on the same day.

Young Refining Corp., Washington, D.C.; BEX-0018, crude oil

On December 27, 1979, the DOE issued a Decision and Order to Young Refining Corporation in which the firm's obligation under 10 CFR 211.67 to purchase entitlements was stayed to the extent specified in a Proposed Decision and Order issued to the firm on the same day.

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in orders issued on the same date as the Interim Orders:

Company Name; Location and Case No.

North Side Center, Hamilton, MT; DEN-7919
Rousseau's Texaco, Meriden, CT; DEN-7348

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Stay, Temporary Stay, and/or Temporary Exception from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocations of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name; Location and Case No.

Herb's Amoco, Washington, D.C.; DEE-8063
Allen Keith, Panama City, FL; DEN-0004

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case No.

Batson Grocery & Hardware, DEE-7002
Quinoil Industries, DEE-7213

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

January 31, 1980.

[FR Doc. 80-3847 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; December 3 Through December 7, 1979

Notice is hereby given that during the period December 3 through December 7, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Application for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. 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. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

January 31, 1980.

Louisiana Power & Light Co., New Orleans, La., BEE-0316, natural gas

Lousiana Power and Light Company filed an Application for Exception from the reporting requirements set forth in Form EIA-149 ("Natural Gas Supply, Requirements and Usage"). The exception request, if granted, would relieve the firm of the obligation to prepare and submit Form EIA-149. On December 5, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Sabre Refining, Inc., Bakersfield, Calif., DXE-0170, crude oil

In accordance with a Decision and Order issued to Sabre Refining, Inc. which granted the firm exception relief from the provisions of 10 CFR 211.67 (the Entitlements Program), the firm submitted actual financial data for its 1978 fiscal year. On December 6, 1979, after reviewing the level of exception relief granted to Sabre under the applicable standards, the DOE issued a Proposed Decision and Order which determined that Sabre should purchase $122,673 of entitlements.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No., and Location

Happy Valley Exxon, DEE-7945; Lochgelly, WV.
Roarda, Inc., DEE-3342; Washington, DC.
Service Oil Co., DEE-8286; Washington, DC.
Southern Bell Telephone & Telegraph, DEE-8328; Washington, DC.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case No., Location

G. D. Armstrong, Co., Inc., DEE-2962; Laytonsville, MD.
H. C. Lester, Inc., DEE-5333; Collinsville, VA.
Jack Griffith Petroleum Products, Inc., DEE-4206; Stillwater, OK.
Lathan Oil Co., DEE-8191; Washington, D.C.
Stone's Store., DEE-7083; Reidsville, NC.
Gold Oil Company, DEE-7734.

L. E. Patrick, Jr., DEE–3657.
Bowen's Grocery, DEE–6091.
W. C. Eaton, Inc., DEE–4745.
Dick's Gulf Station, DEE–6847.
Oswald's Standard, DEE–3437.
S. M. Shapiro, DEE–4315.
Oakton Service Center, DEE–4392.
Ralph's Service Station, DEE–7103.
Weir Motors, DEE–5686.
Bruce's Service Center, DEE–5893.
Randolph Minor, DEE–3790.
Flower Exxon Service Center, DEE–5537.
William Loewy, DEE–4177.
Litton's Orchard Hills Amoco, DEE–5497.
Busbee Service Station, DEE–6103.
Ihinger Texaco, DEE–6012.
Libby Atherton, DEE–6995.
Dedham Ave. Texaco Service, DEE–6841.
Glaser's Amoco, DEE–7468.
Yoerg's Garage, DEE–6839.
Sun Valley Gasoline, Inc., DEE–6738.
Bristol Service Center, Inc., DEE–6184.
Circle ARCO, DEE–6036.
Winnie's Auto Service, DEE–7296.
Ah Tye Brothers Shell, DEE–7367.
Martone Brothers, Inc., DEE–5366.
Randolph Automotive Service Center, DEE–3925.
Walkey's Exxon, DEE–5377.
Curt's Chevron, DEE–5607.
H. A. Wallace Plymouth, DEE–6845.
Highway Host Standard, DEE–6217.
Tuckerton Exxon, DEE–6260.
J and R Texaco, DEE–6094.
Withem's Service Center, DEE–7630.
Tony's Gulf, DEE–7597.
Paxton's Gulf Service, DEE–7702.
Florek's Dairy Store, DEE–7728.
Pratt Texaco Service, DEE–7498.
Cove Exxon, DEE–7229.
Moore Petroleum, DEE–3507.
Bob's Gulf, DEE–4645.
Aurelio Bacca, Jr., DEE–4435.
Huhtula Oil and Templeton Garage, DEE–4698.
Moon and Son's Gulf, DEE–4300.
Lapointe's Service Center, Inc., DEE–4642.
Jim's Exxon, DEE–5031.
Jerry's Gulf, DEE–7030.
Butch Taylor's Exxon, DEE–7372.
Gene's Texaco, DEE–6569.
Wheaton Manor Amoco, DEE–3665.
Goodhall's West, DEE–7121.
Eugene Wonnenburg Standard, DEE–6798.
Duquette Service Stations, Inc., DEE–2669.
Clyde Wharton, Sr., DEE–7302.
Parkmont Amoco, DEE–6469.
Feagan's Sunoco Station, DEE–6140.
Capital Services, Inc., DEE–4397.
Eddie's Auto Truck Plaza, DEE–6480.
Serigan's Gulf Service, DEE–6814.
Medford Tire and Service Center, DEE–7176.
Rain Tree Car Wash, DEE–2745.
Constan, DEE–2613.
Braxton's Amoco, DEE–6936.
Broward Fuels Company, DEE–3879.
Plaza Gulf, DEE–6164.
Weitzel Brothers, Inc., DEE–6102.
Malcolm Melnike, DEE–6737.
Caron's Gulf, DEE–6774.
Wickford Auto Station, Inc., DEE–7114.
Ray Welch Texaco, DEE–6802.
New Station West Auto/Truck Plaza, DEE–7254.
John Huss Exxon, DEE–6978.
Doug's Exxon, DEE–6751.
Navy Exchange Service Station, DEE–6578.
Rene's Self Service, DEE–6366.
Anthony Juliano, DEE–7034.
Don's Mobil Service, DEE–7063.
Chuck Bryant Chevron Service, DEE–4067.
Gaeta's Arco, DEE–6029.
Ozymy Texaco, DEE–6696.
Fuller Automotive Service, Inc., DEE–6749.
Mylo Oil, DEE–6241.
Hollow Tree Grocery, DEE–6302.
Harper's Farm Car Care, DEE–5498.
Williston Standard, DEE–7271.
Faircloth, F.W., DEE–6999.
Sam Martin Texaco, DEE–6794.
Emil's Arco, DEE–7365.
Ripley & Fletcher Co. #52 DEE–5632.
Porkey's Standard Service, DEE–6099.
Don's Chevron Service, DEE–3106.
Grasso's Olneyville Gulf, DEE–7299.
Bill Morrow's Shell, DEE–4361.
Sun Valley Gasoline, Inc., DEE–6740.
Reece's Exxon, DEE–6460.
Artemisa Shell Service, DEE–7772.
Joe's Gas House, DEE–4609.
Edison Exxon, DEE–2881.
Kinney's Gulf Service, DEE–7020.
Montpelier Amoco, DEE–7346.
Smallwood, S.E., DEE–6793.
Jerry Brock, DEE–2771.
Ray's Standard, DEE–7460.
Navy Exchange Service Station, DEE–5724.
Bryson's Gulf Service, DEE–7443.
Orlandi's Gulf, DEE–6821.
G and C Gulf, DEE–6690.
Fred's Exxon, DEE–6752.
Scott's Arco Mini Part, DEE–5576.
Riggs, Carl, DEE–6579.
Medfield Gulf, DEE–6678.
T. C. Kellett, DEE–7470.
Al Neary's Texaco, DEE–3463.
Caparo's Texaco, DEE–6909.
Dick Valley Texaco, DEE–6175.
Anderson Gulf, DEE–7727.
Ross Oil Company, DEE–6522.
Jeffrey J. Cirelli, DEE–5408.
Fred's Service Center, DEE–6975.
Fémenias Shell, DEE–6662.
C & R Riverside Motors, DEE–6785.
John's Getty, DEE–7427.
Bill's Service Center, DEE–7509.
T & J Gulf Service, DEE–4742.
Brookside Self-Service, DEE–7715.
Red cloud Exxon Service, DEE–6047.
Bob's Gas, DEE–4416.
Husky Travel Center, DEE–7084.
Murphy's Exxon, DEE–6851.
Kingston Hill Store, DEE–7015.
Clayton's Standard, DEE–6251.
Sonny's Amoco, DEE–3642.
J. E. Wilson, DEE–6135.
Morris, Gordon D., DEE–4809.
S & H Gulf Service, DEE–4624.
City of Holyoke, Mass., DEE–7582.
Town of Bristol, Rhode Is., DEE–7041.
Kiawah Island, DEE–6499.
Don Phelps Texaco, DEE–3211.
Mobil Bulk Plant, DEE–2825.
Derrick's, Inc., DEE–6031.
Ernst, Richard H. & Eunice, DEE–6735.
San Mazza's Grocery, DEE–6761.
Santa Cruz Fina Station, DEE–7242.
Stockbridge Motors, DEE–6765.
Davis and Tripp, Inc., DEE–6825.
Texaco, Inc., DEE–7113.
Walls, Grover A., DEE–7681.
L. L. Potter, Inc., DEE–6760.
Bob's Gulf Service, DEE–5915.
Dick's Exxon, DEE–6769.
Duane's Lakeland Shell, DEE–7724.
M & M Redemption Center, DEE–7283.
Performance Auto Service, DEE–5048.
Jordan Oil Company, DEE–6908.
Les Gordon's Texaco, DEE–6586.
Wiler's Exxon & Towing Serv., DEE–3592.
Ashmont Hill Service Station, DEE–7023.
Mike Craig Arco Station, DEE–6932.
Fort & Emmons Shell, DEE–6338.
Davis Gulf Station, DEE–7410.
Jo-Mar Car Wash, DEE–7230.
Marty's Service, DEE–7280.
Channell's Gulf Service, DEE–7012.
Kanat Corporation, DEE–7786.
Camino Car Wash, DEE–6592.
Town and Country Texaco, DEE–3351.
Clarksburg Grocery, DEE–7119.
Anlee Service Station, DEE–7432.
Patterson Exxon Service, DEE–5739.
Cities Service Co., DEE–7973.
Biviano's Arco, DEE–7178.
J. A. Thigpen, DEE–7101.
Augusta Mall Gulf Service, DEE–6481.
Lee Roy Lane, DEE–6956.
Larry's Orangevale Tire #2, DEE–0359.
Joseph El Sineitti, DEE–6458.
Boston Road Shell, DEE–5569.
Brown & Marlan Auto Ser. Mobil, DEE–6707.
Buford Oil Company, DEE–5730.
Wayne Tipton Grocery, DEE–7231.
Antietam Exxon, DEE–7013.
Whistle Stop, DEE–5838.
Get It and Go Shell, DEE–0395.
Anderson's Shell, DEE–3880.
Mini-Market Groceries, DEE–3248.
Beall Oil Company, DEE–2289.
Childer's Oil Company, DEE–6491.
Bernie's Texaco, DEE–4773.
Pat Motors, Inc., DEE–4724.
Fischer Shell Service, DEE–2756.
Davcon Ltd., DEE–4650.
Henry's Conoco Service, DEE–3995.
Ed's West Harwich Gulf, DEE–4688.
Bon-Air Gulf, DEE–5349.
E & J Superette, DEE–5669.
Razhegi Texaco, DEE–2719.
South Sheridan Conoco, DEE–3528.
Reginald M. Smith, DEE–3351.
Vic's Texaco, DEE–7014.
Bob's Mini-Mart Inc., DEE–7585.
Ramirez Texaco, DEE–5341.
Main Street Arco, DEE–6477.
Lakewood Sunoco, DEE–6544.
White Arrow Service Station, Inc., DEE–5812.
Richmond Texaco, DEE–4906.
Western Avenue Arco, DEE–6941.
Allen's Shell, DEE–5005.
Queen City Car Wash, DEE–6479.
Harvey's Arco & Mini Mart, DEE–7407.
Orchard Larke car Center, DEE–6206.
John Martin, DEE–6392.
Good Deal Self-Service, DEE–5271.
Simon's Gas, DEE–5290.
Ron's Chevron, DEE–4150.
Bill Moore's Exxon, DEE–6399.
Shoppers Choice, DEE–6597.
Convex Marketing Corp., DEE–5229.

[FR Doc. 80-3845 Filed 2-5-80; 8:45 am]
BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed Week of December 3 Through December 7, 1979

Notice is hereby given that during the week of December 3 through December 7, 1979, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Within 20 days after publication of this notice, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). Within 30 days of the publication of this notice, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as nonparticipants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Issued in Washington, D.C.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

January 31, 1980.

Atlantic Richfield Co., Los Angeles, Calif., BRO-0293

On December 5, 1979, the Atlantic Richfield Company (Arco) filed a Notice of Objection to a Proposed Remedial Order which the DOE Pacific District Office of Special Counsel for Compliance issued to the firm on October 24, 1979. In the PRO the Pacific District found that subsequent to April 21, 1976, Arco incorrectly reallocated unrecouped costs from the No. 2 oil refinery product category to the motor gasoline refinery product category. According to the PRO Arco overstated its unrecouped costs in its motor gasoline product category bank by $62,900,000.

Rearick, K. R. "Ken", Metairie, La., BRO-0327

On December 7, 1979, K. R. "Ken" Rearick, dba Clearview Gulf Service Center at 3120 Clearview Parkway, Metairie, Louisiana filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on November 13, 1979. In the PRO the Southwest District found that during the period April 1, 1979 to July 15, 1979, Clearview Gulf Service Center sold certain grades of motor gasoline at prices in excess of the maximum lawful selling price for those grades of gasoline in violation of Department of Energy price regulations. According to the PRO the Clearview Gulf Service Center violation resulted in $9,330.41 of overcharges.

[FR Doc. 80-3828 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed Week of December 14 Through December 21, 1979

Notice is hereby given that during the week of December 14 through December 21, 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.

January 31, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Dec. 14 through Dec. 21, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 14, 1979	Energy Cooperatives, Inc., Washington, DC	BES-0035, BST-0035.	Request for Stay and Temporary Stay. If granted: Energy Cooperatives, Inc., would receive a stay and temporary stay of the November 16, 1979, Assignment Order issued to the firm by the Economic Regulatory Administration, Region IV.
Dec. 17, 1979	Ben-al Oil Co., Springfield, IL	BEE-0602	Allocation Exception. If granted: Ben-al Oil Company would receive an exception from the provisions of 10 CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 17, 1979	Bird Oil Company, Hilton Head Island, SC	BEE-0509	Allocation Exception. If granted: Bird Oil Company would receive an exception from the provisions of 10 CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasoline.
Dec. 17, 1979	Broadway Truck Stop, Spokane, WA	BEE-0519	Allocation Exception. If granted: Broadway Truck Stop would receive an exception from the provisions of 10 CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 17, 1979	International Business Machines Corp., White Plains, NY.	BEE-0518, BES-0518, BST-0518.	Exception to the Emergency Building Temperature Restrictions, Requests for Stay and Temporary Stay. If granted: International Business Machines Corp. would receive an exception, stay and temporary stay of the provisions of 10 CFR, Part 490, the Emergency Building Temperature Restrictions.
Dec. 17, 1979	Kerr-McGee Refining Corporation, Oklahoma City, OK.	BES-0063	Request for Stay. If granted: Kerr-McGee Refining Corporation would receive a stay of the October 11, 1979, Assignment Order issued to the firm by the Economic Regulatory Administration, Region VII, pending a final determination on the firm's Appeal (Case No. BEA-0063).
Dec. 17, 1979	Marathon Oil Company, Findlay, OH	BEA-0099, BES-0098, BST-0098.	Appeal of Assignment Order, Requests for Stay and Temporary Stay. If granted: The December 6, 1979, Assignment Order issued to Marathon Oil Company by the Economic Regulatory Administration, Office of Petroleum Operations, Region IV, regarding Marathon's supply obligations to Delta Petroleum Corporation would be rescinded. The firm would receive a stay and temporary stay of the Assignment Order pending a final determination on its Appeal.
Dec. 17, 1979	Spain Oil, Mahopac, NY	BEE-0512	Allocation Exception. If granted: Spain Oil would receive an exception from the provisions of 10 CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of bleinding gasohol.
Dec. 17, 1979	Sun Oil Company of Pennsylvania, Washington, DC	BED-0021, BEJ-0021.	Motions for Discovery and Protective Order. If granted: Discovery would be granted to Sun Oil Company of Pennsylvania in connection with information submitted by U.S. Oil Company with respect to U.S. Oil's Applications for Exception (Case Nos. DEE-3147 and DEE-6387). Sun Oil would enter into a protective order to ensure the confidentiality of documents supplied by U.S. Oil.
Dec. 17, 1979	Sun Oil Company of Pennsylvania, Philadelphia, PA	BEA-0100, BES-0100, BST-0100.	Appeal of Assignment Order, Requests for Stay and Temporary Stay. If granted: The November 21, 1979, Assignment Order issued to Sun Oil Company of Pennsylvania by the Economic Regulatory Administration, Region V, regarding Sun Oil Company of Pennsylvania's supply obligations to U.S. Oil Company would be rescinded. The firm would receive a stay and temporary stay pending a final determination on its Appeal.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Dec. 14 through Dec. 21, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 17, 1979	Total Petroleum, Inc., Detroit, MI	BEA-0101, BES-010, Bst-010.	Appeal of Allocation Notices, Requests for Stay and Temporary Stay. If granted: The October 1979 through December 1979 Canadian Crude Oil Allocation Program Supplemental Allocation Notices issued by the Economic Regulatory Administration, Office of Petroleum Operations, would be modified with respect to Total Petroleum, Inc.'s allocation of crude oil. The firm would receive a stay and temporary stay of the Notices pending a final determination on its Appeal.
Dec. 18, 1979	Arizona Fuels Corporation, Salt Lake City, UT	BEE-0526	Allocation Exception. If granted: Arizona Fuels Corporation would receive an exception from the provisions of 10 CFR 211.67, which would modify its entitlements purchase obligations for the period January 1980 through June 1980.
Dec. 18, 1979	Beacon Oil company, Hanford, CA	BELL—0010	Temporary Exception. If granted: Beacon Oil company would receive a temporary exception from the provisions of 10 CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 18, 1979	Farmers Union Central Exchange, St. Paul, MN	BEE-0549, BSG-0011.	Allocation Exception; Request for Special Redress. If granted: Farmers Union Central Exchange would receive an exception from the provisions of 10 CFR 211.65, which would permit the firm to receive an additional supply of crude oil. farmers Union would also receive special redress relief which would permit the firm to purchase crude oil on the spot market in addition to and without offsetting any allocations received under the provisions of the Buy/Sell Program.
Dec. 18, 1979	Gulf Oil, Corporation, Houston, TX	BEE-0527, BEL-0527.	Price Exception and Temporary Exception. If granted: Gulf Oil Corporation would receive an exception and temporary exception from the provisions of 10 CFR 212.83, which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution, and marketing of gasohol.
Dec. 18, 1979	Gulf Oil Corporation (S. Stanley), Osage county, OK.	BXE-0536	Extension of Relief granted in *Gulf Oil corporation*, 3 DOE par. (June 27, 1979). If granted: Gulf Oil corporation would be permitted to continue to sell the crude oil produced from the South Stanley Lease located in Osage County, Oklahoma, at upper tier ceiling prices.
Dec. 18, 1979	I. V. Cole Petroleum Company, Des Moines, IA	BEE-0540	Allocation Exception. If granted: I. V. Cole Petroleum company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 18, 1979	Kerr-McGee Corporation, Oklahoma City, OK	BST-0063	Request for Temporary Stay. If granted: Kerr-McGee corporation would receive a temporary stay of the October 11, 1979, Assignment Order issued to the firm by the Economic Regulation Administration, Region VII, pending a final determination on its Appeal (Case No. BEA-0063).
Dec. 18, 1979	Mallard Resources, Inc., Houston, TX	BEE-0537, BES-0537, BST-0537.	Allocation Exception, Requests for Stay and Temporary Stay. If granted: Mallard Resources, Inc., would receive an exception from the provisions of 10 CFR 211.67, which would modify its entitlements purchase obligations to reflect its beginning inventory of crude oil. Mallard would receive a stay and temporary stay of its entitlements purchase obligations pending a final determination on the firm's exception request.
Dec. 18, 1979	Mantaee Energy Company, Washington, DC	BST-0025	Request for Temporary Stay. If granted: Manatee Energy Company would receive a temporary stay of the provisions of 10 CFR 211.67, regarding its entitlement purchase obligations, pending a final determination on its Application for Stay (Case No. BES-0025).
Dec. 18, 1979	Mobil Oil Corporation, Schaumburg, IL	BES-0031	Request for Stay. If granted: Mobil Oil Corporation would receive a stay of the November 21, 1979, Assignment Order issued by the Economic Regulatory Administration, Region V, pending a final determination on the Appeal which the firm intends to file.
Dec. 18, 1979	Par Mar Oil Company, Mariatte, OH	BSG-0010	Request for Special Redress. If granted: The base period volumes of motor gasoline purchased by Par Mar Oil Company from Standard Oil Company of Indiana would be increased to reflect Par Mar's purchases of state set-aside volumes of motor gasoline from Standard during the base period.
Dec. 18, 1979	Renewable Fuel Systems, Helena, GA	BEE-0530	Allocation exception. If granted: Renewable Fuel Systems would receive an exception from the provisions of 10 CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 18, 1979	Rick Trombetta, Canoga Park, CA, 1979	BFA-0102	Appeal of Information Request Denial. If granted: The DOE Idaho Operations Ofice would be directed to respond to the December 10, 1979, Freedom of Information Request submitted by Rick Trombetta concerning the Idaho National Engineering Laboratory.
Dec. 18, 1979	T.O.C., Indianapolis, IN	BEE-0521	Allocation Exception. If granted: T.O.C. would receive an exception from the provisions of CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 18, 1979	Toney Petroleum, Inc., Terre Haute, IN	BEE-0532	Allocation Exception. If granted: Toney Petroleum, Inc., would receive an exception from the provisions of 10 CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 18, 1979	Trueblood Oil Company, Shelburn, IN	BEE-0529	Allocation Exception. If granted: Trueblood Oil Company would receive an exception from the provisions of 10 CFR 211, which would permit the form to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 18, 1979	T. W. Brown Oil Company, Ventura, Ca	BEE-0520, BST-0520.	Allocation Exception and Request for Temporary Stay. If granted: T. W. Brown Oil Company would receive an exception from and temporary stay of the provisions of 10 CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 19, 1979	Energy Cooperatives, Inc., Washington, DC	BEA-0108	Appeal of Assignment Order. If granted: The December 17, 1979, Temporary Assignment Order issued to Energy Cooperatives, Inc., by the Economic Regulatory Administration, Region VI, regarding the firm's supply obligations to Foremost Petroleum Company, Inc., would be rescinded.
Dec. 19, 1979	Ford Oil Company, Washington, DC	BRH-0065, BRD-0065.	Motions for Evidentiary Hearing and Discovery. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by For Oil Co. in response to the Proposed Remedial Order (Case No. BRO-0065), issued to the firm by the Economic Regulatory Administration, Region VI.
Dec. 19, 1979	Hunt Oil Company, Washington, DC	BEE-0544	Price Exception. If granted: Hunt Oil Company would receive an exception from the provisions of 10 CFR 212.183, which would modify the firm's base quarter for the purpose of applying the reseller price rule.
Dec. 19, 1979	Joker Joe's Truck Stop, Hardeeville, SC	BEA-0106	Appeal of Assignment Order. If granted: The July 17, 1979, Assignment Order issued to Joker Joe's Truck Stop by the Economic Regulatory Administration, Region IV, regarding Bird Oil Company's supply obligations to Joker Joe's Truck Stop would be modified.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Dec. 14 through Dec. 21, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 19, 1979	Mid-South Oil Company, Little Rock, AR	BEL-0011	Temporary Exception. If granted: The DOE would issue an order requiring Mid-South Oil Company's supplier of motor gasoline, Oklahoma Refining Company, to sell motor gasoline to Mid-South on credit terms which would allow Mid-South to pay the balance of any outstanding account within 30 days of delivery.
Dec. 19, 1979	Philips Petroleum Company, Bartlesville, OK	BEL-0032, BES-0032.	Temporary Exception, Request for Stay. If granted: Phillips Petroleum Company would receive a temporary exception from the provisions of 10 CFR 212.83, which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution, and marketing of gasohol. The firm would receive a stay pending a final determination on its Application for Temporary Exception.
Dec. 19, 1979	Southland Corporation/VGS Corporation, Washington DC.	BEX-0021	Supplemental Order. If granted: Southland Corporation would receive a stay of the provisions of 10 CFR 211. 67, with respect to its entitlement purchase obligations pending a final determination on its Applications for Exception (Case No. BXE-0003).
Dec. 19 1979	Warrior Asphalt Company of Alabama, Inc., Washington, DC.	BEX-0017	Supplemental Order. If granted: Warrior Asphalt Company of Alabama, Inc., would receive a stay of the provisions of 10 CFR 211.67, with respect to its entitlement purchase obligations pending a final determination on its Application for Exception (Case No. BXE-0004).
Dec. 19, 1979	Young Refining Corporation, Washington, DC	BEX-0018	Supplemental Order. If granted: Young Refining Corporation would receive a stay of the provisions of 10 CFR 211.67, with respect to its entitlement purchase obligations pending a final determination on its Application for Exception (Case No BXE-0005).
Dec. 20, 1979	Federal Information Tools, Burke, VA	BFA-0103	Appeal of Information Request Denial. If granted: The Office of Hearings and Appeals would direct the DOE Office of the Secretary to respond to the September 20, 1979, Freedom of Information Request submitted by Federal Information Tools.
Dec. 20, 1979	Imperial Refineries Corporation, Washington, DC	BRH-0093, BRD-0093.	Motions for Evidentiary Hearing and Discovery. If Granted: An evidentiary hearing would be convened and discovery would be granted in connection with the Statement of Objections submitted by Imperial Refineries Corporation to the September 27, 1979, Proposed Remedial Order (Case No. BRO-0093), issued to the firm by the Economic Regulatory Administration Central Enforcement District.
Dec. 20, 1979	Pacific Resources, Inc., Honolulu, HI	BEE-0589	Price Exception. If granted: Pacific Resources, Inc., would receive an exception form the provisions of 10 CFR 212.83, which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution, and marketing of gas> ohol.
Dec. 20, 1979	Standard Oil Co. (Indiana), Chicago, IL	BEL-0023	Temporary Exception. If granted: Standard Oil Co. (Indiana), would receive a temporary exception form the provisions of 10 CFR 212.83, which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution, and marketing of gasohol.
Dec. 20, 1979	Texaco Inc. (United Refining Company), Washington, DC.	BEJ-001	Protective Order. If granted: A Protective Order would be issued regarding the release of certain confidential information submitted by United Refining Company to Texaco, Inc., in connection with Texaco's Appeal of a Buy/Sell Order (Case No. DEA-0608).
Dec. 20, 1979	Texaco, Inc., Houston, TX	BEL-0022	Temporary Exception. If granted: Texaco, Inc., would receive a temporary exception from the provisions of 10 CFR 212.83, which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution, and marketing of gasohol.
DEC. 20, 1979	Texaco, Inc., White Plains, NY	BEA-0104, BES-0104.	Appeal of Assignment Order, Reguest for Stay. If Granted: The November 21, 1979, Assignment Order issued by the Economic Regulatory Administration, Region V. regarding the supply obligations of Texaco, Inc., To U.S. Oil Company, would be rescinded. The firm would receive a stay pending a final determination on its Appeal.
Dec. 20, 1979	Universal, Inc., Luling, TX	BRH-0105	Motion for evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with Universal, Inc.'s Statement of Objections to the September 27, 1979, Proposed Remedial Order (Case No. BRO-0105) issued to the firm by the Economic Regulatory Administration, San Antonio Audit Group.

Notices of Objection Received

[Week of December 14 through December 21, 1979]

Date	Name and location of applicant	Case No.
12/14/79..	Davcon, LTD., Hamden, CN	DEE-4650
12/14/79..	Coggins Fence & Supply, Inc., Santa Rosa, CA.	BEO-0738
12/17/79..	Hayes Chevron Service, Melbourne, FL.	BEO-0404
12/17/79..	Archie's Tires and Towing, Inc., Santa Ana, CA.	BEO-0471
12/17/79..	San Jose State University, San Jose, CA.	BEO-0472
12/17/79..	Key City Oil Company, Mankato, MN.	BEO-0379
12/17/79..	V.I.P. Professional Services, Inc., Oxnard, CA.	BEO-0380
12/17/79..	Seasweet Crabmeat Co., Crystal River, FL.	BEO-0381
12/17/79..	Walls Standard Service, St. Louis, MO.	BEO-0382
12/17/79..	Geesey's Mobil Service, York, PA	BEO-0383
12/17/79..	Stan's Service, Murrieta, CA	BEO-0384
12/17/79..	Cole's Texaco Bulk, Madison, SD	BEO-0385
12/17/79..	Butch Taylor's Exxon, Greenville, SC.	DEE-7372
12/17/79..	Fisher Shell Service, Farmington Hills, MI.	DEE-2756
12/17/79..	Village Marathon, Chicago, IL	BEO-0386
12/17/79..	A & R Equipment Co., Inc., Rancho Cucamonga, CA.	BEO-0387
12/17/79..	A. Lanpson & Sons, Inc., Geyserville, CA.	BEO-0388
12/17/79..	Airport Exxon, South San Francisco, CA.	BEO-0389

Notices of Objection Received

[Week of December 14 through December 21, 1979]

Date	Name and location of applicant	Case No.
12/17/79..	Barkhousen Brothers, Hilmar, Ca	BEO-0390, BEO-0391
12/17/79..	Bonura Exxon, Cypress, CA	BEO-0392
12/17/79..	Central Mobile of Sunnyvale, CA, Sunnyvale, Ca.	BEO-0393
12/17/79..	Chan's Texaco, West Covina, CA	BEO-0393
12/17/79..	Jack Garrision Mobil, Lincoln City, OR.	BEO-0396
12/17/79..	Long Valley Store, Cromberg, CA	BEO-0397
12/17/79..	Murphy's Tow Service, Murphys, CA	BEO-0398
12/17/79..	Park Hill Texaco, Mount Lake, WN	BEO-0399
12/17/79..	Seven-Up Bottling of Phoenix, Inc., Phoenix, AZ.	BEO-0401
12/17/79..	Thermal Mechanical Heating & Cooling Co., Sunnyvale, Ca.	BEO-0402
12/18/79..	Navy Exchange Service, Philadelphia, PA.	DEE-6578
12/18/79..	Fred's Service Center, Rockville, MD.	DEE-6975
12/18/79..	Antietam Exxon, Frederick, MD	DEE-7013
12/18/79..	Ken's Exxon, Carlsbad, CA	BEO-0442
12/18/79..	DeMaestri Distributing Co., Santa Rosa, CA.	BEO-0441
12/18/79..	Anderson Auto Service, Pocatello, ID.	BEO-0440
12/18/79..	Fairfield Green Valley, Green Valley, AZ.	BEO-0444
12/18/79..	Alta Vista Ranch, Oxnard, CA	BEO-0443
12/18/79..	Imperial Exxon, Titusville, FL	BEO-0435
12/18/79..	Southern California Gas Co., Los Angeles, CA.	BEO-0445

Notices of Objection Received

[Week of December 14 through December 21, 1979]

Date	Name and location of applicant	Case No.
12/18/79..	Rapp Tire & Supply, Morton Grove, IL.	BEO-0446
12/18/79..	Hayes Chevron Service, Melbourne, FL.	BEO-0404
12/18/79..	ABC Messenger Service, Hollywood, CA.	BEO-0405
12/18/79..	Cedar Shell Service, San Farncisco, CA.	BEO-0406
12/18/79..	Dock's Standard Station, Pascagoula, MS.	BEO-0423
12/18/79..	Yellow Cab Co. of Tampa, Tampa, Fl.	BEO-0424
12/18/79..	Randy Jones Car Wash, Escondido, CA.	BEO-0400
12/18/79..	Wayne's Shell, Seattle, WA	BEO-0403
12/18/79..	G.D. Armstrong Co., Laytonville, MD	DEE-2962
12/18/79..	Moore Petroleum, Banta, CA	DEE-3507
12/18/79..	Wheaton Manor Amoco, Wheaton, MD.	DEE-3665
12/18/79..	Gibble Oil Co., Oklahoma City, OK	DEE-4343
12/18/79..	Bell's Texaco, Inc., San Francisco, CA.	BEO-0407
12/18/79..	Currie Brothers, Inc., Fresno, CA	BEO-0408
12/18/79..	Dave's Mobil, Riverside, CA	BEO-0409
12/18/79..	Harbor Grove Car Wash, Newport, CA.	BEO-0410
12/18/79..	Hayes Arco, Yucca Valley, CA	BEO-0411
12/18/79..	Lake Shastina Joint Services Committee, Weed, CA.	BEO-0412

Notices of Objection Received—Continued

[Week of December 14 through December 21, 1979]

Date	Name and location of applicant	Case No.
12/18/79..	Lakeview Texaco, Lakewood, CO	BEO-0413
12/18/79..	Murrayair, Ltd., Hilo, HI	BEO-0414
12/18/79..	North Valley Texaco & Tire, Golden, Co.	BEO-0415
12/18/79..	Robertson, Garvin, Ontario, CA	BEO-0416
12/18/79..	Rodelo's Service, Chino, CA	BEO-0417
12/18/79..	Ron Cromwell Chervoh, San Francisco, CA.	BEO-0418
12/18/79..	Self Serve Chevron, San Francisco, CA.	BEO-0419
12/18/79..	Specialized Management Support, Campbell, CA.	BEO-0420
12/18/79..	Torikian, Mardiros, Anaheim, CA	BEO-0421
12/18/79..	Tower Park, Lodi, CA	BEO-0422
12/18/79..	Monroe County Library System, Monroe, MI.	BEO-0430
12/18/79..	Kauk's Sunoco, Lorain, OH	BEO-0429
12/18/79..	Fronk, Stephen A., Defiance, OH	BEO-0428
12/18/79..	Faith Christian Assembly, Lincoln Park, MI.	BEO-0427
12/18/79..	Cruikshank, Richard, Northbrook, IL.	BEO-0426
12/18/79..	Bowman Oil Co., Marion, IL	BEO-0425
12/18/79..	Northland Standard, St. Louis, MO	BEO-0431
12/18/79..	Oak Hills Oil, Meta, MO	BEO-0432
12/18/79..	Si's Super Shell, Minong, WI	BEO-0433
12/18/79..	Tom's Standard Service, Belvidere, IL.	BEO-0439
12/18/79..	Short, Walter, Benld, IL	BEO-0438
12/18/79..	Maher Standard, Mobridge, SD	BEO-0437
12/18/79..	Old Orchard Car Wash, Skokie, IL	BEO-0436
12/18/79..	Roland's Exxon, Ojai, CA	DEE-5392
12/18/79..	Whistle Stop, Washington, DC	DEE-5838
12/18/79..	Puckett, Joe W., Cullman, AL	BEO-0395
12/18/79..	Camino Car Wash, San Francisco, CA.	DEE-6592
12/19/79..	Sabre Refining, Inc., Bakersfield, CA.	DEX-0170
12/19/79..	Hawk Oil Co., Medford, OR	BEO-0463
12/19/79..	Brendle Fire Equipment, Inc., Montgomery, AL.	BEO-0464
12/19/79..	Mission Hills Property Corp., Palm Springs, CA.	BEO-0450
12/19/79..	George's of Seymour, Inc., Seymour, IN	BEO-0451
12/19/79..	Whalens Standard, Chicago, IL	BEO-0453
12/19/79..	Big Chief Standard, Fergus Falls, MN.	BEO-0454
12/19/79..	Corkey's Hickman Quick Six, Des Moines, IA.	BEO-0455
12/19/79..	Williams Lion Service, Starkville, MS	BEO-0456
12/19/79..	YWCA-YMCA of LaCrosse, LaCrosse, WI.	BEO-0457
12/19/79..	Red Onion Drive-In, Inc., Sioux City, IA.	BEO-0509
12/19/79..	Horseback Exxon Car Wash & Gas Station, Centerreach, NY.	BEO-0452
12/19/79..	Lathan Oil Co., Washington, DC	DEE-8191
12/19/79..	Don Phelps Texaco, Oroville, CA	DEE-3211
12/19/79..	George Noblett Oil Co., Kilmarnock, VA.	BEO-0459

Notices of Objection Received—Continued

[Week of December 14 through December 21, 1979]

Date	Name and location of applicant	Case No.
12/19/79..	Red Onion Drive In, Inc., Sioux City, IA.	BEO-0461
12/19/79..	Clark Plumbing, Inc., Beverly Hills, CA.	BEO-0460
12/19/79..	Parkway Grocery & Gasoline, Port Angeles, WA.	BEO-0447
12/19/79..	Nelson Oil & Tire Co., Chetek, WI	BEO-0448
12/19/79..	Bud Antle, Inc., Salinas, CA	BEO-0462
12/20/79..	Purolator Courier Corporation, Phoenix, AZ.	BEO-0470
12/20/79..	TRW, Inc., Redondo Beach, CA	BEO-0475
12/20/79..	McCoy's Poultry Services, Petaluma, CA.	BEO-0474
12/20/79..	AER Corporation, Tucson, AZ	BEO-0473
12/20/79..	Peoria Public Schools, Peoria, IL	BEO-0476
12/20/79..	Tom's Marathon, Noblesville, IN	BEO-0477
12/20/79..	Channel's Gulf Service, Athens, GA.	DEE-7012
12/20/79..	Bailey's Corner Store, Clinton, WA	BEO-0469
12/20/79..	Hanna Standard Service, Kansas City, MO.	BEO-0467
12/20/79..	Sullivan Storage & Transfer Co., San Diego, CA.	BEO-0466
12/20/79..	City of Reno, Reno, NV	BEO-0465
12/20/79..	Roarda, Inc., Washington, DC	DEE-3342
12/20/79..	Philip Sloan Oil Co., Washington, DC.	DEE-8280
12/20/79..	Winnie's Auto Service, Longmeadow, MA.	DEE-7296
12/20/79..	Triton, Inc., Doraville, GA	BEO-0478

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of December 14 Through December 21, 1979]

If granted: The following firms would receive an exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.

Date	Name and location of applicant	Case No.
12/17/79..	American Service Station, New York.	BEO-0511
12/17/79..	Anthony Duport, Jr., Rhode Island	BEE-0510
12/17/79..	Bernath & Sons, Inc., New York	BEE-0513
12/17/79..	Carl W. Steiner, Virginia	BEE-0516
12/17/79..	International Carwash Assn., Illinois.	BEE-0514
12/17/79..	Lido Company of New England, New Hampshire.	BEE-0517
12/17/79..	Mobil Oil Corporation, Illinois	BEE-0515
12/18/79..	Bi-Rite Petroleum, Ltd., Missouri	BEE-0535
12/18/79..	City of Stanton, N.D., North Dakota	BEE-0534
12/18/79..	Ken Richards, New Mexico	BEE-0541
12/18/79..	Major Brands Distributor, Colorado	BEE-0533
12/18/79..	Myers Texaco, Maryland	BEE-0528
12/18/79..	Pedro B. Tejon, Florida	BEE-0531
12/18/79..	Samuel R. Oetter Exxon, California	BEE-0523
12/18/79..	Schroeder's Sales & Service, Indiana.	BEE-0522
12/18/79..	Suffolk Oil Company Virginia,	BEE-0542
12/18/79..	Texaco, Inc., (E. J. Sweeney), New York.	BEE-0525
12/18/79..	Webb Oil Company, Georgia	BEE-0524
12/19/79..	Cabo Distributing Co., Inc., California.	BEE-0538
12/19/79..	Kentland Exxon, Maryland	BEE-0543
12/19/79..	St. James City Chevron, Florida	BEE-0538
12/20/79..	Cone Oil Company, Tennessee	BEL-0545
12/20/79..	Don Carlson, Mississippi	BEE-0656
12/20/79..	West Coast Allied Gasoline Retailers, Florida.	BEE-0547

[FR Doc. 80-3829 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed Week of December 21 Through December 28, 1979

Notice is hereby given that during the week of December 21 through December 28, 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.

January 31, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Dec. 21 through Dec. 28, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 21, 1979	P. A. Barnes, McLean, Va.	BFA-0107	Appeal of Information Request Denial. If granted: The November 30, 1979, Information Request Denial issued by the Office of the Inspector General would be rescinded, and P. A. Barnes would receive access to certain DOE information.
Dec. 26, 1979	Crystal Petroleum Company, Washington, DC	BRD-0023	Motion for Discovery. If granted: Supplemental Discovery would be granted to Crystal Petroleum Company in connection with the Decision and Order issued on June 22, 1979, to Crystal Petroleum Company (Case No. DRD-0081), by the Office of Hearings and Appeals.
Dec. 26, 1979	Exxon Company, USA, Houston, TX	BEA-0124, BES-0124.	Appeal of Assignment Order, Request for Stay. If granted: The November 21, 1979, Assignment Order issued to Exxon Company, USA, by the Economic Regulatory Administration, Region V, regarding Exxon's supply obligations to U.S. Oil would be rescinded. Exxon would receive a stay pending a final determination on its Appeal.
Dec. 26, 1979	Huntway Refining Co., Los Angeles, CA	BES-0037	Request for Stay. If granted: The December 1979 Entitlement Notice would be stayed with respect to Huntway Refining Company's entitlements purchase obligations.
Dec. 26, 1979	Office of Enforcement (Delta Drilling Company), Washington, DC.	BFF-0004	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the October 26, 1979, Consent Order issued to Delta Drilling Company.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Dec. 21 through Dec. 28, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 21, 1979	Ashland Oil, Inc., Washington, DC	BES-0036	Request for Stay. If granted: Ashland Oil, Inc., would receive a stay of the December 6, 1979, Assignment Order issued to the firm by the Economic Regulatory Administration, Region IV, Office of the Petroleum Operations, pending a final determination on the Appeal which the firm intends to file.
Dec. 21, 1979	Atlantic Richfield Company, Los Angeles, CA	BEA-0105, BES-0105.	Appeal of Assignment Order, Request for Stay. If granted: The November 21, 1979, Assignment Order issued to Atlantic Richfield Company (ARCO), by the Economic Regulatory Administration, Region V, regarding ARCO's supply obligations to U.S. Oil would be rescinded. The firm would receive a stay of the Assignment Order pending a final determination on its Appeal.
Dec. 26, 1979	Allied Materials Corporation, Oklahoma City, OK	BEA-0109	Appeal of ERA Allocation Order. If granted: The October 31, 1979, Decision and Order issued to Allied Materials Corporation by the Economic Regulatory Administration regarding the firm's participation in the Crude Oil Buy/Sell Program would be modified.
Dec. 21, 1979	Mid-Michigan Truck Service, Inc., Kalamazoo, MI	BEL-0021	Request for Temporary Exception. If granted: Mid-Michigan Truck Service, Inc., would receive a temporary exception from the substitute supplier rule pending a final determination on its Application for Exception (Case No. DXE-1997).
Dec. 26, 1979	Quik Serv Marts, Inc., Washington, DC	BEJ-0010	Protective Order. If granted: A Protective Order would be issued regarding the release to Union Oil Company of certain confidential information submitted by Quik Serv Marts, Inc., in connection with Quik Serv's Statement of Objections to the Proposed Decision and Order (Case No. BEO-0035) issued to the firm.
Dec. 26, 1979	Vickers Petroleum Corporation, Wichita, KS	BEE-0557	Price Exception (Section 212.83). If granted: Vickers Petroleum Corporation would receive an exception from the provisions of 10 CFR 212.83, which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution, and marketing of gasohol.
Dec. 27, 1979	Albert Hall, Jackson, TN	BEN-0010	Interim Order. If granted: An Interim Order would be issued which would permit Albert Hall to receive an increased allocation of motor gasoline pending a final determination on the firm's Application for Exception (Case No. BEO-0297).
Dec. 27, 1979	Atlantic Richfield Company, *et al.*, Los Angeles, CA.	BEL-0028 through BEL-0038, BEL-0527, BEL-0022, BEL-0023.	Temporary Exception. If granted: The applicants (Atlantic Richfield Company, Beacon Oil Company, Cities Service Company, Derby Refining Company, Gulf Oil Corporation, Pacific Resources, Inc., Pester Refining Company, Phillips Petroleum Co., Standard Oil Company of Indiana, Texaco, Inc., Time Oil Company, Total Petroleum Company, United Refining Company, and Vickers Petroleum Corporation) would receive a temporary exception from the provisions of 10 CFR 212.83, which would permit the applicants to treat gasohol as a separate category and grade of motor gasoline.
Dec. 27, 1979	Big D&W Refining Solvents Company, Inc., Blytheville, AR.	BEE-0552	Allocation Exception. If granted: Big D&W Refining Solvents Company, Inc., would receive an exception from the provisions of 10 CFR 211, which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 27, 1979	C. Joseph Boothe, Highland Park, IL	BEE-0554, BES-0554.	Allocation Exception, Request for Stay. If granted: C. Joseph Boothe would receive an exception from the provisions of 10 CFR 211.23 and 211.25, regarding the payback of volumes of motor gasoline borrowed against future months' allocations. The firm would be granted a stay pending a final determination on its exception application.
Dec. 27, 1979	Consumer Energy Council of America, *et al.*, Washington, DC.	BSG-0012	Petition for Special Redress. If granted: All Consent Orders entered into by the Office of Special Counsel would be revised.
Dec. 27, 1979	Freedom Oil Company, Normal, IL	BEE-0551	Allocation Exception. If granted: Freedom Oil Company would receive an exception from the provisions of 10 CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 27, 1979	Illinois Ayers Oil Company, Quincy, IL	BEE-0562	Allocation Exception. If granted: Illinois Ayers Oil Company would receive an exception from the provisions of 10 CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 27, 1979	Kentucky Oil & Refining Company, Inc., Betsy Layne, KY.	BEE-0565, BES-0565.	Allocation Exception, Request for Stay. If granted: Kentucky Oil & Refining Company, Inc., would receive an exception from the provisions of 10 CFR 211.67, which would modify its entitlement purchase obligations. The firm's entitlements purchase obligations would be stayed pending a final determination on the firm's exception request.
Dec. 27, 1979	McDaniel Oil Company, Newton, IL	BEE-0550	Allocation Exception. If granted: McDaniel Oil Company would receive an exception from the provisions of 10 CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 27, 1979	Mobil Oil Corporation, O'Hare, IL	BEA-0110	Appeal of Assignment Order. If granted: The November 21, 1979, Assignment Order issued to Mobil Oil Corporation by the Economic Regulatory Administration, Region V, regarding Mobil's supply obligations to U.S. Oil Company would be rescinded.
Dec. 27, 1979	Mose W. Nunley, Oak Park, IL	BES-0036	Request for Stay. If granted: Mose W. Nunley would receive a stay of the provisions of 10 CFR 211.23 and 211.25, regarding the payback of volumes of motor gasoline borrowed against future months' allocations, pending a final determination on the firm's exception application (Case No. DEE-05-0132).
Dec. 27, 1979	Richard P. Gruikshank, Chicago, IL	BEE-0564	Allocation Exception. If granted: Richard P. Gruikshank would receive an exception from the provisions of 10 CFR 211.23, and 211.25, regarding the paycheck of volumes of motor gasoline borrowed against future months' allocations.
Dec. 27, 1979	S. M. Schwartz Oil Company, Blytheville, AR	BEE-0555	Allocation Exception. If granted: S. M. Schwartz Oil Co. would receive an exception from the provisions of 10 CFR 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Dec. 28, 1979	Cass County Bank, Plattsmouth, NE	BFA-0114	Appeal of Information Request Denial. If granted: The November 29, 1979, Information Request Denial issued by the Central Enforcement District Freedom of Information Officer would be rescinded and the Cass County Bank would receive access to the DOE's list of parties who have issued complaints regarding the gasoline operations of the Cass County Bank.
Dec. 28, 1979	Gulf Oil Corporation, Houston, TX	BEA-0111	Appeal of Assignment Order. If granted: The November 21, 1979, Assignment Order issued by the Economic Regulatory Administration, Region V, regarding Gulf Oil Corporation's supply obligations to U.S. Oil Company would be rescinded.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of December 21, 1979 through December 28, 1979]

If granted: The following firms would receive an exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.

Date	Name and location of applicant	Case No.
12/26/79..	Bauserman Oil Co., Virginia	BXE-0558
12/26/79..	Calico Oil Company, Tennessee	BEE-0548
12/26/79..	Pace Assembly of God, Florida	BEE-0556
12/27/79..	Dave Wilson's Arco, New Hampshire.	BEE-0560
12/27/79..	M.F.S. Chevron, Florida	BEE-0553
12/27/79..	P & W Oil Company, Alabama	BXE-0559
12/27/79..	William Rogers, Tennessee	BEE-0561

Notices of Objection Received

[Week of December 21 through December 28, 1979]

Date	Name and location of applicant	Case No.
12/21/79..	Edwards, H. Jack, Goldsboro, NC	BEO-0479
12/21/79..	Redding 76 Auto/Truck Plaza, Redding, CA.	BEO-0480
12/21/79..	Stockton APCO, Stockton, MO	BEO-0481
12/21/79..	Overhead Door Co. of Houston, Inc., Houston, TX.	BEO-0482
12/21/79..	Brown's Exxon, Tifton, GA	BEO-0483
12/21/79..	Al Walker Union 76, Compton, CA	BEO-0485
12/26/79..	Alexander Service Center, Seattle, WA.	BEO-0486
12/26/79..	Benbrooks Gulf Service, Cartago, CA.	BEO-0487
12/21/79..	Big Pine Trucking Co., San Francisco, CA.	BEO-0488
12/21/79..	Bigelous Exxon, San Bernandino, CA.	BEO-0489
12/21/79..	Bill Johnson's Chevron Service, Los Angeles, CA.	BEO-0490
12/21/79..	Canfields of California, Meadow Vista, CA.	BEO-0491
12/21/79..	Combie Plaza, Auburn, CA	BEO-0492
12/21/79..	Concrete Coring Co., Waipahu, HI	BEO-0493
12/21/79..	Country Store, Porterville, CA	BEO-0494
12/21/79..	Eldons Chevron Service, Nyssa, Oregon.	BEO-0495
12/21/79..	Greenberg, Gary S., Malibu, CA	BEO-0496
12/26/79..	John Small's Shell, Sacramento, CA	BEO-0497
12/21/79..	Rancho Exxon, Thousand Oaks, CA	BEO-0503
12/21/79..	Slim Holt Hawaii, Hilo, HI	BEO-0505
12/21/79..	The Columbian, Vancouver, WA	BEO-0507
12/21/79..	Terry's Texaco, San Mateo, CA	BEO-0506
12/21/79..	Farwest Taxi Cabs, Seattle, WA	BEO-0508
12/26/79..	Cloin Corporation, Warren, MI	BEO-0519
12/26/79..	John B. Walker Jr., Inc., Jackson, MS.	BEO-0515
12/26/79..	Berkeley Car Wash, Berkeley, Mo	BEO-0516
12/26/79..	Standard Gas #1 (Wehrheim), Chicago, IL.	BEO-0520
12/26/79..	Rainbow Standard Service, Kansas City, KS.	BEO-0524
12/26/79..	State Line Marina, Lambertville, MI	BEO-0525
12/26/79..	The Upjohn Company, Kalamazoo, MI.	BEO-0527
12/26/79..	Ray's State Secret, Bellingham, WA	BEO-0504
12/21/79..	Koenig Texaco, Salida, CO	BEO-0498
12/21/79..	Lang's Enterprises, Modesto, CA	BEO-0499
12/21/79..	Loma Rica Store, Marysville, CA	BEO-0500
12/21/79..	Northtown Amoco, Spokane, WA	BEO-0501
12/21/79..	Price Bros., Inc., Lynden, WA	BEO-0502
12/21/79..	Get it & Go Shell, Lees, AL	BEE-0395
12/21/79..	Stewart Oil Co., Urbana, IL	BEO-0526
12/21/79..	King Petroleum Company, Bridgeview, IL.	DEE-3609
12/26/79..	Jack Griffith Petroleum, Stillwater, OK.	DEE-4206
12/26/79..	Don's Mobil Service, St. Paul, MN	DEE-7063
12/26/79..	Jim's Exxon Service, Cucamonga, CA.	DEE-5031
12/26/79..	Greenhaven Auto Care, Sacramento, CA.	BEO-0528
12/26/79..	Claude's Standard Service, Fremont, NE.	BEO-0517
		BEO-0518
12/26/79..	Ricky Adams Chevron, Goutcamp, OR.	BEO-0541
12/26/79..	Saphiloff, Victor A., Orange, CA	BEO-0540
12/26/79..	Gary's Exxon Service, Torrance, CA	BEO-0539
12/26/79..	Rocky Flats Area Office/DOE, Golden, CO.	BEO-0538
12/26/79..	Lirares, Rodolfo, Anaheim, CA	BEO-0537
12/26/79..	East Shore Spirits & Sports, Westwood, CA.	BEO-0536
12/26/79..	Nova Mud Corporation, Ely, NV	BEO-0535
12/26/79..	Cambrian School District, San Jose, CA.	BEO-0534
12/26/79..	American Builders Supply, Louisville, KY.	BEO-0513
12/26/79..	Red Valley Grocery, Rocky Mount, VA.	BEO-0512
12/26/79..	Novato Unified School District, Novato, CA.	BEO-0529
12/26/79..	Soundview Exxon, Mt. Vernon, NY	BEO-0510
12/26/79..	Jim's Quick Stop Shopper, Parker, PA.	BEO-0511
12/26/79..	Bingman's Exxon Service, Lykens, PA.	BEO-0484
12/26/79..	Dadley's Exxon, Birdsboro, PA	BEO-0449
12/26/79..	Skee's Exxon, Tryon, NC	BEO-0514
12/26/79..	Glendale Shell, Toledo, OH	BEO-0521
12/26/79..	Jim's Standard Service, Washington, IA.	BEO-0522
12/26/79..	Proficient Engineering Industries, Inc., Madison Heights, MI.	BEO-0523

Notices of Objection Received—Continued

[Week of December 21 through December 28, 1979]

Date	Name and location of applicant	Case No.
12/26/79..	Cities Service Company, Tulsa, OK	DEE-7937
12/26/79..	Quik Stop Convenience Store, Blanchard, OK.	BEO-0553
12/26/79..	Central Northwest Standard, Chicago, IL.	BEO-0548
		BES-0548
12/27/79..	Burack Service Station, Inc., Deerfield Beach, FL.	BEO-0554
12/26/79..	Loris & Leone Arco Service, Kennett Square, PA.	BEO-0551
12/26/79..	Jerry's Marathon, Winamac, IN	BEO-0550
12/26/79..	Classic Arco, Pittsburgh, PA	BEO-0549
12/27/79..	P & M Gulf, Parma, OH	BEO-0547
12/27/79..	Duncan, Bruce, West Palm Beach, FL.	BEO-0546
12/27/79..	Orchard Lake Car Care Center, Orchard Lake, MI.	BEO-0545
12/27/79..	Ables Chevron Service Center, Tuscaloosa, AL.	BEO-0544
12/27/79..	Phoenix Sand & Rock, Inc., Phoenix, AZ.	BEO-0543
12/26/79..	Lakeview Texaco, Lakewood, CO	BEO-0542
12/26/79..	S-K Texaco, Orange, CA	BEO-0533
12/26/79..	Jergesen, Wallace E., Beaverton, OR.	BEO-0532
12/26/79..	CAMII, Indianapolis, IN	BEO-0530
12/27/79..	M.G.C. Sales, Gilroy, CA	BEO-0580
12/27/79..	Lowery's Tire & Texaco, Littleton, CO.	BEO-0579
12/27/79..	Lonny's Standard, Moline, IL	BEO-0578
12/27/79..	Lakeshore Auto Center, Muskegon, MI.	BEO-0577
12/27/79..	Kennedy Variety Store, Maysville, NC.	BEO-0576
12/27/79..	Johnson, E. N., Magnolia, AR	BEO-0575
12/27/79..	James Warren Amoco, Omaha, NE	BEO-0574
12/27/79..	Gen. Telephone Co. of the NW, Inc., Everett, WA.	BEO-0573
12/27/79..	Energy Unlimited, Cudahy, WI	BEO-0572
12/27/79..	Destin Gulf Service, Destin, FL	BEO-0571
12/27/79..	Oaktree Mini Mart, Oakdale, CA	BEO-0570
12/27/79..	Continental Telephone Co. of the West, Phoenix, AZ.	BEO-0569
12/27/79..	Cheatham, Robert, Tacoma, WA	BEO-0568
12/27/79..	Chadwick's Exxon, Columbia, GA	BEO-0567
12/27/79..	Shepard Ambulance, Inc., Seattle, WA.	BEO-0588
12/27/79..	Skyline's Nautical Yacht Basin, Dania, FL.	BEO-0589
12/27/79..	Tags Service, Soldotna, AR	BEO-0590
12/27/79..	Trupiano, William, St. Louis, MO	BEO-0591
12/27/79..	Universal Pictures, Universal City, CA.	BEO-0592
12/27/79..	Vern's Standard Service, Cedar Rapids, IA.	BEO-0593
12/27/79..	W. E. Mobbs, Hopland, CA	BEO-0594
12/27/79..	Westside Texaco, Hackensack, NJ	BEO-0596
12/27/79..	Wigg's Country Store, Oskaloosa, IA.	BEO-0597
12/27/79..	I-80 & Douglas Standard, Uibordale, IA.	BEO-0598
12/27/79..	1-2-3 Messenger Service, Los Angeles, CA.	BEO-0599
12/27/79..	Betterview Cablevision, Inc., Myrtle Creek, OR.	BEO-0562
12/27/79..	Bennett, William P., East Point, GA	BEO-0561
12/27/79..	Arnold's ARCO & Rental, Olympia, WA.	BEO-0560
12/27/79..	Alltrans Express USA, Inc., San Francisco, CA.	BEO-0558
12/27/79..	Airport DX Service, Des Moines, IA	BEO-0557
12/27/79..	Ace Music Co., Monterey, CA	BEO-0555
12/27/79..	Bubble Machine, San Francisco, CA	BEO-0563
12/27/79..	Budget Oil Company, Spokane, WA.	BEO-0564
12/27/79..	Cannon's Crystal Car Wash, Cambridge, OH.	BEO-0565
12/27/79..	American Car Wash Corp., Annandale, VA.	DEE-5006
12/27/79..	Southern Bell Telephone & Telegraph, Atlanta, GA.	DEE-8323
12/27/79..	John E. Jones Oil Company, Inc., Stockton, KS.	BEO-0627
12/27/79..	Energy Cooperatives, Inc., Washington, DC.	DEX-8112
12/27/79..	Bernie's Texaco, Tucson, AZ	DEE-4773
12/27/79..	Elaine Powers Figure Salons, Milwaukee, WI.	DEE-7542
12/27/79..	Marion County Support Services, Salem, OR.	BEO-0581
12/27/79..	Miller, Edward R., Elkhart, IN	BEO-0582
12/27/79..	Nashville Electric Service, Nashville, TN.	BEO-0583
12/27/79..	Andrew Posey, Florence, AL	BEO-0584

Notices of Objection Received—Continued

[Week of December 21 through December 28, 1979]

Date	Name and location of applicant	Case No.
12/27/79..	Redwood Enterprises, Santa Rosa, CA.	BEO-0586
12/27/79..	S & W Arco, Hemet, CA	BEO-0587
12/27/79..	Pleasant Hill Chevron, San Francisco, CA.	BEO-0657
12/26/79..	Biviano's Arco, Latrobe, PA	DEE-7178
12/26/79..	County of Alameda, California, Oakland, CA.	BEO-0682

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline;

Week of December 21 Through December 28, 1979

If granted: The following firms would receive an exception which would increase their base period allocation of motor gasoline.

December 26, 1979.

Brandt Oil Company, BEE-0546, North Dakota
Calico Oil Company, BEE-0548, Tennessee
M.F.S. Chevron, BEE-0553, Florida
Pace Assembly of God, BEE-0556, Florida

December 27, 1979.

Dave wilson's Arco, BEE-0560, New Hampshire
P & W Oil Co., Inc., BEE-0559, Alabama
Rogers, William, BEE-0561, Tennessee

December 28, 1979.

Baker Oil Co., Inc., BEE-0600, Tennessee
County Beverage Corporation, BEE-0577, Maryland
Friendly Oil Company, BEE-0571, California
Hugh T. Wilder Company, BEE-0578 Virginia
Lakeview Exxon Service, BEE-0568, California
Petrol Enterprises, Inc., BEE-0573, Florida
Urbano Service Station, BEE-0613 California
Whiddon Road Exxon, BEE-0601, Georgia
Items Retrieved, 15

[FR Doc. 80-3827 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1407-3; OPP—00113]

FIFRA Scientific Advisory Panel Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a one and one-half day special subcommittee meeting of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Scientific Advisory Panel to discuss a draft of Subpart K. Reentry Data Requirements for Registering Pesticides in the United States. The meeting well be open to the public.

DATES: Thursday, February 21, 1980, from 2:00 p.m. to 5:00 p.m. and Friday,

February 22, 1980, from 9:00 a.m. to 4:00 p.m.

ADDRESS: Silver Stope Room, Ramada Tucson Resort Inn, 404 North Freeway, Tucson, Arizona.

FOR FURTHER INFORMATION CONTACT: Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (TS-766), Rm. 803, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va. 22202, 703-557-7560.

SUPPLEMENT INFORMATION: In accordance with section 25(d) of the amended FIFRA, the Scientific Advisory Panel will comment on the impact on health and the environment of regulatory actions under section 6(b) and 25(a) prior to implementation. The purpose of this meeting is to discuss the following topic:

1. An initial draft of Subpart K, Reentry Data Requirements of the Guidelines for Registering Pesticides in the United States. The discussion will focus primarily on the kinds of information needed to set an appropriate interval between the time a crop is treated with a pesticide and the time workers can enter a treated field for cultivation, weeding, harvesting, etc. Special emphasis will be given to the protection of farmers and farm workers from the adverse effects of pesticide residues in treated areas. EPA emphasizes the preliminary nature of the draft and will be open to additional ideas and issues from participants at the meeting.

2. In addition, the Agency may present status reports on other ongoing programs of the Office of Pesticide Programs.

Any member of the public wishing to attend this meeting sould contact Dr. H. Wade Fowler, Jr., at the address shown above. Time will be allotted for brief comments by the public each day; interested persons should contact Dr. Fowler for special instructions regarding oral statements. Individuals who wish to file written statements are advised to contact the Executive Secretary in a timely manner to ensure appropriate consideration by the FIFRA Scientific Advisory Panel. All statements will be made a part of the record and will be taken in to consideration by the Panel in formulating comments.

All interested persons are further advised that the meeting announced in this notice is a subcommittee meeting of the FIFRA Scientific Advisory Panel for the propose of conducting preliminary reviews of draft proposed rulemaking. The length of the meeting is subject to change. All persons are advised to attend the session on Thursday to find out whether or not a Friday session will be held. Formal review of topics considered by the subcommittee will be conducted by the FIFRA Scientific Advisory Panel at a later date. The next regular meeting of the FIFRA Scientific Advisory Panel is scheduled for March 5 and 6, 1980.

(Sec. 25(d), 92 Stat. 819, as amended, (7 U.S.C. 136); sec. 10(a)(2), 86 Stat. 770 (5 U.S.C. App.))

Dated February 1, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-3780 Filed 2-5-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 80-6]

Specific Commodity Rates of Far Eastern Shipping Co., in the Philippines/U.S. Pacific Coast Trade and U.S. Gulf/Australia Trade; Order of Suspension and To Show Cause

January 31, 1980.

The Far Eastern Shipping Company (FESCO), a controlled carrier as defined in section 1 of the Shipping Act, 1916, 46 U.S.C. 801, offers ocean liner service in the Philippines/U.S. West Coast and the U.S. Gulf/Australian trades.

FESCO has recently filed reduced rates, listed in Appendix A hereto, applicable to certain commodities in these trades. The rates on some of these commodities were among the numerous rates suspended by the Commission in Docket No. 79-10. A review of tariffs on file at the Commission indicates that these reduced rates, especially when bunker subcharges are included, appear to be significantly lower than the comparable rates of all other active carriers in these trades.

Because these FESCO rates are lower than the rates of all other active carriers in these trades and because these are rates which may be applicable to major moving commodities that are also carried by other carriers in these trades, the Commission believes that these rates are not required to assure the movement of particular cargo and may create a disruptive effect on the trades. The Commission is, therefore, of the opinion that FESCO's rates, listed in Appendix A hereto, may be unjust and unreasonable. Accordingly, we shall order FESCO to show cause why such rates should not be disapproved. 46 U.S.C. 817(c).

In determining whether FESCO's rates are just and reasonable, the Commission may take into account certain factors. 46 U.S.C. 817(c)(2). Under the circumstances presented, particularly since only individual commodity rates are being considered and not FESCO's entire rate structure for these trades, the Commission believes that the last three factors set forth in section 18(c)(2) are those most appropriate to its decision. In addition, the parties should address themselves to: the historical trends and levels of these commodity rates in these trades; the effect of FESCO's service in these trades on rates for these specific commodities; the effect FESCO's new rates would have on these trades, particularly on FESCO's market share and the market share of other carriers in these trades; and whether FESCO's rates are necessary to assure the movement of particular cargo. If competition among shippers within a trade or from another trade is offered as justification for the level of FESCO's rates, specific evidence should be adduced to support that contention. Additionally, no statements herein should be construed to shift the burden of proof under section 18(c). In any proceeding under that section, the burden of proof is on the controlled carrier to demonstrate that its rates, charges, classifications, rules, or regulations are just and reasonable.

This proceeding will be handled on an expedited basis. The matter will be assigned to an Administrative Law Judge to preside over prehearing and hearing procedures. The Administrative Law Judge will then certify the evidentiary record directly to the Commission for decision. The Commission urges all carriers and other parties with an interest in the proceeding to petition for leave to intervene at the earliest possible date.

The Commission is of the further opinion that the subject tariff matter should be suspended pursuant to authority granted the Commission under section 18(c)(4) of the Shipping Act, 1916.

Under section 18(c)(4), a controlled carrier may file new rates to take effect immediately during the suspension period in lieu of the suspended rates; provided that the Commission may reject such new rates if it is of the opinion that they are unjust and unreasonable. In this case, because of the difference between FESCO's rates and all other active carriers' rates (especially when considered in light of their respective bunker surcharges) and the potential for trade disruptions which these rate differentials present, the Commission is of the opinion that FESCO's replacement rates falling below those of the lowest U.S. or bilateral flag carriers actively operating

in these trades will be unjust and unreasonable. FESCO's rates can only be properly compared in the context of its total transportation charges. Any comparison between FESCO's rates and those of another carrier should, therefore, include relevant bunker surcharges and other significant factors affecting those rates. This opinion does not prejudice our final disposition of this proceeding, as that disposition will be based solely on the evidence adduced at the hearing, nor does it constitute a finding of unreasonableness under section 18(c)(1).

FESCO will be required to post and file a supplement to its tariffs FMC–23 and FMC–28 reproducing this suspension order in its entirety, to specifically indicate the replacement rates on each appliable tariff page, and to address each tariff filing regarding replacement rates to the Commission's Office of Audits and Programs.

Now, therefore, it is ordered, That pursuant to sections 18 and 22 of the Shipping Act, 1916, 46 U.S.C. 817, 821, the Far Eastern Shipping Company be named respondent in this proceeding and be ordered to show cause why the commodity rates published in its freight tariffs FMC–23 and FMC–28, as shown in Appendix A, should not be disapproved by the Commission;

It is further ordered, That pursuant to section 18(c) of the Shipping Act, 1916, Respondent demonstrate that the commodity rates published in its freight tariffs FMC–23 and FMC–28 as shown in Appendix A are just and reasonable;

It is further ordered, That pursuant to section 18(c) of the Shipping Act, 1916, the tariff matter set forth in Appendix A is hereby suspended, effective upon the effective date of the individual tariff matter, and the use thereof deferred for 180 days from the effective date of suspension, unless otherwise ordered by the Commission;

It is further ordered, That Respondent may file new rates during the suspension period, effective immediately, provided that the Commission may reject such new rates if it is of the opinion that the new rates are unjust and unreasonable;

It is further ordered, That all rates filed by FESCO to take effect immediately in lieu of rates suspended herein be addressed to the Commission's Office of Audits and Programs, Room 10125;

It is further ordered, That FESCO post and file a supplement to its tariffs FMC–23 and FMC–28 reproducing this suspension order in its entirety, and specifically indicate the replacement rates on each applicable page of its tariffs;

It is further ordered, That pursuant to Rule 42, the Commission's Bureau of Hearing Counsel be made a party to this proceeding;

It is further ordered, That this proceeding be assigned for expedited public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that hearings be held at a date and place to be determined by the Presiding Administrative Law Judge but commencing no later than April 14, 1980;

It is further ordered, That the scope of these proceedings shall include an examination of the relationship between the FESCO rates and rates of other carriers in these trades, including surcharges and other factors affecting those rates; whether FESCO's rates, set forth in Appendix A, including surcharges and other factors affecting those rates are required to assure the movement of particular cargo in these trades, and whether such rates are required to maintain acceptable continuity, levels, or quality of common carrier service from the Philippines to the United States Pacific Coast and from Houston, Texas and Australia. This examination shall include consideration of the following matters: the historical trends and levels of these commodity rates in these trades; the effect of FESCO's service in these trades on rates for these specific commodities; and the effect FESCO's new rates would have on these trades, particularly on FESCO's market share and the market share of other carriers in these trades;

It is further ordered, That the following procedural schedule will be adhered to, provided that the Presiding Administrative Law Judge, upon a showing of good cause, may make such changes as he deems necessary.

1. Petitions for Leave to Intervene—February 13, 1980
2. Replies to Petitions for Leave to Intervene—February 21, 1980
3. Rulings on Petitions for Leave to Intervene—February 28, 1980
4. Commencement of Discovery—March 6, 1980
5. Prehearing conference for rulings on discovery and other prehearing matters—March 18, 1980
6. Commencement of Hearings—April 14, 1980
7. Certification of Record—May 15, 1980
8. Simultaneous Opening Briefs—June 5, 1980
9. Simultaneous Reply Briefs—June 19, 1980
10. Request for Oral Argument—June 23, 1980

It is further ordered, That the hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That the record in this proceeding is to be certified to the Commission for decision on or before 1980, and that such certification shall contain a statement by the Administrative Law Judge that the record as so certified is a full and sufficient basis for agency decision and that there exist no questions of witness demeanor or of witness credibility not sufficiently reflected by the record, including witness cross-examination, which, in his opinion, necessitate the issuance of an initial decision. If the Administrative Law Judge is unable to make such certification, he shall amend the procedural schedule to provide for briefing and thereafter issue such decision promptly;

It is further ordered, That a notice of this order be published in the **Federal Register** and that a copy thereof be served upon the respondent;

It is further ordered, That persons other than those already party to this proceeding who desire to become parties and participate herein shall file a petition to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72) no later than the close of business February 13, 1980;

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference shall be mailed directly to all parties of record;

It is further ordered, That except as provided in Rules 159 and 201(a) of the Commission's Rules of Practice and Procedure (46 CFR 502.159, 46 CFR 502.201(a)), all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record;

It is further ordered, That concurrently with publication, a copy of this order be transmitted to the President of the United States in accordance with section 18(c)(5) of the Shipping Act, 1916.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix A

A. Far Eastern Shipping Company
From: Ports in the Philippines
To: U.S. Pacific ports and Overland Common points

Description	Tariff item	Rate suspended	Effective date	Page revision identification
Freight Tariff—FMC-23				
Furniture made of—				
From Cebu only, special rate:	480	Local 41.00M	Feb. 3, 1980	18th Rev. 53.
Buri and rattan furniture only.	480	OCP 36.25M	Feb. 3, 1980	Reissued on 19th Rev. 53.
Beer, mineral water, soft drinks, and spirits in cases, cartons or pallets.	100	Local 41.50M	Feb. 8, 1980	6th Rev. 49-A.
	100	OCP38.50M	Feb. 8, 1980	
Footwear, viz: Rubber sandals, flat soles with thongs.	470	Local 43.00M	Feb. 8, 1980	19th Rev. 53.
	470	OCP 41.50M	Feb. 8, 1980	

B.
From: U.S. Atlantic and Gulf
To: Australia and New Zealand

Freight Tariff—FMC-28				
Freight, all kinds, in containers: Special rate from Houston only.	2800	2600PT 20	Feb. 1, 1980	5th Rev. 79-C.

[FR Doc. 80-3822 Filed 2-5-80; 8:45 am]
BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, 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 the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 18, 1980. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: 10186-4.

Filing party: Nathan J. Bayer, Esquire, Brauner, Baron, Rosezweig, Kligler, Sparber & Bauman, 120 Broadway, New York, New York 10005.

Summary: Agreement No. 10186-4 modifies the basic agreement of the Korea Shipping Corporation/Orient Overseas Container Line, Inc. Space Charter Agreement (1) to extend the duration of the agreement for five years (to June 30, 1985) beyond the current expiration date of June 30, 1980 and (2) to extend the scope of the agreement to include Malaysia.

By Order of the Federal Maritime Commission.

Dated: February 1, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-3823 Filed 2-5-80; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Basic Educational Opportunity Grant Program; Closing Dates for Receipt of Applications for Determining an Expected Family Contribution, and Other Related Actions

The Commissioner of Education gives notice of the following cutoff dates for the receipt of applications for determining expected family contributions (student eligibility indexes) and for submitting Student Eligibility Reports (SER's) under the Basic Educational Opportunity Grant Program. The calculation of an expected family contribution is a prerequisite for receiving a Basic Grant award.

Authority for this program is contained in section 411 of the Higher Education Act of 1965, as amended. (20 U.S.C. 1070a)

The Basic Grant Program's purpose is to assist students in the continuation of their training and education at the postsecondary level by providing a "foundation" or "floor" of financial aid to help defray educational costs. In order to insure that applications are received by the deadline, students are encouraged to submit the materials discussed in this notice as early as possible.

I. Application Closing Dates for 1979–80

A. Regular Applications

(1) To receive a Basic Grant for the award period ending June 30, 1980, an applicant must submit an application for determining an expected family contribution for the 1979–80 award period to BEOG, P.O. Box P, Iowa City, Iowa, 52240 on or before March 15, 1980. It will be considered submitted on time if it is postmarked by March 15, 1980 and received at BEOG, P.O. Box P, Iowa City, Iowa 52240 no later than March 25, 1980.

(2) An application for determining an expected family contribution for the 1979–80 award period submitted to satellite processors through the Multiple Data Entry System must be postmarked on or before March 15, 1980 and received no later than March 25, 1980 at the appropriate satellite processor. The following are the addresses for those processors: College Scholarship Service, P.O. Box 2700, Princeton, New Jersey 08540; College Scholarship Service, Box 380, Berkeley, California 94701; American College Testing Program Student Assistance Programs, 2201 North Dodge Street, P.O. Box 1000, Iowa City, Iowa 52240; and the Pennsylvania

Higher Education Assistance Agency, PHEAA/BEOG Application, P.O. Box 3157 Harrisburg, Pennsylvania 17105.

B. Corrected Applications

(1) An applicant whose application is submitted on time but is returned because of incomplete or erroneous information must submit the corrected application to BEOG, P.O. Box H, Iowa City, Iowa 52240 on or before May 5, 1980. It will be considered submitted on time if it is postmarked by May 5, 1980, and received at BEOG, P.O. Box H, Iowa City, Iowa 52240, no later than May 15, 1980.

C. Applicant Recomputation Requests for Extraordinary Circumstances

An applicant may request a recomputation of his or her expected family contribution (student eligibility index) if any extraordinary circumstances stated in the Basic Grant Program regulations (45 CFR 190.39 and 190.48) affect the expected family contribution determination.

(1) A recomputation request involving an adjustment to assets for loss or damage resulting from a National disaster as declared by the President is made when the applicant submits a National Disaster Area Asset Adjustment sheet along with a valid SER to BEOG, P.O. Box X, Iowa City, Iowa 52240. This request must be submitted by the deadline applicable to corrected applications.

(2) All other requests for recomputation under Sections 190.39 and 190.48 are made when the applicant submits the Supplemental Form for the 1979–80 award period together with a new regular application to BEOG, P.O. Box F, Iowa City, Iowa 52240. This recomputation request (the Supplemental Form with the accompanying regular application) must be submitted on or before March 15, 1980. It will be considered submitted on time if it is postmarked by March 15, 1980 and received at BEOG, P.O. Box F, Iowa City, Iowa 52240 no later than March 25, 1980.

D. Applicant Recomputation Requests for Clerical or Arithmetic Errors

An applicant may request a recomputation of his or her expected family contribution (student eligibility index) because of clerical or arithmetic error as stated in the Basic Grant program regulations (45 CFR 190.15). This request must be submitted to BEOG, P.O. Box H, Iowa City, Iowa 52240 on or before May 5, 1980. It will be considered submitted on time if it is postmarked by May 5, 1980 and received at BEOG, P.O. Box H, Iowa City, Iowa 52240 no later than May 15, 1980.

E. Verification of Correct Information

The Basic Grant Program has a number of edit checks built into the processing system for applications which can result in an applicant with unusual circumstances receiving a Student Eligibility Report without an eligibility index on it, even if the applicant supplied correct information for all of the necessary data items on the application. This action on the part of the Basic Grant Program can occur either before or after the May 5/15 deadline date for corrections. Since such an applicant does not have to correct any data, but merely has to verify its accuracy, the following rule is established. An applicant whose original application or corrected Student Eligibility Report is complete and correct, and submitted on time, but who has the valid SER returned to him or her for verification of correct information may verify that information and request that the verified SER be reprocessed. Such a request (the verified SER) must be submitted to BEOG, P.O. Box H, Iowa City, Iowa 52240 on or before June 5, 1980. It will be considered submitted on time if it is postmarked by June 5, 1980, and received at BEOG, P.O. Box H, Iowa City, Iowa 52240 no later than June 16, 1980.

F. Duplicate SER Requests for 1979–80

A student may request a duplicate SER by writing to BEOG, P.O. Box V, Iowa City, Iowa 52240. The processing time for a duplicate request is generally three to four weeks. A written request for a duplicate SER for 1979–80 must be submitted to the above address by June 5, 1980. It will be considered submitted on time if it is postmarked by June 5, 1980, and received at BEOG, P.O. Box V, Iowa City, Iowa 52240 no later than June 16, 1980.

II. Submission of Student Eligibility Reports (SER's) for 1979–80 and Requests for Payments Under the Alternate Disbursement System

A. Submission of SER's to Schools Under the Regular Disbursement System, and to Schools and the Commissioner Under the Alternate Disbursement System

To receive payment for attendance at an institution of higher education during the 1979–80 award period, a student must meet the deadlines set forth in § 190.61 of the Basic Grant Program regulations (45 CFR 190.61).

B. Additional and/or Corrected Requests for Payment Under the Alternate Disbursement System

An additional request for payment (OE Form 304–1 Student Report) and/or a corrected request for payment must be submitted on or before July 31, 1980. The forms will be considered submitted on time if they are postmarked on or before July 31, 1980 and received at BEOG, P.O. Box K, Iowa city, Iowa 52240 no later than August 11, 1980.

III. Validation of SER's

A. Regular Disbursement System

At an institution with academic terms, a student whose application is being validated and who leaves school because of graduation, withdrawal, or completion of an academic term must submit a correction and reprocessed, valid SER to the institution within 90 days after the end of the academic term in which he or she was last enrolled or September 30, 1980, whichever comes first.

If an institution does not have academic terms, the student must submit a corrected and reprocessed, valid SER to the institution within 90 days after his or her last day of enrollment, or by September 30, 1980, whichever comes first.

B. Alternate Disbursement System

At a school with academic terms, a student whose application is being validated and who leaves school because of graduation, withdrawal, or completion of an academic term must meet the following deadline. First, he or she must submit the corrected and reprocessed, valid SER to the institution and then must submit the valid SER and OE Form 304 or 304–1 Student Report, as appropriate, to BEOG, P.O. Box K, Iowa City, Iowa 52240 within 90 days after the end of the academic term in which he or she was last enrolled or September 30, 1980, whichever comes first. They will be considered submitted on time if they are postmarked by the end of the 90 day period or by September 30, 1980, as appropriate and received at BEOG, P.O. Box K, Iowa City, Iowa 52240 no later than 10 days after the end of (1) the 90 day period or (2) September 30, 1980, as appropriate.

If an institution does not have academic terms, the student must first submit a corrected and reprocessed, valid SER to the institution and then must submit the corrected and reprocessed, valid SER and OE Form 304 or 304–1 Student Report, as appropriate, to BEOG, P.O. Box K, Iowa City, Iowa 52240 within 90 days after his or her last day of enrollment or by September 30,

1980, whichever comes first. They will be considered submitted on time if they are postmarked by the end of the 90 day period or by September 30, 1980, as appropriate, and received at BEOG, P.O. Box K, Iowa City, Iowa 52240 no later than 10 days after (1) the end of the 90 day period or (2) September 30, 1980, as appropriate.

C. Corrections for Validation Cases

In order to meet the appropriate deadline specified in subparts A and B of part III of this notice (Validation), a student who needs to correct his or her SER after the correction deadline date of May 5/15 must request a recomputation of his or her expected family contribution. This request must be submitted to the Student Validation Branch, P.O. Box 23185, Washington, D.C. 20013. It must be submitted no later than eight weeks prior to the end of (1) the appropriate 90 day period, or (2) September 30, 1980, whichever is earlier. It will be considered submitted on time if it is postmarked by the appropriate "submitted on" date and received no later than 10 days after that date.

A student who submits a corrected SER after the appropriate deadline is not eligible for a Basic Grant payment.

IV. General Information

A. Application Forms

Application forms and information brochures are available and may be obtained from college financial aid administrators, high school counselors, or Educational Opportunity Center counselors, or by writing to BEOG, P.O. Box 84, Washington, D.C. 20044.

B. Applicable Regulations

The regulations applicable to this program are: Basic Educational Opportunity Grant regulations (45 CFR Part 190).

C. Further Information

For further information, contact Mr. William L. Moran, Chief, Policy Section, Basic Grant Branch, Division of Policy and Program Development, Bureau of Student Financial Assistance, U.S. Department of Education, (Room 4318, Regional Office Building 3), 400 Maryland Avenue SW., Washington, D.C. 20202.

(20 U.S.C. 1070a)

(Catalog of Federal Domestic Assistance No. 13.539 Basic Educational Opportunity Grant Program)

Dated: January 31, 1980.

William L. Smith,

Commissioner.

[FR Doc. 80-3789 Filed 2-5-80; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Cherokee Indian Reservation, N.C., et al.

January 29, 1980.

In the matter of Cherokee Indian Reservation, N.C.; Seminole Indian Reservation; Fla.; and Choctaw Indian Reservation, Miss. By virtue of the authority contained in Section 5, 19 Stat. 200, Section 1, 31 Stat. 1066, as amended, 25 USC 261 and 262, and pursuant to authority delegated to the Area Director-Eastern Area under 10 BIAM 3, authority to issue Trader's License in accordance with 25 CFR 251 is hereby redelegated to Superintendents of Cherokee, Seminole, and Choctaw Agencies.

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-3783 Filed 2-5-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Nevada; Announcement of Initial Wilderness Inventory Decisions on Units Protested

This notice announces that on September 27, 1979, a **Federal Register** notice was published announcing the final decision on the initial wilderness inventory within the State of Nevada. Unless protests were received, those decisions were implemented on October 29, 1979.

Formal Protests were filed on the following units: NV-010-081, 082, 085, 107, 108; NV-020-001, 006,-012A, 014, 200, 201, 222, 406, 410, 436, 600, 601, 602, 603, 604, 606, 609, 615, 617, 620, 621, 621A, 622, 637, 641, 859; NV-030-102, 104, 108, 327, 430, 517, 520; NV-040-197; NV-050-0306, 0331, 0336, 0336A, 0354; NV-060-019, 059, 078, 079, 086, 089, 163, 174, 191, 192, 231, 461, 504, 541A, 541B, 554; one "blanket" protest covering all additional units scheduled for intensive inventory.

The final decision on the above units is now is effect as follows:

A. Units to be intensively inventoried—NV-010-081, 085, 107, 108; NV-020-001, 006, 200 (no change to original boundary), 201 (no change to original boundary), 600, 601, 602, 604, 606 (no change to original boundary), 609, 615, 617, 620, 621, 621A, 622, 637, 641, 859; NV-030-102, 104, 108, 430, 517, 520; NV-050-0306, 0331, 0336; NV-060-019, 059, 078, 079, 086, 089, 163, 174, 191, 192, 231, 461, 504, 554.

All additional units scheduled for intensive inventory will be subjected to the intensive wilderness inventory except as stated in "B" and "C" below.

B. Units with their entire area eliminated from further wilderness review with the restrictions imposed by Section 603 of the Federal Land Policy and Management Act no longer in effect—NV-010-082, 030-327, 050-0336A, 060-541A, 541B.

C. Units with a portion of their area eliminated from further wilderness review with the restrictions imposed by Section 603 of the Federal Land Policy and Management Act no longer in effect only on that portion eliminated—

NV-020-014 9,535 acres eliminated with 85,105 acres to be intensively inventoried.
NV-020-222 12,800 acres eliminated with 55,040 acres to be intensively inventoried.
NV-020-406 6,800 acres eliminated with 92,200 acres to be intensively inventoried.
NV-020-410 8,005 acres eliminated with 70,275 acres to be intensively inventoried.
NV-020-436 10,786 acres eliminated with 20,694 acres to be intensively inventoried.
NV-020-603 1,360 acres eliminated with 72,880 acres to be intensively inventoried.
NV-040-197 8,700 acres eliminated with 57,700 acres to be intensively inventoried.
NV-050-0354 1,090 acres eliminated with 88,729 acres to be intensively inventoried.

D. Units originally scheduled for intensive inventory with additional perimeter acreage to be intensively inventoried—

NV-020-012A 13,892 additional acres to be intensively inventoried.
NV-020-600 3,849 additional acres to be intensively inventoried.

Any person adversely affected by the decision to eliminate all or a part of the above units from the wilderness inventory process may appeal the decision by following normal administrative procedures applicable to formal appeals to the Interior Board of Land Appeals which are published in 43 CFR Part 4.

Additional information on this decision may be obtained from the State Director, 300 Booth Street, Room 3008, Reno, Nevada, 89509.

Dated: January 29, 1980.

Roger J. McCormack,

Associate State Director, Nevada.

[FR Doc. 80-3785 Filed 2-5-80; 8:45 am]

BILLING CODE 4310-84-M

Utah; Final Wilderness Decisions on Units in Overthrust Belt

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces the BLM Utah State Director's wilderness decisions on eight units within the "Overthrust Belt" in Utah. Units involved are UT-040-136, 269, 270, 271, 272, 273, and two interstate units with Nevada, UT-040-123 and 124.

Pursuant to authority delegated by the BLM Director, it has been determined that the public lands administered by BLM within the confines of the "Overthrust Belt" in Utah have been inventoried according to the provisions of section 201(a) and 603 of the Federal Land Policy and Management Act of 1976 and section 2(c) of the Wilderness Act of 1964. The appropriate inventory and associated public comment period have been conducted on approximately 45,000 acres.

The decisions are as follows: UT-040-136—(9,900 acres); UT-040-269—(916 acres); UT-040-270—(523 acres); UT-040-271—(147 acres); UT-040-272—(598 acres); UT-040-273—(1,354 acres); and UT-040-124 (interstate unit)—(21,083 acres) are dropped from further wilderness consideration. UT-040-123—(Interstate unit) (10,568 acres in Utah) is designated a wilderness study area.

The final decisions announced herein are scheduled to become effective on March 7, 1980, or 30 days after publication of this notice. At that time the units dropped from further consideration will no longer be subject to the management restrictions imposed by section 603 of Pub. L. 94-579.

For purposes of these decisions, each unit is considered separable from every other unit under wilderness inventory. Should any amendment to this decision be made by the Utah BLM State Director, as a result of new information received following this announcement, that amendment will be formally published in the **Federal Register** and will not become effective until 30 days following such publication. This 30-day extension will apply only to the amendment and not the original decision.

Upon publication of these decisions in the **Federal Register**, a 30 day protest period is initiated. Any person who has disagreement with these decisions on the units involved in the Overthrust Belt inventory and has information which may influence these decisions, may file a written protest with: BLM Utah State Director, 136 East South Temple, Salt Lake City, Utah 84111.

Protests must be filed with the Utah State Director by 4:30 p.m., March 6, 1980. The protest must specify the units and include a clear and concise statement of reasons for the protest and must furnish supporting data as to the presence or absence of wilderness characteristics. Should protests be filed on any inventory unit, the Utah State Director will consider such protests and issue a decision which will be subject to appeal on that inventory unit(s) to the Department of the Interior, Board of Land Appeals (IBLA). If the decision on the protest remains consistent with this decision, only the protester may appeal to the IBLA. If such decision reflects changes from this decision based upon information submitted by the protester, any adversely affected person may appeal to the IBLA.

FOR FURTHER INFORMATION CONTACT: Larry Royer, Cedar City BLM District Office, 801-586-2401.

Dated: January 25, 1980.

Gary J. Wicks,

State Director.

[FR Doc. 80-3743 Filed 2-5-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Upper Delaware Citizens Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Upper Delaware Citizens Advisory Council will be held at 7:00 p.m., February 22, 1980, at the Tusten Town Hall, Narrowsburg, New York. The Advisory Council was established by Pub. L. 95-625, Section 704(f) to encourage maximum public involvement in the development and implementation of plans and programs authorized by the Act and section noted above. The Council is to meet and report to the Delaware River Basin Commission, to the Secretary of the Interior and to the Governors of New York and Pennsylvania on the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region.

The matters to be discussed at this meeting include: 1. Implementation of Section 704 of the National Parks and Recreation Act of 1978. 2. Discussion of general guidelines for land and water use control measures. 3. New business.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first served basis. Any member of the public may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact David A. Kimball, Chief Planner, Mid-Atlantic Region, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106, area code 215-597-9655.

Minutes of the meeting will be available for inspection four weeks after the meeting at the Mid-Atlantic Regional Office.

Dated: January 23, 1980.

James W. Coleman, Jr.,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 80-3795 Filed 2-5-80; 8:45 am]

BILLING CODE 4310-70-M

Availability of Draft Plan of Operations for Drilling an Oil Welll in Big Thicket National Preserve, Texas

Notice is hereby given that in accordance with Title 36, Chapter 1, Part 9, Minerals management Comprehensive Regulations, the U.S. Department of Interior, National Park Service has received from Atlantic Richfield Company a plan of operations for drilling an oil well in the Big Sandy Unit of Big Thicket National Preserve, Texas.

This plan is available for public review and comment for a period of 30 days in the office of the Superintendent, Big Thicket National Preserve, 6725 Eastex Freeway, Beaumont, Texas.

Thomas E. Lubbert,

Superintendent.

[FR Doc. 80-3798 Filed 2-5-80; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

Leather Wearing Apparel; Report to the President

[TA-201-40]

January 24, 1980.

To the President:

In accordance with section 201(d)(1) of the Trade Act of 1974 (88 Stat. 1978), the United States International Trade Comission herein reports the results of an investigation relating to leather wearing apparel.

The investigation to which this report relates (investigation No. TA-201-40) was undertaken to determine whether—

leather wearing apparel, provided for in item 791.76 of the Tariff Schedules of the United States (TSUS),

is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The Commission instituted the investigation under the authority of section 201(b) of the Trade Act of 1974 on August 3, 1979, following receipt of a petition on July 24, 1979, filed on behalf of the National Outerwear and Sportswear Association, Amalgamated Clothing and Textile Workers Union, International Ladies' Garment Workers Union, United Food and Commercial Workers Union, and Tanners' Council of America, Inc.

Notice of the institution of the investigation and the public hearing to be held in connection therewith was given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and by publishing the notice in the **Federal Register** of August 9, 1979 (44 FR 46955). The public hearing was held on November 6–7, 1979, in New York, New York. All interested parties were afforded an opportunity to be present, to present evidence, and to be heard at the hearing. A transcript of the hearing and copies of briefs submitted by interested parties in connection with the investigation are attached.

The information in this report was obtained from fieldwork and interviews by members of the Commission's staff, from other Federal agencies, from responses to the Commission's questionnaires, from information presented at the public hearing, from briefs submitted by interested parties, and from the Commission's files.

Determination, Findings, and Recommendation of the Commission

Determination

On the basis of the investigation, the Commission unanimously determines that—

(1) Coats and jackets of leather (provided for in items 791.7620 and 791.7640 of the Tariff Schedules of the United States Annotated), are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles; and

(2) Leather wearing apparel other than coats and jackets (provided for in item 791.7660 of the Tariff Schedules of the United States Annotated) is not being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing articles like or directly competitive with the imported articles.

Findings and Recommendation

The Commission finds and recommends that to prevent or remedy the serious injury to the domestic industry it is necessary to impose rates of duty, in addition to the present rates of duty, with respect to coats and jackets of leather provided for in item 791.76 of the Tariff Schedules of the United States, as follows—

Year	Articles valued at not over $150 each
1st year	25 percent ad valorem
2nd year	20 percent ad valorem
3rd year	15 percent ad valorem

Views of Chairman Catherine Bedell and Commissioners Bill Alberger, George M. Moore, and Paula Stern

On the basis of information obtained in this investigation, we determine that coats and jackets of leather for men and boys, and women and girls, provided for in TSUS item 791.76, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing like or directly competitive products. We have further determined that no injury or threat thereof is being suffered by a domestic industry from imports of other items of wearing apparel of leather provided for in TSUS item 791.76.

The Trade Act of 1974 requires that each of the following conditions be met before an affirmative determination is made:

(1) There are increased imports (either actual or relative to domestic production) of an article into the United States;

(2) The domestic industry producing an article like or directly competitive with the imported article is seriously injured, or threatened with serious injury; and

(3) Such increased imports of an article are a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

U.S. Industry and the Imported Article

In 1978, approximately 100 firms were engaged in the production of leather wearing apparel. Generally, these producers operate a single establishment and concentrate resources on the production of either men's and boy's or women's and girls' apparel, although some firms produce apparel for both sexes. A number of these firms also produce textile apparel.

In this industry many firms do not produce specific articles on a continuing basis, choosing instead to adjust production according to demand, which is seasonal. Producers may change product-mix by switching the production from men's to women's apparel, or from leather to textile apparel, or they may fequently change capacity and employment. In addition, it is common practice within the industry to employ outside contractors for part of the cutting or sewing operations, especially during peak periods. Fluctuations of this nature are particularly characteristic of the production of women's leather apparel.[1]

The Commission's investigation encompassed all types of articles of leather wearing apparel imported into this country under TSUS item 791.76. Information obtained during this investigation revealed, however, that leather coats and jackets composed the vast bulk of domestic production of leather wearing apparel, with other items such as leather vests, skirts, and pants, constituting only a small portion of total imports. The value of vests, skirts, and pants amounted to only eight percent of the total value of imports of all leather wearing apparel in 1978. The competition from foreign imports in this segment of the market is quite limited, and we do not find injury. For coats and jackets, where competition is intense, we do find serious injury, and it is toward this segment of the market that the following findings for the most part are directed.

Increased Imports

On a value basis, imports of all leather wearing apparel increased by 143 percent from 1975 to 1978, while a small decline occurred during the first eight months of 1979. Imports of leather wearing apparel as a percentage of U.S.

[1] Commissioner Stern notes:

Although questionnaire responses received by the Commission reflect the difficulty inherent in recording frequent fluctuations of this type, the data gathered by the Commission is representative of the industry, as most of the major producers provided the information requested in all questionnaire categories. The output of the ten largest firms in the industry constitutes over 50 percent of total production.

producers' shipments also increased in each year from 1975 to 1978, rising from 157 percent in 1975 to 442 percent in 1978. Imports of leather coats and jackets increased each year, rising from 4.0 million units in 1975 to 9.8 million units in 1978, an increase of 146 percent. During this period, women's and girls' coats and jackets accounted for about half the value of total imports. In the period January–August 1979, however, men's and boys' leather coats and jackets accounted for 56 percent of the total value, while imports of women's and girls' leather coats and jackets dropped to 37 percent.

Serious Injury

The Trade Act does not define the term "serious injury" but instead provides guidelines in the form of economic factors the Commission is to take into account. Section 210(b)(2) of the Trade Act provides that the Commission, in making its determination, is to take into account, "all economic factors which it considers relevant, including (but not limited to) . . . the significant idling of productive facilities in the industry, the inability of a significant number of firms to operate at a reasonable level of profit, and significant unemployment or underemployment within the industry. . . ." We have also considered shipments and production as well as inventories and unshipped orders.

Underutilization of Productive Capacity

Capacity utilization in U.S. producers' facilities declined from 78 percent in 1975 to 71 percent in 1978, and fell under 60 percent in the first eight months of 1979. This indicator alone, however, does not necessarily indicate injury, as the inability of capacity to track closely production has traditionally been characteristic of apparel industries. It should be noted, for example, that domestic producers continued to expand capacity in 1977 despite the fact that production declined by ten percent in that year and continued to decline thereafter.

Profitability

Net operating profits as a percentage of net sales dropped from 5.4 percent in 1975 to a low of 2.3 percent in 1977, before rising slightly to 2.9 percent in 1978. Data for the first half of 1979 show profits falling to a meager 0.3 percent of net sales. The number of firms reporting net operating losses, increased over the period, with over one-half of respondent firms reporting losses for the first six months of 1979. Net profits before taxes of domestic producers of leather wearing apparel compare unfavorably with those of producers of similar articles and show a declining trend over the period. Net profits before taxes for the industry of one percent in 1977 and two percent in 1978 are not sufficient to sustain reasonable reinvestment for firm modernization and growth, which would be necessary to compete with foreign producers enjoying significantly lower labor costs.

Significant Unemployment or Underemployment in the Industry

Although employment of production and related workers of respondent firms increased slightly from 1975 to 1978, average hours worked per week by production and related workers remained stagnant, indicating some underemployment in the industry. Since April 1975, 3,107 workers from 46 leather wearing apparel producers have been certified as eligible for Trade Adjustment Assistance by the U.S. Department of Labor.

U.S. Producers' Shipments and Production

In terms of quantity, U.S. producers' shipments of leather coats and jackets rose slightly from 1975 to 1976, but declined in 1977 and again in 1978. Overall, the quantity of shipments fell by 12.3 percent from 1975 to 1978 and has continued to decline in 1979. The value of U.S. producers' shipments have also declined from the highpoint in 1976. It is important to note that shipments of men's and boys' leather coats and jackets increased in value despite a decline in quantity. This increase was not enough to offset the marked decline in the value and quantity of shipments of women's and girls' leather coats and jackets.

Production in the leather wearing apparel industry declined from a highpoint of 1.8 million units reached in 1976 to a 1.5 million units in 1978.

Inventories and Unshipped Orders

Inventory levels are not large relative to shipments in the leather apparel industry because of the highcosts involved in carrying large inventories of leather garments. Nonetheless, inventories increased 28 percent in 1978 from 1977, and they rose again in the first eight months of 1979.

Another measure of market conditions which is a more relevant economic indicator in the apparel industry than inventory levels, is producers' unshipped orders, which represent producers' orders for leather apparel taken but not shipped on a certain date. Producers' unshipped orders dropped 38 percent by quantity and 25 percent by value between August 31, 1978, and the same date in 1979, indicating a serious decline in demand for the industry's products.

The continuous decline in these important economic indicators and, in particular, the low level of profits for this industry have established the fact that producers of leather wearing apparel have been seriously injured.

Increased Imports as a Substantial Cause

Section 201(b)(4) of the Trade Act defines the term "substantial cause" to mean "a cause which is important and not less than any other cause." In making its determination, the Commission is to consider, among other factors, an increased in imports—either actual or relative to domestic production—and decline in the proportion of the domestic market supplied by domestic producers.

The quantity of imports of leather coats and jackets increased each year from 1975 to 1978, rising 146 percent over the four-year period. On a value basis, the increase of imports was comparable, rising 145 percent over the same period.

Such large increases have resulted in imports capturing ever larger shares of the domestic leather wearing apparel market. Imports' share of domestic consumption which, at 62 percent, was already quite large at the beginning of the four-year period, increased to 82 percent in 1978, and remained at that level in the first eight months of 1979. Except for 1976, when domestic shipments of leather coats and jackets increased modestly, domestic shipments have fallen absolutely, while imports have increased each year, both absolutely and relative to domestic shipments. Although total apparent consumption for leather coats and jackets increased by 85 percent from 1975–1978, the largest share of this increase was captured by imports.

In making its determination, the Commission considered other possible causes of serious injury, including a fashion shift away from leather to other types of apparel. However, as indicated above, domestic consumption of leather coats and jackets increased sharply from 1975 to 1978.

The Commission also considered the cost of raw materials as a cause of serious injury. Raw material costs are high in this industry, accounting for over 50 percent of costs of production, and play an obvious role in determining competitive conditions for leather wearing apparel on the world market. The fluctuation in U.S. imports from Latin America may demonstrate this link. In contrast to most other foreign

suppliers, Latin American producers have access to indigenous hide supplies. Argentina, Uruguay and Brazil place export restrictions on their hides and skins in order to ensure a stable supply for their leather apparel and footwear industries and, thus, during certain periods, leather apparel producers in these countries have paid less for raw materials than U.S. producers. This cost advantage experienced by Latin American suppliers may help to explain why Argentina and Uruguay were among the three foreign suppliers which most significantly increased their share of the U.S. import market. However, two additional factors affecting imports from these countries must be noted: (1) tanned leather, the actual raw material used in leather wearing apparel, does not generally face export restrictions in these countries, and thus Latin American producers are to some extent exposed to the rigors of the international market; and (2) U.S. imports from Argentina and Uruguay are largely women's and girls' leather wearing apparel, for which demand has declined sharply in 1979.

In contrast, imports of men's and boys' leather coats and jackets, which currently constitute the bulk of U.S. imports, come largely from Far East suppliers, Korea and Taiwan being the largest. These countries must purchase hides and skins from the international market, 44 percent of which is supplied by the United States. Thus, the burden of high raw material costs is shared equally by U.S. producers and those foreign suppliers of leather apparel which appear to provide the greatest competition to U.S. producers.

While an improvement in the international and domestic conditions which influence hide prices would almost certainly leave room for somewhat higher profit levels, it must be assumed that foreign producers would enjoy the same advantages. It is reasonable to conclude, therefore, that the increasing and rapid loss of market share to imports is a substantial cause which is "important and not less than any other cause" of the injury to the industry.

Conclusion

In view of the above, we have determined that the domestic industry producing leather wearing apparel is being seriously injured within the meaning of Section 201 of the Trade Act of 1974, and we have, therefore, determined in the affirmative.

Views of the Commission on Remedy

It is our view that relief in the form of increased rates of duty should be granted to the domestic industry which the Commission has found to be seriously injured or threatened with serious injury. Our finding with respect to the specific relief necessary to prevent or remedy such injury is set forth in the findings and recommendations appearing on page 3 of this report.

The recommended remedy is designed to apply the increased rates of duty to those articles of leather wearing apparel that compete most directly with domestically produced articles. Information gathered by the Commission shows that the majority of U.S. production consists of men's leather coats and jackets. Relative to demand for women's and girls' apparel, this segment of the market has experienced the more significant growth. Haute couture or high fashion apparel, which consists mostly of women's leather wearing apparel, does not compete directly with the vast majority of domestically produced leather wearing apparel. For these reasons, the Commission has recommended that articles valued at or above $150.00 f.o.b., primarily haute couture items, be excluded from the remedy action. The remedy thus applies to all but 1.6 percent of imports (1979 basis).

Tariff rates needed to equalize more nearly prices between imports and domestically produced articles were calculated on the basis of the differences between average unit values for men's leather coats and jackets. A mark-up percentage of thirty percent was added to the landed, duty-paid price of the imported product. A three-year period was determined to be adequate time for the industry to make adjustments based on the proposed plans discussed before the Commission during the course of this investigation.

Issued: January 24, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-3811 Filed 2-5-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-77]

Certain Computer Forms Feeding Tractors and Components Thereof

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: January 30, 1980.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 80-3810 Filed 2-5-80; 8:45 am]

BILLING CODE 7020-02-M

[332-73]

Notice of Release for Public Comment of U.S. Administration Draft Comments on Draft Chapters of the Harmonized Commodity Description and Coding System

AGENCY: United States International Trade Commission.

ACTION: Release for public comment, pursuant to Commission investigation No. 332-73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, of drafts of, and draft U.S. comments on, the following chapters of the Harmonized Commodity Description and Coding System.

Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers; articles thereof.

Chapter 40: Rubber, synthetic rubber, factice and articles thereof.

WRITTEN SUBMISSIONS: Parties wishing to submit written comments should do so by February 29, 1980.

HEARING: Parties desiring the Commission to hold a hearing on these draft chapters of the Harmonized Code should contact the Secretary of the Commission by February 22, 1980, and show good cause for holding a hearing.

COPIES OF DOCUMENTS: Copies of the draft chapters and draft U.S. comments thereon which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street, NW., Washington, D.C. 20436, or at 6 World Trade Center, New York, N.Y. 10048. The Commission will also send copies to interested parties upon request.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Nomenclature, Valuation and Related Activities, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, Telephone: 202/523-0370.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to obtain the comments and views of interested parties with respect to the above mentioned draft chapters of the Harmonized Commodity Description and Coding System, and of the draft U.S. comments thereon.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (40 FR 6329), under section 332(g) of the Tariff

Act of 1930. The investigation was initiated in accordance with section 608(c) of the Trade Act of 1974, which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems [sic] Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices. . . .

The Harmonized Commodity Description and Coding System (Harmonized Code) is being developed by the Customs Cooperation Council (CCC), an 80-member international organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of transactions in international trade. The Harmonized Code will be based on, and in many respects will be an extension of, the Customs Cooperation Council Nomenclature (CCCN), formerly known as the Brussels Tariff Nomenclature (BTN).

Currently, the Technical Team working under the auspices of the CCC prepares drafts of the various chapters of the Harmonized Code for consideration by the Harmonized System Committee, which was established in order to develop the code. These drafts are forwarded to the members and observers of the Committee for their review and submission of written comments. The Committee meets three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters may extend to more than one meeting.

In 1971, the Department of the Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized Code, the interagency committee has instituted procedures which take into account the provisions of section 608(c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission is preparing techical comments and proposals on the various chapters of the Harmonized Code for consideration by the interagency committee in the determination of U.S. proposals with respect to the Harmonized Code. In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

The draft U.S. comments on the chapters of the Harmonized Code released for public comment today relate specifically to the Technical Team drafts of these chapters and should be read in conjunction therewith.

In its public notices of May 4, 1976 (41 FR 18716 of May 6, 1976), August 9, 1976 (41 FR 34370 of August 13, 1976), December 20, 1976 (41 FR 55948 of December 23, 1976), September 1, 1977 (42 FR 44852 of September 7, 1977), February 7, 1978 (43 FR 5902 of February 10, 1978), October 16, 1978 (43 FR 48723 of October 19, 1978), February 14, 1979 (44 FR 10435 of February 20, 1979), May 16, 1979 (44 FR 29740 of May 22, 1979), and September 5, 1970 (44 FR 53112 of September 12, 1979), the Commission identified those chapters which have been considered thus far by the Harmonized System Committee, and the chapters for which a Technical Team draft has been released.

By order of the Commission.

Issued: February 1, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-3812 Filed 2-5-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Township of Hamilton, N.J., Police Department; Hearing of Appeal

Notice is hereby given that a public hearing of the Appeal of the Township of Hamilton, New Jersey Police Department of the denial of its application for a grant under the Law Enforcement Assistance Administration's Arson Control Assistance Program will be held on Friday, February 8, 1980, beginning at 10:00 a.m. in room 3310, United States Court House, 601 Market Street, Philadephia, Pennsylvania.

Homer F. Broome, Jr.

Acting Administrator, Law Enforcement Assistance Administration.

[FR Doc. 80-3784 Filed 2-5-80; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Design Arts Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Panel (Design Exploration/Research) to the National Council on the Arts will be held March 12, 1980 from 9:00 a.m.-5:30 p.m. and March 13, 1980 from 9:00 a.m.-5:30 p.m., in Room 1130, Columbia Plaza Office Building, 2401 E St., NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

January 29, 1980.

[FR Doc. 80-3749 Filed 2-5-80; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Panel (Challenge); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Panel (Challenge) to the National Council on the Arts will be held February 25, 1980 from 9 a.m.-5:30 p.m. and February 26, 1980 from 9 a.m.-5:30 p.m., Room 1422, Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for

financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 80–3748 Filed 2–5–80; 8:45 am]

BILLING CODE 7537–01–M

Design Arts Panel (Design Communication); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Design Arts Panel (Design Communication) to the National Council on the Arts will be held March 3, 1980 from 9:00 a.m.–5:30 p.m. and March 4, 1980 from 9:00 a.m.–5:30 p.m. in Room 1422, Columbia Plaza Office Building, 2401 E St., NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

January 29, 1980.

[FR Doc. 80–3745 Filed 2–5–80; 8:45 am]

BILLING CODE 7537–01–M

Design Arts Panel (Design Demonstration); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Design Arts Panel (Design Demonstration) to the National Council on the Arts will be held March 5, 1980 from 9:00 a.m.-5:30 p.m. and March 6, 1980 from 9:00 a.m.-5:30 p.m. in Room 1422, Columbia Plaza Office Building, 2401 E St., NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

January 29, 1980.

[FR Doc. 80–3746 Filed 2–5–80; 8:45 am]

BILLING CODE 7537–01–M

Design Arts Panel (Fellowships, General Services to the Field; Meeting

Pursuant to section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Design Arts Panel (Fellowships, General Servives to the Field) to the National Council on the Arts will be held March 10, 1980 from 9:00 a.m.–6:00 p.m.; March 11, 1980 from 9:00 a.m.–6:00 p.m.; and March 12, 1980 from 9:00 a.m.–6:00 p.m. in Room 1422, Columbia Plaza Office Building, 2401 E St., NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9 (B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

January 29, 1980.

[FR Doc. 80–3747 Filed 2–5–80; 8:45 am]

BILLING CODE 7537–01–M

SECURITIES AND EXCHANGE COMMISSION

Advisory Committee on Oil and Gas Accounting; Meeting

ACTION: Notice of meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting.

SUMMARY: A meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting will be held on Tuesday, February 26, 1980, at the Commission's headquarters in Washington, D.C., beginning at 9:30 a.m., and will be open to the public.

FOR FURTHER INFORMATION CONTACT: James L. Russell, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 25049 (202–272–2133).

SUPPLEMENTARY INFORMATION: The next meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting has been scheduled to be held in Room 776 of the Commission's headquarters office at 500 North Capitol Street, Washington, D.C. on Tuesday, February 26, 1980, beginning at 9:30 a.m. The summarized agenda for the meeting is as follows: Discussion of priorities for matters to be considered in 1980; financial analysts' use of reserve information; desirability of modifications to various uniform assumptions for reserve valuations; and status report on surveys of reserve estimate variability.

George A. Fitzsimmons,

Secretary.

January 30, 1980.

[FR Doc. 80–3755 Filed 2–5–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34-16542; file No. SR-Amex-80-1]

American Stock Exchange, Inc.; Proposed Rule Change; Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 17, 1980 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of Terms of Substance of the Proposed Rule Change

(a) The American Stock Exchange, Inc. ("Amex") proposes to amend Section 122 of the Amex Company Guide as follows (*Italics* indicate material to be added. [Brackets] indicate material to be deleted.):

[Section 122. Outside Directors—the Exchange recommends that a Company that does not have outside directors nominate at least two independent directors, that is, directors who are not officers of the Company, and are neither related to its officers nor represent concentrated or family holdings of its shares.]

Section 122. Independent Directors—The Exchange recommends that every listed company have at least two independent directors, that is, directors who are not officers of the company; who are neither related to its officers nor represent concentrated or family holdings of its shares; and who, in the view of the company's board of directors, are free of any relationship that would interfere with the exercise of independent judgment.

The Exchange further recommends that every listed company establish and maintain an audit committee composed solely of independent directors.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

For the past three years, the Amex has been exploring the questions of whether some or all of its listed companies should have audit committees, how such committees should be constituted, and whether they should be required as a condition of initial and continued listing on the Amex. To this end, the Amex surveyed its listed companies in 1977 and again in 1979 to obtain information regarding the composition of their boards of directors, the extent to which they already had or planned to establish audit committees, and their views as to the composition and function of such committees. In November 1978, the Board of Governors appointed a Special Advisory Committee on Audit Committees to study and formulate recommendations as to whether the Amex should adopt an audit committee requirement. The Special Advisory Committee, composed of accountants, attorneys, and chief executive officers of listed companies, undertook a comprehensive study of the audit committee question, culminating in a report which was presented to the Amex Board in 1979. The Report recommended that the Amex adopt a rule requiring domestic listed companies to establish audit committees composed of a majority of independent directors. The Report also recommended exemptive provisions to be administered by the Exchange as a means of easing the burdens that compliance with a requirement might create for smaller companies.

As a result of the Committee's study and the information obtained from listed companies by means of the surveys, the Board of Governors has adopted an amendment to Section 122 of the Amex Company Guide which modifies the Committee's recommendations but still provides a means of encouraging the formation of independent audit committees among its listed companies. The proposed amendment would recommend, rather than require, that all listed companies establish audit committees composed entirely of independent directors.

While the Amex Board strongly agreed with the Committee's basic conclusion that audit committees are valuable and that listed companies should be encouraged to establish them, it expressed concern that an audit committee requirement would mean further intrusion by the exchange into the internal management of listed companies and would increase corporate regulatory burdens, particularly on small and medium-sized companies. The Board was also concerned that an audit committee requirement may not be meaningful if it permits the audit committee to include members of management or other persons having close affiliations with the company. Finally, the Board was concerned that, in the absence of a similar requirement for over-the-counter companies, an audit committee requirement might place the Amex at a substantial competitive disadvantage in its ability to attract new listing.

The proposed amendments to section 122 tightens the present definition of "independent director" (i.e., a director who is not an officer of the company, and who is neither related to its officers nor represents concentrated or family holdings of its shares) by adding the requirement that an "independent director" be a person who, in the view of the company's board of directors, is free of any relationships that would interfere with the exercise of independent judgment. Such relationships could include affiliation with a listed company as a major supplier, customer, provider of services, former member of management or other person whose service on an audit committee might not be either meaningful or effective as a result of his relationship with the company.

The proposed amendments to section 122 of the Amex Company Guide are consistent with section 6(b) of the Act in general and further the objectives of section 6(b)(5) of the Act in particular in that they are designed to protect investors and the public interest.

Comments Received From Members, Participants or Others on Proposed Rule Change

In formulating its recommendation to the Exchange, the Special Advisory Committee took into account comments from listed companies in response to a written request for their views. Of 148 total responses to the written request, 109 companies had established audit committees while 107 companies indicated that audit committees were desirable for publicly held companies. The survey showed, among other things, that 71 out of 130 responding companies believed that the Amex should require all of its listed companies to have an audit committee, while only 13 out of 58 indicated that some companies should be subject to such a requirement. Significantly, 68 out of 112 responding companies stated that an audit committee would enhance problems for the company; 15 our of 96 indicated that the establishment of an audit committee would cause problems for the company. Over 70% of the responding companies indicated that persons providing professional or other services to a company should not serve on its audit committee. In addition, written comments were received from two members of the accounting profession, generally opposing an audit committee requirement as an intrusion into the internal affairs of listed companies, and as tending to encourage the use of "Big Eight" accounting firms by listed companies, thereby encouraging a trend to consolidation in that profession.

Burden on Competition

The Exchange has determined that no burden on competition will be imposed by the proposed rule change.

The Amex does not consent to any extension of the time periods specified in section 19(b)(2) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foreqoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 27, 1980.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

January 29, 1980.

[FR Doc. 80-3757 Filed 2-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Released No. 16536; SR-MSE-78-6]

Midwest Stock Exchange, Inc.; Order Approving Proposed Rule Change

January 28, 1980.

On March 15, 1978, the Midwest Stock Exchange, Incorporated ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, 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) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to amend its Rule 6 of Article XLI to permit the MSE members to utilize closing rotations on the last day of trading in expiring options series commencing at 2:00 p.m. (C.S.T.).

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. 34-14623, March 31, 1978) and by publication in the **Federal Register** (43 FR 15821, April 14, 1978). 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 national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

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. 80-3754 Filed 2-5-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Union Petrochemical Corp. of Nevada; Order of Suspension of Trading

January 30, 1980.

It appearing to the Securities and Exchange Commission that there is a lack of adequate and accurate public information concerning Union Petrochemical Corp. of Nevada's ("UPC") financial condition, and recent unusual and unexplained activity in the securities of UPC, the Commission has determined that the public interest and the protection of investors require a summary suspension of trading in the securities of the above-named company.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 2:30 p.m. on January 30, 1980 through February 8, 1980.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-3756 Filed 2-5-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1713, Amendment No. 2]

Tennessee; Declaration of Disaster Loan Area

The above-numbered Declaration and amendment thereto (see 44 FR 64942 and 45 FR 2456) are further amended by adding Crockett County, and adjacent counties within the State of Tennessee, due to natural disasters as follows:

County	Natural disaster(s)	Date(s)
Crockett	Excessive rain (cotton crop).	May 3, 1979, and continuing through growing season.
Crockett	Early frost (cotton crop).	Oct. 14, 1979.

The termination dates for filing applications remains the same; i.e., for physical damage until close of business on April 30, 1980, and for economic injury until July 30, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 29, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-3772 Filed 2-5-80; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 26
Wednesday, February 6, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., February 5, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Legislative matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-230-80 Filed 2-4-80; 11:57 am]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., Friday, February 15, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-231-80 Filed 2-4-80; 11:57 am]

BILLING CODE 6351-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION. Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, February 11, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:
Bank of Yorba Linda, a proposed new bank, to be located at 18311 Lemon Drive, Yorba Linda, California, for Federal deposit insurance.
South Louisiana Bank, Houma, Louisiana, a proposed new bank, to be located at 1362 West Tunnel Boulevard, Houma, Louisiana, for Federal deposit insurance.
West River State Bank, a proposed new bank, to be located at the corner of Adams Avenue and Fourth Street, Hettinger, North Dakota, for Federal deposit insurance.

Application for Federal deposit insurance and for consent to exercise limited trust powers:
Borel Bank and Trust Company, a proposed new bank, to be located at 35 Bovet Road, San Mateo, California, for Federal deposit insurance, and for consent to exercise limited trust powers.

Application for consent to establish a branch:
Banco Comercial de Mayaguez, Mayaguez, Puerto Rico, for consent to establish a branch at the intersection of Campo Rico Avenue and Road 190, Carolina, Puerto Rico.

Application for consent to relocate main office:
Banco Comercial de Mayaguez, Mayaguez, Puerto Rico, for consent to move its main office from Mendez Vigo and Suau Streets to Mendez Vigo 173 Oeste, both locations within Mayaguez, Puerto Rico.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 44,216-L—Franklin National Bank, New York, New York.
Case No. 44,218-L—The Hamilton Bank and Trust Company, Atlanta, Georgia.
Memorandum re: Northern Ohio Bank, Cleveland, Ohio.
Memorandum re: Franklin Bank, Houston, Texas.

Legal Division memorandum in connection with an appeal from an initial denial of a request for records under the Freedom of Information Act.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:
Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:
Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the board Room on the sixth floor of the FDIC Building located at 550 17th Street N.W., Washington, D C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: February 4, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-234-80 Filed 2-4-80; 2:56 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION. Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insuance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, February 11, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Memorandum and Resolution re: Amendments to Parts 341 and 343 of the Corporation's rules and regulations deleting forms.

Memorandum re: Addendum to Guidelines for the Sale of Real Estate.

Memorandum re: Guidelines for Expenditures by FDIC Liquidators.

Memorandum re: Guidelines for Legal Action.

Reports of committees and officers:
Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assests pursuant to authority delegated by the Board of Directors.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: February 4, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-235-80 Filed 2-4-80; 2:57 pm]

BILLING CODE 6714-01-M

5

[FR No. 219]

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, February 7, 1980 at 10 a.m.

CHANGE IN MEETING: The following subject has been added to the agenda: "Non-Filer Procedures."

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-233-80 Filed 2-4-80; 2:15 p.m.]

BILLING CODE 6715-01-M

6

January 31, 1980.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, February 6, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will also considerd and act upon the following:

3. Paramont Mining Corporation, VA 79-51. (Petition for Discretionary Review; issues include interpretation and application of 30 CFR § 75.313.)

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this matter and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen 202-653-5632.

[S-236-80 Filed 2-4-80; 2:57 p.m.]

BILLING CODE 6820-12-M

7

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, February 11, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: February 1, 1980

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-228-80 Filed 2-1-80; 4:51 pm]

BILLING CODE 6210-01-M

8

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 6687, January 29, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Friday, February 1, 1980.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item[s] was added: Proposed statement to be presented to the Senate Committee on Banking, Housing, and Urban Affairs regarding the Federal Reserve's monetary improvement program. (This matter was originally announced for a meeting on January 30, 1980.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: February 1, 1980.

Theodore E. Allison,

Secretary of the Board.

[S-229-80 Filed 2-1-80; 4:54 pm]

BILLING CODE 6210-01-M

9

SECURITIES AND EXCHANGE COMMISSION.

STATUS: Closed meeting.

DATE AND TIME: February 1, 1980, 4 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

The following item was considered at a closed meeting held on Friday, February 1, 1980, at 4 p.m.

Subpoena enforcement action and access to investigative files by Federal, State, or Self-Regulatory Authorities.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the item to be considered at the closed meeting may be considered pursuant to one or more of the exemption set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meeting in closed session.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2092.

February 1, 1980.

[S-232-80 Filed 2-4-80; 12:44 pm]

BILLING CODE 8010-01-M

federal register

Wednesday
February 6, 1980

Part II

Department of the Interior

Bureau of Land Management

Cooperative Relations; Advisory Committees

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1780

[Circular No. 2455]

Cooperative Relations; Advisory Committees

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking implements the advisory committee provisions of the Federal Land Policy and Management Act of 1976, as amended. In addition, consonant with the requirements of section 8 of the Federal Advisory Committee Act, it establishes guidelines and controls for the creation, operation and termination of committees to advise the Secretary of the Interior and the Bureau of Land Management regarding plans and programs for the management of lands and resources under Bureau jurisdiction, and it updates, consolidates and simplifies existing advisory committee regulations.

DATE: Effective March 7, 1980.

ADDRESS: Any suggestions or inquiries should be addressed to: Director (660), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Lee M. Laitala, (202) 343–5629.

SUPPLEMENTARY INFORMATION: The principal author of this final rulemaking is Lee M. Laitala of the Office of Cooperative Relations, Bureau of Land Management, assisted by the Office of Legislation and Regulatory Management.

Proposed rulemaking was published on pages 55622–55625 of the **Federal Register** of October 1, 1979, and invited comments for 30 days ending October 31, 1979. Comments were received from 16 sources including individuals, business, local governments and recreations. The following summarizes the comments, suggestions and actions taken.

Objectives

It was suggested that the statement of objectives emphasize the need for expert counsel on critical mineral resources. This emphasis has not been added because natural and cultural resources and the environment are all important and none should be given greater consideration than any of the others.

Authority

To be consistent with section 309(a) of the Federal Land Management and Policy Act, the expression "resource management planning" in § 1784.0–3(b)(1) has been revised to read "land use planning".

Policy

It was suggested that the regulations limit the advice furnished by advisory committees to the wording of section 309(d) of the Federal Land Policy and Management Act of 1976. The wording used in section 1784.0–6 of the regulations in an expansion of what is said in the law, but can be interpreted to be part of the broader language of the law.

Establishment

A comment suggested that the rulemaking should contain a provision that the Secretary or his authorized representative accept and consider petitions for the establishment of committees. There is no legal basis to require this in regulations, but on the other hand there should be nothing that would prevent the submission and consideration of such a petition.

Composition

Numerous comments wanted the rulemaking to require that certain specific groups or interests be represented on advisory committees. This would be inappropriate, unless otherwise directed by law, because the composition of each advisory committee could vary quite widely depending upon the management responsibilities required by geographic, cultural and environmental differences of the area each committee would be serving.

There was a question posed as to what means would be used to attain fair membership balance. Section 1784.2–1(a) describes in depth what constitutes fair balance, but the specific directions for attaining balance will be contained in manual instructions.

There was a comment that § 1784.2–1 should specify that one member of each council shall be an elected official of general purpose government serving the people of such area. This requirement has been placed under §§ 1784.6–1(a), 1784.6–3(a) and 1784.6–4(b) because § 1784.2–1—composition—is addressed to all advisory committees and boards and not all are required to have an elected local official as a member.

Avoidance of Conflict of Interest

There were numerous objections raised against § 1784.2–2(a) which requires that lessees, permittees, licensees, contractors or claimants involved in lands or resources administered by the Bureau of Land Management not serve on advisory committees—with certain exceptions, however. The foremost reason for this exclusion to membership on a committee is to avoid seeming conflicts of interest in the eyes of the public, whether real or apparent. At the same time, ample latitude is provided in the exceptions to permit appointment of a member with an apparent conflict of interest where there may be a very limited number of candidates or there is a need for particular expertise that only such person can bring to an advisory committee. Recent appointments to the National Public Land Advisory Council and the more than 700 recommendations that have been made for membership on the district advisory councils now being formed evidence that act that the intent of this section can and will be objectively applied. Furthermore, those persons or interests that might be excluded frequently can be represented through appointment of employees of industry or trade associations, academia, state agencies, the legal profession and individuals from the retired community.

The question was raised as to whether an employee of an organization holding a lease, license, permit, contract or claim which involved lands or resources administered by the Bureau of Land Management could serve on an advisory committee. Such an employee normally could not, and the wording of § 1784.2–2(a) has been amended to make this clear.

Calls for Nominations

As a result of a recommendation, the regulations have been amended to also require **Federal Register** publication when public calls are to be made for candidate nominations to advisory committees.

In some cases, part or all of a committee's membership may be mandated, e.g., required to be appointed by a governor or agency head. Accordingly, this section has been amended to provide for those situations where public calls for nominations are not appropriate.

Notice of Meetings

A number of comments suggested that the rulemaking provide that meetings be held after a 15-day notice in the **Federal Register** rather than after a 30-day notice. This could be helpful in matters of urgency, and § 1784.4–2 of the rulemaking has been changed to provide at least a 15-day notice. However, policy instruction will be that 30 days notice normally will be provided to give the

public ample time to consider and schedule time for attending.

It was suggested that requiring Federal Register notices for subcommittee meetings was excessive, but these notices are believed necessary to avoid any appearance of secrecy, ensure public awareness of committee activities, and to encourage public participation in subcommittee work. The requirement for a notice of a subcommittee meeting would apply only when the subcommittee meets apart from and between meetings of the full committee, not when a full committee forms into subcommittees during a meeting. This section has been rewritten for purposes of clarification.

Open Meetings

It was recommended that § 1784.4–3(c) be amended to require that a meeting be scheduled or an agenda followed if a majority of a council desires it. In practice, meetings are scheduled and agendas prepared in consultation with committee members. Manual provisions that implement this rulemaking will ensure that this practice is continued.

Functions

A comment suggested that the function section should include a statement as to the interest areas to be considered by advisory committees and urged emphasis on the development of mineral resources. The suggestion was not adopted in order to allow maximum leeway on what land and resource issues a committee might consider.

Meetings

This section drew three comments requesting minor deletions from § 1784.5–2 that, contrary to the Federal Advisory Act, would impinge upon the authority of the Secretary or his representative to call meetings.

Records

The only comment on this section related to what was meant by the requirement that records of a meeting shall include a description of the nature of public participation. The record is expected to contain information as to the number of persons attending the meeting and whom each represented, testimony offered, and other relevant facts regarding the character and scope of public involvement.

Membership and Functions of Committees

Several comments received on this section suggested that a special committee for the development of mineral resources, particularly energy resources, be provided for in this section. While the section has not been amended to specifically provide for such a committee, one has been established and others are in their formative stages.

A question was raised as to whether the membership of the National Public Lands Advisory Council would be nominated from a list developed from public call for nominations. The membership of this Council is subject to the requirements of § 1784.4–1 of this rulemaking which provides for public calls for nominations.

District Advisory Councils

A comment on this section questioned the need for an advisory council for each Bureau of Land Management District and indicated that one for each of the sixteen contiguous Western States containing Bureau of Land Management lands should be sufficient. The scope and nature of needs for advice are diverse and frequently unique to a district. The best advice the District Manager can receive often is from those proximate to and most directly impacted by program decisions. For this reason, the section which allows for the creation of a citizen advisory council for each Bureau of Land Management District, has not been changed.

Grazing Advisory Boards

One change requested in the comments was that the boards be permitted to give advice and make recommendations on matters in addition to those specified in § 1784.6–5. The two functional topics set forth in this section are the only ones which the statutes allow these boards to consider. Other matters may be addressed by the district advisory councils, whose functions are not so limited.

One comment recommended deletion of the wording in § 1784.6–5(c) that limits the advice on utilization of range betterment funds to livestock grazing. The words have been deleted as requested so that grazing advisory boards might offer broader advice and recommendations on the utilization of range betterment funds.

Editorial and language changes needed to clarify the rulemaking have been made.

The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 or 43 U.S.C. Part 14.

Under the authority of the Federal Advisory Committee Act (5 U.S.C. Appendix 1), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as amended by the Public Rangelands Improvement Act of 1978, Subpart 1784, Part 1780, Group 1700, Subchapter A, Chapter II, Title 43 of the Code of Federal Regulations is revised as set forth below.

Guy R. Martin,

Assistant Secretary of the Interior.

January 30, 1980.

PART 1780—COOPERATIVE RELATIONS

Subpart 1784—Advisory Committees

Sec.
1784.0–1 Purpose.
1784.0–2 Objectives.
1784.0–3 Authority.
1784.0–5 Definitions.
1784.0–6 Policy.
1784.1 Establishment, duration, termination, and renewal.
1784.1–1 Establishment.
1784.1–2 Duration, termination, renewal.
1784.2 Composition, avoidance of conflict of interest.
1784.2–1 Composition.
1784.2–2 Avoidance of conflict of interest.
1784.3 Member service.
1784.4 Public participation.
1784.4–1 Calls for nominations.
1784.4–2 Notice of meetings.
1784.4–3 Open meetings.
1784.5 Operating procedures.
1784.5–1 Functions.
1784.5–2 Meetings.
1784.5–3 Records.
1784.6 Committees.
1784.6–1 National public lands advisory council.
1784.6–2 [Reserved]
1784.6–3 California Desert Conservation Area advisory committee.
1784.6–4 District advisory councils.
1784.6–5 Grazing advisory boards.

Authority: 5 U.S.C. Appendix 1, 43 U.S.C. 1701 et. seq.

Subpart 1784—Advisory Committees

§ 1784.0–1 Purpose.

This subpart contains standards and procedures for the creation, operation and termination of advisory committees to advise the Secretary of the Interior and Bureau of Land Management on matters relating to public lands and resources under the administrative jurisdiction of the Bureau of Land Management.

§ 1784.0–2 Objectives.

The objective of advisory committees established under these regulations is to make available to the Department of the Interior and Bureau of Land Management the expert counsel of concerned, knowledgeable citizens and public officials regarding both the formulation of operating guidelines and the preparation and execution of plans and programs for the use and management of public lands, their

natural and cultural resources, and the environment.

§ 1784.0-3 Authority.

(a) The Federal Advisory Committee Act (5 U.S.C. Appendix 1) requires establishment of a system governing advisory committees in the Executive Branch of the Federal Government and specifies policies, procedures, and responsibilities for committee creation, management and termination.

(b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.) requires—

(1) Establishment of advisory councils representative of major citizen interests concerned with resource management planning or the management of public lands;

(2) Creation of a California Desert Conservation Area Advisory Committee; and

(3) Under certain conditions, establishment of at least one grazing advisory board for each Bureau of Land Management administrative district in the 16 contiguous Western States.

(c) Section 2 of the Reorganization Plan No. 3 of 1950 (5 U.S.C. Appendix, as amended; 64 Stat. 1262), authorizes the Secretary of the Interior to make provisions deemed appropriate authorizing the performance by any other officer, or by any agency or employee or the Department of the Interior of any Departmental function. The establishment of advisory committees is deemed an appropriate action.

§ 1784.0-5 Definitions.

As used in this subpart, the term:

(a) "Advisory committee" means any committee, council, or board established or utilized for purposes of obtaining advice or recommendations.

(b) "Secretary" means Secretary of the Interior.

(c) "Director" means the Director of the Bureau of Land Management.

(d) "Authorized representative" means the Federal officer or employee designated by an advisory committee charter who approves meeting agendas and attends all meetings of the committee and its subcommittees, if any.

(e) "Public lands" means any lands and interest in lands owned by the United States administered by the Secretary of the Interior through the Bureau of Land Management, except:

(1) Lands located on the Outer Continental Shelf; and

(2) Lands held for the benefit of Indians, Aleuts, and Eskimos.

§ 1784.0-6 Policy.

As part of the Department's program for public participation, it is the policy of the Secretary to establish and employ committees representative of major citizens' interests, or where required by law, of special citizen interests, to advise the Secretary and Director regarding policy formulation, program planning, decisionmaking, attainment of program objectives, and achievement of improved program coordination and economies in the management of public lands and resources; to regularly ensure that such committees are being optimally employed; and to limit the number of advisory committees to that essential to the conduct of the public's business.

§ 1784.1 Establishment, duration, termination, and renewal.

§ 1784.1-1 Establishment.

(a) An advisory committee required by statute is established or renewed upon the filing of a charter, signed by the Secretary, with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(b) An advisory committee not specifically required by statute shall be established only when the Secretary has—

(1) Determined as a matter of formal record, after consultation with the General Services Administration, that establishment of the committee is in the public interest in connection with duties required of the Department of the Interior by law;

(2) Signed and filed the committee charter; and

(3) Published in the **Federal Register** a notice of his determination and of the establishment of the committee.

(c) An advisory committee shall not meet or take any action until the Committee's charter has been signed by the Secretary and copies filed with the appropriate committees of the Senate and House of Representatives and the Library of Congress.

§ 1784.1-2 Duration, termination, and renewal.

(a) An advisory committee not mandated by statute, i.e., established at the discretion of the Secretary, shall terminate not later than 2 years after its establishment unless, prior to that time, it is rechartered by the Secretary and copies of the new charter are filed with the appropriate committees of the Senate and House of Representatives. Any committee so renewed shall continue for not more than 2 additional years unless, prior to expiration of such period, it is again rechartered.

(b) Any advisory committee mandated by statute shall terminate not later than 2 years after the date of its establishment unless its duration is otherwise provided by law. Upon the expiration of each successive two-year period following date of establishment, a new charter shall be prepared and, after Secretarial approval, filed with the appropriate committees of the Senate and House of Representatives for any statutory advisory committee being continued.

§ 1784.2 Composition, avoidance of conflict of interest.

§ 1784.2-1 Composition.

(a) Each advisory committee shall be structured to provide fair membership balance, both geographic and interest-specific, in terms of the functions to be performed and points of view to be represented, as prescribed by its charter. Each shall be formed with the objective of providing representative counsel and advice about public land and resource planning, retention, management and disposal. No person is to be denied an opportunity to serve because of race, age, sex, religion or national origin.

(b) Only an individual who holds a lease or permit to graze livestock upon public lands under the jurisdiction of a Bureau of Land Management District Office shall be eligible to serve as a member of a grazing advisory board.

(c) Individuals shall qualify to serve on an advisory committee other than a grazing advisory board because their education, training, or experience enables them to give informed and objective advice regarding an industry, discipline, or interest specified in the charter.

§ 1784.2-2 Avoidance of conflict of interest.

(a) Persons or employees of organizations who hold leases, licenses, permits, contracts or claims which involve lands or resources administered by the Bureau of Land Management normally shall not serve on advisory committees except—

(1) Holders of grazing permits and leases may serve on grazing advisory boards;

(2) That the lack of candidates make them the only available candidates; or

(3) When they have special knowledge or experience which is needed to accomplish the committee functions to be performed.

(b) No advisory committee or board member, including a grazing advisory board member, shall participate in

deliberations or vote on any matter in which the advisor has a direct interest.

§ 1784.3 Member service.

(a) Elections or appointments to an advisory committee shall be for two-year terms unless a shorter period is specified in the charter, the election procedures, or the appointing document. Terms of service normally shall coincide with duration of the committee charter. Individuals can be reelected to additional two-year terms of service on grazing boards without limit. Members of other advisory committees may be reappointed to additional terms at the discretion of the authorized appointing official.

(b) Committee members advise and report only to the official(s) specified in the charter. Service as an advisor, however, does not limit the rights of a member acting as a private citizen or as a member or official of another organization.

(c) The Secretary or his authorized representative may, after written notice, terminate the service of an advisor if, in the judgment of the Secretary or his authorized representative, such removal is in the public interest, or if the advisor—

(1) No longer meets the requirements under which elected or appointed:

(2) Fails or is unable to participate regularly in committee work; or

(3) Has violated Federal law or the regulations of the Secretary.

(d) For purposes of compensation, members of advisory committees, except for grazing advisory board members, shall be reimbursed for travel and per diem expenses when on advisory committee business, as authorized by 5 U.S.C. 5703.

§ 1784.4 Public participation.

§ 1784.4-1 Calls for nominations.

Except where otherwise provided, candidates for appointment to advisory committees are sought through public calls for public nominations. Such calls shall be published in the **Federal Register** and are made through media releases and systematic contacts with individuals and organizations interested in the use and management of public lands and resources.

§ 1784.4-2 Notice of meetings.

(a) Notices of meetings of advisory committees and any subcommittees that may be formed shall be published in the **Federal Register** and distributed to the media 30 days in advance of a meeting. However, if urgent matters arise, notices of meetings of advisory committees and any subcommittees shall be published in the **Federal Register** and distributed to the media at least 15 days in advance of a meeting.

(b) Notices shall set forth meeting locations, topics or issues to be discussed, and times and places for the public to be heard.

§ 1784.4-3 Open meetings.

(a) All advisory committee and subcommittee meetings and associated field examinations shall be open to the public and news media.

(b) Anyone may appear before or file a statement with a committee or subcommittee regarding matters on a meeting agenda.

(c) The scheduling of meetings and the preparation of agendas shall be done in a manner that will encourage and facilitate public attendance and participation. The amount of time scheduled for public presentations and meeting times may be extended when the authorized representative considers it necessary to accommodate all who seek to be heard regarding matters on the agenda.

§ 1784.5 Operating procedures.

§ 1784.5-1 Functions.

The function of an advisory committee is solely advisory, and recommendations shall be made only to the authorized representative specified in its charter. Determinations of actions to be taken on the reports and recommendations of a committee shall be made only by the Secretary or his authorized representative.

§ 1784.5-2 Meetings.

(a) Advisory committees shall meet only at the call of the Secretary or his authorized representative.

(b) No meeting shall be held in the absence of the Secretary or his authorized representative.

(c) Each meeting shall be conducted with close adherence to an agenda which has been approved in advance by the authorized representative.

(d) The authorized representative may adjourn an advisory committee meeting at any time when—

(1) Continuance would be inconsistent with either the purpose for which the meeting was called or the established rules for its conduct; or

(2) Adjournment is determined to be in the public interest.

§ 1784.5-3 Records.

(a) Detailed records shall be kept of each meeting of an advisory committee and any subcommittees that may be formed. These records shall include as a minimum—

(1) The time and place of the meeting;

(2) Copies of the **Federal Register** and other public notices announcing the meeting;

(3) A list of advisors and Department or Bureau employees present;

(4) A list of members of the public present and who each represented;

(5) The meeting agenda;

(6) A complete and accurate summary description of matters discussed and conclusions reached;

(7) A list of recommendations made by the advisory committee;

(8) Copies of all reports received, issued, or approved by the Committee or subcommittee; and

(9) A description of the nature of public participation. The Chairperson of the advisory committee shall certify to the accuracy of meeting records.

(b) All records, reports, transcripts, minutes, recommendations, studies, working papers, and other documents prepared by or submitted to an advisory committee shall be available for public inspection and copying in the Bureau of Land Management office responsible for support of that committee. Upon request, copies shall be provided at the cost of duplication as established by the regulations in 43 CFR Part 2 (Appendix A).

§ 1784.6 Membership and functions of committees.

§ 1784.6-1 National Public Lands Advisory Council.

(a) Biennially, the Director shall submit to the Secretary a list of member nominations obtained from recommendations made by individuals, organizations and associations concerned with public land and resource management. From this list and from other sources, the Secretary shall appoint not less than 10 nor more than 17 members to represent the interests, services or disciplines specified in the Council charter. At least one member shall be an elected official of general purpose government. The Council shall elect its own officers.

(b) The National Public Lands Advisory Council shall advise the Secretary, through the Director, as to regulations, policies, plans and programs of national scope relative to public lands and resources under the jurisdiction of the Bureau of Land Management.

(c) The Council shall meet at the call of the Director. The Director or the Director's designee shall be the authorized representative at all meetings of the Council and committees that may be formed.

(d) Administrative support for the Council shall be the responsibility of the Director.

§ 1784.6-2 [Reserved]

§ 1784.6-3 California Desert Conservation Area Advisory Committee.

(a) The Director shall submit biennially to the Secretary a list of nominations for membership received following public calls for nominations. From this list and from other sources, the Secretary shall appoint 15 members to represent the interests, services, and disciplines specified by the Committee charter. One member shall be an elected official of general purpose government serving within the California Desert Conservation Area.

(b) The California Desert Conservation Area Advisory Committee advises the Secretary, through the Bureau of Land Management, regarding the preparation and implementaiton of a comprehensive, long-range plan for the management, use, development, and protection of the public lands within the California Desert Conservation Area of Southern California.

(c) The Committee and any subcommittee(s) formed shall meet at the call of the California State Director, Bureau of Land Management, and elect their own officers. The California State Director, or a designee, shall be the authorized representative at all meetings of the Committee and its subcommittees.

(d) Administrative support shall be provided by the office of the California State Director.

(e) The Committee shall terminate no later than December 31, 1981.

§ 1784.6-4 District advisory councils.

(a) An advisory council shall be established for each Bureau of Land Management District.

(b) Biennially, following public calls for nominations, the Secretary or his designee shall appoint not less than 10 nor more than 15 individuals to serve on the council. One of the appointees shall be an elected official of general purpose government serving within the District. Membership shall be balanced to reflect the various elements in the plans and programs for the District.

(c) A district advisory council advises the Bureau of Land Management District Manager to whom it reports regarding multiple use plans and programs for public lands and resources under the jurisdiction of that District.

(d) A District advisory council and its subcommittee(s) shall meet at the call of the District Manager and elect their own officers. The District Manager or a designee shall be the authorized representative at all meetings of the council and its subcommittees.

(e) Administrative support for a District advisory council and its subcommittees shall be provided by the office of the District Manager to whom it reports.

§ 1784.6-5 Grazing advisory boards.

(a) At least one grazing advisory board shall be established in each District office of the 16 contiguous Western States—

(1) Having jurisdiction over more than 500,000 acres of land subject to commercial livestock grazing; and

(2) Upon petition of a simple majority of public land livestock lessees and permittees under the jurisdiction of the District Office.

(b) The District Manager to whom the board reports shall call biennially for nominations from grazing lessees and permitees under the jurisdiction of the District office. From such nominations, the lessees and permittees shall, in turn, elect no less than 5 nor more than 8 individuals to serve on the board. Member service shall be without cost to the Government.

(c) The advice and recommendations to the District Manager by a grazing advisory board shall be limited to matters regarding—

(1) The development of allotment management plans; and

(2) The utilization of range-betterment funds.

(d) A grazing advisory board shall meet at least once a year at the call of the District Manager to whom it reports, and shall elect its own chairperson. The District Manager or a designee shall be the authorized representative at all meetings.

(e) Administrative support for a grazing advisory board shall be provided by the office of the District Manager to whom the board reports.

(f) All grazing advisory boards established under these regulations shall terminate December 31, 1985.

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February 6, 1980

Part III

Department of Commerce

International Trade Administration

Antidumping Duties

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 353

Antidumping Duties

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Final rule and requests for comments.

SUMMARY: The International Trade Administration is publishing final regulations concerning antidumping duties. These regulations replace the Customs Service regulations relating to antidumping and adopt in part, regulations proposed by the Customs Service (44 FR 59742). These regulations effect the changes made by the Trade Agreements Act of 1979, which repealed and superseded the Antidumping Act of 1921, and by Reorganization Plan No. 3 of 1979. The regulations now contained in 19 CFR Part 153 will be deleted from 19 CFR by the Customs Service at a later time.

DATES: These regulations are effective February 5, 1980. Written comments with respect to proposed Customs regulations, (§§ 153.7(b), part of 153.10(e), 153.12(j), 153.16(b), and 153.24) published on October 16, 1979 may be submitted until March 15, 1980.

ADDRESS: Written comments (in triplicate) with respect to the provisions mentioned above may be submitted to the Assistant Secretary for Trade Administration, Room 3826, Department of Commerce, Washington, D.C. 20230. Written comments submitted will be available for public inspection during regular business hours at Room 3100, Department of Commerce, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: C. Christopher Parlin, James Lyons or Anne White Foley, Office of General Counsel, Department of Commerce, Washington, D.C. 20230; (202) 377–1434.

SUPPLEMENTARY INFORMATION:

Background

The Trade Agreements Act of 1979 was enacted into law on July 26, 1979, and Title I became effective January 1, 1980. The Act transfers the authority to regulate antidumping duties from the Treasury Department and the U.S. Customs Service to the International Trade Administration, Department of Commerce. The Customs Service published proposed regulations on antidumping duties in the **Federal Register** on October 16, 1979, 44 FR 59742, with comments due on November 30, 1979. The Department of Commerce is hereby adopting certain sections of the proposed regulations published at 44 FR 59742 by the Customs Service and has determined for good cause, pursuant to section 553(d)(3) of Title 5 of the United States Code (5 U.S.C. 553(d)(3)), that further notice and public procedure prior to the effective date of these final regulations are impracticable, unnecessary and contrary to the public interest. These regulations are necessary to carry out the antidumping program, and consequently they will be effective immediately on publication. The Department, however, is deferring publication of final regulations on issues covered by certain sections of the proposed Customs Regulations published on October 16, 1979. As indicated, additional comments with respect to those previously proposed provisions may be submitted until March 15, 1980.

The provisions of the former Customs Regulations relating to antidumping duties were based on the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*). Section 106(a) of the Trade Agreements Act of 1979, Pub. L. 96–39, repealed the Antidumping Act, 1921, as amended, effective January 1, 1980. Although Title I, Subtitles B, C, and D (Antidumping Duties) of the Trade Agreements Act of 1979 in large measure retain the substantive law of the 1921 Act, some changes and additions to the regulations are required in order to implement the modifications in substantive law and procedure effected by the Trade Agreements Acts of 1979 and Reorganization Plan No. 3 of 1979 (44 FR 69273, December 3, 1979), which took effect January 2, 1980. A number of other regulations incorporate existing administrative interpretations and practices which had not heretofore been set forth in regulations but which are intended to be continued under the new statute.

The principal changes in the new law relate to shortened time limits during the investigative phase of proceedings; detailed provisions concerning suspension of investigations; the imposition of time limits on the liquidation of entries subject to the assessment of antidumping duties; yearly administrative review of outstanding suspension agreements and Antidumping Duty Orders; and greater public participation in, and greater public access to information developed in the course of, antidumping proceedings. These changes in the law require that conforming amendments be made to the antidumping regulations.

Since publication by the U.S. Customs Service of proposed rules on October 16, 1979, Reorganization Plan No. 3 of 1979 and Executive Order 12188 have effected the transfer to the Secretary of Commerce of all functions of the Department of the Treasury pursuant to title VII (including section 771(1), which defines the administering authority) of the Tariff Act of 1930, except for certain functions reserved to the Customs Service.

In anticipation of the transfer effected by the Plan, the Departments of Commerce and the Treasury have jointly reviewed and considered all comments received on the proposed regulations and have jointly prepared these final regulations; although since January 2, 1980, all preparation has been performed by the Commerce Department. The Trade Agreements Act of 1979 requires the Department of Commerce to issue regulations necessary or appropriate to carry out its antidumping duty responsibilities by January 1, 1981. However, in order for the Department of Commerce to conduct its antidumping duty program, it is necessary for some regulations to be effective as soon as possible after the effective date of Title I of the Act, January 1, 1980. These regulations follow. The Department anticipates that as experience is gained in administering its new antidumping duty program, the Department will continue to evaluate these regulations, and, when appropriate, will propose amendments to them. The Department will consider written comments on the regulations published below.

The Department of Commerce is deferring publication of final regulations on issues covered by certain sections of the proposed regulations of the Customs Service published in the **Federal Register** on October 16, 1979, specifically § 153.7(b), part of §§ 153.10(e), 153.12(j), 153.16(b), and 153.24. Final regulations on these issues are not necessary immediately for the conduct of the antidumping duty program. Moreover, these issues are complex, and the Department prefers to gain more experience with them prior to publishing final regulations. In addition to the sections enumerated above, sections 153.15 and 153.19 of the Customs proposed regulations are not being made final in the form they appeared in the proposed rulemaking. Several significant changes from current practice were included in these sections as proposed. Additional consideration of the suggested changes and the comments submitted thereon is necessary. Accordingly, the substance of the former Customs Regulations on

circumstances of sale and level of trade (19 CFR 153.10, 153.15) has been retained in the interim, and they are published herein. The Department invites additional written comments on Customs proposed regulations §§ 153.7(b), 153.10(e), 153.12(j), 153.15, 153.16(b), 153.19 and 153.24. Comments should be sent to the address listed above and must be received by March 15, 1980.

On November 16, 1979, the President directed Executive Departments and Agencies to ensure that federal regulations will not place unnecessary burdens on small businesses and organizations. The President's memorandum was issued after publication of the proposed regulations on antidumping duties and preceded the close of the comment period by only two weeks. To comply with the President's memorandum, the Departments of Commerce and the Treasury have examined the written comments for those relating to small businesses and have attempted to incorporate these comments in the regulations published below. Moreover, the Departments have introduced some flexibility into the regulations in order to minimize the burden on small businesses and organizations. A section was added inviting persons intending to file petitions to seek from the Department of Commerce information on the requirements for petitions prior to filing. A provision was added to waive, when unduly burdensome, the requirement that parties serve written comments on all other parties. In at least one case, a comment was rejected because of the burden to petitioners, particularly small businesses. This comment suggested requiring the petitioner to give notice of its filing to all parties named in the petition.

However, because the comment period was well underway at the time of the President's directive to minimize unnecessary regulatory burdens on small businesses, the Department of Commerce now invites written comments specifically on the effect on small businesses and organizations of the regulations published below as well as the sections enumerated above upon which final action is being deferred. Written comments should be sent to the address listed above and must be received by March 15, 1980. The Department of Commerce will analyze these comments and, if appropriate, publish proposed or final amendments reflecting them.

In formulating the regulations published below, the Departments of Commerce and Treasury have considered all written comments received as well as the testimony which was presented at the November 5, 1979, conference relating to the proposed antidumping duty regulations. Some comments went beyond the scope of this rulemaking or urged changes inconsistent with the Trade Agreements Act of 1979. These suggestions have not been incorporated. Some comments addressed matters more appropriately addressed by the U.S. International Trade Commission; these were referred to the Commission. Some comments urged a degree of specificity considered inappropriate for regulations and were rejected for this reason.

A number of comments stated that the deadlines are too short for submissions by parties, for example, the deadlines for resubmitting confidential requests, for alleging critical circumstances, and for presenting written views prior to a final determination. While sympathetic to these views, the Department has not incorporated the suggested changes, because any additional time granted to parties would impair the ability of the Department of Commerce to meet the deadlines imposed by the Act.

A section-by-section analysis of the comments follows:

1. *Section 353.0 Scope.* This section delineates the scope of Part 353. The provision, which appeared in the proposed rulemaking, remains unchanged. This section also provides that determinations by the Secretary under the Tariff Act of 1930 shall not be considered major federal actions significantly affecting the environment within the meaning of the National Environmental Policy Act of 1969, as amended, or relevant Executive Orders.

2. *Section 353.1 Relationship of Fair Value to Foreign Market Value.* No comments were received with respect to this section, and it remains unaltered.

3. *Section 353.2 Definition of Foreign Market Value.* This provision references the manner in which foreign market value shall be determined. It remains as published in the proposed rulemaking.

4. *Section 353.3 Foreign Market Value Based on Price in the Country of Exportation.* No comments were received pertaining to this provision, and it remains unchanged.

5. *Section 353.4 Foreign Market Value Where Sales in the Country of Exportation Are Inadequate.* The comments received suggested that the preference for third country sales over constructed value should be more strongly stated. Further guidance was also requested with respect to those situations in which home market sales would be considered inadequate and constructed value would be determined to be the most appropriate means of calculating foreign market value. The preference for use of third country sales set forth in paragraph (b) of the section cannot be stated more strongly without eliminating the discretion which the Act confers on the Secretary and which the Secretary will require in those circumstances where the use of third country sales is inappropriate. With regard to the second comment, other sections of the regulations, specifically § 353.7 (cost of production) and § 353.8 (state-controlled-economy country), already indicate two instances where constructed value ordinarily will be used. The request that the regulations more clearly stipulate when home market sales will be adequate has been adopted; a general 5 percent rule, administratively applied for some time, has now been incorporated in paragraph (a) of this section.

6. *Section 353.5 Foreign Market Value Based on Sales to a Third Country.* Comments were received which questioned whether it would be more appropriate to base the selection of a surrogate third country first on considerations of volume rather than similarity of merchandise. The "such or similar" definition which appears in Section 771(16) of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979, however, requires that similarity be the paramount consideration so long as an adequate volume of sales exists. Other comments opined that the provision in paragraph (d) for aggregation of countries should be used in only exceptional circumstances. It is likely that the aggregation principle will be used only rarely. However, the Department wishes to gain experience in administering the program before determining whether a limitation to "exceptional circumstances" is warranted. One other comment recommended substituting "U.S. market" for "home market" in the last line of paragraph (c). This suggestion was adopted to ensure no ambiguity in the provision, which is intended to refer to the U.S. market.

7. *Section 353.6 Foreign Market Value Determined by Constructed Value.* One comment recommended that in the calculation of constructed value, use should be made of generally accepted accounting principles as defined in § 153.12(j) of the proposed regulations. However, the publication of § 153.12(j) in final form is being deferred to permit further analysis of the concepts embodied therein. Consequently, it would be premature to consider such principles as they relate to the calculation of constructed value. The

other comments received pertain to subsection (b); specifically, the meaning of "any element of value" and whether the transaction prices would be required to include the statutory minimum of 10% for general expenses and 8% for profit. The elements of value to be considered are those mentioned in § 353.6 (a)(1) and (a)(2), and a cross-reference to them has been included. The inclusion of the statutorily mandated minimum amounts for general expenses and profit will not be required in determining the arms-length nature of the sale between related parties; normal considerations of profit and expenses in the market will be adequate.

8. *Section 353.7 Foreign Market Value Where Sales Are Made at Less than the Cost of Production.* Comments submitted with respect to paragraph (a) expressed a concern that the reliance to be placed on "the best available information" was over-emphasized and that an opportunity would not be permitted for the submission of supplemental data necessary to rectify a deficiency in the information supplied. As the proposed regulations provided, resort to the "best available information" will be made whenever the information supplied is inadequate. What will, in fact, constitute the best available information will depend largely on the particular circumstances: at times it may be the information supplied by the respondents subject to the investigation; at other times, the information supplied by the petitioner; and, of course, it may also constitute a combination of those and other sources. Any party will be permitted to supplement otherwise deficient data as long as the additional submissions are made within sufficient time to permit analysis and verification of the additional data.

The remaining comments relevant to this section pertained to paragraph (b) which defined "cost of production". A number of the concepts which were formally described for the first time in proposed regulations were criticized. In light of the need for additional analysis of those comments, the publication of paragraph (b) in final form is being deferred, although the earlier proposal should be considered as continuing as a proposal. Any additional submissions with respect to the issues developed therein are invited.

9. *Section 353.8 Foreign Market Value of Merchandise from State-Controlled-Economy Countries.* The comments focused on the appropriateness of the comparability of economy standard. This concept was incorporated in the Customs Regulations on August 19, 1978 (43 FR 35265), and many of the same issues were considered then. Although the current regulations are republished for this final rule-making, continued consideration is being given to the possibility of amending the regulation to reflect the concerns expressed in the comments, particularly those relating to other methods of determining economic and commercial comparability. One change has been made in paragraph (a) to codify a previously unstated preference for comparisons based on prices.

10. *Section 353.9 Foreign Market Value Based on Sales in a Third Country by a Related Company.* This provision remains unchanged. Although a few comments suggested that the section be expanded to provide additional guidance with respect to its use, the absence of any experience under the provision makes such elaboration inappropriate at this time.

11. *Section 353.10 Definition of United States Price.* The final regulation remains unchanged, except that subsection (e) is being deferred. The definition of purchase price is consistent with present practice under which sales from the foreign producer to middlemen and any sales between middlemen before sale to the first unrelated U.S. purchaser are examined to determine whether any of those sales are made below cost. Several comments expressed concern that the language in the preamble which accompanied the proposed regulations indicated "that if the manufacturer or producer knew or had reason to know that the goods were for sale to an unrelated U.S. buyer and the terms of sale were fixed or determinable from events beyond the control of the parties as of the date of importation, the manufacturer's or producer's sales price to an unrelated middleman *will* be used as 'purchase price.' " The comments suggested that purchase price would not always be the most appropriate United States price to use in such circumstances.

The comment has merit. Accordingly, in the situation described, purchase price may not always be the most appropriate United States price; in certain circumstances, the preferable comparison will be to exporter's sales price.

Other comments criticized the "80 percent rule" contained in paragraph (e) as arbitrary and contrary to commercial considerations governing profits. This provision was not contained in the former Customs Regulations. In light of the significant change which would result and the number of comments received, it was determined to defer this provision to permit further study. The proposal reflected, in part, past practice and should be considered as continuing as a proposal.

12. *Section 353.11 Definitions of Antidumping Duty "Proceeding," "Investigation," "Determination" and "Order."* This provision remains unchanged except for technical amendments.

13. *Section 353.12 Other Definitions.* Several comments noted the omission of United States importers as parties to the proceeding. This omission was corrected; all interested parties as defined by the Act can be parties to the proceeding. Several comments suggested that there be a deadline for filing requests to become a party to the proceeding, provided that later intervention would be allowed for good cause. The essence of these comments was adopted. The publication of proposed Customs Regulation § 153.12(j) in final form is being deferred to permit further analysis of the concepts relating to, and the definiton of, the phrase "generally accepted accounting principles."

14. *Section 353.13 Determination of Foreign Market Value.* Several comments objected to inclusion of the burden of proof requirement. It was concluded that while burden of proof was not the appropriate standard, some standard should be required of the person claiming entitlement to an adjustment. Accordingly, the regulation has been revised to indicate that the party claiming an adjustment must establish entitlement thereto to the satisfaction of the Secretary.

15. *Section 353.14 Differences in Quantities.* One comment questioned the consideration of industry practice in determining allowance for quantity discounts. This provision of paragraph (a) has been maintained, because knowledge of the industry-wide practice assists in the analysis of practices by a specific firm.

Two comments suggested that adjustments for differences in prices arising from sales of different quantities be allowed without the need to satisfy the six-month rule or cost justification rule of paragraph (b). This suggestion was not adopted. The paragraph (b) criteria are necessary and appropriate to ensure adequate substantiation and valuation of claims for such an adjustment.

One comment suggested that the time period in paragraph (b)(1) should be the period of investigation rather than six months prior to the date the issue of dumping was raised. This suggestion was adopted. The investigatory period ordinarily covers the period from five months before to one month after receipt

of an acceptable petition (see § 353.38). Thus, this change will simplify the conduct of investigations without causing a radical change from current practice.

One comment suggested that paragraph (b)(1) be changed from requiring that quantity discounts actually be granted to permitting the discount wherever it was "actually offered." This comment also objected to the requirement that the discount be granted with respect to at least 20 percent of such or similar merchandise. Neither suggestion was adopted. Both concepts were taken without change from the former Customs Regulations; they are necessary and appropriate to ensure adequate substantiation of entitlement to this adjustment.

Several comments objected to the inclusion in paragraph (b)(2) of discounts based on savings attributable to delivery (as opposed to production) of the different quantities involved. Several other comments urged that savings attributable to all distribution costs and to lower overhead costs be permitted. It was determined that only savings attributable to production of different quantities should be permitted. Other sections of these regulations, such as the circumstances of sale provision (§ 353.15), encompass an allowance for savings attributable to different delivery costs. Expansion of the differences in quantity provision to encompass overhead costs would be a radical departure from current practice. Such a departure was determined to be inappropriate at this time.

16. *Section 353.15 Differences in Circumstances of Sale.* Several comments objected to the expansion of the adjustments permitted under this section of the proposed regulations. Several others regarded the expansion as too limited. Because of the number and range of comments, the proposed regulation has not been made final. The substance of the provision from the former Customs Regulations (19 CFR 153.10) has been republished; possible revision has been deferred, although the earlier proposal should be considered as continuing as a proposal. (The regulation as published herein is intended to reflect no change in the substance of the Customs Regulations under the Antidumping Act, 1921, in effect on December 31, 1979.)

17. *Section 353.16 Differences in Physical Characteristics.* Several comments suggested that the adjustment not be limited to differences in *physical* characteristics. This limitation was in the former Customs Regulations. It was not considered appropriate to change it at this time. One comment suggested that the phrase "cost of manufacture" be changed to "cost of production" to be consistent with the wording used in other sections. This suggestion was adopted. One comment questioned the sentence dealing with merchandise not lending itself to comparison for purposes of this section. This sentence is intended to make clear that where an adjustment for differences in physical characteristics is appropriate but the usual methods for valuing the difference are not, the Secretary may select any other method reasonably calculated to reflect the impact of any difference in physical characteristics. A new last sentence has been added to indicate explicitly that differences in costs of producing merchandise with identical physical characteristics will not be considered appropriate adjustments.

Numerous comments objected to proposed subsection (b), which provided that where differences in physical characteristics account for more than 10 percent of the value of the merchandise, an appropriate allocation of any profit realized on the sales under consideration also would be made to material or labor used or services performed in creating such differences. This provision was not contained in the former Customs Regulations. In light of the radical change from current practice and the significant number of comments received, this provision will be deferred to permit further study. (The earlier proposal should be considered as continuing as a proposal.)

18. *Sections 353.17 and 353.18 Offering Price and Fictitious Sales.* No comments were submitted regarding these sections. Accordingly, they remain as in the proposed rule-making.

19. *Section 353.19 Level of Trade.* Several comments objected to the change in this provision from that in the former Customs Regulations. The proposed regulation has not been made final. Possible revision of this section has been deferred; the earlier proposal should be considered as continuing as a proposal. The provision from the former Customs Regulations (19 CFR 153.15) has been republished. (The regulation published herein is intended to reflect no change in the substance of the Customs Regulations under the Antidumping Act, 1921, in effect on December 31, 1979.)

20. *Section 353.20 Sales at Varying Prices.* Several comments suggested that paragraph (a) be clarified to make explicit that there can be two fair values—one calculated in accordance with § 353.14(b)(3) or 353.19; another for remaining sales. While two fair values possibly could exist in a situation involving a level of trade adjustment (§ 353.19), the making of adjustments for differences in quantities (§ 353.14(b)) or the making of any other adjustments could not produce more than one fair value for such or similar merchandise produced by the same person and sold at or about the same time as the merchandise in question sold to the U.S. Accordingly, reference to § 353.14(b)(3) has been deleted. In addition, paragraph (a) has been redrafted for purposes of clarity.

Some comments objected to paragraphs (b) and (c); they suggested that weighted averages always should be used. This suggestion was not adopted. When the vast majority of sales are at one price, use of that dominant price clearly is appropriate. Likewise appropriate is paragraph (d), which permits selection of "any other method for determining fair value" when neither paragraph (a) nor (b) is applicable. Because of the close relationship between "fair value" and "foreign market value," it was deemed appropriate to substitute "foreign market value" for "fair value" in this section to reflect the intent that, to the maximum extent possible, calculations will be performed on the same basis for both fair value and foreign market value purposes.

21. *Sections 353.21 and 353.22 Shipments from Intermediate Countries and Transactions Between Related Persons.* No comments were submitted regarding these sections. They remain as published in the proposed rule-making.

22. *Section 353.23 Disregarding Insignificant Adjustments.* One comment proposed that insignificant adjustments be disregarded only when to do so would not materially affect the results of the calculation. This concern is already reflected in the last sentence of subsection (a); no further clarification is necessary. Another comment asserted that the authority in paragraph (b) to use sampling or averaging techniques should be explicitly circumscribed. This suggestion was not adopted because the provision as drafted is within the authority bestowed by the statute. One comment urged that a new paragraph be added indicating that dumping margins of 1.5 percent or less be held to be *de minimis.* This suggestion was not adopted. While, under current practice, margins as high as 0.3 percent have been considered *de minimis,* no conclusions have yet been reached on whether a fixed standard for *de minimis* margins in antidumping investigations is appropriate and, if so, what that level should be. If and when such a determination is made, appropriate changes in the regulation will be

proposed. In any event, there is no legal justification for treating 1.5 percent *per se* as *de minimis*.

23. *Section 353.24 Fair Value Price Comparisons in Markets Reflecting Parallel Pricing.* Numerous comments asserted that this regulation, which does not appear in the former Customs Regulations, contained excessively vague terms and reflected a marked departure from traditional dumping methodology. This regulation has not been made final at this time; it is being deferred to permit further study. The earlier proposal should be considered as continuing as a proposal.

24. *Section 353.25 Information Generally Available.* One comment suggested that the first sentence of subsection (a) be amended so that the reference to material submitted or collected be limited to "by any interested party." Since the statutory provision on the record for judicial review deals with "all information presented to or obtained by the Secretary" (section 516A(b)(2)(A)(i), Tariff Act of 1930, as amended by section 1001(a), Trade Agreements Act of 1979, 93 Stat. 302 (19 U.S.C. 1516a), it was not considered appropriate to make this change. Two technical changes have been made in paragraph (a). It was determined that instead of merely citing the statutory provision on contents of the record for review, the statutory criteria should be spelled out. It was also determined that the last sentence in paragraph (a) should be part of paragraph (b).

25. *Section 353.26 Ex Parte Meetings.* Several comments suggested that the record of ex parte meetings should contain, in addition to the identity of the persons present, the date, time and place of the meeting. This suggestion has been adopted. It was also suggested that the regulation identify the party responsible for preparing the memorandum of the meeting. This suggestion also has been adopted. The regulation now indicates that normally the memorandum for the record will be prepared by one of the Government participants. Of course, in light of § 353.46(a) ("submission of information and written views") private parties who participate in such meetings may submit their own summaries. Another comment objected to the materiality requirement in the first sentence. Section 777(a)(3) of the Tariff Act of 1930, as amended (93 Stat. 187, 19 U.S.C. 1677f(a)(3)) refers to persons providing factual information "in connection with an investigation." In light of the statutory language the regulation has been changed to refer to "factual information relating to a determination." (Section 355.16 of the Countervailing Duties Regulations, 19 CFR 355.16, published in the **Federal Register** on January 22, 1980 (45 FR 4932, 4939), also will be amended to conform to this change).

26. *Section 353.27 Confidentiality Maintained.* In response to a comment that this section of the proposed regulations was more appropriately situated in another section, the material has been deleted and so transferred. Several comments objected to paragraph (b) of the proposed regulation. They pointed out that unlike all other situations involving information submitted under a request for confidential treatment, this section contained no provision for notifying the submitter of the intent to disclose such information and providing an opportunity to withdraw it rather than have it disclosed. The revised provision (in § 353.28(e)) clearly indicates that notification will be given and an opportunity to withdraw the material provided in all instances where a request for confidential treatment is not granted. The transferred material has been replaced with language dealing with the maintenance of confidentiality of information designated as confidential by the person submitting it.

27. *Section 353.28 Requests for Confidential Treatment of Information.* One commenter objected to the provision of a 10% band for approximated presentation of confidential information, stating it was not large enough where the numbers involved are small. While such a problem may exist in a small number of cases, it has been determined that, on balance, use of a wider band would have the effect much more often of excessively distorting the nonconfidential summary. Accordingly, the comment has not been adopted. Another comment stated that paragraph (a)(3) could result in less information being made available than under the former Customs Regulations since only a brief nonconfidential summary is required to accompany an agreement to permit disclosure under an administrative protective order. Where such an order is granted, parties other than those whose attorneys or other representatives are granted access will have only the less detailed non-confidential summary. This is an inevitable result of the protective order mechanism; it was determined to be inappropriate to require a more detail summary in such cases. However, the comment was adopted with respect to situations where the request for an order in denied. Accordingly, the regulation has been amended to indicate that where the request for a protective order is denied, a nonconfidential summary conforming to the requirements of paragraph (a)(1) or a statement under paragraph (a)(2) shall be required, except where, in unusual circumstances, a less detailed summary is permitted.

Two comments objected to the provision in paragraph (b) that nonconforming requests be returned to the submitter; they expressed the view that this paragraph should contain the same provision for notification to the submitter and opportunity to correct as is contained in new paragraph (e). This suggestion has not been adopted. Paragraph (b) is concerned with procedurally deficient requests for confidential treatment (including inadequate nonconfidential summarization), while new paragraph (e) deals with the substantive question of the effect of a determination that information does not warrant confidential treatment. Thus, the mechanics for each situation are appropriate—rejection of a nonconforming request under paragraph (b) and notification and opportunity to withdraw under (e). Of course, a request rejected under paragraph (b) may always be resubmitted, as long as the resubmission is timely. Several comments objected to this provision and requested that a 10–day period always be permitted for resubmission. This suggestion has not been adopted. Under the short time limits of the new Act it would be exceedingly burdensome automatically to permit a 10–day resubmission period. Thus, it has been determined that the language "[b]elated submissions may be rejected" should be maintained; of course, since the word "may" is used, where feasible and appropriate, extensions for resubmission will be within the discretion of the Secretary.

Several comments stated that paragraph (c) should be amended to provide that unless a request for confidential treatment is denied within 10 days, the request should be deemed accepted. This suggestion has not been adopted. The rights of other interested parties to review information not truly warranting confidential treatment should not be defeated by the automatic grant of such treatment for any reason not relevant to the content of such information. The regulation has been amended, however, to provide that normally a determination on whether to grant a request for confidential treatment will be made within 10 working days.

Paragraph (d) has been divided into two paragraphs for purposes of clarity, one dealing with the grant of a request for confidential treatment, the other dealing with the denial of such a request. In new paragraph (e), which covers the situation where requests are denied, the material originally in paragraph (b) of § 353.27 of the proposed regulations has been relocated.

28. *Section 353.29 Standards for Determining Confidentiality of Information.* One comment objected to inclusion of "ordinarily" in paragraph (a). The comment was not accepted, because it was determined that particular circumstances (e.g., public disclosure of the same information elsewhere) might make it inappropriate to grant confidential treatment. Several comments asserted that information from domestic interested parties regarding the operations of foreign interested parties should not be accorded confidential treatment. This comment has been accepted in part. Paragraph (b) is being amended to provide that such information will not be accorded confidential treatment except to the extent that it might disclose the identity of confidential sources used by the domestic interested parties. This revision is being made because it is recognized that knowledge of allegations by domestic interested parties is a vital element in the attempt by foreign interested parties to establish that they are not engaged in the complained of unfair trade practices. One comment stated that the identity of sources should never be publicly disclosed. This comment was not accepted. Under paragraph (c)(6), the identity of sources can be protected where requested and approved. No change from this standard is warranted.

29. *Section 353.30 Limited Disclosure of Certain Confidential Information Under an Administrative Protective Order.* Numerous comments suggested that only attorneys should be eligible for disclosure under an administrative protective order; several of the comments urged further limitation—to outside counsel. Neither suggestion has been adopted. In the Statement of Administrative Action accompanying the Trade Agreements Act of 1979, the Administration stated that *generally*, disclosure under administrative protective order would be made only to attorneys. (House Doc. No. 96–153, Part II, 96th Cong., 1st Sess. 437 (July 19, 1979).) Use of "generally" precludes absolute limitation to attorneys. Of course, business confidential information from foreign firms concerning prices of actual transactions, production and distribution costs, and names of particular customers and suppliers is vital in antidumping duty proceedings. Such information is considered highly confidential and will be provided only if those submitting it believe that it is, and it is in fact, exceedingly unlikely that such information will be disclosed to persons who should not have access (primarily competitors). Accordingly, the Department will grant administrative protective orders only where it is convinced that the requesting person will be subject to effective sanctions in the event of a breach; normally this will be limited to attorneys who are subject to disbarment.

Numerous comments also suggested an addition to the regulations indicating that an administrative protective order will be granted only up a showing of good cause. This suggestion has been adopted. The applicant for an order must demonstrate good cause for release. Further, in determining whether to grant the order, the need of the party requesting the information will be weighted against the need of the party submitting it for continued confidential treatment. This balancing test is taken from language in the Senate Report dealing with judicial protection orders. (S. Rep. No. 96–249, 96th Cong., 1st Sess. 100 (1979). It was considered appropriate to use it with respect to administrative protective orders as well.

Several comments objected to the absence of provisions for notice of a request for an order and opportunity to comment and for the right to withdraw information rather than have it so disclosed. These suggestions were adopted since these rights are available with regard to information that the Department does not believe to warrant confidential treatment.

Some comments expressed the concern that paragraph (b)(1)(D) as drafted could permit disclosure under protective order to employees of domestic competitors. The section uses the phrase "* * * persons employed by *or supervised by* the attorney or representative * * *." Clearly, employees of domestic competitors other than counsel should never have such access. The regulation has been amended to so indicate explicity.

30. *Section 353.31 Information Exempt From Disclosure.* One comment suggested that information received from a foreign government should not be "classified" and therefore exempted from disclosure where a foreign government is merely transmitting data received from and prepared on behalf of private sources. This suggestion has not been adopted. Under the terms of Executive Order 12065 the Department is not permitted to disregard a foreign government's submission of information in confidence. Further, it is often difficult to determine whether information is, in fact, merely being transmitted by a foreign government on behalf of private sources or whether it has been supplied, in part at least, by the foreign government itself. In practice, foreign governments will be discouraged from claiming confidential treatment for information they are merely transmitting on behalf of private sources.

31. *Section 353.35 Procedures for Self-Initiation.* Two comments suggested that lengthy consultations with a signatory to the Agreement on antidumping prior to initating an investigation under this section might unduly delay initiation. To make clear that this is not contemplated, this regulation has been changed to require that a signatory be given an opportunity for consultation prior to self-initiation.

32. *Section 353.36 Procedures for Initiation by Petition.* Some comments urged reduction in the information required to be in a petition. This comment was not followed, because information is required only to the extent it is reasonably available to the petitioner. To assist petitioners, a provision was added inviting petitioners to obtain additional information concerning requirements for petitions by contacting the Office of the Assistant Secretary for Trade Administration. This provision also responds to a comment which suggested that persons intending to file petitions be allowed to submit their petitions for "screening" prior to filing.

One comment suggested that a petitioner be required to supply documentation on which it relies in making its petition if reasonably available. This comment was adopted.

One comment suggested that petitioners be required to state the position of other industry members on the petition. This comment was rejected on the ground that each industry member best knows its own position and should be the source of that information.

One comment suggested that paragraph (a)(9) implied that the Secretary might deviate from the standard of section 773(b) of the Act. To make clear that no deviation from the Act is intended, paragraph (a)(9) was revised to conform to the statutory language.

Some comments suggested that the petitioner be required to provide notice of its filing to parties named in the petition or, alternatively, that the

Secretary publish notice of receipt of a petition. The service requirement was rejected as unduly burdensome to petitioners, particularly small businesses. The suggestion that the Department publish notice of its receipt of a petition was rejected as impracticable within the 20 days allowed the Act for the sufficiency determination.

One comment suggested that the regulation make clear that only the non-confidential copy of the petition will be provided to the representative of the foreign country. This change was made.

One comment suggested that an opportunity should be provided for submission of comments on the sufficiency of a petition prior to a determination whether to commence an investigation. Solicitation of comments prior to initiation was rejected as impracticable within the 20 days allowed by the Act for the sufficiency determination.

33. *Section 353.37 Determination of Sufficiency of Petition.* One comment urged that amendment of the product description, as appropriate, be allowed based on materials and information received during the investigation. No change was made to this section since such an amendment is not precluded by the language of the regulation.

One comment suggested that the regulation make clear that the petition is deemed to be filed at the time it is received by the Secretary. This comment was adopted.

34. *Section 353.38 Full-scale Investigation.* Paragraph (b) was added so that exporters representing a sufficient dollar volume of exports for a suspension agreement may request inclusion in the investigation.

35. *Section 353.39 Preliminary Determinations.* Several amendments have been made in this section to reflect comments received in response to the proposed rule-making. Paragraph (b) has been changed to require that a petitioner, when requesting an extention of the period prior to a preliminary determination, set forth the reasons for the request. Without such information the Department would be unable to rule on the requests satisfactorily. Several comments indicated displeasure with paragraph (d) which limited disclosure to domestic interested parties preliminary to a waiver of verification. Neither the Senate or House Reports nor the Statement of Administrative Action are explicit on whether disclosure was intended to be to all interested parties. In the interest of fairness, the regulation has been amended to provide for disclosure to all parties. Paragraph (e) has been revised to indicate that the posting of a bond or other security should ordinarily be considered adequate to protect the revenue. Whether special bonds ultimately will be required for merchandise subject to a suspension of liquidation in an antidumping duty investigation is a question which must await further review at the administrative level.

36. *Section 353.40 Critical Circumstance Determinations.* No comments were received with respect to this section, and it remains unchanged.

37. *Section 353.41 Termination of Investigation.* One comment suggested that this regulation should provide for termination of an investigation upon a negative preliminary determination on injury by the International Trade Commission. This comment was adopted.

One comment suggested that the regulations provide that prior to termination the petitioner be required to describe any agreements made and to certify that it is not aware of any others. This suggestion was not incorporated in the regulation. The Secretary has implicit authority to seek this information from the parties as part of his consideration of whether the public interest is served by termination.

38. *Section 353.42 Suspension of Investigation.* Certain aspects of this section have been further clarified. Paragraph (g) has been amended to indicate the principal criterion which will govern in selecting the most representative period for purposes of establishing a ceiling on the level of imports during the interim period preceding the date on which the sales at less than fair value are to be eliminated or exports discontinued. A number of comments recommended that the representative period not include any time during which sales at less than fair value had been made with respect to the subject merchandise. This recommendation was not adopted, because where sales at less than fair value have existed for a substantial period, the adoption of the recommendation could compel the Secretary to utilize a time period which is truly unrepresentative. Moreover, the regulations preserve sufficient flexibility so that the Secretary can use a period other than the six-month period ordinarily to be used where circumstances so require.

Several other comments questioned whether any authority exists to exclude from entry merchandise imported in excess of the ceiling established pursuant to paragraph (g). The exclusion language was inadvertently included in the proposed rule-making and has now been deleted. Where the volume of entered merchandise is in excess of that imported during the designated representative period, the suspension agreement may be deemed violated.

Other comments suggested that such terms as "extraordinary circumstances" and "public benefit" be defined in the regulations. The definition of these terms, which are newly added by the Trade Agreements Act of 1979, will be deferred until the Department gains sufficient experience in their application.

Paragraph (h) relating to a petitioner's role in the suspension procedures has been amended to reflect explicitly the legislative intent that the petitioner be given a meaningful role during the period prior to acceptance of the agreement.

39. *Section 353.43 Violations of Agreements.* This section pertaining to the violation of agreements which form the basis for the suspension of an investigation remains unchanged except for a clarifying amendment in paragraph (b). The language of that paragraph has been modified so as to make it clear that notice of a possible breach will be given to parties only where that breach is inadvertent and other than one which is considered to be intentional as defined in paragraph (c) of the section.

40. *Section 353.44 Final Determination.* A number of comments stated that the deadline is too short for presenting written views prior to a final determination. While sympathetic to these views, the Department of Commerce has not been able to incorporate the suggested changes because any additional time granted to the parties would impair the ability of the Department to meet the deadlines imposed by the Tariff Act of 1930, as amended. However, a provision was added allowing for an extension of time for good cause.

41. *Section 353.45 Exclusion of Particular Firms.* Conflicting comments were received pertaining to this section: some recommend that exclusion be automatic; others that it be discretionary. Practical administrative considerations dictate that a firm which, although potentially subject to an Order, has not itself been investigated, should bear the burden of making application for exclusion and supplying the necessary information. Those firms which are investigated will automatically be excluded if exclusion is appropriate. Where firms are excluded, however, the regulations provide for publication of the names of the firms so excluded.

42. *Section 353.46 Submission of Information and Written Views.* A comment suggested that the requirement

that each party serve its written comments on the other parties be deleted because of the burden imposed on small businesses. In response to this comment, a provision was added allowing the Secretary to waive the requirement when unduly burdensome.

43. *Section 353.47 Hearings.* One comment suggested that notice of the hearing be given in the notice of the preliminary determination. This comment was rejected because, at the time of the preliminary determination, the hearing will not necessarily have been scheduled.

44. *Section 353.48 Antidumping Duty Order.* This section has been amended to specify that where an investigation is continued pursuant to section 734(g) of the Tariff Act of 1930, as amended, and where the final determinations by the Department and the Commission are affirmative, the Department shall not issue an Antidumping Duty Order so long as the suspension agreement remains in force and continues to meet the statutory requirements, and the parties to the suspension agreement carry out their obligations thereunder.

45. *Section 353.49 Security in Lieu of Estimated Duty Pending Early Determination of Duty.* Some comments objected to the requirement that information be submitted within seven days of publication of the Order. While it is recognized that this deadline is short, any longer period is administratively infeasible. Further, affected foreign firms can gather and process the requisite data prior to issuance of the Order, thus alleviating much of the time pressure. One comment asserted that paragraph (a)(2) was unclear. It has been redrafted to eliminate any lack of clarity.

46. *Section 353.50 Differences in Determined and Estimated Dumping Duties.* This section provides for adjustments to be made where the estimated antidumping duty deposited differs from that finally determined to be due. No written comments were received on this section, and it remains unchanged from the proposed regulations.

47. *Section 353.51 Verification of Information; Use of Best Information Available.* The section has been amended to reflect several comments which suggested that a party be notified of, and afforded an opportunity to correct, a defect in its submission. The resubmission of information to permit the correction of a deficiency will be allowed so long as the resubmission is made within a period which permits adequate analysis and verification of the information so submitted. A substantial extension of the original time period in most instances would preclude the Secretary from fulfilling his responsibilities under the Tariff Act of 1930, as amended, in the statutorily mandated time limits and, consequently, will not be allowed.

Several other comments criticized the requirement for English translations set forth in paragraph (d). This paragraph remains unchanged, because the regulations already provide for a waiver of the requirement where necessary. The Department will not initially possess an extensive foreign language capability and, consequently, it will not be able to use untranslated submissions in most circumstances.

48. *Section 353.52 Interest on Certain Overpayments and Underpayments.* This section sets forth the rate of interest to be paid on certain overpayments and underpayments. No written comments were received on this section, and it remains unchanged from the proposed regulation.

49. *Section 353.53 Administrative Review of Determinations.* Paragraph (a) has been redrafted to provide more clearly for an annual review of antidumping duty Findings and Orders and suspended investigations. Paragraph (c) has been amended to reflect the view expressed in some comments that the time limits set forth in paragraph (c) were excessively short. The day on which a response must be received has been extended so as to continue the present practice of permitting thirty days in which to reply. Because the questionnaire relates to an annual review of which the respondent is aware, the thirty-day period should be adequate in all situations.

A new paragraph (e) has been added to indicate the procedures to be applicable with respect to the review of discontinuances which resulted in the conclusion of an investigation prior to January 1, 1980.

50. *Section 353.54 Revocation of Antidumping Duty Finding or Order and Termination of Suspension.* This provision has been changed substantially so as to incorporate a number of procedures and principles which have become a matter of practice in the antidumping area.

Some of the changes in the section are designed to reflect concerns expressed in the comments received. Representatives of foreign and importing interests thought that the 3-year period required before revocation or termination was too long. They also stated a preference that the Secretary have no discretion in determining whether to grant a revocation or termination in those instances where either there were no sales at less than fair value of the imported merchandise or exports had ceased for the requisite period. Contrasting views were presented by members of domestic industry who pointed to the possibility that renewed sales at less than fair value or exports immediately after the issuance of a revocation or termination could result in a flagrant violation of the purpose of the revocation or termination and undermine the administration of the law.

The section as now published addresses these concerns and adopts procedures which should more effectively implement the intent of the Trade Agreements Act of 1979. This section provides for a revocation or termination both upon application by an interested party and on the Secretary's own initiative. Where the revocation or termination is issued on the basis of an application made by an interested party, a minimum of two years must have elapsed in which the imported merchandise had not been sold at less than fair value. The two-year period will run from either the date of the issuance of the Antidumping Duty Finding or Order or the date of the preliminary determination (in the case of a termination only the latter is relevant), depending upon whether the party seeking revocation or termination can demonstrate that the imported merchandise has not been sold at less than fair value during the period of an immediately preceding the antidumping duty investigation. Pursuant to paragraph (d), a revocation or termination will not be issued unless the party making application agrees in writing to an immediate suspension of liquidation and reinstatement of the Finding or Order or continuation of the investigation, as appropriate, if circumstances develop which indicate that the merchandise thereafter imported is sold at less than fair value.

Where three years have elapsed and the Secretary has determined that there is no likelihood of a resumption of imports of the merchandise subject to the Finding or Order or suspension or the sales at less than fair value have been eliminated, paragraph (b) authorizes the Secretary to issue a revocation or termination on his own initiative.

The remaining provisions of paragraphs (d) and (e) establish the procedures which have been adopted for revocation of Findings and Orders and termination of suspended investigations. A tentative notice will be issued, and an opportunity for presentation of views will be afforded. Where the Secretary's final decision is to grant a revocation or

termination, a notice to that effect will be issued.

51. *Section 353.55 Action by the District Director; Suspension of Liquidation.* This section of the proposed regulations has been deleted. The substance of the provision is more appropriate for inclusion in regulations issued under the authority of the Customs Service.

52. *Section 353.55 Reimbursement of Dumping Duties.* Several comments objected to this provision. Some asserted it was without statutory basis; other said it was unfair to importers. The provision is taken from the former Customs Regulations. The only changes are the addition of the last sentence of paragraph (a) (which sets down the current practice of deducting any such reimbursement only once) and of paragraph (c), the presumption of reimbursement when the required certificate is not filed. This provision has attracted comment since its inception. The current comments raise policy issues which warrant further attention. However, since the regulation was in the Customs Regulations, it will be implemented at this time as drafted in the proposed rulemaking.

53. *Section 353.56 Conversion of Currencies.* This provision adopts in its entirety the regulation which was heretofore in effect. Some comments criticized the impact which the current method of currency conversion may have on the determination of whether sales at less than fair value exist. Although consideration of these comments is continuing, effective administration of the law requires that the preexisting practice continue until a determination can be made as to whether a change in the practice is appropriate.

54. *Section 353.57 Entered Value Not Controlling.* No comments were received on this section and it remains as drafted in the proposed rulemaking.

Drafting Information

The principal authors of this document were C. Christopher Parlin, James Lyons and Jan White Foley, Office of the General Counsel, Department of Commerce. However, other personnel in the Department of Commerce, Department of the Treasury and the U.S. Customs Service assisted in its development.

Regulatory Analysis

The Department of the Treasury concluded that a regulatory analysis is not necessary for the regulations published below because the economic consequences involved flow directly from the Act. The Department of Commerce concurs in this conclusion.

Final Regulations

Accordingly, Title 19 of the Code of Federal Regulations is amended as follows:

Dated: January 28, 1980.

Stanley J. Marcuss,

Deputy Assistant Secretary for Trade Regulation.

1. A new Part 353, Antidumping Duties, is added as set out below:

PART 353—ANTIDUMPING DUTIES

Sec.
353.0 Scope.

Subpart A—Definitions

353.1 Relationship of fair value to foreign market value.
353.2 Definition of foreign market value.
353.3 Foreign market value based on price in the country of exportation.
353.4 Foreign market value where sales in the country of exportation are inadequate.
353.5 Foreign market value based on sales to a third country.
353.6 Foreign market value determined by constructed value.
353.7 Foreign market value where sales are made at less than the cost of production.
353.8 Foreign market value of merchandise from state-controlled-economy countries.
353.9 Foreign market value based on sales in a third country by a related company.
353.10 Definition of United States price.
353.11 Definitions of antidumping duty "proceeding," "investigation," "determination" and "order".
353.12 Other definitions.
353.13 Determination of foreign market value.
353.14 Differences in quantities.
353.15 Differences in circumstances of sale.
353.16 Differences in physical characteristics.
353.17 Offering price.
353.18 Fictitious sales.
353.19 Level of trade.
353.20 Sales at varying prices.
353.21 Shipments from intermediate countries.
353.22 Transactions between related persons.
353.23 Disregarding insignificant adjustments; use of averaging and sampling techniques.
353.24 [Reserved]

Subpart B—Access to Information

353.25 Information generally available.
353.26 Ex parte meetings.
353.27 Confidentiality maintained.
353.28 Requests for confidential treatment of information.
353.29 Standards for determining confidentiality of information.
353.30 Limited disclosure of certain confidential information under an administrative protective order.
353.31 Information exempt from disclosure.

Subpart C—Antidumping Procedures and Determinations

Sec.
353.35 Procedures for self-initiation.
353.36 Procedures for initiation by petition.
353.37 Determination of sufficiency of petition.
353.38 Full-scale investigation.
353.39 Preliminary determinations.
353.40 Critical circumstances determinations.
353.41 Termination of investigation.
353.42 Suspension of investigation.
353.43 Violations of agreements.
353.44 Final determinations.
353.45 Exclusion of particular firms.
353.46 Submission of information and written views.
353.47 Hearings.
353.48 Antidumping duty order.
353.49 Security in lieu of estimated duty pending early determination of duty.
353.50 Differences in determined and estimated antidumping duties.
353.51 Verification of information; use of best information available.
353.52 Interest on certain overpayments and underpayments.
353.53 Administrative review of determinations.
353.54 Revocation of antidumping duty orders and termination of suspended investigations.
353.55 Reimbursement of antidumping duties.
353.56 Conversion of currencies.
353.57 Entered value not controlling.
Annex I—Antidumping duty findings or orders currently in effect.

Authority: The authority for the final regulations published below is 5 U.S.C. 301 and the Trade Agreements Act of 1979, dated July 26, 1979, Pub. L. 96–39, section 3(b), 93 Stat. 148.

§ 353.0 Scope.

This part sets forth procedures and rules applicable to proceedings under Title VII of the Tariff Act of 1930, as amended (19 U.S.C. 1673 *et seq.*) (hereinafter referred to as "the Act"), relating to the imposition of antidumping duties. Determinations by the Secretary under the Act shall not be considered major federal actions significantly affecting the environment within the meaning of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) and Executive Order 11514, March 5, 1970, as amended by Executive Order 11991, May 24, 1977; and Executive Order 12114, January 9, 1979.

Subpart A—Definitions

§ 353.1 Relationship of fair value to foreign market value.

Fair value, used during the investigative phase of a proceeding, is intended to be an estimate of foreign market value. Except where specifically noted, all references in this subpart to "foreign market value" should be

considered to apply to "fair value" as well; on the other hand, specific references to "fair value" in this subpart should not be considered to refer to "foreign market value."

§ 353.2 Definition of foreign market value.

For purposes of the Act, the foreign market value of imported merchandise shall be determined in accordance with §§ 353.3 through 353.9 of this part.

§ 353.3 Foreign market value based on price in the country of exportation.

(a) *In general.* (1) The foreign market value of merchandise imported into the United States shall ordinarily be determined by the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade for home consumption, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of importation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase.

(2) In determining the ordinary course of trade, conditions and practices which, for a reasonable time prior to the exportation of the merchandise which is the subject of an investigation, have been normal in the trade under consideration with respect to merchandise of the same class or kind shall be applicable.

(b) *Restricted sales.* When home market sales form the basis of comparison to the United States price, they may be used for this purpose whether or not they are restricted, provided however, that appropriate adjustment for the home market price will be made for such restrictions that affect the value of the merchandise to the purchaser.

§ 353.4 Foreign market value where sales in the country of exportation are inadequate.

(a) *In general.* If it is established, in a situation other than that provided for in § 353.9, that during the representative period chosen for investigation the quantity of such or similar merchandise sold for consumption in the country of exportation is so small in relation to the quantity sold for exportation to countries other than the United States (normally, less than five percent of the amount sold to third countries) as to be an inadequate basis for determining the foreign market value of the merchandise imported into the United States, the foreign market value of the imported merchandise shall be determined either by reference to the price at which such or similar merchandise is sold or offered for sale for exportation to countries other than the United States or by reference to its constructed value.

(b) *Preference for third country sales.* Foreign market value based on sales to a third country generally will be preferred to foreign market value based on constructed value if adequate information is available and can be verified within the time required.

§ 353.5 Foreign market value based on sales to a third country.

(a) *In general.* Where based on sales to a third country, foreign market value shall be determined by the price, at the time of exportation of the merchandise under investigation, at which such or similar merchandise is sold or offered for sale to countries other than the United States, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of importation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase.

(b) *Restricted sales.* When third country sales form the basis of comparison to United States price, they may be used for this purpose whether or not they are restricted, provided however, that appropriate adjustment of the third country price will be made for such restrictions that affect the value of the merchandise to the purchaser.

(c) The third country selected for such purposes will generally be that single country meeting, in order of preference, the following criteria: (1) the product exported to such country has a greater degree of similarity to the product exported to the United States than does the product exported to other countries, provided the volume of sales to such country is deemed adequate; (2) the volume of sales to such country is the largest sales volume to any country outside the home market or the United States; and (3) the market in such country is, in terms of organization and development, most like the United States market.

(d) If sales to a single country selected under paragraph (c) of this section do not provide an adequate sample, sales to additional countries selected using such criteria may be aggregated.

§ 353.6 Foreign market value determined by constructed value.

(a) *Method of determining constructed value.* Where based on constructed value, foreign market value shall be determined, from the best available information, by adding—

(1) The cost of materials (exclusive of any internal tax applicable in the country of exportation directly to such materials or their disposition, but remitted or refunded upon the exportation of the article in the production of which such materials are used) and of fabrication or other processing of any kind employed in producing such or similar merchandise, at a time preceding the date of exportation of the merchandise under consideration, which would ordinarily permit the production of that particular merchandise in the ordinary course of business;

(2) An amount for general expenses and profit equal to that usually reflected in sales of merchandise of the same general class or kind as the merchandise under consideration which are made by producers in the country of exportation, in the usual wholesale quantities and in the ordinary course of trade, except that the amount for general expenses shall not be less than 10 percent of the cost as defined in paragraph (a)(1) of this section and the amount for profit shall not be less than 8 percent of the sum of such general expenses and cost; and

(3) The cost of all containers and coverings of whatever nature, and all other expenses incidental to placing the merchandise under consideration in condition packed ready for shipment to the United States.

(b) *Transactions with related parties.* Direct or indirect transactions between related parties (as defined in section 773(e)(3) of the Act) may be disregarded if, in the case of any element of value required to be considered pursuant to paragraphs (a)(1), (a)(2), and (a)(3) of this section, the amount representing that element does not fairly reflect the amount usually reflected in sales in the market under consideration of the merchandise subject of the investigation. If a transaction is disregarded under the preceding sentence and there are no other transactions available for consideration, the determination of the amount required to be considered shall be based

on the best evidence available as to what the amount would have been if the transaction had occurred between non-related parties.

§ 353.7 Foreign market value where sales are made at less than the cost of production.

(a) *Method for determining whether sales are at less than cost.* Whenever the Secretary has reasonable grounds to believe or suspect that the price at which such or similar merchandise is sold for consumption in the country of exportation as determined under § 353.3, or as appropriate, the price at which such or similar merchandise is sold for exportation to countries other than the United States as determined under § 353.5, or the price at which such or similar merchandise is sold by facilities outside the country of exportation by a related company as determined under § 353.9, represents a price which is less than the cost of producing the merchandise, the Secretary shall disregard such sales in the determination of foreign market value if such sales:

(1) Have been made over an extended period and in substantial quantities, and

(2) Are not at prices which permit recovery of all costs within a reasonable period in the normal course of trade.

(b) *Use of constructed value where above cost sales are inadequate.* Whenever sales are disregarded by virtue of having been made at less than the cost of production, and the remaining sales in the home market or, as appropriate, to third countries or by facilities outside the country of exportation by a related company, made at not less than the cost of production, are determined to be inadequate as a basis for the determination of foreign market value, the Secretary shall determine foreign market value on the basis of the constructed value as determined under §353.6. The cost of production will be computed on the basis of the best available information of costs of materials, labor and general expenses, excluding profit, incurred in producing such or similar merchandise.

§ 353.8 Foreign market value of merchandise from state-controlled-economy countries

(a) *In general.* If, on the basis of the information available, it is determined that the economy of the country from which the merchandise is exported is state-controlled to an extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of foreign market value under §353.3, 353.5, or 353.9, foreign market value shall be determined on the basis of the normal costs, expenses, and profits as reflected in order of preference by either:

(1) The prices, determined in accordance with § 353.3 or 353.5, at which similar merchandise produced in a non-state-controlled-economy country or countries is sold either: (i) for consumption in the home market of that country or countries, or (ii) to other countries, including the United States; or

(2) The constructed value of such or similar merchandise in a non-state-controlled-economy country, determined in accordance with § 353.6.

(b) *Comparability of economies.* (1) The prices as determined under paragraph (a)(1), or the constructed value as determined under paragraph (a)(2), shall be determined, to the extent possible, from the prices or costs in a non-state-controlled-economy country or countries at a stage of economic development comparable to the state-controlled-economy country from which the merchandise is exported. Comparability of economic development shall be determined from generally recognized criteria, including per capita gross national product and infrastructure development (particularly in the industry producing such or similar merchandise).

(2) If no non-state-controlled-economy country of comparable economic development can be identified, then the prices or constructed value as determined from another non-state-controlled-economy country or countries other than the United States shall be used, suitably adjusted for known differences in the costs of material and labor.

(3) If neither paragraph (b)(1) nor (b)(2) provides an adequate basis for determining the price or constructed value of such or similar merchandise, then the prices or constructed value, as determined from the sales or production of such or similar merchandise in the United States, shall be used.

(c) *Use of constructed value.* If such or similar merchandise is not produced in a non-state-controlled-economy country which is concluded to be comparable in terms of economic development to the state-controlled-economy country from which the merchandise is exported, the constructed value of such or similar merchandise may be determined from the costs of specific objective components or factors of production incurred in producing the merchandise in question, including, but not limited to, hours of labor required, quantities of raw materials employed, and amounts of energy consumed, if such information is obtained from the producer of the merchandise in the state-controlled-economy country under investigation, and verification of such information in the state-controlled-economy country is concluded to the satisfaction of the Secretary. Such components or factors shall be valued and such values verified in a non-state-controlled-economy country determined to be reasonably comparable in economic development to the state-controlled-economy country under investigation. To the values thus obtained, there shall be added an amount for general expenses and profit, as required by section 773(e)(1)(B) of the Act, and the cost of all containers and coverings and other expenses, as required by section 773(e)(1)(C) of the Act.

§ 353.9 Foreign market value based on sales in a third country by a related company.

The determination of foreign market value of merchandise sold by those multinational corporations described in section 773(d) of the Act shall be made in accordance with provisions of that section.

§ 353.10 Definition of "United States price."

(a) *In general.* For purposes of this part, the term "United States price" means the purchase price or the exporter's sales price of the merchandise under investigation, as appropriate.

(b) *Purchase price.* "Purchase price" means the price at which the merchandise under investigation is purchased, or agreed to be purchased, prior to the date of importation, from the manufacturer or producer of the merchandise for exportation to the United States. Appropriate adjustments for costs and expenses under paragraph (d) of this section shall be made if they are not reflected in the price paid by the person by whom, or for whose account, the merchandise is imported.

Whenever purchase price is used and there is reason to believe that the price to the person by whom or for whose account the merchandise is imported does not reflect the costs and expenses incident to bringing the merchandise from the country of exportation, then appropriate adjustments for such costs and expenses shall be made under paragraph (d) of this section.

(c) *Exporter's sales price.* "Exporter's sales price" means the price at which merchandise under investigation is sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, as adjusted under paragraphs (d) and (e) of this section.

(d) *Adjustments to purchase price and exporter's sales price.* Purchase price and exporter's sales price shall be adjusted by being—

(1) Increased by—

(i) When not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States;

(ii) The amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States;

(iii) The amount of any taxes imposed in the country of exportation directly upon the exported merchandise or components thereof, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States, but only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation; and

(iv) The amount of any countervailing duty imposed on the merchandise to offset an export subsidy; and

(2) Reduced by—

(i) Except as provided in paragraph (d)(1)(iv) this section, the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States; and

(ii) The amount, if included in such price, of any export tax, duty, or other charge imposed by the country of exportation on the exportation of the merchandise to the United States other than an export tax, duty, or other charge described in section 771(6)(C) of the Act.

(e) *Additional adjustments to exporter's sales price.* For purposes of this section, the exporter's sales price shall also be adjusted by being reduced by the amount, if any, of—

(1) Commissions for selling in the United States the particular merchandise under consideration,

(2) Expenses generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise, and attributable under generally accepted accounting principles to the particular merchandise under consideration; and

(3) Any increased value resulting from a process of manufacture or assembly performed on the imported merchandise after the importation of the merchandise and before its sale to a person who is not the exporter of the merchandise, which value generally will be determined from the costs of material, labor and other expenses incurred in such manufacture or assembly.

§ 353.11 Definitions of antidumping duty "Proceeding," "Investigation," "Determination" and "Order."

(a) A "proceeding" refers to that time from the filing of a petition (or publication of a notice of self-initiation under section 732(a) of the Act) until the publication of the earliest of (1) a notice of termination, (2) a negative determination that has the effect of terminating the administrative proceedings; or (3) a notice of revocation of an Order.

(b) An "investigation" refers to that time between the publication of a notice of initiation and the publication of the earliest of (1) a notice of termination, (2) a negative determination that has the effect of terminating the administrative proceedings; or (3) an Order.

(c) A "determination" is an official decision in the course of a proceeding.

(d) An "Order" is a notice issued following final determinations of sales at less than fair value and injury, which provides for the imposition of antidumping duties.

§ 353.12 Other definitions.

(a) *Country.* "Country" means a foreign country, a political subdivision, dependent territory, or possession of a foreign country.

(b) *Industry.* "Industry" means the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product as provided in section 771(4) of the Act. An "industry" may also include domestic producers in a particular market in the United States where such producers sell all or almost all of their production of the like product in question in that market and where the demand for the like product in that market is not supplied to any substantial degree by producers of the product located elsewhere in the United States.

(c) *Interested party.* "Interested party" means—

(1) A foreign manufacturer, producer, or exporter, or the United States importer, of merchandise which is the subject of an investigation under this part or a trade or business association a majority of the members of which are importers of such merchandise;

(2) The government of a country in which such merchandise is produced or manufactured;

(3) A manufacturer, producer, or wholesaler in the United States of a like product;

(4) A certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a like product; or

(5) A trade or business association, a majority of whose members manufacture, produce, or wholesale a like product in the United States.

(d) *Person.* "Person" includes all "interested parties" as well as other individuals, enterprises or entities, as appropriate to the context.

(e) *Secretary.* "Secretary" means the Secretary of Commerce or his designee.

(f) *Commission.* "Commission" means the U.S. International Trade Commission.

(g) *Customs Service.* "Customs Service" means the United States Customs Service of the Treasury Department.

(h) *Department.* "Department" means the Department of Commerce.

(i) *Party to the proceeding.* "Party to the proceeding" means (1) the petitioner; (2) the government of the country in which the merchandise subject to the investigation is manufactured or produced, or from which it is exported; (3) foreign manufacturers, producers and exporters of the merchandise subject to the investigation; and (4) any other interested party, within the meaning of paragraph (c) of this section, who informs the Secretary in writing of his intent to become a party to the proceeding within 20 days after the preliminary determination or who demonstrates to the satisfaction of the Secretary good cause for intervention.

(j) *Act.* "Act" means the Tariff Act of 1930, as amended.

§ 353.13 Determination of foreign market value.

In determining foreign market value, the criteria in §§ 353.14 through 353.23 shall apply. The person who alleges entitlement to any adjustment pursuant to §§ 353.14 through 353.19 must establish entitlement thereto to the satisfaction of the Secretary.

§ 353.14 Differences in quantities.

(a) *In general.* In comparing the United States price with such applicable criteria as sales or offers, on which a determination of foreign market value is to be based, comparisons normally will be made on sales of comparable quantities of the merchandise under consideration. Further, reasonable allowances will be made for differences in quantities, to the extent that it is

established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to such differences in the quantities sold. In determining allowances for differences in quantity, consideration will be given, among other things, to the practice of the industry in the country of exportation with respect to affording in the home market (or third country markets, where sales to third countries are the basis for comparison) discounts for quantity sales which are available to those who purchase in the ordinary course of trade.

(b) *Criteria for allowances.* Allowances for price discounts based on quantitative differences in sales ordinarily will not be made unless:

(1) *Six month rule.* The exporter during the period covered by the antidumping investigation as established under § 353.38 (or during such other period as investigation shows is more representative) had been granting quantity discounts of at least the same magnitude with respect to 20 percent or more of such or similar merchandise sold in the home market (or in third country markets when sales to third countries are the basis for comparison) in the ordinary course of trade; or

(2) *Cost justification.* The exporter can demonstrate that the discounts are warranted on the basis of savings which are specifically attributable to the production of the different quantities involved.

(3) *Use in determining foreign market value.* If the exporter satisfies the conditions in paragraph (b) of this section the price of such or similar merchandise sold at a discount in the home market (or in third country markets when third countries are the basis for comparison) will ordinarily be used as the basis for determining the foreign market value of merchandise for comparison with comparable quantities sold in the United States. If the exporter does not satisfy the conditions in paragraph (b) of this section, any sales of such or similar merchandise in the home market (or in third country markets when third countries are the basis for comparison) which are made at a discount will be used in calculating a weighted average in accordance with § 353.20.

(c) *Price lists.* In determining whether a discount has been given, the existence of a published price list reflecting such a discount will not be controlling. A price list ordinarily will be accepted only if, in the line of trade and market under consideration, the exporter demonstrates that it has adhered to its price list.

§ 353.15 Differences in circumstances of sale.

(a) *In general.* In comparing the United States price with the sales, or other criteria applicable, on which a determination of foreign market value is to be based, reasonable allowances will be made for bona fide differences in the circumstances of the sales compared to the extent that it is established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to such differences. Differences in circumstances of sale for which such allowances will be made are limited, in general, to those circumstances which bear a direct relationship to the sales which are under consideration.

(b) *Examples.* Examples of differences in circumstances of sale for which reasonable allowances generally will be made are those involving differences in credit terms, guarantees, warranties, technical assistance, servicing, and assumption by a seller of a purchaser's advertising or other selling costs. Reasonable allowances also generally will be made for differences in commissions. Allowances generally will not be made for differences in advertising and other selling costs of a seller, unless such costs are attributable to a later sale of the merchandise by a purchaser.

(c) *Special rule.* Notwithstanding the criteria for adjustments for differences in circumstances of sale set forth in paragraphs (a) and (b) of this section, reasonable allowances for other selling expenses generally will be made in cases where a reasonable allowance is made for commissions in one of the markets under consideration and no commission is paid in the other market under consideration, the amount of such allowance being limited to the actual other selling expenses incurred in the one market, or the total amount of the commission allowed in such other market, whichever is less. In making comparisons using exporter's sales price, reasonable allowance will be made for all actual selling expenses incurred in the home market up to the amount of the selling expenses incurred in the United States market.

(d) *Determination of allowances.* In determining the amount of the reasonable allowances for any differences in circumstances of sale, the Secretary will be guided primarily by the cost of such differences to the seller, but, where appropriate, he may also consider the effect of such differences upon the market value of the merchandise.

§ 353.16 Differences in physical characteristics.

In comparing the United States price with the selling price in the home market, or for exportation to countries other than the United States in the case of similar merchandise, due allowance shall be made for differences in the physical characteristics of the merchandise in the markets being compared. In this regard, the Secretary will be guided primarily by the differences in cost of production, to the extent that it is established to his satisfaction that the amount of any price differential is wholly or partly due to such differences, but, when appropriate, the effect of such differences upon the market value of the merchandise may also be considered. In the case of merchandise which does not lend itself to comparison with other merchandise for the purpose of this section, any method reasonably calculated to reflect the impact on cost or value of any differences in the merchandise under consideration may be used. Differences in costs of producing merchandise with identical physical characteristics as end products will not be considered appropriate adjustments.

§ 353.17 Offering price.

In determining foreign market value, offers generally will be considered only in the absence of sales. An offer the acceptance of which is not reasonably expected shall not be deemed an offer.

§ 353.18 Fictitious sales.

In determining foreign market value, no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, will be taken into account.

§ 353.19 Level of trade.

The comparison of the United States price with the applicable price in the market of the country of exportation (or, as the case may be, the price to or in third country markets) generally will be made at the same commercial level of trade. However, if it is found that the sales of the merchandise to the United States or in the applicable foreign market at the same commercial level of trade are insufficient in number to permit an adequate comparison, the comparison will be made at the nearest comparable commercial level of trade and appropriate adjustments will be made for differences affecting price comparability.

§ 353.20 Sales at varying prices.

(a) Where the prices of the sales which are being examined for a determination of foreign market value

vary (after allowances provided for in §§ 353.14, 353.15, 353.16, and 353.19), the determination of foreign market value normally will be based upon the weighted average of the sales prices of all merchandise used to determine foreign market value; provided that where sales are made at different levels of trade, the calculation of foreign market value, in accordance with § 353.19, will be on the basis of sales made at the same or nearest comparable level of trade as those at which the sales in question to the United States are made.

(b) If not less than 80 percent of all sales in the home market (or to third countries, if appropriate) during the period of investigation were made at the same price, weighted averages of all sales will not be used and foreign market value will be based upon the sales at that price.

(c) If the provisions of paragraph (b) of this section do not apply and weighted averages of the prices are determined to be inappropriate, the Secretary will use any other method for determining value which he deems appropriate.

(d) No sales disregarded pursuant to § 353.7 shall be used for purposes of this section.

§ 353.21 Shipments from intermediate countries.

If the merchandise which is the subject of the investigation is not imported directly from the country of origin, but is merely transshipped through the country of shipment, the price at which such or similar merchandise is sold in the country of origin will be used in the determination of foreign market value.

§ 353.22 Transactions between related persons.

(a) *Sales agencies.* If such or similar merchandise is sold or, in the absence of sales, offered for sale through a sales agency or other organization related to the seller in any of the respects described in section 771(13) of the Act, the price at which such or similar merchandise is sold or, in the absence of sales, offered for sale by such sales agency or other organization may be used in the determination of foreign market value.

(b) *Sales to related persons.* If such or similar merchandise is sold, or in the absence of sales, offered for sale in the home market or, as appropriate, to third countries, to a person related to the seller of the merchandise in any of the respects described in section 771(13) of the Act, the price at which such or similar merchandise is sold or, in the absence of sales, offered for sale to such person ordinarily will not be used in the determination of foreign market value unless such sales are demonstrated to the satisfaction of the Secretary to be at prices comparable to those at which such or similar merchandise is sold to persons unrelated to the seller.

§ 353.23 Disregarding insignificant adjustments; use of averaging or sampling techniques.

(a) *Insignificant adjustments.* In determining the adjustments to be made to foreign market value pursuant to §§ 353.14 to 353.22, adjustments which are insignificant in relation to the price or value of the affected transactions may be disregarded. Ordinarily, individual adjustments having an *ad valorem* effect of less than 0.33 percent or any group of adjustments having an *ad valorem* effect of less than 1.0 percent will be disregarded. For purposes of this section, the groups of adjustments consist of: differences in the quantities sold, differences in circumstances of sale, differences in the physical characteristics of the merchandise, and differences in the levels of trade in the markets being compared. However, even when any adjustment or group of adjustments may be disregarded under this section, such adjustment or group of adjustments shall not be disregarded if it is determined that such disregarding would significantly affect the results of the calculations.

(b) *Averaging or sampling techniques.* The Secretary may use averaging or generally recognized sampling techniques in determining foreign market value in any proceeding in which either a significant volume of sales is involved or a significant number of adjustments to prices is required.

§ 353.24 [Reserved]

Subpart B—Access to Information

§ 353.25 Information generally available.

(a) *Duty to maintain material in record.* The Department shall maintain the official record of all proceedings. The record shall consist of a copy of all information presented to or obtained by the Secretary during the course of the proceeding, including all governmental memoranda pertaining to the proceeding, memoranda of *ex parte* meetings, all determinations and notices thereof published in the **Federal Register**, and all transcripts or records of conferences or hearings. (See section 516A(b)(2) of the Act.) The record will contain three types of materials:

(1) Materials protected from disclosure;

(2) Non-confidential material submitted by any person other than an employee or officer of the United States Government; and

(3) Non-confidential and non-privileged material submitted or developed by an employee or officer of the United States Government.

(b) *Examination and copying of information.* In general, all information in subparagraphs (2) and (3) of the record described in paragraph (a) will be available for inspection or copying at the Department by any person during business hours. With respect to documents prepared by an officer or employee of the United States Government, factual matters, as distinguished from advice, recommendations, opinions and evaluations, contained in any such documents will be made available by summary or otherwise on the same basis as information contained in documents submitted by other persons. The fees charged for providing copies of documents shall be the same as for providing copies of documents pursuant to requests made under the Freedom of Information Act (5 U.S.C. 552). (See 15 CFR 4.9.)

(c) *Reports of progress of investigation.* The Department shall, from time to time upon request, inform any party to the proceeding of the progress of an investigation. Ordinarily, no such report shall be provided until 60 days after the petition is filed. Such progress reports shall not contain privileged or confidential information and, if in written form, shall be included in the official record.

(d) *Protection of the record.* Unless otherwise ordered in a particular case by the Secretary, the record shall not be removed from the Department. A certified copy of such record shall be made available to any court before which any aspect of a proceeding is under review, with appropriate safeguards to prevent disclosure of confidential or privileged information that may be included therein.

§ 353.26 Ex parte meetings.

A written memorandum will be prepared of any *ex parte* meeting between (a) any interested party or other person providing factual information relating to a determination in the proceeding and (b) the person to whom the authority to make determinations under the Act has been delegated (the Assistant Secretary for Trade Administration) or the person making a final recommendation for decision to such person (the Deputy Assistant Secretary for Import Administration). Such memorandum

shall be prepared as expeditiously as possible. It shall be included in the official record. The memorandum of such *ex parte* meeting shall include the date, time and place of the meeting, the identity of all persons present, and a non-confidential summary of the matters discussed or then submitted. Normally this memorandum shall be prepared by one of the Government participants at the meeting. If the Assistant Secretary or Deputy Assistant Secretary directs that the memorandum be prepared by a non-government participant, the Assistant Secretary or Deputy Assistant Secretary (whichever directs preparation by a non-government participant) shall act expeditiously to approve and include in the record such memorandum.

§ 353.27 Confidentiality maintained.

Except as provided in § 353.30, information submitted to the Department which is designated as confidential by the person submitting it shall not be disclosed to any person (other than an officer or employee of the United States Government who is directly concerned with carrying out the investigation in connection with which the information is submitted) without the consent of the person submitting it. (§ 353.28(e) sets forth the procedures followed where a request for confidential treatment is denied, in whole or in part.)

§ 353.28 Requests for confidential treatment of information.

(a) *Submission and contents of requests.* Any person who submits information in connection with a proceeding may request that such information, or any specified part thereof, be treated as confidential. Any information submitted which is not designated as confidential by the person submitting it normally shall not be treated as confidential: Information which is subject to a request for confidential treatment shall be set forth on separate pages and each such page shall be clearly marked "Confidential Treatment Requested." Each separate request for confidential treatment of information, other than information submitted in confidence by a foreign government which is restricted from disclosure pursuant to statute or Excutive Order, shall be accompanied by a full statement of the reason or reasons why the submitting party believes that each piece of information subject to such request is entitled to confidential treatment within the guidelines set forth in § 353.29. All requests for confidential treatment shall be accompanied by one of the following:

(1) A summary or approximated presentation of all information which may be disclosed to the public and which is sufficiently full and descriptive of the confidential information (generally, data in numerical form relating to prices and costs of individual firms shall be considered adequately summarized—and not incapable of summary—if presented—or capable of being presented—in terms of indices or in figures within 10 percent of the actual figure);

(2) A statement by the person submitting the information that the information is not susceptible to such a summary or presentation, accompanied by a full statement of the reasons supporting this conclusion; or

(3) An agreement to permit disclosure under protective order, accompanied by a brief non-confidential statement describing the confidential data submitted, which need not be as detailed as the summary provided under paragraph (a)(1) of this section. Should the information concerned not be released under an administrative protective order, the person submitting the information must, unless he requests that the information be returned and not considered in the proceeding, submit either a summary or approximated presentation conforming to paragraph (a)(1) of this section or a statement under paragraph (a)(2) of this section within the time period specified in the denial of the request for an administrative protective order. The requirements of the preceding sentence do not apply where the Secretary, because of unusual circumstances, determines that a less detailed nonconfidential summary is appropriate. In such unusual circumstances such less detailed summary as deemed appropriate by the Secretary must be submitted.

(b) *Return of information as a result of non-conforming requests.* Any information for which confidential treatment is requested which does not conform to the requirements of paragraph (a) of this section (including the requirement that any summary or approximated presentation be sufficiently full and descriptive) may be returned to the submitting person, together with an explanation of the reasons it is non-conforming, and will not be considered in connection with the proceeding. Information so returned may be resubmitted with a new request for confidential treatment which complies with the requirements of this section, and will be dealt with in the same manner as an original submission of information accompanied by a request in acceptable form, if received within the time for the original submission. Belated submissions may be rejected.

(c) *Consideration of requests.* While a determination as to whether to grant a request for confidential treatment is pending, the information for which confidential treatment is requested shall be treated as confidential by the Department. A determination normally shall be made within 10 business days after the receipt of information accompanied by a conforming request for confidential treatment, whether, and, if so, to what extent, the request for confidential treatment shall be granted and whether claims submitted under paragraph (a)(2) of this section are justified.

(d) *Treatment of information where request for confidential treatment is granted.* (1) If a request for confidential treatment of information is granted, the information covered thereby will not be made available, except pursuant to § 353.30, for inspection or copying:

(i) By any person other than an officer or employee of the United States Government directly involved with carrying out the investigation in connection with which the information is submitted, or

(ii) By a person who has been specifically authorized to receive such information by the person who requests the confidential treatment.

(2) Information for which confidential treatment is granted shall be made available to officers and employees of the Commission only upon confirmation that the confidentiality of such information will be maintained and that it will not be disclosed, either publicly or under an administrative protective order, without the express written consent of the Secretary.

(3) Information submitted in confidence by a foreign government shall be made available only to the extent, and under the procedures, provided in Executive Order 12065 of June 28, 1978 (43 FR 28949), or any superseding or amending Order.

(e) *Treatment of information where request for confidential treatment is denied.* Should it be determined that any part of the material for which confidential treatment has been requested (1) does not warrant confidential treatment in whole or in part, (2) is in a form which cannot reasonably be associated with, or otherwise used to identify, the operations of a particular person and thus should not be treated as confidential, or (3) that information claimed not susceptible to a non-confidential summary is in fact capable of such treatment, the Department shall

notify the person who submitted the information. Unless the person submitting the information thereafter agrees that the information (including any summarized or approximated presentation thereof) may be treated as non-confidential information, or provides a summary of matters found to be capable of such treatment, such information (including any summarized or approximated presentation thereof) shall be returned to the submitting person and not considered in the proceeding.

§ 353.29 Standards for determining confidentiality of information.

(a) *In general.* Information ordinarily will be considered to be privileged or confidential only if its disclosure would be likely:

(1) To cause substantial harm to the competitive position of the person submitting the information;

(2) To have a substantial adverse effect upon the person supplying the information or upon the person from whom the information was obtained; or

(3) To impair the ability of the United States Government to obtain in the future necessary information, not required by law to be provided, from the same person or others similarly situated.

(b) *Information ordinarily regarded as appropriate for disclosure.* Except as provided in paragraph (c) of this section information ordinarily will be regarded as appropriate for disclosure if it relates to:

(1) Prices, market conditions, terms of sale or similar information that is published or otherwise available to the public;

(2) Laws, regulations, Executive Orders, or other official documents which are published in the country by which adopted, as well as translations thereof; or

(3) Information submitted by the petitioner or other domestic interested party concerning the operations of a foreign interested party, except to the extent that it might disclose the identity of confidential sources.

(c) *Information ordinarily regarded as privileged or confidential.* Information ordinarily will be regarded as privileged or confidential if it would disclose:

(1) Business or trade secrets;

(2) Production costs;

(3) Distribution costs;

(4) Prices of actual transactions or offers;

(5) The names of particular customers or suppliers; or

(6) The names of particular persons from whom confidential information was obtained, if nondisclosure of the names has been requested and approved by the Secretary.

§ 353.30 Limited disclosure of certain confidential information under an administrative protective order.

(a) *In general.* (1) Any confidential information (other than information submitted in confidence by a foreign government which is restricted from disclosure pursuant to statute or Executive Order), including some or all of the information described in § 353.29(c), may be made available to an attorney or other representative under a protective order as described in paragraph (b) of this section. Forms for submitting requests for disclosure pursuant to a protective order incorporating the terms of this regulation will be made available. The application for disclosure pursuant to protective order filed by an attorney or other representative of a party to the proceeding must:

(i) Describe with particularity the information requested and set forth the reasons for the request;

(ii) Indicate the procedures to be followed to avoid unauthorized disclosure of the information requested; and

(iii) Demonstrate good cause for release of such information.

(2) Upon receipt of an application for disclosure of confidential information under a protective order, the Secretary will inform the person from whom the information was obtained of the request and provide an opportunity for such person to comment thereon.

(3) In determining whether to release information under a protective order, the Secretary shall weigh whether the need of the person requesting the information outweighs the need of the person submitting it for continued confidential treatment. Account also shall be taken of the probable effectiveness of the sanctions described under paragraph (e) of this section, or other sanctions as may be prescribed for breach of the order. Generally, disclosure under a protective order will be made only to attorneys who are subject to disbarment from practice in the event of a violation of the order.

(4) Should it be determined to release information under a protective order, the person submitting the information will be so notified. If the person submitting the information does not agree to the release of the information under protective order, such information shall be returned to the submitting person and not considered in the proceeding.

(b) *Protective order.* The protective order under which information is made available to the attorney or other representative of a party to the proceeding shall require that attorney or representative to submit a personal sworn statement that he will:

(1) Not divulge any of the information so obtained and not otherwise available to him to any other person other than:

(i) Personnel of agencies of the United States Government directly responsible for conducting the proceeding in question who are involved in such proceeding;

(ii) The person from whom the information was obtained;

(iii) An attorney in good standing employed on behalf of the party requesting the disclosure who has furnished an appropriate, similar statement; or

(iv) Those persons other than attorneys employed by or supervised by the attorney or representative (but in no case including officers, partners, associates and employees of the party represented or any other domestic competitor of the foreign firm whose information is involved) having a need therefore in connection with preparing oral or written statements in the proceeding, who shall have furnished a similar statement;

(2) Use such information solely for the purposes of the proceeding then in progress;

(3) Not consult with any person other than a person described in paragraph (b)(1)(i) or (ii) of this section concerning such confidential information without obtaining the approval of the Department and the party (or the attorney for the party) from whom such confidential information was obtained;

(4) Take adequate precautions to ensure the security of the confidential materials and the information contained therein subject to the protective order; and

(5) Promptly report any breach of such agreement to the Secretary.

(c) *Acknowledgement of sanctions for breach of protective order.* The sworn statement referred to in paragraph (b) of this section shall include an acknowledgement by the person providing it that breach thereof:

(1) May subject the following persons to disbarment from practice before any constituent agency of the Department for up to seven years following publication of a determination that the order has been breached:

(i) The person submitting the statement;

(ii) Any firm of which such person is a partner, associate, or employee; and

(iii) Such person's partners, associates, employer and employees;

(2) Shall, in the case of an attorney, lead to referral of such breach to the

ethics panel of the appropriate bar associations; and

(3) Shall subject the offender and the party he represents to such other administrative sanctions determined to be appropriate, including striking from the record any information or briefs submitted by, or on behalf of, the party represented by the offender, terminating any investigation then in progress, or revoking any Order then in effect.

(d) *Final disposition of materials released under protective order.* Upon completion of a proceeding, or at such earlier date as may be determined appropriate for particular data, the security of confidential information shall be protected by requiring each attorney or other representative to return all copies of materials released to them pursuant to this section and all other materials containing the confidential information (such as notes or charts based on any such information received under protective order), accompanied by a certificate from the attorney or representative to whom the material was delivered or disclosed and each person specified in paragraph (b)(1)(iii) or (iv) of this section, attesting to his personal, good faith effort to determine that no other copies of such materials have been made available to or retained by the party he represents or any other person to whom disclosure was not specifically authorized.

(e) *Sanctions for breach of protective order.* (1) The Secretary shall determine whether any person has violated a protective order, and, as a sanction, may:

(i) Bar any such person and any firm of which such person is a partner, associate, or employee, or any partner, associate, employer, or employee of such person, from representing any other person's interest before any constituent agency of the Department in any capacity for a period of up to seven years from the date of publication in the **Federal Register** of a notice that the existence of a breach has been determined to exist;

(ii) In the case of a violation of this section by an attorney, refer such breach to the ethics panel of the appropriate bar associations; and

(iii) Subject the offender and the party he represents to such other administrative sanctions as are determined by the Secretary to be appropriate, including striking from the record any information or briefs submitted by, or on behalf of, the party represented by the offender, terminating any investigation then in progress, or revoking any Order then in effect.

(2) Any person to whom such sanctions are proposed to be applied shall be afforded a reasonable opportunity to be heard before the determination is made.

§ 353.31 Information exempt from disclosure.

Information which might otherwise be available under this subpart shall be exempt from disclosure if it relates to any matter which is required to be kept confidential pursuant to privilege, statute or Executive Order. This includes information that has been provided to the United States in confidence by a foreign government or international organization of governments. Such information currently is restricted from disclosure pursuant to Executive Order No. 12065 of June 28, 1978 (43 FR 28949).

Subpart C—Antidumping Procedures and Determinations

§ 353.35 Procedure for self-initiation.

(a) *In general.* Whenever the Secretary determines, from information available to him, that an antidumping investigation is warranted into the question of whether the antidumping duty imposed by section 731 of the Act should be imposed with respect to a particular class or kind of merchandise imported into the United States, he shall, after providing an opportunity for consultation to the signatory or signatories to the Agreement on Antidumping which may be affected by any affirmative determination, publish in the **Federal Register** a "Notice of Initiation of Antidumping Investigation." The Notice is to include:

(1) A description of the merchandise involved;

(2) The name of the country of exportation to the United States and, if the merchandise is produced in a country other than that from which it is exported, the name of the country in which the merchandise is produced;

(3) A summary of the information received that would, if found to be accurate, require the imposition of antidumping duties pursuant to section 731 of the Act; and

(4) A statement that the investigation will be terminated without further notice upon publication of a notice of a preliminary or final negative injury determination by the Commission.

(b) *Information provided to the Commission.* Upon initiation of the investigation, the Commission will be notified promptly and will be provided with such information as is available relating to the matter under investigation, including any available information on the amount by which the foreign market value exceeds United States price and the volume of trade. Information for which confidential treatment has been granted by the Secretary shall be made available to the Commission only upon confirmation that the confidentiality of such information will be maintained and that it will not be disclosed, either publicly or under an administrative protective order, without the express written consent of the Secretary.

§ 353.36 Procedures for initiation by petition.

(a) *Contents of petition.* Any interested party, as defined in subparagraph (C), (D), or (E) of section 771(9) of the Act, who has reason to believe that merchandise imported into the United States is being, or is likely to be, sold at less than fair value, by reason of which an industry in the United States is being or is likely to be materially injured or its establishment is being materially retarded, may file a petition on behalf of an industry pursuant to section 731 of the Act with the Secretary, Attention: Assistant Secretary for Trade Administration, Room 3826, Department of Commerce, Washington, D.C. 20230, requesting the imposition of additional duties in an amount equal to the amount by which the foreign market value exceeds the United States price. The petition shall contain, or be accompanied by, information, to the extent reasonably available to the petitioner, in substantially the following form:

(1) The name and address of the petitioner and any other person, firm, or association the petitioner represents, if appropriate;

(2) The industry on whose behalf the petition is filed, including the names of other enterprises included in such industry;

(3) A statement indicating whether the applicant has filed, or is filing, for import relief pursuant to section 201 of the Trade Act of 1974 (19 U.S.C. 2251), or has initiated proceedings pursuant to section 337 or 702 of the Act (19 U.S.C. 1337, 1671a), section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), or section 301 of the Trade Act of 1974 (19 U.S.C. 2411) with respect to the merchandise which is the subject of the proceeding;

(4) A detailed description of the imported merchandise in question, including its technical characteristics and uses, and, where appropriate, its tariff classification under the Tariff Schedules of the United States;

(5) The name of the country or countries from which the merchandise is being, or is likely to be, exported to the United States and, if the merchandise is

produced in a country other than that from which it is exported, the name of the country in which it is produced;

(6) The names and addresses of all known foreign enterprises believed to be manufacturing, producing or exporting the merchandise in question;

(7) All pertinent facts as to the price at which the foreign merchandise is sold or offered for sale in the United States and in the home market in which produced or from which exported, including information concerning transportation and insurance charges, and if appropriate, information regarding sales in third countries or the cost of producing the merchandise. Petitioners unable to furnish information on foreign sales or costs may present information concerning U.S. domestic producers' costs adjusted for differences in the foreign country in question from information publicly available;

(8) If the merchandise is being exported from a country which is considered to be a state-controlled-economy-country, any information pertaining to the price or prices at which such or similar merchandise of a non-state-controlled-economy-country or countries, considered to be comparable in terms of economic development to the state-controlled-economy-country, is sold for consumption in the home market of that country or countries or to other countries (including the United States), or the constructed value of such or similar merchandise in a non-state-controlled-economy-country, determined in accordance with § 353.8;

(9) Evidence, if any, that sales in the home market are being made at a price which represents less than the cost of production of the merchandise, and the circumstances under which such sales are made;

(10) The volume and value of imports of the merchandise from the country in question in the most recent two-year period, and also other periods if the petitioner believes such other periods to be more representative, or, if the merchandise is not presently imported into the United States or is not imported in significant quantities, information as to the likelihood of its importation;

(11) The names and addresses of enterprises believed to be importing the merchandise;

(12) The names and addresses of other enterprises in the United States engaged in the production, manufacture or sale of like merchandise. If numerous, information need not be provided with respect to any enterprises that accounted for less than 2 percent of domestic production, manufacture or sale of such merchandise during the most recent 12-month period;

(13) Information as to the material injury or threat thereof to, or the material retardation of the establishment of, a United States industry by reason of the imported merchandise alleged to be sold at less than fair value, as described in 19 CFR 207.11 and 207.26;

(14) If "critical circumstances" are alleged, information should be presented—(A) as to a history of dumping or (B) that the importer knew or should have known the exporter was selling at less than fair value, and (C) that injury which is difficult to repair is caused by reason of massive imports in a relatively short period; and

(15) Any documentation on which petitioner relies in making its petition.

Forms for the submission of petitions may be adopted from time to time. The use of such forms shall not be mandatory, provided the information required thereby and reasonably available to the petitioner is otherwise included in the petition.

(b) *Translations to English.* Unless such requirement is waived in individual cases, any information submitted in the petition or in support thereof, which is in a foreign language, must be accompanied by an English translation.

(c) *Simultaneous filing with Commission.* The Petitioner shall file a copy of the petition with the Commission on the same day as the petition is filed with the Secretary and shall so certify in submitting the petition to the Secretary.

(d) *Confidentiality of information.* Any petition which contains information for which confidential treatment has been requested and which is essential to support the petition will not be considered to have been received in acceptable form unless the requirements of section 353.28(a) are met.

(e) *Amendment of petition.* Upon timely receipt of additional information, the Secretary shall allow amendment of the petition. Any such amendments must be filed with the Commission on the same day as they are filed with the Secretary.

(f) *Form and number of copies.* The petition and, to the extent feasible, all supporting information, shall be submitted on letter-size paper, double spaced, typewritten or printed, in at least 10 copies.

(g) *Notification of affected country's representative.* Upon receipt of a petition, a non-confidential copy with a non-confidential summary of confidential data contained in the petition shall promptly be delivered to a representative in Washington, D.C. of the affected country or countries in which merchandise subject to the investigation is manufactured or produced.

(h) *Additional information concerning requirements for petitions.* Additional information concerning requirements for petitions may be obtained by contacting the office of the Assistant Secretary for Trade Administration, Room 3850, Department of Commerce, Washington, D.C. 20230; (202) 377-2867.

§ 353.37 Determination of sufficiency of petition.

(a) *Determination of sufficiency.* Within 20 days after a petition is filed under § 353.36, a determination shall be made by the Secretary on the sufficiency of the petition. A petition is considered to be filed at the time it is received by the Secretary.

(b) *Notice.* If a petition properly alleges the basis on which antidumping duties may be imposed under section 731 of the Act, contains information reasonably available to the petitioner supporting the allegations, and is filed by an interested party described in subsection (C), (D) or (E) of section 771(9) of the Act, an investigation shall be initiated and a notice of "Initiation of Antidumping Investigation" shall be published in the **Federal Register.** Unless otherwise stated in the notice, the investigation will relate to all merchandise of the class or kind in question from the exporting country. The notice shall contain a description of the merchandise subject to the investigation, based on consultation between the Secretary and the Commission.

(c) *Insufficiency of petition.* If it is determined that a petition does not properly allege the basis on which antidumping duties may be imposed under section 731 of the Act, does not contain information deemed reasonably available to the petitioner supporting the allegations, or is not filed by an interested party described in subsection (C), (D) or (E) of section 771(9) of the Act, the petition shall be dismissed and the proceeding terminated. The petitioner shall be notified in writing of the reasons for dismissal, and a notice of "Dismissal of Antidumping Petition" shall be published in the **Federal Register,** which shall summarize the reasons for dismissal of the petition.

(d) *Notice to Commission.* A copy of any determination hereunder shall be furnished promptly to the Commission. If the investigation is initiated, such information as has been received relating to the matter under investigation shall be made available to the Commission. Information for which confidential treatment has been granted by the Secretary shall be made

available to the Commission only upon confirmation that the confidentiality of such information will be maintained and that it will not be disclosed, either publicly or under an administrative protective order, without the express written consent of the Secretary.

§ 353.38 Full-scale investigation.

(a) Upon publication of the notice of "Initiation of Anti-dumping Investigation," the Secretary shall proceed promptly to obtain such information as may be necessary for preliminary and final determinations of sales at less than fair value. The Secretary normally will examine at least 60 percent of the dollar volume of exports to the United States from any country subject to an antidumping investigation. Ordinarily the Secretary will require a foreign manufacturer, producer, or exporter subject to the investigation to submit pricing information covering a period of at least 150 days prior to, and 30 days after, the first day of the month during which the petition was received in acceptable form. The Secretary may, however, require the submission of pricing information for such other period as he deems necessary and he may also require the submission of pricing information on a current basis during the course of an investigation. Where appropriate, cost information also will be required.

(b) When the Secretary examines less than 85 percent by dollar volume of the exports to the United States of the merchandise subject to the investigation, the Secretary will inform interested exporters of such merchandise of which exporters and what percentage of total exports to the United States are being examined.

§ 353.39 Preliminary determinations.

(a) *In general.* Within 160 days after the date on which a petition is filed under section 732(b) of the Act, or an investigation is commenced under section 732(a) of the Act, but not before an affirmative preliminary determination by the Commission under section 733(a) of the Act.

(1) A preliminary determination shall be made, based upon the best information available at the time of the determination, as to whether there is a reasonable basis to believe or suspect that foreign merchandise which is the subject of the investigation is being sold or is likely to be sold at less than fair value; and

(2) If the determination is affirmative, the amount by which the foreign market value exceeds the United States price shall be estimated and stated.

Notice of the determination, the parties affected, and the estimated amount by which the foreign market value exceeds the United States price shall be published in the **Federal Register.** The determination shall be mailed or otherwise delivered to all parties to the proceeding and the Commission.

(b) *Request for extension by petitioner.* If a request for an extension, stating the reasons for the request, is received from the petitioner no later than 25 days before the preliminary determination would otherwise be required under section 733(b) of the Act, the preliminary determination may be postponed until not later than the 210th day after the date on which the petition is filed. Upon acting on such a request, a notice of "Postponement of Preliminary Determination" shall be published in the **Federal Register,** stating that it has been made at the petitioner's request.

(c) *Extraordinarily complicated cases.* (1) If a case is determined to be extraordinarily complicated, the preliminary determination shall be made no later than the 210th day after the petition is filed under section 732(b) of the Act, or an investigation is commenced under section 732(a) of the Act.

(2) Any determination that a case is "extraordinarily complicated" shall be based on expess findings that:

(i) The importing and exporting parties are cooperating with the investigation;

(ii) The case is extraordinarily complicated by reason of (A) the number and complexity of the transactions under investigation or the adjustments to be considered, (B) the novelty of the issues presented, or (C) the number of firms whose activities must be investigated; and

(iii) Additional time is needed to make the preliminary determination.

(3) All parties to the proceeding shall be notified in writing of any determination to treat the case as "extraordinarily complicated" not later than 20 days before the date on which the preliminary determination would otherwise be required under section 733(b) of the Act. Upon making such a determination, a notice of "Postponement of Preliminary Determination" shall be published in the **Federal Register,** which notice shall summarize the reasons for the postponement.

(d) *Waiver of verification.* Within 75 days after the initiation of an investigation, an official designated for such purpose by the Secretary shall review the information received during the first 60 days of the investigation. If this official (who shall not be the official responsible for making the preliminary determination) concludes that there appears to be sufficient information available upon which the preliminary determination can reasonably be based, all nonconfidential information and all other information available under section 777 of the Act shall be disclosed to the petitioner and any other party to the proceeding that requests such disclosure. Within 3 working days after such disclosure, the petitioner and each domestic party to whom such disclosure was made may furnish an irrevocable written waiver of verification of the information received by the Secretary and an agreement that it is willing to have a preliminary determination made on the basis of the record then available to the Secretary. If a timely waiver and agreement have been received from the petitioner and each domestic party to whom the disclosure was made, and the Secretary finds that sufficient information is then available upon which the preliminary determination can reasonably be based, a preliminary determination shall be made within 90 days after the commencement of the investigation on the basis of the record established during the first 60 days after the investigation was commenced.

(e) *Contents of preliminary determination.* The preliminary determination shall include conclusions with regard to all facts and issues of law considered material to the determination, the name of the petitioner and of the industry on whose behalf the petition was filed, a description of the merchandise involved, the name of the country of exportation, and, if practicable, the names of the foreign manufacturers, producers, or exporters. If affirmative, the determination shall:

(1) Order the suspension of liquidation of all entries of merchandise subject to the determination which is entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the determination in the **Federal Register;** and

(2) Impose provisional measures by requiring a cash deposit, or the posting of a bond or other security for each entry of the merchandise concerned equal to the estimated amount by which the foreign market value exceeds the United States price. The posting of a bond or other security will be deemed adequate unless the revenue will not be sufficiently protected.

(f) *Commission access to information.* All information upon which the determination was based and which the Commission may consider relevant to its

injury determination shall be made available to the Commission. Information for which confidential treatment has been granted by the Secretary shall be made available to the Commission only upon confirmation that the confidentiality of such information will be maintained and that it will not be disclosed, either publicly or under an administrative protective order, without the express written consent of the Secretary.

§ 153.40 Critical circumstances determinations.

(a) *Determination.* If, not less than 30 days before the date on which a final determination is due, a petitioner alleges critical circumstances, then at the time the preliminary determination is made or, if such determination is due within 20 days or has already been made, then within 1 month after the allegation is received, a determination shall be made, on the basis of the best information available at the time, whether there is a reasonable basis to believe or suspect that:

(1)(i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation; or

(ii) The person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value; and

(2) There have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

If, not more than 30 but not less than 20 days before the date on which a final determination is due, a petitioner alleges critical circumstances, then no preliminary determination as to critical circumstances shall be made. A finding as to critical circumstances shall be included pursuant to § 353.44(c) in the Affirmative Final Determination. In making such determination, account shall be taken of departures in the ratio of import penetration of the subject merchandise and historic patterns of importation.

(b) *Notification of Commission.* The Commission shall be notified promptly of any determination under this section.

(c) *Suspension of liquidation.* Upon an affirmative preliminary determination of critical circumstances, any suspension of liquidation ordered under section 733(d)(1) of the Act shall apply, or if notice of suspension of liquidation has already been published, such suspension shall be amended to apply, to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which suspension of liquidation was first ordered.

(d) *Publication of notice.* Upon an affirmative preliminary determination of critical circumstances, notice thereof shall be published in the **Federal Register**, either as part of the notice of preliminary determination, or, if the preliminary determination already has been published, as a separate notice of "Preliminary Determination of Critical Circumstances."

§ 153.41 Termination of investigation.

(a) *Termination upon withdrawal of petition.* An antidumping investigation may be terminated at any time upon withdrawal by the petitioner of the petition on which the investigation was initiated, after notice to all other parties to the proceeding and consultation with the Commission. No investigation shall be terminated unless it is determined such termination is in the public interest. Notice of any termination shall be published in the **Federal Register**, together, where appropriate, with a copy of any correspondence exchanged with the petitioner on the basis of which the petitioner withdrew the petition and the investigation was terminated.

(b) *Termination upon negative determination.* An investigation shall be deemed terminated, without further comment or action, upon publication of any negative final determination, or a negative preliminary or final determination by the Commission on the issue of injury.

§ 153.42 Suspension of investigation.

(a) *Agreements to eliminate completely sales at less than fair value or to cease exports.* An investigation may be suspended at any time before a final determination if the exporters of the merchandise which is the subject of the investigation who account for substantially all of the imports of the merchandise which is the subject of the investigation agree:

(1) To cease exports of the merchandise to the United States within 6 months after the date on which the investigation is suspended, or

(2) To revise their prices promptly to eliminate completely any amount by which the foreign market value of the merchandise which is the subject of the agreement exceeds the Unites States price of that merchandise.

(b) *Agreements eliminating injurious effect.* (1) *Generally.* An investigation may be suspended at any time before a final determination upon acceptance of an agreement to revise prices from exporters accounting for substantially all of the imports of the merchandise which is the subject of the investigation, if it is determined:

(i) Extraordinary circumstances are present; and

(ii) The agreement will eliminate completely the injurious effect of the exports to the United States of the merchandise which is the subject of the investigation.

(2) *Additional requirements.* No agreement under this subsection may be accepted unless:

(i) The suppression or undercutting of price levels of like domestic products by imports of the merchandise will be prevented; and

(ii) For each entry of each exporter the amount by which the estimated foreign market value exceeds the United States price will not exceed 15 percent of the weighted average amount by which the estimated foreign market value exceeded the United States price for all less-than-fair-value entries of the exporter examined during the course of the investigation.

(c) *Definition of "substantially all."* For purposes of section 734 (b) and (c) of the Act, exporters who account for "substantially all" of the imports in question shall mean exporters who have accounted for no less than 85 percent by volume of the subject merchandise imported into the United States during the period of investigation, or such other recent, representative period determined appropriate. The number and identity of affected exporters shall be considered no less frequently than once annually in connection with the determination required under section 751 of the Act, and, if appropriate, additional or different exporters may be required to furnish assurances to ensure continued applicability of the assurance to the requisite percentage of the affected trade.

(d) *Definition of "extraordinary circumstances."* For purposes of section 734(c) of the Act, "extraordinary circumstances" shall mean circumstances in which (1) suspension of the investigation will be more beneficial to the domestic industry than continuation of the investigation, and (2) the investigation is complex. For purposes of this section, "complex" shall mean there are a large number of transactions to be investigated or adjustments to be considered, the issues raised are novel, or the number of firms involved is large.

(e) *Monitoring of agreements.* No agreement under section 734 of the Act shall be accepted unless effective monitoring of the agreement is practicable. In accepting assurances and in monitoring compliance therewith, the

Secretary shall not be obliged to ascertain on a continuing basis the level of domestic prices of merchandise like that covered by the agreement.

(f) *Public interest.* No agreement under section 734 of the Act shall be accepted unless the agreement is determined to be in the public interest.

(g) *Exports not to increase during interim period.* No agreement to cease exports to the United States under section 734(b)(1) of the Act shall be accepted unless that agreement provides an adequate means of ensuring that the quantity of the merchandise covered by that agreement and exported to the United States during the period provided for cessation of exports does not exceed the quantity of such merchandise exported to the United States during the most recent representative period determined to be appropriate to the case. In ordinary circumstances, the representative period shall refer either to the six months preceding the month in which the petition was filed or the comparable six month period of a year earlier, whichever more accurately reflects the historical level of importation absent import surges. If the level of exports to the United States exceeds the volume exported during the period determined most representative, then the agreement may be deemed violated and the provisions of § 353.43 will be applicable.

(h) *Procedures for suspension of investigations.* Prior to accepting any agreement under section 734:

(1) The petitioner shall be notified and consulted with concerning the Secretary's intention to suspend the investigation. A copy of the proposed agreement shall be furnished to the petitioner no less than 30 days prior to the proposed suspension of the investigation. Any such agreement shall contain the procedures to be followed to monitor compliance, and a statement of the compatibility of the agreement with the requirements of subsections (b) and (d) or (c) and (d) of section 734 of the Act;

(2) All parties to the proceeding shall be notified of the proposed suspension not less than 30 days prior thereto; and

(3) All parties to the proceeding and other government agencies which may have an interest in the effects of the agreement shall be afforded an opportunity to submit written comments and information for the record with respect to the proposed suspension.

(i) *Issuance of an affirmative preliminary determination.* Upon acceptance of an agreement to suspend an investigation, a "Notice of Suspension of Antidumping Investigation" shall be published in the **Federal Register**, including a summary of the principal provisions of the agreement on the basis of which the investigation was suspended. Unless an Affirmative Preliminary Determination has already been issued, an "Affirmative Preliminary Determination" shall be published together with the notice suspending the proceeding.

(j) *Suspension of liquidation.* (1) *Cessation of exports; complete elimination of dumping margin.* If an agreement is accepted which provides for the cessation of exports or complete elimination of a dumping margin of merchandise exported to the United States, pursuant to section 734(b) of the Act, then, notwithstanding the issuance of an Affirmative Preliminary Determination, the liquidation of entries of merchandise covered by the agreement shall not be suspended. If liquidation has previously been suspended in the investigation, such suspension shall, without further comment or action, terminate on the date the notice is published and estimated antidumping duties shall be refunded, or appropriate bonds or other security shall be released.

(2) *Other suspension agreements.* Agreements to suspend an investigation other than those described in paragraph (j)(1) of this section shall not affect the suspension of liquidation of entries of merchandise (except that the security required may be adjusted to reflect the effect of the agreement) until the Commission has completed its review of the suspension agreement, if such review is requested. If no request for review of suspension is received by the Commission within 20 days after the "Notice of Suspension of Antidumping Investigation" is published, the suspension of liquidation shall, without further comment or action, terminate on the 21st day after such publication.

(k) *Commission review.* Where the Commission, having undertaken a review of an agreement to suspend an investigation other than one described in paragraph (j)(1) of this section, makes a negative determination, the Secretary shall resume his investigation on the date of publication of such determination as if the affirmative preliminary determination under § 353.39 had been made on that date. Where the Commission makes an affirmative determination in such a case, the Secretary shall continue the suspension of the investigation and terminate any suspension of liquidation which may then be in effect, and all estimated antidumping duties shall be refunded and all appropriate bonds or other security shall be released.

(l) *Continuation of investigation.* By filing a request with both the Secretary and the Commission on the same date, exporters accounting for a significant proportion of exports to the United States of the merchandise which is the subject of the investigation, or the petitioner or any other domestic interested party (within the meaning of subparagraph (C), (D) or (E) of section 771(9) of the Act), which is a party to the proceeding, may, during the 20-day period following the date of publication of the notice of suspension, request a continuation of the investigation. Upon receiving such a request, the Secretary and Commission shall continue the investigation. If, as a result of such continued investigation, a Final Negative Determination is made or the Commission makes a negative injury determination, the investigation shall be terminated, without further comment or action, and notice thereof published in the **Federal Register.** If an Affirmative Final Determination is made and the Commission makes an affirmative injury determination, the suspension shall remain in effect in accordance with its terms. The provisions of paragraph (j) of this section regarding the suspension of liquidation of entries of merchandise covered by the agreement are unaffected by this subsection.

§ 353.43 Violations of agreements.

(a) *In general.* If it is determined that an agreement on the basis of which an investigation was suspended is being, or has been violated, or no longer meets the requirements of subsections (b) and (d) or (c) and (d) of section 734 of the Act:

(1) Liquidation of the unliquidated entries of merchandise shall be suspended effective as of the later of the date which is 90 days before the date of publication of the notice of suspension of liquidation, or the date on which the merchandise, the sale or export to the United States of which was in violation of the agreement, was first entered, or withdrawn from warehouse, for consumption;

(2) If the investigation was not completed, the investigation shall be resumed as if the Affirmative Preliminary Determination was made on the day on which the investigation is resumed;

(3) If the investigation was completed, an Antidumping Duty Order shall be issued, effective with respect to entries the liquidation of which was suspended upon the determination that the agreement had been violated; and

(4) The petitioner, interested parties who are or were party to the proceeding, and the Commission shall be notified and notice of the determination shall be published in the **Federal Register**, including a summary of the reasons therefor.

(b) *Notice of possible breach.* If there is reason to believe that an agreement no longer meets the requirements of the Act or that an agreement is being breached and the breach involves a violation of the agreement other than that described in paragraph (c) of this section, each party to the agreement shall be notified at the earliest moment, so that alternative or amended agreements may be considered before the agreement is deemed violated.

(c) *Intentional violations.* The intentional violation of any agreement entered into under this section shall subject any person who is party to the agreement and is determined to have intentionally violated it to the same penalties as for a fraudulent violation of section 592 of the Act (19 U.S.C. 1592). The procedural requirements of section 592 shall be applicable to any action to collect penalties.

§ 353.44 Final determinations.

(a) *In general.* Within 75 days after the date of a preliminary determination, a final determination shall be made whether merchandise which is the subject of the investigation is being, or is likely to be, sold in the United States at less than fair value.

(b) *Extension of period.* The final determination may be postponed until not later than 135 days after the date of a preliminary determination where a written request for such a postponement is received, prior to the time the final determination otherwise would be due, from either the exporters who account for a significant proportion of the merchandise which is the subject of the investigation (in proceedings in which the preliminary determination was affirmative) or the petitioner (in proceedings in which the preliminary determination was negative).

(c) *Critical circumstances.* If critical circumstances have been alleged and an affirmative final determination reached, then it shall include a finding of whether—

(1)(i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

(ii) The person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

(2) There have been massive imports of the merchandise which is the subject of the investigation over a relatively short period.

(d) *Disclosure of information.* Promptly after making the preliminary determination, there shall be disclosed, to each interested party then a party to the proceedings who requests such disclosure, all non-confidential information and, if made available under § 353.30, confidential information, on the basis of which the preliminary determination was made.

(e) *Opportunity of parties to present views.* Prior to the final determination, an opportunity shall be provided for all parties to be heard orally in person or by counsel before a designated official pursuant to § 353.47. Written views will be received from any person at any time, provided that, unless the Secretary or the officer presiding at the hearing otherwise provides for good cause, consideration of written views may be declined if received more than 10 days after the transcript of any hearing is available to the public or less than 30 days before the final determination is due, whichever is earlier.

(f) *Notice of determination.* Notice of the final determination, the parties affected and the estimated margin of dumping, if any, shall be published in the **Federal Register.** Copies of the determination shall be mailed or otherwise delivered to all parties to the proceeding and the Commission.

(g) *Contents of final determinations.* The final determination shall include conclusions with regard to all facts and issues of law considered material to the determination. If the determination is affirmative, the amount of the dumping margin shall be estimated and stated.

(h) *Effect of negative final determination.* If the final determination is negative, the proceeding shall be terminated including any suspension of liquidation which may then be in effect, and all estimated antidumping duties shall be refunded and all appropriate bonds or other security shall be released.

(i) *Effect of negative final determination by Commission.* If the final determination by the Commission under section 735(b) of the Act is negative, the proceeding shall be terminated including any suspension of liquidation which may then be in effect, and all estimated antidumping duties shall be refunded and all appropriate bonds or other security shall be released.

§ 353.45 Exclusion of particular firms.

The Secretary may exclude one or more foreign manufacturers, producers or exporters from an affirmative preliminary, or an affirmative final, determination if he finds that all examined exports of the merchandise in question to the United States by the manufacturer, producer, or exporter in question during the period under consideration were made at prices not less than the fair value of the merchandise concerned. Usually, information on 100 percent of the exports in question will be required to be submitted to support a request for exclusion. In exceptional cases, the Secretary may determine that examination of a lesser percentage (never less than 75 percent) is adequate. A manufacturer, producer, or exporter requesting exclusion, must submit all relevant sales information to permit consideration of the request and verification of the data on which the request is based, whether or not information concerning such sales has been requested by the Secretary. The Secretary also may exclude a foreign manufacturer, producer or exporter, not excluded from an Affirmative Final Determination, from an Antidumping Duty Order, provided the information necessary to support such exclusion is received, verified, and analyzed by the Department in time to be considered by the Commission in making its final injury determination. The name of any such company which is determined to have satisfied the requirements for exclusion will be published in the **Federal Register.** Companies not excluded under this section will become subject to an Antidumping Duty Order, should one be issued, and must thereafter petition for exclusion pursuant to the procedures of § 353.54 in order to be excluded from such Order.

§ 353.46 Submission of information and written views.

(a) *Submission of information and written views.* Except in situations where it would be manifestly unjust, any information or wirtten views submitted in connection with a proceeding shall be considered only if received within the time established by these regulations or by specific instructions applicable to any request for information; and information or written views received after such time shall not be considered in the proceeding. Any written views intended to be considered in connection with a proceeding shall be submitted on letter-size paper, double spaced, in at least 10 copies, to the Secretary, Attention: Assistant Secretary for Trade Administration, Room 3826, Department of Commerce, Washington, D.C. 20230. Except when the Secretary determines it will be unduly burdensome to the party

to the proceeding, in which case the Secretary shall effect the service, a copy shall also be served at the same time, by mail or personal service, on counsel for each party to the proceeding as of the date of such filing, or if not represented by counsel, then the person designated for such purpose by the party. A certificate of such service shall accompany any such filing.

(b) *Designation of agent.* Every party to the proceeding shall designate a person to receive service of all papers filed in a proceeding. A list of such designated agents shall be made available by the Secretary.

§ 353.47 Hearings.

During the course of an investigation, normally within 30 days after the Preliminary Determination is published, a hearing shall be held, upon the request of any party to the proceeding, to provide interested persons an opportunity to present views orally. Such hearing shall be conducted before a designated official. A verbatim record shall be transcribed and copies of the transcript made available to the public. The hearing shall not be subject to the Administrative Procedure Act, and shall not involve the examination or cross examination of witnesses under oath. At the discretion of the officer conducting the hearing, persons not party to the proceeding, including officials of other agencies or departments of the United States Government, may present views. If not included in the notice of the preliminary determination, notice of such a hearing shall be published in the Federal Register. All requests for hearings shall be accompanied by a statement outlining the issues which the person wishes to discuss. Reasonable notice of the hearing will be given to all parties to the proceeding. One week prior to such a hearing, pre-hearing briefs shall be submitted to the Secretary and exchanged among parties to the proceeding. Persons will be restricted, in their oral presentations, to issues raised in this pre-hearing brief. Any person not submitting such a brief ordinarily will be restricted to rebuttal of points made by other persons. Ordinarily, the presiding officer at a hearing will provide an opportunity for the submission of post-hearing briefs, within the time limits prescribed at the hearing. The Secretary may at any time invite any person to supply him with information or argument.

§ 353.48 Antidumping duty order.

(a) *In general.* Within seven days of notification that the Commission has made an affirmative determination on the issue of material injury, an Antidumping Duty Order shall be published that:

(1) Directs customs officers to assess an antidumping duty on the merchandise found to be sold at less than fair value, equal to the amount by which the foreign market value of the merchandise exceeds the United States price of the merchandise, such assessment to be made within 6 months after the date on which the Secretary has received satisfactory information upon which such assessment may be based, but in no event later than 12 months after the end of the exporter's annual accounting period within which the merchandise is entered, or withdrawn from warehouse, for consumption, or in the case of merchandise not sold prior to its importation, 12 months after the end of the annual accounting period of the manufacturer or exporter within which it is sold in the United States to a person who is not the exporter of that merchandise;

(2) Includes a description of the class or kind of merchandise to which it applies, in such detail as is deemed necessary; and

(3) Pending liquidation of entries of the merchandise, requires the deposit of estimated antidumping duties at the same time as estimated normal customs duties on that merchandise are deposited.

(b) *Calculation of the amount of the estimated duty to be deposited.* The deposit of estimated antidumping duties for each manufacturer, producer or exporter shall be equal to the amount by which the foreign market value of the merchandise exceeds the United States price of the merchandise, as determined in the affirmative final determination of the Secretary or the latest administrative review of such determination under § 353.53, or, if appropriate, under § 353.49.

§ 353.49 Security in lieu of estimated duty pending early determination of duty.

(a) *Conditions for use.* The Secretary may allow, for no more than 90 days after the date of publication of an Antidumping Duty Order under § 353.48, the posting of a bond or other security in lieu of the deposit of estimated antidumping duties required under § 353.48(c) if, on the basis of information presented to it by any manufacturer, producer, or exporter within seven days after publication of the Antidumping Duty Order, the Secretary is satisfied that within 90 days after the date of publication of an Order under § 353.48, a determination can be made concerning the foreign market value and the United States price for all merchandise of such manufacturer, producer, or exporter described in that Order which was entered, or withdrawn from warehouse, for consumption on or after the date of publication of—

(1) An affirmative preliminary determination as to sales at less than fair value; or

(2) If the determination under paragraph (a)(1) of this section was negative, an affirmative final determination as to sales at less than fair value; and before the date of publication of the affirmative final determination by the Commission.

(b) *Notice and hearing.* The Secretary shall publish notice of any determination to allow the posting of security in lieu of the deposit of estimated antidumping duties, and shall, upon the request of any party to the proceeding, hold a hearing before determining the United States price and foreign market value of the merchandise of the foreign manufacturer, producer or exporter.

(c) *Determination used as basis of duty.* The Secretary shall publish notice of the results of the determination of United States price and foreign market value, and that determination shall be the basis for the assessment of antidumping duties on entries of merchandise to which the notice under this section applies and shall also be the basis for the deposit of estimated antidumping duties on future entries of merchandise of manufacturers, producers or exporters described in paragraph (a) of this section to which the Order issued under § 353.48 applies.

§ 353.50 Differences in determined and estimated antidumping duties.

If the amount of the estimated antidumping duty deposited pursuant to the Preliminary Affirmative Determination is different from the amount of the antidumping duty to be assessed pursuant to an Antidumping Duty Order, the difference with respect to merchandise entered, or withdrawn from warehouse, for consumption before publication of notice of the Commission's affirmative Final Determination shall be:

(a) Disregarded, to the extent that the estimated duty is less than the duty determined to be assessable under the Order, or

(b) Refunded, to the extent that estimated duties collected were more than the duty determined to be assessable under the Order.

§ 353.51 Verification of information; use of best information available.

(a) Information upon which a final determination is based shall be verified.

The methods and procedures used to verify information in a particular case shall be published in the **Federal Register** in the "Notice of Affirmative Final Antidumping Determination" or "Notice of Negative Final Antidumping Determination," as appropriate.

(b) Whenever information cannot be satisfactorily verified, or is not submitted in a timely fashion or in the form required, the submitter of the information will be notified and the affected determination will be made on the basis of the best information then otherwise available which may include the information submitted in support of the petition. An opportunity to correct inadequate submissions will be provided if the corrected submission is received in time to permit proper analysis and verification of the information concerned; otherwise no corrected submission will be taken into account. Where a party to the proceeding refuses to provide requested information, that fact may be taken into account in determining what is the best available information.

(c) In verifying information under this section, access to files, records and personnel may be requested by appropriate officers of the Secretary as part of the verification process. Failure to permit such access may prevent satisfactory verification and require the application of paragraph (b) of this section.

(d) All responses to requests for information must be in English and in the form requested unless such requirement is waived. Failure to supply information in the form requested may require the application of paragraph (b) of this section.

(e) Responses to all questionnaires directed to foreign parties shall be forwarded by air mail or faster means simultaneously to the Secretary and to the U.S. Embassy in the country in question and shall be deemed timely received if received at either office within the time required by any specific request, order or regulation.

§ 353.52 Interest on certain overpayments and underpayments.

Interest shall be payable, at the rate in effect under section 6621 of the Internal Revenue Code of 1954 on the date on which the rate or amount of duty is finally payable, or 8 percent, whichever is higher, on overpayments and underpayments of amounts deposited on merchandise entered, or withdrawn from warehouse, for consumption on or after the date on which notice of an affirmative determination by the Commission with respect to that merchandise is published.

§ 353.53 Administrative review of determinations.

(a) *In general.* At least once during each 12-month period beginning on the anniversary of the date an Antidumping Duty Order or notice of suspension of an investigation is published, the Secretary shall determine:

(1) The foreign market value and United States price of each entry of merchandise subject to the Antidumping Duty Order and included within that determination, and the amount, if any, by which the foreign market value of each such entry exceeds the United States price of the entry; or

(2) The status of, and compliance with, any agreement by reason of which an investigation was suspended.

(b) *Changed circumstances.* (1) Whenever the Secretary receives information concerning, or a request for the review of, an Antidumping Duty Order or Finding or an agreement on the basis of which an investigation was suspended, which shows changed circumstances sufficient to warrant review of such Order, Finding or agreement, he shall, before conducting such review, publish a "Notice of Intention to Review Antidumping Duty Order" or "Notice of Intention to Review Suspension Agreement" in the **Federal Register.** Such Notice shall indicate the merchandise concerned, and any changed circumstances or other significant issues then known which will be considered during the review.

(2) In the absence of good cause shown, no review based on allegations of changed circumstances shall be conducted within 24 months after the date of an Affirmative Final Determination or a determination to suspend an investigation.

(c) *Procedures.* Written views on proposed revisions of an Antidumping Duty Order, including new facts for examination, will be accepted at any time, but unless changed circumstances are alleged, normally will not be processed sooner than 90 days before such redetermination is due for publication. Questionnaires requesting current relevant data normally will be sent 85 days before such date, requesting reply within 30 days of receipt.

(d) *Disclosure and hearings.* A disclosure may be made, generally about 30 days prior to the date the redetermination is due for publication, on request by interested parties then party to the proceeding, to such parties of all nonconfidential information and, where appropriate, pursuant to a protective order, confidential information, on the basis of which the redetermination will be made. Written views may be presented, and an opportunity to present oral views may be requested, by any party to whom disclosure was made. After providing an opportunity for comment by interested parties on the proposed determination, a revised Antidumping Duty Order, including any revised bases for the assessment of duties on the merchandise, shall be publised in the **Federal Register.**

(e) *Investigations which were discontinued prior to January 1, 1980.* With respect to each investigation which was concluded with a discontinuance prior to January 1, 1980, the discontinuance will be reviewed according to the procedures of section 751 of the Act and continued, modified, or terminated, as appropriate. Until modified or terminated each discontinuance will remain in effect.

§ 353.54 Revocation of antidumping duty orders and termination of suspended investigations.

(a) *In general.* Whenever the Secretary determines that sales of merchandise subject to an Antidumping Finding or Order or a suspended investigation are no longer being made at less than fair value within the meaning of section 731 of the Act and is satisfied that there is no likelihood of resumption of sales at less than fair value, he may act to revoke or terminate, in whole or in part, such Order or Finding or suspended investigation. Ordinarily, consideration of such revocation or termination will be made only subsequent to a review as described in § 353.53 of this part.

(b) *Application to revoke or terminate.* An application for the revocation of any Finding or Order or the termination of a suspended investigation, premised upon the absence of sales at less than fair value, may be submitted in writing by a party to the proceeding to the Secretary together with detailed information demonstrating that the imported merchandise is no longer being sold at less than fair value. Ordinarily, such an application will be considered only if there have been no sales at less than fair value for at least a two-year period following the date of publication in the **Federal Register** of an Antidumping Duty Finding or Order or notice of suspension of investigation; provided, however, that where a firm can demonstrate that it has not sold the merchandise at less than fair value during the period of or immediately prior to the investigation (but the firm did not file a timely application for exclusion under § 353.45), the two-year period shall begin on the date of the

preliminary determination regardless of whether that determination was affirmative or negative.

(c) *Revocation or termination by the Secretary.* The Secretary may on his own initiative revoke a Finding or Order or terminate a suspended investigation after three years if he is satisfied that (1) there is no likelihood of resumption of imports of the merchandise to the United States the sale of which has been made at less than fair value, or (2) the sales at less than fair value have been eliminated, or (3) other changed circumstances warrant a revocation of the Finding or Order or the termination of a suspended investigation.

(d) *Revocation or termination based upon injury reconsideration.* [Reserved.]

(e) *Notice of revocation or termination.* If it appears to the Secretary from his review under section 751 of the Act and on application filed pursuant to paragraph (a) of this section (or from his own determination under paragraph (b) of this section) that a revocation or termination may be appropriate, he will publish a "Notice of Tentative Determination to Revoke or Terminate." Before the Secretary may tentatively revoke a Finding or an Order or terminate a suspended investigation pursuant to paragraph (a) of this section, the parties who are subject to the revocation or the termination must agree in writing to an immediate suspension of liquidation and reinstatement of the Finding or Order or continuation of the investigation, as appropriate, if circumstances develop which indicate that the merchandise thereafter imported into the United States is being sold at less than fair value. Opportunity for interested parties to present views with respect to the tentative revocation will be provided.

(f) *Final determination.* As soon as possible after publication of a "Notice of Tentative Determination to Revoke or Terminate" the Secretary will determine whether final revocation or termination is warranted. In cases where an application for a revocation or termination is based on the absence of sales at less than fair value with respect to the imported merchandise and the dispositive date for establishing a two-year period of no sales at less than fair value is the date of publication of the Finding or Order, the Secretary may determine that a final revocation or termination is warranted only if the firm involved provides information showing no sales at less than fair value with respect to the subject merchandise up to the date of publication of the "Notice of Tentative Determination to Revoke or Terminate." Ordinarily, a revocation or termination will be effective with respect to all merchandise which is the subject of the revocation or termination, entered, or withdrawn from warehouse, for consumption on or after the date on which the "Notice of Tentative Determination to Revoke or Terminate" is published in the **Federal Register**. The liquidation of all merchandise which is the subject of a tentative revocation or termination and which is entered, or withdrawn from warehouse, for consumption on or after the date of publication of the "Notice of Tentative Determination to Revoke or Terminate," will be ordered suspended pending the final determination on revocation or termination.

§ 353.55 Reimbursement of antidumping duties.

(a) *General.* In calculating the United States price there shall be deducted the amount of any antidumping duties which are, or will be, paid by the manufacturer, producer, seller, or exporter, or which are, or will be, refunded to the importer by the manufacturer, producer, seller, or exporter, either directly or indirectly, but a warranty of nonapplicability of antidumping duties entered into before the initiation of the investigation, will not be regarded as affecting United States price if it was granted to an importer with respect to merchandise which was:

(1) Purchased, or agreed to be purchased, before publication of a notice in which liquidation was suspended with respect to such merchandise; and

(2) Exported before a final determination of sales at less than fair value is made.

Ordinarily, the deduction for reimbursement of antidumping duties shall be made only once in the calculation of the United States price of any entry of merchandise subject to an Antidumpting Duty Order.

(b) *Certificate.* A certificate in the form set forth below shall be filed by any importer of merchandise subject to an Antidumping Duty Order with the district director of Customs in the district in which such merchandise is, or is intended to be, imported within 30 days after the earlier of (1) publication of the Order or any administrative review thereof pursuant to § 353.53, or, if appropriate, § 353.49, or (2) importation of the merchandise in a district in which not previously imported:

I hereby certify that I (have) (have not) entered into any agreement or understanding for the payment or for the refunding to me, by the manufacturer, producer, seller or exporter of all or any part of the antidumping duties assessed upon the following importations of ——— (commodity) from ——— (country): (List entry numbers) which have been purchased on or after ——— (date of publication of notice suspending liquidation in **Federal Register**) or purchased before ——— (same date) but exported on or after ——— (date of final determination of sales at less than fair value).

(c) *Presumption.* The failure to file the certificate required in paragraph (b) may result in a presumption of reimbursement.

§ 153.56 Conversion of currencies.

(a) *Rule for conversion.* In determining the existence and amount of any difference between the United States price and the fair value or foreign market value for the purposes of this part or of the Act, any necessary conversion of a foreign currency into its equivalent in United States currency shall be made in accordance with the provisions of section 522 of the Tariff Act of 1930, as amended (31 U.S.C. 372):

(1) As of the date of purchase or agreement to purchase, if the purchase price is an element of the comparsion; or

(2) As of the date of exportation, if the exporter's sales price is an element of the comparsion.

(b) *Special rules for fair value investigations.* For purposes of fair value investigations, manufacturers, exporters, and importers concerned will be expected to act within a reasonable period of time to take into account price differences resulting from sustained changes in prevailing exchange rates. Where prices under consideration are affected by temporary exchange rate fluctuations, no differences between the prices being compared resulting solely from such exchange rate fluctuations will be taken into account in fair value investigations.

§ 353.57 Entered value not controlling.

The fact that the importer has indicated, on entry, the difference between the United States price and the foreign market value and the district director of Customs has approved the resulting entered value shall not prevent the assessment of the antidumping duty.

Annex I.—*Antidumping Duty Findings and Orders Currently in Effect*

Merchandise	Country	T.D.	Modified by—
Portland cement, other than white, nonstaining portland cement	Sweden	55369	
	Belgium	55428	
Portland cement, other than white, nonstaining portland cement	Dominican Republic	55883	
Steel reinforcing bars	Canada	55150	
Carbon steel bars and structural shapes	do	55264	
Steel jacks	do	66-191	
Titanium sponge	U.S.S.R.	68-212	
Pig iron	do	68-261	
Do	Czechoslovakia	68-262	
Do	East Germany	68-263	
Do	Romania	68-264	
Potassium chloride, otherwise known as muriate of potash, except that produced and sold by U.S. Borax Chemical Co., Kalium, Saskatchewan, Canada; Kalium Chemicals, Ltd., Regina, Saskatchewan, Canada; Potash Co. of Canada, Ltd., Lanigan, Saskatchewan, Canada; Potash Co. of America, Saskatoon, Saskatchewan, Canada; International Minerals and Chemicals Corp; Libertyville, Ill., U.S.A.; and CF Industries, Inc., Chicago, Ill., U.S.A.;	Canada	69-265	74-157
Same as above, except that produced and sold by Brockville Chemical Industries, Ltd., Montreal, Quebec, Canada; Hudson Bay Mining & Smelting Co., Ltd., Toronto, Ontario, Canada; Swift Canadian Co., Ltd., Etobicoke, Ontario, Canada; and Cominco, Ltd., Vancouver, British Columbia, Canada.	do		76-219
Same as above, except that produced and sold by Duval Corp. of Canada, Saskatoon, Saskatchewan; Amax Potash, Ltd., Esterhazy, Saskatchewan.	do		77-202
Same as above, except that produced and sold by Potash Corporation of Saskatchewan	do		80-18
Steel bars, reinforcing bars, and shapes manufactured by the Broken Hill Proprietary Co., Ltd., Melbourne, Australia.	Australia	70-81	
Tuners (of the type used in consumer electronic products), except (i) those produced and sold by Matsushita Trading Co., Ltd., (ii) those produced and sold by Victor, Co. of Japan, Ltd., (iii) those produced and sold by Tokyo Shibaura Electric Co., Ltd., (iv) those produced and sold by Sanyo Electric Co., Ltd., and Sanyo Electric Trading Co., Ltd., and (v) those sold by Sony Corp. of Japan.	Japan	70-257	75-80, 76-143, 76-215, 77-26
Television receiving sets, monochrome and color, except sets produced and sold by Sony Corp. of Japan.	do	71-76	75-40
Ferrite cores (of the type used in consumer electronic products)	do	71-84	
Ceramic wall tile, except that produced and sold by Pilkington's Tiles Sales Ltd., Manchester, England.	United Kingdom	71-129	74-169
Clear plate and float glass	Japan	71-130	
Clear Sheet glass	do	71-131	
Pig iron	West Germany	71-192	
Pig iron, except that produced and sold by Quebec Iron & Titanium Corp., Sorel, Quebec, Canada	Canada	71-193	75-107
Pig iron	Finland	71-194	
Clear sheet glass	Taiwan	71-226	
Tempered sheet glass	Japan	71-247	
Clear sheet glass weighing over 16 oz/ft²	Italy	71-294	
Ice cream sandwich wafers	Canada	72-77	
Diamond tips for phonograph needles	United Kingdom	72-91	
Fish netting of manmade fibers	Japan	72-158	
Large power transformers	France	72-160	
Large power transformers, except those produced and sold by Asgen Ansaldo San Giorgio, Compagnia Generale S.p.A. and Societa Nazionale delie Officine di Savigilano.	Italy	72-161	79-89
Large power transformers	Japan	72-162	
Large power transformers, except those produced and sold by Ferranti, Ltd., Manchester, England; Hawker Siddley Electric Export, Ltd., London, England; and Parsons Peebles Power Transformers, Ltd., Edinburgh, Scotland.	United Kingdom	72-164	76-102
Elemental sulphur, except that produced and sold by Azufrera Pan-American S.A.	Mexico	72-179	78-13
Cadmium	Japan	72-206	
Instant potato granules	Canada	72-263	
Dry-cleaning machinery	West Germany	72-311	
Bicycle speedometers	Japan	72-322	
Canned Bartlett pears	Australia	73-84	
Roller chain, other than bicycle	Japan	73-100	
Stainless steel plate, except shipments by Stora Kopparbergs Bergslags AB, Falun, Sweden	Sweden	73-157	
Synthetic methionine	Japan	73-168	
Printed vinyl film	Brazil	73-232	
Do	Argentina	73-233	
Stainless steel wire rods, except those produced by Creusot-Loire of Paris, France	France	73-243	
Steel wire rope, except brass electroplated steel truck tire cord of cable construction	Japan	73-296	
Polychloroprene rubber	do	73-333	
Elemental sulphur, except shipments produced and sold by Texasgulf, Inc., and Canadian Occidental Petroleum, Ltd.	Canada	74-1	
Expanded metal, of base metal	Japan	74-29	
Calcium pantothenate, except shipments produced and sold by Fuji Chemical Industries, Ltd	do	74-34	
Racing plates (aluminum horseshoes)	Canada	74-77	
Picker sticks	Mexico	74-166	
Electric golf cars	Poland	75-288	
Birch 3 ply doorskins	Japan	76-48	
Tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately.	do	76-227	
Acrylic sheet, other than that produced and sold by Mitsubishi Rayon Company, Ltd	do	76-240	
Melamine in crystal form	do	77-54	
Metal-walled aboveground swimming pools	do	77-223	
Parts for self-propelled bituminous paving equipment	Canada	77-222	
Pressure sensitive plastic tape measuring over 1⅛ inch in width and not exceeding 4 mills in thickness, except that manufactured and exported by Plasturopa—SIPA S.a.S. Montemurlo (Florence), Italy.	Italy	77-258	
Animal glue and inedible gelatin	The Netherlands	78-2	
Animal glue and inedible gelatin, except that produced and sold by Elektrochemische Fabrik Kempen G.m.b.H.,	West Germany	78-1	
Animal glue and inedible gelatin	Yugoslavia	78-4	
Animal glue and inedible geletin	Sweden	78-3	
Railway track maintenance equipment consisting of ballast regulators and tampers only	Austria	78-61	

Annex I.—*Antidumping Duty Findings and Orders Currently in Effect*—Continued

Merchandise	Country	T.D.	Modified by—
Impression fabric of manmade fiber, finished, whether slit or uncut, and not inked, except that produced and sold by Asahi Chemical Industry Co., Ltd., and the Shirasaki Tape Co., Ltd., Japan.	Japan	78-143	
Carbon steel plate	do	78-150	
Polyvinyl chlonde sheet and film, other than that produced by Ocean Plastics Co., Ltd., and China Gulf Plastics Corp.	Taiwan	78-219	
Vicose rayon staple fiber	Belgium	78-469	
Steel wire strand, other than that produced by Kawatetsu Wire Products Co., Ltd	Japan	78-487	
Vicose rayon staple fiber	Finland	79-87	
Vicose rayon staple fiber	France	79-88	
Bicycle tires and tubes	Republic of Korea	79-115	
Perchlorethylene	France	79-149	
Do	Belgium	79-150	
Do	Italy	79-151	
Carbon steel plate	Taiwan	79-166	
Sugar	Belgium	79-167	
Do	France	79-167	
Do	Federal Republic of Germany	79-167	
Rayon staple fiber	Italy	79-168	
Methyl alcohol	Canada	79-210	
Condenser paper	Finland	79-245	
Do	France	79-247	

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Wednesday
February 6, 1980

Part IV

Environmental Protection Agency

Standards of Performance for New Stationary Sources for Electric Utility Steam Generating Units; Decision in Response to Petitions for Reconsideration

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1404-6]

Standards of Performance for New Stationary Sources; Electric Utility Steam Generating Units; Decision in Response to Petitions for Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Denial of Petitions for Reconsideration of Final Regulations.

SUMMARY: The Environmental Defense Fund, Kansas City Power and Light Company, Sierra Club, Sierra Pacific Power Company and Idaho Power Company, State of California Air Resources Board, and Utility Air Regulatory Group submitted petitions for reconsideration of the revised new source performance standards for electric utility steam generating units that were promulgated on June 11, 1979 (44 FR 33580). The petitions were evaluated collectively since the petitioners raised several overlapping issues. When viewed collectively, the petitioners sought reconsideration of the standards of performance for sulfur dioxide (SO_2), particulate matter, and nitrogen oxides (NO_x). In denying the petitions, the Administrator found that the petitioners had failed to satisfy the statutory requirements of section 307(d)(7)(B) of the Clean Air Act. That is, the petitioners failed to demonstrate either (1) that it was impractical to raise their objections during the period for public comment or (2) that the basis of their objection arose after the close of the period for public comment and the objection was of central relevance to the outcome of the rule. This notice also responds to certain procedural issues raised by the Environmental Defense Fund (EDF). It should be noted that the Natural Resources Defense Council (NRDC) filed a July 9, 1979, letter in which they concurred with the procedural issues raised by EDF.

DATES: Effective February 6, 1980.

Interested persons may advise the Agency of any technical errors by March 7, 1980.

ADDRESSES: EPA invites information from interested persons. This information should be sent to: Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5271.

Docket Number OAQPS-78-1 contains all supporting materials used by EPA in developing the standards, including public comments and materials pertaining to the petitions for reconsideration. The docket is available for public inspection and copying between 9:00 a.m. and 4:00 p.m., Monday through Friday at EPA's Central Docket Section, Room 2903B, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5271.

SUPPLEMENTARY INFORMATION:

Background

On September 19, 1978, pursuant to Section 111 of the Clean Air Act Amendments of 1977, EPA proposed revised standards of performance to limit emissions of sulfur dioxide (SO_2), particulate matter, and nitrogen oxides (NO_x) from new, modified, and reconstructed electric utility steam generating units (43 FR 42154). A public hearing was held on December 12 and 13, 1978. In addition, on December 8, 1978, EPA published additional information on the proposed rule (43 FR 57834). In this notice, the Administrator set forth the preliminary results of the Agency's analysis of the environmental, economic, and energy impacts associated with several alternative standards. This analysis was also presented at the public hearing on the proposed standards. The public comment period was extended until January 15, 1979, to allow for comments on this information.

After the Agency had carefully evaluated the more than 600 comment letters and related documents, the Administrator signed the final standards on June 1, 1979. In turn, they were promulgated in the **Federal Register** on June 11, 1979.

On June 1, 1979, the Sierra Club filed a petition for judicial review of the standards with the United States Court of Appeals for the District of Columbia. Additional petitions were filed by Appalachian Power Company, et al., the Environmental Defense Fund, and the State of California Air Resources Board before the close of the filing period on August 10, 1979.

In addition, pursuant to section 307(d)(7)(B) of the Clean Air Act, the Environmental Defense Fund, Kansas City Power and Light Company, Sierra Club, Sierra Pacific Power Company and Idaho Power Company, State of California Air Resources Board, and Utility Air Regulatory Group petitioned the Administrator for reconsideration of the revised standards.

Section 307(d)(7)(B) of the Act provides that:

> Only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. If the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within such time or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule, the Administrator shall convene a proceeding for reconsideration of the rule and provide the same procedural rights as would have been afforded had the information been available at the time the rule was proposed. If the Administrator refuses to convene such a proceeding, such person may seek review of such refusal in the United States Court of Appeals for the appropriate circuit (as provided in subsection (b)).

The Administrator's findings and responses to the issues raised by the petitioners are presented in this notice.

Summary of Standards

Applicability

The standards apply to electric utility steam generating units capable of firing more than 73 MW (250 million Btu/hour) heat input of fossil fuel, for which construction is commenced after September 18, 1978. Industrial cogeneration facilities that sell less than 25 MW of electricity, or less than one-third of their potential electrical output capacity, are not covered. For electric utility combined cycle gas turbines, applicability of the standards is determined on the basis of the fossil-fuel fired to the steam generator exclusive of the heat input and electrical power contribution of the gas turbine.

SO_2 Standards

The SO_2 standards are as follows:

(1) Solid and solid-derived fuels (except solid solvent refined coal): SO_2 emissions to the atmosphere are limited to 520 ng/J (1.20 lb/million Btu) heat input, and a 90 percent reduction in potential SO_2 emissions is required at all times except when emissions to the atmosphere are less than 260 ng/J (0.60 lb/million Btu) heat input. When SO_2 emissions are less than 260 ng/J (0.60 lb/million Btu) heat input, a 70 percent reduction in potential emissions is required. Compliance with the emission

limit and percent reduction requirements is determined on a continuous basis by using continuous monitors to obtain a 30-day rolling average. The percent reduction is computed on the basis of overall SO_2 removed by all types of SO_2 and sulfur removal technology, including flue gas desulfurization (FGD) systems and fuel pretreatment systems (such as coal cleaning, coal gasification, and coal liquefaction). Sulfur removed by a coal pulverizer or in bottom ash and fly ash may be included in the computation.

(2) Gaseous and liquid fuels not derived from solid fuels: SO_2 emissions into the atmosphere are limiteed to 340 ng/J (0.80 lb/million Btu) heat input, and a 90 percent reduction in potential SO_2 emissions is required. The percent reduction requirement does not apply if SO_2 emissions into the atmosphere are less than 86 ng/J (0.20 lb/million Btu) heat input. Compliance with the SO_2 emission limitation and percent reduction is determined on a continuous basis by using continuous monitors to obtain a 30-day rolling average.

(3) Anthracite coal: Electric utility steam generating units firing anthracite coal alone are exempt from the percentage reduction requirement of the SO_2 standard but are subject to the 520 ng/J (1.20 lb/million Btu) heat input emission limit on a 30-day rolling average, and all other provisions of the regulations including the particulate matter and NO_x standards.

(4) Noncontinental areas: Electric utility steam generating units located in noncontinental areas (State of Hawaii, the Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, and the Northern Marina Islands) are exempt from the percentage reduction requirement of the SO_2 standard but are subject to the applicable SO_2 emission limitation and all other provisions of the regulations including the particulate matter and NO_x standards.

(5) Resource recovery facilities: Resource recovery facilities which incorporate electric utility steam generating units that fire less than 25 percent fossil-fuel on a quarterly (90-day) heat input basis are not subject to the percentage reduction requirements but are subject to the 520 ng/J (1.20 lb/million Btu) heat input emission limit. Compliance with the emission limit is determined on a continuous basis using continuous monitoring to obtain a 30-day rolling average. In addition, such facilities must monitor and report their heat input by fuel type.

(6) Solid solvent refined coal: Electric utility steam generating units firing solid solvent refined coal (SRC I) are subject to the 520 ng/J (1.20 lb/million Btu) heat input emission limit (30-day rolling average) and all requirements under the NO_x and particulate matter standards. Compliance with the emission limit is determined on a continuous basis using a continuous monitor to obtain a 30-day rolling average. The percentage reduction requirement, which is obtained at the refining facility itself, is 85 percent reduction in potential SO_2 emissions on a 24-hour (daily) averaging basis. Compliance is to be determined by Method 19. Initial full-scale demonstration facilities may be granted a commercial demonstration permit establishing a requirement of 80 percent reduction in potential emissions on a 24-hour (daily) basis.

Particulate Matter Standards

The particulate matter standard limits emissions to 13 ng/J (0.03 lb/million Btu) heat input. The opacity standard limits the opacity of emissions to 20 percent (6-minute average). The standards are based on the performance of a well-designed and operated baghouse or electrostatic precipitator.

NO_x Standards

The NO_x standards are based on combustion modification and vary according to the fuel type. The standards are:

(1) 86 ng/J (0.20 lb-million Btu) heat input from the combustion of any gaseous fuel, except gaseous fuel derived from coal;

(2) 130 ng/J (0.30 lb/million Btu) heat input from the combustion of any liquid fuel, except shale oil and liquid fuel derived from coal;

(3) 210 ng/J (0.50 lb/million Btu) heat input from the combustion of subbituminous coal, shale oil, or any solid, liquid, or gaseous fuel derived from coal;

(4) 340 ng/J (0.80 lb/million Btu) heat input from the combustion in a slag tap furnace of any fuel containing more than 25 percent, by weight, lignite which has been mined in North Dakota, South Dakota, or Montana;

(5) Combustion of a fuel containing more than 25 percent, by weight, coal refuse is exempt from the NO_x standards and monitoring requirements; and

(6) 260 ng/J (0.60 lb/million Btu) heat input from the combustion of anthracite coal, bituminous coal, or any other solid fuel not specified under (3), (4), or (5).

Continuous compliance with the NO_x standards is required, based on a 30-day rolling average. Also, percent reductions in uncontrolled NO_x emission levels are required. The percent reductions are not controlling, however, and compliance with the NO_x emission limits will assure compliance with the percent reduction requirements.

Emerging Technologies

The standards include provisions which allow the Administrator to grant commercial demonstration permits to allow less stringent requirements for the initial full-scale demonstration plants of certain technologies. The standards include the following provisions:

(1) Facilities using SRC I are subject to an emission limitation of 520 ng/J (1.20 lb/million Btu) heat input, based on a 30-day rolling average, and an emission reduction requirement of 85 percent, based on a 24-hour average. However, the percentage reduction allowed under a commercial demonstration permit for the initial full-scale demonstration plant using SRC I would be 80 percent (based on a 24-hour average). The plant producing the SRC I would monitor to ensure that the required percentage reduction (24-hour average) is achieved and the power plant using the SRC I would monitor to ensure that the 520 ng/J heat input limit (30-day rolling average) is achieved.

(2) Facilities using fluidized bed combustion (FBC) or coal liquefaction would be subject to the emission limitation and percentage reduction requirement of the SO_2 standard and to the particulate matter and NO_x standards. However, the reduction in potential SO_2 emissions allowed under a commercial demonstration permit for the initial full-scale demonstration plants using FBC would be 85 percent (based on a 30-day rolling average). The NO_x emission limitation allowed under a commercial demonstration permit for the initial full-scale demonstration plants using coal liquefaction would be 300 ng/J (0.70 lb/million Btu) heat input, based on a 30-day rolling average.

(3) No more than 15,000 MW equivalent electrical capacity would be allotted for the purpose of commercial demonstration permits. The capacity will be allocated as follows:

Technology	Pollutant	Equivalent electrical capacity MW
Solid solvent-refined coal	SO_2	6,000–10,000
Fluidized bed combustion (atmospheric)	SO_2	400–3,000
Fluidized bed combustion (pressurized)	SO_2	400–1,200
Coal liquefaction	NO_x	750–10,000

Compliance Provisions

Continuous compliance with the SO_2 and NO_x standards is required and is to be determined with continuous emission monitors. Reference methods or other approved procedures must be used to supplement the emission data when the

continuous emission monitors malfunction in order to provide emission data for at least 18 hours of each day for at least 22 days out of any 30 consecutive days of boiler operation.

A malfunctioning FGD system may be bypassed under emergency conditions. Compliance with the particulate standard is determined through performance tests. Continuous monitors are required to measure and record the opacity of emissions. The continuous opacity data will be used to identify excess emissions to ensure that the particulate matter control system is being properly operated and maintained.

Issues Raised in the Petitions for Reconsideration

I. SO_2 Maximum Emission Limitation of 520 ng/J (1.2 lb/Million Btu) Heat Input

The Environmental Defense Fund (EDF), Sierra Club, and State of California Air Resources Board (CARB) requested that a proceeding be convened to reconsider the maximum SO_2 emission limitation of 520 ng/J (1.2 lb/million Btu) heat input. In their petition, EDF set forth several procedural questions as the basis for their request. First, they maintained that they did not have the opportunity to comment on certain information which was submitted to EPA by the National Coal Association at an April 5, 1979, meeting and in subsequent correspondence. The information pertained to the impacts that different emission limitations will have on coal production in the Midwest and Northern Appalachia. They argued that this information materially influenced the Administrator's final decision. Further, they maintained that the Administrator's decision in setting the emission limitation was based on *ex parte* communications and improper congressional pressure.

The Sierra Club also raised objections to information developed during the post-comment period. They cited the information supplied by the National Coal Association, and the EPA staff analysis of the impact that different emission limitations would have on burnable coal reserves. In addition, they challenged the assumption that conservatism in utility perceptions of scrubber performance could create a significant disincentive against the burning of high-sulfur coal reserves. The Sierra Club maintained that this information is of "central relevance" since it formed the basis of the establishment of the final emission limitation and that the Sierra Club was denied the opportunity to comment on this information. Finally, the Sierra Club and CARB subscribed fully to arguments presented by EDF concerning ex parte communications.

Background

The potential impact that the emission limitation may have on high-sulfur coal reserves did not arise for the first time in the post-comment period. It was an issue throughout the rulemaking. In the proposal, the Agency stated that two factors had to be taken into consideration when selecting the emission limitation—FGD efficiency and the impact of the emission limitation on high-sulfur coal reserves (43 FR 42160, middle column). The proposal also indicated that, in effect, scrubber performance determines the maximum sulfur content of coals that can be fired in compliance with emission limitation even when coal preparation is employed. From the discussion it is clear that the Administrator recognized that midwestern high-sulfur coal reserves could be severely impacted if the emission limitation was not selected with care (43 FR 42160, middle column). In addition, the Administrator also specifically sought comment on the related question of new coal production as it pertained to consideration of coal impacts in the final decision (43 FR 42155, right column).

At the December 1978 public hearing on the proposed standards, the Agency specifically sought to solicit information on the impact that lower SO_2 emission limits (below 520 ng/J (1.2 lb/million Btu) heat input) would have on high-sulfur coal reserves. In response to questions from an EPA panel member and the audience, Mr. Hoff Stauffer of ICF, Inc. (an EPA consultant) testified that the potential impact of lower emission limitations on high-sulfur coal reserves would be greater in certain states than was indicated by the results of the macroeconomic analysis conducted by his firm. He added further that if the degree of reduction achievable through coal preparation or scrubbers changed from the values assumed in the analysis (35 percent for coal preparation on high-sulfur coal and 90 percent for scrubbers) the coal impacts would vary accordingly. That is, if greater reduction could be achieved by either coal preparation or by scrubbers the impacts would be reduced. Conversely, if the degree of reduction achievable by either coal preparation or scrubbers was less than the values assumed, the impacts would be more severe (public hearing transcript, December 12, 1978, pages 46–47).

The subject was broached again when Mr. Richard Ayres, representing the Natural Resources Defense Council and serving as introductory spokesperson for other public health and environmental organizations, was asked by the panel what effect lowering the emission limitation would have on local high-sulfur coal reserves. Mr. Ayres responded that a lower emission limitation may have the effect of requiring certain coals to be scrubbed more than required by the standard. He added that the utilities would have an economic choice of either buying local high-sulfur coal and scrubbing more or buying lower-sulfur coal which may not be local and scrubbing less. He further indicated that it was not clear that a lower limitation would have the effect of precluding any coal. In doing so, he noted that the "conclusion depended entirely on assumptions about the possible emission efficiencies of scrubbers." Finally, Mr. Ayres was asked whether as long as production in a given region increased that the requirement of the Act to maximize the use of local coal was satisfied. He responded that it was a "matter of degree" and that he would not say as long as production in a given region did not decline the statute was served (public hearing transcript, December 12, 1978, pages 77–80).

Mr. Robert Rauch, representing the Environmental Defense Fund, also recognized in his testimony that lowering the emission limitation to the level recommended by EDF (340 ng/J (0.8 lb/million Btu) heat input) would adversely impact high-sulfur coal reserves. In his testimony he stated "Adoption of the proposed lower ceiling would result in the exclusion of certain high-sulfur coal reserves from use in power plants subject to the revised standard." He added that the use of adipic acid and other slurry additives would enhance scrubber performance, thereby alleviating the impacts on high-sulfur coal (public hearing transcript, December 13, 1978, pages 189–191).

Mr. Joseph Mullan of the National Coal Association testified in response to a question from the hearing panel that lowering the emission limitation from 520 ng/J (1.2 lb/million Btu) heat input would preclude the use of certain high-sulfur coals. He added that the National Coal Association would furnish data on such impacts (public hearing transcript, December 13, 1978, page 246).

Turning now to the written comments on the proposed standard submitted jointly by the Natural Resources Defense Council and the Environmental Defense Fund, we see that they carefully assessed the potential impacts on high-sulfur coal reserves that could result

from various emission limitations. They concluded, "Generally, the higher the percent removal requirement, the smaller the percentage of coal reserves which are effectively eliminated for use by utility generating units." They went on to argue that if their recommended standard of 95 percent reduction in potential SO_2 emission was accepted a lower emission limitation could be adopted without adverse impacts on coal reserves (OAQPS–78–1, IV–D–631, page V–128).

Rationale for the Maximum Emission Limit

The testimony presented at the public hearing and the written comments served to confirm the Agency's initial position that scrubber performance and potential impacts on high-sulfur coal reserves had to be carefully considered when establishing the emission limitation. Meanwhile, it became apparent that the analysis performed by EPA's consultant on emission limits below 520 ng/J (1.2 lb/million Btu) heat input might not fully reflect the impacts on major high-sulfur coal production areas. This finding was evident by study of the consultant's report (OAQPS–78–1, IV–A–5, Appendix D) which showed that the model used to estimate coal production in Appalachia and the Midwest was relatively insensitive to broad variations in the emission ceiling. The Agency then concluded that the macroeconomic model was adequate for assessing national impacts on coal use, but lacked the specificity to assess potential dislocations in specific coal production regions. In effect the analysis tended to mask the impacts in specific coal producing regions through aggregation. Concern was also raised as to the validity of the modeling assumption that a 35 percent reduction in potential SO_2 emissions can be achieved by coal washing on all high-sulfur coal reserves.

In view of these concerns, EPA concluded shortly after the close of the comment period that additional analysis was needed to support the final emission limitation. In February, EPA began analyzing the impacts of alternative emission limits on local high-sulfur coal reserves. To account for actual and perceived efficiencies of scrubbers, the staff assumed three levels of scrubber control—85 percent, 90 percent, and 95 percent. In addition, two levels of physical coal cleaning were reflected. The first level was crushing to 1.5 inch top-size and the second was crushing to ⅜ inch top-size, both followed by wet beneficiation. In addition, by using seam-by-seam data on coal reserves and their sulfur reduction potential (developed for EPA's Office of Research and Development) it was possible to estimate the sulfur content of the final product coal based on reported chemical properties of coals in the reserve base (OAQPS–78–1, IV–E–12). Since this approach did not require the staff to assume a single level of sulfur reduction for all coal preparation plants, it introduced a major refinement to the analysis previously performed by EPA's consultant. The analysis was substantially completed in March 1979 (OAQPS–78–1, IV–B–57 and IV–B–72).

The April 5, 1979, meeting was called to discuss coal reserve data and the degree of sulfur removal achievable with physical coal cleaning (OAQPS–78–1, IV–E–10). The meeting gave EPA the opportunity to present the results of its analysis and to verify the data and assumptions used with those persons who are most knowledgeable on coal production and coal preparation. EPA sought broad representation at the meeting. Invitees including not only the National Coal Association but representatives from the Environmental Defense Fund, Natural Resources Defense Council, Sierra Club, Utility Air Regulatory Group, United Mine Workers of America, and other interested parties. The invitees were furnished copies of the materials presented at the meeting, subsequent correspondence from the National Coal Association, and minutes of the meeting.

The meeting served to confirm that the coal reserve and preparation data developed independently by the EPA staff were in close agreement with those prepared by the National Coal Association (NCA). In addition, the discussion led EPA to conclude that coal preparation technology which required crushing to ⅜-inch top-size would be unduly expensive, lead to unacceptable energy losses, and pose coal handling problems (OAQPS–78–1, IV–E–11). As a result, the Administrator revised his assessment of state-of-art coal cleaning technology (44 FR 33596, left column).

In an April 19, 1979, letter to the Administrator (OAQPS–78–1, IV–D–763), attorneys for the Environmental Defense Fund and the Natural Resources Defense Council submitted comments on the information presented by the National Coal Association at the April 5, 1979, meeting and in a subsequent NCA letter to the Administrator dated April 6, 1979. In their comments, they were critical of the National Coal Association's assumptions concerning scrubber performance and the removal efficiencies of coal preparation plants. They also noted that the Associaton's data was based on a small survey of the total coal reserves in the Midwest and Northern Appalachia. They argued further that coal blending could serve to reduce the adverse impact on high-sulfur coal caused by a lower emission limit. In doing so, they recognized that the application of coal blending would have to be undertaken on a case-by-case basis. Finally, they maintained that there is no evidence that the coal industry would be unable to meet increases in coal demand even if the National Coal Association's reserve data on coal preclusions were accepted. In conclusion, they noted that the Association's data was of questionable relevance since it was predicated on a maximum removal efficiency of 90 percent.

Subsequent correspondence from the National Coal Association served to reaffirm a point that had been made earlier in the rulemaking. That is, utilities would have a choice of either buying lower-sulfur coal and scrubbing to meet the percent removal requirement or buying higher-sulfur coal and scrubbing more than required by the standard in order to meet the emission limitation. In addition, they cited the conservative nature of utilities and stressed that this would be reflected in their coal buying practices. As was discussed at the public hearing and in the written comments such behavior by utilities would result in adverse impacts on the use of certain local high-sulfur coals.

In reaching final conclusions about the impact of the SO_2 standard on coal production, the Administrator judged that utilities would be inclined to select coals that would meet the emission limit with no more than 90 percent reduction in potential SO_2 emissions [1] (44 FR 33596, left column). With this assumption, the analysis revealed that an emission limit of less than 520 ng/J (1.20 lb/million Btu) heat input would create a disincentive to burn a significant portion of the coal reserves in the Midwest and Northern Appalachia (OAQPS–78–1, IV–B–72). If the emission limit had been set at 430 ng/J (1.0 lb/million Btu) heat input, 15 percent of the total reserve base in the Eastern Midwest (Illinois, Indiana, and Western Kentucky) would have been impacted. The impact in Northern Appalachia would be 6 percent and this impact would have been concentrated in the areas of Ohio and the northern part of West Virginia. If only currently

[1] The previous version of the EPA analysis had assumed either 85 or 90 percent control levels in addition to coal washing. That approach disregarded the fact that the net reduction in potential SO_2 emissions may have been greater than 90 percent in some cases.

owned coal reserves are considered, up to 19 percent of the high-sulfur coals in some regions would be impacted (OAQPS–78–1, IV–B–72). The Administrator judged that such impacts are unacceptable.

The final point made by NCA was that utility coal buying practice typically incorporates a margin of safety to ensure compliance with SO_2 emission limitations. Rather than purchasing a high-sulfur coal that would barely comply with the emission limit, the prudent utility would adopt a more conservative approach and purchase coal that would meet the emission limit with a margin of safety in order to account for uncertainty in coal sulfur variability. This approach, which reflects sound engineering principles, could result in the dislocation of some high-sulfur coal reserves.

The Administrator determined that consideration of a margin of safety in coal buying practice was reasonable. Using NCA's recommendation of an 8.5 percent margin (reported as "about 10 percent" in the preamble to promulgation), coal impacts were reanalyzed. This study showed additional coal market dislocations (OAQPS–78–1, IV–B–72). For example, in Illinois, Indiana, and Western Kentucky, the impact on coal reserves by a 430 ng/J (1.0 lb/million Btu) heat input emission limit increased from 15 percent without the margin to 22 percent when the margin was assumed. Considering only currently owned reserves, the impact increased from 19 percent to 30 percent. Even with the margin, the analysis predicted no significant impact for a 520 ng/J (1.2 lb/million Btu) heat input standard.

Having determined the extent of the potential coal impacts associated with a lower emission limit, the Agency then assessed the potential environmental benefits. The assessment revealed that by 1995 an emission limit of 430 ng/J (1.0 lb/million Btu) heat input would reduce national emissions by only 50 thousand tons per year relative to the 520 ng/J (1.2 lb/million Btu) heat input limit. That is, the projected emissions from new plants would be reduced from 3.10 million tons to a 3.05 million tons as a result of the more stringent emission limit (OAQPS–78–1, IV–B–75).

The petitions providing no information to either refute the assumptions or the findings of the final coal impact analysis. The Sierra Club argued that EPA had misinterpreted its own analysis of coal impacts (Sierra Club petition, page 9). They maintained that the EPA figures presented at the April 5 meeting (OAQPS–78–1, IV–E–11, attachment 3) supported establishment of a 340 ng/J (0.8 lb/million Btu) heat input standard. In doing so the Sierra Club ignored the analysis performed by the Agency after the April 5 meeting, particularly with respect to the Administrator finding that utilities would purchase coal which would meet the emission limit (with margin) with no more than 90 percent reduction in potential SO_2 emissions.

In conclusion, the decision as to the appropriate level of emission limitation rested squarely on two factors. First, the Administrator's finding that a 90 percent reduction in potential SO_2 emissions, measured as a 30-day rolling average, represented the emission reduction achievable through the use of the best demonstrated system of emission reduction, and second, that the marginal environmental benefit of a 430 ng/J (1.0 lb/million Btu) heat input standard coupled with a 90 percent reduction in potential SO_2 emissions could not be justified in light of the potential impacts on high-sulfur coal reserves. If he had determined, as some petitioners suggested, that higher removal efficiencies were achievable on high-sulfur coals, the emission limitation could have been established at a lower level without significant impacts on local high-sulfur coal reserves.

Environmental Defense Fund Procedural Issues

EDF's petition objected to the fact that after the close of the public comment period, representatives of the National Coal Association and a number of members of Congress talked to EPA officials and submitted documents to EPA arguing that the ceiling should be set at 520 ng/J (1.2. lbs/million Btu) heat input. EDF objected to these communications on a number of grounds. First, they argued that it was improper, under Section 307(d) of the Act, for the Agency to consider information submitted more than 30 days after the public hearing. Second, they objected that the Agency failed to make transcripts of the oral communications, and that, in any event, the summaries of those communications that the Agency placed in the docket were inadequate. Third, they implied that Agency officials received additional oral communications which were not documented in the rulemaking docket. Fourth, they objected that these written and oral communications were *ex parte* and therefore improper, citing, for example, *United States Lines, Inc.* v. *FMC*, 584 F. 2d 519 (D.C. Cir., 1978). Fifth, they argued that the Administrator's decision on the ceiling was based in part on information obtained in *ex parte* discussions and thus not placed in the docket as of the date of promulgation, in violation of Section 307(d). Finally, they argued that the communications from members of Congress constituted improper pressure on the Administrator's decision, citing, for example, *D.C. Federation of Civic Associations* v. *Volpe*, 459 F. 2d 1231 (D.C. Cir. 1972). EDF argued that these alleged procedural errors were of central relevance to the outcome of the rule, and that the Agency should therefore convene a proceeding to reconsider.

The Administrator does not believe that the procedures cited by EDF were improper. Moreover, as discussed below, any arguable errors were not of central relevance to the outcome of the rule, and therefore do not constitute grounds for granting EDF's petition to reconsider.

First, it was not improper for the Administrator to consider information submitted more than 30 days after the public hearing. Section 307(d)(5) requires that the Administrator consider documents submitted up to 30 days after the hearing. It does not forbid the Administrator to consider additional comments submitted after that 30-day period.

Second, the Agency's summaries of oral communications were adequate. Section 307(d)(5) does not require, as EDF argues, that Agency officials keep transcripts of their oral discussions with persons outside the Agency. It simply requires the Agency to make a transcript of the public hearing on a proposed rulemaking. Third, Agency officials wrote memoranda of all significant oral communcations between Agency officials and persons outside the executive branch, such as the two meetings with Senator Byrd, and the memoranda were promptly placed in the rulemaking docket. These memoranda accurately reflect the information and arguments communicated to the Agency.

Fourth, the oral and written communications cited by EDF were not *ex parte*. The Agency promptly placed the written comments in the rulemaking docket where they were available to the public. Also, the NCA sent copies of its written comments directly to the principal parties to the rulemaking, including EDF and NRDC. Similarly, the Agency placed the memoranda of oral communcations in the docket where they were available to the public. Any member of the public has had the opportunity to submit a petition for reconsideration if that information was used erroneously by EPA in setting the standard, and several persons have done so.

Fifth, contrary to EDF's assertion, the Administrator's decision on the

emission ceiling was not based on any information not in the docket.

Finally, it was not improper for the Administrator to listen to and consider the views of Senators and Congressmen, including Senator Byrd. It is not unusual for members of Congress to express their views on the merits of Agency rulemaking, and it is entirely proper for the Administrator to consider those views.

EDF objects particularly to a meeting the Administrator attended with Senator Byrd on April 26, 1979, arguing that the contact was *ex parte* and improperly influenced the Administrator's decision. Neither contention is correct. A memorandum summarizing the discussion at the meeting was placed in the docket, and members of the public have had the opportunity to comment on it, as EDF has done. No new information was presented to the Administrator at the meeting.

Senator Byrd's comments at this meeting also did not improperly influence the Administrator. Although the Senator strongly urged the Administrator to set the emission ceiling at a level that would not preclude the use of any significant coal reserves, the Administrator had already concluded from the 1977 Amendments to the Clean Air Act that the revised standards should not preclude significant reserves. This view was based on the Administrator's interpretation of the legislative intent of the 1977 Amendments and was reflected in the proposed emission ceiling of 520 ng/J (1.2 lbs/million Btu) heat input, as discussed in the preamble to the proposed standards (43 FR 42160).

This view was reaffirmed in the final rulemaking, based on the intent of the 1977 Amendments (44 FR 33595–33596). Although the Administrator was aware (as he would have been even in the absence of a meeting) of Senator Byrd's concern that a ceiling lower then 520 ng/J (1.2 lbs/million Btu) heat input would inappropriately preclude significant coal reserves, the Administrator's decision was not based on Senator Byrd's expression of concern. The Administrator had already concluded that anything more than a minimal preclusion of the use of particular coal reserves would, in the absence of significant resulting emission reductions, be inconsistent with the intent of the 1977 Amendments. Because the Agency's analysis showed that even an emission limit of 430 ng/J (1.0 lbs/million Btu) heat input could preclude the use of up to 22 percent of certain coal reserves without significantly reducing overall emissions, the Administrator's judgment was that a ceiling lower than 520 ng/J (1.2 lbs/million Btu) heat input was not justified. Thus, the views of Senator Byrd and other members of Congress, at most, served to reinforce the Administrator's own judgment that the proper level for the standard was 520 ng/J (1.2 lbs/million Btu) heat input. Even assuming, therefore, that it was improper for the Administrator to consider the views of members of Congress, this procedural "error" was not of central relevance to the outcome of the rule.

II. SO_2 Minimum Control Level (70 Percent Reduction of Potential Emissions)

The Kansas City Power and Light Company (KCPL), Sierra Club, and Utility Air Regulatory Group (UARG) requested that a proceeding be convened to reconsider the 70 percent minimum control level which is applicable when burning low-sulfur coals. Both the Sierra Club and UARG maintained that they did not have an opportunity to fully comment on either the final regulatory analysis or dry SO_2 scrubbing technology since the phase 3 macroeconomic analysis of the standard (44 FR 33603, left column) and supporting data were entered into the record after the close of the public comment period. Both claimed that their evaluation of this additional information provided insights which are of central relevance to the Administrator's final decision and that reconsideration of the standard is warranted. The KCPL petition did not allege improper administrative procedures, but asked for reconsideration based on their evaluation of the merits of the standard.

In seeking a more stringent minimum reduction requirement, the Sierra Club contended that dry SO_2 scrubbing is not a demonstrated technology and, therefore, no basis exists for a variable control standard. Alternatively, the Sierra Club maintained that if dry technology is considered demonstrated the record supports a more stringent minimum control level. With respect to the regulatory analysis, the petition charged that faulty analytical methodology and assumptions led the Agency to erroneous conclusions about the impacts of the promulgated standard relative to the more stringent uniform or full control alternative. They suggested that analysis performed using proper assumptions would support adoption of a uniform standard.

In support of a less stringent minimum reduction requirement, the UARG petition presented a regulatory analysis which was prepared by their consultant, National Economic Research Associates (NERA). Based on this study, UARG argued that a 50 percent minimum requirement would be superior in terms of emissions, costs, and energy impacts. Finally, they argued that a lower percent reduction would provide greater opportunity to develop dry SO_2 scrubbing technology.

In their petition KCPL sought either an elimination of the percent reduction requirement when emissions are 520 ng/J (1.2 lb/million Btu) heat input or less, or, as an alternative, a reduction in the 70 percent requirement. In support of their request, KCPL set forth several arguments. First, they cited the economic and energy impacts associated with the application of scrubbing technology on low sulfur coals. Second, they noted that a significant portion of sulfur in the coal they plan to burn will be removed in the fly ash. Finally, they asserted that health and welfare considerations do not warrant scrubbing of low sulfur coals since their uncontrolled SO_2 emissions are less than the emissions allowed by the standard for high-sulfur coals with 90 percent scrubbing.

The primary basis for the UARG and Sierra Club requests for reconsideration of the minimum control level was the Agency's phase 3 economic modeling analysis (44 FR 33602). Because the phase 3 analysis was completed after the close of the public comment period, it is important that the results of that study are viewed in proper perspective to their role in the Administrator's decision. The petitioners implied that the adoption of the 70 percent variable control standard was based solely on the phase 3 analysis and that the phase 3 analysis was a new venture by the Agency, and therefore, the public was excluded from active participation in the decision process. This notion is false.

Contrary to views of the UARG and the Sierra Club, the phase 3 study did not mark a significant departure from the Agency's earlier analysis of the issue of uniform versus variable control. No new economic modeling concepts were introduced nor were any modeling input assumptions changed from those presented in the phase 2 analysis. Instead, the phase 3 study served merely (a) to refine the analysis by incorporating consideration of dry SO_2 scrubbing in response to public comments and (b) to facilitate specification of the final standard. In effect, phase 3 brought together the results of an analysis that had proceeded under close public scrutiny for more than a year. In order to consider the full range of applicability of dry SO_2 scrubbing systems, it was necessary to introduce a new alternative standard—the variable control standard

with a 70 percent minimum control level. Introduction of this option was considered appropriate since it raised the same kind of economic, legal, and technical policy issues as the earlier analyses of 33, 50, and 90 percent minimum control options.

Within this context, many of the objections to the economic modeling are inappropriate grounds under section 307(d)(7)(B) for reconsideration since they do not involve information on which it was impracticable to comment during the public comment period. For example, the Sierra Club's comments regarding modeling assumptions merely restated those that had been incorporated by reference into their January 1979 comments (OAQPS–78–1, IV–D–631 and IV–D–626). The only new modeling issue raised during phase 3 was the application and cost of dry SO_2 scrubbing. These problems notwithstanding each of the issues raised by the various petitions were evaluated carefully and are discussed below.

Dry Scrubbing Technology

The Sierra Club and UARG both raised issues concerning dry SO_2 scrubbing technology in their petitions for reconsideration. While UARG concurred with EPA's basic approach with respect to dry scrubbing, they maintained that the Agency's objective of developing the full potential of this technology would be better served by a 50 percent minimum reduction requirement. On the other hand, the Sierra Club was most critical of EPA's consideration of dry scrubbing in the rulemaking. They maintained that the public was not afforded sufficient opportunity to comment on dry scrubbing technology. They argued that EPA had not identified dry scrubbing as a demonstrated technology nor had the Agency set forth any regulatory options that embraced the technology. They also asserted that the treatment of dry scrubbing in the rulemaking was inconsistent with Agency actions concerning other emerging technologies such as the establishment of commercial demonstration permits for solvent refined coal and fluidized bed combustion, and the rejection of catalytic ammonia injection for NO_x control on the grounds that it had not been employed on a full-scale facility. They also maintained that EPA had shown little interest in dry scrubbing prior to the spring of 1979 and seized upon it only after the need arose to justify a 70 percent minimum reduction requirement. Finally, the Sierra Club asserted that even if one assumed dry scrubbing is adequately demonstrated, the 70 percent reduction requirement is too low. In doing so, they cited information (Sierra Club petition, page 8) in the record that indicated that "up to 90 percent reduction" can be achieved with such systems.

A review of the public record belies these charges. The preamble to the proposed standards identified dry SO_2 scrubbing, including spray drying, as an alternative to wet FGD systems (43 FR 42160, left column). Subsequently, a number of individuals and organizations either submitted written comment or presented testimony at the public hearing in support of a variable control standard since it would not foreclose the development of dry SO_2 control technology. For example, the spokesman for the Public Service Company of Colorado (PSCC) testified that his firm was actively pursuing dry SO_2 control technology (dry injection of sodium-based reagents upstream of a baghouse) because it offered a number of advantages compared to wet technology. Advantages included lower energy consumption, fewer maintenance problems, and simplified waste disposal (public hearing transcript, December 13, 1978, pages 92–94). When questioned by the hearing panel, PSCC testified that 70 percent removal is achievable with dry scrubbing and that they would pursue the technology if a 70 percent requirement was adopted (public hearing transcript, December 13, 1978, page 102). Similarly, Northern States Power testified that adoption of a sliding scale would give impetus to their examination of dry SO_2 control systems which employ a spray absorber and a fabric filter (public hearing transcript, December 13, 1978, page 226). Finally, the Department of Public Utilities, City of Colorado Springs testified that they have a program to conduct on-site pilot tests of a spray-drying system for SO_2 control. It was also noted that if a sliding scale approach was adopted "we feel there is no question but that dry techniques would be used" (public hearing transcript, December 13, 1978, pages 266–267).

The Air Pollution Control Commission, Colorado Department of Health urged in their written comments that the proposed emission floor be raised to 172 ng/J (0.40 lb/million Btu) heat input in order to permit the development and application of dry control techniques such as the injection of dry absorbants into a baghouse. They noted that their recommendation would require approximately 65 percent reduction on a typical western low-sulfur coal (OAQPS–78–1, IV–D–212). The Washington Public Power Supply System also submitted written comments that affirmed the Agency's finding on dry scrubbers as set forth in the proposal. They indicated that dry scrubbing was superior to wet technology when applied to western low-sulfur coal. They noted that the application of dry scrubbers would result in lower capital, fuel, and operation and maintenance costs, as well as lower water use and simplified waste disposal. They indicated further that the uncertainty of being able to achieve the proposed 85 percent reduction requirement would foreclose the installation of dry scrubbing technology. Therefore, they recommended that the proposed emission floor be raised to at least 210 ng/J (0.5 lb/million Btu) heat input (OAQPS–78–1, IV–D–330).

Because of these comments and the public hearing testimony, the Agency carried out additional investigations of dry scrubbing technology during the post-comment period. The findings of the analysis (44 FR 33582 and EPA 450/3–79–021, page 3–61) confirmed the views of the commenters that the adoption of a uniform percentage reduction requirement would have constrained the development of dry scrubbing technology. After carefully reviewing the available pilot plant data and information on the three full-scale units that are under construction, it was the Administrator's judgment that the technology employing spray dryers could achieve 70 percent reduction in potential SO_2 emissions on both low-sulfur alkaline and nonalkaline coals. Data on higher emission reduction levels such as those noted by the Sierra Club were discounted since they reflected short-term removal efficiencies (not representative of longer periods of performance) and they were achieved when high-alkaline content coals were fired. The Administrator's judgment was also tempered in this regard by the public comments which indicated that removal requirements higher than 70 percent would discourage the continued development of the technology. Similarly, these same commenters clearly indicated that the technology was capable of exceeding the 50 percent reduction requirement suggested by the Utility Air Regulatory Group.

The Sierra Club commented that EPA was inconsistent in its treatment of dry scrubbing and catalytic ammonia injection. In rejecting catalytic ammonia injection for NO_x control, the Administrator noted that it had not been adequately demonstrated. A review of the record reveals that the primary proponent of this technology, the State

of California Air Resources Board, also recognized that it was not sufficiently advanced at this time to be considered. Instead, they merely recommended that the standard require plants to set aside space so that catalytic ammonia injection could be added at some future date (OAQPS–78–1, IV–D–268). In comparison, dry scrubbing has undergone extensive testing at pilot plants, and there are three full-scale facilities under construction that will begin operation in the 1981–82 period.

With respect to commercial demonstration permits for solvent refined coal and fluidized bed combustion, the standard merely allows initial, full-scale demonstration units some flexibility. Subsequent commercial facilities will be required to meet the final standards. In adopting this provision, the Administrator recognized that initial full-scale demonstration units often do not perform to design specification, and therefore some flexibility was required if these capital intensive, front-end technologies were to be pursued. On the other hand, the Agency concluded that more conventional devices such as dry scrubbers could be scaled up to commercial-sized facilities with reasonable assurance that the initial facilities would comply with the applicable requirements. In view of this, the inclusion of dry scrubbing under the commercial demonstration permit provision was not appropriate.

Finally, in a letter dated September 17, 1979, to the Administrator, the Sierra Club submitted additional information to buttress its argument that dry scrubbing is not demonstrated technology. This letter cited EPA's "FGD quarterly Report" of Spring 1979. The report indicates that the direct injection of dry absorbents (such as nahcolite) into the gas stream may be a breakthrough, yet it calls for further pilot plant studies. The inference the Sierra Club drew from the article was that the EPA technical staff does not believe dry scrubbing is sufficiently developed to be considered in the rulemaking. The Sierra Club failed to recognize that there are several different dry scrubbing approaches in different stages of development. The "FGD Quarterly Report" does not pertain to the approach employing a spray dryer and baghouse with lime absorbent which serves as the basis for the Administrator's finding (EPA–450/3–70–021 at 3–61).

The Sierra Club also cited an article in the Summer 1979 "FGD Quarterly Report" on vendors' perspectives toward dry scrubbing. In doing so, the Sierra Club noted that the article indicates that vendors expressed an attitude of caution toward dry scrubbing which led the Sierra Club to conclude that the technology is not available. It should be noted from the article that only one of the vendors present was actively engaged in dry scrubbing and that firm was quite positive in their remarks. Babcock and Wilcox, who had conducted spray dryer pilot plant studies and is pursuing contracts for full-scale installations, commented that "while the dry scrubbing approach is new, the technology is proven."

Economic Modeling

The Agency's regulatory analysis concluded that the variable control standard with a 70 percent minimum control level would result in equal or lower national sulfur dioxide emissions than the uniform 90 percent standard while having less impact on costs, waste disposal, and oil consumption (44 FR 33607, middle column and 33608). The Sierra Club petition charged that the Agency used an unrealistic model and faulty assumptions in reaching these conclusions. The petition alleged that utility behavior as predicted by the EPA model is "incredible" and that this incredible behavior leads to "the outlandish notion that stricter emission controls will lead to more emissions." The Administrator finds this allegation to be without merit.

The principle modeling concept being challenged is whether or not increased costs of constructing and operating a new plant (due to increased pollution control costs) will affect the utility operator's decisions on boiler retirement schedules, the dispatching of plants to meet electrical demand, and the rate of construction of new plants. The model used for the analysis assumed that utility companies over the long term will make decisions that minimize the cost of electricity generation. That is, (1) under any demand situation utilities will first operate their equipment with the lowest operating costs, and (2) existing generating capacity will be replaced only if its operating costs exceed the capital and operating costs of new equipment. While political, financial, or institutional constraints may bar cost-minimizing behavior in individual cases, the Administrator continues to believe that the assumption of such behavior is the most sound method of analyzing the impacts of alternative standards.

Under this approach, the model simultaneously adjusts both the utilization of existing plants and the construction schedule of new plants (subject to Subpart Da) based on the relative economics of generating electricity under alternative standards. Hence, average capacity factors for the population of new plants may vary among standards due to variations in the mix of base and intermediate loaded plants which are brought on line in any one year. But this does not mean, as concluded in the Sierra Club petition at page 8, that the model predicted that utilities would permit new base-loaded units to remain idle while they continue to build still more new units.

The petition also alleged that this modeling concept was introduced in the phase 3 analysis, which was completed after the close of the public comment period, and hence the modeling rationale was not subject to public review. The petition went on to criticize some of the assumptions in the model charging that they were not even mentioned in the record.

The Administrator finds no basis for the Sierra Club's assertion that the modeling methodology and input assumptions were not exposed for public review. First, the same model was used for the phase 1, 2, and 3 analyses. The basic model logic was explained in the preamble to the September proposal and comments were solicited specifically on the use of a cost optimization model for simulating utility decisions (43 FR 42162, left column).

Secondly, the model's input assumptions were subjected to broad review. Assumptions were presented in the September preamble and in even greater detail in the consultant's reports which are part of the record (OAQPS–78–1, II–A–42, II–A–90, and II–A–91). Following proposal, the Agency convened an interagency working group to review the macroeconomic model and the Agency's input assumptions (44 FR 33604, left column). Members of the group represented a spectrum of expertise and interests (energy, employment, environment, inflation, commerce). The group met numerous times over a period of two months, including meetings with UARG, NRDC, and Sierra Club. As a result of the group's recommendations, the phase 2 analysis was conducted. A full description of the analysis including changes to the modeling assumptions was presented at the public hearing and a detailed report was put into the record (OAQPS–78–1, IV–A–5). For the phase 3 analysis accompanying promulgation, the only change in modeling assumptions from phase 2 was the introduction of dry scrubbing technology. Based on the detailed record established, the Administrator concludes that the Sierra Club had ample opportunity to analyze and

comment on the Agency's analytical approach and did so by incorporating the EDF and NRDC comments into their January 1979 comments (OAQPS–78–1, IV–D–626).

The Sierra Club also criticized the conclusions of the Agency's regulatory analysis because the assumed oil prices were too low and the nuclear plant growth rate was too high. To assist in evaluating the petitions, two sensitivity tests were performed on the Agency's regulatory analysis. Using the phase 3 assumptions as a base, the analysis was rerun first assuming higher oil prices and then assuming both higher oil prices and a lower nuclear growth rate (OAQPS–78–1, VI–B–16). The studies addressed the promulgated standard, the full control option (uniform 90 percent control), and a variable control standard with a 50 percent minimum control requirement as recommended by UARG. The predictions for 1995 are summarized in Tables 2 and 3, respectively. For comparison, the phase 3 results are repeated in Table 1.

With respect to energy input assumptions, the oil prices used by the Agency for the phase 3 analysis were based on the Department of Energy's estimate of future crude oil prices. These estimates are now probably low because of the 1979 OPEC price increase which occurred after promulgation of the standard. For the sensitivity analysis, the following oil prices in 1979 dollars were assumed:

Assumed Oil Prices

[Dollars per Barrel]

	Sensitivity analysis	Phase 3
1985	25	16
1990	30	20
1995	38	26

These prices were obtained from conversations with DOE's policy analysis staff. The prices may appear low in comparison to the example of $41.00 per barrel spot market oil given in the Sierra Club petition, but the Sierra Club figure is misleading because utilities seldom purchase spot market oil. The meaningful parameter is the average refiners' acquisition cost, which was $21/barrel at the time of this analysis. The original nuclear capacity assumptions were based on the industry's announced plans for new capacity. For sensitivity testing, these estimates were modified by excluding nuclear power plants in the early planning stages while retaining those now under construction or for which, based on permit status, plans appear firm. The following assumptions of total nuclear capacity resulted:

Table 1.—*Summary of 1995 Impacts With Phase 3 Assumptions* [1]

	Level of control with 520 ng/J maximum emission limit			
	Current standards	Variable control, 50 pct minimum	Variable control, 70 pct minimum	Full control
National SO_2 Emissions (million tons)	23.8	20.6	20.5	20.7
East [2]	11.2	9.7	9.7	10.1
Midwest	8.3	8.0	8.0	7.9
West South Central	2.6	1.8	1.7	1.7
West	1.7	1.1	1.1	0.9
Incremental Annualized Cost (billions 1978 $)		2.9	3.3	4.4
Incremental Cost of SO_2 Reduction (1978 $/ton)		914	1,036	1,428
Oil Consumption (million bbl/day)	1.4	1.6	1.6	1.8
Coal Production (million tons)	1,767	1,745	1,752	1,761
Total Coal Capacity (GW)	554	537	537	520

[1] With wet and dry scrubbing and the following energy assumptions:

	Oil prices ($ 1975)	Nuclear Capacity (GW)
Year:		
1985	$12.90	97
1990	16.40	165
1995	21.00	228

[2] See 44 FR 33608 for designation of census regions.

Table 2.—*Summary of 1995 Impacts With Higher Oil Prices* [1]

	Level of control with 520 ng/J maximum emission limit			
	Current standards	Variable control, 50 pct minimum	Variable control, 70 pct minimum	Full control
National SO_2 Emissions (million tons)	23.2	19.8	19.6	19.7
East [2]	10.9	9.1	9.1	9.5
Midwest	8.2	7.9	7.8	7.8
West South Central	2.6	1.7	1.6	1.5
West	1.6	1.1	1.0	0.9
Incremental Annualized Cost (billions 1978 $)		3.3	3.6	5.0
Incremental Cost of SO_2 Reduction (1978 $/ton)		967	977	1,049
Oil Consumption (million bbl/day)	0.9	0.9	0.9	0.9
Coal Production (million tons)	1,800	1,797	1,802	1,832
Total Coal Capacity (GW)	588	587	587	587

[1] With wet and dry scrubbing and the following energy assumptions:

	Oil prices ($ 1975)	Nuclear capacity (GW)
Year:		
1985	$20.20	97
1990	24.20	165
1995	30.70	228

[2] See 44 FR 33608 for designation of census regions.

Table 3.—*Summary of 1995 Impacts With Higher Oil Prices and Less Nuclear Growth* [1]

	Level of control with 520 ng/J maximum emission limit			
	Current standards	Variable control, 50 pct minimum	Variable control, 70 pct minimum	Full control
National SO_2 Emissions (million tons)	25.0	20.9	20.6	20.5
East [2]	12.0	9.8	9.7	10.1
Midwest	8.6	8.2	8.1	8.0
West South Central	8.6	1.8	1.7	1.6
West	1.7	1.2	1.1	0.9
Incremental Annualized Cost (billions 1978 $)		3.8	4.1	5.9
Incremental Cost of SO_2 Reduction (1978 $/ton)		883	914	1,259
Oil Consumption (million bbl/day)	0.9	0.9	0.9	0.9
Coal Production (million tons)	1,940	1,943	1,946	1,984
Total Coal Capacity (GW)	644	644	644	643

[1] With wet and dry scrubbing and the following energy assumptions:

	Oil prices ($ 1975)	Nuclear Capacity (GW)
Year:		
1985	$20.20	92
1990	24.20	141
1995	30.70	173

[2] See 44 FR 33608 for designation of census regions.

Assumed Nuclear Capacity

	Sensitivity analysis	Phase 3
1985	92 GW	97 GW
1990	141 GW	165 GW
1995	173 GW	228 GW

Environmentally, the impact of higher oil prices was to reduce SO_2 emissions (Table 2). For example, under the promulgated standard (hereafter referred to as "the standard") national SO_2 emissions in 1995 were projected to drop from 20.5 million tons predicted in phase 3 (44 FR 33608) to 19.6 million tons. This reduction occurred because the higher oil prices led to the retirement of about 50 gigawatts (GW) of existing oil-fired capacity. While these retirements increased the demand for new coal-fired plants, new plants (subject to Subpart Da) on average were less polluting than the oil-fired capacity they replaced. Therefore, the net effect of oil replacement on a broad regional basis was to reduce SO_2 emissions.

The relative impacts of the alternative standards under the sensitivity tests remained about the same. Sulfur dioxide emissions under the standard were still predicted to be lower than with either full control or the 50 percent variable standard. The emissions benefit relative to full control was reduced from 200,000 tons per year to 100,000 tons per year. Regionally, the effect of the higher oil prices on the relative impacts of the standards was mixed. In comparison to full control, the standard continued to reduce emissions in the East by 400,000 tons per year, but resulted in an additional 70,000 tons in the West and 100,000 tons in the West South Central (relative to phase 3). However, as pointed out above, emissions in all regions were less than or equal to those under the phase 3 oil price assumptions.

The cost of all the standards increased under the higher oil price assumption. This increase was due to the cost of additional coal capacity and corresponding emission control equipment. Relative to the standard, the cost of full control increased by $300 million per year over the $1.1 billion difference predicted under lower oil prices.

At the higher oil prices, 1995 oil consumption by utilities was predicted to be the same under all standards tested. Depending on the standard, consumption was 500,000 to 800,000 barrels per day lower than under the phase 3 projections with lower prices. The reason that the environmental standards had no effect on oil consumption was that at the assumed rate of oil price increase, all base- and intermediate-loaded oil capacity was retired by 1995 and the only remaining oil use was in combustion turbines used to meet peak demand.

Under the assumption of both high oil prices and slowed nuclear growth (Table 3), national and regional SO_2 emissions were predicted to be about the same as under the phase 3 projections. This effect was due to the counterbalancing emission impacts. As noted above, higher oil prices resulted in a net decrease in SO_2 emissions. But at the same time the reduced supply of nuclear generation capacity precipitated demand for an additional 55 GW of new coal capacity beyond that required under the projection with high oil prices. On a national level the emissions from these new coal-fired plants offset the emission reductions achieved by the oil replacements.

With this additional 55 GW of new coal-fired capacity, the environmental impact of alternative standards was more significant. Baseline emission projections (i.e., assuming no change to the original standard) increased from 23.8 million tons per year under the phase 3 energy assumptions to 25.0 million tons per year. Accordingly, the promulgated standard reduced national SO_2 emissions in 1995 by almost 4.5

million tons per year in contrast to about 3.5 million tons per year under both the phase 3 and the high oil price sensitivity projections.

While emission levels were roughly the same as under the phase 3 energy assumptions, the relative impacts of the alternative standards changed somewhat. National emissions were predicted to be 100,000 tons less under full control than under the standard. Relative to full control, the standard was still predicted to reduce emissions by about 400,000 tons in the East, but on a national basis this was offset by emission increases in the other regions. With higher oil prices and less nuclear capacity, the environmental benefit of full control in the West and West South Central was greater by about 100,000 tons, but this impact is masked in Table 3 due to rounding. The variable standard with a 50 percent minimum control level resulted in about 400,000 tons per year more emissions than full control and about 300,000 tons per year more than the standard.

The total cost of all the alternatives increased due to the increased coal capacity. Relative to the standard, the cost of the 50 percent variable control standard remained about the same. The full control standard, however, was significantly more expensive. The marginal cost of full control (relative to the standard) increased from $1.1 billion under the phase 3 energy assumptions to $1.8 billion.

Energy impacts were about the same as those predicted in the high oil price sensitivity runs. Oil consumption was still predicted at about 900,000 barrels per day under all alternative standards. Coal production under all alternatives increased by about 100 million tons per year.

Even considering the uncertainty of future oil prices and nuclear capacity, the Administrator found no basis for convening a proceeding on the modeling issue. The sensitivity runs did not show significant changes in the relative impacts of the alternatives. Under the sensitivity test with both high oil prices and slowed nuclear growth, full control for the first time showed lower emissions nationally than the standard. But the cost of this additional 100,000 tons of control was estimated at $1.8 billion, which represents more than a 40 percent increase in the incremental cost of the standad (Table 3). The principal environmental benefit of full control would be felt in the West and West South Central. Through case-by-case new source review ample authority exists to require more stringent controls as necessary to protect our pristine areas and national parks (44 FR 33584, left column). As a result, the Administrator continues to believe that the flexibility offered by the standard will lead to the best balance of energy, environmental, and economic impacts than either a uniform 90 percent standard or a 50 percent variable standard and hence better satisfies the purposes of the Act.

On the other side of the modeling issue, UARG charged that the Agency's regulatory analysis does not support a 70 percent minimum requirement. The petition called the Agency's control cost estimates unrealistic and presented a macroeconomic analysis which concluded that a 50 percent minimum requirement would result in a more favorable balance of cost, energy, and environmental impacts.

Response to the UARG petition was difficult because the UARG position was presented in two separate reports submitted at different times, and the two reports reached different conclusions. In the formal petition, UARG recommended 50 percent minimum control and promised a detailed report by NERA supporting their position. When the NERA report arrived six weeks later, if recommended 30 percent control. In light of this confusion, it was decided to review each report separately based on its own merits, but devote primary attention to the 50 percent recommendation. After reviewing UARG's macroeconomic analysis, the Administrator finds no convincing arguments for altering the conclusion that the 70 percent minimum removal requirement provides the best balance of impacts. In the formal petition, UARG's conclusion that a 50 percent standard is superior was based on a NERA economic analysis which assumed that only wet scrubbing technology was available to utilities. A detailed analysis of the NERA results was not possible because only summary outputs were supplied in their comments. But the results of this analysis seem to coincide with the Agency's conclusions that there are energy, environmental, and economic benefits, associated with standards that provide a lower cost control alternative for lower sulfur coals. The problem with the UARG initial analysis is that it overlooked the economic benefits of dry scrubbing.

In recognition of this shortcoming, UARG presented their estimate of the costs of dry scrubbing made by Battelle Columbus Laboratories (UARG petition, page 25) and then hypothesized without supporting analysis that "with realistic cost assumptions the advantages of a lower percent removal are likely to increase even further" (UARG petition, page 27). Table 4 compares Battelle's costs to those used in the EPA regulatory analysis. The two estimates are almost the same. More importantly, the two estimates agree that the cost of a 70 percent efficient dry system is not significantly greater than the cost of a 50 percent efficient system, and this conclusion had important implications in the specification of the standard. Based on these comparisons, the Administrator finds that the UARG petition supports the Agency's dry scrubbing cost assumptions and the finding that no significant cost benefit will result from a standard with a 50 percent minimum control level.

Table 4.—*Comparison of UARG and EPA dry SO_2 Scrubbing Costs [1] (Mills/kwh)*

Percent removal	Inlet sulfur (lbs SO_2/million Btu)	UARG	EPA
50	0.80	[2] 1.68	2.06
	2.00	[2] 2.13	2.44
70	0.80	1.97	2.66
	2.00	2.54	2.66

[1] Wet scrubbing costs range up to 6 mills/kwh.
[2] UARG costs based on 55 percent removal.

In their second report, UARG presented additional economic analyses by NERA. In those analyes, the impacts of 30, 50, and 70 percent minimum control standards were tested assuming that both wet and dry scrubbing technology were available. The analyses were performed with three different sets of control cost assumptions—EPA's costs, Battelle's costs, and an additional set of costs specified by NERA. The report concluded that the 70 percent standard is superior using EPA's costs but that under the other cost estimates the 30 percent standard is better. The cost effectiveness of alternative standards (dollars per ton of pollutant removed) was their principal basis of evaluation. UARG then alleged that EPA overestimated the differences in cost between wet and dry scrubbing and that this error led to the wrong conclusion about the impacts of the 70 percent minimum removal requirement. The EPA cost assumptions were criticized primarily because different methods were used to estimate dry and wet scrubbing costs. To justify their position, UARG presented estimates of wet and dry scrubbing costs developed by Battelle. UARG believes that Battelle understand scrubber costs, but that Battelle's relationship between wet and dry scrubbing costs is more accurate than EPA's (UARG petition, page 7). As noted above, Battelle agreed with the Agency's dry scrubbing costs, but for

wet scrubbing the Battelle costs were substantially lower than the Agency's.

Typically, when comparing results of studies, the Agency has detailed documentation with which to compare the methods of costing and analysis. In this case, the Administrator had documentation for neither the NERA costs nor the Battelle costs. The NERA costs were unreferenced and supported by neither engineering analysis nor vendor bids. They assumed that the capital cost of a dry scrubber is 10 percent less than that for a comparable wet scrubber and that the operating costs and energy requirements are the same for the two systems. The UARG petition promised a detailed report from Battelle, but the report was not delivered. Without a basis for evaluation, the Battelle and NERA costs can only be considered as hypothetical data sets for the purpose of sensitivity testing of the economic analysis. They cannot be considered as new information on SO_2 control costs.

The EPA cost estimates, on the other hand, have withstood several critical tests. The PEDCo cost model for wet scrubbers which was used by EPA was thoroughly reviewed by Department of Energy (DOE) consultants, and DOE concurred with the EPA estimates through the interagency working group. Later, the Agency's costs were again reviewed in detail against wet scrubber costs predicted by the Tennessee Valley Authority's scrubber design model. While the two models initially seemed to produce divergent results, careful analysis of the respective costing methodology showed that for similar design specifications the two models produced costs that were very close, the major difference stemming from different assumptions about the construction contingency fee (OAQPS–78–1, IV–B–50). The Administrator concluded from these cost comparisons that the Agency's flue gas desulfurization cost assumptions are reasonable.

The EPA dry scrubbing costs were based primarily on engineering studies submitted by electric utility companies and equipment vendors for the full-scale utility systems now on order or under construction. Using these studies, the EPA cost estimates were made in full cognizance of the basic assumptions used in the PEDCo wet scrubbing model. The result was that for economic modeling purposes (OAQPS–78–1, IV–A–25, page B–17) the dry scrubbing cost estimates in the background document (EPA 450/5–79–021, page 3–67) were increased to reflect similar fuel parameters, local conditions, and degree of design conservatism as reflected in the wet scrubbing costs. Since care was taken in aligning these costs, the Administrator does not accept UARG's allegation that EPA's costs for wet and dry scrubbing are invalid because they were developed on an inconsistent basis.

Even if EPA accepted UARG's unsubstantiated cost assumptions, the NERA sensitivity analyses provided no new insights nor did they materially contradict the Agency's basic conclusions about the standard. Using the Battelle costs and NERA's "alternative scrubber costs" as a range, NERA predicted that relative to 50 percent minimum control, a 70 percent standard would reduce national SO_2 emissions by an additional 250 to 450 thousand tons per year compared to about 100 thousand tons estimated by EPA (Table 1). NERA predicted the additional costs of a 70 percent minimum standard relative to a 50 percent requirement would be between $300 million and $400 million per year compared to $300 million predicted by EPA. It was only in moving to 30 percent control that the NERA results showed a distinct cost savings ($600 to $900 million) over the 70 percent level, but the 30 percent standard produced an additional 700 thousand tons per year of SO_2 under both of their control cost scenarios. The Administrator rejects the 30 percent standard advocated by UARG because the potential cost savings do not justify the potential emission increases. In conclusion, the trade-offs between costs and emissions shown by UARG are generally similar to those predicted by EPA in promulgating the standard and therefore do not support a different standard from the 70 percent variable standard adopted.

Other Issues

Kansas City Power and Light Company sought either an elimination of the percent reduction requirement when emissions are 520 ng/J (1.2 lbs/million Btu) heat input or less or as an alternative a reduction in the 70 percent minimum control requirement. In their arguments, KCPL cited annualized control costs for wet scrubbing of $11.4 million and an energy penalty of 70 thousand tons of coal per year to operate a scrubber. Second, they noted that 14 percent of the potential SO_2 emissions from the coal they plan to burn will be removed by the fly ash. Taking these two factors in account, KCPL computed a cost effectiveness ratio for a hypothetical 650 MW unit to be $3,600 per ton of sulfur removed and concluded that such control was too expensive. Finally, they concluded that scrubbing low-sulfur coals is not warranted since uncontrolled SO_2 emissions from their new plants will be less than the emissions allowed by the standard for high-sulfur coals with 90 percent scrubbing.

After careful review, the Administrator finds that the KCPL petition provided no legal or technical basis for reconsidering the final rule. First, the question of whether a plant burning low-sulfur coal should be required to meet the same percentage reduction requirement as those burning high-sulfur coal has been a central issue throughout this decision-making. Since this issue was raised in the proposal (43 FR 42155, left column), KCPL had ample opportunity to make their points during the public comment period. In fact, it was the recognition of this trade-off in emissions between high-sulfur and low-sulfur coal that led the Administrator to first consider the concept of variable control standards (43 FR 42155, right column). While sulfur removal by fly ash does not represent best demonstrated technology for SO_2 control, sulfur removal by fuel pretreatment, fly ash, and bottom ash may be credited toward meeting the 70 percent requirement.

Second, the KCPL petition does not allege the requisite procedural error that the standard was based on information on which they had no opportunity to comment. Their objections center primarily on the economic and energy impacts of wet SO_2 scrubbing on low-sulfur coal. These issues were clearly identified by the Agency in the background document supporting proposal (OAQPS–78–1, III–B–3, Chapters 5 and 7). Furthermore, the preamble to proposal specifically requested comments on the Agency's assumptions for the regulatory analysis (43 FR 42162, left column).

Finally, and more importantly, the major points made by KCPL are not of central relevance to the outcome of the rule because the information presented does not refute the Agency's data base on wet scrubbing. Consider the following comparisons to the assumptions of the EPA regulatory analysis.

(a) The control costs quoted by KCPL for a 650 MW unit were $31 million in capital and $6.2 million in operating expenses. The EPA assumptions applied to a comparably sized unit result in $55 million in capital costs and $7 million in operating expense.

(b) KCPL quoted an energy impact of 8 tons of coal per hour to operate the scrubber. Considering their operating requirement of 460 tons of coal per hour, the energy penalty of SO_2 control is 1.7

percent. The Agency's economic model assumed 2.2 percent.

(c) KCPL computed cost effectiveness of the standard at $3600 per ton of sulfur removed. This figure is based on a misunderstanding of the application of the fly ash removal credit toward the 70 percent removal requirement. According to the standard, the scrubbing requirement when assuming a 14 percent SO_2 removal in flyash is 65 percent rather than 56 percent as calculated by KCPL. At 65 percent scrubbing, the cost per ton of sulfur removed is $3100. This converts to a cost of $1550 per ton of sulfur dioxide removed which is similar to the costs estimated by EPA for low-sulfur coal applications (OAQPS–78–1, III–B–3 and IV–B–14).

Thus, the Administrator has already concluded that energy and economic costs greater than those cited by KCPL are justified to achieve the emission reductions required by the standard.

Conclusions on Minimum Control Level

After carefully weighing the arguments by the three petitioners, the Administrator can find no new information or insights which are of central relevance to his conclusions about the benefits of a variable control standard with a 70 percent minimum removal requirement. The Sierra Club and UARG correctly point out that the Agency's phase 3 analysis was completed after the close of the public comment period and that they were therefore unable to comment on the final step of the regulatory analysis. But in assessing these comments it is important to put the phase 3 analysis in proper context with its role in the final decision. The Administrator's conclusions about the responses of the utility industry to alternative standards were not based on phase 3 alone, but a series of economic studies spanning more than a year's effort. These analyses were performed under a range of assumptions of economic conditions, regulatory options, and flue gas desulfurization parameters. The phase 3 analysis was merely a fine tuning of the regulatory analysis to reflect dry scrubbing technology.

No new modeling concepts or assumptions were introduced in phase 3. The fundamental modeling concept as introduced in the September proposal (43 FR 42161, right column) has not changed. The model input assumptions were the same as those of the phase 2 analysis presented on December 8, 1978 (44 FR 54834, middle column), and at the December 12 and 13, 1978, public hearing. Detailed consultants' reports on the modeling analyses were available for comment before the close of the public comment period. This public record provided adequate opportunity for the public to comment both on the principal concepts and detailed implementation of the regulatory analysis before the close of the public comment period.

Even though new information was added to the record after the close of the comment period, none of the petitions raised valid objections to this information or cast any uncertainty that is germane to the final decision. The Administrator has very carefully weighed the petitioners comments on dry scrubbing and the UARG sensitivity analysis on pollution control costs. Not only did the UARG analysis generally confirm the conclusions of the EPA regulatory analysis, but it established that even if dry scrubbing costs vary substantially, the relative impacts of a 50 versus 70 percent minimum removal requirement change very little. The 70 percent standard was estimated to produce lower emissions for only slightly higher costs. Differences in cost effectiveness, which UARG seem to weigh most heavily, varied by only $2 to a maximum of $50 per ton of SO_2 removed across alternative cost estimates. In the final analysis none of the petitions repudiated the Agency's findings on the state of development, range of applicability, or costs of dry SO_2 scrubbing. In light of these findings, the Administrator finds the information in the petitions not of central relevance to the final rule and therefore denies the requests to convene a proceeding to reconsider the 70 percent minimum removal requirement.

III. SO_2 Maximum Control Level (90 percent reduction of potential SO_2 emissions)

Petitions for reconsideration submitted by the Utility Air Regulatory Group (UARG) and the Sierra Club questioned the basis for the maximum control level of 90 percent reduction in potential SO_2 emissions, 30-day rolling average. The other petitions did not address this issue. However, in a July 18, 1979, letter, the Environmental Defense Fund (EDF) requested EPA to review utilization of adipic acid scrubbing additives as a basis for a more stringent maximum control level. An additional analysis by UARG was forwarded to EPA on January 28, 1980. Although it was reviewed by EPA, a detailed response could not be prepared in the three days afforded EPA for comment prior to the court's deadline of January 31, 1980, for EPA to respond to the petitions. However, the only issue not previously raised by UARG (boiler load variation) has been addressed by this response.

With their petition, UARG submitted a statistical analysis of flue gas desulfurization (FGD) system test data which purportedly revealed certain flaws in the Agency's conclusions. The UARG petition maintained that a scrubber with a geometric mean (median) efficiency of 92 percent could not achieve the standard because of variations in its performance. UARG also maintained that the highest removal efficiency standard that can be justified by the Agency's data is 85 percent, 30-day rolling average. In the alternative, they suggested that the 90 percent, 30-day rolling average standard could be retained if an adequate number of exemptions were permitted during any given 30-day averaging period. On the other hand, the Sierra Club questioned why the standard had been established at 90 percent when the Agency had documented that well-designed, operated, and maintained scrubbers could achieve a median efficiency of 92 percent. In doing so, they argued that a 90 percent, 30-day rolling average standard was not sufficiently stringent.

After reviewing their petitions, the Administrator finds that the Sierra Club and UARG overlooked several significant factors which were of critical importance to the decision to promulgate a 90 percent, 30-day rolling average standard. The Sierra Club position was based on a misunderstanding of the statistical basis for the standard. The UARG analysis was flawed because it did not consider the sulfur removed by coal washing, coal pulverizers, bottom ash, and fly ash (hereafter, collectively referred to as sulfur reduction credits). Instead the UARG petition based its conclusions on the performance of the FGD system alone. In short, UARG did not analyze the promulgated standard (44 FR 33582, center column). Furthermore, UARG underestimated the minimum performance capability of scrubbers by assuming that future scrubbers would not even achieve the level of process control demonstrated by the best existing systems tested by EPA.

EPA has prepared two reports which re-analyze the same FGD test data considered in UARG's analysis. One report identified the important design and operating differences in the FGD systems tested (OAQPS–78–1, VI–B–14) by EPA and the second report provided additional statistical analyses of these data (OAQPS–78–1, VI–B–13). The results of the EPA analyses showed that:

1. Flue gas desulfurization systems can achieve a 30-day rolling average efficiency between 88 percent and 89

percent (base loaded boilers) or between 86 and 87 percent (peak loaded boilers) with no improvements in currently demonstrated process control.

2. Even if a new FGD system attained only 85 percent efficiency (30-day rolling average), a 90 percent reduction in potential SO_2 emissions can be met when sulfur reduction credits are considered.

To clarify the basis for the Agency's conclusions, the following discussion reviews the development of information used to establish the final percent reduction standard. Initially, EPA studied the application of FGD systems for the control of SO_2 emissions from power plants. As part of that effort, information which described the status and performance of FGD systems in the U.S. and Japan was inventoried and evaluated. These evaluations included the development of design information on how to improve the median efficiency of FGD systems based upon an extensive testing program at the Shawnee facility (OAQPS–78–1, II–A–75). The Shawnee test data and other data (OAQPS–78–1, II–A–71) on existing FGD systems were generated by short-term performance tests. These data did not define the expected performance range (the minimum and maximum SO_2 percent removal) of state-of-the-art FGD systems.

Because a continuous compliance standard was under consideration, information about the process variation of FGD systems was needed to project the performance range of scrubber efficiency around the median percent removal level. For the purpose of measuring process variation, several existing FGD systems were monitored with continuous measurement instrumentation. The selection of FGD systems to be tested was limited principally to the few FGD systems available which were attaining 80 to 90 percent median reduction of high-sulfur coal emissions. When examining the results of these tests, it should be recognized that they do not reflect the performance of a new FGD system specifically designed to attain a continuous compliance standard.

When the percent reduction standard was proposed, EPA projected the performance of newly designed FGD systems. The projection, referred to as the "line of improved performance" in the analysis, was principally based on the information on how to improve median system performance (OAQPS–78–1, III–B–4). The line showed that compliance with the proposed standard (85 percent reduction in potential SO_2 emissions, 24-hour average) could be attained with an FGD system if the only improvement made relative to an existing FGD system was to increase the median efficiency to 92 percent. The "line of improved performance" did not reflect the sulfur reduction credits that could be applied towards compliance with the proposed standard or the improvements in process control (less than 0.289 geometric standard deviation) that could be designed into a new facility. While these alternatives were discussed in detail and included within the basis for the proposed standard (OAQPS–78–1, III–B–4), the purpose of the "line of improved performance" was to show that even without credits or process control improvements, the proposed standard could be met. Upon proposal, the source owner was provided a choice of complying with the percent reduction standard by (1) an FGD system *alone* (85 percent reduction, 24-hour standard), or by (2) use of sulfur reduction credits together with an FGD system attaining less than 85 percent reduction.

After proposal, EPA continued to analyze regulatory options for establishing the final percent removal requirement. On December 8, 1978, economic analyses of these additional options were published in the **Federal Register** (43 FR 57834) for public comment. In this notice EPA stated that:

> Reassessment of the assumptions made in the August analysis also revealed that the impact of the coal washing credit had not been considered in the modeling analysis. Other credits allowed by the September proposal, such as sulfur removed by the pulverizers or in bottom ash and flyash, were determined not to be significant when viewed at the national and regional levels. The coal washing credit, on the other hand, was found to have a significant effect on predicated emissions levels and, therefore, was taken into consideration in the results presented here.

This statement gave notice that the effect of the coal washing credit on emission levels for the proposed control options had not been properly assessed in previous modeling anayses. In the economic analyses completed before proposal, the environmental benefits of the proposed standard were optimistic because it was assumed that all high-sulfur coal would be washed, but a corresponding reduction in the level of scrubbing needed for compliance was not taken into account. This error resulted in the analyses understimating the amount of national and regional SO_2 emissions that would have been allowed by the proposed standard. This problem was discussed at length at the public hearing on December 12, 1978 (OAQPS–78–1, IV–F–1, p. 11, 22, 28, and 29).

UARG addressed this question of coal washing in comments submitted in response to recommendations presented at the public hearing by the Natural Resources Defense Council (OAQPS–78–1, IV–F–1, p. 65, 12–12–78) that the final standards be based upon the removal of sulfur from fuel *together with* the removal of SO_2 from flue gases with a FGD system. In their comments (OAQPS–78–1, IV–D–725, Appendix A, p. 23), UARG had three main objections:

(1) All coals are not washable to the same degree.

(2) Coal cleaning may not be economically feasible.

(3) The Clean Air Act and the Resource Conservation and Recovery Act may preclude the construction of coal washing facilities at every mine.

EPA has reviewed these comments again and does not find that they change the Administrator's conclusion that washed coal can be used in conjunction with FGD systems to attain a 90 percent reduction in potential SO_2 emissions. First, EPA realizes that all coal is not equally washable. In the regulatory analaysis, the degree of coal washing was a function of the rank and sulfur content of the coal. Moreover, because of the variable control scale inherent in the standard, 75 percent of U.S coal reserves would require less than 90 percent reduction in potential SO_2 emissions. The remaining 25 percent are high sulfur coals on which the highest degree of sulfur removal by coal washing are acheived. Second, the washing assumptions used by the Agency reflected the percentage of sulfur removal currently being attained by conventional coal washing plants in the U.S. (OAQPS–78–1, IV–D–756). These washing percentages were therefore cost-feasible assumptions because they are typical of current washing practices. Finally, the Agency does not believe that environmental regulations will prohibit the cleaning of coal. The Clean Air Act and the Resource Conservation and Recovery Act may impose certain environmental controls, but would not prevent the routine construction of coal washing plants. Thus, the Agency concluded that the basis for the promulgated standard could be a combination of FGD control and fuel credits.

Based on these findings, EPA stated (44 FR 33582) that the 90 percent reduction standard "can be achieved at the individual plant level even under the most demanding conditions through the application of flue gas desulfurization (FGD) systems together with sulfur reductions achieved by currently practiced coal preparation techniques. Reductions achieved in the fly ash and

bottom ash are also applicable". Thus, FGD systems *together with* removal of sulfur from the fuel was the basis for the final standard. The standard prohibits the emission of more than "10 percent of the potential combustion concentration (90 percent reduction)." That is, the final standard requires 90 percent reduction of the potential emissions (the theoretical emissions that would result from combustion of fuel in an uncleaned state), not 90 percent removal by a scrubber.

Since UARG failed to take into consideration sulfur reduction credits, UARG analyzed a more stringent standard than was promulgated. Furthermore, EPA's review revealed that while the statistical methodology in the UARG analysis was basically correct, it was flawed by UARG's assumption about the process variation of a new FGD system. As a result, the statistical anaysis was improperly used by UARG to project the number of violations expected by a new FGD system.

To elaborate on the variability issue, page 14 of the UARG petition states:

> The range of efficiency variability values resulting from this analysis represents the range of efficiency variabilities that can be expected to be encountered at future FGD sites.

This assumption artificially inflated the amount of variability that would reasonably be expected in a new FGD system because it presumed that there were no major design and operational differences in the existing FGD systems tested and that the performance of new systems would not improve beyond that of systems tested by EPA. To estimate process variability of new FGD systems, UARG simply averaged together all data from all systems tested including malfunctioning systems (Conesville). EPA's review of these data showed that there were major design and operating differences in the existing FGD systems tested and that the process control could be improved in new FGD systems (OAQPS–78–1, VI–B–14). Therefore, not all of the FGD systems tested by EPA were representative of best demonstrated technology for SO_2 control.

These major differences in the FGD systems tested are apparent when the test reports are examined (OAQPS–78–1, VI–B–14).One of the tests was conducted when the FGD systems were not operating properly (Conesville). Two tests were conducted on regenerative FGD systems (Philadelphia and Chicago) which are not representative of a lime or limestone FGD system. Another test was on an adipic acid/lime FGD system (Shawnee-venturi). None of these tests were representative of the process variation of well-operated, lime or limestone FGD systems on a high-sulfur coal application (OAQPS–78–1, VI–B–14).

Only three systems were tested when (1) the unit was operating normally, and (2) pH control instrumentation was in place and operational (Pittsburgh, Shawnee-TCA, and Louisville). Only at Shawnee did EPA purposely have skilled engineering and technician personnel closely monitor the operation during the test (OAQPS–78–1, VI–B–14). Data from these systems best describe the process control performance of existing lime/limestone FGD systems.

During the Pittsburgh test, there were some problems with pH meters. The data was separated into Test I (pH meter inoperative) and Test II (pH meter operative). During Test I, operators measured pH hourly with a portable instrument (OAQPS–78–1, VI–B–14). Analysis of these data show low process variation during each test period (OAQPS–78–1, VI–B–13). Although the process variation during the second test was 10 percent lower, the difference was not found to be statistically significant. Data taken during each test (I and II) are representative of control attainable with pH controls only. Boiler load was relatively stable during the test. Average process variation as described by the geometric standard deviation was 0.21 and 0.23, respectively.

At Shawnee, only pH controls were in use, but additional attention was given to controlling the process by technical personnel. Boiler load was purposely varied. Geometric standard deviation was 0.18, which was similar to that recorded at Pittsburgh. UARG acknowledged that careful attention to control of the FGD operation by skilled personnel was an important factor in control of the Shawnee-TCA scrubber process (OAQPS–78–1, II–D–440, page 3). It was at the Shawnee test that the best control of FGD process variability by an existing FGD system was demonstrated (OAQPS–78–1, II–B–13).

The Louisville test appears to represent a special case. The average process variation was significantly higher (0.30 and 0.34 for the two units tested) than was recorded at the two other tests (Pittsburgh and Shawnee). An EPA contractor identified two factors which potentially could adversely affect process control at Louisville (OAQPS–78–1, VI–B–14). First, they noted that Louisville was originally designed in the 1960's and has had significant retrofit design changes which could affect process control. Second, the degree of operator attention given to process control is unknown. In addition, UARG showed that an additional factor which may affect the FGD process control is boiler load changes. Unlike a new boiler, the Louisville unit is an older boiler which has been placed into peaking service and therefore experiences significant load changes during the course of a day. As was the case with Pittsburgh and Shawnee, Louisville only uses pH controls to regulate the process. The process variation was analyzed and the maximum process variation of the Louisville system, at a 95 percent confidence level, was determined to be 0.36 geometric standard deviation (OAQPS–78–1, VI–B–13). This estimate of process variation represents a "worst case" situation since it reflects the degree of FGD variability at a peaking unit rather than on the more easily controlled immediate- or base-loaded applications.

In addition to basing their projections on nonrepresentative systems, UARG has also ignored information in a background information document (OAQPS–78–1, II–B–4, section 4.2.6) on feasible process control improvements which were currently used in Japan (OAQPS–78–1, II–I–359). An appraisal of the degree of process instrumentation and control in use at the existing FGD systems tested and a review of the feasible process control improvements which can be designed into new FGD systems was also reviewed (OAQPS–78–1, VI–B–14). As described in this review, none of systems tested had automatic process instrumentation control in operation. All adjustments to scrubber operation were made by intermittent, manual adjustments by an operator. Automatic process controls, which provide immediate and continuous adjustments, can reduce the process control response time and the magnitude of FGD efficiency variation. Even the best controlled FGD systems tested (the Shawnee FGD system, which was designed in the 1960's) employed only feedback pH process control systems (OAQPS–78–1, IV–J–20). None of these existing FGD systems were designed with the feedforward process control features now used in Japan (OAQPS–78–1, II–I–359) for the automatic adjustment of scrubber make-up in response to changing operating conditions. These systems respond to boiler load changes or the amount of SO_2 in the flue gases to be cleaned before they impact the scrubbing system. The use of such systems would improve the control of short-term FGD efficiency variation. At the FGD systems tested, the actual flue gas SO_2

concentration (affected by coal sulfur content) and gas volume (affected by boiler load) was not routinely monitored by the FGD system operators for the purpose of controlling the FGD operation as is currently practiced in Japan (OAQPS–78–1, II–I–359). Thus, even the best controlled existing systems tested were not representative of the control of process variation that would be expected in the performance of new FGD systems to be operated in the 1980's (OAQPS–78–1, VI–B–14). For the purpose of describing the range in performance of an FGD system using only feedback pH control and which are known to have received close attention by operating personnel, the data recorded at these two existing FGD systems (Pittsburgh, test II and Shawnee-TCA) have been used by EPA to project the maximum process variation that would result (0.23 geometric standard deviation) at a 95 percent confidence interval for a base loaded boiler. The data from Louisville was used to represent performance of a peak loaded boiler (0.36 geometric standard deviation at the 95 percent confidence level). These values are conservative because the data collected at the existing FGD systems tested are not representative of the lower process variation that would be expected in future FGD systems designed with improved process control systems (OAQPS–78–1, VI–B–14).

EPA's statistical analysis of scrubber efficency is in close agreement with the UARG analysis when the same process variation and amount of autocorrelation was assumed. EPA's analysis showed about the same autocorrelation effect (the tendency for scrubber efficiency to follow the previous day's performance) as UARG's analysis. A "worst-case" 0.7 autocorrelation factor was used in both analyses even though a more favorable 0.6 factor could have been used based upon the measured autocorrelation of the data at the Shawnee-TCA and Pittsburgh tests. A comparison of the minimum 30-day average performance of a FGD system based upon EPA and UARG process variation assumptions is given in Table 5a.

The EPA analysis (OAQPS–78–1, VI–B–13) summarized in Tables 5a and 5b shows the median scrubbing efficieny required to achieve various minimum 30-day rolling average removal levels (probability of 1 violation in 10 years). The three sets of estimates shown are based on (1) the same process control demonstrated at Pittsburgh, test II and loaded, well-operated existing plant (σ_g=0.20 on average and σ_g=0.23 at the 95 percent confidence level), (2) the same process control demonstrated at Louisville which represents a peak loaded, existing plant (σ_g=0.32 on average and σ_g=0.36 at the 95 percent confidence level), and (3) the poor process control projected by UARG (σ_g=0.29 on average and σ_g=0.43 at the 95 percent confidence level). The process variation is described on a 24-hour, geometric standard deviation (σ_g) basis to allow comparison with UARG's analysis. However, the minimum FGD efficiencies shown in Tables 5a and 5b are 30-day rolling averages.

It is evident from the analysis summarized in Table 5a that if a new FGD system could be operated at least as well as the two best controlled existing FGD systems tested, a 92 percent efficient scrubber (median) can achieve between 88 and 89 percent control on a 30-day rolling average Shawnee-TCA, which represents a base basis.[1] More than 89 percent minimum reduction could be obtained if the process variations in new FGD systems are kept under better control with new control system instruments and careful attention by operating personnel. Even the peak-loaded Louisville system, which has much higher process variability (σ_g=0.32 on average), could achieve 86 to 87 percent reduction.

When reviewing the results of analyses contained in Tables 5a and 5b, it must be kept in mind that they represent "worst case" projections of compliance capability. Neither the UARG nor EPA projections took into account load shifting or the effect of a spare FGD module as a means of countering worst-case system performance (as portrayed by the 95 percent confidence level).

[1] With a risk assumption of one violation per year (the assumption used by UARG) the minimum 30-day rolling average was between 89 percent and 90 percent control at the 95 percent confidence level (OAQPS–78–1, VI–B–13, page 1–4).

Table 5a.—*Median FGD Efficiency to Attain Minimum 30-day Rolling Average Standard for Base Loaded Units* [a]

Minimum 30-day rolling average FGD efficiency	Median efficiency for existing well-controlled FGD systems tested [EPA basis]		Median efficiency for all existing FGD systems tested [UARG basis]	
	Average [σ_g=0.20]	Maximum [σ_g=0.23]	Average [σ_g=0.29]	Maximum [σ_g=0.43]
90	92.6	92.9	93.5	94.9
89	91.8	92.2	92.9	94.4
88	91.1	91.5	92.2	93.8
87	90.3	90.8	91.6	93.3
86	89.6	90.1	90.9	92.8
85	88.8	89.3	90.3	92.3

[a] Estimates are based on probability of only 1 violation in 10 years. Process variation (σ_g is expressed as one geometric standard deviation, 24-hour basis). The maximum process variation is projected at the 95th percentile.

Table 5b.—*Median FGD Efficiency to Attain Minimum 30-day Rolling Average Standard for Peak Loaded Units.* [a]

Minimum 30-day rolling average FGD efficiency	Median efficiency for peak loaded, existing FGD systems tested [EPA basis]	
	Average [σ_g=0.32]	Maximum [σ_g=0.36]
90	93.8	94.2
89	93.2	93.6
88	92.6	93.1
87	92.0	92.5
86	91.4	91.9
85	90.8	91.3

[a] Estimates are based on probability of only 1 violation in 10 years. Process variation (σ_g) is expressed as one geometric standard deviation, 24-hour basis. The maximum process variation is projected at the 95th percentile.

EPA also contended that an FGD system supplier could miss the mark in designing a 92 percent median efficiency FGD system and that a miscalculation of only 1 or 2 percent in median efficiency would prevent the FGD system from complying with the final SO_2 percent reduction standard (UARG petition, Appendix B, p. 64). EPA specifically addressed this miss-the-mark argument when it established a variable control standard (70 percent to 90 percent reduction). In the preamble to the final standard EPA stated, "Finally, under a variable approach, a source could move to a lower sulfur content coal to achieve compliance if its control equipment failed to meet design expectations" (44 FR 33583, left column). An FGD system designed for high-sulfur coal would increase in scrubbing efficiency if a lower-sulfur coal were fired, and the amount of removal required for compliance would drop from 90 percent to as low as 70 percent reduction in potential SO_2 emissions.

Even if, as UARG contends, an FGD system on a 30-day rolling average basis (through poor design or operating practices) could only attain 85 percent reduction, the facility would comply with the promulgated 90 percent reduction standard when credits for sulfur removed by coal washing, pulverizers, and in bottom and fly ash are considered. These credits which can

be substantial, are summarized as follows:

1. *Coal washing.* On high-sulfur midwestern coals that would be subject to the 90 percent reduction requirement, an average of 27 percent sulfur removal was achieved by conventional coal washing plants in 1978 (OAQPS–78–1, IV–D–761). Even in Ohio where the lowest average coal washing reduction was recorded, 20 percent reduction was attained. These data represent current industry practice and do not necessarily represent full application of state-of-the-art in coal cleaning technology.

2. *Coal pulverizers.* Additional sulfur reductions are also attainable with coal pulverizers used at power plants. Coal is typically pulverized at power plants prior to combustion. By selecting a specific type of coal pulverizer (one that will reject pyrites from the pulverized coal), sulfur can be removed. One utility company reported to EPA that sulfur reductions of 12% to 38% (with 24% average removal) had been obtained (OAQPS–78–1, II–D–179) by the pulvizers alone when a program had been implemented to optimize the rejection of pyrites by the pulverizer equipment.

3. *Ash retention.* One utility company has reported 0.4% to 5.1% sulfur removal credit in bottom ash alone with eastern and midwestern coals and 7.3% to 15.9% removal with a western coal (OAQPS–78–1, II–B–72). To determine how much sulfur is removed by the bottom ash and fly ash combined, EPA conducted a study in which numerous boilers were tested. The amount of SO_2 emitted was compared to the potential SO_2 emissions in the coal. For eight western coals and six midwestern coals, an average sulfur retention of 20 percent and 10 percent, respectively, was found (OAQPS–78–1, IV–A–6). Thus, an average of at least 10 percent SO_2 reduction can be attributed to sulfur retention in coal ash.

These credits *together with* an FGD system continuously achieving as little as 85 percent reduction are sufficient to attain compliance with the final SO_2 percent reduction standard as is shown in Table 6:

Table 6.—*Impact of Sulfur Reduction Credits on Required FGD Control Efficiencies to Attain 90 Percent Overall SO_2 Reduction*

SO_2 removal method	Compliance Option A	Compliance Option B	Option C
Coal washing removal, percent	27	20	8
Pulverizer, fly ash, and bottom ash reduction, percent	10	4	0
FGD system removal, percent	85	87	89
Overall SO_2 reduction in potential emissions	90	90	90

Table 6 illustrates that even if the FGD system attained only 85 percent reduction as UARG has claimed, the 90 percent removal standard would be achieved (Option A) even if a coal washing plant attained only 27 percent reduction in sulfur (the average reduction reported by the National Coal Association for conventional coal washing plants, OAQPS–78–1, IV–D–761). In addition, Table 6 illustrates that less fuel credit is needed when the FGD system attains more than 85 percent reduction (Options B and C). For example, even if the minimum amount of coal washing curently being achieved (20 percent in Ohio) is attained, only 87 percent FGD reduction would be needed. Thus, less than average or only average sulfur reduction credits (i.e., only 8–27% coal washing and 0–10% pulverizer, bottom ash and fly ash credits) would be needed to comply with the 90 percent reduction standard even if the FGD system *alone* only attained 85 to 89 percent control. Moreover, for 75 percent of the nation's coal reserves which have potential emissions less than 260 ng/J (6.0 lbs/million Btu) heat input (OAQPS–78–1, IV–E–12, page 18), less than 90 percent reduction in potential SO_2 emissions would be needed to meet the standard.

The statistical analysis submitted by UARG does not address the basis (FGD and sulfur reduction credits) of the standard and therefore does not alter the conclusions regarding the achievability of the promulgated percent reduction standard. The prescribed level can be achieved at the individual plant level even under the most demanding conditions through the application of scrubbers together with sulfur reduction credits.

Finally, UARG's petition (p. 15) states that the final standard was biased by an error in the preamble (see table, 44 FR 33592) which incorrectly referred to certain FGD removal efficiencies as "averages" rather than as geometric "means" (medians). These removal efficiencies were properly referred to as "means" in the EPA test reports. This discrepancy had no bearing on EPA's decision to promulgate a 90 percent SO_2 standard. Even though UARG claims a bias was introduced, their consultant's report states (see Appendix B, Page 46):

> Therefore, even though EPA mistakenly used the term "average SO_2 removal" in the promulgation, it is obvious that when the phrase "mean FGD efficiency" is used, EPA is correctly referred to the *mean* (or median) of the long-normal distribution of (1-eff).

Thus, even though Entropy (UARG's consultant which prepared their statistical analysis in Appendix B) "discovered a discrepancy" as UARG alleges, they did not reach a conclusion as UARG has done, that a simple transcription error in preparation of the preamble undermined the credibility of EPA's analysis of the test data. In fact, the analysis of test data performed by EPA (OAQPS–78–1, II–B–4) used correct statistical terminology.

The Sierra Club also submitted a petition that questioned the promulgated 90 percent, 30-day rolling average standard. The petition asks "why the final percentage of removal for 'full scrubbing' was set at only 90 percent for a 30-day average" in view of the preamble to the proposal which mentions a 92 percent reduction (43 FR 42159). The petition states that "EPA indicated that 85 percent scrubbing on a 24-hour average was equivalent to 92 percent on a 30-day average." This statement is a misquotation. The preamble actually stated that "an FGD system that could achieve a 92 percent long-term (30 days or more) mean SO_2 removal would comply with the proposed 85 percent (24-hour average) requirement." The long-term mean referred to is the median value (geometric mean) of FGD system performance, not an equivalent standard. Reference in the preamble was made to the background information supplement (OAQPS–78–1, III–B–4) which provided "a more detailed discussion of these findings." The 92 percent removal is described therein as the median (geometric mean) of the statistical distribution defined by the "line of improved performance" in Figure 4–1. A median is the middle number in a given sequence of numbers. Thus for a sequence of 24-hour or 30-day rolling average efficiencies, the median SO_2 removal (92 percent) is a level at which one-half of the 30-day rolling average FGD system efficiencies would be higher and one-half would be lower. Since one-half of the expected removal efficiencies would be lower than the 92 percent median, a standard could not be set at that level. The standard must recognize the range of 30-day rolling average FGD efficiencies that would be expected. The petition is based upon a misconception as to the meaning of the 92 percent value (a median) and is therefore not new information of central relevance to this issue.

The Environmental Defense Fund requested that EPA consider the relevance of the lime/limestone-adipic acid tests at Shawnee to this rulemaking. Adipic acid has been found to increase FGD system performance by limiting the drop in pH that normally occurs at the gas/liquid interface during SO_2 absorption. Test runs at Shawnee

showed increased FGD performance (in one test series the efficiency increased from 71 percent to 93 percent) with no apparent adverse impact upon FGD system operation.

EPA agrees that use of adipic acid additive in lime/limestone scrubbing solutions appears very promising and is currently planning a full-scale FGD system demonstration. Several important areas are to be evaluated in the EPA test program. The handling and disposal characteristics of waste sludges from the scrubber must be evaluated to see that adipic acid does not affect control of leachates into groundwater. In addition, the consumption rate of adipic acid by the FGD system and its ultimate disposition must be evaluated. Furthermore, tests must be conducted to show whether or not the concentration of adipic acid in FGD system sludge poses significant environmental problems. In the absence of such data, EPA does not believe it prudent to include adipic acid as a basis for the current revised standard.

IV. Particulate Matter Standards

Only one of the four petitions for reconsideration raised issues concerning the particulate matter standard. In their petition, the Utility Air Regulatory Group (UARG) argued principally that baghouse technology was not demonstrated on large coal-fired utility boilers and that the 13 ng/J (0.03 lb/million Btu) heat input standard could not be achieved at reasonable costs with electrostatic precipitators on low-sulfur coal applications. They also noted that emission test data on a 350 MW baghouse application was placed in the record after the close of the comment period. In response to these data, UARG presented operating information on baghouse systems obtained from two coal-fired installations. In addition they restated arguments that had been raised in their January 1979 comments concerning EPA's data base and the potential effects of NO_x and SO_2 emission control on particulate emissions.

In reaching his decision that baghouse technology is adequately demonstrated, the Administrator took into account a number of factors. In addition to the emission test data and other technical information contained in the record, he placed significant weight on the fact that at least 26 baghouse-equipped coal-fired electric utility steam generators were operating prior to promulgation of the standard and that 28 additional units were planned to start operation by the end of 1982. He also noted that some of the utility companies operating baghouses on coal-fired steam generators were ordering more baghouses and that none of them had announced plans to decommission or retrofit a baghouse controlled plant because of operating or cost problems. The Administrator believed that this was a strong indication that some segments of the utility industry believe that baghouses are practical, economical, and adequately demonstrated systems for control of particulate emissions. These electric utility baghouses are being applied to a wide range of sizes of steam generators and to coals of varying rank and sulfur content. The Industrial Gas Cleaning Institute speaking for the manufacturers of baghouses submitted comments (OAQPS–78–1, IV–D–247) confirming that baghouses are adequately demonstrated systems for control of particulate emissions from coal-fired steam-electric generators of all sizes and types.

In the proposal, EPA acknowledged that large baghouses of the size that would typically be used to meet the standard had only been recently activated. Further, the Agency announced that it planned to test a 350 MW unit (43 FR 42169, center column). The validated test data from this unit, located at the Harrington Station, demonstrated that the standard could be achieved at large facilities (OAQPS–78–1, V–B–1, page 4–1). The Agency also became aware that the operators of the facility were encountering start-up problems. After carefully evaluating the situation, the Agency concluded that the problems were temporary in nature (44 FR 33585, left column).

Furthermore, Appendix E of the UARG petition supports the Agency finding. According to Appendix E, the start-up problems experienced at Harrington Station (Unit #2) have not affected unit availability nor have they altered the utility's plans for equipping another large coal-fired steam generator at the site (Unit #3) with a baghouse. Appendix E noted, "The company feels that the baghouse achieved an availability equal to that of the electrostatic precipitator installed in unit 1" (UARG petition, Appendix E, page 2). The Appendix also examined two retrofit baghouse installations on boilers firing Texas lignite at the Monticello Station (Unit #1 and Unit #2). While the first unit that came on line experienced problems, Appendix E notes, "Since the start-up of Unit 2 bag filter, the baghouse has been operational at all times the boiler was on line (due to the solution of the majority of the problems associated with Unit 1 baghouse)" (UARG petition, Appendix E, page 5). These findings served to reinforce the Agency's conclusion that problems encountered at these initial installations are correctible.

Based on the Harrington and Monticello experience, UARG maintained that EPA did not properly consider the cost of activating and maintaining a baghouse. Contrary to UARG's position, the cost estimates developed by EPA provide liberal allowances for start-up and continued maintenance. For example, the Agency's cost estimates for a baghouse for a 350 MW power plant provided over $1.4 million for start-up and first year maintenance of which $440,000 was included for bag replacement (OAQPS–78–1, II–A–64 and VI–B–12). For subsequent years, $710,000 per year was allowed for routine maintenance of which $440,000 was included for bag replacement. In comparison, the UARG petition indicated that bag replacement costs during the first year of operation of the baghouse at the Harrington Station (350 MW capacity) would be $250,000 and the bag replacement costs at the two Monticello baghouse units (610 MW capacity total) would total about $642,000. From the information provided by UARG, it appears that the Agency has fully accounted for any potential costs that may be incurred during start-up or annual maintenance.

UARG further maintained that higher pressure drops encountered at these initial installations would increase the cost of power to operate a baghouse beyond those estimated by the Agency. The Administrator agrees that if higher pressure drops are encountered an increase in cost will be incurred. However, even assuming that the pressure drops initially experienced at the Harrington and Monticello Stations occur generally, the annual cost will not increase sufficiently to affect the Administrator's decision that the standard can be achieved at a reasonable cost. For example, the increase in pressure drop reported by UARG (UARG petition, page 43) at the Harrington station would result in a cost penalty of about $191,000 per year, which represents only a 4.5 percent increase in the total annualized baghouse costs projected by EPA (OAQPS–78–1, II–A–64, page 3–18) and

less than one percent increase in relation to utility operating costs. It should be reported, however, that as a result of corrective measures taken at Harrington station since start-up, the operating pressure drop reported by UARG has been reduced. If the pressure drop stabilizes at this improved level 2 kilopascals (8 inches H_2O) rather than the 2.75 kilopascals (11 inches H_2O) suggested by UARG the $191,000 cost penalty would be reduced by some $90,000 per year (OAQPS–78–1, VI–B–11 and UARG petition, page 43).

UARG also maintained that a period longer than 180 days after start-up is required to shake down new baghouse installations, and that EPA should amend 40 CFR 60.8, which requires compliance to be demonstrated within 180 days of start-up. UARG based these comments on the experience at the Harrington and Monticello Stations. It is important to understand that 40 CFR 60.8 only requires compliance with the emission standards within 180 days of start-up and does not require, or even suggest, that the operation of the facility be optimized within that time period. Optimization of a system is a continual process based on experience gained with time. On the other hand, a system may be fully capable of compliance with the standard before it is fully optimized.

In the case of the Harrington station the initial performance test was conducted by the utility during October 1978 (which was within four months of start-up). The initial test and a subsequent one were found however, to be invalid due to testing errors and therefore it was February 1979 before valid test results were obtained for the Harrington Unit (OAQPS–78–1, IV–B–1, page 42). This test clearly demonstrated achievement of the 13 ng/J (0.03 lb/million Btu) heat input emission level. These results were obtained even though the unit was still undergoing operation and maintenance refinements. With respect to the Monticello station, UARG reported that no actual performance test data are available (UARG petition, Appendix E, page 6).

UARG also maintained that baghouses are not suitable for peaking units because of the high energy penalty associated with keeping the baghouse above the dew point. EPA recognizes that baghouses may not be the best control device for all applications. In those instances where high energy penalties may be incurred in heating the baghouse above the dew point, the utility would have the option of employing an electrostatic precipitator. However, some utilities will be using baghouses for peaking units. For example, the baghouse control system on four subbituminous, pulverized coal-fired boilers at the Kramer Station have been equipped with baghouse preheat systems and that station will be placed in peaking service in the near future (OAQPS–78–1, VI–B–10).

UARG also argued that it may be necessary to install a by-pass system in conjunction with a baghouse to protect the baghouse from damage during certain operation modes. The use of such a system during periods of start-up, shutdown, or malfunction is allowed by the standard when in keeping with good operating practice.

The UARG petition implied that the test data base for electrostatic precipitator systems (ESP) is inadequate for determining that such systems can meet the standard. Contrary to UARG's position, the EPA data base for the standard included test data obtained under worst-case conditions, such as (1) when high resistivity ash was being collected, (2) during sootblowing, and (3) when no additives to enhance ESP performance were used (OAQPS–78–1, III–B–1, page 4–11 and 4–12). Even when all of the foregoing worst-case conditions were incurred simultaneously, particulate matter emission levels were still less than the standard. It should also be understood that none of the ESP systems tested were larger than the model sizes used for estimating the cost of control under worst-case conditions.

The UARG petition also questioned the Administrator's reasoning in failing to evaluate the economic impact of applying a 197 square meter per actual cubic meter per second (1000 ft ^{2}/1000 ACFM) cold-side ESP to achieve the standard under adverse conditions such as when firing low-sulfur coal. The Administrator did not evaluate the economic impact of applying a large, cold-side ESP because a smaller, less costly 128 square meter per actual cubic meter per second (650 ft ^{2}/1000 ACFM) hot-side ESP would typically be used. The Administrator believed that it would have been non-productive to investigate the economics of a cold-side ESP when a hot-side ESP would achieve the same level of emission control at a lower cost.

The UARG petition also suggested that hot-side ESP's are not always the best choice for low-sulfur coal applications. The Administrator agrees with this position. In some case, low-sulfur coals produce an ash which is relatively easy to collect since flyash resistivity is not a problem. Under such conditions it would be less costly to apply a cold-side ESP and therefore it would be the preferred approach. However, when developing cost impacts of the standard, the Agency focused on typical low-sulfur coal applications which represents worst case conditions, and therefore assessed only hot-side precipitators.

The UARG petition suggests that in some cases the addition of chemical additives to the flue gas may be required to achieve the standard with ESPs, and the Agency should have fully assessed the environmental impact of using such additives. The Administrator, after assessing all available data, concluded that the use of additives to improve ESP performance would not be necessary (OAQPS–78–1, III–B–1, page 4–11). Therefore, it was not incumbent upon EPA to account for the environmental impact of the use of additives other than to note that such additives could increase SO_3 or acid mist emissions. In instances where a utility elects to employ additives as a cost saving measure, their potential effect on the environment can be assessed on a case-by-case basis during the new source review process.

UARG also maintained that there are special problems with some low-sulfur coals that would preclude the use of hot-side ESPs and attached Appendix F in support of their position. Review of Appendix F reveals that while the author discussed certain problems related to the application of hot-side ESPs on some western low-sulfur coal, he also set forth effective techniques for resolving these problems. The author concluded, "The evidence of more than 11 years of experience indicates that hot precipitators are here to stay and very likely their use on all types of coal will increase."

UARG also argued that the data base in support of the final particulate standard for oil-fired steam generating units was inadequate. The standard is based on a number of studies of particulate matter control for oil-fired boilers. These studies were summarized and referenced in the BID for the proposed standard (OAQPS–78–1, III–B–1, page 4–39). These earlier studies (*Control of Particulate Matter from Oil Burners and Boilers*, April 1976, EPA–450/3–76–005; and *Particulate Emission Control Systems for Oil-fired Boilers*, December 1974, EPA–450/3–74–063) support the conclusion that ESP control systems are applicable to oil-fired steam generators and that such emission control systems can achieve the standard. The achievability of the standard was also confirmed by the Hawaiian Electric Company, a firm that would be significantly affected by the standard since virtually all their new

generating capacity will be oil-fired due to their location. In their comments the company indicated, "Hawaiian Electric Company supports the standards as proposed in so far as they impact upon the electric utilities in Hawaii" (OAQPS–78–1, IV–D–159).

UARG also argued that the Administrator had little or no data upon which to base a conclusion that the particulate standard is achievable for lignite-fired units. In making this assertion, UARG failed to recognize that the Agency had extensively analyzed lignite-fired units in 1976 and concluded that they could employ the same types of control systems as those used for other coal types (EPA–450/2–76–030a, page II–29). Additionally, review of the literature and other sources revealed no new data that would alter this finding (Some of the data considered includes OAQPS–78–1, II–I–59, II–I–312, and II–I–322) and the Agency continues to believe that the emission standards are achievable when firing all types of coal including lignite coal. UARG has not provided any information during the comment period or in their petition which would suggest any unique problems associated with the control of particulate matter from lignite-fired units.

The UARG petition alleged that the Administrator did not take into account the effect of NO_x control in conjunction with promulgation of the particulate standard. In developing the NO_x standard, the Administrator assessed the possibility that NO_x controls may increase ash combustibles and thereby affect the mass and characteristics of particulate emissions. The Administrator concluded, however, that the NO_x standard can be achieved without any increase in ash combustibles or any significant change in ash characteristics and therefore there would be no impact on the particulate standard (OAQPS–78–1, III–B–2, page 6–14).

UARG also raised the issue of sulfate carryover from the scrubber slurry and its potential effect on particulate emissions. EPA initially addressed this issue at proposal and concluded that with proper mist eliminator design and maintenance, liquid entrainment can be controlled to an acceptable level (43 FR 42170, left column). Since that time, no new information has been presented that would lead the Administrator to reconsider that finding.

In summary, UARG failed to present any new information on particulate matter control that is centrally relevant to the outcome of the rule.

V. NO_x Standards

The Utility Air Regulatory Group (UARG) sought reconsideration of the NO_x standards. They maintained that the record did not support EPA's findings that the final standards could be achieved by all boiler types, on a variety of coals, and on a continuous basis without an unreasonable risk of adverse side effects. In support of this position, they argued that while EPA's short-term emissions data provided insight into NO_x levels attainable by utility boilers under specified conditions during short-term periods, they did not sufficiently support EPA's standards based on continuous compliance. Further, they maintained that the continuous monitoring data relied on by the Agency does not support the general conclusions that all boiler types can meet the standards on a variety of coals under all operating conditions. They also argued that the Agency failed to collect or adequately analyze data on the adverse side effects of low-NO_x operations. Finally, they contended that vendor guarantees have been shown not to support the revised standards. The arguments presented in the petition were discussed in detail in an accompanying report prepared by UARG's consultant.

In general, the UARG petition merely reiterated comments submitted in January 1979. Their arguments concerning short-term test data, the potential adverse side effects of low-NO_x operation, and manufacturer's guarantees did not reflect new information nor were they substantially different from those presented earlier. For example, in their petition, UARG asserted that new information received at the close of comment period revealed that certain data EPA relied upon to conclude that low-NO_x operations do not increase the emissions of polycyclic organic matter (POM) are of questionable validity (UARG petition, page 56). This comment repeats the position stated in UARG's January 15, 1979, submittal (OAQPS 78–1, IV–D–611, attachment—KVB report, January 1979, page 86). More importantly, UARG failed to recognize that EPA did not rely on the tests in question and that the Agency noted in the BID for the proposed standards (OAQPS–78–1, III–B–2, page 6–12) that the data were insufficient to draw any conclusion on the effects of modern, low-NO_x Babcock and Wilcox burners on POM emissions. Instead, EPA based its conclusions in regard to POM on its finding that combustion efficiency would not decrease during low-NO_x operation and therefore, there would not be an increase in POM emissions (43 FR 42171, left column and OAQPS–78–1, III–B–2, page 9–6).

Similarly, UARG did not present any new data in regard to boiler tube corrosion. They merely restated the arguments they had raised in their January 1979 comments which questioned EPA's reliance on corrosion test samples (coupons). EPA believes that proper consideration has been given to the corrosion issues and substantial data exist to support the Administrator's finding that the final requirements are achievable without any significant adverse side effect (44 FR 33602, left column). In addition, UARG also maintained that the Agency should explain why it dismissed the 190 ng/J (0.45 lb/million Btu) heat input NO_x emission limit (44 FR 33602, right column) applicable to power plants in New Mexico. In dismissing the recommendation that the Agency adopt a 190 ng/J emission limit, the Administrator noted that the only support for such an emission limitation was in the form of vendor guarantees.

In relation to vendor guarantees, UARG maintained in their January comments and reiterate in their petition that EPA should not rely on vendor guarantees as support for the revised standards. EPA cannot subscribe to UARG's narrow position. While vendor guarantees alone would not provide a sufficient basis for a new source performance standard, EPA believes that consideration of vendor guarantees when supported by other findings is appropriate. In this instance, the vendor guarantees served to confirm EPA findings that the boiler manufacturers possess the requisite technology to achieve the final emission limitations. This approach was described by Foster Wheeler in their January 3, 1979, letter to UARG, (OAQPS 78–1, IV–D–611, attachment—KVB report, January 1979, page 119) that states, "When a government regulation, which has a major effect on steam generator design, is changed it is unreasonable to judge the capability of a manufacturer to meet the new regulation by evaluating equipment designed for the older less stringent regulation."

This observation is also germane to the arguments raised by UARG with respect to EPA data on short-term emission tests and continuous monitoring. In essence, UARG maintained that the EPA data base was inadequate because boilers designed and operated to meet the old 300 ng/J (0.7 lb/million Btu) heat input limitation under Subpart D have not been shown to be in continuous compliance with the

new standard under Subpart Da. While this statement is true, these units, which were designed and operated to meet the old standard, incurred only five exceedances of the new standards on a monthly basis. Moreover, a review of the available 34 months of continuous monitoring data from six utility boilers revealed that they all operated well below the applicable standard (OAQPS–78–1, V–B–1).

In addition, UARG argued that the available continuous monitoring data demonstrated that the Agency should not have relied on short-term test data. Citing Colstrip Units 1 and 2, they noted that less than one-third of the 30-day average emissions fell below the units' performance test levels of 125 ng/J (0.29 lb/million Btu) heat input and 165 ng/J (0.38 lb/million Btu) heat input, respectively. They further maintained that this had not been considered by the Agency. In fact, the Administrator recognized at the time of promulgation that emission values obtained on short-term tests could not be achieved continuously because of potential adverse side effects and therefore established emission limits well above the values measured by such tests (44 FR 42171, left column). In addition, EPA took into account the emission variability reflected by the available continuous monitoring data when it established a 30-day rolling average as the basis of determining compliance in the standards (44 FR 33586, left column).

UARG also maintained in their petition that EPA should not rely on the Colstrip continuous monitoring data because it was obtained with uncertified monitors. The Administrator recognized that the Colstrip data should not be relied on in absolute terms since monitors were probably biased high by approximately 10 percent (OAQPS 78–1, III–B–2, page 5–7). EPA's analysis of data revealed, however, that it would be appropriate to use the data to draw conclusions about variability in emissions since the shortcoming of the Colstrip monitors did not bias such findings. This data together with data obtained using certified continuous monitors at five other facilities (OAQPS 78–1, V–B–1, page 5–3) and the results from 30-day test programs (manual tests performed about twice per day) at three additional plants (OAQPS 78–1, II–B–62 and II–B–70) enabled the Administrator to conclude that emission variability under low-NO_x operating conditions was small and therefore the prescribed emission levels are achievable on a continuous basis.

UARG argued that since the only continuous monitoring data available was obtained from boilers manufactured by Combustion Engineering and on a limited number of coal types, the Agency did not have a sufficient basis for finding that the standards can be achieved by other manufacturers or when other types of coals are burned. The Administrator concluded after reviewing all available information that the other three major boiler manufacturers can achieve the same level of emission reduction as Combustion Engineering with a similar degree of emission variability (43 FR 42171, left column and 44 FR 33586, middle column). This finding was confirmed by statements submitted to UARG and EPA by the other vendors that their designs could achieve the final standards, although they expressed some concern about tube wastage potential (OAQPS–78–1, III–D–611, attachment-KVB report, pages 116–121 and IV–D–30). EPA has considered tube wastage (corrosion) throughout the rulemaking and has determined that it will not be a problem at the NO_x emission levels required by the standards (44 FR 33602, left column). With respect to different coal types, the Agency concluded from its analysis of available data that NO_x emissions are relatively insensitive to differing coal characteristics and therefore other coal types will not pose a compliance problem (43 FR 42171, left column and OAQPS–78–1, IV–B–24). UARG did not submit any data to refute this finding.

UARG also argued that the continuous monitoring data should have been accompanied by data on boiler operating conditions. EPA noted that the data were collected during extended periods representative of normal operations and therefore it reflected all operational transients that occurred. In particular, at Colstrip units 1 and 2 more than one full year of continuous monitoring data was analyzed for each unit. In view of this, EPA believes that the data base accurately reflects the degree of emission variability likely to be encountered under normal operating conditions. UARG recognized this in principle in their January 15 comments (Part 4, page 15) when they stated that "continuous monitors would measure all variations in NO_x emissions due to operational transients, coal variability, pollution control equipment degradation, etc."

In their petition, UARG restated their January 1979 comments that EPA's short-term test data were not representative and therefore should not serve as a basis for the standard. As noted earlier, EPA did not rely exclusively on short-term test data in setting the final regulations. In addition, contrary to the UARG claim, EPA believes that the boiler test configurations used to achieve low-NO_x operations reflect sound engineering judgement and that the techniques employed are applicable to modern boilers. This is not to say that the boiler manufacturers may not choose other approaches such as low-NO_x burners to achieve the standards. While recognizing that EPA's test program was concentrated on boilers from one manufacturer, sufficient data was obtained on the other major manufacturers' boilers to confirm the Agency's finding that they would exhibit similar emission characteristics (44 FR 33586, left column). Therefore, in the absence of new information, the Administrator has no basis to reconsider his finding that the prescribed emission limitations are achievable on modern boilers produced by all four major manufacturers.

VI. Emission Measurement and Compliance Determination

The Utility Air Regulatory Group (UARG) raised several issues pertaining to the accuracy and reliability of continuous monitors used to determine compliance with the SO_2 and NO_x standards. UARG particularly commented on the data from the Conesville Station. In addition, they also maintained that the sampling method for particulates was flawed. With respect to compliance determinations, UARG maintained that the method for calculating the 30-day rolling averages should be changed so that emissions before boiler outages are not included since they might bias the results. In addition, UARG argued that the standards were flawed since EPA had not included a statement as to how the Agency would consider monitoring accuracy in relation to compliance determination. With the exception of the method of calculating the 30-day rolling average and the comments on the Conesville station, the petition merely reiterated comments submitted prior to the close of the public comment period.

As to the reliability and durability of continuous monitors, information in the docket (OAQPS–78–1, II–A–88, IV–A–20, IV–A–21, and IV–A–22) demonstrates that on-site continuous monitoring systems (CMS) are capable and have operated on a long-term basis producing data which meet or exceed the minimum data requirements of the standards.

In reference to the Conesville project, UARG questioned why EPA dismissed the continuous monitoring results since it was the only long-term monitoring effort by EPA to gain instrument

operating experience. UARG maintained that this study showed monitor degradation over time and that it was representative of state-of-the-art monitoring system performance. This conclusion is erroneous. EPA does not consider the Conesville project adequate for drawing conclusions about monitor reliability because of problems which occurred during the project.

To begin with, UARG is incorrect in suggesting that the goal of the project was to obtain instrument operating experience. The primary purpose of the project was to obtain 90 days of continuous monitoring data on FGD system performance. Because of intermittent operation of the steam generator and the FGD system, this objective could not be achieved. As the end of the 90-day period approached, a decision was made to extend the test duration from three to six months. The intermittent system operation continued. As a result, when the FGD outages were deleted from the total project time of six months, the actual test duration was similar to those at the Louisville, Pittsburgh, and Chicago tests and did not, therefore, represent an extended test program.

EPA does not consider the Conesville results to be representative of state-of-the-art monitoring system performance. Because of the intermittent operation throughout the test period (OAQPS–78–1, IV–A–19, page 2), it became obvious that the goals of the program could not be met. As a result, monitoring system maintenance lapsed somewhat. For example, an ineffective sample conditioning system caused differences in monitor and reference method results (OAQPS–78–1, IV–A–20, page 3–2). If the EPA contractor had performed more rigorous quality assurance procedures, such as a repetition of the relative accuracy tests after monitor maintenance more useful results of the monitor's performance would have been obtained. Thus, the Conesville study re-emphasized the need for periodic comparisons of monitor and reference method data and the inherent value of sound quality assurance procedures.

The UARG petition suggested that the standards incorporate a statement as to how EPA will consider monitoring system accuracy during compliance determination. More specifically, UARG recommended that EPA define an error band for continuous monitoring data and explicitly state that the Agency will take no enforcement action if the data fall within the range of the error band. The Agency believes that such a provision is inappropriate. Throughout this rulemaking, EPA recognized the need for continuous monitoring systems to provide accurate and reproducible data. EPA also recognized that the accuracy of a CMS is affected by basic design principals of the CMS and by operating and maintenance procedures. For these reasons, the standards require that the monitors meet (1) published performance specifications (40 CFR Part 60 Appendix B) and (2) a rigorous quality assurance program after they are installed at a source. The performance specifications contain a relative accuracy criterion which establishes an acceptable combined limit for accuracy and reproducibility for the monitoring system. Following the performance test of the CMS, the standards specify quality assurance requirements with respect to daily calibrations of the instruments. As was noted in the rulemaking (44 FR 33611, right column), EPA has initiated laboratory and field studies to further refine the performance requirements for continuous monitors to include periodic demonstration of accuracy and reproducibility. In view of the existing performance requirements and EPA's program to further develop quality assurance procedures, the Administrator believes that the issue of continuous monitoring system accuracy was appropriately addressed. In doing so, he recognized that any questions of accuracy which may persist will have to be assessed on a case-by-case basis.

The UARG petition also raised as an issue the calculation of the 30-day rolling average emission rate. UARG maintained that the use of emission data collected before a boiler outage may not be representative of the control system performance after the boiler resumes operation. UARG indicated that boiler outage could last from a few days to several weeks and suggested that if an outage extends for more than 15 days, a new compliance period should be initiated. UARG also suggested that if a boiler outage is less than 15 days duration and the performance of the emission control system is significantly improved following boiler start-up, a new compliance period should be initiated. UARG argued that the data following start-up would be more descriptive of the current system performance and hence would provide a better basis for enforcement.

A basic premise of this rulemaking was that the standard should encourage not only installation of best control systems but also effective operating and maintenance procedures (44 FR 33595 center column, 33601 right column, and 33597 right column). The 30-day rolling average facilitates this objective. In selecting this approach, the Agency recognized that a 30-day average better reflects the engineering realities of SO_2 and NO_x control systems since it affords operators time to identify and respond to problems that affect control system efficiency. Daily enforcement (rolling average) was specified in order to encourage effective operating and maintenance procedures. Under this approach, any improvement in emission control system performance following start-up will be reflected in the compliance calculation along with efficiency degradations occurring before the outage. Therefore, the 30-day rolling average provides an accurate picture of overall control system performance.

On the other hand, the UARG suggestion would provide a distorted description of system performance since it would discount certain episodes of poor control system performance. That is, the system operator could allow the control system to degrade and then shut-down the boiler before a violation of the standard occurred. After start-up and any required maintenance, a new compliance period would commence, thereby excusing any excursions prior to a shut-down. In addition, since a new averaging period would be initiated the Agency would be unable to enforce the standard for the first 29 boiler operating days after the boiler had resumed operation. In the face of this potential for circumvention of the standards, the Administrator rejects the UARG approach.

UARG also reiterated their previous comments that EPA did not properly consider the accuracy and precision of Reference Method 5 for measuring particulate concentrations at or below 13 ng/J (0.03 lb/million Btu) heat input. EPA has recognized throughout this rulemaking that obtaining accurate and precise measurements of very low concentrations of particulate matter is difficult. In view of this, detailed and exacting procedures for the clean-up and analyses of the sample probe, filter holder, and the filter were specified in Method 5 to assure accuracy in determining the mass collected. Additionally, EPA has required that the sampling time be increased from 60 minutes to 120 minutes. This will increase the total sample volume from a minimum of 30 dscf to 60 dscf, thus increasing the total mass collected to about 100 mg at a loading of 13 ng/J (0.03 lb/million Btu) heat input. EPA has concluded that measurement of mass at this level can be reproduced within ±10 percent.

UARG also maintained that less than ideal sampling can cause particulate emission measurements to be inaccurate

and this has not been evaluated. EPA has addressed the question of determining representative locations and the number of sampling points in some detail in the reference methods and appropriate subparts. These procedures were designed to assure accurate measurements. EPA has also evaluated the effects of less than ideal sampling locations and concluded that generally the results would be biased below actual emissions. Assessment of the extent of possible biases in measurement data, however, must be made on a case-by-case basis.

UARG raised again the issue of acid mist generated by the FGD system being collected in the Reference Method 5 sample, therefore rendering the emission limit unachievable. EPA has recognized this problem throughout the rulemaking. In response to the Agency's own findings and the public comments, the standards permit determination of particulate emissions upstream of the scrubber. In addition, EPA announced that it is studying the effect of acid mist on particulate collection and is developing procedures to correct the collected mass for the acid mist portion.

VII. Applicability of Standards

Sierra Pacific Power Company and Idaho Power Company (collectively, "Sierra Pacific") petitioned the Administrator to reconsider the definition of "affected facility," asking that the applicability date of the standards be established as the date of promulgation rather than the date of proposal. 40 CFR 60.40a provides:

> (a) The affected facility to which this subpart applies is each electric utility steam generating unit:
> * * *
> (2) For which construction or modification is commenced after September 18, 1978.

September 19, 1978, is the date on which the proposed standard was published in the **Federal Register**. EPA based this definition on sections 111(a)(2) and 111(b)(6) of the Act. Section 111(a)(2) provides:

> The term "new source" means any stationary source, the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section which will be applicable to such source.

Section 111(b)(6) includes a similar provision specifically drafted to govern the applicability date of revised standards for fossil-fuel burning sources (of which this standard is the chief example.) It provides:

> Any new or modified fossil fuel-fired stationary source which commences construction prior to the date of publication of the proposed revised standards shall not be required to comply with such revised standards.

Sierra Pacific does not dispute that the Agency's definition of affected facility complies with the literal terms of sections 111(a)(2) and 111(b)(6). Sierra Pacific maintains, however, that the definition is unlawful, because the standard was promulgated more than 6 months after the proposal, in violation of sections 111(b)(1)(B) and 307(d)(10). Section 111(b)(1)(B) provides that a standard is to be promulgated within 90 days of its proposal. Section 307(d)(10) allows the Administrator to extend promulgation deadlines, such as the 90-day deadline in section 111(b)(1)(B), to up to 6 months after proposal. Sierra Pacific argues that section 111(a)(2) does not apply unless the deadlines in sections 111(b)(1)(B) and 307(d)(10) are met. In this case the final standard was promulgated on June 11, 1979, somewhat less than 9 months after proposal. (It was announced by the Administrator at a press conference on May 25, 1979, and signed by him on June 1, 1979.)

In the Administrator's view, the applicability date is properly the date of proposal. First, the plain language of section 111(a)(2) provides that the applicability date is the date of proposal. Second, the legislative history of section 111 shows that Congress did not intend that the applicability date should be the date of proposal only where a standard was promulgated within 90 days of proposal. Section 111(a)(2) took its present form in the conference committee bill that became the 1970 Clean Air Act Amendments, whereas the 90-day requirement came from the Senate bill, and there is no indication that Congress intended to link these two provisions.[2]

Moreover, this interpretation represents longstanding Agency practice. Even where responding to public comments delays promulgation more than 90 days, or more than 6 months, after proposal, the applicability dates of new source performance standards are established as the date of proposal. See 40 CFR Part 60, Subparts D *et seq.*

Sierra Pacific argues that its position has been adopted by EPA in "analogous" circumstances under the Clean Water Act. This is inaccurate. Section 306 of the Clean Water Act specifically provides that the date of proposal of a new source standard is the applicability date only if the standard is promulgated within 120 days of proposal (section 306(a)(2), (b)(1)(B)).

Sierra Pacific suggests that utilities are "unfairly prejudiced" by the applicability date, but does not submit any information to support this claim. In any event, there does not seem to be any substantial unfair prejudice. At the time of proposal, the Administrator had not decided whether a full or partial control alternative should be adopted in the final SO_2 standard. As a result, the Administrator proposed the full control alternative stating (43 FR 42154, center column):

> * * * the Clean Air Act provides that new source performance standards apply from the date they are proposed and it would be easier for power plants that start construction during the proposal period to scale down to partial control than to scale up to full control should the final standard differ from the proposal.

In fact, the final SO_2 standard was less stringent than the proposed rule.

In this case, utilities were on notice on September 19, 1978, of the proposed form of the standard, and that the standard would apply to facilities constructed after that date. In March 1979, it became clear to the Agency that it would not be possible to respond to all the public comments and promulgate the final standards by March 19, as required by the consent decree in *Sierra Club* v. *Costle*, a suit brought to compel promulgation of the standard. (The comment period had only closed on January 15; EPA had received over 625 comment letters, totalling about 6,000 pages, and the record amounted to over 21,000 pages.) The Agency promptly contacted the other parties to *Sierra Club* v. *Costle*, and all the parties jointly filed a stipulation that the standand should be signed by June 1 and that the Administrator should not seek "any further extensions of time." This stipulation was well-publicized (see, for example, 9 Environment Reporter Current Developments 2246, March 30, 1979). Thus utilities such as Sierra Pacific had reasonable assurance that the standard would be signed by June 1, as it was.

Even assuming, as Sierra Pacific does, that section 111 required the standard to be promulgated by March 19, utilities had to wait only an additional period of 84 days to know the precise form of the promulgated standard. This delay is not substantial in light of the long lead times required to build a utility boiler, and in light of the fact that the pollution control techniques required to comply with the promulgated standard are substantially

[2] In any event, in the Administrator's view the 90-day requirement in section 111(b)(1)(B) no longer governs the promulgation or revision of new source standards. It has been replaced by procedures set forth in section 111(f) enacted by the 1977 amendments.

the same as those required by the proposed standard.

Sierra Pacific's proposal that the applicability date be shifted to the date of promulgation is also inconsistent with Congress' clear desire that the revised standard take effect promptly. See section 111(b)(6).

In conclusion, Sierra Pacific has submitted no new information, has not shown that it has been prejudiced in any way, and has simply presented an argument that is incorrect as a matter of law. Its objection is therefore not of central relevance and its petition is denied.

Dated: January 30, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-3732 Filed 2-5-80; 8:45 am]

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federal register

Wednesday
February 6, 1980

Part V

Small Business Administration

Proposed Consumer Affairs Program

SMALL BUSINESS ADMINISTRATION

Proposed Consumer Affairs Program

This notice is being published to inform the public of actions being undertaken by the Small Business Administration (SBA) to meet the major requirements of Executive Order 12160, "Providing for Enhancement and Coordination of Federal Consumer Programs", dated September 26, 1979. Comments and requests for further information should be addressed to: Mr. Paul A. Pumpian, Assistant Chief Counsel, Office of Advocacy, Small Business Administration, Room 219, 1441 L Street, N.W., Washington, D.C. 20416, Telephone: (202) 653–6169.

INTRODUCTION

The Small Business Administration, by statute and by Executive Memoranda, is charged with the responsibility of representing and advocating the interests of small business. Because its rules, policies, and programs have no substantial direct impact upon consumers, SBS has requested exemption from full compliance with Executive Order 12160 under the relevant sections of that Order, viz. Section 1–901 and Section 1–902(c). While the activities of many small businesses assisted by SBA do impact directly upon consumers, virtually all of these activities are by law and public policy beyond regulatory control by SBA. This conception of SBA's role as the advocate of small business and the proper limits upon SBA's intrusion into the internal workings of the businesses it assists was re-affirmed by the 1600 delegates from small business attending the recently concluded White House Conference on Small Business (January 13–17, 1980).

SBA can, however, discharge an important educational and counselling role in helping to keep small business men and women informed about rights conferred on consumers by existing and proposed legislation and, in general, abreast of changing social perceptions as to what constitutes good business practice. The three key elements of SBA's proposed Consumer Program designed to achieve these additional and counselling objectives are:

(1) Training SBA personnel on the rights and concerns of consumers;

(2) Placing a greater emphasis on consumer rights and concerns in educational materials (essentially publications) distributed to small businesses under SBA's Management Assistance Program and in the curricula of SBA-sponsored Small Business Development Centers and Small Business Institutes.

(3) Soliciting the advice and opinion of the Federal Council on Consumer Affairs and various private organizations representing consumers on exactly what information and guidance should be included in SBA's educational and guidance programs.

CONSUMER AFFAIRS PERSPECTIVE

SBA will use existing organizational elements and staff to promote the consumer affairs perspective. Training of SBA personnel on consumer affairs will proceed under the Assistant Administrator for Personnel Management. The education and counselling for business men and women will proceed under the Associate Administrator for Management Assistance. Communications between SBA and non-governmental organizations representing consumers will be the responsibility of the Assistant Administrator for Public Communications. Responsibility for communication liaison with the Federal Consumer Affairs Council will continue to be discharged by the Assistant Chief Counsel (Consumer Affairs), in the Office of Advocacy.

Closing cooperation on consumer affairs between the above Associate and Assistant Administrators is assured by their membership on the sixteen-member SBA Management Board. The Management Board meets bi-weekly, and is presided over by the Administrator. The Board is SBA's principal instrument for the development and review of all agency rules, policies, and programs. When closer coordination between the Office of the Administrator and these three Associate/Assistant Administrators is required on a particular issue or action, the Special Assistant for Programs and Policy Analysis in the Office of the Administrator will provide assistance.

CONSUMER PARTICIPATION

Perhaps as a result of the negligible effect which SBA programs and activities have on the consumer, SBA has not had extensive consumer participation or other important indication of consumer interest in the development and review of its rules, policies and programs. Nevertheless, consumer participation to the extent that the consumer has a sufficient interest to warrant participation, is assured by SBA's compliance with (1) the Administrative Procedure Act requirements for public participation in rulemaking; and (2) Executive Order 12044 which requires, among other things, that agencies shall give the public an early and meaningful opportunity to participate in the development of regulations.

In accordance with the APA rulemaking provisions (5 U.S.C. 553), most SBA rulemaking actions involve the publication of a proposed rule in the **Federal Register** and an invitation to the public to participate through the submission of written data, views or arguments on the proposal. On appropriate occasions, the SBA has conducted informal public hearings for this purpose.

The SBA directive to implement Executive Order 12044 (SOP 70 20, *Regulation Development and Review Program*) contains several steps which SBA may take, as appropriate, to assure that consumers have early and meaningful opportunities to participate in the development and review of all agency rules, policies and programs.

These include:

(1) Timely notice utilizing the **Federal Register**, specialized publications likely to be read by those affected, direct notification of interested parties, and the media.

(2) The use of hearings.

(3) Communications through State and local government officials and agencies.

(4) Use of advisory committees.

These procedures and steps are not intended to be all-inclusive. Ineed, SBA, recognizing its limited impact on, and limited interest for, consumers as such, acknowledges that it may not be the best judge of what outreach efforts will best fulfill the President's intentions for affording consumers opportunities for early and meaningful participation. Accordingly, by publishing this draft Program here and distributing copies to consumer groups, SBA is inviting consumers to let it know, at any time, what other steps and procedures might be instituted to enhance consumer participation in the development and review of its rules, policies and programs.

INFORMATION MATERIALS

SBA currently has a considerable range of publications on all its programs. SBA provides, free of charge, a long list of pamphlets and brochures on the Agency's Management Assistance Program. In addition, the Agency makes available dozens of handbooks and brochures on various aspects of small business organizations, management and financing. These materials are available at all SBA offices and are distributed at hundreds of training and informational seminars conducted around the country each year. In addition, many informational materials are made available from a central distribution point in Fort Worth, Texas, to persons wanting to start a small business, to consumers and consumer groups and to small businesses interested in expanding or obtaining counselling.

The Office of Public Communications has published a basis handbook, "What SBA Is and Does", which is made available to all interested parties, including consumer groups. That handbook is now being revised and updated. The Office of Public Communications also has published another basic guide, "Facts About Small Business", which is distributed to private trade groups, colleges and universities and consumer groups, as well as the media.

Many of the above materials are available by calling, toll free, 800/433–7212.[1] SBA invites the comments of consumers and consumer organizations on ways in which these materials might be updated and revised to include appropriate information on the rights and concerns of consumers.

The Office of Public Communications distributes press releases and other informational materials to about 2,500 newspapers, magazines, radio and TV outlets, trade associations, consumer organizations and civic organizations. Other interested consumers or consumer organizations who would like to receive press releases should write directly to the Office of Public Communications, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

[1] In Texas call 800–792–8901.

EDUCATION AND TRAINING

Through its Office of Management Assistance, SBA provides small business men and women a wide range of educational and counselling services. These services are offered through a network of Small Business Development Centers, Small Business Institutes and management assistance personnel located in SBA district offices. This assistance includes counselling on how products and services can be improved, thereby improving customer relations and minimizing customer/consumer complaints. SBA also issues publications on small business management which are available to consumers.

The Office of Personnel Management (Training Division) provides a variety of training programs to its employees in order to prepare them to administer these educational, counselling and related services to small business men and women.

Additional information on consumer affairs which would further benefit the small business person will be integrated into the curricula of these training programs. An effort will be made to have experts on consumer affairs serve as guest speakers or lecturers to provide information, discuss problems and suggest solutions, thereby enhancing the effectiveness of SBA employees working with small business men and women.

Consumers or consumer organizations with suggestions on what kind of information should be included in SBA employee training programs may wish to write directly to the Small Business Administration, Office of Personnel Management, Training Division, Washington, D.C., 20416. Suggestions for changes or additions to educational and counselling programs for small business men and women may be directed to the Small Business Administration, Office of Management Assistance, Washington, D.C. 20416.

COMPLAINT HANDLING

Complaints from consumers will be handled by the Assistant Chief Counsel (Consumer Affairs), Office of Advocacy, Small Business Administration, Room 219, 1441 L Street, N.W., Washington, D.C. 20416, Telephone (202) 653–6169. Because SBA rules, policies and programs have a direct impact upon small business men and women but little or no direct impact upon consumers, SBA receives very few complaints from consumers. However, the Assistant Chief Counsel shall establish a system for monitoring the handling of consumer complaints appropriate to the volume of complaints received. The system will include, but not be limited to, logging in the complaint, identifying the person within SBA (or outside SBA) to whom the complaint is forwarded and obtaining a copy of the response made to the person complaining. The Assistant Chief Counsel will also acknowledge receipt of the complaint in writing and advise the complaining consumer of the identity of the person to whom the complaint has been forwarded. In addition, the Assistant Chief Counsel will prepare periodic reports to the Office of the Administrator on the content of consumer complaints.

When consumer complaints raise issues which relate to Agency rules, policies or programs, these issues will be put on the agenda of the SBA Management Board, thereby assuring the timely consideration of such complaints in the development and review of Agency rules, policies and programs.

Dated: January 31, 1980.

A. Vernon Weaver,

Administrator, Small Business Administration.

[FR Doc. 80-3779 Filed 2-5-80; 8:45 am]

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federal register

Wednesday
February 6, 1980

Part VI

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 785, 816, 817 and 820

Surface Coal Mining and Reclamation Operations: Permanent Regulatory Program

AGENCY Office of Surface Mining Reclamation and Enforcement (OSM).

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement is amending the incorporation by reference expiration dates of 30 CFR Parts 700, 785, 816, 817 and 820 as they appear in 44 FR 15314–15450, March 13, 1979. This action is being taken as a result of the Office of the **Federal Register** publishing at 44 FR 18630–18631, March 28, 1979, amended procedures for the approval and maintenance of incorporations by reference.

EFFECTIVE DATE: February 6, 1980.

FOR FURTHER INFORMATION CONTACT: Linda T. Battoglia, (202) 343–5447.

SUPPLEMENTARY INFORMATION: On March 13, 1979, OSM issued permanent program regulations which included an expiration date of February 7, 1980 for all of its approved incorporations by reference. However, revised **Federal Register** incorporation by reference procedures, published on March 23, 1979, state that the Director of the **Federal Register** will withdraw approval of all material incorporated by reference in the Code of Federal Regulations on the revision date of the CFR title in which the incorporation by reference appears. Therefore, all current OSM incorporations by reference will be officially withdrawn on July 1, 1980, unless an extension is requested 30 days prior.

With the consent of the Director of the **Federal Register** by letter dated January 10, 1980, this amendment extends approval of all incorporations by reference appearing in the March 13, 1979 OSM Permanent Regulatory Program from February 7, 1980 to July 1, 1980.

Dated: January 31, 1980.

Paul L. Reeves.

Acting Director, Office of Surface Mining, Reclamation and Enforcement.

Amendments to Regulations

30 CFR is amended as follows:

PART 700—GENERAL

1. In § 700.5 the last sentence of the definition "Anthracite" is amended to read:

§ 700.5 Definitions.

* * * * *

* * * The Director's approval of this incorporation by reference expires on July 1, 1980.

* * * * *

PART 785—REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

2. In § 785.17(b)(1)(i), the last sentence is amended to read:

§ 785.17 Prime Farmlands.

* * * * *

(b) * * *

(1) * * *

(i) * * * The Director's approval of this incorporation by reference expires on July 1, 1980.

* * * * *

3. In § 785.19(e)(3)(i)(B), the last sentence is amended to read:

§ 785.19 Surface coal mining and reclamation operations on areas or adjacent to areas including alluvial valley floors in the arid or semi-arid areas west of the 100th meridian.

* * * * *

(e) * * *

(3) * * *

(i) * * *

(B) * * * The Director's approval of this incorporation by reference expires on July 1, 1980.

* * * * *

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

4. In § 816.49(a)(5), the last sentence is amended to read:

§ 816.49 Hydrologic balance: Permanent and temporary impoundment.

(a) * * *

(5) * * * The Director's approval of this incorporation by reference expires on July 1, 1980.

* * * * *

5. In § 816.65(e)(2), the last sentence is amended to read:

§ 816.65 Use of explosives: Surface blasting requirements.

* * * * *

(e) * * *

(2) * * * The Director's approval of this incorporation by reference expires on July 1, 1980.

* * * * *

6. In § 816.85(c)(2), the last sentence is amended to read:

§ 816.85 Coal processing waste banks: Construction requirements.

* * * * *

(c) * * *

(2) * * * The Director's approval of this incorporation by reference expires on July 1, 1980.

* * * * *

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

7. In § 817.49(a)(5), the last sentence is amended to read:

§ 817.49 Hydrologic balance: Permanent and temporary impoundments.

(5) * * * The Director's approval of this incorporation by reference expires on July 1, 1980.

* * * * *

8. In § 817.65(e)(2), the last sentence is amended to read:

§ 817.65 Use of explosives: Surface blasting requirements.

* * * * *

(e) * * *

(2) * * * The Director's approval of this incorporation by reference expires on July 1, 1980.

* * * * *

9. In § 817.85(c)(2), the last sentence is amended to read:

§ 817.85 Coal processing waste banks: Construction requirements.

* * * * *

(c) * * *

(2) * * * The Director's approval of this incorporation by reference expires on July 1, 1980.

* * * * *

PART 820—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—ANTHRACITE MINES IN PENNSYLVANIA

10. In § 820.11(d), the last sentence is amended to read:

§ 820.11 Performance standards: Anthracite mines in Pennsylvania.

* * * * *

(d) * * * The Director's approval of this incorporation by reference expires on July 1, 1980.

* * * * *

[FR Doc. 80-3808 Filed 2-5-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining

30 CFR Parts 700, 701, 761, 786, 816, 817

Permanent Regulatory Program; Modifications

AGENCY: Office of Surface Mining (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Proposed rulemaking.

SUMMARY: Modifications to the Permanent Regulatory Program are proposed to: (1) delete the inclusion of physically unrelated sites which total more than two acres as a type of operation covered by the regulations; (2) require that structures meeting certain conditions receive the exemption for existing structures; (3) exclude roads not actually used by the public from the definition of public roads; (4) allow the use of State case law for interpretation of documents relied upon to establish valid existing rights; (5) accept waivers obtained before August 3, 1977, and make waivers obtained after that date effective against subsequent owners for the purpose of approval of mining within 300 feet of an occupied dwelling; (6) exclude from the definition of irreparable damage reference to damage that "has not been corrected"; and (7) allow treatment of acid- or toxic-forming materials as an alternative to covering.

DATES: Comments must be received by March 7, 1980 at the address below by not later than 5:00 p.m. A public hearing will be held on February 25, 1980. Representatives of OSM will be available to meet with interested persons upon request between (date of publication) and (30 days after publication).

ADDRESSES: Written comments must be mailed or hand delivered to the Office of Surface Mining, U.S. Department of the Interior, Room 135, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. Persons wishing to testify at the hearing should contact the person listed below under "For further information contact". A transcript of the public hearing, all written comments received, and summaries of meetings with representatives of OSM will be prepared and made available for public review in Room 135 of the Interior South Building.

FOR FURTHER INFORMATION CONTACT: Mary M. Crouter, Program Analyst, Office of the Deputy Director, Office of Surface Mining, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; (202) 343-9158.

SUPPLEMENTARY INFORMATION: These regulations are proposed to amend OSM's permanent program regulations published at 44 FR 15312 *et seq.* (March 13, 1979). The affected regulations, the rationale for the proposed changes, and the proposed rules are set forth below. The basis and purpose for the existing regulations now being proposed for amendment are found at 44 FR 14901-15309 (March 13, 1979). That basis and purpose statement is incorporated herein by reference insofar as it is consistent with these proposed amendments.

§ 700.11(b)—Two-acre exemption.

Section 528(2) of the Act exempts from regulation under the Act surface coal mining operations which affect two acres or less. The congressional intent behind this section suggests that it should be narrowly construed. See S. Rep. No. 95-128, 95th Cong., 1st Sess. 97-98 (1977). At present, the regulations at 30 CFR 700.11(b) exclude from this exemption operations "conducted by a person who affects or intends to affect more than two acres at physically related sites, or any such operation conducted by a person who affects or intends to affect more than two acres at physically unrelated sites within one year." This language was intended to avoid potential abuse of this exemption by unscrupulous operators jumping from one small site which is less than 2 acres, to another. Unfortunately the language also covers legitimate operations of less than two acres conducted by the same operator. The language referring to physically unrelated sites in the current regulations is, therefore, proposed to be deleted. The proposed regulation would exempt al physically unrelated operations of two acres or less, irrespective of who conducts them. The Secretary would welcome, however, factual information concerning potential for abuse of this exemption and suggested regulatory language to eliminate any potential abuse within the confines of the law.

The amended regulation also states that the exceptions provided for in 30 CFR 700.11 do not apply to coal processing and preparation facilities. The Secretary believes the language of 30 U.S.C. 1278(2) indicates Congress did not intend that coal processing facilities would be included within the scope of the two-acre exemption. By its terms, that exemption applies only to *"the extraction of coal* for commercial purposes where the surface mining operation affects two acres or less." 30 U.S.C. 1278(a) (emphasis added). Thus, rather than extending the exemption to all "surfact coal mining operations" as that term is defined in Section 701(28) of the Act (30 U.S.C. 1291(28)), Congress limited its scope to activities involving the "extraction of coal." The two-acre exemption would, therefore, be confined to actual coal extraction and any necessary concomitants to that extraction, including haul roads. It would not include coal processing or other such activities subject to regulation under the Act, the purpose or need for which is unrelated to the process of extracting coal.

The Secretary has considered including in the proposed regulations a set of criteria to be used by the regulatory authority in determining whether sites are physically related. Such criteria have not been specifically proposed but the Secretary does solicit public comment on both the need for including criteria in the regulations and on the criteria being considered. Following consideration of comments received on this matter, OSM may include these or other criteria in the final rules. The criteria under consideration are: (1) whether the coal extraction operations are conducted or financed by the same operator, permittee, or principal, (2) whether the coal extraction operations occur along the same coal seam or seams, (3) whether the coal extraction operations use the same equipment, haul roads, loading or processing facilities, and (4) whether the coal extraction operations are in such physical proximity as to suggest an intent by the operator to avoid the requirements of th Act. Even without the criteria being included in the regulations, the Secretary believes that in making a determination as to whether any given sites are physically related the regulatory authority will need to balance each of these or similar factors. In determining whether the physical proximity of operations suggests an intent to avoid the requirements of the Act, the regulatory authority would consider whether the operator would have structured his operatons in the same manner whether or not the Act applied to him. When two or more sites are found to be physically related, they should be treated as one operation and their acreage should be added together for purposes of determining whether they come within the exemption of Section 528(2) of the Act. The Secretary seeks comments on the appropriateness of the four proposed criteria as well as any other factors which should be applied to the determination.

§ 701.11(e)(i) and (ii)—Existing structures.

Industry has challenged use of the word "may" in 30 CFR 701.11(e)(i) and (ii) on the basis that it gives the regulatory authority unfettered discretion to deny an exemption from the reconstruction requirements for an existing structure although the structure would otherwise qualify for the exemption. Industry suggests that the word "shall" be substituted for "may" in 30 CFR 701.11(e) (i) and (ii) to show that the exemption is mandatory if the necessary findings are made.

Industry believes that the preamble to 30 CFR 701.11(e) may be read to indicate that the Secretary did not intend the regulatory authorities to have this discretion. They argue that to require reconstruction would also be inconsistent with Judge Flannery's ruling on the interim program regulations. *In re Surface Mining Regulation Litigation,* 452 F. Supp. 327, 339–40 (D.D.C. 1978).

After careful review of the preamble and the permanent regulations, the Secretary proposes that the second "may" in 30 CFR 701.11(e)(i) and (ii) be changed to "shall". This change will reflect the Secretary's original intent and does not negate two factors which were of concern in the drafting the "existing structure" regulations. One factor was to allow sufficient flexibility for the States to adopt a more stringent regulatory approach for existing structures. Section 505 of the Act, 30 U.S.C. 1255, and 30 CFR 730.11 ensure that States may take a more stringent approach, such as requiring reconstruction of structures that do not comply with design standards but do comply with performance standards.

The second factor is the risk of failure for structures not constructed according to design criteria in the regulations. Existing structures may be in apparent compliance with the applicable permanent performance standards, or a comparable initial program standard which is as stringent. The risk of the structure's failure over the long term or inability to remain in compliance with the permanent standard may be increased, however, by its failure to be constructed in accordance with the design standard. OSM Final Regulatory Analysis, pp. 39–40 (1979). This factor is taken into account in 30 CFR 786.21(a)(1)(ii) and (a)(2)(i)(B). In order to grant an exemption from reconstruction, the regulatory authority must find that the structure complies with the appropriate permanent performance standards or the comparable initial standard which is as stringent. In addition, the regulatory authority must find that: "(ii) *No significant harm to the environment or public health or safety will result from use of the structure."* 30 CFR 786.21(a)(1)(ii), emphasis added. 30 CFR 786.21(a)(2)(i)(B) uses the same language. This language calls for the regulatory authority to find that, notwithstanding a structure's nonconformance with design standards, it will nevertheless be safe. If this finding is made, the Secretary believes the exemption from reconstruction should necessarily follow.

§ 761.5—Public road.

In 30 CFR 761.5, "public road" is defined to mean any thoroughfare open to the public for the passage of vehicles. The Secretary's proposed amendment would narrow the scope of this definition.

Section 522(e)(4) of the Act provides that, subject to certain exceptions, no surface coal mining operations shall be permitted "Within one-hundred feet of the outside right-of-way line of any public road." No reference is made in the current regulation to ownership or maintenance of such a road by a public agency, since the Secretary believes that roads used by the public over an extended period of time should be considered public, even if not maintained by a governmental entity. This is in line with Congress's findings and purposes in SMCRA, 30 U.S.C. 1201(c), (d) and 1202(a) and (m), to protect the health and safety of the public from the adverse disturbances of surface areas associated with surface coal mining operations which disturbances burden and adversely affect the public welfare.

The Secretary intends the proposed amendment to make the definition of public roads more consistent with the rationale, set forth in the preamble to the permanent program regulations (44 FR 14991), of protecting public access to and use of roads which actually have been and are being used by the public. This definition also is consistent with court holdings that the essential feature of a public road is that it is open to the public for travel, not that it is owned or maintained by a public agency. *E.g., Burdis* v. *Texas & Pacific Ry, Co.,* 569 F. 2d 320 (5th Cir. 1978); *State* v. *O'Connor,* 184 A.2d 83 (N.J. 1962).

§ 761.5(c)—Valid existing rights.

The present test in 30 CFR 761.5(c) for determining whether valid existing rights exist is based upon the case of *United States* v. *Polino,* 131 F. Supp. 772 (N.D. W.Va. 1955). This case is specifically mentioned in the legislative history of the valid existing rights provision. The *Polino* case concerned proposed mining of privately owned coal within a National Forest. The court held that Polino's right to mine depended on whether the deed conveying the coal to him specifically granted the right of extraction by surface mining. The court decided that unless the deed or lease "expressly grants stripping rights," the coal could only be mined by deep mining so as not to disturb the surface. The *Polino* decision relates to the nature of rights being conveyed between private parties and the method of interpreting the document which conveys that right. Congress relied on *Polino* to establish the requirement that an applicant who asserts ownership of the coal must show that the parties to the conveyance document contemplated that strip mining methods could be used and that strip mining was a usage or custom at the time and place of the execution of that document: "(I)n West Virginia's Monongahela National Forest, strip mining of privately owned coal underlying federally owned surface has been *prohibited* as a result of * * * *Polino* * * * The phrase "subject to existing rights" is thus *in no way intended to open up national forest lands to strip mining where previous legal precedents have prohibited stripping."* H. Rep. 95–218, 95th Cong., 1st Sess. 95 (1977) (emphasis added).

On the other hand, Congress may have been using *Polino* as an example of one State's law concerning the interpretation of documents, rather than requiring that it be used nationwide. There is other legislative history to this effect. The 1974 Conference Committee stated that "(t)he language of 522(e) is in no way intended to affect or abrogate any previous state court decisions." H. Conf. Rep. No. 93–1522, 93rd Cong., 2d Sess. 85 (1974).

In order to implement what the Secretary believes is Congress' intent that State case law on the subject not be overruled, the Secretary is proposing that Subsection (c) of Part 761.5 be changed to provide an alternative basis for valid existing rights determinations. Where a State has case law establishing some other standard for interpreting documents which convey mineral rights, this law will be used to interpret documents executed in that State.

§ 761.12(e)—Waivers.

The current language of Section 761.12(e) provides that where mining is proposed within 300 feet of any occupied dwelling, the mine plan or permit applicant must submit a waiver from the owner. The issue has been raised as to whether an applicant, who,

prior to August 3, 1977, obtained from the owner of an occupied dwelling the right to mine within 300 feet of that dwelling, would be prohibited from doing so if the owner refuses to waive rights created under Section 522(e)(5).

The Secretary believes that this concern is well founded. Therefore, the Secretary proposes to amend Section 761.12(e) to make clear that after passage of the Act a new waiver would not be required. Thus, if prior to August 3, 1977, a mine plan or permit applicant had obtained from the owner of an occupied dwelling the right to mine close to that dwelling, the applicant would not be required to obtain a new waiver. The applicant would, however, have to submit the document as provided in 761.12(e)(1), showing the vaild pre-Act waiver. The Secretary believes that this interpretation is legally correct and consistent with the language of Section 522(e)(5).

Another issued raised concerning Section 761.12(e) suggests that waivers which were obtained after August 3, 1977, should remain effective against subsequent knowing purchasers. The Secretary agrees with this suggestion and, therefore, has proposed the additional language of 761.12(e)(3). The Secretary believes that this amendment has the advantage of providing certainty for operators. Pursuant to this change, an operator who had obtained a waiver would not be requried to obtain a new one from a knowing purchaser each time the ownership of a dwelling changes. Furthermore, the Secretary believes that such an interpretation would not be unfair to subsequent owners who purchased the property with actual knowledge of the exisiting waiver and who, because of the waiver, may have been able to obtain the dwelling at a lower market price than if no waiver had been executed.

§ *786.5—Irreparable damage to the environment.*

The proposed rule revises the current definition of "irreparable damage to the environment" at 30 CFR 786.5. That definition currently encompasses damage that cannot be "or has not been" corrected. The proposed amendment deletes the phrase "or has not been" to reflect the plain meaning of the word "irreparable." Although the revision narrows the kinds of damages which can be considered irreparable for purposes of denying permits under Section 510(c) of the Act, it should not have any impact on the overall scope of that section. Section 510(c) of the Act and 30 CFR 786.17(c) already prohibit the issuance of permits to an applicant who is in violation of the Act until that applicant submits proof that the violation has been or is in the process of being corrected or, that the applicant has filed and is pursuing in good faith an appeal of the violation. Thus, the law and the regulations provide reasonable assurance that no person will be issued a permit who has failed to correct violations of the Act.

§ *816.103(a), 817.103(a)—Acid-forming and toxic-forming materials.*

These sections control the disposal of acid-forming, toxic-forming, combustible, or other identified materials exposed, used, or produced during mining. The regulations adopted on March 13, 1979, require that the coal seam and the materials listed above be covered with at least 4 feet of nontoxic and noncombustible material. 30 CFR 816.103(a)(1) and 817.103(a)(1). The regulations also require treatment, if necessary, to neutralize toxicity. 30 CFR 816.103(a)(2) and 817.103(a)(2). The Secretary believes that these regulations conflict with Section 515(b)(14) of the Act, the initial program regulations (30 CFR 715.14(j), 715.17(g), 717.14(e), 717.17(g)), and certain parallel provisions of the permanent regulations (30 CFR 816.48, 817.48).

Section 515(b)(14) of the Act allows for the alternative of either covering *or* treating the materials controlled by 30 CFR 816.103(a) and 817.103(a). Section 515(b)(14) is implemented under the general authority of § 516(b)(10) of the Act, for underground mining operations, 30 U.S.C. 1266(b)(10).

Moreover, the initial program regulations which address acid- and toxic-forming materials also allow for the alternative of covering *or* treating such materials. 30 CFR 715.14(j), 715.14(g), 717.14(e) and 717.14(g).

Further, in litigation in the initial program rules, sections 715.14(j) and 715.17(g) were sustained on the basis of the Secretary's representation that the rules allow for the control of acid- or toxic-forming materials by *either* covering *or* treatment. *In re Surface Mining Regulation Litigation,* 456 F. supp. 1301, 1310 (D.D.C. 1978).

The permanent program counterparts to 30 CFR 715.14(j), 717.14(e) are at 30 CFR 816.103(a) and 817.103(a). The permanent program provisions on their face require covering and treatment in all instances and preclude the use of treatment as an alternative to covering at the operator's election. The preamble to this section does not specifically indicate that the Secretary intends to allow for alternatives of either cover *or* treatment. 44 FR 15229–15230 (March 13, 1979). This omission was apparently an oversight, because the permanent program counterparts to 30 CFR 715.17(g)/717.17(g) (30 CFR 816.48(c) and 817.48(c)) clearly allow for the use of either cover *or* treatment. 44 FR 15401, 15428.

Moreover, the preamble to Section 816.48 clearly explains that pursuant to Section 515(b)(14), of the Act, the OSM permanent rules are intended to allow the operator to either cover *or* treat acid- or toxic-forming materials, subject to certain safeguards. 44 FR 15168 (March 13, 1979).

For these reasons, the Secretary proposes to revise 30 CFR 816.103(a) and 817.103(a) to provide in the alternative for either cover or treatment of acid-forming or toxic-forming materials.

Public Hearing

A public hearing will be held on February 25, 1980, in the Department of the Interior Auditorium at 18th and C Streets, N.W., Washington, D.C. The hearing will begin at 9:00 a.m. Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of given oral testimony would be helpful and facilitate the job of the court reporter. Submission of written statements in advance of the hearing date whenever possible, to the person identified above under "For further information contact" would greatly assist OSM officials who will attend the hearing. Advance submissions will give OSM officials an opportunity to consider appropriate questions which could be asked to clarify or elicit more specific information from the person testifying. The administrative record will remain open for receipt of additional written comments until March 7, 1980.

Persons in the audience who have not been scheduled to speak and wish to do so will be heard after the scheduled speakers. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned if they are not present when all scheduled speakers conclude.

Public Meetings

Representatives of OSM will be available to meet between February 6, 1980 and March 7, 1980 at the request of members of the public, State representatives, industry officials, labor representatives, and environmental organizations, to receive their advice and recommendations concerning the content of the proposed regulations.

Persons wishing to meet the representatives of OSM during this time period may request to meet with OSM officials at the Washington office. OSM will be available for such meetings from

9:00 a.m. to noon and 1:00 p.m. to 4:00 p.m., local time, Monday through Friday, excluding holidays, at this location. Summaries of meetings will be prepared and made promptly available for public review in Room 135 of the Interior South Building.

OTHER INFORMATION: Pursuant to 43 CFR Part 14, the Department of the Interior has determined that the proposed rules are not significant and do not require a regulatory analysis. The "Determination of Significance" doucment prepared by OSM is available for inspection at the address indicated above.

OSM has prepared an environmental assessment on these proposed amendments. That assessment resulted in a finding that the proposed rules will not have a significant impact on the quality of the human environment so as to require the preparation of an environmental impact statement. The environmental assessment is available for inspection at the address indicated above.

The principal authors of these proposed rules are: Carl Pavetto, Division of Inspection; Wil Wilson, Division of State Programs, Jose del Rio and Ray Aufmuth, Division of Technical Services; and Mary Crouter, Office of the Deputy Director.

Dated: January 31, 1980.

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

Proposed Regulations

The following regulations in 30 CFR Chapter VII are amended as listed below:

PART 700—GENERAL

§ 700.11 Applicability.

* * * * *

(b) The extraction of coal for commercial purposes where the surface coal mining and reclamation operation incident to the coal extraction affects two acres or less, but not any coal extraction conducted by a person who affects or intends to affect more than two acres at related sites. All land disturbed by the coal extraction and incident to the coal extraction (including haul roads) and all bodies of water within the boundaries of the disturbed land shall be included in the two acre calculation. Provided, however, that this exemption from the requirements of the Act does not apply to coal loading, processing, or preparation facilities.

* * * * *

PART 701—PERMANENT REGULATORY PROGRAM

§ 701.11 Applicability.

* * * * *

(e)(1) Each structure used in connection with or to facilitate a coal exploration or surface coal mining and reclamation operation shall comply with the performance standards and the design requirements of Subchapter K of this Chapter, except that—

(i) An existing structure which meets the performance standards of Subchapter K of this Chapter, but does not meet the design requirements of Subchapter K of this Chapter, may be exempted from meeting those design requirements by the regulatory authority. The regulatory authority shall grant this exemption on non-Indian and non-Federal lands only as part of the permit application process after obtaining the information required by 30 CFR 780.12 or 784.12 and after making the findings required in 30 CFR 786.21.

(ii) If the performance standard of Subchapter B of this Chapter is at least as stringent as the comparable performance standard of Subchapter K of this Chapter, an existing structure which meets the performance standards of Subchapter B of this Chapter may be exempted by the regulatory authority from meeting the design requirements of Subchapter K of this Chapter. The regulatory authority shall grant this exemption on non-Indian and non-Federal lands only as part of the permit application process after obtaining the information required by 30 CFR 780.12 or 784.12 and after making the findings required in 30 CFR 786.21.

PART 761—AREAS DESIGNATED BY ACT OF CONGRESS

§ 761.5 Definitions.

* * * * *

Public road means any thoroughfare open to the public which has been, and is being used by the public for vehicular travel.

* * * * *

§ 761.5 Definitions.

Valid existing rights means:

* * * * *

(c) Interpretation of the terms of the document relied upon to establish valid existing rights shall be based either upon applicable State case law concerning interpretation of documents conveying mineral rightrs or, where no applicable State case law exists, upon the usage and custom at the time and place where it came into existence, and upon a showing by the applicant that the parties to the document actually contemplated a right to conduct the same underground or surface mining activities for which the applicant claims a valid existing right.

* * * * *

§ 761.12 Procedures.

(e) [renumber existing 761.12(e) as 761.12(e)(1)]

(2) Where the applicant for a permit after August 3, 1977, had obtained a valid waiver prior to August 3, 1977, from the owner of an occupied dwelling to mine within 300 feet of such dwelling, a new waiver shall not be required.

(3) Where the applicant for a permit after August 3, 1977, had obtained a valid waiver as required under Section 522(e)(5) from the owner of an occupied dwelling, that waiver shall remain effective against subsequent purchasers who had actual knowledge of the existing waiver at the time or purchase.

* * * * *

PART 786—REVIEW, PUBLIC PARTICIPATION, AND APPROVAL OR DISAPPROVAL OF PERMIT APPLICATIONS AND PERMIT TERMS AND CONDITIONS

§ 786.5 Definitions.

As used in 30 CFR 786.17(d) and 786.19(i)—

* * * * *

Irreparable damage to the environment means any damage to the environment that cannot be corrected by actions of the applicant.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

§ 816.103 Backfilling and grading: Covering coal and acid- and toxic-forming materials.

(a) Cover. (1) A person who conducts surface mining activities shall either cover, with a minimum of 4 feet of the best available nontoxic and noncombustible material, or, treat all exposed coal seams remaining after mining and all acid-forming, toxic-forming, combustible, or other materials identified by the regulatory authority as exposed, used or produced during mining. Cover or treatment shall be provided so as to neutralize toxicity, acidity and combustibility in order to prevent water pollution and sustained combustion and to minimize adverse effects on plant growth and land uses.

(2) Where necessary to protect against upward migration of salts, exposure by erosion, formation of acid or toxic seeps, to provide an adequate depth for plant growth, or otherwise to meet local conditions, the regulatory authority shall

specify thicker amounts of cover using non-toxic material, or special compaction and isolation from ground water contact.

(3) Acid-forming or toxic-forming material shall not be buried or stored in proximity to a drainage course so as to cause or pose a threat of water pollution.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

§ 817.103 Backfilling and grading: Covering coal and acid- and toxic-forming materials.

(a) Cover. (1) A person who conducts underground mining activities shall either cover, with a minimum of 4 feet of the best available non-toxic and non-combustible material, or, treat all exposed coal seams remaining after mining and all acid-forming, toxic-forming, combustible, or other materials identified by the regulatory authority as exposed, used or produced during mining. Cover or treatment shall be provided so as to neutralize toxicity, acidity and combustibility in order to prevent water pollution and sustained combustion and to minimize adverse effects on plant growth and land uses.

(2) Where necessary to protect against upward migration of salts, exposure by erosion, or provide an adequate depth for plant growth, or to otherwise meet local conditions, the regulatory authority shall specify thicker amounts of cover using non-toxic material.

(3) Acid-forming or toxic-forming material shall not be buried or stored in proximity to a drainage course so as to cause or pose a threat of water pollution.

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Wednesday
February 6, 1980

Part VII

Federal Reserve System

Electronic Fund Transfers

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Reg. E; Docket No. R-0251]

Electronic Fund Transfers

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is adopting a final form (1) additional sections of Regulation E to implement certain provisions of the Electronic Fund Transfer Act that take effect May 10, 1980, and (2) amendments to existing sections of Regulation E. The regulatory proposals were published for comment at 44 FR 25850 (May 3, 1979) and 44 FR 59464 (October 15, 1979). The Board is separately publishing today a proposal to delay the effective date of certain provisions of § 205.9. The Board is also issuing an analysis of the economic impact of the portions of the regulation adopted at this time.

EFFECTIVE DATE: May 10, 1980.

FOR FURTHER INFORMATION CONTACT: Regarding the regulation: Delores S. Smith, Section Chief, or Lynne B. Barr, Senior Attorney (202–452–2412), Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Regarding the economic impact analysis: Frederick J. Schroeder, Economist (202–452–2584), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION:

In the matter of definitions; special requirements; issuance of access devices; initial disclosure of terms and conditions; change in terms; error resolution notice; documentation of transfers; preauthorized transfers; procedures for resolving errors; administrative enforcement; services offered by financial institutions not holding consumer's account; model disclosure clauses.

(1) *Introduction; General Matters.* The Board is adopting in final form additional sections of Regulation E to implement provisions of the Electronic Fund Transfer Act that become effective May 10, 1980. The sections are §§ 205.9, 205.10(a), 205.11, and 205.14.

The Board is also adopting amendments to §§ 205.2, 205.5, 205.7, 205.8, and 205.13, and to the model disclosures in Appendix A. They are discussed in greater detail in section (2) below. A number of questions have arisen with respect to the portions of the regulation already adopted in final form. Those questions are discussed in section (4) below.

The Board is also publishing for comment proposed amendments to § 205.9 that would delay the effective date of portions of that section. (See the proposed rules document affecting Regulation E in this issue.)

The Board received 142 written comments on the October proposal (44 FR 59464). Based on the comments and its own analysis, the Board has revised the proposed sections and adopted them in final form. The amendments are effective May 10, 1980.

The Board solicited comment on whether the requirements of the Act and regulation should be modified, as permitted by § 904(c) of the Act, for small financial institutions, as necessary to alleviate undue compliance burdens for such institutions. The Board has determined that such modifications are not necessary at this time.

Federal savings and loan associations should note that they are subject to the provisions of Regulation E and that there may be some inconsistency between this regulation and the Federal Home Loan Bank Board's regulation governing remote service units (12 CFR 545.4–2). The Board of Governors has been advised by the Bank Board that § 545.4–2 will be amended to conform to the Act and Regulation E.

Section 904(a)(2) requires the Board to prepare an analysis of the economic impact of the regulation on the various participants in electronic fund transfer systems, the effects upon competition in the provision of electronic fund transfer services among large and small financial institutions, and the availability of such services to different classes of consumers, particularly low-income consumers. Section 904(a)(3) requires the Board to demonstrate, to the extent practicable, that the consumer protections provided by the regulation outweigh the compliance costs imposed upon consumers and financial institutions. The Board's analysis of the economic impact of the provisions adopted today is published in section (3) below. The final regulatory amendments and the economic impact statement have been transmitted to Congress.

(2) *Regulatory Provisions. Section 205.2—Definitions.* The definition of "electronic fund transfer" (§ 205.2(g)) has been amended to exclude payments made by check, draft, or similar paper instrument at electronic terminals. The Board believes that such payments are not covered by the Act and regulation, and is specifically excluding them in response to comments. Payments made at electronic terminals by other than paper means (e.g., a direct debit of an account by a consumer at an automated teller machine (ATM) to pay a utility bill) are covered by the Act, and are subject to the relevant requirements of the regulation.

The Board wishes to point out that deposits of cash, checks, drafts, or similar paper instruments at electronic terminals are, in its opinion, encompassed within the definition of "electronic fund transfer" and the requirements of the Act and regulation apply to such transfers.

Section 205.4—Special Requirements. The Board has redesignated § 205.4(c), *Multiple accounts and account holders,* as § 205.4(b), and § 205.4(d), *Additional information; disclosures required by other laws,* as § 205.4(c). This change has been made because the paragraph proposed as § 205.4(b), *Services offered by financial institutions not holding a consumer's account,* has been moved to a separate section of the regulation, § 205.14.

Section 205.5—Issuance of Access Devices. The Board has adopted a technical amendment to § 205.5(a)(3). References to §§ 205.5(d) (1), (2), and (3) in that paragraph have been deleted and replaced by references to §§ 205.7(a) (1), (2), and (3), because paragraph (d) sets forth transitional disclosures and will be deleted effective May 10, 1980.

Section 205.7—Initial Disclosure of Terms and Conditions. The Board has adopted an amendment to this section to make clear that the initial disclosures given to the consumer should be in a form that the consumer may retain. It has come to the Board's attention that some financial institutions now provide disclosure statements to consumers on the reverse side of the agreement for electronic fund transfer services that the consumer signs and returns to the institution. The Board believes that it is essential for consumers to be able to retain the information contained in the disclosures, particularly the telephone numbers and addresses for notice of loss or theft of an access device and error resolution.

Section 205.8—Change in Terms; Error Resolution Notice. A technical amendment has been made to § 205.8(a) by deleting the reference in the last sentence to "a change required to be disclosed under this paragraph," and replacing it with "such a change." The time periods for notifying consumers of an adverse change in terms under this sentence only apply to those changes that were immediately necessary to protect the security of the system or an account.

Section 205.9—Documentation of Transfers. Section 205.9(a),

implementing § 906(a) of the Act, requires financial institutions to make a receipt available to the consumer at the time of any electronic fund transfer at an electronic terminal. The receipt must include six items of information, to the extent they are applicable to the transfer. An "s" in parentheses has been added to the word "transfer" in the introductory sentence to clarify that multiple electronic fund transfers may be shown on a single receipt. The Board wishes to emphasize that the written receipt should be in a form that the consumer may retain. A financial institution will not comply with the requirements of the regulation if it simply prints the receipt information on a display screen and does not make a "hard copy" receipt available to the consumer.

Financial institutions raised two related concerns with the introductory portion of this paragraph, regarding the requirement that a receipt be made available at the time the transfer is initiated. Commenters asked the Board to provide specific exceptions from the regulatory requirements (a) when a transfer is initiated but not completed for any reason, e.g., when an ATM is out of cash, and (b) when the terminal runs out of paper and a receipt is not made available. As to the first, it is the Board's understanding that most terminals do in fact generate a receipt when a transfer is initiated but not completed, because of terminal malfunction or because the consumer has decided not to complete the transfer. The Board believes that the provision of receipts in these instances protects consumers and should be encouraged, although it is not necessarily required by the regulation.

As to a machine's running out of paper, the Board believes that the failure of the terminal to provide a receipt is not a violation of the regulation if the financial institution maintains procedures reasonably adapted to provide receipts. See § 915(c) of the Act for the exception from liability from *bona fide* and unintentional errors.

Section 205.9(a)(1) requires institutions to disclose the amount of the transfer. In response to comments on the proposals, the final regulation provides that a charge imposed by an owner or operator of an electronic terminal (other than the financial institution providing the statement) may be included in the amount of the transfer shown on the terminal receipt. The amount of the transfer and the charge for the transfer may be combined, however, only if the amount of the charge is disclosed separately on the terminal receipt (by preprinting it on the receipts, for example) and on a sign posted on or near the terminal. The Board is requiring separate disclosure of the amount of the charge because of concern that consumers would not otherwise know that a charge is being imposed by the owner or operator of the terminal.

Section 205.9(a)(2) requires disclosure of the calendar date on which the transfer was initiated. The Board has added the word "calendar" to indicate that the date that must be printed on the terminal receipt is the date on which the consumer uses the electronic terminal to order an electronic fund transfer and not the date on which the transfer is debited or credited to the account nor an accounting or business day. The Board believes that the actual calendar date is necessary in order to give consumers an easy means of reconciling the terminal receipt with their activities on a given day, particularly since the disclosure of the initiation date of terminal transfers has been deleted from the periodic statement requirements under § 205.9(b). A financial institution may disclose either calendar date on the terminal receipt for those transfers that are initiated very late in one day (e.g., at 11:59 p.m.) and completed on the next calendar day (at 12:01 a.m.).

Section 205.9(a)(3) requires disclosure of the type of transfer and the type of the consumer's account(s) to or from which funds are transferred. A footnote makes clear that if more than one account of the same type may be accessed by a single access device, each account must be uniquely identified. If a financial institution has issued an access device that permits a consumer to make transfers to or from two checking accounts, the disclosure of the consumer's account on the terminal receipt must indicate which of the two checking accounts has been accessed. For example, a financial institution could disclose a cash withdrawal from an ATM with a device that accesses two accounts of the same type as "withdrawal from checking I," "withdrawal from checking II," or, if only one other account of any type can be accessed by the same device, "withdrawal from other account." These descriptions may be encoded on the face of the receipt if the code is explained elsewhere on the receipt itself.

Some institutions, particularly those operating in shared and interchange environments, asked how they could adequately describe transfers made at one type of financial institution to or from consumers' accounts at other types of institutions. For example, a member of a credit union whose access device permits EFT transfers to or from a share draft account may be able, in a shared system, to use that access device at a terminal owned or operated by a bank. That bank's terminals may describe accounts only as "checking" or "savings" accounts, and may not have the capability of generating a receipt that describes a transfer as "withdrawal from share draft." These commenters asked the Board to delete the requirement that the type of account be identified, or exempt transfers made at terminals not owned or operated by the account-holding institution from this requirement. The Board believes that an exemption would not be justified. It has, however, added a provision to this paragraph permitting generic description of accounts. Thus, the consumer whose share draft account at a credit union is being accessed by an access device used at a bank's ATM may be given a receipt that identifies the transfer as a withdrawal from checking rather than as a withdrawal from share draft.

Section 205.9(a)(4) in the October proposal required disclosure of the number or other identification of the access device used to initiate the transfer. Comments expressed concern that compliance with this requirement would be difficult, particularly for systems that do not have the capability to print an access device number on the terminal receipt.

The regulation as adopted provides that the financial institution must disclose a number or other code on the terminal receipt that uniquely identifies one of the following: the consumer initiating the transfer, the consumer's account(s), or the access device used to initiate the transfer. It is the Board's opinion that any unique identification that can tie the consumer to the particular transfer will be sufficient to comply with the requirement and will permit the consumer to use that terminal receipt for error resolution or as proof to a third party. Any identification of the access device should, of course, exclude the personal identification number (PIN).

Section 205.9(a)(5) requires a disclosure of the location of the terminal at which the transfer was initiated. This provision remains basically unchanged from the October proposal. The institution may, at its option, provide the terminal location in one of two ways. First, it may put the actual description of the location of the terminal on the receipt, in one of the forms prescribed by § 205.9(b)(1)(iv). Abbreviations may be used. Or, the financial institution may use an identification (such as a code or terminal number) without explaining that identification on the

receipt. The statement which reflects that transfer, however, must disclose both the identification and the location to which it relates.

Section 205.9(a)(6) requires an institution to identify any third party to or from whom funds are transferred by means of an electronic terminal. Only the ultimate transferee or transferor need be identified. An entity such as a merchant or another financial institution that is processing a transfer to or from another entity does not have to be identified either on the receipt or the periodic statement.

The information required by paragraphs (a) (5) and (6) of this section may be combined. Thus, if a consumer is using an access device to purchase goods from a merchant, both the name of the third party to whom funds are being transferred (the merchant) and the location of the terminal at which the transfer is initiated will be satisfied by a disclosure such as "XYZ Store, Anytown, Ohio."

Institutions may use a code to name the third party to or from whom funds are transferred, but only if the name of the third party is explained elsewhere on the receipt. Thus, if payments to certain utilities can be made at an ATM, preprinting a series of codes and the specific utilities to which they relate on the back of the terminal receipt, and disclosing the correct code on the face of the receipt, would comply with the regulation. The Board again emphasizes, however, that the periodic statement reflecting this transfer will have to include the name of the third party. The Board also envisions that most transfers to or from third parties at point-of-sale (POS) terminals would comply with this requirement by actually naming the third party (normally a merchant) to or from whom funds are transferred.

The Board has revised the language to clarify that paragraph (a)(6) does not apply at all if the name of the third-party transferor or transferee is provided by the consumer in a form that the electronic terminal cannot reproduce on the receipt. For example, if a consumer makes a utility payment at an ATM and provides the name of the third-party payee by inserting a payment stub into the ATM, the ATM need not generate a terminal receipt that names the utility company. A disclosure under § 205.9(a)(3) that a "payment from checking" has been made is all that would be required in this instance.

It should be noted that third-party payments made by check, draft, or similar paper means have been excluded from the definition of "electronic fund transfer" under § 205.2(g) and compliance with these requirements for those types of transactions is not required.

Section 205.9(b), which implements § 906(c) of the Act, requires institutions to provide periodic statements summarizing the electronic fund transfer activity occurring in the consumer's account during the statement cycle. A written statement must be provided to the consumer for any account capable of transfers other than preauthorized credits, for each month in which there is electronic activity in the account. Where no activity occurs in such an account, the statement must be provided on at least a quarterly basis. Some commenters again requested the Board to permit longer statement cycles for certain types of EFT-accessible accounts. The Board believes that the language of § 906(c) of the Act is clear in requiring monthly statements for any active account from which electronic debits can be made.

A great many commenters asked for clarification of what is meant by the phrase "for any account to or from which electronic fund transfers can be made" in § 205.9(b). These commenters were concerned that accounts for which there is no specific electronic fund transfer agreement are in fact accessible to electronic fund transfers, since membership in an automated clearing house (ACH) association requires participating financial institutions to accept electronic fund transfers to the account. The Board interprets the language of the regulation quoted above to apply only to those accounts for which (1) an agreement has been entered into between the consumer and the financial institution to provide electronic fund transfer services to or from the account (including accounts for which an access device has been issued to the consumer), or (2) an agreement has been entered into between the consumer and a third party (such as for preauthorized debits or credits) and for which the financial institution has received notice of the agreement.

Some financial institutions asked whether they could continue the practice of permitting consumers to "call for" their statements rather than having to mail out a statement to all consumers. The Board believes that the language of the regulation saying that institutions must "mail or deliver" the statement permits continuance of this practice.

Finally, the regulation has been amended to provide that a statement must be mailed or delivered "for each monthly *or shorter* cycle" (emphasis added) in which an EFT has occurred. This change was made to comport with the statutory language and in response to comments of financial institutions which asked that they be permitted to have a shorter than monthly cycle. Some financial institutions asked whether they could send a "periodic statement" each time an electronic fund transfer occurred for certain types of accounts, and not have an actual periodic cycle under which statements would be sent. The Board believes that such a procedure would not comply with the statute or regulation. The Board believes that Congress intended periodic statements to be sent to consumers on regular cycles so that consumers would have an orderly means of reconciling their accounts.

The regulation (in footnote 4) provides that the detailed information about each transfer, required by paragraph (1), may be given on accompanying documents, and that codes may be used on the periodic statements, as long as the codes are explained on accompanying documents or elsewhere on the statement. This provision comports with the statutory language specifically authorizing the use of accompanying documents. For example, an institution may include copies of terminal receipts to reflect transfers initiated by the consumer through electronic terminals, so long as those terminal receipts and other documents together comply with the requirements of § 205.9(b). This would be analogous to the "country club" billing procedures used by certain card issuers under Regulation Z and the Truth in Lending Act.

Set forth below is an example of a periodic statement illustrating the requirements of § 205.9(b). The Board again emphasizes that, while information complying with § 205.9(b) must be provided for each account from or to which electronic fund transfers can be made, § 205.4(c) expressly permits a financial institution to furnish a single periodic statement combining information on more than one account. When a financial institution provides a combined periodic statement (for example, for a demand deposit account and a savings account, both of which can be accessed electronically), all the relevant electronic fund transfers affecting these accounts must be shown on that portion of the periodic statement reflecting the transfers. If a consumer has transferred money from a checking to a savings account at an ATM, the periodic statement must reflect the transfer from checking on the checking account portion of the statement and the transfer to savings on the savings account portion.

Several commenters asked whether the requirements of § 205.9(b) had to be met for all transfers reflected on

periodic statements issued after May 10, 1980, or whether the requirements apply only to transfers occurring after the effective date of the Act. The Board believes that only transfers occurring after May 10 must be reflected on periodic statements in accordance with the requirements of the Act and regulation.

Section 205.9(b)(1)(i) requires disclosure on the periodic statement of the amount of each transfer. The amount of a transfer charge may be included in the amount of the transfer on the periodic statement if the requirements of § 205.9(a)(1) have been met by the owner or operator of the terminal at which the transfer took place.

Section 205.9(b)(1)(ii) requires disclosure on the periodic statement of the day each transfer was debited or credited to the account. The October proposal would have required both the initiation date and the posting date for terminal transfers to be disclosed on the periodic statement, if they differed. Financial institution commenters raised a number of concerns with this proposal. It was brought to the Board's attention that a great many terminals do not capture the initiation date for each transfer, and that significant redesign and reprogramming costs would be incurred if both dates were required on the periodic statement for terminal transfers. It was also noted that consumers are generally aware that terminal transfers made on a certain date may not in fact be posted until a later date, and that the date the transfer is debited or credited to the account is of paramount importance to the consumer.

While this change in the requirement results in less information being transmitted on the periodic statement, the Board believes that the periodic statement requirements generally will give the consumer sufficient information to reconcile the terminal receipt with the statement and to recollect those transfers made at terminals. The Board has attempted to balance the needs of the consumer for information to reconcile and remember transfers with the inherent space limitations in statement formats and the costs associated with redesigning periodic statements and reprogramming terminals to comply with the Act. (See the accompanying economic impact analysis for further discussion of those costs.)

Section 205.9(b)(1)(iii) requires the institution to indicate the type of transfer and the type of account affected by the transfers. This requirement will be satisfied by the same type of information provided under § 205.9(a)(3), such as "withdrawal from checking" or "payment from savings." While there may be certain operational problems associated with describing the types of transfer, particularly in a shared or interchange system, the Board feels that financial institutions can adjust their systems to provide for the transmittal of such data. This information may be provided by a code that is explained elsewhere on the periodic statement or in accompanying material. In the illustration below, the transfer codes are preprinted on the periodic statement. Because the statement reflects only checking account transfers, a generic identification of the account is unnecessary in the list of transfer codes. The sole exception is transfer code 61, which affects the consumer's savings account as well as the checking account for which the statement is issued.

Section 205.9(b)(1)(iv) sets forth the disclosure requirements for terminal location. This requirement is limited to those transfers initiated at an electronic terminal. In the statement below, transfer types 01, 03, 05, 21, and 61 represent terminal transfers that are subject to this requirement. The final regulation also requires disclosure of an identification (such as a terminal number or code) if one was used on the receipt. Although financial institution commenters were generally opposed to reprinting the code from the receipt on the periodic statement, the Board feels it is necessary (particularly given the deletion of the initiation date from the periodic statement) to include the code so that consumers can reconcile the terminal receipt with the periodic statement. The terminal number or other code will be particularly significant for consumers where more than one terminal is located at a single location, such as in a department store or ATM facility with more than one terminal.

Institution operating in a shared or intercharge environment were concerned that certain codes may be the same for different terminals and that it would be a source of confusion to the consumer if identical terminal numbers appeared on the periodic statement. The Board does not interpret the regulation to require that all numbers be unique, particularly since the descriptions of the terminal location will be different in every case.

Paragraphs (b)(1)(iv) (A), (B), and (C) provide three different methods for describing the terminal location. The institution need not adopt a single method consistently for all terminal locations. For example, an institution may describe a terminal located at one branch by its address under paragraph (A), and an ATM located at another branch of the institution by the branch name under paragraph (B). If the financial institution actually described the terminal location on the receipt, the description on the periodic statement must be disclosed under the same method. Note that the institution may abbreviate the descriptions.

Under paragraph (a), the requirement that the number and street or intersection always be given has been modified to permit financial institutions to omit the number portion of the address if the street name alone uniquely identifies the terminal location. For example, if a transfer takes place at an ATM located on Main Street, the financial institution may omit the street number if it has only one terminal on Main Street. Thus, financial institutions using paragraph A to describe the terminal location could use "500 Main Street," or "Main Street," or "Main/Oak Streets."

Paragraph (B) permits an institution to describe the location with a term, such as "LaGuardia Airport, NY, NY," which has public recognition and conveys a particular location to the consumer. The Board has made clear in the regulation that the financial institution may use a branch name as a generally accepted name referring to a specific location under paragraph (B). For example, a financial institution might describe its ATM location as "Main Street Branch."

Paragraph (C) permits disclosure of the name of a merchant or financial institution on whose premises a terminal is placed or that owns or operates the terminal. Footnote 7 to this paragraph is intended to prevent a statement-providing institution from describing the location of its own terminal simply by the name of the institution, rather than the more specific geographic location. This footnote has been revised, however, to permit financial institutions that own or operate terminals at only one location to describe that terminal by using its name under paragraph (C) of this provision.

Footnote 5 and references to it in footnotes 6 and 8 have been provided to permit financial institutions to drop the city and/or the state designation when all the terminals owned or operated by the financial institution providing the statement, or by the system in which it participates, are located in that city or in that state. The Board believes that no reduction in consumer protection results from this exception, as the consumer will be aware that all the transfers reflected on the periodic statement which occurred within the system took place in the city or state in which the financial institution is operating. If,

however, the consumer made transfers at terminals located outside the city or state in which the system is located, the periodic statement would have to reflect the city and state in which those transfers took place.

The institution may describe the location of the terminals on material accompanying the periodic statement, such as a master list of terminal numbers and the locations to which they relate.

Section 205.9(b)(1)(v) requires the institution to disclose the name of any third party to or from whom funds were transferred. Footnote 9 provides an exemption from this provision for checks or similar negotiable instruments deposited in an electronic terminal for later manual processing. In such cases, the institution is not required to capture the names of third parties on the instruments for disclosure on the periodic statement. Institutions should note that payments made by check, draft, or similar paper instrument at electronic terminals have been excluded from the definition of electronic fund transfer and that no disclosure will be required on the periodic statement under Regulation E for those payments. Although comments from financial institutions suggested that significant costs will be incurred in printing the names of third parties on the periodic statements, the Board believes that the statutory language is clear and that the intent of Congress was that the name of the third party to or from whom funds were transferred be given on the periodic statement for purposes of account reconciliation and for proof of payment under § 906(f) of the Act. This requirement applies to all types of transfers, not just to those made at a terminal.

A financial institution constitutes a third party to or from whom funds were transferred for purposes of this requirement, so that a payment made at an ATM to the financial institution holding the consumer's account would have to reflect the name of the institution as the third-party payee.

The second sentence of § 205.9(b)(1)(v) sets forth special requirements regarding disclosure of the name of any third party for transfers initiated by a consumer at an electronic terminal. If the institution has used a name or code to identify the third party, that name or code must be repeated on the periodic statement. The example given in the October proposal was a merchant's name appearing on a terminal receipt for a POS transfer. The Board reiterates its position that if the merchant's "doing business" name was used on the terminal receipt, the periodic statement must reflect that name and not the name of any parent corporation. If the institution used a code on the terminal documentation, the periodic statement or accompanying material must also provide the name of the third party to which the code relates.

The location and third-party requirements on periodic statements may in some cases be satisfied by a single disclosure. For example, for purchases (transfers labeled "21" below), the information contained in the column headed "Description of Transfer" represents both the third-party merchants to whom funds were tranferred and the locations of the POS terminals involved.

Section 205.9(b)(2) requires an institution to disclose the number of the consumer's account(s) to which the periodic statement relates. As illustrated in the statement below, the account number need be shown only once on the periodic statement, rather than repeated with each description of a transfer.

Section 205.9(b)(3) requires disclosure of the total amount of any fees or charges assessed for electronic fund transfers or services. Only those charges that are specifically related to electronic fund transfer services should be disclosed, and they should be disclosed as an aggregate amount. The institution need not itemize the various types of charges it imposes. For example, if the institution imposes a fixed fee for use of an account whether or not the consumer utilizes the electronic transfer services associated with the account, no disclosure need be made under this paragraph.

Financial institution commenters asked that they be permitted to total all fees and charges, whether for electronic fund transfer services or for other services provided under the account (such as check charges). The Board is of the opinion that the Act envisions a discrete disclosure of the charges for electronic fund transfer services. It should be noted that if a transfer charge was added to the amount of the transfer under §§ 205.9(a)(1) and 205.9(b)(1)(i), the institution providing the periodic statement does not have to include the amount of that charge in its disclosure of EFT charges under paragraph (b)(3).

Sections 205.9(b) (4) and (5), which require the statement to show the beginning and ending account balances and the address and telephone number to be used for inquiries or error notification, are unchanged from the October proposal. With respect to § 205.9(b)(5), a number of commenters asked that the Board provide a separate notice to be placed on combined Truth in Lending/EFT account statements to alert consumers to the fact that they must write to preserve their rights under the Fair Credit Billing Act. Although the Board recognizes that consumers may be confused by the conflicting requirements of the Fair Credit Billing and Electronic Fund Transfer Acts, it feels that adding such a legend to the requirements of the regulation would simply cause greater confusion on the part of consumers. Many consumers would be unable to tell, merely by looking at a statement, whether Regulation E or Z applies to a particular alleged error.

Section 205.9(b)(6) applies to institutions that utilize the telephone notice alternative set forth in § 205.10(a)(1)(iii). Under paragraph (b)(6), the institution must inform consumers, on each periodic statement, of the telephone number to be used for that purpose.

A number of financial institutions wanted the Board to provide in the regulation that when a financial institution sends a consumer a periodic statement containing data transmitted to it by another financial institution or third party (such as a merchant), it may rely on that data without verifying its accuracy and without violating the regulation. The Board believes that such an exception is not warranted. Financial institutions must generally maintain reasonable procedures to avoid violations of the regulation, whether as a result of faulty data transmittal or errors of third parties. Again, the exception to liability under § 915(c) of the Act protects financial institutions that maintain such procedures if an unintentional error occurs.

Sections 205.9 (c) and (d) provide limited exceptions to the general periodic statement requirements set forth in § 205.9(b). Under § 205.9(c), a financial institution need not provide a periodic statement for passbook accounts which cannot be accessed electronically except by preauthorized credits. Instead, the institution may simply update the passbook whenever it is presented by the consumer by entering, in the passbook or on a separate document, the amount and date of each electronic fund transfer since the passbook was last presented. A number of financial institution commenters asked that the Board provide a reasonable cut-off period beyond which a financial institution would not have to update the passbook information upon presentation. The Board believes that under the provisions of the Act and regulation, the financial institution does not have to update the passbook immediately upon presentation and can

provide the information later, by mailing or otherwise returning the passbook or separate documentation to the consumer.

Section 205.9(d) permits institutions to send periodic statements on a quarterly rather than a monthly basis for non-passbook accounts which cannot be accessed electronically except by preauthorized credits. The Board wishes to emphasize that the format and content of the quarterly statement must comply with § 205.9(b).

In connection with these two paragraphs, the Board was asked by a number of financial institution commenters to provide further exceptions from the periodic statement requirements for low-activity accounts, other types of passbook accounts with access device capability, and for dormant accounts. The Board believes that the exceptions would not comport with the statute.

A new section, 205.9(e), has been added to the regulation. It permits the use of commonly accepted or readily understandable abbreviations on terminal receipts, periodic statements, or other documentation. The Board emphasizes that these abbreviations must still permit the consumer to readily understand the content of the documentation.

XYZ Bank.—*Statement of Account*

Mary and John Doe
421 Elm Street
Anytown, OH 44000

Direct Inquiries to:
(216) 111-1111
P.O. Box 1234
Anytown, OH 44000

Checking Account 44-66-8800

Beginning Balance $794.65

Posting date	Credits	Debits	Type of Transfer	Terminal No.	Description of transfer
08 07		$50.00	01	#985	1000 S. Elm St.
08 07		25.00	01	#876	Main St.
08 13	$114.13		03	#568	Chestnut/Oak St.
08 13		72.34	21		ABC Dept. Store.
08 15		278.49	51		Anytown Savings & Loan.
08 17	438.73		31		ACME Steel Corp.
08 20		23.86	41		1st Bk. of Anytown.
08 22		52.50	41		ABC Dept. St.
08 22		100.25	01	#24A	LaGuardia Airport, N.Y., N.Y.
08 23		88.00	21		Metropolis Dept. St., N.Y., N.Y.
08 24	704.65		31		Anytown Hospital.
08 27		59.64	05	#456	E-Z Mall-OH Elec. Pr. Co.
08 27	65.00		03	#456	E-Z Mall.
08 29		43.42	21		A-1 Food Store.
08 29		300.00	61	#123	S. Anytown Br.

Ending Balance $1,023.66

Transfers

01—Withdrawal.
03—Deposit.
05—Payment.
21—Purchase.
31—Direct deposit.
41—Telephone bill payment.
51—Preauthorized debit.
61—Transfer to savings.

Section 205.10(a)—Preauthorized Transfers to a Consumer's Account. Section 205.10(a)(1), which implements § 906(b) of the Act, requires that where a consumer's account is scheduled to be credited by a preauthorized electronic fund transfer from the same payor at least once every 60 days, some form of notice must be provided to the consumer so that the consumer can ascertain whether or not the transfer occurred.

The introductory language provides that notification by the payor to the consumer that the transfer has been initiated satisfies this requirement. This notification can be made, for example, by providing payroll data to the consumer, and need not take the form of a separate notice. If the payor does not provide this notice, the institution holding the consumer's account must adopt one of three alternative procedures for furnishing notice. The Board notes that the institution need not use the same procedure for all accounts receiving preauthorized electronic transfers or for all types or series of transfers.

Paragraphs (a)(1) (i) and (ii) set forth two of the alternative notice procedures, and are virtually unchanged from the October proposal. These two procedures are oral or written notice every time a preauthorized transfer occurs, and oral or written notice every time a transfer fails to occur. Notice must be given within 2 business days after the transfer occurs, or if the institution has chosen to give negative notice, within 2 business days after the transfer was scheduled to occur.

Commenters on the October proposal suggested that the 2-business-day period in paragraph (a)(1)(ii) be expanded, perhaps to 5 business days. It was argued that a preauthorized transfer often fails to arrive when scheduled or even within 2 business days of that time, but does arrive within a slightly longer period. Changing the time period in this provision would allow an institution using the paragraph (a)(1)(ii) procedure to avoid sending a notice on such occasions. The Board believes that it is important for the notice to the consumer to be given as soon as reasonably possible after the scheduled date, so that the consumer will know that the funds have not been received as expected. For this reason, the Board has not changed the time period.

On the other hand, the Board believes that if an institution is using this procedure, and a transfer arrives late but within the 2-business-day period, then no notice need be sent.

Paragraph (a)(1)(iii) provides a third alternative, and permits an institution to establish a telephone line that a consumer may call to find out whether a preauthorized electronic fund transfer to the account has occurred. The telephone number to be used must be disclosed in the initial disclosures and on each periodic statement. In addition, the final rule requires that the telephone line be "readily available." The Board intends that institutions using this alternative establish systems with sufficient lines, equipment, and personnel so that consumers calling to inquire about transfers are able to have calls answered with little difficulty. A 24-hour line is not required, but the lines should be available at least during normal business hours.

Another aspect of availability is cost. Consumers should not have to make long-distance calls to inquire about their transfers. The Board expects telephone notice systems to be designed so as to

avoid such a result. An institution with branches and customers located throughout a particular State could designate a telephone number that consumers could call free of charge from anywhere in the State. Alternatively, the institution could designate local numbers for the different communities in the State.

Section 205.10(a)(1)(iii) of the October proposal would have given the consumer the option to accept or reject use of this alternative procedure. The final version leaves the choice of whether to use this procedure up to the institution.

As the costs of developing and operating a system of notification are significant, many commenters indicated that a financial institution would want to develop only one system of notice for its customers. A large number of financial institutions pointed out that under the October proposal, even if only a few consumers elected notice under paragraphs (a)(1) (i) or (ii), an institution that adopted the paragraph (a)(1)(iii) procedure would also have to develop and operate a system to provide one of the other forms of notice. As discussed in the Board's economic impact statement in section (3) below, the costs associated with either of these alternatives are expected to be considerable. Although some costs would be saved because certain consumers would elect notice under paragraph (a)(1)(iii), the institution would still incur the entire cost of developing the alternative notice system. The paragraph (a)(1)(i) alternative would involve, in addition to system development costs, costs for generating notices and for postage. These latter costs would be less under paragraph (a)(1)(ii), but system development and maintenance costs would be greater, due to the need to continually update what would likely be a very complex schedule of expected preauthorized credits. In addition, the Board has determined that from an operational standpoint notice is not feasible under paragraph (a)(1)(ii) as preauthorized credits do not occur on identical schedules, and therefore many financial institutions would not be able to provide notice in this manner.

Because of the costs of providing notice under paragraphs (a)(1) (i) or (ii), it was claimed that many institutions would not find it economically feasible to continue accepting electronic deposits to consumers' accounts. This might be particularly true with respect to preauthorized credits for which no payor notice is provided, principally Social Security and other Government benefit payments. The Board believes that the Federal recurring payments program (31 CFR 210) is beneficial both to the Government and to consumers, and is concerned about the viability of the program in the event many institutions elect to withdraw from participation.

Commenters also pointed out that the paragraph (a)(1)(iii) procedure has benefits for consumers, in that consumers can find out whether a particular transfer occurred much more quickly than when written notice is mailed by the institution. Other benefits to consumers are discussed in the economic impact statement below.

Some commenters suggested requiring institutions that use the paragraph (a)(l)(iii) alternative to establish systems whereby the information available by telephone would also be available at teller windows or electronic terminals, or both. The Board decided not to include these requirements, since most consumers would probably use the telephone rather than these other means.

Section 205.10(a)(2) applies to the same types of preauthorized transfers as § 205.10(a)(1). It requires a financial institution that receives such a transfer to credit the amount of the transfer to the consumer's account as of the day funds for the transfer are received. As noted in the October proposal, final action on this provision was postponed until Board consideration of Subpart C of Regulation J. Subpart C was issued in proposed form (44 FR 67995, November 28, 1979); therefore, final action on § 205.10(a)(2) is appropriate.

The October proposal would have required an institution to credit the amount of a transfer "no later than the business day on which the financial institution receives the funds from the payor." The provision as adopted requires crediting "as of the day the funds for the transfer are received."

The substitution of the phrase "as of the day" for "no later than the business day" addresses an operational problem. While in many instances financial institutions receive automated clearing house tapes in advance of the settlement date for items contained on the tapes, in other instances the tapes are received on the settlement date. Since the date funds are received is the settlement date, the October proposal would have required institutions in these circumstances to post transfers to consumers' accounts on the same day the tapes are received. Yet some institutions follow procedures under which items received on a given day are not posted until the next day, and these procedures may be very difficult to change. The change in regulatory language mentioned above permits institutions to follow their usual posting schedules, provided that consumers' accounts are credited as of the day funds are received.

Finally, although an institution must credit the consumer's account as of the date specified, it need not make the funds available for withdrawal or other use by the consumer by the same deadline. Thus, while an institution receiving a transfer on a particular day may honor checks presented that day drawing on the funds so transferred, it can refuse to allow cash withdrawals against those funds (via teller windows or ATMs) until the opening of business the following day.

Section 205.11—Procedures for Resolving Errors. Section 205.11 implements § 908 of the Act. The section sets forth the definition of "error," the steps the consumer must take to allege an error in order to receive the protection of the Act and regulation, and the procedures that an institution must follow to resolve the alleged error. It also includes a provision on the relationship of this section to the billing error procedures of Truth in Lending (12 CFR Part 226).

Section 205.11(a), implementing § 908(f) of the Act, defines an "error" for purposes of the regulation. Except as noted below, it is substantially unchanged from the October proposal. In the previous proposal, paragraph (a)(6) defined as an error any transfer not identified in accordance with the requirements of § 205.9 or "not recognized" by the consumer from the identification given on documentation required by §§ 205.9 or 205.10(a). A number of commenters objected to the latter provision. Some commenters stated that a consumer who indicates that a particular transfer is not recognizable is in fact saying the transfer is unauthorized, incorrect, or that additional information is needed. These types of errors are already covered under other paragraphs of the definition.

The Board agrees that where a consumer does not recognize a particular transfer, the consumer is likely to allege an error under one of the other paragraphs. Therefore, to eliminate confusion, the non-recognition language has been deleted from paragraph (a)(6).

Section 205.11(a)(7) defines as an error a consumer's request for required documentation, additional information, or clarification. Many commenters objected to defining such requests as errors. Financial institutions had two major concerns: (1) that every request

about the consumer's account would activate the error resolution procedures, and (2) that it is unclear what steps would be necessary to investigate and correct this type of error. The Board believes that the statute requires treatment of these consumer request as errors. The final rule contains two provisions, the last sentence of § 205.11(a)(7) and § 205.11(d)(1), intended to alleviate financial institutions' concerns.

Section 205.11(a)(7) also provides that routine balance inquiries and requests for documentation or information for tax or other record-keeping purposes are not errors. The October proposal used the term "business" rather than "record-keeping" purposes. Some commenters believed that use of the term "business" might be inappropriate, as the regulation deals only with transfers to and from consumers' accounts. Also, the term may be too narrow, as the documents could be requested for other purposes clearly unrelated to verifying the transfer, such as furnishing evidence in a domestic dispute. Other commenters were concerned that financial institutions would use this exception to avoid compliance with the error resolution procedures any time a consumer requested documentation or information. The Board intends this exception to apply only when there is a clear indication that the request is for purposes unrelated to determining whether an error has occurred.

Section 205.11(b)(1) contains the requirements for a notice of an error. The principal change from the October proposal is in format. The provisions on proper notice reflect two time periods. The first runs from the time that a financial institution transmits a periodic statement or updates a passbook. The second is available after an institution transmits additional information, clarification, or documentation in response to the type of error defined in § 205.11(a)(7). Some commenters were concerned that the October proposal did not make sufficiently clear that the consumer is entitled to a second 60-day period only where the documentation or information was requested in a timely manner. The final rule clarifies this point.

The October proposal required that the consumer provide "the type, the date, and the amount of the error, to the extent possible." Some commenters were concerned that a consumer who is unable to state the type or the date of an error would lose important rights under the Act and regulation. To make clear that all such identifying information need be provided by the consumer only to the extent possible, the modifying phrase now precedes the listing of the type, the date, and the amount.

A number of financial institutions asked whether they might require that, to be effective, notice be directed only to the disclosed telephone number or address. Footnote 10 states that a financial institution may impose such a requirement, provided the institution maintains reasonable procedures to refer the consumer to the proper number or address if the consumer uses other means. For example, if the consumer calls another number of the institution or contacts a teller with an error allegation, the person answering the phone or the teller must give the consumer the correct number and address.

The substance of § 205.11(b)(2), regarding the written confirmation requirement, remains unchanged.

In the October proposal, § 205.11(c)(1) required that the financial institution investigate the allegation, determine whether an error occurred, and transmit the results of the investigation to the consumer within 10 business days after receiving notice of an error, or within 45 days after receipt if the institution followed the recrediting procedures. Some commenters argued that § 908(c) of the Act allows an institution proceeding under that section 45 days to investigate without specifically addressing when the results must be transmitted, whereas § 908(a) requires both investigation and transmittal within 10 business days. Therefore, the commenters argued, under the 45-day alternative a financial institution that determines no error occurred has an additional 3 business days, under § 908(d), to transmit an explanation to the consumer.

After reconsideration, the Board agrees with this statutory interpretation. The regulation delineates the time limits in two separate paragraphs. Section 205.11(c)(1) contains the requirement that the institution investigate, determine whether an error occurred, and transmit the results to the consumer within 10 business days to avoid provisional recrediting. Section 205.11(c)(2) now provides that, as an alternative, the financial institution may take up to 45 calendar days after receipt of a notice of error to investigate and determine whether an error occurred, provided the financial institution recredits the amount, notifies the consumer of the recrediting, and gives the consumer full use of the provisionally recredited funds. This alternative does not grant the institution an absolute right to take 45 days in every case; the institution must investigate and make its determination promptly, but has an outside limit of 45 days in which to finish these steps.

Section 205.11(c)(2)(i) corresponds to § 205.11(c)(1)(ii)(A) of the October proposal. This section requires the institution to provisionally recredit the consumer's account in the amount of the alleged error. Some commenters requested clarification of the amount that should be recredited if only part of the transfer is questioned. If the statement reflects a $100 transfer and the consumer claims to have made a $10 transfer, for example, the institution would have to recredit $90, not $100.

The proposal also provided that the amount recredited would be subject to the $50 liability provisions of § 205.6(b), when an unauthorized electronic fund transfer may have occurred. A number of consumer representatives objected on the grounds that, in order to withhold any amount, the institution should meet the requirements for imposing such liability—that it had provided a means to identify the consumer to whom the device was issued, made the required disclosures, and established that the access device was accepted. The Board agrees that the financial institution must have a reasonable basis for believing both that an unauthorized electronic fund transfer may have been involved and that the requirements of § 205.6(a) have been satisfied. The final rule reflects this interpretation.

Section 205.11(c)(2)(ii) corresponds to § 205.11(c)(1)(i)(C) of the October proposal; §§ 205.11(c)(2)(iii) and (iv) replace § 205.11(c)(1)(ii)(B). The proposal required the institution to give the consumer full use of the provisionally recredited funds, including honoring any items drawn on those funds prior to the time that the consumer received the notice of debiting or could be expected to have received the notice, whichever was earlier. Since the treatment of items after debiting a provisionally recredited amount only arises where the institution determines that no error occurred, the provision requiring the honoring of certain items after debiting has been moved to paragraph (f)(2) of this section, and is discussed below. Section 205.11(c)(2)(iii) requires the institution to give the consumer full use of provisionally recredited funds during the investigation, and § 205.11(c)(2)(iv) incorporates the notice and other requirements of § 205.11(f)(2).

Section 205.11(c)(3) corresponds to § 205.11(c)(2) of the October proposal; the substance of this provision is unchanged.

Section 205.11(d)(1), regarding a financial institution's duties when a

consumer requests documentation, information, or clarification, is a new provision. As previously discussed, a number of financial institutions requested guidance on how to deal with errors of the type described in § 205.11(a)(7). The Board believes that the financial institution may comply with its duty to investigate, correct, and report by transmitting the requested documentation, information, or clarification. The institution must transmit this information or documentation in accordance with the 10-business-day or 45-calender-day time limits of § 205.11(c). The Board contemplates that in most cases the institution will be able to comply within 10 business days from receipt of the notice. An institution could, for example, print a facsimile draft of a receipt; it need not provide an actual copy of the documentation. If the institution needs more than 10 business days to resolve the error, it would have to provisionally recredit the amount of the transfer about which documentation or information is requested. This provision specifically allows the institution to debit the provisionally recredited amount upon transmittal of the requested documentation or information, provided it complies with the requirements of § 205.11(f).

Proposed § 205.11(d)(2) would have allowed a financial institution to limit its investigation to a review of its own records regarding a transfer to or from a third party with whom the institution does not have an agreement. A number of commenters wanted clarification of the types of agreements covered by this paragraph. A footnote to the final rule makes clear that participation in transactions under the federal recurring payments program (31 CFR 210), common membership in an ACH, or an agreement to be bound by the rules of an ACH or similar arrangement, is not an agreement within the meaning of this paragraph. This means, for example, that an institution receiving preauthorized transfers to a consumer's account over the ACH need not go beyond its "four walls" to determine whether the credit was in the proper amount. An agreement that a third party will honor an access device, on the other hand, would preclude a financial institution from limiting its investigation to its "four walls." If a merchant honors an access device in a shared system and a consumer asserts an error involving that transfer, for example, the financial institution must check with the merchant.

The provision also makes clear that the agreement with the third party must relate to the type of electronic fund transfer service in question to preclude the institution from using the exception. For example, two institutions may have an agreement to honor each other's access devices, but one may also be the originating financial institution for a payroll payment, while the other is the account-holding institution for a particular consumer. If the consumer alleges an error regarding the payroll (as opposed to transfer using the access device, for example), the account-holding institution need not go back to the originating financial institution to investigate the error. The provision also makes clear that an institution that issues an access device to a consumer whose account is held by another financial institution, for making transfers to or from that account, may not use this limited exception.

Some commenters were concerned that consumers would be left with no means to resolve certain errors if the "four walls" rule were adopted, since institutions would not have to go back to the ACH or to the third party to investigate an alleged error. They felt that a financial institution would be in a better position than a consumer to deal with these organizations, and should be required to do so.

It appears that most errors occur either with the consumer's financial institution or with the originator of the transfer, so that in these cases it may be more efficient for the consumer to go from the financial institution to the originating party if the financial institution's in-house investigation reveals no error. The Board will monitor any problems that occur for consumers where errors take place between the originating third party and the account-holding institution if the consumer is unable to have the error promptly resolved, and it will consider further action to remedy any problems should they arise.

Section 205.11(d)(3) of the October proposal would have permitted the financial institution to rely upon information supplied by third parties, without having to conduct an independent investigation to verify its accuracy. After considering the comments on this proposal, the Board has decided to omit it from the final regulation. Where there is no agreement with the third parties as to the type of electronic fund transfer service alleged in the error, the financial institution need only review the information in its own records in any case. Where there is an agreement between the financial institution and the third party, the Board contemplates that the financial institution will contact the third party and conduct a reasonable investigation with that third party. The Board does not, however, intend for the financial institution to undertake an independent investigation external to its own records and third parties. For example, if a consumer has purchased a coat using a POS terminal, the financial institution need not send an employee to the store to ascertain the correct cost of the coat.

Section 205.11(d)(3) corresponds to § 205.(d)(1) of the October proposal; the substance is unchanged.

Sections 205.11(e) (1) and (2) are substantially unchanged from the October proposal, except for one clarification. The proposal provided that the financial institution must transmit notice of the correction *or*, if applicable, notice that a provisional credit has been made final. The final rule has been clarified to show that the institution must transmit notice of the correction *and*, if applicable, notice that a provisional credit has been made final. This change has been made to indicate that a notice saying that a credit was made final, without saying that the account was corrected, would be insufficient.

Section 205.11(f)(1) sets forth the time limit within which a financial institution must send a written explanation after determining that no error occurred, or that an error occurred in a different manner from that described by the consumer. The general rule is that the explanation must be sent within 3 business days after the investigation is concluded. If the investigation is concluded on day 4, the explanation must be sent within 3 business days from day 4. An institution does not get 3 business days in which to send an explanation, however, in cases where it concludes the investigation on the tenth business day and has not provisionally recredited the consumer's account. The explanation must be sent that same day. The institution may take an additional 3 business days in which to transmit the explanation if it uses the 45-day alternative.

Section 205.11(f)(2)(i) requires the institution to give notice to the consumer upon debiting a provisionally recredited amount. The notice must contain the date and amount of debiting and the fact that the consumer will have use of the funds prior to being informed of debiting. As discussed below, the final rule modifies the use the consumer will have of the funds after debiting, and the notice provision in the final rules reflects that substantive change.

Section 205.11(f)(2)(ii) sets forth the institution's duty after debiting to honor certain items that overdraw the account,

up to the amount of the debit. As previously noted, the comparable proposed provision was § 205.11(c)(1)(ii)(B), which required institutions to honor any items using the debited funds drawn prior to the time that the consumer received or was presumed to have received the debiting notice. A number of financial institutions were concerned with the fraud potential where, for example, the consumer learns that the funds have been debited and withdraws cash at a teller or an ATM. To help alleviate concerns about fraud, while still assuring the consumer full use of the funds, particularly with third parties, the final rule imposes the duty to honor only with respect to third-party items, such as checks drawn to third parties and preauthorized debits, excluding items such as cash withdrawals.

Some commenters also asked that the Board specify a cut-off period for an institution's honoring items that were drawn using provisionally recredited funds that were later debited. Without a cut-off of some kind, an institution would have to monitor the consumer's account indefinitely. The final rule provides that an institution must honor the items for at least 5 business days after transmittal of the debiting notice. This provision enables an institution to avoid indefinite monitoring, while permitting consumers to have both full use of provisionally recredited funds until notice and a reasonable time period for replacing funds in the account, if necessary, to protect their position with third parties.

The final rule also makes clear that an institution may not impose charges for the overdraft. The institution could not, for example, impose any overdraft fee in connection with items honored under this provision. Similarly, an institution may not impose a finance charge on the amount of the overdraft until after 5 business days have elapsed. The rule would not preclude an institution from imposing any transaction or item charge (such as $.25 per check) that would be made if no overdraft had occurred.

Section 205.11(f)(3) of the final rule corresponds to § 205.11(f)(3) of the October proposal. That proposal provided for the consumer's right to receive copies of documents, if possible, or a report containing the data upon which the financial institution relied in reaching its conclusion. Many commenters were confused about the type of report they would have to give the consumer. As this option caused concern, and as Congress had evidenced a preference for the actual documentation upon which the institution relied, the Board has returned to the statutory language. The Board contemplates that the documentation will be a readily understandable form. For example, an institution that relies on magnetic tape in making its determination should translate and reproduce the data in a readable form.

Section 205.11(g) has been rewritten to clarify that an institution is relieved from further error resolution responsibility as to a particular assertion of error only if the consumer, after concluding that no error actually occurred, voluntarily withdraws the notice. A number of institutions objected to the limited nature of this provision, because they wanted to give oral explanations to consumers after determining that no error occurred. They wanted to be able to use this section to avoid a written explanation if the consumer agreed with the institution's conclusion. The Board believes that such an interpretation would undermine the statutory intent that consumers receive a written explanation when the institution determines that no error occurred.

Section 205.11(h), regarding reassertion of an error, is substantially unchanged. The first sentence has been modified to make clear that an institution must have fully complied with the requirements of the error resolution procedures with respect to that error to avoid further responsibilities as to the same error. A sentence has been added to avoid any implication that a consumer is precluded from asserting an error as defined in §§ 205.11(a)(1) through (6) after having asserted an error as defined in § 205.11(a)(7) regarding the same electronic fund transfer.

Section 205.11(i) sets forth the relation of this section to the billing error resolution procedures of 12 CFR Part 226 where a transfer also involves a credit extension under an overdraft agreement. The proposal provided that, as to the credit extension portion, Regulation E would supersede the Regulation Z error definition (§ 226.2(j)), notice requirements (§ 226.2(cc)), and general resolution section (§ 226.14(a)).

Commenters asked for clarification as to the proper adaption of certain Regulation E provisions (such as provisional recrediting) to the credit extension, and as to which provisions of § 226.14 would still apply. Where a consumer alleges an error regarding a transfer that also involves a credit extension under an overdraft agreement, the type of error alleged, the notice from the consumer, and the investigation by the institution would be difficult to separate into the respective debit and credit components. So that a consumer need not provide separate notices and so that an institution may consolidate its error resolution procedures for this type of account, a notice that is sufficient under Regulation E will activate all billing error protections, and the time frames of Regulation E will apply. If the institution follows the 45-day alternative, it need not send the consumer an acknowledgement within 30 days as otherwise required by § 226.14(a). Furthermore, provisional recrediting has no applicability to the credit extension portion of the transaction. Other provisions of § 226.14 still apply to the credit extension portion, such as the temporary prohibition on action to collect the disputed amount; the consumer's right to withold that portion of the minimum payment related to the amount in dispute; the limitation on adverse credit reports; and the right to reverse an automatic debit of disputed amounts.

In the supplementary information to the October proposal, the Board solicited comment regarding charges to the consumer for an institution's complying with the error resolution procedures. After due consideration of the comments, as well as the recommendation of its Consumer Advisory Council, the Board has decided not to address the question in the regulation for the present.

While the Board is refraining from action at this time, the Board is concerned with any chilling effect on the good faith assertion of errors (particularly errors involving small amounts) that might result from the imposition of charges. Furthermore, a charge for compliance may also violate § 914 of the Act by constituting a waiver of a consumer's rights conferred by the Act. For these reasons, the Board will carefully monitor the situation to ascertain whether and in what circumstances charges are imposed, and will reexamine the issue if it becomes aware of abuses or of a chilling effect on the exercise of rights.

Section 205.13—Administrative Enforcement. Technical changes have been made to §§ 205.13(b) and (c). In paragraphs (b)(2)(i) and (b)(4), references to the Division of Consumer Affairs have been changed to the Division of Consumer and Community Affairs.

Paragraph (c)(2) has been amended to require that any person that has been served with notice of an action filed under §§ 910, 915, or 916(a) of the Act must retain records of compliance with the Act and regulation for the prescribed time period. The regulation previously referred only to actions under §§ 915

and 916(a) of the Act and had omitted reference to actions under § 910, which may be brought separately.

Section 205.14—Services Offered by Financial Institutions Not Holding Consumer's Account. This section corresponds to § 205.4(b) of the October proposal. It has been redesignated as a separate section to emphasize that it has limited and narrowly defined applicability, unlike the remainder of § 205.4 which may affect many financial institutions.

The subject matter is the same as that of § 205.4(b) of the October proposal, namely, certain situations where one institution provides an EFT service and issues an access device to a consumer whose account is held at a second institution, and where no agreement exists between the institutions concerning the service. For example, Bank A issues an access device to a consumer with whom it does not have an account relationship, and makes terminals available through which the consumer can initiate electronic fund transfers. The consumer's account is held at Bank B. Bank A has no agreement with Bank B concerning this service. Transfers initiated via Bank A will be cleared through the ACH or by other means.

As noted in the October proposal, the Act and the regulation would impose various requirements on Bank B in the described situation absent a provision to the contrary. This is so despite the fact that Bank B has no control over or knowledge of many facets of the relationship between the consumer and Bank A. In addition, Bank B may not offer any EFT services of its own, and thus would have few or no Regulation E compliance responsibilities except for those arising from transfers made under Bank A's service.

In these circumstances, it appears both impracticable and inequitable to impose responsibility on Bank B for complying with Regulation E regarding transfers initiated through Bank A's service. For these reasons, the October proposal would have placed all compliance duties on Bank A and would have exempted Bank B entirely. The provision adopted by the Board retains the same general approach and places the major responsibility on Bank A, but does not completely eliminate compliance duties for Bank B. Before discussing this allocation, however, the Board wishes to clarify what the section applies to, since the comments on the October proposal indicated some misunderstanding on this point.

First, the only type of electronic fund transfer service covered by § 205.14 is one in which an institution issues an access device to a consumer (a debit card or a code to be used for accessing bill-payment services, for example). This is made clear by the addition of appropriate language to the introductory portion of § 205.14(a). The section does not deal, for example, with an institution whose "service" to a consumer consists of initiating preauthorized electronic payroll deposits on behalf of the consumer's employer, to the consumer's account at another financial institution. The same is true of an institution initiating preauthorized transfers out of an account, for example, to pay insurance premiums. In such cases compliance responsibilities would lie with the account-holding institution.

Second, many commenters were uncertain about what would constitute an agreement between the account-holding institution and the service-providing institution for purposes of this section. The Board intends an agreement for these purposes to mean a specific agreement in which two or more institutions agree to provide customers of some or all of them with an EFT service involving an access device, and agree as to their rights and obligations with respect to this service. A definition of "agreement," as used in § 205.14(a), has been added as § 205.14(c) to clarify this matter. The fact that two institutions both participate in ACH transactions, or have agreed to be bound by ACH rules, does not constitute an agreement within the meaning of this section. Similarly, any implied agreement that may arise from the fact that one institution accepts a series of electronic fund transfers originated by another institution is not an agreement for § 205.14 purposes.

On the other hand, note that if an ACH establishes arrangements in which ACH members agree to honor each other's EFT cards, for example, an agreement as defined by § 205.14(b) does exist. In that instance, the participating institutions may not rely on § 205.14 to allocate compliance duties, and would instead have to make that allocation part of their agreement concerning the EFT card service.

Note also that, as stated in § 205.14(c), an agreement need not run directly between financial institutions. It may consist of a set of individual agreements between each of a number of institutions and a corporation that participates in the operation of the service.

Details of compliance responsibilities are set forth in § 205.14(a) as to the service-providing institution and in § 205.14(b) as to the account-holding institution. The general rule on compliance by the service-providing institution in § 205.14(a) makes clear that the service-providing institution must comply with all requirements not only of the regulation but also of the Act, to the extent they relate to the service or transfers made via the service.

Sections 205.14(a)(1) through (6) set forth particular rules applicable to the obligations of the service-providing institution. Section 205.14(a)(1) deals with the situation in which unauthorized electronic fund transfers are made from a consumer's account. Since the account-holding institution is not, in general, required to comply with Regulation E, that institution may seek to hold the consumer responsible for the full amount of the unauthorized transfers. If this occurs, the service-providing institution must, under § 205.14(a)(1), reimburse the consumer for any amount in excess of the amount for which the consumer can be held liable under § 205.6.

Section 205.14(a)(2) permits the service-providing institution to limit information funished in the initial disclosures under § 205.7, the subsequent disclosures under § 205.8, and documentation under § 205.9 to that within its knowledge and the purview of its relationship with the consumer. For example, the service-providing institution would not have to include in documentation under § 205.9 any charges imposed by the account-holding institution or account balances in the account at that institution.

The remaining portions of § 205.14(a) deal with the error resolution requirements. Section 205.14(a)(3) provides that if the consumer initially seeks to have an error resolved by the account-holding institution, any resulting delay in notifying the service-providing institution will not nullify the consumer's right to trigger the error resolution process. This protection is necessary since the consumer may not realize that notificaion to the service-providing institution is required to start the error resolution process, and may believe that notification to the account-holding institution is another means or the only means.

Section 205.14(a)(4) requires that, if provisional recrediting of the consumer's account is necessary because an alleged error cannot be resolved within 10 business days, the service-providing institution shall comply by effectuating a provisional recredit to the consumer's account at the account-holding institution. As adopted, this provision makes clear that the service-providing institution must do this by transferring funds to the consumer's account, and that the time limit and amount specified

in § 205.11(c)(2)(i) are applicable. Section 205.14(a)(4) also requires that the service-providing institution comply with § 205.11(e)(1), final correction of an account, in the same manner—that is, by transferring funds to the consumer's account.

Section 205.14(a)(5) provides that the service-providing institution shall comply with the requirement to disclose the "date of the recrediting" under § 205.11(c)(2)(ii) by disclosing the date it initiated the transfer to the consumer's account.

Section 205.14(a)(6) is new. It is necessitated by the requirement, to be discussed further below, that the account-holding institution honor certain debits to the consumer's account after debiting provisionally recredited funds. Since the account-holding institution needs to know the relevant date regarding this requirement, the service-providing institution must notify the account-holding institution of that date. This provision requires the service-providing institution to reimburse the account-holding institution promptly for any overdrafts that may occur. The service-providing institution is the one that will have to arrange for appropriate reimbursement from the consumer

Section 205.14(b) deals with the duties of the account-holding institution. The introductory language provides that, in general, the account-holding institution need not comply with the requirements of the Act or regulation. Exceptions to this general rule appear in § 205.14(b) (1) and (2). Many of the comments on the October proposal urged that the account-holding institution have fairly extensive duties under Regulation E. The Board believes that imposing substantial compliance responsibilities on the account-holding institution would be impracticable and inequitable. However, the board also believes that it is important to assure that consumers will be able to have account errors completely investigated and resolved, and that participation in the process by both institutions is necessary. Therefore, § 205.14(b) (1) and (2) impose limited error resolution duties on the account-holding institution.

Section 205.14(b)(1) requires the account-holding institution to provide promptly, upon request of the service-providing institution, information or copies of documents needed in the investigation process or that the consumer is entitled to receive. This provision enables the investigation to encompass anything that might have occurred at either institution.

Section 205.14(b)(2) requires the account-holding institution to honor debits to the account as specified in § 205.11(f)(2). This obligation must be imposed on the institution since, when a provisional recredit has occurred and then it is determined that there was no error, the regulation allows the consumer's account to be debited and yet requires that certain items be honored even after the consumer has received the notice of debiting. Since these items will be presented for payment at the account-holding institution, that institution must honor them as required by § 205.11(f)(2). However, to lessen the burden this requirement imposes on the account-holding institution, § 205.14(a)(6) requires the service-providing institution to reimburse the account-holding institution promptly in the amount of any such overdraft.

Appendix A—Model Disclosure Clauses. The Board is adopting technical amendments to the headings of the sections and is issuing an additional model disclosure clause, § A(8)(b), that institutions may use in complying with the disclosure requirements of §§ 205.5(b)(2) and 205.7(a)(6) as to documentation of preauthorized transfers to a consumer's account. In addition, the Board is adopting technical amendments to § (A)(10)(a), previously issued in final form.

(3) *Economic Impact Analysis. Introduction.* Section 904(a)(2) of the Act requires the Board to prepare an analysis of the economic impact of the regulation that the Board issues to implement the Act. The following economic analysis accompanies sections of the regulation that are being reissued in final form.[1]

The analysis must consider the costs and benefits of the regulation to suppliers and users of electronic fund tranfer (EFT) services, the extent to which additional documentation, reports, records, or other paperwork would be required, the effects of the regulation on competition in the provision of electronic fund transfer services among large and small financial institutions, and the effects of the regulation on the availability of EFT services to different classes of consumers, particularly low-income consumers.

The regulation in part reiterates provisions of the statute and in part amplifies the statute. Therefore, the economic analysis considers impacts of both the regulation and the statute, and throughout the analysis a distinction will be made between costs and benefits of the regulation and those of the statute. *The following analysis assumes that the regulation and the Act have no relevant economic impact if they are less restrictive than current industry practices or state law. In this case, the regulation will not affect costs, benefits, competition, or availability and will not inhibit the market mechanism. The following analysis of the regulation and the Act is relevent only if their provisions are more constraining than those provisions under which institutions would otherwise operate.*

Section 205.2(g) redefines the term "electronic fund transfer" specifically to exlcude payments to third parties made at an automated teller machine (ATM) or other electronic terminal by check, draft, or similar instrument. Deposits to accounts at financial institutions, when made by check, draft, or similar instrument at an electronic terminal, are not excluded by the regulation, however. The exclusion allows ATMs to be used like traditional depositories for payments but not for deposits. Therefore, deposits will be subject to all the documentation and error resolution provisions of the Act. Probably the greatest cost implication arises in that financial institutions will be subject to the Act's error resolution requirements for deposits made at ATMs.

Financial institutions could realize cost economies by offering a depository service at ATMs; institutions would not have to install and maintian separate depository facilities. Consumers would be able to enjoy the benefits of greater convenience and security for their deposits. An additional benefit would be that consumers would obtain deposit receipts from ATMs; receipts are not available from other depositories. But because the regulation does not exempt institutions from compliance responsibillities for non-electronic deposits at ATMs, the associated costs may deter institutions from offering deposit service at terminals.

The regulatory coverage of non-electronic deposits at terminals is likely to confer greater relative cost on small financial institutions than on larger institutions to the extent that deposits make up a greater share of ATM activity at small institutions. One survey of 177 commercial banks with ATMs revealed that the ratio of dollars deposited to dollars withdrawn was 2.5 for the 52 banks with deposits of less than $100 million and was 2.0 for the 125 banks with deposits of $100 million or more.[2]

[1] The analysis presented here is to be read in conjunction with the economic impact analyses that accompany the Board's final rules at 44 FR 18474 (March 28, 1979), at 44 FR 33838 (June 13, 1979), at 44 FR 46433 (August 8, 1979), and at 44 FR 59468 (October 15, 1979).

[2] Linda Fenner Zimmer, *Cash Dispensers and Automated Tellers*, Fourth Status Report. Park Ridge, N.J.: August 1977, p. 105.

Financial institutions seeking to enter the market for EFT services might be deterred from offering ATM services because deposits at ATMs are subject to the Act's provisions and, therefore, more costly to provide. Small institutions would be more likely to be deterred than large institutions.

The regulatory coverage of non-electronic deposits at terminals is not expected to affect low-income consumers differently from other consumers.

Section 205.7(a) is amended to make clear that consumers must be able to retain the written initial disclosure statement. Some institutions currently make required disclosures on account agreement forms that consumers sign and return to the institutions. Costs of creating and distributing disclosure statements in a form that consumers may retain will be passed on to consumers to some degree. This amendment is not expected to affect small financial institutions differently from larger institutions or low-income consumers differently from other consumers.

Section 205.9 implements the statutory requirements for EFT documentation. The Act requires that a written receipt be made available for every transfer at every electronic terminal. Since almost all existing terminals are equipped with printing devices, the Act's receipt requirement will impose little cost burden in rendering terminals obsolete. Institutions with printer-less terminals can be expected to withdraw those terminals from service; however, this could result in a substantial cost burden for the institutions and a loss of service to consumers.

Because most existing devices can print only numerals, any requirement to print information in alphabetic characters would force financial institutions to replace existing devices and incur substantial costs for new printers and related software. These costs would be reflected in higher costs or reduced availability of EFT to consumers.

To avoid these costs, the regulation specifically allows terminal transfers to be documented by numeric characters. Codes may be used, although in some cases use of codes is conditioned on their being explained on the receipt. These regulatory provisions are expected to assure that all required information is disclosed to the consumer at the terminal, without imposing unnecessary compliance costs on financial institutions.

The Act requires financial institutions to deliver periodic statements to the holders of most accounts accessible by EFT. Statements must be delivered at least monthly for each monthly or shorter cycle in which an EFT has occurred, or every three months if no electronic transfer has occurred.[3] This timing requirement will impose considerable cost burdens on many institutions that would otherwise issue periodic statements less frequently. The costs of increased statement frequency will be passed on to consumers to some degree in the form of higher EFT prices or reduced avialability of EFT services. These costs cannot be avoided because the Act sets the frequency for sending the statements.

Some small-balance account holders, including many low-income consumers, will be adversely affected by the Act's documentation requirements if, because their accounts will cost more to service, their accounts are closed or higher maintenance fees are charged. Some financial institutions have recently offered semi-annual or annual statement accounts as a lower-cost alternative to closing many low-balance accounts. Some of these accounts may be affected.

Another substantial cost burden may arise because the Act does not exempt inactive accounts from the periodic statement requirements. A financial institution would have to provide at least quarterly statements for nonpassbook inactive accounts that can be accessed electronically. A recent survey of a sample of Federal Reserve System member banks found the average cost of maintaining personal checking accounts to be $2.71 per account per month in 1978.[4] The cost of producing periodic statements for inactive accounts is embedded in this estimate and cannot be disaggregated. One commenter estimated an average cost of $0.25 for sending a statement to an inactive account, implying an approximate aggregate cost of $2.2 million in 1980.[5] Another commenter estimated that each statement would cost $0.52 to prepare and deliver. Lack of an exemption may encourage financial institutions to close inactive accounts, bar them from electronic access, or increase maintenance charges, thereby restricting the availability of electronic transfer accounts to consumers and increasing the cost of such accounts.

[3] Statutory exceptions ot the monthly statement requirement are reiterated in §§ 205.9 (c) and (d).

[4] Federal Reserve Bank of New York, *Functional Cost Analysis*. New York: Federal Reserve Bank of New York, 1979, p. 7.7.

[5] This assumes that 10 percent of an estimated 22 million consumer EFT accounts are inactive in any quarter and that the statements required by the Act would not otherwise be sent.

By requiring disclosure of the kinds of information categorized in § 205.9(b), the Act will impose data collection and handling costs on financial institutions. Institutions will be forced to employ additional resources for computer services. Periodic statement formats will have to be changed to accommodate the required disclosures of transfer data. Automated clearing houses and shared EFT systems will have to alter their data collection and transmission methods; more data will have to be interchanged to document transfers adequately. These factors will increase the cost of EFT services to consumers. The Act's requirement for descriptive periodic statements may, however, confer benefits indirectly by promoting the adoption of check truncation. Truncation, which reduces the volume and cost of paper check handling, is likely to be more readily accepted by consumers when descriptive periodic statements are available.

Periodic statements must disclose any fees or charges assessed by the financial institution for EFT services rendered during the statement period. The regulation reiterates this statutory requirement. The regulation adds the following provision. If a transfer is made at an electronic terminal, and if the terminal owner or operator is not providing the statement, then the transfer amount documented on the terminal receipt may include any fees or charges assessed for the transfer, provided the amount of the charge is disclosed either on the receipt itself or on a sign posted on or near the terminal. Furthermore, the aggregate amount documented on the receipt may be reproduced on the consumer's periodic statement by the account-holding institution.

While this regulatory provision may reduce the amount of record keeping and paperwork necessary to comply with the Act, it may give rise to three kinds of cost burden. First, consumers may find the aggregation of transfer amounts with transfer fees confusing, particularly if different terminal operators charge different fees. Second, the aggregation of transfer amounts with transfer fees may make terminal receipts and periodic statements more difficult to use as proof of payment because the exact amounts of transfers may be disguised. Third, financial institutions may experience an increase in error claims or requests for further information as consumers write or call to have aggregated amounts explained. Institutions can be expected to weigh this cost against the costs of additional data capture and handling necessary for

reporting terminal usage fees separately on periodic statements.

The Act requires financial institutions to identify on periodic statements the location of any terminal used to transfer funds and to identify all third parties to or from whom funds are transferred. Three alternative methods for identifying terminal location are provided by the regulation. Furthermore, the regulation specifies that third parties must be identified by name. Names are likely to be among the most costly information to provide on the periodic statement because they are non-numeric, in some cases must be entered into the data stream manually, and must be linked with the numeric data associated with electronic transfers. The ultimate cost of documenting third-party names will depend on how electronic transfers are made. Recurring payments, especially for large-volume payors or payees, are likely to be less costly to document because names can be kept on file, readily transmitted with other payment data, and readily reproduced on periodic statements. Non-recurring payments will require that third-party names be added manually to the data stream.

The statute requires that initiation dates for all transfers be set forth on terminal receipts and on periodic statements. The regulation modifies this requirement for periodic statements by providing that they need set forth only the date each transfer was debited or credited to the consumer's account. This provision will spare institutions from capturing and reporting the initiation date, thereby reducing recordkeeping and the costs of compliance. Dates of value transfer, however, are necessary information for the consumer to determine when payments actually occurred.

The Act's requirement for descriptive periodic statements after May 10, 1980, will probably have a relatively greater adverse cost effect on small institutions than on larger institutions. Timely statement redesign and changes in computer hardware and software will lead to fixed costs that larger institutions can spread over larger account bases. The effective date of the final rule allows relatively little time for institutions to make necessary changes to comply, and many instititutions are likely to incur adjustment costs because of rushed compliance efforts.

Documentation requirements of the Act and regulation are not expected to confer extraordinary costs or benefits on low-income consumers, except for the potential impact on small-balance account holders noted above.

Section 205.10(a) regulates the documentation of preauthorized credits to consumer accounts. The Act requires that financial institutions provide notice that preauthorized credits have or have not been made. An exception exists only for cases in which the payor provides positive notice that the transfer has been initiated. This statutory notice requirement is intended to assure that consumers have current information regarding the availability of funds scheduled to be received.[6]

The regulation specifies alternative means by which institutions may provide notice. First, the regulation provides that notice may be transmitted orally or in writing. Institutions can choose the telephone system, the mails, or other means of communication, so that compliance can be achieved at least cost. Notice must be transmitted within 2 business days after the electronic transfer or, in the case of negative notice, within 2 business days after the scheduled transfer date. Under the positive and negative notice alternatives, consumers are insured that notification will occur promptly.

The cost to a financial institution of generating a positive notice can be assumed to be at least $0.17, which is the Treasury Department's estimated cost of producing and mailing a paper check. This estimate assumes a cost of $0.04 to generate a written notice using a highly automated high-volume information handling system and a cost of $0.13 for pre-sorted first-class postage. Only the largest institutions could attain processing volumes high enough to realize the scale economies inherent in the Treasury estimate of $0.17 per item. A cost of $0.20 per item is therefore considered to be a more representative minimum estimate for financial institutions.

Direct payments of Social Security and Federal employee pension benefits comprise the largest class of preauthorized electronic credits subject to the Act. The Treasury Department, as payor, does not currently provide any form of notice to payees. At the present rate of approximately 12 million electronic transfers per month, assuming no further expansion in the direct desposit program, and using the estimated cost, of $0.17 per notice, the Treasury would incur costs of about $25 million annually by sending positive notices. Financial institutions, assuming a cost of $0.20 per notice, would incur an annual cost of about $29 million if they had to provide positive notice to recipients of Treasury electronic transfers. They might reduce these costs by including notices with periodic statements and by cycling statements for some consumers to fall within the 2-day notice limit.

The cost of providing negative notices is likely to exceed positive notice costs because financial institutions would have to maintain and update a schedule for all expected preauthorized credits. It would be difficult and costly for institutions to monitor the payment schedules set by numerous payors. Moreover, mailed negative notices would likely take at least 2 days, on average, to reach consumers, so that their information value would be diminished.

The cost of providing positive or negative notice would substantially eliminate the benefits of automatic direct deposit systems because the cost of the notices would exceed the savings from not producing and mailing paper checks. Together with the following regulatory alternative, however, the positive and negative notice provisions confer the benefit of offering a choice of compliance methods.

The regulation further specifies that an institution may furnish notice by responding to consumer-initiated telephone inquiries about particular preauthorized credits. If an institution chooses this method, it must make a telephone line readily available for these consumer inquiries. The telephone alternative is likely to be the least-cost method of compliance for most financial institutions. It will cause the least increase in record keeping and paperwork of the alternatives available. Consumers as a group would receive less information from financial institutions regarding preauthorized credits, but, on request, the same information would be available that would be automatically provided under the positive or negative notice alternatives. Therefore, consumers as a group are unlikely to be disadvantaged by receiving less information, while they may benefit from reduced notice costs, more rapidly available notice than with the positive or negative notice alternatives, and a reduction in unwanted information.

Finally, to implement the Act's exception for cases in which the payor gives notice to preauthorized credits, the regulation provides that payors may inform consumers that credits have been initiated. That is, the notices from payors do not have to guarantee that electronic transfers have actually been completed, only that they have been

[6] A further provision of § 205.10(a) requires financial institutions to credit preauthorized transfers to consumer accounts no later than the day the transfers are received. This insures the consumer benefit of prompt availability of preauthorized credits.

initiated. The Act and regulation therefore eliminate the need for costly duplication of the notices that are provided by payors. Many employees receive payroll slips that indicate the dates and amounts of preauthorized electronic credits. The benefit to these employees of receiving additional notice is likely to be outweighed by the cost to financial institutions and ultimately to consumers of providing the additional notice. The Board will continue to assess costs and benefits associated with the notice provisions for preauthorized credits.

Small financial institutions are expected to benefit from the greater flexibility of the regulatory provisions relative to the statutory provisions. Under the regulation, all institutions have a wider range of compliance methods from which to choose. Small institutions will be less constrained by the regulation than by the Act and therefore more likely to be able to offer EFT services to consumers. Low-income consumers are not expected to experience extraordinary costs or benefits relative to other consumers as a result of the regulatory provisions for preauthorized credits.

Section 205.11 of the regulation reiterates the Act's error resolution provisions, adding specific deadlines in some cases, increasing the number of procedural options, and clarifying the definition of error for purposes of resolution. The Act and regulation are designed to encourage prompt resolution of alleged EFT errors. Prompt resolution benefits both consumers and financial institutions by reducing payment delays, lessening uncertainty, and increasing the effectiveness of the EFT payments mechanism.

Consumers receive a number of specific protections from the error resolution procedure. Consumers are entitled to prompt investigation of their error claims, prompt correction of errors, provisional recrediting of disputed amounts should the financial institution take longer than 10 business days to investigate, copies of documents upon which the institutions relied, and prompt notice from the institution of various procedural steps it has taken. It is not possible to predict the magnitude of financial benefits consumers will enjoy from these protections. The provisional recrediting rule is a consumer protection that will benefit low-income consumers relatively more by protecting them from "catastrophic" loss of the use of their funds.

These consumer protections are not guaranteed, however, if the consumer, in alleging an error, fails to comply with a number of provisions of the Act and the regulation. First, the consumer must act in a timely manner to allege that an error has occurred—that is, within 60 days after the financial institution has transmitted documentation reflecting the alleged error. Second, the consumer must provide information that enables the institution to identify the consumer's account and the nature of the problem. Third, if the consumer fails to comply with the financial institution's request for a written confirmation of error within 10 business days after an oral assertion, the consumer loses the right to provisional recrediting of disputed amounts; while the aggregate economic impact of this provision is not likely to be significantly large, some consumers may suffer from the unavailability of disputed amounts during more prolonged error investigations.

The Act will impose substantial compliance costs on financial institutions for error resolution. Potentially one of the largest costs of the Act could result from forced recrediting of disputed amounts. Institutions that recredit disputed amounts expose themselves to the possible withdrawal and loss of those funds to persons acting fraudulently or in a financially irresponsible manner. The provisional recrediting rule will serve as an incentive for financial institutions to resolve errors speedily so that provisional recrediting will not be necessary.

Allocating staff and other resources to error investigation and providing the required notices, explanations, and documents will prove costly to financial institutions. The Act and regulation require an institution to deliver written explanations of findings in cases where it determines that no error occurred or that an error occurred in a different manner or amount from that alleged by the consumer. One institution with relatively extensive EFT experience commented that 96 percent of alleged errors turn out not to be errors; under the Act, written explanations will be required for all such allegations.

Because of the broad definition of error and of notice of error in the Act and regulation, financial institutions may have to regard a large proportion of consumer inquiries and questions as error allegations. The legal, clerical, and administrative costs of furnishing written explanations for cases in which no error occurred are likely to be great. Substantial costs may result because institutions may feel safer formally investigating inquiries they are not certain are error claims. The liability provisions of § 915 and the treble damages provision of § 908 of the Act give institutions an incentive to conduct investigations for a larger class of consumer inquiries and allegations in order to reduce liability exposure.

Commenters made estimates of average error resolution costs that ranged from $3.50 to $12.00 per error allegation. One commenter estimated an aggregate national cost of more than $75 million to resolve errors in 1980 were the statute to apply for the full year.[7] Commenters' estimates of the average cost of providing documentation pursuant to § 205.11(f)(3) ranged from $3 to $12 per request. One commenter, estimating an average cost of $12 per request, predicted a nationwide cost of $26 million in 1980 for providing requested error resolution documentation alone.[8]

On the other hand, the regulation will limit costs by specifically excluding certain inquiries from the error resolution procedure, freeing institutions from compliance responsibility if a consumer withdraws an error claim, and freeing institutions from the responsibility to investigate reasserted errors. In addition, the regulation provides that an institution need not investigate error allegations beyond using the information available to it directly, except where the institution has an agreement with a third party, as in the case of point-of-sale terminals operated under agreement with a merchant. This provision will limit the costs of investigation.

Uncertainties and possible costs associated with error resolution may give financial institutions an incentive to restrict EFT services to consumers who have demonstrated a high degree of financial responsibility. This may result in higher costs for all EFT users if system costs must be spread over fewer users, and it may lead to reduced availability of EFT services to low-income consumers, to the extent that low-income consumers are less likely to have had accounts at institutions and therefore to have established records of financial responsibility.

Small financial institutions may find the costs of error investigation to be proportionately greater drains on EFT profitability than larger institutions. Small institutions may also find error resolution aids such as terminal surveillance cameras to be relatively too

[7] This assumes 1.5 billion consumer EFT transactions in 1980, of which 1 percent result in some kind of error allegation as defined by the Act and regulation. It further assumes an average cost per resolution of $5.00

[8] This assumes that 2.2 million requests for such documentation are made in 1980, or an average of one request per year for every 10 consumer EFT accounts.

costly. The error resolution rules thus appear to place small financial institutions at some competitive disadvantage in the provision of EFT services.

Section 205.14 allocates statutory compliance responsibilities for cases in which a consumer accesses an account at one financial institution ("account-holding institution") using an access device issued by another financial institution ("service-providing institution") at which the consumer has no account. This provision applies only when there is no agreement, direct or indirect, between the institutions regarding the service.

In the absence of any regulatory provision to the contrary, account-holding institutions would be forced into a duplication of disclosures, documentation, notices, and error resolution efforts that would greatly increase the compliance costs for transfers of this type. Consumers may be confused or mislead by the duplications. Moreover, account-holding institutions would be forced to bear a heavy compliance burden for services they do not directly offer to their customers and over which they have little or no control.

The regulation explicitly exempts account-holding institutions from all compliance responsibilities for such transfers, except for two provisions. First, account-holding institutions must cooperate with service-providing institutions by promptly furnishing them with any relevant information or documentation they request. Second, account-holding institutions must give consumers full use of funds provisionally recredited by the service provider pursuant to § 205.11(c)(2)(iii). These requirements further assure the protection of consumers and are not likely to impose significant compliance cost burdens on account-holding institutions. The regulatory provision as a whole will greatly reduce the documentation, record keeping, and paperwork necessary for compliance with the Act.

Consumers may be subject to less protection and greater potential economic losses under this regulatory provision than under the Act, however. If a consumer alleges an error to the account-holding institution, the institution has no duty under the regulation to comply with the statutory error resolution procedures. While § 205.14 allows a "reasonable" extension of the § 205.11(b)(1)(i) notice deadline if a delay in notifying the service-providing institution occurred because a consumer first notified the account-holding institution, the consumer has no other recourse under the regulation. Even though it is unlikely, it is possible that the consumer could suffer illiquidity, inconvenience, or embarrassment from dishonored items because the account-holding institution is excluded from coverage by the regulation.

It is expected that the benefits will outweigh the costs of this allocation scheme and that no significant loss of consumer protection will result. The Board, in carrying out its monitoring and reporting obligations under the Act, will continue to assess the effects of this provision. Modifying amendments can be made as appropriate and necessary.

This regulatory provision is likely to benefit small financial institutions more because they are more likely to be account holders than service providers.[9] This provision is not expected to affect low-income consumers differently from other consumers.

(4) *Comments on Previously Adopted Sections. Section 205.7(b).* A number of inquiries have been received regarding delivery of disclosures required under § 205.7(b) for accounts in existence on May 10, 1980. The Board notes that a financial institution may comply by enclosing disclosures with a statement mailing that goes to all its customers. Distribution need not be restricted to those customers who have contracted for EFT services (or for a specific EFT service). It is permissible, for example, to send disclosures about an ATM service to all account-holders and not just to those who have received an access device.

Section 205.10(b). Sections 205.10(b), (c), and (d) were adopted in final form in October. A number of comments were received concerning § 205.10(b), which provides that preauthorized electronic fund transfers from an account may be authorized by the consumer only in writing, and that a copy of the authorization must be given to the consumer.

Commenters asked whether § 205.10(b) applies to authorization agreements entered into before May 10, the effective date of this section. The Board interprets § 205.10(b) as applying only prospectively. Thus, no new authorization need to be obtained as to preexisting agreements.

Commenters also asked whether it is necessary to obtain new authorizations from consumers expressly authorizing electronic debits, if the existing authorizations merely authorize the payee (or the financial institution) to debit the consumer's account, without specifying whether the debiting is to occur electronically or by paper means. It is the Board's position that if the authorization from the consumer is broad enough to encompass electronic transfers, the regulation does not require that a new form be obtained.

(5) Pursuant to the authority granted in 15 U.S.C.A. 1693b, the Board hereby amends Regulation E, 12 CFR Part 205, effective May 10, 1980, as follows:

1. Section 205.2 is amended by revising the heading, adding a sentence at the end of paragraph (g), and by adding paragraph (m), to read as follows:

§ 205.2 Definitions and rules of construction.

* * * * *

(g) "Electronic fund transfer" * * * The term does not include payments made by check, draft, or similar paper instrument at an electronic terminal.

* * * * *

(m) Footnotes have the same legal effect as the text of the regulation.

§ 205.4 [Amended]

2. Section 205.4 is amended by redesignating paragraph (c) as paragraph (b) and paragraph (d) as paragraph (c).

3. Section 205.5(a)(3) is amended, to read as follows:

§ 205.5 Issuance of access devices.

(a) *General rule.* * * * (3) As a renewal of, or in substitution for, an access device issued before February 8, 1979 (other than an accepted access device, which can be renewed or substituted under paragraph (a)(2) of this section), provided that the disclosures set forth in §§ 205.7(a)(1), (2), and (3) accompany the renewal or substitute device; except that for a renewal or substitution that occurs before July 1, 1979, the disclosures may be sent within a reasonable time after the renewal or substitute device is issued.

* * * * *

4. The introductory clause to § 205.7(a) is amended, to read as follows:

§ 205.7 Initial disclosure of terms and conditions.

(a) *Content of disclosures.* At the time a consumer contracts for an electronic fund transfer service or before the first

[9] A recent survey of all U.S. commercial banks showed that 12 percent of banks with assets of less than $100 million had retail banking machines, while 54 percent of banks with asssets of $100 million or more had retail banking machines. See David A. Walker, "An Analysis of Financial and Structural Characteristics of Banks with Retail EFT Machines," Working Paper No. 79–1. Washington, D.C.: Federal Deposit Insurance Corporation, 1979, p. 5a.

electronic fund transfer is made involving a consumer's account, a financial institution shall disclose to the consumer, in a readily understandable written statement that the consumer may retain, the following terms and conditions of the electronic fund transfer service, as applicable:

* * * * *

5. The final sentence of § 205.8(a) is amended, to read as follows:

§ 205.8 Change in terms; error resolution notice.

(a) *Change in terms.* * * * However, if such a change is to be made permanent, the financial institution shall provide written notice of the change to the consumer on or with the next regularly scheduled periodic statement or within 30 days, unless disclosure would jeopardize the security of the system or account.

* * * * *

6. Sections 205.9, 205.10(a), and 205.11 are added, to read as follows:

§ 205.9 Documentation of transfers.

(a) *Receipts at electronic terminals.* At the time an electronic fund transfer is initiated at an electronic terminal by a consumer, the financial institition shall make available [2] to the consumer a written receipt of the transfer(s) that clearly sets forth the following information, as applicable:

(1) The amount of the transfer. A charge for the transfer may be included in this amount if the terminal is owned or operated by a person other than the financial institution holding the consumer's account, provided the amount of the charge is disclosed on the receipt and on a sign posted on or at the terminal.

(2) The calendar date the consumer initiated the transfer.

(3) The type of transfer and the type of the consumer's account(s) [3] to or from which funds are transferred, such as "withdrawal from checking," "transfer from savings to checking," or "payment from savings." These descriptions may be used for transfers to or from accounts that are similar in function to checking accounts (such as share draft or negotiable order of withdrawal accounts) or to savings accounts (such as share accounts). Codes may be used only if they are explained elsewhere on the receipt.

(4) A number or code that uniquely identifies the consumer initiating the transfer, the consumer's account(s), or the access device used to initiate the transfer.

(5) The location (in a form prescribed by paragraph (b)(1)(iv) of this section) of the terminal at which the transfer was initiated or an identification (such as a code or terminal number).

(6) The name of any third party to or from whom funds are transferred; a code may be used only if it is explained elsewhere on the receipt. This requirement does not apply if the name is provided by the consumer in a form that the electronic terminal cannot duplicate on the receipt.

(b) *Periodic statements.* For any account to or from which electronic fund transfers can be made, the financial institution shall mail or deliver a statement for each monthly or shorter cycle in which an electonic fund transfer has occurred, but at least a quarterly statement if no transfer has occurred. The statement shall include the following, as applicable:

(1) For each electronic fund transfer occurring during the cycle,[4]

(i) The amount of the transfer. If a transfer charge was added at the time of initiation by the owner or operator of an electronic terminal in accordance with paragraph (a)(1) of this section, that charge may be included in the amount of the transfer.

(ii) The date the transfer was credited or debited to the consumer's account.

(iii) The type of transfer and the type of the consumer's account(s) to or from which funds were transferred.

(iv) For each transfer initiated by the consumer at an electronic terminal, the location that appeared on the receipt or, if an identification (such as a code or terminal number) was used, that identification and one of the following descriptions of the terminal's location:

(A) The address, including number and street (the number may be omitted if the street alone uniquely identifies the terminal location) or intersection, city, and state or foreign country; [5]

(B) A generally accepted name for a specific location (such as a branch of the financial institution, a shopping center, or an airport), city, and state or foreign country; [6] or

(C) The name of the entity at whose place of business the terminal is located or which owns or operates the terminal (such as the financial institution [7] or the seller of goods or services), city, and state or foreign country.[8]

(v) The name of any third party to or from whom funds were transferred.[9] If the transfer was initiated by the consumer at an electronic terminal and a code was used on the receipt to identify the third party, the statement shall include the code and the name of the third party.

(2) The number(s) of the consumer's account(s) for which the statement is issued.

(3) The total amount of any fees or charges, other than a finance charge under 12 CFR 226.7(b)(1)(iv), assessed against the account during the statement period for electronic fund transfers or for the right to make such transfers.

(4) The balances in the consumer's account(s) at the beginning and at the close of the statement period.

(5) The address and telephone number to be used for inquiry or notice of errors, preceded by "Direct Inquiries To:" or similar language. Alternatively, the address and telephone number may be provided on the notice of error resolution procedures set forth in § 205.8(b).

(6) If the financial institution uses the notice procedure set forth in § 205.10(a)(1)(iii), the telephone number the consumer may call to ascertain whether a preauthorized transfer to the consumer's account has occurred.

(c) *Documentation for certain passbook accounts.* In the case of a consumer's passbook account which may not be accessed by any electronic fund transfers other than preauthorized transfers to the account, the financial institution may, in lieu of complying with paragraph (b) of this section, upon presentation of the consumer's passbook, provide the consumer with documentation by entering in the passbook or on a separate document the amount and date of each electronic fund transfer made since the passbook was last presented.

(d) *Periodic statements for certain non-passbook accounts.* If a consumer's account other than a passbook account may not be accessed by any electronic

[2] A financial institution may arrange for a third party, such as a merchant to make the receipt available.

[3] If more than one account of the same type may be accessed by a single access device, the accounts must be uniquely identified.

[4] The information required by paragraph (b)(1) of this section may be provided on accompanying documents. Codes explained on the statement or on accompanying documents are acceptable.

[5] The city and state may be omitted if all the terminals owned or operated by the financial institution providing the statement (or by the system in which it participates) are located in the same city. The state may be omitted if all the terminals owned or operated by the financial institution providing the statement (or by the system in which it participates) are located in that state.

[6] See footnote 5.

[7] If the financial institution providing the statement owns or operates terminals at more than one location, it shall describe the location of its electronic terminals by use of paragraphs (b)(1)(iv)(A) or (B) of this section.

[8] See footnote 5.

[9] A financial institution need not identify third parties whose names appear on checks, drafts, or similar paper instruments deposited to the consumer's account at an electronic terminal.

fund transfers other than preauthorized transfers to the account, the financial institution need provide the periodic statement required by paragraph (b) of this section only quarterly.

(e) *Use of abbreviations.* A financial institution may use commonly accepted or readily understandable abbreviations in complying with the documentation requirements of this section.

§ 205.10 Preauthorized transfers.

(a) *Preauthorized transfers to a consumer's account.* (1) Where a consumer's account is scheduled to be credited by a preauthorized electronic fund transfer from the same payor at least once every 60 days, except where the payor provides positive notice to the consumer that the transfer has been initiated, the financial institution shall provide notice by one of the following means:

(i) The institution shall transmit oral or written notice to the consumer, within 2 business days after the transfer, that the transfer occurred;

(ii) The institution shall transmit oral or written notice to the consumer, within 2 business days after the date on which the transfer was scheduled to occur, that the transfer did not occur; or

(iii) The institution shall provide a readily available telephone line that the consumer may call to ascertain whether or not the transfer occured, and shall disclose the telephone number on the initial disclosures required by § 205.7 and on each periodic statement.

(2) A financial institution that receives a preauthorized transfer of the type described in paragraph (a)(1) of this section shall credit the amount of the transfer as of the day the funds for the transfer are received.

* * * * *

§ 205.11 Procedures for resolving errors.

(a) *Definition of error.* For purposes of this section, the term "error" means:

(1) A unauthorized electronic fund transfer;

(2) An incorrect electronic fund transfer to or from the consumer's account;

(3) The omission from a periodic statement of an electronic fund transfer to or from the consumer's account that should have been included;

(4) A computational or bookkeeping error made by the financial institution relating to an electronic fund transfer;

(5) The consumer's receipt of an incorrect amount of money from an electronic terminal;

(6) An electronic fund transfer not identified in accordance with the requirements of §§ 205.9 or 205.10(a); or

(7) A consumer's request for any documentation required by §§ 205.9 or 205.10(a), or for additional information or clarification concerning an electronic fund transfer. This includes any request for documentation, information, or clarification in order to assert an error within the meaning of paragraphs (a)(1) through (6) of this section. It does not include a routine inquiry about the balance in the consumer's account or a request for duplicate copies of documentation or other information that is made only for tax or other record-keeping purposes.

(b) *Notice of error from consumer.* (1) A notice of an error is an oral or written notice from the consumer that

(i) Is received by the financial institution [10] no later than 60 days after the institution

(A) Transmitted a periodic statement or provided documentation under § 205.9(c) on which the alleged error is first reflected; or

(B) Transmitted additional information, clarification, or documentation described in paragraph (a)(7) of this section that was initially requested in accordance with paragraph (b)(1)(i)(A) of this section;

(ii) Enables the financial institution to identify the consumer's name and account number; and

(iii) Except for errors described in paragraph (a)(7) of this section, indicates the consumer's belief, and the reasons for that belief, that an error exists in the consumer's account or is reflected on documentation required by §§ 205.9 or 205.10(a), and indicates to the extent possible the type, the date, and the amount of the error.

(2) A financial institution may require a written confirmation to be received within 10 business days of an oral notice if, when the oral notice is given, the consumer is advised of the requirement and of the address to which confirmation must be sent.

(c) *Investigation of errors.* (1) After receiving a notice of an error, the financial institution shall promptly investigate the alleged error, determine whether an error occurred, and transmit the results of its investigation and determination to the consumer within 10 business days.

(2) As an alternative to the 10-business-day requirement of paragraph (c)(1) of this section, the financial institution shall investigate the alleged error and determine whether an error occurred, promptly but in no event later than 45 calendar days after receiving a notice of an error, and shall transmit the results of its investigation and determination to the consumer, provided

(i) The financial institution provisionally recredits the consumer's account in the amount of the alleged error (including interest where applicable) within 10 business days after receiving the notice of error. If the financial institution has a reasonable basis for believing that an unauthorized electronic fund transfer may have occurred and that it has satisfied the requirements of § 205.6(a), it may withhold a maximum of $50 from the amount recredited;

(ii) The financial institution, promptly but no later than 2 business days after the provisional recrediting, orally reports or mails or delivers notice to the consumer of the amount and date of the recrediting and of the fact that the consumer will have full use of the funds pending the determination of whether an error occurred;

(iii) The financial institution gives the consumer full use of the funds provisionally recredited during the investigation; and

(iv) If the financial institution determines that no error occurred and debits the account, the institution gives notice of the debiting and continues to honor certain items as required by paragraph (f)(2) of this section.

(3) A financial institution that requires but does not receive timely written confirmation of oral notice of an error shall comply with all requirements of this section except that it need not provisionally recredit the consumer's account.

(d) *Extent of required investigation.* (1) A financial institution complies with its duty to investigate, correct, and report its determination regarding an error described in paragraph (a)(7) of this section by transmitting the requested information, clarification, or documentation within the time limits set forth in paragraph (c) of this section. If the institution has provisionally recredited the consumer's account in accordance with paragraph (c)(2) of this section, it may debit the amount upon transmitting the requested information, clarification, or documentation.

(2) Except in the case of services covered by § 205.14, a financial institution's review of its own records regarding an alleged error will satisfy its investigation responsibilities under paragraph (c) of this section if the alleged error concerns a transfer to or from a third party and there is no

[10] A financial institution may require the consumer to give notice only at the telephone number or address disclosed by the institution, provided the institution maintains reasonable procedures to refer the consumer to the specified telephone number or address if the consumer attempts to give notice to the institution in a different manner.

agreement between the financial institution and the third party [11] regarding the type of electronic fund transfer alleged in the error.

(3) A financial institution may make, without investigation, a final correction to a consumer's account in the amount or manner alleged by the consumer to be in error, but must comply with all other applicable requirements of this section.

(e) *Procedures after financial institution determines that error occurred.* If the financial institution determines that an error occurred, it shall

(1) Promptly, but no later than 1 business day after its determination, correct the error (subject to the liability provisions of §§ 205.6 (a) and (b)), including, where applicable, the crediting of interest and the refunding of any fees or charges imposed, and

(2) Promptly, but in any event within the 10-business-day or 45-day time limits, orally report or mail or deliver to the consumer notice of the correction and, if applicable, notice that a provisional credit has been made final.[12]

(f) *Procedures after financial institution determines that no error occurred.* If the financial institution determines that no error occurred or that an error occurred in a different manner or amount from that described by the consumer,

(1) The financial institution shall mail or deliver to the consumer a written explanation of its findings within 3 business days after concluding its investigation, but in no event later than 10 business days after receiving notice of the error if the institution is proceeding under paragraph (c)(1) of this section. The explanation shall include notice of the consumer's right to request the documents upon which the institution relied in making its determination.

(2) Upon debiting a provisionally recredited amount, the financial institution

(i) Shall orally report or mail or deliver notice to the consumer of the date and amount of the debiting and the fact that the financial institution will honor checks, drafts, or similar paper instruments payable to third parties and preauthorized transfers from the consumer's account (using the provisionally recredited funds) for 5 business days after transmittal of the notice.

(ii) Shall honor checks, drafts, or similar paper instruments payable to third parties and preauthorized transfers from the consumer's account (without charge to the consumer as a result of an overdraft) for 5 business days after transmittal of the notice. The institution need only honor items that it would have paid if the provisionally recredited funds had not been debited.

(3) Upon the consumer's request, the financial institution shall promptly mail or deliver to the consumer copies of the documents on which it relied in making its determination.

(g) *Withdrawal of notice of error.* The financial institution has no further error resolution responsibilities as to a consumer's assertion of an error if the consumer concludes that no error did in fact occur and voluntarily withdraws the notice.

(h) *Reassertion of error.* A financial institution that has fully complied with the requirements of this section with respect to an error has no further responsibilities under this section if the consumer subsequently reasserts the same error, regardless of the manner in which it is reasserted. This paragraph does not preclude the assertion of an error defined in paragraphs (a) (1) through (6) of this section following the assertion of an error described in paragraph (a)(7) of this section regarding the same electronic fund transfer.

(i) *Relation to Truth in Lending.* Where an electronic fund transfer also involves an extension of credit under an agreement between a consumer and a financial institution to extend credit when the consumer's account is overdrawn or to maintain a specified minimum balance in the consumer's account, the financial institution shall comply with the requirements of this section rather than those of 12 CFR 226.2(j), 226.2(cc), and 226.14(a) governing error resolution.

7. Section 205.13(b)(2)(i), (b)(4) and (c)(2) are amended, to read as follows:

§ 205.13 Administrative enforcement.

* * * * *

(b) *Issuance of staff interpretations.*

* * * * *

(2)(i) * * * Any request for an official staff interpretation of this regulation shall be made in writing and addressed to the Director of the Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

* * * * *

(4) Pursuant to § 915(d) of the Act, the Board has designated the Director and other officials of the Division of Consumer and Community Affairs as officials "duly authorized" to issue, at their discretion, official staff interpretations of this regulation.

(c) *Record retention.*

* * * * *

(2) Any person subject to the Act and this regulation that has actual notice that it is being investigated or is subject to an enforcement proceeding by an agency charged with monitoring that person's compliance with the Act and this regulation, or that has been served with notice of an action filed under §§ 910, 915, or 916(a) of the Act, shall retain the information required in paragraph (c)(1) of this section that pertains to the action or proceeding until final disposition of the matter, unless an earlier time is allowed by order of the agency or court.

8. Section 205.14 is added, to read as follows:

§ 205.14 Services offered by financial institutions not holding consumer's account.

(a) *Compliance by service-providing institution.* Except as provided in this section, where a financial institution issues an access device to a consumer to be used for initiating electronic fund transfers to or from the consumer's account held by another financial institution, and the service-providing institution does not have an agreement with the account-holding institution regarding the service, the service-providing institution shall comply with all requirements of the Act and this regulation that relate to the service or the electronic fund transfers made by the consumer under the service. For this purpose, the following special rules shall apply:

(1) Section 205.6 shall require the service-providing institution to reimburse the consumer for unauthorized electronic fund transfers in excess of the limits set by that section.

(2) Sections 205.7, 205.8, and 205.9 shall require the service-providing institution to provide those disclosures and documentation that are within its knowledge and the purview of its relationship with the consumer.

(3) Section 205.11(b)(1)(i) shall require the service-providing institution to extend by a reasonable time the time periods within which notice of an error must be received if a delay in notifying the service-providing institution was due to the fact that the consumer

[11] Institutions do not have an agreement for purposes of paragraph (d)(2) of this section solely because they participate in transactions under the federal recurring payments program, or that are cleared through an automated or other clearing house or similar arrangement for the clearing and settlement of fund transfers generally, or because they agree to be bound by the rules of such arrangements. An agreement that a third party will honor an access device is an agreement for purposes of this paragraph.

[12] This notice requirement may be satisfied by a notice on a periodic statement that is mailed or delivered within the 10-business-day or 45-day time limits and that clearly identifies the correction to the consumer's account.

initially notified or attempted to notify the account-holding institution.

(4) Sections 205.11(c)(2)(i) and (e)(1) shall require the service-providing institution to transfer funds, in the appropriate amount and within the applicable time period, to the consumer's account at the account-holding institution.

(5) Section 205.11(c)(2)(ii) shall require the service-providing institution to disclose the date on which it initiates a transfer to effect the provisional recredit.

(6) Section 205.11(f)(2) shall require the service-providing institution to notify the account-holding institution of the date until which the account-holding institution must honor any debit to the account as required by § 205.11(f)(2). If an overdraft results, the service-providing institution shall promptly reimburse the account-holding institution in the amount of the overdraft.

(b) *Compliance by account-holding institution.* An account-holding institution described in paragraph (a) of this section need not comply with the requirements of the Act and this regulation with respect to electronic fund transfers to or from the consumer's account made by the service-providing institution, except that the account-holding institution shall comply with § 205.11 by

(1) Promptly providing, upon the request of the service-providing institution information or copies of documents required for the purpose of investigating alleged errors or furnishing copies of documents to the consumer; and

(2) Honoring debits to the account in accordance with § 205.11(f)(2).

(c) *Definition of agreement.* For purposes of this section, an agreement between the service-providing and the account-holding institutions regarding the electronic fund transfer service refers to a specific agreement(s) among institutions (or among institutions and another person that participates in the operation of the service) which sets forth the rights and obligations of the institutions with respect to a service involving the issuance of an access device to the consumer. Institutions do not have such an agreement solely because they participate in transactions that are cleared through an automated or other clearing house or similar arrangement for the clearing and settlement of fund transfers generally, or because they agree to be bound by the rules of such an arrangement.

9. Appendix A is amended by deleting the material enclosed in parentheses in each section caption, and substituting therefore the following: in § A(1), "§ 205.5(b)(3)"; in § A(2), "§ 205.7(a)(1)"; in § A(3), "§ 205.7(a)(2)"; in § A(4), "§ 205.7(a)(3)"; in § A(5), "§ 205.7(a)(4)"; in § A(6), "§ 205.7(a)(5)"; in § A(7), § 205.7(a)(9)"; in § A(8), "§ 205.7(a)(6)"; in § A(9), "§ 205.7(a) (6), (7), and (8)"; and in § A(10), "§ 205.7(a)(8)".

10. Appendix A is further amended by adding § A(8)(b) and by revising § A(10)(a), to read as follows:

Appendix A—Model Disclosure Clauses

* * * * *

Section A(8)—Disclosure of Right to Receive Documentation of Transfers (§ 205.7(a)(6))

* * * * *

(b) *Preauthorized credits.* If you have arranged to have direct deposits made to your account at least once every 60 days from the same person or company,

(we will let you know if the deposit is (not) made.)

(the person or company making the deposit will tell you every time they send us the money.)

(you can call us at [insert telephone number] to find out whether or not the deposit has been made.)

* * * * *

Section A(10)—Disclosure of Financial Institution's Liability for Failure To Make Transfers (§ 205.7(a)(8))

(a) *Liability for failure to make transfers.* If we do not complete a transfer to or from your account on time or in the correct amount according to our agreement with you, we will be liable for your losses or damages. However, there are some exceptions. We will not be liable, for instance:

- If, through no fault of ours, you do not have enough money in your account to make the transfer.
- If the transfer will go over the credit limit on your overdraft line.
- If the automated teller machine where you are making the transfer does not have enough cash.
- If the (terminal)(system) was not working properly and you knew about the breakdown when you started the transfer.
- If circumstances beyond our control (such as fire or flood) prevent the transfer, despite reasonable precautions that we have taken.
- There may be other exceptions stated in our agreement with you.

* * * * *

By order of the Board of Governors, January 30, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-3832 Filed 2-5-80; 8:45 am]

BILLING CODE 2-5-80-M

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Reg. E., Docket No. R-0272]

Electronic Fund Transfers; Documentation of Transfers

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is publishing for comment a proposal to delay the effective date of certain portions of the documentation requirements (§ 205.9) of Regulation E beyond May 10, 1980, the effective date of the Electronic Fund Transfer Act. The Board is publishing separately the final provisions of the regulation, including those sections that would be affected by this proposal.

DATE: Comments must be received on or before March 7, 1980.

ADDRESS: Comments may be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B2223, 20th and Constitution Avenue, N.W., Washington, D.C. between 8:45 a.m. and 5:15 p.m. Comments may also be inspected at Room B1122 between 8:45 a.m. and 5:15 p.m. All material submitted should refer to docket number R-0272.

FOR FURTHER INFORMATION CONTACT: Regarding the regulation: Dolores S. Smith, Section Chief, or Lynne B. Barr, Senior Attorney (202-452-2412), Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Regarding the economic impact analysis: Frederick J. Schroeder, Economist, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2584).

SUPPLEMENTARY INFORMATION: (1) *Introduction.* The Board has adopted in final form the provisions of Regulation E to implement the Electronic Fund Transfer Act (15 U.S.C.A. 1692b). Portions of the regulation were published earlier at 44 FR 18468 (March 28, 1979) and 44 FR 59464 (October 15, 1979). The remaining portions are being published today. (See the final rules document on Regulation E in this issue.) The regulation will become effective May 10, 1980.

The Board is proposing to delay beyond May 10 the effective date of certain portions of § 205.9 regarding documentation requirements. There are two proposals. The first proposal would permit financial institutions operating cash dispensers that do not generate terminal receipts to mail or deliver receipts to consumers on the business day following the transfer. As proposed, this provision would remain in effect until January 1, 1981. The second proposal relates to periodic statements, and would provide that the failure of a financial institution to disclose the terminal location and name of any third party to or from whom funds were transferred would constitute a violation of the Act or regulation only after August 10, 1980. The specific proposals are discussed in greater detail in section (2) below.

Section 904(a)(2) of the Act requires the board to prepare an analysis of the economic impact of the regulation that considers, among other things, the impact of the regulation on the various participants in electronic fund transfer systems, the effects upon competition in the provision of electronic fund transfer services among large and small financial institutions, and the availability of such services to different classes of consumers, particularly low-income consumers. Although this proposal does not contain a separate economic impact analysis, these issues are discussed below. This statement and the proposed amendments have been transmitted to Congress, as required by § 904(a)(4).

Because a prompt resolution of the issues addressed in the proposal amendments is necessary in view of the time remaining until May 10, the Board believes that an expedited rulemaking procedure is in the public interest. Accordingly, the expanded procedures set forth in the Board's policy statement of January 15, 1979 (44 FR 3957), will not be followed in connection with this proceeding.

(2) *Regulatory Provisions. Section 205.9(f)—Transitional terminal receipt requirements.* Section 205.9(a) requires that a financial institution make a receipt available to the consumer at the time an electronic fund transfer is initiated at an electronic terminal. It has come to the Board's attention that some terminals do not have the capability to comply with this requirement. It is the Board's understanding that these terminals, which are cash dispensers and do not perform any other transfer functions, cannot be modified to provide the consumer with a receipt at time of initiation. The Board is concerned that financial institutions may be unable to procure replacements for the number of machines currently in operation by May 10, and that a useful service to consumers may be eliminated if the machines are withdrawn from use on that date.

Commenters on the proposed regulation suggested that the Board provide a complete exception, for financial institutions operating such terminals, from the requirement that the receipt be made available at the time of initiation. The Board believes that a complete exception from this requirement is not justified, and proposes instead to set a new compliance deadline. The Board is proposing to delay the effective date of this requirement until January 1, 1981, for institutions operating such machines, provided that in the interim the institutions mail or deliver a written receipt to the consumer on the next business day after the transfer was initiated. That receipt must comply with the other requirements of § 205.9(a).

The Board solicits comment on the intention of institutions operating such cash dispensers regarding the continuation of this service, if the effective date remains May 10. Comment is solicited on the costs that would be incurred by financial institutions if these machines must be replaced by May 10. What losses would be incurred by institutions and consumers if such services were discontinued?

The Board also solicits comment on the costs of such replacement by the January 1 date, as well as on the costs that will be associated with the transmittal of the receipt to the consumer on the next business day. In addition, the Board solicits comment on any adverse impact the proposed amendment would have on consumers.

Section 205.9(g)—Delayed effective date for periodic statement requirements. Sections 205.9(b)(1) (iv) and (v) require, respectively, that the terminal location for terminal transfers and the name of any third party to or from whom funds were transferred be reproduced on or with the periodic statement. Comments on the Board's October proposal indicated that some financial institutions would find it difficult and perhaps impossible to comply with these periodic statement requirements by May 10. The Board is concerned that rushed compliance efforts to meet the May 10 effective date and substantial noncompliance with the regulatory requirements after that date would impose significant costs on financial institutions in the form of increased expenses and exposure to civil liability for violations. Section 904(c) of the Act permits the Board to provide in the regulation "for such classifications, differentiations, and other provisions * * * as in the judgment of the Board are necessary or proper to effectuate the purposes of this

title * * * or to facilitate compliance therewith." The Board is proposing to amend the regulation to provide that a failure to comply with the requirements of §§ 205.9(b)(1) (iv) and (v) shall not constitute a violation of the Act or the regulation until August 10, 1980, three months after the effective date of the Act and the other provisions of Regulation E.

Information is requested on the costs and specific operational problems that would be faced by financial institutions if compliance had to be achieved by May 10, including costs to modify current equipment, statement formats, and other system components to bring them into compliance. By how much could costs be reduced if the compliance deadline were extended for the proposed three-month period? Commenters should be as specific as possible. The Board also solicits comment on any adverse effects for consumers that would be occasioned by adoption of the amendment.

Section 906(f) of the Act, which provides that any documentation provided to the consumer shall constitute *prima facie* proof of payment to another person, becomes effective May 10. The Board intends that, if the proposed amendment is adopted, financial institutions would be required to supply the consumer with the necessary identification of the third party transferee during the interim period, should the consumer request it for use as proof of payment.

Further, any request by the consumer for additional information concerning a transfer incompletely identified on the periodic statement would constitute an error under § 205.11(a)(7) of the regulation. The financial institution would have to comply with the procedures for resolving errors set forth in § 205.11, if the request is made by the consumer in accordance with that section.

(3) Pursuant to the authority granted in 15 U.S.C.A. 1693b, the Board proposes to amend Regulation E (12 CFR Part 205), by adding paragraphs (f) and (g) at the end of § 205.9, to read as follows:

§ 205.9 Documentation of transfers.

* * * * *

(f) *Transitional terminal receipt requirements.* The failure of a financial institution to comply with the requirement of paragraph (a) of this section that a receipt be made available to the consumer at the time an electronic fund transfer is initiated at an electronic terminal shall not constitute a violation of the Act or this regulation unless the failure to comply occurs on or after January 1, 1981, provided

(1) The transfer occurs at an electronic terminal that

(i) Does not permit transfers other than cash withdrawals by the consumer, and

(ii) Cannot make a receipt available to the consumer at the time the transfer is initiated; and

(2) The financial institution mails or delivers a written receipt to the consumer that complies with the other requirements of paragraph (a) of this section on the next business day following the transfer.

(g) *Delayed effective date for periodic statement requirements.* The failure of a financial institution to comply with the requirements of paragraphs (b)(1) (iv) and (v) of this section shall not constitute a violation of the Act or this regulation unless the failure to comply occurs on or after August 10, 1980.

By order of the Board of Governors, January 30, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-3665 Filed 2-5-80; 8:45 am]

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February 6, 1980

Part VIII

Environmental Protection Agency

Noise Labeling Requirements For Hearing Protectors; Technical Amendment

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 211

[FRL 1394-7]

Noise Labeling Requirements for Hearing Protectors; Technical Amendments

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Response to petition for reconsideration and technical amendments.

SUMMARY: On December 21, 1979, the Industrial Safety Equipment Association (ISEA), on behalf of its member companies which manufacture hearing protective devices, filed a petition for reconsideration of certain provisions of 40 CFR Part 211 Subpart B, Noise Labeling Requirements for Hearing Protectors (44 FR 56130, September 28, 1979). The EPA has reviewed each of the provisions on which the ISEA requested reconsideration. By this notice, the EPA revises certain provisions of the subject regulation and presents its rationale in declining to revise certain other provisions.

By this notice, the EPA also makes certain other technical amendments to correct errors which were identified subsequent to publication in the **Federal Register** on September 28, 1979.

EFFECTIVE DATE: February 6, 1980.

FOR FURTHER INFORMATION, CONTACT: Mr. Timothy J. Dwyer, Acting Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460, (703) 557-7470.

SUPPLEMENTARY INFORMATION: On September 28, 1979, the EPA published 40 CFR Part 211, Subpart B, Noise Labeling Requirements for Hearing Protectors (44 FR 56130). This regulation requires that beginning September 27, 1980, manufacturers of hearing protectors sold in the United States must give notice to prospective users of their products' effectiveness in reducing noise entering the users' ears. Further, the regulation requires manufacturers to determine the sound attenuation of all categories of protectors in their product lines according to the test procedure set forth in the American National Standards Institute Standard (ANSI STD.) S3.19-1974. From the results of this testing manufacturers must then develop the Noise Reduction Rating and supplementary information specific to each of their hearing protector categories. The regulation allows manufacturers to begin testing of protectors which are produced up to six months before the effective date of the regulation.

I. ISEA Petition

On December 21, 1979, the ISEA petitioned the Administrator of the EPA to amend Subpart B of 40 CFR Part 211, Noise Labeling Requirements for Hearing Protectors. The ISEA also incorporated by reference the requests for revisions to certain sections of the regulation which it made in its letter of December 6, 1979 to EPA's Noise Enforcement Division.

The Agency has carefully evaluated the ISEA's petition for reconsideration, and finds that without some relief, manufacturers of hearing protective devices may be unable to test and label significant portions of their product lines by the September 27, 1980, effective date. The need for relief results from the limited number of commercial facilities immediately available to perform the necessary tests. Accordingly, the Agency is amending the regulation.

II. Principal Changes

The principal amendments requested by ISEA's petition and the EPA responses are summarized in the material that follows:

Requested amendment No. 1: Allow the use of existing test data which was obtained according to *both* American National Standards Institute Standard (ANSI STD) S3.19-1974 and ANSI STD Z24.22-1957 (predecessor test procedure to S3.19-1974).

Response: The EPA is permitting manufacturers of hearing protectors to use available test data obtained according to either ANSI STD S3.19-1974 or ANSI STD Z24.22-1957. The test data must be that from the most recently conducted test. If a manufacture has available data from both test procedures on a category of hearing protector, he must use the most recent data obtained according to ANSI STD S3.19-1974.

EPA analyzed the data which the ISEA submitted in its letter of December 11, 1979. This submittal summarized fifteen (15) sets of data on twleve (12) hearing protective devices obtained according to both ANSI STD S3.19-1974 and ANSI STD Z24.22-1957. The data indicate that a Noise Reduction Rating (NRR) based on Z24.22 data is, in most cases, more conservative (lower) than an NRR based on S3.19 data. In only three cases was an NRR based on Z24.22 data equal to or higher than an NRR based on S3.19 data. In these three cases, the maximum difference was one decibel. In the light of the generally conservative nature of NRRs calculated from use of Z24.22 data, relative to those calculated from S3.19 data, we consider that use of the Z24.22 data for labeling on an interim basis is acceptable.

Requested Amendment No. 2: Permit testing of hearing protectors according to ANSI STD S3.19-1974 to begin immediately rather than waiting until six months before the effective date of the regulation.

Response: EPA is permitting manufacturers to begin testing hearing protective devices according to ANSI STD S3.19-1974 immediately rather than waiting until six months before the effective date. The provisions of section 211.210-3(f)(1) and (2) of Subpart B apply to this early testing, as do the provisions of section 211.109 of Subpart A concerning inspection and monitoring by the Agency. Manufacturers must use production protective devices (not prototypes) and they must permit the Agency to monitor these early tests.

The EPA re-investigated the availability of test facilities as a result of the ISEA's comments which were stated in its meeting with the EPA on December 4, 1979 and statements in letters from individual manufacturers. From this further investigation, the EPA has determined that of the five test facilities identified in the preamble to the regulation (44 FR 56135), only two (the Environmental Acoustics Laboratory and the Worcester Polytechnic Institute) are presently testing hearing protectors on a commercial basis.

The EPA maintains, as a further result of its investigation into the availability of test facilities, that given the demand and sufficent time, additional facilities which are capable of testing protectors according to ANSI STD S3.19-1974 will be available to do that testing. However, in that these facilities are not immediately available to begin testing, the Agency concludes it is in the best public interest to allow manufacturers to immediately begin testing their categories of hearing protectors at those facilities which are now actively engaged in that testing.

Requested Amendment No. 3: Delay until December 31, 1981, the date by which all categories of hearing protectors must be retested according to ANSI STD S3.19-1974 and relabeled as necessary.

Response: EPA is requiring that manufacturers who initially use available Z24.22 data for certain categories of their protectors retest those categories according to ANSI STD S3.19-1974 and relabel them by September 27, 1981 rather than by December 31, 1981 as requested.

The EPA believes that manufacturers will be able to complete the necessary

retesting of categories of protectors within one year of the effective date of the regulation (by September 27, 1981). The ISEA estimated that more than 200 tests must be conducted by September 27, 1980. However, the EPA's decision to allow testing to begin immediately and to allow the use of currently available S3.19 data with no requirement to retest will reduce the number of required tests to approximately 150. Between now and September 27, 1981, there are approximately 400 test days. This provides sufficient time in which to accomplish the necessary retesting and relabeling of those categories whose NRRs are initially based on Z24.22 data. For these reasons, the Agency denies that part of the ISEA's petition requesting a delay, until December 31, 1981, of the date by which protectors must be tested and labeled.

The sum of these amendments, the Agency believes, will enable manufacturers to comply by the effective date of the regulation, without compromising the quality of the required information.

III Other Changes

The changes to the regulation discussed below include: requests for revision to §§ 211.206–1(b)(2), 211.209, 211.209(b), 211.210–2(c), 211.212–1(e)(3), 211.212–2, 211.212–7 and 211.213 presented in the ISEA letter to the EPA dated December 6, 1979, which was incorporated into the ISEA petition by reference. In addition, the Agency made changes which include clarification of wording and corrections of clerical errors.

1. The ISEA requested that the EPA accept all existing S3.19 and Z24.22 test data, permit additional S3.19 testing now, and extend to December 31, 1981, the effective date for the completion of testing and labeling of devices.

EPA's response to these requests is discussed in the preceding paragraphs. No further discussion is necessary.

2. The ISEA believes that in § 211.206–1(b)(2), there is an unnecessary testing restriction which requires that test subjects have to be requalified for each attenuation test. The ISEA requests that this requirement be eliminated from the regulation.

The EPA agrees that this requirement should be deleted. Once a test subject has been qualified as a "listener" under the requirements of ANSI STD S3.19–1974, it is not necessary to requalify the subject for each testing session. Section 211.206–1(b)(2) is revised to eliminate this requirement.

3. The ISEA commented that the term "new hearing protector device" as used in § 211.209 is not consistent with the Noise Control Act. This phrase is also used in § 211.210–1(a).

To eliminate any misunderstanding the EPA, by this notice, deletes the word "new" from the phrase in § 211.209 and § 211.210–1(a). The requirement is that any protector manufactured for distribution in the United States after the effective date of the regulation be subject to the regulation.

4. The ISEA is concerned about § 211.209(b), which indicates that the Agency may request information from manufacturers regarding the number of protectors, by category, produced or scheduled to be produced. It believes that this is highly confidential information and questions why the EPA needs that type of data.

Under § 13(a) of the Noise Control Act of 1972, the EPA may request that manufacturers provide such information as the EPA may reasonably require to enable it to determine whether they have acted or are acting in compliance with the Act. When the EPA exercises its authority under § 13(a) of the Act and § 211.209(b) of the regulation, it will limit its request to the extent practicable but it must have certain minimum information, particularly with respect to production scheduling, in order to schedule its monitoring activities. The Agency has established procedures for protecting confidential business information under 40 CFR Part 2; manufacturers are referred to this regulation for detailed information on the procedures. The EPA does not believe that a revision to this section of the regulation is necessary.

5. With respect to § 211.210–2(c), the ISEA raised a question regarding the definition of cap mounts and the potential for extensive testing due to a large variety of configurations of cap mounted hearing protectors. It cited examples of hearing protectors being attached to various industrial helmets along with other accessories, such as face shields and welding helmets. The various accessories and helmets could be the product of one manufacturer, or they could come from a variety of sources.

The EPA has further considered the problem of accessories and how they can affect the attenuation of protectors and consequently become additional categories of protectors subject to testing. The Agency has determined that it is the basic configuration of the protector as intended for use that must be tested and labeled (e.g., a manufacturer's helmet with muffs must be tested and labeled). The addition of an *optional* accessory such as a faceshield would not create a requirement that the basic configuration be retested. Accordingly, no change has been made to § 211.210–2(c).

6. The ISEA questioned the practicality of the provision of § 211.212–1(e)(3) that allows a manufacturer 24 hours to send test hearing protectors to the testing facility or Compliance Audit Testing. The ISEA requested that this section be revised to allow the manufacturer one week to transport the test devices to the laboratory. The ISEA further requested that the laboratory be allowed 3 weeks to issue its report.

The EPA has reconsidered the time limitation on the shipment of test products to the test facility for Compliance Audit Testing, and accepts the ISEA's recommendation that one (1) week be allowed for shipment of the test products from the manufacturer's facility to the designated test facility.

The EPA believes that a laboratory can reasonably report the results of a test within 5 working days after completion of the test, so no change is made to the reporting requirement. If actual experience demonstrates that a 5-day period may not be adequate, the EPA will give consideration to revising that requirment.

7. The ISEA believes that §§ 211.212–2 and 211.212–7 should be revised to provide for a more practical number of devices to be submitted for Compliance Audit Testing purposes. Also, the ISEA states that it does not understand the rationale for two tests as presently required in § 211.212–7. It believes that only one test is necessary.

The EPA has carefully studied the requirements in §§ 211.212–2(a) and 211.212–7(a) that require testing of up to twenty (20) protectors [§ 211.212–2(a)] and additional sets of 20 protectors [§ 211.212–7(a)]. EPA concludes that it is not necessary to specify the number of test samples in the regulation. EPA has revised these sections to delete any reference to the number of devices which must be tested during a Compliance Audit Test. The Agency has revised § 211.212–1(c)(5) to state that EPA will specify in each test request the number of devices which must be shipped to the test facility and the number of those which must be tested. These numbers will vary depending upon the type of protector being testing (muff, cap mount, insert, etc.).

The EPA agrees that when a failure of a Compliance Audit Test is due to a quality control failure that has since been corrected, only one additional test is required to reverify that affected category of protector. Section 211.212–7(c) is revised to require only one test.

8. Referring to remedial orders for the violations of these regulations, as

covered by § 211.213, the ISEA requested that the EPA established criteria that would govern a recall of products from the marketplace. The ISEA believes that the Agency should make known its ground rules for recall orders.

Section 211.213 states that the Administrator may issue an order under § 11(d)(1) of the Act when any person is in violation of the regulation. The content of a remedial order will be based upon the nature and extent of each violation. The remedial order will be issued only after the violator has been notified of the violation and given an opportunity for a hearing.

Manufacturers are referred to 40 CFR Part 209, Interim Rules of Practice Govering Proceedings under the Noise Control Act of 1972. These rules delineate the rights of a manufacturer who is involved in a proceeding initiated by the issuance of a complaint which would contain a proposed remedial order.

9. The ISEA urges the EPA to get agreement from the Occupational Safety and Health Administration to accept the NRR method and to have the Department of Defense, in its military specifications, either accept NRR and § 3.19 testing or have the military specification exempted.

Through the Interagency Regulatory Liaison Group, the EPA has coordinated with the Occupational Safety and Health Administration to resolve any inconsistencies in the agencies' regulatory requirements for hearing protectors. We have previously informed the Department of Defense of our regulatory requirements for hearing protectors and have been assured that the Military Specifications for hearing protectors will accommodate our requirements. We will continue to coordinate with other agencies as the need arises.

10. The ISEA expressed concern about the supporting information requirement in § 211.204–4. It believes that there is no need to supply supporting information with *each* device.

The EPA agrees, and the regulation requires that, for sale and distribution of protectors through bulk containers and dispensers, the supporting information must be available on the dispenser, but does not have to accompany each individual device.

For a protector that is to be sold or distributed as an individually packaged device, the supporting information must be provided in a manner that assures its availability to the prospective user. The best mechanism for supplying this information must be determined by the manufacturer.

The objective of Product Noise Labeling (40 CFR Part 211) under Section 8 of the Noise Control Act is to provide to the prospective user of a product, information on that product's noise level or its effectiveness in reducing noise. The supporting information is part of the labeling requirement of Subpart B of 40 CFR Part 211, and is necessary to fully inform a prospective user of a protector of its effectiveness in reducing noise. Accordingly, no change has been made to § 211.204–4.

11. The ISEA requested that EPA establish criteria to define a "major change" in a device under § 211.210–7(b) which will require the manufacturer to reverify the NRR for that protector.

The regulation already provides the criteria for retesting under § 211.210–7(b). The manufacturer must reverify the category whenever a design change decreases the noise attenuation characteristics of the product. The manufacturer is in the best position to decide whether changes are likely to decrease the noise attentuation characteristics of its products. Accordingly, no change has been made to § 211.210–7(b).

12. The ISEA believes that the EPA underestimated the total cost of this regulation. The ISEA believes that, in calculating the economic impact of this regulation, EPA gave no consideration to the cost of management time and that insufficient attention was given to the costs associated with the preparation of new sales literature, advertising, distribution, education, brochures, and, of major importance, product liability costs.

The EPA gave very careful consideration to the potential economic effect of this regulation on the industry and the public. In three different instances EPA requested economic data from the hearing protector industry: in the Advanced Notice of Proposed Rulemaking (ANPRM), in letters sent to several known manufacturers and the Industrial Safety Equipment Association (which represents a significant portion of the total industry), and in the Notice of Proposed Rulemaking (NPRM).

In all three instances, the responses the Agency received from the industry regarding the costs attributable to a labeling regulation provided minimal information. Consequently, what the EPA believed to be a "worst case" estimate was extrapolated from the very limited information provided by industry. For example, the EPA considered management time by including Senior and Mid-level management costs in its estimate of annual costs (Regulatory Analysis, EPA publication 550/9–79–256, page 53). The Agency considered the preparation, printing, technical assistance, graphics and artwork costs (*ibid.*, pages 51–54). The other costs the industry would have the Agency consider must be viewed as normal costs of business. For instance, product liability costs are assumed by a manufacturer whenever a product is offered to a consuming market, and exist for this product whether or not there is a regulation requiring manufacturers to label their products with their noise-reducing effectiveness.

The Agency declines to reconsider the potential costs imposed by this regulation in the absence of specific data or other information from the industry which demonstrates that the economic impact of this rule is substantially different from that arrived at by the EPA in the final regulation. Further, it is incumbent on the industry to show that such information is material and was not available at the time of the rulemaking proceeding or that opportunity had not been provided to the industry (or the industry had not been requested by EPA) to proffer this data for consideration in this rulemaking.

The Agency finds that to propose these revisions prior to final rulemaking would be impractical and contrary to the public interest. These revisions are critical to the labeling activities of the manufacturers of hearing protectors, and must be effective immediately if these activities are to be completed prior to the September 27, 1980 effective date of the regulation. The Agency finds further that there is good cause to make these revisions effective upon promulgation, rather than thirty days after promulgation, because these revisions relieve certain restrictions in the regulation and are generally technical in nature.

EPA has determined that this action is not a "significant" regulation, and therefore does not require a Regulatory Analysis in accordance with Executive Order 12044.

These amendments represent final Agency action on the ISEA's petition for reconsideration of 40 CFR Part 211, Subpart B, Noise Labeling Requirements for Hearing Protectors (44 FR 56130, September 28, 1979), and are promulgated under the authority of 42 U.S.C. 4907.

Dated: January 30, 1980.

Douglas M. Costle,

Administrator.

40 CFR Part 211, Subpart B is amended as follows:

1. Table of contents is amended to add new section headings as follows:

* * * * *

§ 211.206–2 Alternative test data
§ 211.206–3—211.206–10 Alternative test method [Reserved]

* * * * *

2. Section 211.204–1(d) is revised to read as follows:

§ 211.204–1 Information content of primary label.

* * * * *

(d) At the bottom of Area A–B, there must be the phrase "(When used as directed)."

3. In Figure 1, the phrase "(High numbers denote greater effectiveness)" is corrected to read "(Higher numbers denote greater effectiveness)."

4. In Section 211.204–4, the second sentence of the introductory statement and items 2. and 3. of the Example in paragraph (b) are revised to read as follows:

§ 211.204–4 Supporting information.

* * * In the case of bulk packaging and dispensing, such supporting information must be affixed to the bulk container or dispenser in the same manner as the label, and in a readily visible location.

* * * * *

(b) * * *

2. The NRR is (value on label) decibels (dB).

3. The level of noise entering the ear is approximately equal to [92 dB(A)—NRR] dB(A).

* * * * *

5. Section 211.206–1(b)(2) is revised to read as follows:

§ 211.206–1 Real ear method.

* * * * *

(b) * * *

(2) Sections 3.3.2 and 3.3.3 shall be accomplished in this order during the same testing session. Any breaks in testing should not allow the subject to engage in any activity that may cause a Temporary Threshold Shift.

* * * * *

6. Section 211.206–2, Alternative test data, is added as follows:

§ 211.206–2 Alternative test data.

(a) In lieu of testing according to § 211.206–1, manufacturers may use the latest available test data obtained according to ANSI STD Z24.22–1957 or ANSI STD S3.19–1974 to determine the mean attenuation and standard deviation for each test frequency and the NRR calculated from those values. Manufacturers whose data is based on the ANSI STD Z24.22–1957 measurement procedure must state in the supporting information required by § 211.204–4 that the mean attenuation and standard deviation values used to calculate the NRR are based on ANSI STD Z24.22–1957.

(b) Manufacturers who initially use available data based on ANSI STD Z24.22–1957 must retest within one year of the effective date of this regulation (by September 27, 1981) the affected categories of hearing protectors in accordance with section 211.206–1 of the regulation, and must relabel those categories as necessary.

(c) Manufacturers who use available data based on ANSI STD S3.19–1974 are not required to retest the affected categories of hearing protectors.

(d) If a manufacturer has both ANSI STD S3.19–1974 test data and ANSI STD Z24.22–1957 test data on a hearing protector category, that manufacturer must use the data obtained according to ANSI STD S3.19–1974.

7. Section 211.209(a) is revised to read as follows:

§ 211.209 Maintenance of records: Submittal of information.

(a) The manufacturer of any hearing protective device subject to this regulation must establish, maintain and retain the following adequately organized and indexed records:

* * * * *

8. Section 211.210–1(a) is revised to read as follows:

§ 211.210–1 General requirements.

(a) Every hearing protector manufactured for distribution in commerce in the United States, and which is subject to this regulation:

* * * * *

9. The first sentence in § 211.210–3(f) is revised to read as follows:

§ 211.210–3 Labeling verification report: Required data.

* * * * *

(f) A manufacturer may immediately begin to conduct label verification testing on protectors in accordance with § 211.206–1 of this regulation. For these early Label Verification reports to be acceptable to the Agency, the manufacturer must: * * *

* * * * *

10. The second sentence in § 211.211(b) is revised to read as follows:

§ 211.211 Compliance with labeling requirement.

* * * * *

(b) * * * A specific category is considered to be in compliance with the requirements of § 211.210–1 when the attenuation value at the tested one-third octave band is equal to or greater than the mean attenuation value reported as Labeled Values in the Labeling Verification Report.* * *

11. Section 211.212–1 (c)(5) and (e)(3) are revised to read as follows:

§ 211.212–1 Test request.

* * * * *

(c) * * *

(5) The number of protectors to be forwarded to the designated test facility and the number of those protectors which must be tested by the facility.

* * * * *

(e) * * *

(3) The manufacturer will be allowed 1 calendar week to send test hearing protectors from the assembly plant to the testing facility. The Administrator may approve more time based upon a request by the manufacturer. The request must be accompanied by a satisfactory justification.

12. Section 211.212–2 (a) and (e) are revised to read as follows:

§ 211.212–2 Test hearing protector selection.

(a) The test request will specify the number of test protectors which will be selected for testing from the number of protectors delivered to the test facility in accordance with § 211.212–1(c)(5). The remainder may be used as replacement protectors if replacement is necessary. The test request will also specify that the protectors be selected from the next batch scheduled for production after receipt of the test request.

* * * * *

(e) The manufacturer must keep on hand the test protectors designated for testing until such time as the category is determined to be in compliance. Hearing protectors actually tested and found to be in compliance with these regulations may be distributed in commerce.

* * * * *

13. Section 211.212–7 (a) and (c) are revised to read as follows:

§ 211.212–7 Continued compliance testing.

* * * * *

(a) The manufacturer must continue to conduct additional tests until the mean attenuation values from the last test at each octave band equal or exceed the lowest attenuation values obtained from all previous compliance tests.

* * * * *

(c) When the manufacturer can show that the non-compliance under § 211.212–6 was caused by a quality control failure and that the failure has been remedied, he may, with the Administrator's approval, conduct an additional test and relabel using the mean attenuation values no higher than those obtained in that test.

* * * * *

(Secs. 8 and 13, Pub. L. 92–574, 86 Stat. 1239, 1244 (42 U.S.C. 4907, 4912))

[FR Doc. 80–3802 Filed 2–5–80; 8:45 am]

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INFORMATION AND ASSISTANCE

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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
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
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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

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

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[Originally published at 44 FR 62260, October 29, 1980]

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2352 1–11–80 / Pesticide chemical chlorpyrifos; establishment of tolerances; comments by 2–11–80

2058 1–10–80 / Tolerance for the pesticide chemical ethofumesate; comments by 2–11–80

806 1-3-80 / Textile mills point source category effluent guidelines, pretreatment standards, and new source performance standards; comments by 2-15-80

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[Originally published at 44 FR 37522, June 27, 1979]

40532 7-11-79 / Eliminating objectionable loudness of commercial announcements and continuity over AM, FM and television broadcast stations; reply comments by 2-15-80

67680 11-27-79 / FM broadcast stations in Crandon, Wis. and Iron River, Mich.; channel assignment; reply by 2-11-80

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3064 1-16-80 / Policy and rules on rates for competitive common carrier services and facilities authorizations; comments period extended to 2-15-80

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TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

3324 1-17-80 / Additional flightcrew training in advanced flight training simulators; comments by 2-15-80

3329 1-17-80 / Aircraft and airport security; air carrier operations; comments by 2-11-80

National Highway Traffic Safety Administration—

60113 10-18-79 / Federal motor vehicle safety standards for hydraulic brake systems; comments by 2-15-80

77224 12-31-79 / Motor vehicle safety standards; review mirrors; comments by 2-14-80

Research and Special Programs Administration—

65792 11-15-79 / Transportation of natural and other gas by pipeline; damage prevention program; comments by 2-15-80

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

71430 12-11-79 / Timeliness of tax returns, payments and deposits; comments by 2-11-80

TREASURY DEPARTMENT

Customs Service—

73122 12-17-79 / Applicability to aircraft of Customs laws and regulations applicable to vessels; comments by 2-15-80

Internal Revenue Service—

71429 12-11-79 / Election to treat outdoor advertising displays as real property; comments by 2-11-80

VETERANS ADMINISTRATION

3061 1-16-80 / Medical benefits; patients' rights; comments by 2-15-80

2667 1-14-80 / Veterans education; eligibility for vocational rehabilitation and educational assistance—character of discharge; comments by 2-11-80

Deadlines for Comments on Proposed Rules for the Week of 2-17 through 2-23-80

AGRICULTURE DEPARTMENT

Commodity Credit Corporation—

75650 12-21-79 / Price support program for milk; Terms and conditions of 1979-80 price support program; comments by 2-18-80

5307 1-23-80 / 1980 crop extra long staple cotton loan and payment program determinations; comments by 2-19-80

Food and Nutrition Service—

75648 12-21-79 / National school lunch program; Elimination of certain restrictions on the use of program funds by participating schools; comments by 2-19-80

Office of the Secretary—

74842 12–18–79 / Export Sales reporting of cattle hides and skins; comments by 2–19–80

CIVIL AERONAUTICS BOARD

3595 1–18–80 / International air cargo rate changes; policy statement; comments by 2–19–80

COMMUNITY SERVICES ADMINISTRATION

3335 1–17–80 / CSA income poverty guidelines; comments by 2–19–80

CONSUMER PRODUCT SAFETY COMMISSION

73121 12–17–79 / Provisions for consumer products containing asbestos; comment period extended to 2–18–80

[Originally published at 44 FR 60057, October 17, 1979]

DEFENSE DEPARTMENT

00 1–30–80 / Excess profits, recovery; naval vessels and military aircraft contracts (Vinson-Trammel Act); hearing, Washington, D.C. 2–19–80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

75956 12–21–79 / Residential Conservation Service program; comments by 2–19–80

ENVIRONMENTAL PROTECTION AGENCY

3603 1–18–80 / Alabama; proposed 1979 plan revisions for sulfur dioxide nonattainment areas; comments by 2–19–80

3334 1–17–80 / Approval and promulgation of State plans for designated facilities and pollutants; comments by 2–19–80

3929 1–21–80 / Approval of Oregon State implementation plan; proposed rulemaking; comments by 2–20–80

7127 12–7–79 / Commercial and industrial use of asbestos fibers; comment period extended to 2–18–80

[Originally published at 44 FR 60061, October 17, 1979]

4365 1–22–80 / Illinois; revision of implementation plans; comments by 2–21–80

3928 1–21–80 / Miscellaneous revisions to Massachusetts implementation plan; comments by 2–20–80

75926 12–21–79 / Petroleum refining point source category effluent limitations guidelines; pretreatment standards, and new performance standards; comments by 2–19–80

6960 1–31–80 / Policy and procedures for identifying, assessing, and regulating airborne substances posing a risk of cancer; comments by 2–21–80

3938 1–21–80 / Proposed tolerances for the pesticide chemical methomyl; comments by 2–20–80

75016 12–18–79 / Rubber manufacturing point source category; comments by 2–22–80

FEDERAL COMMUNICATIONS COMMISSION

3353 1–17–80 / American Telephone and Telegraph Co., private line rate structure and volume discount practices; comments by 2–22–80

1919 1–9–80 / FM Table assignment to Greenwood, Ark.; comments by 2–19–80

1920 1–9–80 / FM assignment to Malakoff, Tex.; comments by 2–19–80

1923 1–9–80 / FM assignment to Middletown, Md.; comments by 2–19–80

1921 1–9–80 / FM assignment to Petersburg, W. Va.; comments by 2–19–80

1922 1–9–80 / FM assignment to Steelville, Mo.; comments by 2–19–80

2060 1–10–80 / Providing regulation for use of radio in public utility distribution automation systems; reply comments by 2–19–80

2060 1–10–80 / Radio in public utility distribution automation systems; comments by 2–19–80

37520 6–27–79 / Television waveform standards concerning horizontal and vertical banking intervals; reply comments by 2–19–80

FEDERAL DEPOSIT INSURANCE CORPORATION

75654 12–21–79 / Loans in areas having special flood hazards; comments by 2–19–80

75652 12–21–79 / Proposed amendment conforming existing regulations to the Right to Financial Privacy Act of 1978; comments by 2–19–80

FEDERAL EMERGENCY MANAGEMENT AGENCY

75408 12–20–79 / Project administration; application procedures for governmental bodies and eligible private nonprofit facilities; comments by 2–19–80

FEDERAL HOME LOAN BANK BOARD

4360 1–22–80 / Investment in guaranteed commercial real estate loans; comments by 2–21–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Civil Rights Office—

75676 12–21–79 / Equal opportunity in employment provisions applicable to the Public Broadcasting Service, National Public Radio, and Public Telecommunications entities receiving Federal funds from the Corporation for Public Broadcasting; comments by 2–19–80

Food and Drug Administration—

75659 12–21–79 / Nitrites in bacon; proposed exception from the color additive definition and request for information on other meat products that may qualify for the exception to the color additive definition; comments by 2–19–80

74845 12–18–79 / Phosphates; proposed affirmation and deletion from GRAS status as direct and human food ingredients; comments by 2–19–80

60316 10–19–79 / Stomach acidifier drug products for over-the-counter human use; classification as unsafe and ineffective; reply comments by 2–18–80

Health Care Financing Administration—

75673 12–21–79 / Medicaid agency fraud detection and investigation program; Verification of services; comments by 2–19–80

National Institutes of Health—

75415 12–20–79 / Conduct of persons and traffic on Federal enclaves; comments by 2–19–80

HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Office of Assistant Secretary—

75332 12–19–79 / Community Development Block Grants for Indian Tribes and Alaska Natives, housing assistance plan; comments by 2–19–80

Government National Mortgage Association—

75348 12–19–79 / Guaranty of mortgage-backed securities; amendment to establish rules covering issuers' securities marketing and trading activities; comments by 2–19–80

Office of the Assistant Secretary for Housing—Federal Housing Commissioner—

75383 12–20–79 / Housing assistance payments; contract rent automatic annual adjustment factors publication method; comments by 2–19–80

INTERIOR DEPARTMENT

Heritage Conservation and Recreation Service—

74826 12–18–79 / National Historic Landmarks Program; comments by 2–18–80

3924 1–21–80 / Recreation fees; comments by 2–20–80

Surface Mining Reclamation and Enforcement Office—

5540 1–23–80 / Civil penalties provisions; comments by 2–22–80

INTERSTATE COMMERCE COMMISSION

1434 1–7–80 / Platform handling costs; filing date change; reply comments period extended from 1–4–80 to 2–19–80

[Originally published at 44 FR 53190, Sept. 13, 1979]

3912 1–21–80 / Practices of motor common carriers of passengers-checked baggage liability provisions; comments by 2–20–80

JUSTICE DEPARTMENT

Drug Enforcement Administration—

3923 1–21–80 / Denial of petitions to control dextropropoxyphene in Schedule II; Classification of dextropropoxyphene as a narcotic; comments by 2–20–80

Prisons Bureau—

76727 12–27–79 / Control, custody, care, treatment and instruction of inmates; comments by 2–25–80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

75395 12–20–79 / Space transportation system; comments by 2–19–80

75656 12–21–79 / Space transportation system; Use of small self-contained payloads; comments by 2–19–80

NUCLEAR REGULATORY COMMISSION

3913 1–21–80 / Emergency planning; draft negative declaration for proposed rule changes; comments by 2–18–80

75167 12–19–79 / Nuclear power; emergency planning; comments by 2–19–80

3250 1–17–80 / Rules of practice for domestic licensing proceedings; comments by 2–19–80

PERSONNEL MANAGEMENT OFFICE

75615 12–21–79 / Competitive service and competitive status; excepted service; senior executive service; appointment, reassignment, transfer and development in the senior executive service; comments by 2–19–80

SMALL BUSINESS ADMINISTRATION

3917 1–21–80 / Maximum annual cost of money to small concerns; comments by 2–20–80

TRANSPORTATION DEPARTMENT

Coast Guard—

1431 1–7–80 / Great Lakes pilotage; comments by 2–21–80

1431 1–7–80 / Tank vent piping for Great Lakes vessels; comments by 2–21–80

Federal Aviation Administration—

66324 11–19–79 / Proposal to upgrade regulation of certain large general aviation airplanes and replace commercial operator and air travel club regulations; comments by 2–19–80

Federal Highway Administration—

952 1–3–80 / Bicycle grant program; comments by 2–19–80

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

53178 9–13–79 / Recodification of wine regulations; comments extended to 2–20–80

[Originally published at 44 FR 19691, May 22, 1979]

Internal Revenue Service—

75185 12–19–79 / Furnishing statement explaining estate or gift evaluation; comments by 2–18–80

75183 12–19–79 / Unemployment compensation taxation; comments by 2–18–80

VETERANS ADMINISTRATION

74858 12–18–79 / Improving Government regulations; semiannual agenda; comments by 2–19–80

3926 1–21–80 / Loan guaranty; acquisition and improvement loans; comments by 2–20–80

3330 1–17–80 / Loan guaranty; increase in the maximum charge for legal services allowed to a holder on a claim under the guaranty; comments by 2–19–80

5348 1–23–80 / Medical benefits provisions; comments by 2–21–80

5350 1–23–80 / Suspension of educational assistance allowance payments; comments by 2–22–80

WAGE AND PRICE STABILITY COUNCIL

4338 1–22–80 / Noninflationary pay and price behavior; comments by 2–21–80

Next Week's Meetings

ACTUARIES, JOINT BOARD FOR ENROLLMENT

2682 1–14–80 / Advisory Committee on Actuarial Examinations, New York, N.Y. (open), 2–15–80

AGRICULTURE DEPARTMENT

Food and Nutrition Service—

6129 1–25–80 / Maternal, Infant and Fetal Nutrition Advisory Committee, San Francisco, Calif. (open), 2–11 through 2–13–80

ARTS AND HUMANITIES, NATIONAL FOUNDATION

2718 1–14–80 / Humanities Panel Advisory Committee, Washington, D.C. (closed), 2–11, 2–14 and 2–15–80

2115 1–10–80 / Museum Panel (Museum Purchase Plan), Washington, D.C. (closed), 2–12–80

4485 1–22–80 / Theatre Advisory Panel, Los Angeles, Calif. (open and closed), 2–14 and 2–15–80

CIVIL RIGHTS COMMISSION

4369 1–22–80 / New York Advisory Committee, New York, N.Y. (open), 2–15–80

4369 1–22–80 / Rhode Island Advisory Committee, Providence, R.I. (open), 2–13–80

COMMERCE DEPARTMENT

International Trade Administration—

5788 1–24–80 / Computer systems. Technical Advisory Committee, Foreign Availability Subcommittee, Washington, D.C. (partially closed), 2–12–80

5787 1–24–80 / Hardware Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (partially closed), 2–13–80

5788 1–24–80 / Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (open), 2–13–80

6423 1–28–80 / President's Export Council, Washington, D.C. (open), 2–12–80

National Oceanic and Atmospheric Administration—

6637 1–29–80 / Gulf of Mexico and South Atlantic Fishery Management Council's Scientific and Statistical Committees, Metairie, La. (open), 2–14–80

6818 1–30–80 / New England Fishery Management Council's Scientific and Statistical Committee, Falmouth, Mass. (open), 2–13–80

[Originally published at 1–24–80; 45 FR 5792]

5793 1–24–80 / Pacific Fishery Management Council's Herring Advisory Subpanel, Portland, Oreg. (open), 2–12 and 2–13–80

6135 1–25–80 / South Atlantic Fishery Management Council's Inter-Council Swordfish Steering Committee and Advisory Panel, Atlanta, Ga. (open), 2–11 and 2–12–80

6637 1-29-80 / Western Pacific Fishery Management Council, Honolulu, Hawaii (open), 2-14 and 2-15-80

6637 1-29-80 / Western Pacific Fishery Management Council, Pelagic Fishery Resources Subpanel, Honolulu, Hawaii (open), 2-12 and 2-13-80

6637 1-29-80 / Western Pacific Fishery Management Council, Spiny Lobster Subpanel, Honolulu, Hawaii (open), 2-13-80

DEFENSE DEPARTMENT

Air Force Department—

70212 12-6-79 / Scientific Advisory Board, Hanscom AFB, Mass. (closed), 2-14 and 2-15-80

Army Department—

5363 1-23-80 / Army Science Borad, Alexandria, Va. (open), 2-12 and 2-13-80

5794 1-24-80 / Army Science Board, Washington, D.C. (open), 2-12 and 2-14-80, and Ft. Rucker, Ala. (open), 2-13-80

Office of the Secretary—

5364 1-23-80 / DOD Advisory Group on Electron Devices, Working Group B, El Segundo, Calif. (closed), 2-11 and 2-12-80

ENERGY DEPARTMENT

6640 1-29-80 / National Petroleum Council's Refinery Flexibility Committee, Oil Supply, Demand and Logistics Task Group, San Francisco, Calif. (open), 2-15-80

Federal Energy Regulatory Commission—

15321 1-23-80 / Discussion of procedures for application for special relief under the Natural Gas Policy Act of 1978, Washington, D.C. (open), 2-11-80

Office of Intergovernmental Affairs—

6426 1-28-80 / Local Government Energy Policy Advisory Committee and Subcommittees, Washington, D.C. (open), 2-13 and 2-14-80

FINE ARTS COMMISSION

64863 11-8-79 / Meeting, Washington, D.C. (open), 2-12-80

5793 1-24-80 / Meeting, Washington, D.C. (open), 2-12-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

6170 1-25-80 / Community Alcoholism Services Review Committee; Silver Spring, Md. (partially open), 2-13 through 2-18-80

6170 1-25-80 / Psychiatry Education Review Committee, Rockville, Md. (partially open), 2-11 through 2-14-80

Education Office—

5836 1-24-80 / National Advisory Council on the Education of Disadvantaged Children, Washington, D.C. (open), 2-10-80

Food and Drug Administration—

6651 1-29-80 / Consumer exchange meeting, Philadelphia, Pa. (open), 2-14-80

2905 1-15-80 / Gastrointestinal Drugs Advisory Committee, Subcommittee on Motility Modifying Agents, Rockville, Md. (open), 2-11-80

2906 1-15-80 / Medical Radiation Advisory Committee, Rockville, Md. (open), 2-14 and 2-15-80

2905 1-15-80 / Medical Radiation Advisory Committee, Dental Subcommittee, Rockville, Md. (open), 2-12 and 2-13-80

2904 1-15-80 / Medical Radiation Advisory Committee Nuclear Medicine Subcommittee, Rockville, Md. (open), 2-13-80

2906 1-15-80 / Medical Radiation Advisory Committee, Subcommittee on Training and Medical Applications, Rockville, Md. (open), 2-13-80

2905 1-15-80 / Ophthalmic, Ear, Nose and Throat and Dental Devices Panel, Ophthalmic Devices Section, Washington, D.C. (open), 2-11-80

Health Resources Administration—

2707 1-14-80 / Graduate Medical Educational National Advisory Committee, Washington, D.C. (open), 2-11 and 2-12-80

National Institutes of Health—

2400 1-11-80 / Environmental carcinogens, subgroups of the clearinghouse, Bethesda, Md. (open), 2-14 and 2-15-80

2707 1-14-80 / General Clinical Research Centers Committee, Carmel-by-the-Sea, Calif. (partially open), 2-11 and 2-12-80

2708 1-14-80 / National Diabetes Advisory Board, Alexandria, Va. (open), 2-12 and 2-13-80

76409 12-26-79 / Neurological Disorders Program—Project Review B Committee, Bethesda, Md. (open), 2-14 through 2-16-80

Office of the Assistant Secretary for Health—

2910 1-15-80 / National Council on Health Care Technology, Washington, D.C., 2-12 and 2-13-80

Office of the Secretary—

6478 1-28-80 / Education Statistics Advisory Council, Washington, D.C., 2-14-80

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

5418 1-23-80 / Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development, Rosslyn, Va. and Washington, D.C. (open), 2-11-80

5418 1-23-80 / Joint Research Committee of the Board for International Food and Agricultural Development, Arlington, Va. (open), 2-13 and 2-14-80

INTERIOR DEPARTMENT

Land Management Bureau—

6847 1-30-80 / Southern Appalachian Federal Coal Production Region, Alabama Subregion, Birmingham, Ala. (open) 2-14-80

National Park Service—

7317 2-1-80 / Applachian National Scenic Trail Advisory Council, Johnson City, Tennessee (open), 2-15 and 2-16-80

6480 1-28-80 / New River Gorge National River, W. Va., public meetings:

Raleigh County, W. Va., 2-11-80

Meadow Bridge, W. Va., 2-11-80

Prince, W. Va., 2-12-80

Ansted, W. Va., 2-12-80

Thermond, W. Va., 2-13-80

Lookout, W. Va., 2-13-80

Sandstone, W. Va., 2-14-80

Fayetteville, W. Va., 2-14-80

6850 1-30-80 / Vicksburg National Military Park Land Acquisition Plan; public forum; Vicksburg, Miss., 2-15-80

JUSTICE DEPARTMENT

Attorney General Office—

6188 1-25-80 / U.S. Committee on Selection of Federal Judicial Officers, Washington, D.C. (closed), 2-12-80

METRIC BOARD

3976 1-21-80 / Metric usage and voluntary metric conversion, Phoenix, Ariz. (open), 2-14-80

MINIMUM WAGE STUDY COMMISSION

6223 1-25-80 / Meeting, Washington, D.C., 2-12-80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

3685 1-18-80 / NASA Advisory Council Aeronautics Advisory Committee, Informal Ad Hoc Advisory Subcommittee on Propulsion/Airframe Integration, Washington, D.C. (open), 2-12-80

NATIONAL SCIENCE FOUNDATION

5844 1–24–80 / Advisory Committee for Behavioral and Neural Sciences, Washington, D.C. (closed), 2–14, 2–15, and 2–16–80

5844 1–24–80 / Advisory Committee for PCM, Subcommittee on Genetic Biology, Washington, D.C. (closed), 2–15 and 2–16–80

5845 1–24–80 / Advisory Committee for Science Education, Washington, D.C. (open), 2–14 and 2–15–80

5845 1–24–80 / Advisory Committee on Special Research Equipment (2-year and 4-year college), Washington, D.C. (closed), 2–14 and 2–15–80

5845 1–24–80 / International Decade of Ocean Exploration Ad Hoc Subcommittee, Washington, D.C. (closed), 2–13 and 2–14–80

5845 1–24–80 / Subcommittee for Earthquake Hazards Mitigation (EHM) of the Advisory Committee for Engineering and Applied Science, Washington, D.C. (open), 2–14–80

3121 1–16–80 / Subcommittee for Geography and Regional Science of the Advisory Committee for Social and Economic Science, Washington, D.C. (closed), 2–11–80

5846 1–24–80 / Subcommittee on Metabolic Biology, Washington, D.C. (closed), 2–14 and 2–15–80

3121 1–16–80 / Subcommittee on Molecular Biology (Grade A) of the Advisory Committee for Physiology, Cellular, and Molecular Biology, Washington, D.C. (closed), 2–14 and 2–15–80

NUCLEAR REGULATORY COMMISSION

6873 1–30–80 / Reactor Safeguards Advisory Committee, Emergency Core Cooling Systems and Reactor Fuels Subcommittee, Washington, D.C. (open), 2–14–80

STATE DEPARTMENT

Agency for International Development—

3419 1–17–80 / Board for International Food and Agricultural Development, Washington, D.C. (open), 2–14–80

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

6684 1–29–80 / Explosives Tagging Advisory Committee, Washington, D.C. (closed), 2–13–80

VETERANS ADMINISTRATION

3693 1–18–80 / Station Committee on Educational Allowances, St. Paul, Minn. (open), 2–11–80

WAGE AND PRICE STABILITY COUNCIL

5363 1–23–80 / Price Advisory Committee, Washington, D.C. (open), 2–13–80

Next Week's Public Hearings

COMMERCE DEPARTMENT

Foreign-Trade Zones Board—

2077 1–10–80 / Panama City, Fla.; application and public hearing, Panama City, Fla., 2–12–80

National Oceanic and Atmospheric Administration—

3619 1–18–80 / North Pacific Fishery Management Council; herring, Bethel, Tooksook Bay, Hooper, and Togiak, Alaska, 2–9 through 2–11–80

DEFENSE DEPARTMENT

Navy Department—

65623 11–14–79 / Naval Discharge Review Board, Portland, Ore. and San Francisco, Calif., 2–10 through 2–16–80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

68120 11–28–79 / Energy performance standards for new buildings:

Los Angeles, Calif., 2–11 through 2–13–80

Boston, Mass., 2–11 through 2–13–80

ENVIRONMENTAL PROTECTION AGENCY

2790 1–14–80 / Standards of performance for new stationary sources; lead-acid battery manufacture, Research Triangle Park, N.C., 2–13–80

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

6028 1–24–80 / Performance bonding, Washington, D.C., Indianapolis, Ind., and Denver, Colorado, 2–13–80

Surface Mining Reclamation and Enforcement Office—

5540 1–23–80 / Proceeding on proposed civil penalties provisions, Washington, D.C. (open), 2–13–80

SOCIAL SECURITY NATIONAL COMMISSION

66714 11–20–79 / Hearing, St. Petersburg, Fla., 2–15 and 2–16–80

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 31, 1980

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

APPLICATIONS DEADLINES

7004 1–31–80 / HEW/HSA—Family planning nurse practioner training grants; apply by 4–1–80

7003 1–31–80 / HEW/HSA—General family planning training projects grants; apply by 5–1–80

7004 1–31–80 / HEW/NFOSH—Research and demonstration project grants for study of occupational cutaneous hazards and diseases; apply by 3–1, 7–1 or 11–1–80

6652 1–29–80 / HEW/OE—Biomedical Sciences Program; closing date for application transmittal extended from 3–28–80 to approximately 60 days after publication of final regulations

6477 1–28–80 / HEW/OE—Indian education; grants to local educational agencies; apply by 4–7–80

6846 1–30–80 / HEW/PHS/HRA—Allied health project grants; apply by 3–7–80

6869 1–30–80 / Justice/NIJ—Corrections in the U.S. in final two decades of this century, probable role; draft proposals must be received by 4–15–80

6869 1–30–80 / Justice/NIJ—Indigent defense, role of private counsel; proposals must be postmarked by 3–28–80

7321 2–1–80 Labor / ETA—Indian and Native American Programs; comprehensive employment and training; applications by 3–1–80

MEETINGS

6752 1–29–80 / EPA—Authorization of State hazardous waste programs, Washington, D.C., 2–12–80

7007 1–31–80 / HEW/NIH—Allergy and Clinical Immunology Research Committee, Bethesda, Md. (partially open), 3–13 and 3–14–80

7007 1–31–80 / HEW/NIH—Animal Resources Review Committee, Bethesda, Md. (partially open), 3–5–80

7007 1–31–80 / HEW/NIH—Animal Resources Review Committee, Bethesda, Md. (partially open), 3–12 through 3–14–80

7008 1–31–80 / HEW/NIH—Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications, Bethesda, Md. (partially open), 3–10 through 3–12–80

7009 1-31-80 / HEW/NIH—Maternal and Child Health Research Committee, Bethesda, Md. (partially open), 3-17 and 3-18-80

7009 1-31-80 / HEW/NIH—Minority Access to Research Carrers Review Committee, Bethesda, Md. (partially open) 3-6 and 3-7-80

7009 1-31-80 / HEW/NIH—Study Sections, various cities in California, Colorado, Louisiana, Maryland, Virginia, and in Washington, D.C. 2-17 through 3-20-80

7011 1-31-80 / HEW/NIH—Transplantation Biology and Immunology Committee, Bethesda, Md. (partially open), 3-10-80

OTHER ITEMS OF INTEREST

7261 2-1-80 / HEW/OE—State Educational Agencies for Educational Improvement, Resources and Support

6506 1-28-80 / Justice/LEAA—READ, Inc.; denial of grant; hearing, Washingon, D.C., 1-30-80

6869 1-30-80 / LSC—Central Massachusetts Legal Services; Invitation to comment on grant application

6870 1-30-80 / LSC—Connecticut Legal Services, Inc.; Invitation to comment on grant application

6870 1-30-80 / LSC—Greater Boston Legal Services; Invitation to comment on grant application

6870 1-30-80 / LSC—Legal Services for Cape Cod; Invitation to comment on grant application

6870 1-30-80 / LSC—Legal Services Corp. of Indiana; Invitation to comment on grant application

6870 1-30-80 / LSC—Legal Services Corp. of Iowa; Invitation to comment on grant application

671 1-30-80 / LSC—Merrimack Valley Legal Services; Invitation to comment on grant application

6871 1-30-80 / LSC—South Dakota Legal Services; Invitation to comment on grant application

6871 1-30-80 / LSC—S.E. Massachusetts Legal Assistance; Invitation to comment on grant application

6871 1-30-80 / LSC—South Middlesex Legal Services; Invitation to comment on grant application

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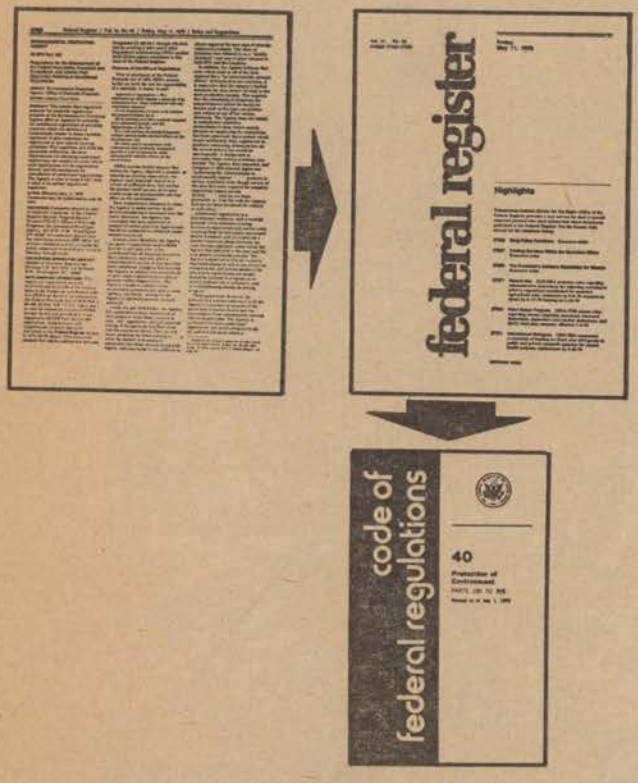

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MMOB	.....
OPNR	.....
..... UPNS	
..... Discount	
..... Refund	